

Effective 7/1/2023

Chapter 6 Lands and Waters for Wildlife Purposes

Part 1 General Provisions

23A-6-101 Definitions.

As used in this chapter:

- (1)
 - (a) "General plan" means a document that a municipality or county adopts that sets forth general guidelines for proposed future development of the land within the municipality or county.
 - (b) "General plan" includes what is commonly referred to as a "master plan."
- (2) "Management plan" means a document prepared in accordance with this chapter that describes how one or more tracts of land owned or managed by the division are to be used.
- (3) "Wildlife management area" means:
 - (a) a single tract of land owned or managed by the division; or
 - (b) two or more tracts of land owned or managed by the division that are within close proximity of each other and managed as a single unit.

Renumbered and Amended by Chapter 103, 2023 General Session

Part 2 Acquisition

23A-6-201 Acquisition of lands, waters, and rights-of-way -- Authority of division.

The division may acquire lands, waters, and rights-of-way by purchase, lease, agreement, gift, exchange, contribution, or any other lawful means, for authorized activities of the division as outlined by this title and the rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-202 Acquisition of real property held in private ownership -- Published notice and governor's approval required.

- (1) The division may not acquire title to real property held in private ownership without first:
 - (a) publishing a notice of the proposed acquisition:
 - (i) in a newspaper of general circulation in the county in which the property is located; and
 - (ii) as required in Section 45-1-101; and
 - (b) obtaining the approval of the governor.
- (2) Subsection (1) applies whether title to real property held in private ownership is acquired through a purchase, donation, or other means.
- (3) In the case of a proposed purchase of private property, the division may publish notice after earnest money is paid.
- (4) The published notice shall inform the public regarding:
 - (a) the proposed use of the real property;

- (b) any conditions on the acquisition of the real property placed by donors, the federal government, sellers, or others specifying how the real property is to be used;
 - (c) any changes to existing land uses that are anticipated; and
 - (d) the public comment submission process for comments on the proposed acquisition.
- (5) The governor shall:
- (a) submit a notification of the proposed acquisition to:
 - (i) the county executive of the county in which the real property is located;
 - (ii) the legislators of the legislative districts in which the real property is located; and
 - (iii) the School and Institutional Trust Lands Administration; and
 - (b) invite those notified to submit comments on the proposed acquisition.
- (6) After considering comments on the proposed acquisition, the governor may:
- (a) approve the acquisition in whole or in part; or
 - (b) disapprove the acquisition.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-203 Payments in lieu of property taxes on property purchased by division.

- (1) Before the purchase of real property held in private ownership, the division shall:
- (a) first submit the proposition to the county legislative body in a regular open public meeting in the county where the real property is located; and
 - (b) by contractual agreement with the county legislative body, approved by the executive director, agree to pay an amount of money in lieu of property taxes to the county.
- (2) The division shall, by contractual agreement with the county legislative body in which real property previously acquired from private ownership and now owned by the division is located, agree to pay annually an amount of money in lieu of wildlife resource fine money, previously paid to the county.
- (3) A payment provided for in this section may not:
- (a) exceed what the regularly assessed real property taxes would be if the real property had remained in private ownership; and
 - (b) include an amount for buildings, installations, fixtures, improvements or personal property located upon the real property or for those acquired, constructed, or placed by the division after the division acquires the real property.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-204 Acquisition of lands by United States for migratory bird refuges.

- (1)
- (a) The state consents to acquisition by the United States of the areas of land or water in the state, as the United States may consider necessary, by and with the consent of the county legislative body of the county where the land or water are located and after approval of application, subject to the laws of the state for water rights, for the establishment and maintenance of migratory waterfowl refuges in accordance with and for the purpose of the Migratory Bird Conservation Act, 16 U.S.C. Sec. 715 to 715s, as amended, and Migratory Bird Hunting Stamp Act, 16 U.S.C. Sec. 718a to 718k, as amended.
 - (b) The United States may use the land or water described in this Subsection (1) as refuge for migratory birds, reserving to the state jurisdiction, both civil and criminal, of persons upon the areas acquired except so far as the punishment of offenses against the United States are concerned.

- (2)
 - (a) This section may not be construed to impose upon the state or an agency of the state an obligation to convey to the United States any interest in land or water owned or controlled by the state, except upon appropriate terms and for adequate consideration.
 - (b) The reservation to the state of coal and other minerals in lands sold by the state within areas so established and easements retained by the state to prospect for, mine, and remove the same are declared to be subject to rules and regulations prescribed from time to time by the Secretary of the Interior for the occupation, use, operation, protection, and administration of these areas as refuges for migratory birds.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-205 Wildlife Land and Water Acquisition Program.

- (1) As used in this section, "program" means the Wildlife Land and Water Acquisition Program created in Subsection (2).
- (2) There is created a program known as the "Wildlife Land and Water Acquisition Program" under which the division may lease or acquire land or water assets that achieve one or more of the following:
 - (a) protect and enhance wildlife populations;
 - (b) provide the public the opportunity to hunt, trap, or fish; and
 - (c) conserve, protect, and enhance wildlife habitat.
- (3) In making a decision as to whether to lease or acquire land or water assets, the division shall:
 - (a) consult the relevant state or county resource management plan;
 - (b) prioritize leases or acquisitions that involve land that:
 - (i) is adjacent to land already owned by the division; or
 - (ii) provides access to other public land;
 - (c) develop a management plan for the land or water asset in a manner consistent with Section 23A-6-301; and
 - (d) facilitate grazing as a management tool if consistent with the management plan described in Subsection (3)(c).
- (4) The division shall annually report to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee regarding how the division expends money in the program.

Enacted by Chapter 345, 2023 General Session

Part 3 Management Plans

23A-6-301 Management plans.

- (1) The division shall prepare a management plan for each wildlife management area. Upon adoption of a management plan by the director, the division shall manage the lands within the wildlife management area in accordance with the management plan.
- (2) A management plan shall include:
 - (a) a statement of the proposed or anticipated uses;
 - (b) a description of management limitations or conditions covering the wildlife management area;

- (c) an inventory of the existing conditions;
- (d) a statement of the desired future condition of the wildlife management area;
- (e) a list of strategies that may be implemented to achieve the desired future condition; and
- (f) a description of any reallocation of forage, water, or other resource appurtenant to the land within the wildlife management area.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-302 Preparation of management plans -- Participation by interested persons and local and tribal governments -- Compatibility with local government plans and existing rights.

- (1) The division shall invite persons who may have an interest in how the land in a wildlife management area is managed to participate in the management planning process.
- (2) Those persons may include:
 - (a) persons who use, or may use, the land in a wildlife management area for:
 - (i) agriculture, mining, or other commercial pursuits;
 - (ii) hunting or fishing;
 - (iii) recreation; or
 - (iv) other uses;
 - (b) adjacent or nearby landowners or residents; or
 - (c) other interested parties.
- (3) The division shall invite local government officials to participate in the management planning process.
- (4) In preparing a management plan, the division shall seek to make land uses compatible with:
 - (a) local government general plans and zoning and land use ordinances; and
 - (b) existing rights of others within the wildlife management area.
- (5)
 - (a) If the land in a wildlife management area is located within or adjacent to tribal lands, the division shall invite tribal government officials to participate in the management planning process.
 - (b) Participation by tribal officials in the development of management plans for lands owned by the division does not waive the tribe's sovereignty.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-303 Review and adoption of management plans.

- (1) The division shall submit a draft management plan to the Resource Development Coordinating Committee created in Section 63L-11-401 and the Habitat Council created by the division for their review and recommendations.
- (2) The division shall submit a draft management plan and any recommendations received from the Resource Development Coordinating Committee and the Habitat Council to:
 - (a) the regional advisory council for the wildlife region in which the lands covered by the management plan are located; and
 - (b) the regional advisory council for a wildlife region that may be affected by the management plan.
- (3) A regional advisory council reviewing a draft management plan may make recommendations to the director.
- (4) The director may adopt the management plan, adopt the management plan with amendments, or reject the management plan.

- (5)
- (a) At the request of the director or a member of the Wildlife Board, the Wildlife Board may review a management plan to determine whether the plan is consistent with Wildlife Board policies.
 - (b) The director may amend a management plan in accordance with recommendations made by the Wildlife Board.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-304 Procedure to revise a management plan.

- (1) A person seeking a revision of a management plan may request the regional advisory council in the region where the land in a wildlife management area is located to consider the proposal to revise the management plan. The regional advisory council shall consider the proposal and advise the division.
- (2) The process specified in Sections 23A-6-302 and 23A-6-303 shall be used to revise a management plan.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-305 Change in land use where a management plan is not in effect -- Notification to affected persons -- Compatibility with local government plans.

- (1) If a management plan has not been adopted by the director for a tract of land owned by the division, the division may not change an existing right to use the land until the division notifies those who may be affected by the change and local government officials.
- (2) When changing an existing right to use the land, the division shall seek to make uses of division-owned land compatible with local government general plans and zoning and land use ordinances.

Renumbered and Amended by Chapter 103, 2023 General Session

Part 4 Use of Land

23A-6-401 Target shooting prohibitions.

- (1) As used in this section:
 - (a) "County sheriff" means the individual holding the office of county sheriff in the portion of a wildlife management area where target shooting will be, or is, prohibited under this section.
 - (b) "Extremely hazardous" means categorized as "extreme" under a nationally recognized standard for rating fire danger.
- (2) Subject to Subsections (3) and (4), the division may prohibit the use of firearms for target shooting within all or part of a wildlife management area if the director finds, and the county sheriff agrees, that conditions in that portion of the wildlife management area are extremely hazardous.
- (3) A prohibition under this section:
 - (a) shall undergo a formal review by the director and the county sheriff every 14 days;
 - (b) may not prohibit an individual from legally possessing a firearm or lawfully participating in a hunt; and

- (c) may only remain in place for as long as extremely hazardous conditions exist in the area that is subject to the prohibition.
- (4) The director and the county sheriff shall:
 - (a) via a written document, agree to the terms of a prohibition under this section, including:
 - (i) the exact area where target shooting is prohibited; and
 - (ii) the date when the prohibition becomes effective; and
 - (b) comply with Subsection (4)(a) at each formal review under Subsection (3)(a).

Renumbered and Amended by Chapter 103, 2023 General Session

Effective until 7/1/2024

23A-6-402 Right of access to lands for hunting, trapping, or fishing reserved to public -- Exception.

- (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access to lands owned by the state, including those lands lying below the official government meander line or high water line of navigable waters, for the purpose of hunting, trapping, or fishing.
- (2) When a department or agency of the state leases or sells land belonging to the state lying below the official government meander line or the high water line of the navigable waters within the state, the lease, contract of sale, or deed shall contain a provision that:
 - (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing during the lawful season, except as provided by Section 65A-2-5; and
 - (b) the lessee, contractee, or grantee may not charge a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.
- (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or fishing as provided in this title for other lands and waters.

Renumbered and Amended by Chapter 103, 2023 General Session

Effective 7/1/2024

23A-6-402 Right of access to lands for hunting, trapping, or fishing reserved to public -- Exception.

- (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access to lands owned by the state, including those lands lying below the official government meander line or high water line of navigable waters, for the purpose of hunting, trapping, or fishing.
- (2) When a department or agency of the state leases or sells land belonging to the state lying below the official government meander line or the high water line of the navigable waters within the state, the lease, contract of sale, or deed shall contain a provision that:
 - (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing during the lawful season, except as provided by Section 65A-2-5; and
 - (b) the lessee, contractee, or grantee may not charge a person who desires to go upon the land for the purpose of hunting, trapping, or fishing.
- (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or fishing as provided in this title for other lands and waters.
- (4) The division may temporarily close that portion of a highway, as defined in Section 72-1-102, that enters into or crosses land owned by the division if closure is needed for the benefit of wildlife.

Amended by Chapter 347, 2024 General Session

23A-6-403 State-owned lands authorized for use as wildlife management areas, fishing waters, and for other recreational activities.

- (1) The Wildlife Board may use any and all unsurveyed state-owned lands below the 1855 meander line of the Great Salt Lake within the following townships for the creation, operation, maintenance and management of wildlife management areas, fishing waters and other recreational activities:

Township 2 South, Range 5 West, S.L.B. and M.; Township 2 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 5 West, S.L.B. and M.; Township 1 South, Range 4 West, S.L.B. and M.; Township 1 South, Range 3 West, S.L.B. and M.; Township 1 North, Range 3 West, S.L.B. and M.; Township 1 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 3 West, S.L.B. and M.; Township 2 North, Range 2 West, S.L.B. and M.; Township 2 North, Range 1 West, S.L.B. and M.; Township 3 North, Range 3 West, S.L.B. and M.; Township 3 North, Range 2 West, S.L.B. and M.; Township 3 North, Range 1 West, S.L.B. and M.; Township 4 North, Range 3 West, S.L.B. and M.; Township 4 North, Range 2 West, S.L.B. and M.; Sections 1, 2, 11, 12, 13, 14, 23, and 24, Township 4 North, Range 4 West, S.L.B. and M.; Township 5 North, Range 3 West, S.L.B. and M.; Township 5 North, Range 4 West, S.L.B. and M.; Sections 1, 2, 3, 4, 11, and 12, Township 5 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 5 West, S.L.B. and M.; Township 6 North, Range 4 West, S.L.B. and M.; Township 6 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 5 West, S.L.B. and M.; Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Township 7 North, Range 2 West, S.L.B. and M.; Township 8 North, Range 5 West, S.L.B. and M.; Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Township 8 North, Range 2 West, S.L.B. and M.; Township 9 North, Range 5 West, S.L.B. and M.; Township 9 North, Range 4 West, S.L.B. and M.; Township 11 North, Range 11 West, S.L.B. and M.; Township 11 North, Range 10 West, S.L.B. and M.; Township 11 North, Range 9 West, S.L.B. and M.; Township 11 North, Range 8 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 10 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 9 West, S.L.B. and M.; North 1/2 of Township 10 North, Range 8 West, S.L.B. and M.

- (2)
- (a) The Wildlife Board shall establish a wildlife management area known as the "Willard Spur Waterfowl Management Area" on the unsurveyed state-owned lands below the 1855 meander line of the Great Salt Lake in Sections 26, 35, 36 of Township 8 North, Range 4 West, S.L.B. and M.; Township 8 North, Range 3 West, S.L.B. and M.; Sections 1, 2, 11, 12 of Township 7 North, Range 4 West, S.L.B. and M.; Township 7 North, Range 3 West, S.L.B. and M.; Sections 20, 21, 29, 30, 31 of Township 8 North, Range 2 West, S.L.B. and M., except for the following:
- (i) lands within the May 14, 2019, boundaries of the Bear River Migratory Bird Refuge;
 - (ii) lands within the May 14, 2019, boundaries of Harold Crane Waterfowl Management Area;
 - (iii) lands within the May 14, 2019, boundaries of Willard Bay Reservoir; and
 - (iv) lands within the May 14, 2019, boundaries of state mineral leases.
- (b) The division shall execute a memorandum of understanding with the Division of Forestry, Fire, and State Lands recognizing the division's use of the state-owned lands described in Subsection (2)(a) as a wildlife management area.
- (c) The division shall manage the state-owned lands described in Subsection (2)(a) as a wildlife management area and consistent with:
- (i) the beneficial purposes identified in Subsection (2)(d); and

- (ii) a management plan created consistent with the procedures in this chapter for a management plan.
- (d) The division shall manage the Willard Spur Waterfowl Management Area for the following beneficial purposes:
 - (i) propagating and sustaining waterfowl, upland gamebirds, desirable mammals, shorebirds, and other migratory and nonmigratory birds that use the Great Salt Lake ecosystem and the Great Salt Lake ecosystem's surrounding wetlands;
 - (ii) preserving and enhancing the natural function, vegetation, and water flows under existing or acquired water rights to provide productive habitat for the species listed in Subsection (2)(d)(i);
 - (iii) providing recreational opportunity for traditional marsh-related activities, including hunting, fishing, trapping, and wildlife viewing; and
 - (iv) providing public access in the management area for purposes of hunting, fishing, trapping, and wildlife viewing, including access with airboats and other small watercraft.
- (e) The division shall provide the habitat, recreational opportunities, and public access described in Subsection (2)(d) without construction or use of an impounding dike, impounding levee, or other impounding structure.
- (f) Notwithstanding the purposes identified in Subsection (2)(d), the division may not prohibit year-round public airboat and small watercraft access in the management area except in selected areas during limited periods of time to protect habitat, nesting birds, or vulnerable wildlife.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-6-404 Unlawful uses and activities on division lands.

- (1) Except as authorized by statute, rule, contractual agreement, special use permit, certificate of registration, or public notice, a person may not on division land:
 - (a) remove, extract, use, consume, or destroy an improvement or cultural or historic resource;
 - (b) remove, extract, use, consume, or destroy sand, gravel, cinder, ornamental rock, or other common mineral resource, or vegetation resource, except a person may collect for noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the surface of the ground;
 - (c) allow livestock to graze;
 - (d) remove a plant or portion of a plant for commercial gain purposes;
 - (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;
 - (f) enter, use, or occupy division land as part of a group of more than 25 people, except a group may include up to 50 persons if the group consists of extended family members;
 - (g) enter, use, or occupy division land while engaged in or part of an organized event;
 - (h) use, occupy, destroy, move, or construct a structure, including a fence, water control device, road, survey and section marker, or sign;
 - (i) prohibit, prevent, or obstruct public entry on division lands when public entry is authorized by the division;
 - (j) attempt to manage or control division lands in a manner inconsistent with division management plans, rules, or policies;
 - (k) solicit, promote, negotiate, barter, sell, or trade a product or service on, or obtained from, division lands for commercial gain;
 - (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the area is posted for a different duration;

- (m) light a fire without taking adequate precaution to prevent spreading of the fire or leave a fire unattended;
 - (n) use fireworks, an explosive, a poison, a herbicide, an insecticide, or a pesticide;
 - (o) use a motorized vehicle of any kind except as authorized by declaration, management plan, or posting; or
 - (p) use division lands for a purpose that violates applicable land use restrictions imposed by statute, rule, or by the division.
- (2) A person who unlawfully uses division lands is liable for damages in the amount of:
- (a) the value of the resource removed, destroyed, or extracted;
 - (b) the amount of damage caused; and
 - (c) whichever is greater of:
 - (i) the value of losses or expenses caused as a result of interference with authorized activities; or
 - (ii) the consideration which would have been charged by the division for use of the land during the period of trespass.
- (3) This section does not apply to division employees or division volunteers while acting in the lawful performance of the employees' or volunteers' duties.
- (4) Except as otherwise provided by statute, the criminal penalty for a violation of this section is prescribed in Section 23A-5-301.

Renumbered and Amended by Chapter 103, 2023 General Session