

Effective 7/1/2023

Chapter 8 Wildlife Damage

Part 1 General Provisions

23A-8-101 Definitions.

As used in this chapter:

- (1) "72 hours" means a time period that begins with the hour a request for action is made pursuant to Section 23A-8-402 and ends 72 hours later with the exclusion of any hour that occurs on the day of a legal holiday that is on a Monday or Friday and listed in Section 63G-1-301.
- (2) "Cultivated crops" means:
 - (a) annual or perennial crops harvested from or on cleared and planted land;
 - (b) perennial orchard trees on cleared and planted land;
 - (c) crop residues that have forage value for livestock; and
 - (d) pastures.
- (3) "Depredation" means an act causing damage or death.
- (4) "Depredation mitigation plan" means the plan described in Subsection 23A-8-402(2).
- (5) "Growing season" means the portion of a year in which local conditions permit normal plant growth.
- (6) "Livestock" means cattle, sheep, horses, goats, or turkeys.
- (7) "Management unit" means a prescribed area of contiguous land designated by the division for the purpose of managing a species of big game animal.
- (8) "Mitigation review panel" means the panel created under Section 23A-8-404.
- (9)
 - (a) For purposes of Part 2, Damage in General, "predator" means a mountain lion or bear.
 - (b) For purposes of Part 4, Damage by Big Game, "predator" means a cougar, bear, or coyote.
- (10) "Predator control program" means a program of the Department of Agriculture and Food that helps resolve conflicts with wildlife to protect agriculture, other property and natural resources, and to safeguard human health and safety.
- (11) "State trapper" means an individual of the Department of Agriculture and Food within the predator control program.
- (12) For purposes of Section 23A-8-302, "turkey" means a wild, free-ranging turkey and does not include a privately owned or domestic turkey.
- (13)
 - (a) "Wolf" means the gray wolf *Canis lupus*.
 - (b) "Wolf" does not mean a wolf hybrid with a domestic dog.

Amended by Chapter 116, 2025 General Session

Part 2 Damage in General

23A-8-201 Procedure to obtain compensation for livestock damage done by bear, mountain lion, wolf, or eagle.

- (1)
 - (a)
 - (i) Except as provided by Subsection (1)(a)(ii), if livestock are damaged by a bear, mountain lion, wolf, or an eagle, the owner may receive compensation for the fair market value of the damage to the livestock.
 - (ii) The owner of livestock may not receive compensation if the livestock is damaged by a wolf within an area where a wolf is endangered or threatened under the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531, et seq.
 - (b) To obtain compensation under this section, the owner of the damaged livestock shall notify the division of the damage as soon as possible, but no later than four days after the damage to the livestock is discovered.
 - (c) The owner shall notify the division each time damage to livestock is discovered.
- (2) The livestock owner shall file a proof of loss form, provided by the division, no later than 30 days after the original notification of damage to livestock was given to the division by the owner.
- (3)
 - (a)
 - (i) The division, with the assistance of the Department of Agriculture and Food, shall:
 - (A) within 30 days after the owner files the proof of loss form, either accept or deny the claim for damages; and
 - (B) subject to Subsections (3)(a)(ii) through (3)(a)(iv), pay the accepted claims to the extent money appropriated by the Legislature is available for this purpose.
 - (ii) Money appropriated from the Wildlife Resources Account may be used to provide compensation for only up to 50% of the fair market value of damaged livestock.
 - (iii) Money appropriated from the Wildlife Resources Account may not be used to provide compensation for livestock damaged by an eagle or a wolf.
 - (iv) The division may not pay an eagle damage claim until the division has paid all accepted mountain lion and bear livestock damage claims for the fiscal year.
 - (b) The division may not pay mountain lion, bear, wolf, or eagle damage claims to a livestock owner unless the owner has filed a completed livestock form and the appropriate fee as outlined in Section 4-23-107 for the immediately preceding and current year.
 - (c) The division's payment is subject to a 3:1 multiplier for a bear or mountain lion damage claim if the livestock owner has demonstrated and documented husbandry practices to prevent losses including daily contact with the livestock and the use of guardian animals.
 - (d) The division may not pay damage claims in excess of the total number of animals of a single species owned by an individual producer.
 - (e)
 - (i) Unless the division denies a claim for the reason identified in Subsection (3)(b), the owner may appeal the decision to a panel consisting of one person selected by the owner, one person selected by the division, and a third person selected by the first two panel members.
 - (ii) The panel shall decide whether the division should pay all of the claim, a portion of the claim, or none of the claim.
- (4) The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and enforce rules to administer and enforce this section.

Amended by Chapter 116, 2025 General Session

23A-8-202 Livestock depredation by predators.

- (1) If a predator harasses, chases, disturbs, harms, attacks, or kills livestock, within 96 hours of the act:
 - (a) in a depredation case, the livestock owner, an immediate family member, or an employee of the livestock owner on a regular payroll and not specifically hired to take a predator, may take predators subject to the requirements of this section;
 - (b) a landowner or livestock owner may notify the division of the depredation or human health and safety concerns, who may authorize a local hunter to take the offending predator or notify a state trapper; or
 - (c) the livestock owner may notify a state trapper of the depredation who may take the depredating predator.
- (2) A depredating predator may be taken at any time by a state trapper, supervised by the Department of Agriculture and Food, while acting in the performance of the state trapper assigned duties and in accordance with procedures approved by the division.
- (3)
 - (a) A depredating predator may be taken by an individual authorized in Subsection (1)(a):
 - (i) with a weapon authorized by the division, pursuant to rules made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, for taking the predator; or
 - (ii) only using snares:
 - (A) with written authorization from the director;
 - (B) subject to the conditions and restrictions set out in the written authorization; and
 - (C) if the division verifies that there has been a chronic depredation situation when numerous livestock have been killed by a predator as described in rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
 - (b) An individual authorized in Subsection (1)(a) to take depredating predators may take no more than two bears per incident.
- (4)
 - (a) In accordance with Subsection (4)(b), the division may issue a depredation permit to take a predator on specified private lands and public land grazing allotments with a chronic depredation situation when numerous livestock have been killed by predators.
 - (b) The division may:
 - (i) issue one or more depredation permits to an affected livestock owner or a designee of the affected livestock owner, provided that the livestock owner does not receive monetary consideration from the designee for the opportunity to use the depredation permit;
 - (ii) determine the legal weapons and methods of taking allowed; and
 - (iii) specify the area and season that the depredation permit is valid.
- (5)
 - (a) A predator taken under Subsection (1)(a) or (4) remains the property of the state and shall be delivered to a division office or employee within 96 hours of the take.
 - (b) The division may issue a predatory damage permit to a person who has taken a depredating predator under Subsection (1)(a) that authorizes the individual to keep the carcass.
 - (c) An individual who takes a predator under Subsection (1)(a) or (4) may acquire and use a limited entry permit or harvest objective permit in the same year.
 - (d) Notwithstanding Subsections (5)(b) and (c), a person may retain no more than one predator carcass annually.
- (6) Money derived from the sale of a predator taken under this section shall be deposited into the Wildlife Resources Account created in Section 23A-3-201.

- (7) Nothing in this section prohibits the division from permitting the removal of a bear causing damage to cultivated crops on cleared and planted land pursuant to rule made by the Wildlife Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- (8) Nothing in this section prohibits receiving compensation for livestock damage done by a bear, mountain lion, wolf, or eagle in accordance with Section 23A-8-201.

Amended by Chapter 116, 2025 General Session

23A-8-203 Beaver damage -- Authorization to kill or trap.

- (1) When it is apparent that beaver are doing damage to, or are a menace to, private property, a landowner or tenant may request authorization to kill or trap the beaver.
- (2) The Wildlife Board may grant authorization described in Subsection (1) under conditions prescribed by the Wildlife Board.

Renumbered and Amended by Chapter 103, 2023 General Session

**Part 3
Damage by Birds**

23A-8-301 Crop damage by pheasants -- Notice to division -- Damages for destroyed crops -- Limitations -- Appraisal.

- (1) When pheasants damage cultivated crops on cleared and planted land, the owner of the cultivated crops shall immediately upon discovery of the damage notify the division both orally and in writing.
- (2) Upon being notified of the damage to cultivated crops, the division shall, as far as possible, control the damage.
- (3) When pheasants damage or destroy cultivated crops on cleared and planted land, the division may pay to the crop owner for the actual damage not to exceed \$200 yearly, if the owner notifies the division of the damage within 48 hours after the damage is discovered.
- (4) Subject to Subsection (5), the crop owner and the division shall make an appraisal of the damage as soon after notification as possible. If the crop owner and the division are unable to agree on the fair and equitable damage, they shall call upon a third party, consisting of one or more persons acquainted with the crops concerned and pheasants, to appraise the damage.
- (5) If a provision of this section conflicts with the requirements of the federal Pittman-Robertson Act or the regulations issued under that act, the provisions relating to damage claims are void.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-8-302 Damage by turkeys.

- (1)
 - (a) If a turkey materially damages private property, the landowner or lessee of the property may:
 - (i) notify the division of the damage; and
 - (ii) request that the division take action to mitigate the damage.
 - (b) The landowner or lessee of the damaged property shall allow division staff reasonable access to the damaged property to verify and mitigate the damage.
- (2)

- (a) Within 72 hours after receiving a request for action under Subsection (1)(a)(ii), the division shall investigate the damaged property and, if it appears that material damage by a turkey may continue, the division shall begin to:
 - (i) remove or drive off the turkeys causing the damage; or
 - (ii) implement a damage mitigation and prevention plan with the written approval of the landowner or lessee of the property.
 - (b) As part of a damage mitigation and prevention plan described in Subsection (2)(a)(ii), the division may:
 - (i) schedule a depredation hunt;
 - (ii) issue a permit to the landowner or lessee to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;
 - (iii) allow the landowner or lessee to designate recipients who may obtain a mitigation permit to, during a general or special season hunt authorized by the Wildlife Board, take a turkey on the property;
 - (iv) use, or allow the landowner or lessee to use, a nonlethal method to drive off a turkey that causes damage to the property;
 - (v) capture and relocate, or allow the landowner or lessee to capture and relocate, a turkey that causes damage to the property; or
 - (vi) use, or authorize the landowner or lessee to use, a weapon or method otherwise prohibited to take a turkey under this title, if traditional weapons and methods are unsuitable for the location of the property due to local law or public safety concerns.
 - (c) If the division takes an action described in Subsection (2)(b)(ii) or (iii), the division shall specify the number and sex of turkeys the landowner or lessee is authorized to take in accordance with Subsection (2)(b)(ii) or (iii).
 - (d) If a landowner or lessee takes a turkey under Subsection (2)(b)(ii), the division and the landowner or lessee shall jointly determine the number of turkeys the landowner or lessee may retain.
- (3) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules necessary to administer this section.

Renumbered and Amended by Chapter 103, 2023 General Session

Part 4 Damage by Big Game

23A-8-401 Removal of big game animals doing damage.

The director may authorize the removal of big game animals when the big game animals are doing actual damage. The division shall sell or otherwise dispose of a big game animal removed pursuant to this section and money derived from the sale of these big game animals shall be placed in the Wildlife Resources Account.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-8-402 Damage to cultivated crops, livestock forage, fences, or irrigation equipment by big game animals -- Notice to division -- Depredation mitigation plan.

(1)

- (a) If on private land big game animals damage cultivated crops, livestock forage, fences, or irrigation equipment, the landowner or lessee shall immediately, upon discovery of the damage, request that the division take action to alleviate the depredation problem.
 - (b) The landowner or lessee shall allow division personnel reasonable access to the property sustaining damage to verify and alleviate the depredation problem.
- (2)
- (a) Within 72 hours after receiving the request for action under Subsection (1)(a), the division shall investigate the situation, and if it appears that depredation by big game animals may continue, the division shall:
 - (i) remove the big game animals causing depredation; or
 - (ii) implement a depredation mitigation plan that is approved, in writing, by the landowner or lessee.
 - (b) A depredation mitigation plan may provide for any or all of the following:
 - (i) the scheduling of a depredation hunt;
 - (ii) issuing permits to the landowners or lessees, to take big game animals causing depredation during a general or special season hunt authorized by the Wildlife Board;
 - (iii) allowing landowners or lessees to designate recipients who may obtain a mitigation permit to take big game animals on the landowner's or lessee's land during a general or special season hunt authorized by the Wildlife Board; or
 - (iv) a description of how the division will assess and compensate the landowner or lessee under Section 23A-8-405 for damage to cultivated crops, fences, or irrigation equipment.
 - (c)
 - (i) The division shall specify the number and sex of the big game animals that may be taken pursuant to Subsections (2)(b)(ii) and (iii).
 - (ii) The division shall direct control efforts toward antlerless animals, if possible.
 - (d) The director or the director's designee shall approve a permit issued for an antlered animal.
 - (e) The division and the landowner or lessee shall jointly determine the number of big game animals taken pursuant to Subsection (2)(b)(ii) of which the landowner or lessee may retain possession.
 - (f) In determining appropriate remedial action under this Subsection (2), the division shall consider:
 - (i) the extent of damage experienced or expected in a single growing season; and
 - (ii) revenue the landowner derives from:
 - (A) participation in a cooperative wildlife management unit;
 - (B) use of landowner association permits;
 - (C) use of mitigation permits; and
 - (D) charging for hunter access.
- (3) A landowner or lessee shall determine a fee for accessing the owner's or lessee's land.
- (4)
- (a) If the landowner or lessee who approved the depredation mitigation plan under Subsection (2)(a)(ii) subsequently determines that the plan is not acceptable, the landowner or lessee may revoke the landowner's or lessee's approval of the plan and again request that the division take action pursuant to Subsection (2)(a)(i).
 - (b) The division shall consider a subsequent request for action provided under Subsection (4)(a) to be a new request for purposes of the 72-hour time limit specified in Subsection (2)(a).
- (5)
- (a) The division may enter into a conservation lease with the owner or lessee of private lands for a fee or other remuneration as compensation for depredation.

- (b) A conservation lease entered into under this section shall provide that the claimant may not unreasonably restrict hunting on the land or passage through the land to access public lands for the purpose of hunting, if those actions are necessary to control or mitigate damage by big game animals.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-8-403 Landowner or lessee may kill big game animals.

- (1)
 - (a) A landowner or lessee may kill big game animals damaging cultivated crops on private land if:
 - (i) it is necessary to protect cultivated crops;
 - (ii) 72 hours has expired since a request for action is given pursuant to Subsection 23A-8-402(1)(a);
 - (iii) the landowner or lessee has provided or sent written notice of an intent to kill the big game animal to the nearest regional office of the division;
 - (iv) the landowner or lessee kills the big game animal within 90 days, or a longer period, if approved, in writing, by the division, after having requested that the division take action to prevent depredation under Subsection 23A-8-402(1)(a); and
 - (v) the killing is not prohibited by Subsection (2)(a) or (3).
 - (b) Immediately after killing a big game animal under Subsection (1)(a), the landowner or lessee shall notify the division of the killing.
 - (c) The carcass of a big game animal killed under Subsection (1)(a) is the property of the division and the division shall dispose of the carcass.
 - (d) Money derived from the sale of big game animals killed shall be placed in the Wildlife Resources Account created in Section 23A-3-201.
 - (e) A landowner or lessee who kills big game animals pursuant to this section shall:
 - (i) make reasonable effort to prevent the big game animals from wasting; and
 - (ii) provide the division reasonable access to the landowner's or lessee's land to retrieve and dispose of the big game animals.
- (2)
 - (a) The director may prohibit the killing of big game animals under Subsection (1)(a) if, within 72 hours after a landowner or lessee has requested that the division take action to remove depredating big game animals, the division:
 - (i) determines that the restitution value of the big game animal or animals, as established under Section 23A-5-312, is more than twice the estimated value of the cultivated crops that have been or will be damaged or consumed within a single growing season;
 - (ii) determines that the prohibition is consistent with the management plan established under Section 23A-11-301;
 - (iii) notifies the landowner or lessee of the prohibition; and
 - (iv) offers the landowner or lessee a depredation mitigation plan.
 - (b) A landowner or lessee who is offered a depredation mitigation plan may:
 - (i) accept the plan in writing; or
 - (ii) refuse to accept the plan and appeal the plan, in writing, to the director.
- (3) After a landowner or lessee has killed a big game animal under Subsection (1)(a), the director may prohibit further killing of big game animals if:
 - (a) the division takes the actions described in Subsections (2)(a)(i) through (iv); or
 - (b) the mitigation review panel reviews and approves the depredation mitigation plan.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-8-404 Mitigation review panel.

- (1) A mitigation review panel may be convened to review:
 - (a) a depredation mitigation plan; or
 - (b) division action under Section 23A-8-405.
- (2) Membership of the mitigation review panel shall consist of:
 - (a) the director or the director's designee;
 - (b)
 - (i) the commissioner of the Department of Agriculture and Food or the commissioner's designee; or
 - (ii) a representative of agricultural interests appointed by the commissioner of the Department of Agriculture and Food; and
 - (c) a representative of Utah State University Extension Service appointed by the Vice President and Dean for University Extension.
- (3)
 - (a) The director shall convene a mitigation review panel if:
 - (i) a landowner or lessee appeals a depredation mitigation plan under Subsection 23A-8-403(2)(b)(ii);
 - (ii) the director requests review of a depredation mitigation plan; or
 - (iii) the division receives a petition of an aggrieved party to a final division action under Section 23A-8-405.
 - (b) Within five business days of an appeal under Subsection 23A-8-403(2)(b)(ii) or a division request for review, the mitigation review panel shall review the depredation mitigation plan and approve or modify the plan.
 - (c) A mitigation review panel shall act on a petition described in Subsection (3)(a)(iii) in accordance with rules made by the Wildlife Board under Subsection 23A-8-405(6).
- (4) Judicial review of a mitigation review panel action under this section is governed by Title 63G, Chapter 4, Administrative Procedures Act.

Renumbered and Amended by Chapter 103, 2023 General Session

23A-8-405 Compensation for damage to crops, fences, or irrigation equipment -- Limitations -- Appeals.

- (1) The division may provide compensation to claimants for damage caused by big game animals to:
 - (a) cultivated crops on private land;
 - (b) fences on private land; or
 - (c) irrigation equipment on private land.
- (2) To be eligible to receive compensation as provided in this section, the claimant shall:
 - (a) notify the division of the damage within 72 hours after the damage is discovered; and
 - (b) allow division personnel reasonable access to the property to verify and alleviate the depredation problem.
- (3)
 - (a) The claimant and the division shall make an appraisal of the damage as soon after notification as possible.
 - (b) In determining damage payment, the division and claimant shall consider:
 - (i) the extent of damage experienced; and

- (ii) revenue the landowner derives from:
 - (A) participation in a cooperative wildlife management unit;
 - (B) use of landowner association permits;
 - (C) use of mitigation permits; and
 - (D) charging for hunter access.
 - (c) The division and claimant may not include speculative damages or claims of future value in an appraisal or damage payment beyond the growing season when the damage occurred under this section.
 - (d) In determining how to assess and compensate for damages to cultivated crops, the division shall base the division's determination on the:
 - (i) estimated number of big game animals that damaged or consumed cultivated crops;
 - (ii) estimated quantity of cultivated crops damaged or consumed by big game animals;
 - (iii) local market value of the cultivated crops that actually have been or will be damaged or consumed by big game animals;
 - (iv) replacement value of an equivalent aged tree for perennial orchard trees; and
 - (v) other documented costs directly incurred by the landowner or lessee because of damage to cultivated crops by big game animals.
 - (e) If the claimant and the division are unable to agree on a fair and equitable damage payment, the claimant and division shall designate a third party, consisting of one or more persons familiar with the crops, fences, or irrigation equipment and the type of big game animals doing the damage, to appraise the damage.
- (4)
- (a) The total amount of compensation that may be provided by the division pursuant to this section and the total cost of fencing materials provided by the division to prevent crop damage may not exceed the legislative appropriation for fencing material and compensation for damaged crops, fences, and irrigation equipment.
 - (b)
 - (i) A claim of \$1,000 or less may be paid after appraisal of the damage as provided in Subsection (3), unless the claim brings the total amount of claims submitted by the claimant in the fiscal year to an amount in excess of \$1,000.
 - (ii) A claim for damage to irrigation equipment may be paid after appraisal of the damage as provided in Subsection (3).
 - (c)
 - (i) A claim in excess of \$1,000, or claim that brings the total amount of claims submitted by the claimant in the fiscal year to an amount in excess of \$1,000, shall be treated as follows:
 - (A) \$1,000 may be paid pursuant to the conditions of this section; and
 - (B) the amount in excess of \$1,000 may not be paid until the total amount of the approved claims of all the claimants and expenses for fencing materials for the fiscal year are determined.
 - (ii) If the total exceeds the amount appropriated by the Legislature pursuant to Subsection (4) (a), claims in excess of \$1,000, or a claim that brings the total amount of a claimant's claims in a fiscal year to an amount in excess of \$1,000, shall be prorated.
- (5) The division may deny or limit compensation if the claimant:
- (a) fails to exercise reasonable care and diligence to avoid the loss or minimize the damage;
 - (b) fails to provide the division reasonable access to the property;
 - (c) fails to allow the division to use reasonable mitigation tools to alleviate the damage;
 - (d) unreasonably restricts hunting on land under the claimant's control or passage through the land to access public lands for the purpose of hunting, after receiving written notification from

the division of the necessity of allowing the hunting or access to control or mitigate damage by big game animals; or

- (e) fails to provide supporting evidence of cultivated crop values and claimed costs to the division during the damage appraisal process.
- (6)
- (a) The Wildlife Board shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, and consistent with Subsection (6)(d), specifying procedures for the appeal of division actions under this section.
 - (b) Upon the petition of an aggrieved party to a final division action, a mitigation review panel may review the action on the record and issue an order modifying or rescinding the division action.
 - (c) A mitigation review panel may appoint a third party designated under Subsection (3)(e) for purposes of taking evidence and making recommendations for an order of the mitigation review panel. The mitigation review panel shall consider the recommendations of the designated third party in making decisions.
 - (d) A mitigation review panel's review of final agency action and judicial review of final action by a mitigation review panel is governed by Title 63G, Chapter 4, Administrative Procedures Act.

Renumbered and Amended by Chapter 103, 2023 General Session