

TRANSPLANTS OF WILDLIFE AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses requirements related to the transplants of animals.

Highlighted Provisions:

This bill:

- ▶ clarifies in accordance with what procedures transplants of animals may occur;
- ▶ requires the adoption of a mitigation plan before transplanting certain animals;
- ▶ imposes requirements for the mitigation plan; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

23-14-21, as last amended by Laws of Utah 2021, Chapter 382

ENACTS:

23-14-21.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **23-14-21** is amended to read:



28 **23-14-21. Transplants of big game, turkeys, wolves, or sensitive species.**

29 (1) ~~[The]~~ Subject to Subsection (7), the division may transplant big game, turkeys,
30 wolves, or sensitive species only in accordance with:

31 (a) (i) a list of sites for the transplant of a particular species that is prepared and
32 adopted in accordance with Subsections (2) through (5);

33 ~~[(b)]~~ (ii) a species management plan, such as a deer or elk management plan adopted
34 under Section 23-16-7₂, or a recovery plan for a threatened or endangered species, provided
35 that:

36 ~~[(+)]~~ (A) the plan identifies sites for the transplant of the species or the lands or waters
37 the species are expected to occupy; and

38 ~~[(+)]~~ (B) the public has had an opportunity to comment and make recommendations on
39 the plan; ~~[or]~~ and

40 (iii) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq., if the transplant
41 involves a threatened or endangered species; or

42 ~~[(e)]~~ (b) a legal agreement between the state and a tribal government that identifies
43 potential transplants~~[-and]~~.

44 ~~[(d) the Endangered Species Act of 1973, 16 U.S.C. Sec. 1531 et seq.]~~

45 (2) The division shall:

46 (a) consult with the landowner in determining the suitability of a site for the transplant
47 of a species;

48 (b) prepare a list of proposed sites for the transplant of species;

49 (c) provide notification of proposed sites for the transplant of species to:

50 (i) local government officials having jurisdiction over areas that may be affected by a
51 transplant; and

52 (ii) the Resource Development Coordinating Committee created in Section
53 63L-11-401.

54 (3) After receiving comments from local government officials and the Resource
55 Development Coordinating Committee, the division shall submit the list of proposed transplant
56 sites, or a revised list, to regional advisory councils for regions that may be affected by the
57 transplants of species.

58 (4) ~~[Each]~~ A regional advisory council reviewing a list of proposed sites for the

59 transplant of species may submit recommendations to the Wildlife Board.

60 (5) The Wildlife Board shall approve, modify, or reject each proposal for the transplant
61 of a species.

62 (6) ~~[Each]~~ A list of proposed transplant sites approved by the Wildlife Board shall have
63 a termination date after which a transplant may not occur.

64 (7) Before transplanting an animal under this section, the division shall propose, and
65 the Wildlife Board shall approve, a mitigation plan that complies with Section 23-14-21.5.

66 Section 2. Section 23-14-21.5 is enacted to read:

67 **23-14-21.5. Mitigation plan related to transplants.**

68 (1) Before transplanting a big game animal, turkey, wolf, or sensitive species in
69 accordance with Section 23-14-21, the division shall propose, and the Wildlife Board shall
70 approve, a mitigation plan for the area in which the animal is being transplanted.

71 (2) (a) A mitigation plan under this section shall provide for issuing a permit to the
72 landowner or lessee to take a big game animal causing depredation during a general or special
73 season hunt authorized by the Wildlife Board.

74 (b) A mitigation plan under this section may provide for any of the following:

75 (i) the scheduling of a depredation hunt;

76 (ii) allowing a landowner or lessee to designate a recipient who may obtain a
77 mitigation permit to take a big game animal on the landowner's or lessee's land during a general
78 or special season hunt authorized by the Wildlife Board; and

79 (iii) a description of how the division will assess and compensate the landowner or
80 lessee under Section 23-16-4 for damage to cultivated crops, fences, or irrigation equipment.

81 (3) The division shall specify the number and sex of the big game animals that may be
82 taken pursuant to Subsection (2)(a) or (2)(b)(i).

83 (4) The division and the landowner or lessee shall jointly determine the number of
84 animals taken pursuant to Subsection (2)(a) of which the landowner or lessee may retain
85 possession.

86 (5) In determining appropriate remedial action under a mitigation plan under this
87 section, the division shall consider:

88 (a) the extent of damage experienced;

89 (b) use of landowner permits; and

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(c) use of mitigation permits.