

**Representative Casey Snider** proposes the following substitute bill:

**WILDLIFE MANAGEMENT AREA AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to wildlife management areas.

**Highlighted Provisions:**

This bill:

- ▶ addresses definitions;
- ▶ establishes wildlife management area purposes;
- ▶ provides for how the wildlife management area purposes and uses are to be implemented;
- ▶ imposes certain conditions on entering a wildlife management area;
- ▶ requires specific license, permit, cooperative agreement, or certificate of registration to engage in certain uses while in a wildlife management area;
- ▶ provides exemptions;
- ▶ authorizes rulemaking;
- ▶ addresses unlawful uses; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 None

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **23-21-.5**, as last amended by Laws of Utah 2019, Chapter 141

30 **23-21-2.1**, as enacted by Laws of Utah 1998, Chapter 218

31 **23-21-2.2**, as enacted by Laws of Utah 1998, Chapter 218

32 **23-21-2.3**, as last amended by Laws of Utah 2021, Chapter 382

33 **23-21-2.5**, as enacted by Laws of Utah 1998, Chapter 218

34 **23-21-4**, as last amended by Laws of Utah 2000, Chapter 156

35 **23-21-7**, as enacted by Laws of Utah 2009, Chapter 347



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

38 Section 1. Section **23-21-.5** is amended to read:

39 **23-21-.5. Definitions.**

40 As used in this chapter:

41 (1) "General plan" means a document that a municipality or county adopts that sets  
42 forth general guidelines for proposed future development of the land within the municipality or  
43 county and includes what is commonly referred to as a "master plan."

44 (2) "Highway" means the same as that term is defined in Section 72-1-102.

45 [~~(2)~~] (3) "Management plan" means a document prepared in accordance with this  
46 chapter that describes how one or more tracts of land owned or managed by the Division of  
47 Wildlife Resources are to be used.

48 [~~(3)~~] (4) "Regional advisory council" means a council created pursuant to Section  
49 **23-14-2.6**.

50 [~~(4)~~] (5) "Wildlife management area" means:

- 51 (a) a single tract of land owned or managed by the division; or
- 52 (b) two or more tracts of land owned or managed by the division that are within close  
53 proximity of each other and managed as a single unit.

54 (6) "Wildlife management area purposes" means the purposes of a wildlife  
55 management area outlined in Subsection 23-21-2.1(1).

56 Section 2. Section **23-21-2.1** is amended to read:

57           **23-21-2.1. Purposes of wildlife management areas -- Management plans.**  
58           (1) The purposes of a wildlife management area are one or more of the following:  
59           (a) to protect and enhance wildlife within the wildlife management area;  
60           (b) to provide the public the opportunity to hunt, trap, or fish; and  
61           (c) to conserve, protect, and enhance wildlife habitat.  
62           ~~[(+)]~~ (2) (a) The division shall prepare a management plan for each wildlife  
63 management area. The division shall ensure that the management plan is consistent with  
64 wildlife management area purposes.  
65           (b) Upon adoption of a management plan by the division director, the lands shall be  
66 managed in accordance with the management plan.  
67           ~~[(2)]~~ (3) Each management plan shall include:  
68           (a) a statement of the proposed or anticipated uses;  
69           (b) a description of any management limitations or conditions covering the wildlife  
70 management area;  
71           (c) an inventory of the existing conditions;  
72           (d) a statement of the desired future condition of the wildlife management area;  
73           (e) a list of strategies that may be implemented to achieve the desired future condition;  
74 and  
75           (f) a description of any reallocation of forage, water, or other resource appurtenant to  
76 the land.  
77           (4) The division may not approve a use of a wildlife management area that would  
78 interfere with the wildlife management area purposes unless:  
79           (a) required by law;  
80           (b) the use is allowed by a valid property right; or  
81           (c) the director determines that the impacts caused by the use to the following are fully  
82 mitigated:  
83           (i) wildlife;  
84           (ii) wildlife habitat; and  
85           (iii) the public opportunity to hunt, trap, or fish.  
86           Section 3. Section **23-21-2.2** is amended to read:  
87           **23-21-2.2. Preparation of management plans -- Participation by interested**

88 **persons and local and tribal governments -- Compatibility with wildlife management area**  
89 **purposes, local government plans, and existing rights.**

90 (1) The division shall invite persons who may have an interest in how the land is  
91 managed to participate in the management planning process.

92 (2) Those persons may include:

93 (a) persons who use, or may use, the land for:

94 (i) agriculture, mining, or other commercial pursuits;

95 (ii) hunting or fishing;

96 (iii) recreation; or

97 (iv) other uses;

98 (b) adjacent or nearby landowners or residents; or

99 (c) other interested parties.

100 (3) The division shall invite local government officials to participate in the  
101 management planning process.

102 (4) In preparing a management plan, the division shall seek to make land uses  
103 compatible with:

104 (a) local government general plans and zoning and land use ordinances; [~~and~~]

105 (b) existing rights of others within the wildlife management area[-]; and

106 (c) subject to Subsection 23-21-2.1(4), wildlife management area purposes.

107 (5) (a) If the land is located within or adjacent to tribal lands, the division shall invite  
108 tribal government officials to participate in the management planning process.

109 (b) Participation by tribal officials in the development of management plans for lands  
110 owned by the division does not waive the tribe's sovereignty.

111 Section 4. Section **23-21-2.3** is amended to read:

112 **23-21-2.3. Review and adoption of management plans.**

113 (1) The division shall submit the draft management plan to the Resource Development  
114 Coordinating Committee created in Section 63L-11-401 and the Habitat Council created by the  
115 division for their review and recommendations.

116 (2) The division shall submit the draft management plan and any recommendations  
117 received from the Resource Development Coordinating Committee and the Habitat Council to:

118 (a) the regional advisory council for the wildlife region in which the lands covered by

119 the management plan are located; and

120 (b) the regional advisory council for any wildlife region that may be affected by the  
121 management plan.

122 (3) Each regional advisory council reviewing the draft management plan may make  
123 recommendations to the division director.

124 (4) The division director has authority to adopt the management plan, adopt the plan  
125 with amendments, or reject the plan.

126 (5) At the request of the division director or any member of the Wildlife Board, the  
127 Wildlife Board may review a management plan to determine whether the plan is consistent  
128 with board policies and wildlife management area purposes.

129 (6) The division director may amend a management plan in accordance with  
130 recommendations made by the Wildlife Board.

131 Section 5. Section 23-21-2.5 is amended to read:

132 **23-21-2.5. Change in land use where a management plan is not in effect --**  
133 **Notification to affected persons -- Compatibility with local government plans and wildlife**  
134 **management purposes.**

135 (1) If a management plan has not been adopted by the division director for a tract of  
136 land owned by the division, the division may not change any existing right to use the land until  
137 the division notifies those who may be affected by the change and local government officials.

138 (2) When changing any existing right to use the land, the division shall seek to make  
139 uses of division-owned land compatible with local government general plans and zoning and  
140 land use ordinances and wildlife management area purposes. If there is a conflict between a  
141 local government general plan or land use ordinance and the wildlife management area  
142 purposes, the division shall work in consultation with the applicable local government  
143 legislative body to determine if the use of the division-owned land is consistent with the  
144 historic local use of the land to ensure proper management of wildlife.

145 Section 6. Section 23-21-4 is amended to read:

146 **23-21-4. Right of access to lands for hunting, trapping, or fishing reserved to**  
147 **public -- Exception -- When hunting, fishing, or combination license required.**

148 (1) Except as provided in Section 65A-2-5, there is reserved to the public the right of  
149 access to all lands owned by the state, including those lands lying below the official

150 government meander line or high water line of navigable waters, for the purpose of hunting,  
151 trapping, or fishing.

152 (2) When any department or agency of the state leases or sells any lands belonging to  
153 the state of Utah lying below the official government meander line or the high water line of the  
154 navigable waters within the state, the lease, contract of sale, or deed shall contain a provision  
155 that:

156 (a) the lands shall be open to the public for the purpose of hunting, trapping, or fishing  
157 during the lawful season, except as provided by Section 65A-2-5; and

158 (b) no charge may be made by the lessee, contractee, or grantee to any person who  
159 desires to go upon the land for the purpose of hunting, trapping, or fishing.

160 (3) Lands referred to in this section shall be regulated or closed to hunting, trapping, or  
161 fishing as provided in this title for other lands and waters.

162 (4) (a) Except as provided in Subsection (5), an individual age 18 years old or older  
163 may not enter a wildlife management area for any use unless the individual:

164 (i) holds a valid hunting, fishing, or combination license;

165 (ii) is permitted to engage in the use under a contract with, or other permission given  
166 by, the division;

167 (iii) is permitted to engage in the use or to access the land in accordance with a  
168 property right giving the individual the right to use or access land within the wildlife  
169 management area; or

170 (iv) is engaged in a use compatible with the local government plan and the wildlife  
171 management area.

172 (b) If the use engaged in by an individual described in Subsection (4)(a) would require  
173 a specific license, permit, cooperative agreement, or certificate of registration under this title if  
174 engaged in on other lands or waters, the individual shall hold the correct license, permit,  
175 cooperative agreement, or certificate of registration to engage in the use.

176 (5) (a) If an individual is expressly exempt under this title from a requirement to hold a  
177 license, permit, cooperative agreement, or certificate of registration to engage in hunting,  
178 trapping, or fishing if engaged in on other lands or waters, the individual is not required to hold  
179 a hunting, fishing, or combination license to enter a wildlife management area.

180 (b) Without obtaining a hunting, fishing, or combination license, a person may travel

181 on:

182 (i) a highway located within a wildlife management area; or

183 (ii) a regionally recognized motorized or nonmotorized trail.

184 (c) An individual may participate in an educational program or visit an education or  
185 visitor center located within a wildlife management area without obtaining a hunting, fishing,  
186 or combination license.

187 (6) (a) The Wildlife Board may make rules, in accordance with Title 63G, Chapter 3,  
188 Utah Administrative Rulemaking Act, to define for purposes of Subsection (5):

189 (i) what is meant to be "expressly exempt under this title from a requirement to hold a  
190 license, permit, cooperative agreement, or certificate of registration to engage in hunting,  
191 trapping, or fishing"; or

192 (ii) what constitutes an "educational program" or "education or visitor center."

193 (b) The Wildlife Board may not exempt an individual under Subsection (5)(a), on the  
194 basis that the individual is not engaged in hunting, trapping, or fishing within a wildlife  
195 management area.

196 Section 7. Section **23-21-7** is amended to read:

197 **23-21-7. Unlawful uses on division lands.**

198 (1) Except as authorized by statute, rule, contractual agreement, special use permit,  
199 certificate of registration, or public notice, a person may not on division land:

200 (a) remove, extract, use, consume, or destroy any improvement or cultural or historic  
201 resource;

202 (b) remove, extract, use, consume, or destroy any sand, gravel, cinder, ornamental rock,  
203 or other common mineral resource, or vegetation resource, except a person may collect for  
204 noncommercial uses up to 250 pounds per calendar year of common rock or gravel lying on the  
205 surface of the ground;

206 (c) allow livestock to graze;

207 (d) remove any plant or portion of a plant for commercial gain purposes;

208 (e) enter, use, or occupy division land that is posted against entry, use, or occupancy;

209 (f) enter, use, or occupy division land as part of a group of more than 25 people, except  
210 a group may include up to 50 persons if the group consists of extended family members;

211 (g) enter, use, or occupy division land while engaged in or part of an organized event;

212 (h) use, occupy, destroy, move, or construct any structure, including fences, water  
213 control devices, roads, survey and section markers, or signs;

214 (i) prohibit, prevent, or obstruct public entry on division lands when public entry is  
215 authorized by the division;

216 (j) attempt to manage or control division lands in a manner inconsistent with division  
217 management plans, rules, ~~[or] policies, or wildlife management area purposes;~~

218 (k) solicit, promote, negotiate, barter, sell, or trade any product or service on, or  
219 obtained from, division lands for commercial gain;

220 (l) park a motor vehicle or trailer or camp for more than 14 consecutive days unless the  
221 area is posted for a different duration;

222 (m) light a fire without taking adequate precaution to prevent spreading of the fire or  
223 leave a fire unattended;

224 (n) use fireworks, explosives, poisons, herbicides, insecticides, or pesticides;

225 (o) use motorized vehicles of any kind except as authorized by declaration,  
226 management plan, or posting; ~~[or]~~

227 (p) use division lands for any purpose that violates applicable land use restrictions  
228 imposed by statute, rule, or by the division~~[-];~~ or

229 (q) enter, use, or occupy division land in a wildlife management area in violation of  
230 Subsection 23-21-4(4).

231 (2) A person ~~[or entity which]~~ who unlawfully uses division lands is liable for damages  
232 in the amount of:

233 (a) the value of the resource removed, destroyed, or extracted;

234 (b) the amount of damage caused; and

235 (c) whichever is greater of:

236 (i) the value of any losses or expenses caused as a result of interference with authorized  
237 activities; or

238 (ii) the consideration which would have been charged by the division for use of the  
239 land during the period of trespass.

240 (3) This section does not apply to division employees or division volunteers while  
241 acting in the lawful performance of their duties.

242 (4) Except as otherwise provided by statute, the criminal penalty for a violation of any



243 provision of this section is prescribed in Section 23-13-11.