

HB0262S01 compared with HB0262

~~deleted text~~ shows text that was in HB0262 but was deleted in HB0262S01.

inserted text shows text that was not in HB0262 but was inserted into HB0262S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Casey Snider proposes the following substitute bill:

WILDLIFE MANAGEMENT AREA AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

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;

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- ▶ authorizes rulemaking;
- ▶ addresses unlawful uses;~~{~~
→ ~~addresses unlawful road closures;~~ and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

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

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

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

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

~~{~~ ~~**72-5-118**, as enacted by Laws of Utah 2019, Chapter 295~~

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

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

23-21-.5. Definitions.

As used in this chapter:

(1) "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 and includes what is commonly referred to as a "master plan."

(2) "Highway" means the same as that term is defined in Section ~~{41-6a-102}~~ 72-1-102.

~~{(2)}~~ (3) "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 of Wildlife Resources are to be used.

~~{(3)}~~ (4) "Regional advisory council" means a council created pursuant to Section

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23-14-2.6.

~~[(4)]~~ (5) "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.

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

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

23-21-2.1. Purposes of wildlife management areas -- Management plans.

(1) The purposes of a wildlife management area are one or more of the following:

- (a) to protect and enhance wildlife within the wildlife management area;
- (b) to provide the public the opportunity to hunt, trap, or fish; and
- (c) to conserve, protect, and enhance wildlife habitat.

~~[(1)]~~ (2) (a) The division shall prepare a management plan for each wildlife management area. The division shall ensure that the management plan is consistent with wildlife management area purposes.

(b) Upon adoption of a management plan by the division director, the lands shall be managed in accordance with the management plan.

~~[(2)]~~ (3) Each management plan shall include:

- (a) a statement of the proposed or anticipated uses;
 - (b) a description of any 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.

(4) The division may not approve a use of a wildlife management area that would interfere with the wildlife management area purposes unless:

- (a) required by law;

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(b) the use is allowed by a valid property right; or

(c) the director determines that the impacts caused by the use to the following are fully mitigated:

(i) wildlife;

(ii) wildlife habitat; and

(iii) the public opportunity to hunt, trap, or fish.

Section 3. Section **23-21-2.2** is amended to read:

23-21-2.2. Preparation of management plans -- Participation by interested persons and local and tribal governments -- Compatibility with wildlife management area purposes, local government plans, and existing rights.

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

(2) Those persons may include:

(a) persons who use, or may use, the land 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[~~;~~]; and

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

(5) (a) If the land 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.

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

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

(1) The division shall submit the 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 the 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 any wildlife region that may be affected by the management plan.

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

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

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

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

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

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

(1) If a management plan has not been adopted by the division director for a tract of land owned by the division, the division may not change any 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 any 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 and wildlife management area purposes. ~~††~~ If there is a conflict between a local government general ~~{plans}~~ ~~plan~~ or land use ~~{ordinances}~~ ~~ordinance~~ and the wildlife

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management area purposes, the ~~{wildlife management area purposes govern}~~division shall work in consultation with the applicable local government legislative body to determine if the use of the division-owned land is consistent with the historic local use of the land to ensure proper management of wildlife.

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

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

(1) Except as provided in Section 65A-2-5, there is reserved to the public the right of access to all 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 any department or agency of the state leases or sells any lands belonging to the state of Utah 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) no charge may be made by the lessee, contractee, or grantee to any 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) (a) Except as provided in Subsection (5), an individual age 18 years old or older may not enter a wildlife management area for any use unless the individual:

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

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

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

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

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

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

(b) ~~{An individual may travel on a highway located within a wildlife management area without}~~ Without obtaining a hunting, fishing, or combination license, a person may travel on:

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

(ii) a regionally recognized motorized or nonmotorized trail.

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

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

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

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

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

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

23-21-7. Unlawful uses 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 any improvement or cultural or historic resource;

(b) remove, extract, use, consume, or destroy any sand, gravel, cinder, ornamental rock,

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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 any 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 any structure, including fences, water control devices, roads, survey and section markers, or signs;
- (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, or wildlife management area purposes;
- (k) solicit, promote, negotiate, barter, sell, or trade any 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, explosives, poisons, herbicides, insecticides, or pesticides;
- (o) use motorized vehicles of any kind except as authorized by declaration, management plan, or posting; ~~[or]~~
- (p) use division lands for any purpose that violates applicable land use restrictions imposed by statute, rule, or by the division~~[-]; or~~
- (q) enter, use, or occupy division land in a wildlife management area in violation of Subsection 23-21-4(4).

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

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

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(b) the amount of damage caused; and

(c) whichever is greater of:

(i) the value of any 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 their duties.

(4) Except as otherwise provided by statute, the criminal penalty for a violation of any provision of this section is prescribed in Section 23-13-11.

~~{ Section 8. Section 72-5-118 is amended to read:~~

~~72-5-118. Unlawful road closures.~~

~~(1) Except as provided in Sections 72-1-212, 72-5-105, 72-6-114, and 72-7-103, an individual who knowingly places or authorizes the placement of a temporary or permanent barricade on a class A, B, C, or D road, an R.S. 2477 right-of-way, or a portion of a class A, B, C, or D road or R.S. 2477 right-of-way to permanently or temporarily close the road or R.S. 2477 right-of-way to vehicular traffic is guilty of a class C misdemeanor.~~

~~(2) This section does not apply to a road closure:~~

~~(a) by firefighters or peace officers responding to an emergency;~~

~~(b) that may result from a permanent or temporary closure of a public or private railroad crossing; [or]~~

~~(c) on an R.S. 2477 right-of-way across private land if a perpetual public right-of-way has not been granted through a settlement or court order[.]; or~~

~~(d) by the Division of Wildlife Resources on an R.S. 2477 right-of-way across a wildlife management area or a class B or D road across a wildlife management area if a perpetual public right-of-way has not been granted by agreement or court order to:~~

~~(i) the county where the R.S. 2477 right-of-way or road is situated; or~~

~~(ii) the state.~~

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