

Representative Scott H. Chew proposes the following substitute bill:

TRANSPLANT OF WILDLIFE AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Scott H. Chew

Senate Sponsor: David P. Hinkins

LONG TITLE

General Description:

This bill addresses requirements related to the transplant of animals.

Highlighted Provisions:

This bill:

- ▶ clarifies the procedures for the transplant of animals;
- ▶ 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



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

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

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

35 ~~[(b)]~~ (ii) a species management plan, such as a deer or elk management plan adopted
36 under Section **23-16-7** or a recovery plan for a threatened or endangered species, provided that:

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

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

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

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

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

46 (2) The division shall:

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

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

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

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

53 (ii) the Resource Development Coordinating Committee created in Section
54 **63L-11-401**.

55 (3) After receiving comments from local government officials and the Resource
56 Development Coordinating Committee, the division shall submit the list of proposed transplant

57 sites, or a revised list, to regional advisory councils for regions that may be affected by the
58 transplants of species.

59 (4) ~~[Each]~~ A regional advisory council reviewing a list of proposed sites for the
60 transplant of species may submit recommendations to the Wildlife Board.

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

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

65 (7) Before reintroducing a big animal to a new area under this section, the Wildlife
66 Board shall approve a mitigation plan that complies with Section [23-14-21.5](#).

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

68 **23-14-21.5. Mitigation plan related to big game reintroduction.**

69 (1) Before reintroducing a big game animal to a new area in accordance with Section
70 [23-14-21](#), the Wildlife Board shall approve a mitigation plan for the area into which the animal
71 is being transplanted.

72 (2) (a) A mitigation plan described in this section shall:

73 (i) identify the objectives of the reintroduction of an animal;

74 (ii) provide conditions for issuing a permit to the landowner or lessee to take a big
75 game animal, that is causing depredation, during a general or special season hunt authorized by
76 the Wildlife Board; and

77 (iii) describe conditions for removal of a transplanted animal if:

78 (A) transplant objectives identified in the mitigation plan are not met; or

79 (B) property damage occurs.

80 (b) A mitigation plan described in this section may provide for:

81 (i) the scheduling of a depredation hunt;

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

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

87 (3) The division shall specify the number and sex of the big game animals that may be

88 taken under Subsection (2)(a) or (2)(b)(ii).

89 (4) The division shall determine the number of animals taken under Subsection (2)(a)
90 of which the landowner or lessee may retain possession.

91 (5) In determining appropriate remedial action under a mitigation plan described in this
92 section, the division shall consider the:

93 (a) extent of damage experienced;

94 (b) use of landowner permits;

95 (c) use of mitigation permits; and

96 (d) objectives for the wildlife population.