

HB0447S02 compared with HB0447

~~deleted text~~ shows text that was in HB0447 but was deleted in HB0447S02.

inserted text shows text that was not in HB0447 but was inserted into HB0447S02.

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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

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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:

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

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

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

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

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

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

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

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

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

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

(2) The division shall:

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

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

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

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

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

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

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

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

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

(7) ~~Before {transplanting an} reintroducing a big game animal to a new area under this section, {the division shall propose, and} the Wildlife Board shall approve {,} a mitigation plan that complies with Section 23-14-21.5.~~

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

23-14-21.5. Mitigation plan related to ~~{transplants}~~ big game reintroduction.

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

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

~~(i) identify the objectives of the {transplant} reintroduction of an animal;~~

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

~~(iii) {allow} describe conditions for removal of a transplanted animal if:~~

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

~~(B) property damage occurs.~~

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

(i) the scheduling of a depredation hunt;

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

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

(3) The division shall specify the number and sex of the big game animals that may be taken under Subsection (2)(a) or (2)(b)(ii).

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

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

(a) extent of damage experienced;

(b) use of landowner permits; ~~and~~

(c) use of mitigation permits; ~~and~~ and

(d) objectives for the wildlife population.