

1 **WILDLIFE MODIFICATIONS**

2 2021 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Casey Snider**

5 Senate Sponsor: Derrin R. Owens

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7 **LONG TITLE**

8 **General Description:**

9 This bill enacts provisions related to the hunting of waterfowl and other wildlife.

10 **Highlighted Provisions:**

11 This bill:

- 12 ▶ defines terms;
- 13 ▶ authorizes and instructs the Wildlife Board to make rules governing the use of trail
- 14 cameras;
- 15 ▶ prohibits big game baiting;
- 16 ▶ prohibits the construction of permanent blinds or other structures used for hunting
- 17 within a waterfowl management area;
- 18 ▶ prohibits commercial hunting guides from transporting individuals across a
- 19 waterfowl management area; and
- 20 ▶ authorizes and instructs the Wildlife Board to make rules regarding the creation and
- 21 management of waterfowl management areas.

22 **Money Appropriated in this Bill:**

23 None

24 **Other Special Clauses:**

25 None

26 **Utah Code Sections Affected:**

27 AMENDS:

28 **23-13-18**, as enacted by Laws of Utah 2008, Chapter 34

29 ENACTS:

- 30           **23-16-11**, Utah Code Annotated 1953
  - 31           **23-32-101**, Utah Code Annotated 1953
  - 32           **23-32-102**, Utah Code Annotated 1953
  - 33           **23-32-103**, Utah Code Annotated 1953
  - 34           **23-32-104**, Utah Code Annotated 1953
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36 *Be it enacted by the Legislature of the state of Utah:*

37           Section 1. Section **23-13-18** is amended to read:

38           **23-13-18. Use of a computer or other device to remotely hunt wildlife prohibited**  
39 **-- Trail cameras.**

40           (1) A person may not use a computer or other device to remotely control the aiming  
41 and discharge of a firearm or other weapon for hunting an animal.

42           (2) A person who violates Subsection (1) is guilty of a class A misdemeanor.

43           (3) (a) As used in this Subsection (3), "trail camera" means a device that is not held or  
44 manually operated by a person and is used to capture images, video, or location data of wildlife  
45 using heat or motion to trigger the device.

46           (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
47 Wildlife Board shall make rules regulating the use of trail cameras.

48           (c) The division shall provide an annual report to the Natural Resources, Agriculture,  
49 and Environment Interim Committee regarding rules made or changed in accordance with this  
50 Subsection (3).

51           Section 2. Section **23-16-11** is enacted to read:

52           **23-16-11. Big game baiting prohibited.**

53           (1) As used in this section:

54           (a) (i) "Bait" means intentionally placing food or nutrient substances to manipulate the  
55 behavior of wildlife for the purpose of taking or attempting to take big game.

56           (ii) "Bait" does not include:

57           (A) the use of salt, mineral blocks, or other commonly used types of livestock

58 supplements placed in the field by agricultural producers for normal agricultural purposes; or

59 (B) standing crops, natural vegetation, harvested croplands, or lands or areas where  
60 seeds or grains have been scattered solely as the result of a normal agricultural planting,  
61 harvesting, post-harvest manipulation, or normal soil stabilization practice.

62 (b) "Baited area" means all land within a 50-yard radius of the site where bait is placed,  
63 including the site where bait is placed.

64 (2) Unless authorized by a certificate of registration, it is unlawful to:

65 (a) bait big game;

66 (b) take big game in a baited area; or

67 (c) take big game that has been lured to or is traveling from a baited area.

68 (3) The division may only issue a certificate of registration to allow for the baiting of  
69 big game if the division determines that baiting is necessary to alleviate substantial big game  
70 depredation on cultivated crops or to facilitate the removal of deer causing property damage  
71 within cities or towns.

72 Section 3. Section **23-32-101** is enacted to read:

73 **CHAPTER 32. WATERFOWL MANAGEMENT AREAS ACT**

74 **23-32-101. Title.**

75 This chapter is known as the "Waterfowl Management Areas Act."

76 Section 4. Section **23-32-102** is enacted to read:

77 **23-32-102. Definitions.**

78 (1) The definitions in Section [58-79-102](#) apply to this chapter.

79 (2) (a) As used in this chapter, "waterfowl management area" means real property  
80 owned or managed by the Division of Wildlife Resources that is:

81 (i) primarily used for the conservation, production, or recreational harvest of ducks,  
82 mergansers, geese, brant, swans, and other waterfowl; and

83 (ii) designated as a waterfowl management area by the Wildlife Board in accordance  
84 with Section [23-32-104](#).

85 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management

86 Area and the Harold Crane Waterfowl Management Area described in Section 23-21-5.

87 Section 5. Section 23-32-103 is enacted to read:

88 **23-32-103. Prohibited Activities.**

89 (1) A commercial hunting guide or outfitter may not use a waterfowl management area  
90 for any of the following, unless the commercial hunting guide or outfitter has an annual permit,  
91 issued by the Wildlife Board pursuant to this chapter, for the use:

92 (a) hunting guide services or outfitter services; or

93 (b) transportation of an individual to another area for the purpose of providing hunting  
94 guide services or outfitter services.

95 (2) An individual may not construct a permanent blind or other permanent structure  
96 that is used for hunting within the boundaries of a waterfowl management area.

97 Section 6. Section 23-32-104 is enacted to read:

98 **23-32-104. Rulemaking -- Notice.**

99 (1) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
100 Wildlife Board shall make rules:

101 (a) designating and establishing the boundaries of a waterfowl management area;

102 (b) governing the management and use of a waterfowl management area in accordance  
103 with the provisions of this chapter; and

104 (c) to create an annual permit process by which commercial hunting guides and  
105 outfitters may use waterfowl management areas in accordance with the provisions of this  
106 chapter.

107 (2) The annual permit process described in Subsection (1)(c) shall:

108 (a) preserve the opportunity for non-guided hunters to use waterfowl management  
109 areas; and

110 (b) require a permit holder to comply with safety standards established by the Wildlife  
111 Board.

112 (3) The division shall provide an annual report to the Natural Resources, Agriculture,  
113 and Environment Interim Committee regarding any rules made or changed in accordance with

114 this chapter.

115           (4) The Wildlife Board shall publish a map of the boundaries of each waterfowl  
116 management area.

117           (5) Nothing in this chapter modifies or limits:

118           (a) the provisions of Section [23-21-5](#), or the discretion of the division to manage  
119 waterfowl management areas for other beneficial purposes, including for the benefit of the  
120 public, shorebirds, waterfowl, and other protected wildlife; or

121           (b) the authority of the division, the director of the division, or the Wildlife Board  
122 under Title 23, Chapter 21, Lands and Waters for Wildlife Purposes.