

**WILDLIFE MODIFICATIONS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

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

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**LONG TITLE**

**General Description:**

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

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ prohibits the use of trail cameras at certain times and with certain exceptions;
- ▶ prohibits big game baiting;
- ▶ prohibits the construction of permanent blinds or other structures used for hunting within a waterfowl management area;
- ▶ prohibits commercial hunting guides from transporting individuals across a waterfowl management area; and
- ▶ authorizes the Wildlife Board to make rules regarding the creation and management of waterfowl management areas.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

ENACTS:

**23-13-20**, Utah Code Annotated 1953

**23-16-11**, Utah Code Annotated 1953



- 29            **23-32-101**, Utah Code Annotated 1953
- 30            **23-32-102**, Utah Code Annotated 1953
- 31            **23-32-103**, Utah Code Annotated 1953
- 32            **23-32-104**, Utah Code Annotated 1953

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

35            Section 1. Section **23-13-20** is enacted to read:

36            **23-13-20. Trail cameras.**

37            (1) As used in this section, "trail camera" means a device that is not held or manually  
38 operated by a person and is used to capture images, video, or location data of wildlife using heat  
39 or motion to trigger the device.

40            (2) Except as provided in Subsection (3), it is unlawful for a person to place, maintain,  
41 or use a trail camera or similar device:

42            (a) at any time during the period beginning August 1 and ending December 31 of each  
43 year;

44            (b) at any time during the period beginning July 1 and ending December 31 of each year  
45 if the trail camera or similar device wirelessly transmits or is capable of wirelessly transmitting  
46 images, videos, or location data of wildlife; or

47            (c) at any time, if the placement, maintenance, or use of the trail camera or similar  
48 device prevents wildlife from accessing, or alters the manner in which wildlife accesses, a  
49 spring, water source, or artificial basin that collects water or is designed and constructed to  
50 collect water.

51            (3) Subsection (2) does not apply to:

52            (a) a person who is acting within the scope of the person's official duties if:

53            (i) the person is an employee or authorized agent of the state, a political subdivision of  
54 the state, or the federal government; and

55            (ii) the person clearly marks each trail camera or similar device to indicate ownership;

56            (b) a person who places, maintains, or uses a trail camera or similar device with the  
57 division's approval; or

58            (c) a person who places, maintains, or uses a trail camera on private property with the  
59 landowner's permission.

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

61 **23-16-11. Big game baiting prohibited.**

62 (1) As used in this section:

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

65 (ii) "Bait" does not include:

66 (A) the use of a chemical as an attractant or mask; or

67 (B) the use of salt, mineral blocks, or other commonly used types of livestock substances  
68 for normal agricultural purposes.

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

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

72 (a) bait big game between August 1 and January 31 of each year;

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

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

75 (3) The division may issue a certificate of registration to allow for the baiting of big  
76 game if the division determines that baiting is necessary to alleviate substantial big game  
77 depredation on cultivated crops.

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

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

80 **23-32-101. Title.**

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

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

83 **23-32-102. Definitions.**

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

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

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

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

91 (b) "Waterfowl management area" includes the Willard Spur Waterfowl Management  
92 Area and the Harold Crane Waterfowl Management Area described in Section [23-21-5](#).

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

94 **23-32-103. Prohibited Activities.**

95 (1) A waterfowl management area may not be used by a commercial hunting guide or  
96 outfitter for:

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

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

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

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

103 **23-32-104. Rulemaking -- Notice.**

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

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

107 (b) governing the management and use of a waterfowl management area in accordance  
108 with the provisions of this chapter.

109 (2) The Wildlife Board shall publish a map of the boundaries of each waterfowl  
110 management area.