

Representative Casey Snider proposes the following substitute bill:

WILDLIFE MODIFICATIONS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Casey Snider

Senate Sponsor: _____

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 on public land at certain times, with specific exceptions;
- ▶ authorizes and instructs the Wildlife Board to make rules governing the use of trail cameras;
- ▶ prohibits big game baiting $\hat{H} \rightarrow$ **under certain circumstances** $\leftarrow \hat{H}$;
- ▶ 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 and instructs the Wildlife Board to make rules regarding the creation and management of waterfowl management areas.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **23-13-18**, as enacted by Laws of Utah 2008, Chapter 34

31 ENACTS:

32 **23-16-11**, Utah Code Annotated 1953

33 **23-32-101**, Utah Code Annotated 1953

34 **23-32-102**, Utah Code Annotated 1953

35 **23-32-103**, Utah Code Annotated 1953

36 **23-32-104**, Utah Code Annotated 1953



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

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

40 **23-13-18. Use of a computer or other device to remotely hunt wildlife prohibited**

41 **-- Trail cameras.**

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

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

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

48 (b) Except as provided in Subsection (3)(c), it is unlawful for a person to place,
49 maintain, or use a trail camera or similar device on public land at any time during the period
50 beginning August 1 and ending December 31 of each year.

51 (c) Subsection (3)(b) does not apply to:

52 (i) a person who places, maintains, or uses a trail camera on the person's private
53 property or on private property with the landowner's permission; or

54 (ii) an individual who is acting within the scope of the individual's official duties if:

55 (A) the individual is an employee or authorized agent of the state, a political
56 subdivision of the state, the federal government, an institution of higher education as that term

57 is defined in Section 76-8-701, or a foreign nonprofit corporation or domestic nonprofit
58 corporation as those terms are defined in Section 16-6a-102; and

59 (B) the individual clearly marks each trail camera or similar device to indicate
60 ownership.

61 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
62 Wildlife Board shall make rules to create a system or process to facilitate the enforcement of
63 this Subsection (3).

64 (e) The division shall provide an annual report to the Natural Resources, Agriculture,
65 and Environment Interim Committee regarding any rules made or changed in accordance with
66 this Subsection (3).

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

68 **23-16-11. Big game baiting prohibited.**

69 (1) As used in this section:

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

72 (ii) "Bait" does not include:

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

74 (B) the use of salt, mineral blocks, or other commonly used types of livestock
75 substances for normal agricultural purposes; or

76 (C) standing crops, flooded standing crops or aquatics, natural vegetation, flooded
77 harvested croplands, or lands or areas where seeds or grains have been scattered solely as the
78 result of a normal agricultural planting, harvesting, post-harvest manipulation, or normal soil
79 stabilization practice.

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

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

83 (a) bait big game between August 1 and December 31 of each year;

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

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

86 (3) The division may issue a certificate of registration to allow for the baiting of big
87 game if the division determines that baiting is necessary to alleviate substantial big game

88 depredation on cultivated crops.

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

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

91 **23-32-101. Title.**

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

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

94 **23-32-102. Definitions.**

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

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

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

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

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

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

105 **23-32-103. Prohibited Activities.**

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

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

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

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

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

115 **23-32-104. Rulemaking -- Notice.**

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

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

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

121 (c) to create a permit process by which commercial hunting guides and outfitters may
122 use waterfowl management areas in accordance with the provisions of this chapter.

123 (2) The division shall provide an annual report to the Natural Resources, Agriculture,
124 and Environment Interim Committee regarding any rules made or changed in accordance with
125 this chapter.

126 (3) The Wildlife Board shall publish a map of the boundaries of each waterfowl
127 management area.

128 (4) Nothing in this chapter modifies or limits:

129 (a) the provisions of Section 23-21-5, or the discretion of the division to manage
130 waterfowl management areas for other beneficial purposes, including for the benefit of the
131 public, shorebirds, waterfowl, and other protected wildlife; or

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