

RAC AGENDA – September 2023



1. Welcome, RAC Introductions and RAC Procedure
- RAC Chair
2. Approval of Agenda and Minutes
- RAC Chair
3. Wildlife Board Meeting Update
- RAC Chair **INFORMATIONAL**
4. Regional Update
- DWR Regional Supervisor **INFORMATIONAL**
5. 2024 Fishing Recommendations
- Randy Oplinger, Sportfish Coordinator **ACTION**
6. Private Pond Rule Amendments
- Randy Oplinger, Sportfish Coordinator **ACTION**

Regional Presentations Only

Big Sand Wash Reservoir Fisheries Management Plan – NER Only **INFORMATIONAL**
– Trina Hedrick, NER Aquatics Manager

Flaming Gorge Fisheries Update – NER Only **INFORMATIONAL**
– Trina Hedrick, NER Aquatics Manager

Presentations can be viewed at <https://wildlife.utah.gov/feedback.html>
Public Comment can be provided by clicking the link under the presentation.

CR RAC – August 29th, 6:00 PM
Wildlife Resource Conference Room
1115 N. Main Street, Springville
<https://youtube.com/live/Rlgw-lkv8mo>

SER RAC – September 6th, 6:00 PM
John Wesley Powell Museum
1765 E. Main St., Green River
https://youtube.com/live/FsqY_KAQTBU

NR RAC – August 30th, 6:00 PM
Weber County Commission Chambers
2380 Washington Blvd. #240, Ogden
<https://youtube.com/live/4d79V5eoul0>

NER RAC – September 7th, 6:00 PM
Wildlife Resources Conference Rm
318 North Vernal Ave, Vernal
<https://youtube.com/live/Un7-TT7IGfg>

SR RAC – September 5th, 6:00 PM
DNR Richfield City Complex
2031 Industrial Park Rd., Richfield
<https://youtube.com/live/Gxw3Laum8Z0>

Board Meeting – September 21st, 9:00 AM
Eccles Wildlife Education Center
1157 S. Waterfowl Way, Farmington
<https://youtube.com/live/0nnGmMWGNwE>



SPENCER J. COX
Governor

DIEDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

MEMORANDUM

TO: Regional Advisory Council Members and Wildlife Board

FROM: Randy Oplinger, Sport Fisheries Program Coordinator, and
Craig Walker, Assistant Fisheries Chief, Sport Fisheries Program

DATE: August 18, 2022

SUBJECT: 2024-2025 Fishing Regulation Proposals and Changes to Admin. Rule R657-59

The UDWR is recommending changes to both the 2024 Utah Fishing Guidebook and Admin. Rule R657-59. The following changes are proposed:

2024 Fishing Guidebook (all page numbers reference the location of a proposed regulation change within the 2023 Utah Fishing Guidebook)

Statewide:

- ADD Utah chub to list of species that can be underwater spearfished at all waters open to angling, during their open seasons on page 15 of the current Guidebook
- MODIFY the definition of spearfishing on page 72 of the current Guidebook to say “Spearfishing (underwater) means fishing by a person swimming, snorkeling or SCUBA diving and using a mechanical device held in hand, which uses a rubber band, spring, pneumatic power, or other device to propel a pointed shaft to take fish from under the surface of the water.” The only change is the addition of the word “SCUBA”.

Central Region:

- ADD “Jordan River, for northern pike only (Salt Lake and Utah Counties)” to the list of waters that can be underwater spearfished from Jan. 1 through Dec. 31 annually on page 15 of the current Guidebook
- ADD “Utah Lake, for northern pike and white bass only (Utah County)” to the list of waters that can be underwater spearfished from Jan. 1 through Dec. 31 annually on page 15 of the current Guidebook
- ADD “Utah Lake tributaries, including but not limited to the following tributaries, west of I-15: American Fork Creek, Beer Creek, Dry Creek, Hobble Creek, Spanish Fork River, Spring Creek and Spring Run Creek, for northern pike only (Utah County). Spearfishing is not permitted on the Provo River or Provo River Delta” to the list of waters that can be underwater spearfished from Jan. 1 through Dec. 31 annually on page 15 of the current Guidebook

- REMOVE “CLOSED to spearfishing” from Jordanelle Reservoir on page 32 of the current Guidebook

Southern Region:

- ADD “Quail Creek Reservoir”, for smallmouth bass only (Washington County)” to the list of waters that can be underwater spearfished from Jan. 1 through Dec. 31 annually on page 15 of the current Guidebook

Admin. Rule R657-59

The UDWR is proposing major revisions to Admin. Rule R657-59. The proposed changes to the rule are as follows:

- The UDWR is proposing to split the rule into five subsections R657-59a through R657-59e. These subsections would focus on private fish ponds (R657-59a), short-term fishing events (R657-59b), hobby aquaponics facilities (R657-59c), institutional aquaculture (R657-59d), and the stocking of privately purchased fish into natural lakes, reservoirs, and streams that flow through private property (R657-59e). Currently, the rule combines these five uses of privately purchased fish into a single rule. The proposed splitting of the rule into five subsections simplifies the rule by allowing the public to focus on the subsection that describes their intended use of fish. This makes the rule shorter and easier for the public to interpret. Note, no redline document is provided because the proposed splitting of the rule into five subparts makes redline changes difficult to interpret.
- The current rule allows sterile salmonid species to be stocked into screened, off-channel ponds, outside the Virgin River drainage without a certificate of registration (COR). The UDWR is proposing to broaden the list of species that can be stocked into screened, off-channel ponds without a COR to include sterile salmonids, tiger muskie, wiper, triploid bluegill, triploid black crappie, and triploid yellow perch.
- Stocking opportunities within the Virgin River drainage are currently limited. The UDWR is currently working with the Virgin River Recovery program to increase the number of species that are allowed in that drainage. The UDWR has not developed a specific species list yet but intends on proposing a specific species list by the September 21, 2023 Wildlife Board meeting.
- REMOVE the option of raising golden shiner in hobby aquaponics facilities without a COR (still have option of raising them if a COR is obtained).
- ADD the option of raising white sturgeon without a COR in hobby aquaponics facilities, provided the other criteria for raising fish without a COR, as specified in the rule are met.
- ADD the requirement that private fish producers provide their customers a letter issued by the DWR certifying that the fish that are purchased meet the triploid testing requirements described in the rule (no changes to the testing requirements are proposed).
- ADD language from Title 23A-5-3-305 that states that the illegal release of fish is a class A misdemeanor. This language is added to increase the enforceability of the rule.

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-1. Purpose and Authority.

(1) Under authority of Sections ~~[23-14-18]~~[\[23A-2-305\]](#) and ~~[23-14-19]~~[\[23A-2-304\]](#), the Wildlife Board has established this rule for taking fish and crayfish.

(2) Specific dates, areas, methods of take, requirements and other administrative details which may change annually and are pertinent are published in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-2. Definitions.

(1) Terms used in this rule are defined in Section ~~[23-13-2]~~[\[23A-1-101\]](#).

(2) In addition:

(a) "Aggregate" means the combined total of two or more species of fish or two or more size classes of fish which are covered by a limit distinction.

(b) "Angling" means fishing with a rod, pole, tipup, handline, or trollboard that has a single line with legal hooks, baits, or lures attached to it, and is held in the hands of, or within sight (not to exceed 100 feet) of, the person fishing.

(c)(i) "Artificial fly" means a fly made by the method known as fly tying.

(ii) "Artificial fly" does not mean a weighted jig, lure, spinner, attractor blade, or bait.

(d) "Artificial lure" means a device made of rubber, wood, metal, glass, fiber, feathers, hair, or plastic with a hook or hooks attached. Artificial lures, including artificial flies, do not include fish eggs or other chemically treated or processed natural baits or any natural or human-made food, or any lures that have been treated with a natural or artificial fish attractant or feeding stimulant.

(e) "Daily limit" means the maximum limit, in number or amount, of protected aquatic wildlife that one person may legally take during one day.

(f) "Bait" means a digestible substance, including corn, worms, cheese, salmon eggs, marshmallows, or manufactured baits including human-made items that are chemically treated with food stuffs, chemical fish attractants or feeding stimulants.

(g) "Camp" means, for the purposes of this rule, any place providing temporary overnight accommodation for anglers including a camper, campground, tent, trailer, cabin, houseboat, boat, or hotel.

(h) "Chumming" means dislodging or depositing in the water any substance not attached to a hook, line, or trap, which may attract fish.

(i) "Commercially prepared and chemically treated baitfish" means any fish species or fish parts which have been processed using a chemical or physical preservation technique other than freezing including irradiation, salting, cooking, or oiling and are marketed, sold or traded for financial gain as bait.

(j) "Dipnet" means a small bag net with a handle that is used to scoop fish or crayfish from the water.

(k) "Filleting" means the processing of fish for human consumption typically done by cutting away flesh from bones, skin, and body.

(l) "Fishing contest" means any organized event or gathering where anglers are awarded prizes, points or money for their catch.

(m) "Float tube" means an inflatable floating device less than 48 inches in any dimension, capable of supporting one person.

(n) "Free Shafting" means to release a pointed shaft that is not tethered or attached by physical means to the diver in an attempt to take fish while engaged in underwater spearfishing.

(o) "Gaff" means a spear or hook, with or without a handle, used for holding or lifting fish.

(p) "Game fish" means Bonneville cisco; bluegill; bullhead; channel catfish; crappie; green sunfish; largemouth bass; northern pike; Sacramento perch; smallmouth bass; striped bass, trout (rainbow, albino, cutthroat, brown, golden, brook, lake/mackinaw, kokanee salmon, and grayling or any hybrid of the foregoing); tiger muskellunge; walleye; white bass; whitefish; wiper; and yellow perch.

(q) "Handline" means a piece of line held in the hand and not attached to a pole used for taking fish or crayfish.

(r) "Immediately Released" means that the fish should be quickly unhooked and released back into the water where caught. Fish that must be immediately released cannot be held on a stringer, or in a live well or any other container or restraining device.

(s) "Lake" means the standing water level existing at any time within a lake basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the lake.

(t) "Length measurement" means the greatest length between the tip of the head or snout and the tip of the caudal (tail) fin when the fin rays are squeezed together. Measurement is taken in a straight line and not over the curve of the body.

(u) "Liftnet" means a small net that is drawn vertically through the water column to take fish or crayfish.

(v) "Motor" means an electric or internal combustion engine.

(w) "Nongame fish" means species of fish not listed as game fish.

(x) "Permanent residence" means, for the purposes of this rule only, the domicile an individual claims pursuant to Utah Code 23-13-2(13).

(y) "Possession limit" means, for purposes of this rule only, two daily limits, including fish in a cooler, camper, tent, freezer, livewell or any other place of storage, excluding fish stored in an individual's permanent residence.

(z) "Protected aquatic wildlife" means, for purposes of this rule only, all species of fish, crustaceans, or amphibians.

- (aa) "Reservoir" means the standing water level existing at any time within a reservoir basin. Unless posted otherwise, a stream flowing inside or within the high water mark is not considered part of the reservoir.
- (bb) "Seine" means a small mesh net with a weighted line on the bottom and float line on the top that is drawn through the water. This type of net is used to enclose fish when its ends are brought together.
- (cc) "Setline" means a line anchored to a non-moving object and not attached to a fishing pole.
- (dd) "Single hook" means a hook or multiple hooks having a common shank.
- (ee) "Snagging" or "gaffing" means to take a fish in a manner that the fish does not take the hook voluntarily into its mouth.
- (ff) "Spear" means a long-shafted, sharply pointed, hand held instrument with or without barbs used to spear fish from above the surface of the water.
- (gg) "Tributary" means a stream flowing into a larger stream, lake, or reservoir.
- (hh)(i) "Trout" means species of the family Salmonidae, including rainbow, albino, cutthroat, brown, golden, brook, tiger, lake (mackinaw), splake, kokanee salmon, and grayling or any hybrid of the foregoing.
- (ii) "Trout" does not include whitefish or Bonneville cisco.
- (ii) "Underwater spearfishing" means fishing by a person swimming, snorkeling, or [SCUBA](#) diving and using a mechanical device held in the hand, which uses a rubber band, spring, pneumatic power, or other device to propel a pointed shaft to take fish from under the surface of the water.

R657-13-9. Underwater Spearfishing.

- (1) A person possessing a valid Utah fishing or combination license may engage in underwater spearfishing, only as provided in this section.
- (2) The following waters are open to underwater spearfishing from January 1 through December 31 for all species of game fish, unless specified otherwise by individual water:
 - (a) Big Sand Wash Reservoir (Duchesne County);
 - (b) Brown's Draw Reservoir (Duchesne County);
 - (c) Causey Reservoir (Weber County);
 - (d) Deer Creek Reservoir (Wasatch County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (e) East Canyon Reservoir (Morgan County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (f) Echo Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (g) Electric Lake (Emery County);
 - (h) Fish Lake (Sevier County), except underwater spearfishing for any game fish is closed from September 10 to the first Saturday in June the following year;
 - (i) Flaming Gorge Reservoir (Daggett County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (j) Grantsville Reservoir (Tooele County);
 - (k) [Jordan River, for northern pike only \(Salt Lake and Utah counties\)](#);
 - (l) Lake Powell (Garfield, Kane and San Juan Counties), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (~~m~~) Newcastle Reservoir (Iron County), except underwater spearfishing is closed for all species of game fish other than wipers and rainbow trout;
 - (~~n~~) Pineview Reservoir (Weber County), except underwater spearfishing is closed for:
 - (i) largemouth and small mouth bass from April 1 through the fourth Saturday in June; and
 - (ii) tiger musky year round.
 - (~~o~~) Porcupine Reservoir (Cache County);
 - (~~p~~) [Recapture Quail Creek Reservoir](#) (~~San Juan~~), [for smallmouth bass only \(Washington County\)](#);
 - (~~q~~) [Red Fleet Recapture Reservoir](#) (~~Uintah~~) [San Juan County](#));
 - (~~r~~) [Red Fleet Reservoir \(Uintah County\)](#);
 - (s) Rockport Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (~~t~~) Sand Lake (Uintah County);
 - (~~u~~) Smith-Moorehouse [Reservoir \(Summit County\)](#);
 - (~~v~~) [Starvation Reservoir](#) (~~Duchesne~~) [Summit County](#)) [~~except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June~~];
 - (~~w~~) [Steinaker Starvation Reservoir](#) (~~Uintah~~) [Duchesne County](#)), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
 - (~~x~~)
 - (w) [Steinaker Reservoir \(Uintah County\), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June](#);

- (x) Utah Lake, for northern pike and white bass only (Utah County);
(y) Utah Lake tributaries, including but not limited to the following tributaries, west of I-15: American Fork, Creek, Beer Creek, Dry Creek, Hobble Creek, Spanish Fork River, Spring Creek and Spring Run Creek, for northern pike only (Utah County). Spearfishing is not permitted on the Provo River or Provo River Delta;
(z) Willard Bay Reservoir (Box Elder County); and
([w]aa) Yuba Reservoir (Juab and Sanpete Counties).
- (3) Nongame fish, excluding prohibited species listed in Section R657-13-13, may be taken by underwater spearfishing:
- (a) in the waters listed in Subsection (2) and at Blue Lake (Tooele County) for tilapia and pacu only; and
 - (b) during the open angling season set for a given body of water.
- (4) The waters listed in Subsections (2) and (3)(a) are the only waters open to underwater spearfishing for game or nongame fish, except carp may be taken by underwater spearfishing from any water open to angling during the open angling season set for a given body of water.
- (5)(a) Underwater spearfishing is permitted from official sunrise to official sunset only, except burbot may be taken by underwater spearfishing at Flaming Gorge Reservoir (Daggett County) between official sunset and official sunrise.
- (b) No other species of fish may be taken with underwater spearfishing techniques at Flaming Gorge Reservoir or any other water in the state between official sunset and official sunrise.
- (6)(a) Use of artificial light is unlawful while engaged in underwater spearfishing, except artificial light may be used when underwater spearfishing for burbot at Flaming Gorge Reservoir (Daggett County).
- (b) Artificial light may not be used when underwater spearfishing for fish species other than burbot at Flaming Gorge Reservoir.
- (7) Free shafting is prohibited while engaged in underwater spearfishing.
- (8) The daily limit and possession limit for underwater spearfishing is the same as the daily limit and possession limit applied to anglers using other techniques in the waters listed in Subsections (2) and (3)(a), and as identified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.

KEY: fish, fishing, wildlife, wildlife law

Date of Last Change: August 10, 2023

Notice of Continuation: August 24, 2022

Authorizing, and Implemented or Interpreted Law: 23A-2-305; 23A-24-304; 23A-4-201; 23-2-403



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MEMORANDUM

TO: Regional Advisory Council Members and Wildlife Board

FROM: Randy Oplinger, Sport Fisheries Program Coordinator, and
Craig Walker, Assistant Fisheries Chief, Sport Fisheries Program

DATE: August 18, 2022

SUBJECT: 2024-2025 Fishing Regulation Proposals and Changes to Admin. Rule R657-59

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~~R657. Natural Resources, Wildlife Resources.~~

~~R657-59. Private Fish Ponds, Short-Term Fishing Events, Private Fish Stocking, and Institutional Aquaculture.~~

~~R657-59-1. Purpose and Authority.~~

~~(1) Under the authority of Sections 23-15-9 and 23-15-10, this rule provides the standards and procedures for:~~

- ~~(a) private fish ponds;~~
- ~~(b) short-term fishing events;~~
- ~~(c) aquaponics facilities;~~
- ~~(d) private fish stocking; and~~
- ~~(e) institutional aquaculture.~~

~~(2)(a) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 Aquaculture Act, and Department of Agriculture Rule R58-17.~~

~~(b) The display of aquatic wildlife in aquaria for personal, commercial, or educational purposes is regulated by Rules R657-3a and R657-3e.~~

~~(3) A person engaging in any activity provided in Subsection (1) must also comply with all requirements established by Title 4 Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture, including:~~

- ~~(a) requirements for the importation of aquaculture products into Utah; and~~
- ~~(b) requirements for fish health approval for aquaculture products.~~

~~(4) Any violation of, or failure to comply with, Title 23 Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.~~

~~R657-59-2. Definitions.~~

~~(1) Terms used in this rule are defined in Section 23-13-2.~~

~~(2) In addition:~~

~~(a) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.~~

~~(b) "Aquaculture facility" means any facility used for the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions that holds a valid Certificate of Registration from the Utah Department of Agriculture.~~

~~(c)(i) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.~~

~~(ii) "Aquaculture product" does not include aquatic wildlife obtained from the wild.~~

~~(d) "Aquaponics facility" means a facility that combines fish and plant culture for a noncommercial purpose where:~~

~~(i) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;~~

~~(ii) all water flowing from the facility is discarded into a permitted sewer or septic system;~~

~~(iii) the aquatic animals held within the facility are used for hobby purposes only;~~

~~(iv) no aquatic animals are transported from the facility alive; and~~

~~(v) the primary use of the facility is for food production and not for the general display of fish in aquaria.~~

~~(e) "Aquatic wildlife" for the purposes of this chapter are aquatic organisms that are conceived and born in public waters.~~

~~(f) "Certified sterile salmonid" means any salmonid fish or gamete that originates from a health-certified source and is incapable of reproduction due to triploidy or hybridization, and is confirmed as sterile using the protocol described in Section R657-59-13.~~

~~(g) "FEMA" means Federal Emergency Management Administration.~~

~~(h)(i) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the US Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.~~

~~(ii) HUCs are typically reported at the large river basin (6-digit HUC) or smaller watershed (11-digit and 14-digit HUC) scale.~~

~~(iii) HUC maps and other associated information are available at <http://water.usgs.gov/wsc/sub/1602.html>.~~

~~(i) "Institutional aquaculture" means aquaculture engaged in by any institution of higher learning, school, or other educational program, or public agency.~~

~~(j)(i) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and sold in the United States' aquarium industry for display.~~

~~(ii) "Ornamental aquatic animal species" does not mean:~~

~~(A) Sport fish;~~

~~(B) Baitfish;~~

~~(C) Aquatic animal species that are native to Utah;~~

~~(D) Aquatic animals and marine aquatic animals prohibited for importation or possession under federal law; or~~

~~(E) Aquatic animals and marine aquatic animals listed as prohibited or controlled in Subsection R657-3c-5(1).~~

~~(k) "Private fish pond" means a body of water or any fish culture system that:~~

~~(A) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;~~

~~(B) is contained entirely on privately owned land; and~~

- ~~_____ (C) is used for holding or rearing fish for a private, nonecommercial purpose.~~
- ~~_____ (l) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.~~
- ~~_____ (m) "Salmonid" means any fish belonging to the trout/salmon family.~~
- ~~_____ (n) "Short term fishing event" means any event where:~~
- ~~_____ (i) privately acquired fish are held or confined for a period not to exceed ten days in a temporary structure or container;~~
- ~~_____ (ii) for the purposes of providing fishing arfor recreational opportunity; and~~
- ~~_____ (iii) no fee is charged as a requirement to fish.~~
- ~~_____ (o) "Sterile" means the inability to reproduce.~~

~~R657-59-3. Certificate of Registration Not Required—Private Fish Ponds, Short-Term Fishing Events, and Aquaponics Facilities.~~

- ~~_____ (1) A certificate of registration is not required to stock an aquatic animal in an aquaponics facility, provided:~~
- ~~_____ (a) the aquatic animals stocked are accompanied by a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 Aquaculture Act; and~~
- ~~_____ (b) the aquatic animals to be stocked belong to one of the following species:~~
- ~~_____ (i) bluegill;~~
- ~~_____ (ii) hybrid bluegill (bluegill x green sunfish);~~
- ~~_____ (iii) redear sunfish;~~
- ~~_____ (iv) green sunfish;~~
- ~~_____ (v) striped bass;~~
- ~~_____ (vi) white bass;~~
- ~~_____ (vii) hybrid striped bass or wiper (white bass x striped bass);~~
- ~~_____ (viii) largemouth bass;~~
- ~~_____ (ix) smallmouth bass;~~
- ~~_____ (x) channel catfish;~~
- ~~_____ (xi) yellow perch;~~
- ~~_____ (xii) fathead minnow;~~
- ~~_____ (xiii) black crappie;~~
- ~~_____ (xiv) white crappie;~~
- ~~_____ (xv) rainbow trout;~~
- ~~_____ (xvi) cutthroat trout;~~
- ~~_____ (xvii) brown trout;~~
- ~~_____ (xviii) brook trout;~~
- ~~_____ (xix) tiger trout;~~
- ~~_____ (xx) walleye;~~
- ~~_____ (xxi) golden shiner; and~~
- ~~_____ (xxii) any aquatic animal species classified as non-controlled for possession and importation under Section R657-3e-5.~~
- ~~_____ (2) A certificate of registration is not required to receive and stock an aquaculture product in a private fish pond, provided:~~
- ~~_____ (a) the private fish pond satisfies the screening requirements established in Section R657-59-10;~~
- ~~_____ (b) if a screen is required, the aquaculture product received must be of sufficient size to be incapable of escaping the pond through or around the screen;~~
- ~~_____ (c) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the private fish pond is located consistent with the requirements in Section R657-59-11;~~
- ~~_____ (d) the aquaculture product is:~~
- ~~_____ (i) delivered to the pond by a licensed aquaculture facility as defined in Title 4 Chapter 37 Aquaculture Act; or~~
- ~~_____ (ii) the owner, lessee, or operator of the private pond:~~
- ~~_____ (A) possesses documentation from the aquaculture facility verifying the information itemized in Sections R657-59-6 and R58-17-14 during transport; and~~
- ~~_____ (B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the private fish pond;~~
- ~~_____ (c) the owner, lessee, or operator of the pond obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 Aquaculture Act; and~~
- ~~_____ (f) the owner or operator of the private fish pond provides the aquaculture facility a signed written statement that the pond and aquaculture product received are in compliance with this section.~~
- ~~_____ (3) A certificate of registration is not required to receive and stock an aquaculture product in a short-term fishing event, provided:~~
- ~~_____ (a) the temporary container or structure to be stocked is entirely separated from any public waterway or waterbody;~~

- ~~_____ (b) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the short term fishing event is located consistent with the requirements in Section R657-59-11;~~
- ~~_____ (c) the aquaculture product is:~~
- ~~_____ (i) delivered to the pond by a licensed aquaculture facility as defined in Chapter 4 Title 37 Aquaculture Act; or~~
- ~~_____ (ii) the owner, lessee, or operator of the short term fishing event:~~
- ~~_____ (A) possesses documentation from the aquaculture facility verifying the information itemized in Sections R657-59-6 and R58-17-14 during transport; and~~
- ~~_____ (B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the short term fishing event;~~
- ~~_____ (d) the owner, lessee, or operator of the pond obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 Aquaculture Act; and~~
- ~~_____ (e) the operator of the short term fishing event provides the aquaculture facility a signed written statement that the short term fishing event and aquaculture product received are in compliance with this section.~~

R657-59-4. Certificate of Registration Required—Other Fish Stocking Activities.

- ~~_____ (1)(a) A certificate of registration must be obtained from the division to receive, possess, stock, or release an aquaculture product or aquatic wildlife in a manner that does not satisfy the certificate of registration waiver requirements identified in R657-59-3.~~
- ~~_____ (b) If a certificate of registration is required, a separate application for each fish stocking request must be submitted, except:~~
- ~~_____ (i) stocking locations are separated by less than 1/2 mile may be placed on a single application; and~~
- ~~_____ (ii) water bodies that drain to, or are modified to drain to, the same drainage may be listed on a single application.~~
- ~~_____ (2) Fish stocked or released in a water body not eligible as a private fish pond or short term fishing event under R657-59-3 are considered wild aquatic wildlife and may be taken only as provided in Rule R657-13 and the fishing proclamation.~~
- ~~_____ (3) A permanent water body stocked pursuant to a certificate of registration for private stocking may not be screened to contain fish, except:~~
- ~~_____ (a) a water stocked with grass carp to control aquatic weeds must be adequately screened to prevent the grass carp from escaping; and~~
- ~~_____ (b) the division may require screening of the water body to protect wildlife resources found in the water body and any connected waterways.~~
- ~~_____ (4)(a) An application for a certificate of registration for private stocking to stock fish other than grass carp may be approved only if:~~
- ~~_____ (i) the stocking will only occur on privately owned land;~~
- ~~_____ (ii) the body of water to be stocked is a reservoir that is wholly contained on the land owned by the applicant;~~
- ~~_____ (iii) the body of water is not stocked or otherwise actively managed by the division;~~
- ~~_____ (iv) the fish to be stocked are for a non-commercial purpose; and~~
- ~~_____ (v) in the opinion of the division, stocking will not interfere with division management objectives or cause detrimental interactions with other species of fish or wildlife.~~
- ~~_____ (5) An application for a certificate of registration for private stocking of triploid grass carp for control of aquatic weeds will be evaluated based upon:~~
- ~~_____ (a) the severity of the weed problem;~~
- ~~_____ (b) availability of other suitable means of weed control;~~
- ~~_____ (c) adequacy of screening to contain the grass carp; and~~
- ~~_____ (d) potential for conflict with division management objectives or detrimental interactions with other species of fish or wildlife.~~

R657-59-5. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

- ~~_____ (1)(a) A person may apply to receive a certificate of registration for a fish stocking activity by submitting an application with the required handling and inspection fee to the Wildlife Registration Office, Utah Division of Wildlife Resources, 1594 West North Temple, Salt Lake City, Utah 84114.~~
- ~~_____ (b) Application forms are available at all division offices and at the division's internet address.~~
- ~~_____ (c) The application may require up to 30 days for processing.~~
- ~~_____ (d) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.~~
- ~~_____ (e) The division may deny an application where:~~
- ~~_____ (i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;~~
- ~~_____ (ii) receiving or stocking the aquaculture product or aquatic wildlife may:~~
- ~~_____ (A) violate any federal, state or local law or any agreement between the state and another party;~~
- ~~_____ (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;~~

- ~~_____ (C) pose an identifiable adverse threat to other wildlife species or their habitat;~~
- ~~_____ (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or~~
- ~~_____ (E) non-salmonid aquaculture product will be stocked in a pond within the 100-year flood plain (below 6500 feet in elevation) in the Green River and Colorado River drainages and the pond does not meet FEMA standards on construction and screening; or~~
- ~~_____ (iii) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law that bears a reasonable relationship to the applicant's ability to responsibly carry out the stocking activity.~~
- ~~_____ (2) An application for a certificate of registration may not be denied without the review and consent of the division director or a designee.~~
- ~~_____ (3) A certificate of registration for a fish stocking activity may remain effective for up to 5 years from the date of issuance as identified on the certificate of registration, unless:~~
 - ~~_____ (a) amended by the division at the request of the certificate of registration holder;~~
 - ~~_____ (b) terminated or modified by the division pursuant to R657-59-13; or~~
 - ~~_____ (c) suspended by the division or a court pursuant to Section 23-19-9.~~
- ~~_____ (4) An amendment to the certificate of registration is required each time fish are stocked, except a person may request to stock fish more than once if the request is made on the application and the request is approved by the division on the certificate of registration.~~

R657-59-6. Acquiring, Importing, and Transferring Aquaculture Products.

- ~~_____ (1)(a) Species of aquaculture products that may be imported into the state are provided in Section R657-3c-5.~~
- ~~_____ (b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.~~
- ~~_____ (c) Complete applications may require up to 30 days for processing.~~
- ~~_____ (2) Live aquaculture products, other than ornamental fish, may only be:~~
 - ~~_____ (a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and~~
 - ~~_____ (b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4 Chapter 37 Aquaculture Act.~~
- ~~_____ (3)(a) Any person who has been issued a valid aquaculture certificate of registration may transport live aquaculture products as specified on the certificate of registration to a stocking location.~~
- ~~_____ (b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:~~
 - ~~_____ (i) name, address, certificate of registration number, and fish health approval number of the source;~~
 - ~~_____ (ii) number and weight being shipped, by species;~~
 - ~~_____ (iii) name, address, and certificate of registration number, if applicable, of the destination; and~~
 - ~~_____ (iv) a copy of the importation permit provided by the Utah Department of Agriculture.~~
- ~~_____ (c)(i) Once stocked in a water body, aquaculture products may not be transferred or relocated live.~~
- ~~_____ (4)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being sterile triploid by the U.S. Fish and Wildlife Service.~~
- ~~_____ (b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City before importation.~~
- ~~_____ (c) A copy of the triploidy verification form must also accompany the fish during transport.~~
- ~~_____ (5)(a) Live aquaculture products may be shipped through Utah without a certificate of registration provided that:~~
 - ~~_____ (i) the aquatic wildlife or aquaculture products are not sold or transferred;~~
 - ~~_____ (ii) the aquatic wildlife or aquaculture products remain in the original container;~~
 - ~~_____ (iii) the water is not exchanged or discharged; and~~
 - ~~_____ (iv) the shipment is in Utah no longer than 72 hours.~~
- ~~_____ (b) Proof of legal ownership and destination must accompany the shipment.~~

R657-59-7. Inspection of Records and Fish Stocking Locations.

- ~~_____ (1) Records of purchase, distribution, and acquisition of aquaculture products and copies of certificates of registration must be kept for the duration of the certificate of registration and must be available for inspection by a division representative during reasonable hours.~~
- ~~_____ (2) The division and its authorized representatives may inspect a private fish pond or other stocking location during reasonable hours to verify compliance with the requirements of Title 23 of the Utah Code and this rule.~~
- ~~_____ (3) Consistent with the provisions of Utah Administrative Code R58-17, the division and its authorized representatives may inspect aquaculture products stocked pursuant to this rule to conduct sterility, pathological, fish culture, or physical investigations during reasonable hours to verify compliance with the requirements of Title 23 of the Utah Code and this rule.~~

~~R657-59-8. Prohibited Activities.~~

- ~~_____ (1) Live aquatic wildlife may not be collected from the wild and used in stocking activities unless authorized by the division consistent with the requirements in Rules R657-3a and R657-3e.~~
- ~~_____ (2) A person may not release or transport any live aquaculture product received or held under this rule without prior written authorization of the division and the Fish Health Policy Board.~~

~~R657-59-9. Fishing License and Transportation of Dead Aquaculture Product.~~

- ~~_____ (1) A fishing license is not required to:~~
- ~~_____ (a) take fish from a legally recognized private fish pond or short term fishing event; or~~
- ~~_____ (b) to transport dead aquaculture product from a private fish pond or short term fishing event.~~

~~R657-59-10. Screen Requirements.~~

- ~~_____ (1)(a) Except as provided in Subsection (b), all permanent and intermittent inlets and outlets of a private fish pond shall be screened to prevent the movement of aquatic wildlife into the pond or the escapement of any aquaculture product from the private fish pond into public waters.~~
- ~~_____ (b) Upon request of the private pond owner or lessee, the division may conduct a site analysis and waive screen requirements if it is determined that the waiver of screen requirements will not be detrimental to the wildlife resource.~~
- ~~_____ (c) Any aquaculture product that escapes a private fish pond are considered aquatic wildlife for the purposes of licensing requirements, bag limits, and allowable methods of take.~~
- ~~_____ (2) If a screen is required, the screen must meet the following provisions:~~
- ~~_____ (a) the screen should be constructed of durable materials that are capable of maintaining integrity in a water and air environment for an extended period of time;~~
- ~~_____ (b) the screen shall have no openings, seams or mesh width greater than the width of the fish being stocked;~~
- ~~_____ (c) all water entering or leaving the pond, including run off and other high water events, shall flow through a screen consistent with the requirements of this subsection; and~~
- ~~_____ (d) the screen shall be maintained and in place at all times while any aquaculture product remains in the pond.~~

~~R657-59-11. Species and Reproductive Capabilities of Aquaculture Product Authorized by Area for Stocking in Private Fish Ponds and Short Term Fishing Events.~~

- ~~_____ (1) A certificate of registration must be obtained from the division pursuant to R657-59-4 and R657-59-5 prior to stocking in any private fish pond of:~~
- ~~_____ (a) a non-salmonid aquaculture product; or~~
- ~~_____ (b) any other species or sterility of aquaculture product not specifically authorized in this Section.~~
- ~~_____ (2)(a) Except as provided in Subsection 4, a certified sterile salmonid aquaculture product may be stocked in any private fish pond or short term fishing event within the state without a certificate of registration.~~
- ~~_____ (b) Triploid salmonids accepted as sterile pursuant to this rule shall originate from a source that is certified as incapable of reproduction using the following protocols:~~
- ~~_____ (i) fish samples shall be collected, prepared, and submitted to a certified laboratory by an independent veterinarian, certified fish health professional, or other professional approved by the division or Utah Department of Agriculture;~~
- ~~_____ (ii) certified laboratories shall be limited to independent, professional laboratories capable of reliably testing fish sterility and approved by the division;~~
- ~~_____ (iv) sterility shall be determined by sampling and testing 60 fish from each egg lot using either flow cytometry, particle analysis, or karyotyping; and~~
- ~~_____ (v) At least 95% of the fish test triploid.~~
- ~~_____ (c) An aquaculture facility that receives certified sterile salmonid aquaculture product is not required to conduct additional sterility testing prior to stocking the aquaculture product, provided the sterile salmonids are kept segregated from other fertile salmonids.~~
- ~~_____ (d) Hybrid salmonid fish species accepted as sterile under this subsection are limited to splake trout (lake trout/brook trout cross) and tiger trout (brown trout/brook trout cross).~~
- ~~_____ (3) Fertile rainbow trout may be stocked without a certificate of registration in any private fish pond or short term fishing event within the state consistent with R657-59-3, except for waters located within the following drainages designated by County and hydrologic unit code (HUC) or township and range:~~
- ~~_____ Beaver County:~~
- ~~_____ (i) North Creek drainage—HUCs 160300070203, 160300070208; and~~
- ~~_____ (ii) Pine Creek drainage (near Sulphurdale)—HUC 160300070501.~~
- ~~_____ (b) Box Elder County—stocking is prohibited in the following:~~
- ~~_____ (i) Morison Creek drainage—HUC 16020308;~~
- ~~_____ (ii) Bettridge Creek drainage—HUC 16020308;~~
- ~~_____ (iii) Death Creek drainage—HUC 16020308;~~
- ~~_____ (iv) Camp Creek drainage—HUC 16020308;~~
- ~~_____ (v) Goose Creek drainage—HUC 17040211;~~
- ~~_____ (vi) Raft River drainage—HUC 17040210;~~

- ~~_____ (vii) Fat Whorled Pond Snail Springs – Township 10 North, Ranges 4 and 5 West; and~~
- ~~_____ (e) Cache County:~~
- ~~_____ (i) Logan River drainage – HUC 16010203;~~
- ~~_____ (ii) Blacksmith Fork River drainage – HUC 16010203;~~
- ~~_____ (iii) East Fork Little Bear River drainage – HUC 16010203; and~~
- ~~_____ (iv) Little Bear River drainage – HUC 16010203.~~
- ~~_____ (d) Carbon County:~~
- ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (e) Daggett County:~~
- ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (f) Duchesne County:~~
- ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (g) Emery County:~~
- ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (i) Garfield County:~~
- ~~_____ (i) Birch Creek/Main Canyon drainage – HUC 140700050102;~~
- ~~_____ (ii) Center Creek drainage (tributary to East Fork Sevier R) – HUC 160300020412;~~
- ~~_____ (iii) Cottonwood Creek drainage – HUC 160300020406;~~
- ~~_____ (iv) East Fork of Boulder Creek/ West Fork Boulder Creek drainage – HUC 140700050206; and~~
- ~~_____ (v) Ranch Creek drainage (East Fork Sevier River drainage) – HUC 160300020405.~~
- ~~_____ (h) Grand County:~~
- ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (i) Juab County:~~
- ~~_____ (i) Sulphur Wash drainage – HUC 160203011303;~~
- ~~_____ (ii) Middle Pleasant Valley Draw drainage – HUC 160203011402;~~
- ~~_____ (iii) Lower Pleasant Valley Draw drainage – HUC 160203011403;~~
- ~~_____ (iv) Cookscomb Ridge drainage – HUC 160203011501;~~
- ~~_____ (v) Outlet Salt Marsh Lake drainage – HUC 160203011502;~~
- ~~_____ (vi) Deep Creek Range drainage – HUC 160203011503;~~
- ~~_____ (vii) Snake Valley drainage – HUC 160203011504;~~
- ~~_____ (viii) Little Red Cedar Wash drainage – HUC 160203011505;~~
- ~~_____ (ix) Trout Creek drainage – HUC 160203060101;~~
- ~~_____ (x) Smelter Knolls drainage – HUC 160203060104;~~
- ~~_____ (xi) Toms Creek drainage – HUC 160203060201;~~
- ~~_____ (xii) Goshute Canyon drainage – HUC 160203060202;~~
- ~~_____ (xiii) Indian Farm Creek drainage – HUC 160203060204;~~
- ~~_____ (xiv) Spring Creek drainage – HUC 160203060803;~~
- ~~_____ (xv) Fifteenmile Creek drainage – HUC 160203060804;~~
- ~~_____ (xvi) East Creek/East Deep Creek drainage – HUC 160203060805;~~
- ~~_____ (xvii) East Creek/East Deep Creek drainage – HUC 160203060806;~~
- ~~_____ (xviii) West Deep Creek drainage – HUC 160203060808;~~
- ~~_____ (xix) Horse Valley drainage – HUC 160203060304;~~
- ~~_____ (xx) Starvation Canyon drainage – HUC 160203060305;~~
- ~~_____ (xxi) Cane Springs drainage – HUC 160203060307;~~
- ~~_____ (xxii) Fish Springs Range drainage – HUC 160203060308;~~
- ~~_____ (xxiii) Middle Fish Springs Wash drainage – HUC 160203060309;~~
- ~~_____ (xxiv) Lower Fish Springs Wash drainage – HUC 160203060403;~~
- ~~_____ (xxv) Fish Springs drainage – HUC 160203060405;~~
- ~~_____ (xxvi) Wilson Health Springs drainage – HUC 160203060407;~~
- ~~_____ (xxvii) Vernon Creek drainage – HUC 160203040102;~~
- ~~_____ (xxviii) Outlet Chicken Creek drainage – HUC 160300050206;~~
- ~~_____ (xxix) Little Valley/Sevier River drainage – HUC 160300050403;~~
- ~~_____ (xxx) Pole Creek/Salt Creek drainage – HUC 160202010104; and~~
- ~~_____ (xxxi) West Creek/Current Creek drainage – HUC 160202010107.~~
- ~~_____ (j) Millard County~~
- ~~_____ (i) Outlet Salt Marsh Lake drainage – HUC 160203011502;~~
- ~~_____ (ii) Sulphur Wash drainage – HUC 160203011303;~~
- ~~_____ (iii) Cookscomb Ridge drainage – HUC 160203011501;~~
- ~~_____ (iv) Tungstonia Wash drainage – HUC 160203011302;~~
- ~~_____ (v) Salt Marsh Lake – HUC 160203011304;~~
- ~~_____ (vi) Indian George Wash drainage – HUC 160203011301~~
- ~~_____ (vii) Outlet Bishop Springs drainage – HUC 160203011203;~~

- ~~_____ (viii) Warm Creek drainage – HUC 160203011204;~~
- ~~_____ (ix) Headwaters Bishop Springs drainage – HUC 160203011202;~~
- ~~_____ (x) Indian Pass – HUC 160203011107;~~
- ~~_____ (xi) Chevron Ridge drainage – HUC 160203011110;~~
- ~~_____ (xii) Petes Knoll drainage – HUC 160203011109;~~
- ~~_____ (xiii) Red Gulch drainage – HUC 160203011102;~~
- ~~_____ (xiv) Horse Canyon drainage – HUC 160203011106;~~
- ~~_____ (xv) Hampton Creek drainage – HUC 160203011105;~~
- ~~_____ (xvi) Knoll Springs drainage – HUC 160203011103;~~
- ~~_____ (xvii) Browns Wash drainage – HUC 160203011101;~~
- ~~_____ (xviii) Outlet Baker Creek drainage – HUC 160203011004;~~
- ~~_____ (xix) Outlet Old Mans Canyon drainage – HUC 160203011003;~~
- ~~_____ (xx) Hendrys Creek drainage – HUC 160203011104;~~
- ~~_____ (xxi) Headwaters Old Mans Canyon drainage – HUC 160203011002;~~
- ~~_____ (xxii) Rock Canyon drainage – HUC 160203011001~~
- ~~_____ (xxiii) Silver Creek drainage – Baker Creek drainage – HUC 160203010806;~~
- ~~_____ (xxiv) Outlet Weaver Creek drainage – HUC 160203010804;~~
- ~~_____ (xxv) Conger Spring drainage – HUC 160203010702; and~~
- ~~_____ (xxvi) Sheepmens Little Valley drainage – HUC 160203010607.~~
- ~~_____ (k) Morgan County:~~
 - ~~_____ (i) Weber River drainage – HUC 16020102;~~
 - ~~_____ (ii) East Canyon Creek drainage – HUC 16020102; and~~
 - ~~_____ (iii) Lost Creek drainage – HUC 16020101.~~
- ~~_____ (l) Piute County:~~
 - ~~_____ (i) Birch Creek drainage HUC 160300010603;~~
 - ~~_____ (ii) Clear Creek drainage HUC 1603000301;~~
 - ~~_____ (iii) Manning Creek drainage – HUC 160300030203;~~
 - ~~_____ (iv) Tenmile Creek drainage HUC 160300030204.~~
- ~~_____ (m) Rich County:~~
 - ~~_____ (i) Bear Lake drainage – HUC 16010201;~~
 - ~~_____ (ii) Big Creek drainage – HUC 16010101;~~
 - ~~_____ (iii) Birch Creek drainage from Birch Creek Reservoir, upstream HUC 16010101;~~
 - ~~_____ (iv) Little Creek drainage from Little Creek Reservoir, upstream HUC 16010101;~~
 - ~~_____ (v) Otter Creek drainage – HUC 16010101;~~
 - ~~_____ (vi) Woodruff Creek drainage – HUC 16010101; and~~
 - ~~_____ (vii) Home Canyon and Meachum Canyon (Deseret Ranch) drainage – HUC 16010101.~~
- ~~_____ (n) Salt Lake County:~~
 - ~~_____ (i) Big Cottonwood Canyon Creek drainage – HUC 160202040201;~~
 - ~~_____ (ii) Little Cottonwood Canyon Creek drainage – HUC 160202040202;~~
 - ~~_____ (iii) Mill Creek drainage – HUC 160202040301;~~
 - ~~_____ (iv) Parleys Creek drainage – HUC 160202040302;~~
 - ~~_____ (v) Emigration Creek drainage – HUC 160202040303;~~
 - ~~_____ (vi) City Creek drainage – HUC 160202040304; and~~
 - ~~_____ (vii) Red Butte Creek/Emigration Creek drainage – HUC 160202040306.~~
- ~~_____ (o) San Juan County:~~
 - ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (p) Sanpete County:~~
 - ~~_____ (i) Areas west of the Manti Mountain Range divide:~~
 - ~~_____ (A) Dry Creek/San Pitch River drainage – HUC 160300040201;~~
 - ~~_____ (B) Oak Creek/San Pitch River drainage – HUC 160300040202;~~
 - ~~_____ (C) Cottonwood Canyon/San Pitch River drainage – HUC 160300040203;~~
 - ~~_____ (D) Birch Creek/San Pitch River drainage – HUC 160300040204;~~
 - ~~_____ (E) Pleasant Creek drainage – HUC 160300040205;~~
 - ~~_____ (F) Dublin Wash/San Pitch River drainage – HUC 160300040206;~~
 - ~~_____ (G) Cedar Creek drainage – HUC 160300040207;~~
 - ~~_____ (H) Spring Hollow/San Pitch River drainage – HUC 160300040208;~~
 - ~~_____ (I) Upper Oak Creek drainage – HUC 160300040302;~~
 - ~~_____ (J) Petes Canyon/San Pitch River drainage – HUC 160300040306;~~
 - ~~_____ (K) Uinta Gulch drainage – HUC 160202020201;~~
 - ~~_____ (L) Upper Thistle Creek drainage – HUC 160202020202;~~
 - ~~_____ (M) Nebo Creek drainage – HUC 160202020203;~~
 - ~~_____ (N) Middle Thistle Creek drainage – HUC 160202020204;~~

- ~~_____ (O) Dry Canyon/San Pitch River drainage—HUC 160300040308;~~
- ~~_____ (P) Maple Canyon/San Pitch River drainage—HUC 160300040309;~~
- ~~_____ (Q) Gunnison Reservoir/San Pitch River drainage—HUC 160300040503;~~
- ~~_____ (R) Outlet San Pitch River drainage—HUC 160300040505;~~
- ~~_____ (S) Beaver Creek drainage—HUC 140700020201;~~
- ~~_____ (T) Box Canyon/Muddy Creek drainage—HUC 140700020203;~~
- ~~_____ (U) Skumpah Creek-Salina Creek drainage—HUC 160300030402; and~~
- ~~_____ (V) Headwaters Twelvemile Creek drainage—HUC 160300040402.~~
- ~~_____ (ii) Waters above 7000 feet in elevation east of the Manti Mountain Range divided:~~
- ~~_____ (q) Sevier County:~~
 - ~~_____ (i) Clear Creek drainage—HUC 1603000301;~~
 - ~~_____ (ii) Salina Creek drainage—HUC 160300030402; and~~
 - ~~_____ (iii) U M Creek drainage—HUC 140700030101.~~
- ~~_____ (r) Summit County:~~
 - ~~_____ (i) Bear River drainage—HUC 16010101;~~
 - ~~_____ (ii) Mill Creek drainage—HUC 16010101;~~
 - ~~_____ (iii) Muddy Creek and Van Tassel Creek drainage—HUC 14040108;~~
 - ~~_____ (iv) Little West Fork/Blacks Fork drainage—HUC 14040107;~~
 - ~~_____ (v) Blacks Fork drainage—HUC 14040107;~~
 - ~~_____ (vi) Archie Creek drainage—HUC 14040107;~~
 - ~~_____ (vii) West Fork Smiths Fork drainage—HUC 14040107;~~
 - ~~_____ (viii) Gilbert Creek drainage—HUC 14040107;~~
 - ~~_____ (ix) East Fork Smiths Fork drainage—HUC 14040107;~~
 - ~~_____ (x) Dahlgreen Creek drainage—HUC 14040106;~~
 - ~~_____ (xi) Henrys Fork drainage—HUC 14040106;~~
 - ~~_____ (xii) Spring Creek and Poison Creek drainage—HUC 14040106;~~
 - ~~_____ (xiii) West Fork Beaver Creek drainage—HUC 14040106;~~
 - ~~_____ (xiv) Middle Fork Beaver Creek drainage—HUC 14040106;~~
 - ~~_____ (xv) Echo Creek drainage—HUC 16020101;~~
 - ~~_____ (xvi) Chalk Creek drainage—HUC 16020101;~~
 - ~~_____ (xvii) Silver Creek drainage—HUC 16020101;~~
 - ~~_____ (xviii) Weber River drainage—HUC 16020101;~~
 - ~~_____ (xix) Beaver Creek drainage—HUC 16020101;~~
 - ~~_____ (xx) Provo River drainage—HUC 16020101;~~
 - ~~_____ (xxi) Kimball Creek drainage—HUC 160201020101;~~
 - ~~_____ (xxii) Big Dutch Hollow/East Canyon Creek drainage—HUC 160201020103; and~~
 - ~~_____ (xxiii) Toll Canyon/East Canyon Creek drainage—HUC 160201020102.~~
- ~~_____ (w) Tooele County:~~
 - ~~_____ (i) Toms Creek drainage—HUC 160203060201;~~
 - ~~_____ (ii) Goshute Canyon drainage—HUC 160203060202;~~
 - ~~_____ (iii) Eightmile Wash drainage—HUC 160203060203;~~
 - ~~_____ (iv) Indian Farm Creek drainage—HUC 160203060204;~~
 - ~~_____ (v) Willow Spring Wash drainage—HUC 160203060205;~~
 - ~~_____ (vi) Willow Canyon drainage—HUC 160203080104;~~
 - ~~_____ (vii) Bettridge Creek drainage—HUC 160203080106;~~
 - ~~_____ (viii) East Creek/East Deep Creek drainage—HUC 160203060806;~~
 - ~~_____ (ix) East Deep Creek drainage—HUC 160203060807;~~
 - ~~_____ (x) West Deep Creek drainage—HUC 160203060808;~~
 - ~~_____ (xi) Gullmette Gulch/Deep Creek drainage—HUC 160203060902;~~
 - ~~_____ (xii) Pony Express Canyon/Deep Creek drainage—HUC 160203060904;~~
 - ~~_____ (xiii) Badlands drainage—HUC 160203060905;~~
 - ~~_____ (xiv) White Sage Flat/Deep Creek drainage—HUC 160203060907;~~
 - ~~_____ (xv) Lower Fish Springs Wash drainage—HUC 160203060403;~~
 - ~~_____ (xvi) Fish Springs drainage—HUC 160203060405;~~
 - ~~_____ (xvii) Wilson Health Springs drainage—HUC 160203060407;~~
 - ~~_____ (xviii) East Government Creek drainage—HUC 160203040101;~~
 - ~~_____ (xix) Vernon Creek drainage—HUC 160203040102; and~~
 - ~~_____ (xx) Faust Creek drainage—HUC 160203040105.~~
- ~~_____ (s) Uintah County:~~
 - ~~_____ (i) waters above 7000 feet in elevation.~~
- ~~_____ (t) Utah County:~~
 - ~~_____ (i) Starvation Creek drainage—HUC 160202020101;~~

- ~~———— (ii) Upper Soldier Creek drainage—HUC 160202020102;~~
- ~~———— (iii) Tie Fork drainage—HUC 160202020103;~~
- ~~———— (iv) Middle Soldier Creek drainage—HUC 160202020105;~~
- ~~———— (v) Lake Fork drainage—HUC 160202020106;~~
- ~~———— (vi) Lower Soldier Creek drainage—HUC 160202020107;~~
- ~~———— (vii) Upper Thistle Creek drainage—HUC 160202020202;~~
- ~~———— (viii) Nebo Creek drainage—HUC 160202020203;~~
- ~~———— (ix) Middle Thistle Creek drainage—HUC 160202020204;~~
- ~~———— (x) Lower Thistle Creek drainage—HUC 160202020205;~~
- ~~———— (xi) Sixth Water Creek drainage—HUC 160202020301;~~
- ~~———— (xii) Cottonwood Canyon drainage—HUC 160202020302;~~
- ~~———— (xiii) Fifth Water Creek drainage—HUC 160202020303;~~
- ~~———— (xiv) Upper Diamond drainage Fork—HUC 160202020304;~~
- ~~———— (xv) Wanrhodes Canyon drainage—HUC 160202020305;~~
- ~~———— (xvi) Middle Diamond Fork drainage—HUC 160202020306;~~
- ~~———— (xvii) Lower Diamond Fork drainage—HUC 160202020307;~~
- ~~———— (xviii) Headwaters Left Fork Hobbble Creek drainage—HUC 160202020401;~~
- ~~———— (xix) Headwaters Right Fork Hobbble Creek drainage—HUC 160202020402;~~
- ~~———— (xx) Outlet Left Fork Hobbble Creek drainage—HUC 160202020403;~~
- ~~———— (xxi) Outlet Right Fork Hobbble Creek drainage—HUC 160202020404;~~
- ~~———— (xxii) Upper Spanish Fork Creek drainage—HUC 160202020501;~~
- ~~———— (xxiii) Middle Spanish Fork Creek drainage—HUC 160202020502;~~
- ~~———— (xxiv) Petetneet Creek drainage—HUC 160202020601;~~
- ~~———— (xxv) Spring Creek drainage—HUC 160202020602;~~
- ~~———— (xxvi) Beer Creek drainage—HUC 160202020603;~~
- ~~———— (xxvii) Big Spring Hollow/South Fork Provo River drainage—HUC 160202030502;~~
- ~~———— (xxviii) Pole Creek/Salt Creek drainage—HUC 160202010104;~~
- ~~———— (xxix) Middle American Fork Canyon drainage—HUC 160202010802;~~
- ~~———— (xxx) Mill Fork drainage—HUC 160202020104; and~~
- ~~———— (xxxi) Upper American Fork Canyon drainage—HUC 160202010801.~~
- ~~———— (u) Wasatch County:~~
 - ~~———— (i) Willow Creek/Strawberry River drainage—HUC 140600040101;~~
 - ~~———— (ii) Clyde Creek/Strawberry River drainage—HUC 140600040102;~~
 - ~~———— (iii) Indian Creek drainage—HUC 140600040104;~~
 - ~~———— (iv) Trout Creek/Strawberry River drainage—HUC 140600040105;~~
 - ~~———— (v) Soldier Creek/Strawberry River drainage—HUC 140600040106;~~
 - ~~———— (vi) Willow Creek drainage—HUC 140600040301;~~
 - ~~———— (vii) Current Creek Reservoir drainage—HUC 140600040401;~~
 - ~~———— (viii) Little Red Creek drainage—HUC 140600040402;~~
 - ~~———— (ix) Outlet Current Creek drainage—HUC 140600040403;~~
 - ~~———— (x) Water Hollow/Current Creek drainage—HUC 140600040404;~~
 - ~~———— (xi) Headwaters West Fork Duchesne River drainage—HUC 140600030101;~~
 - ~~———— (xii) Little South Fork Provo River drainage—HUC 160202030201;~~
 - ~~———— (xiii) Bench Creek/Provo River drainage—HUC 160202030202;~~
 - ~~———— (xiv) Lady Long Hollow/Provo River drainage—HUC 160202030203;~~
 - ~~———— (xv) Charecoal Canyon/Provo River drainage—HUC 160202030204;~~
 - ~~———— (xvi) Drain Tunnel Creek drainage—HUC 160202030301;~~
 - ~~———— (xvii) Lake Creek drainage—HUC 160202030302;~~
 - ~~———— (xviii) Center Creek drainage—HUC 160202030303;~~
 - ~~———— (xix) Cottonwood Canyon/Provo River drainage—HUC 160202030304;~~
 - ~~———— (xx) Snake Creek drainage—HUC 160202030305;~~
 - ~~———— (xxi) Spring Creek/Provo River drainage—HUC 160202030306;~~
 - ~~———— (xxii) Daniels Creek drainage—HUC 160202030401;~~
 - ~~———— (xxiii) Upper Main Creek drainage—HUC 160202030403;~~
 - ~~———— (xxiv) Lower Main Creek drainage—HUC 160202030404;~~
 - ~~———— (xxv) Deer Creek Reservoir Provo River drainage—HUC 160202030405;~~
 - ~~———— (xxvi) Provo Deer Creek drainage—HUC 160202030501;~~
 - ~~———— (xxvii) Little Hobbble Creek drainage—HUC 160202030402;~~
 - ~~———— (xxviii) Mill Hollow/South Fork Provo River drainage—HUC 160202030104; and~~
 - ~~———— (xxix) Mud Creek drainage—HUC 140600040103.~~
- ~~———— (v) Washington County:~~
 - ~~———— (i) Ash Creek drainage—HUC 150100080405;~~

- ~~———— (ii) Beaver Dam Wash drainage—HUC 15010010;~~
- ~~———— (iii) Laverkin Creek drainage—HUC 150100080302;~~
- ~~———— (iv) Leeds Creek drainage—HUC 150100080906;~~
- ~~———— (v) Baker Dam Reservoir/Santa Clara River drainage—HUC 150100080704;~~
- ~~———— (vi) Tobin Wash drainage—HUC 150100080802;~~
- ~~———— (vii) Sand Cove Wash drainage—HUC 150100080801;~~
- ~~———— (viii) Manganese Wash/Santa Clara River drainage—HUC 150100080804;~~
- ~~———— (ix) Wittwer Canyon/Santa Clara River drainage—HUC 150100080808;~~
- ~~———— (x) Cove Wash/Santa Clara River drainage—HUC 150100080809;~~
- ~~———— (xi) Moody Wash drainage—HUC 150100080603;~~
- ~~———— (xii) Upper Moody Wash drainage—HUC 150100080602;~~
- ~~———— (xiii) Magotsu Creek drainage—HUC 150100080704;~~
- ~~———— (xiv) South Ash Creek drainage—HUC 150100080405;~~
- ~~———— (xv) Water Canyon drainage—HUC 150100080701;~~
- ~~———— (xvi) Chinatown Wash/Virgin River drainage—HUC 150100080508;~~
- ~~———— (xvii) Lower Gould Wash drainage—HUC 150100080508;~~
- ~~———— (xviii) Grapevine Wash/Virgin River drainage—HUC 150100080903;~~
- ~~———— (xix) Cottonwood Wash/Virgin River drainage—HUC 150100080909;~~
- ~~———— (xx) Middleton Wash/Virgin River drainage—HUC 150100080910;~~
- ~~———— (xxi) Lower Fort Pierce Wash drainage—HUC 150100080605;~~
- ~~———— (xxii) Atkinville Wash drainage—HUC 150100080303;~~
- ~~———— (xxiii) Lizard Wash drainage—HUC 150100080302;~~
- ~~———— (xxiv) Val Wash/Virgin River drainage—HUC 150100080307;~~
- ~~———— (xxv) Bulldog Canyon drainage—HUC 150100080310; and~~
- ~~———— (xxvi) Fort Pierce Wash drainage—HUC 15010009.~~
- ~~———— (w) Weber County~~
 - ~~———— (i) North Fork Ogden River drainage—HUC 16020102;~~
 - ~~———— (ii) Middle Fork Ogden River drainage—HUC 16020102; and~~
 - ~~———— (iii) South Fork Ogden River drainage—HUC 16020102.~~
- ~~———— (4) Brown trout and brown trout hybrids may not be stocked within Washington County.~~

~~R657-59-12. Institutional Aquaculture.~~

- ~~———— (1)(a) A certificate of registration is required for any public agency, institution of higher learning, school, or educational program to engage in aquaculture.~~
- ~~———— (b) A certificate of registration is not required for any public agency, institution of higher learning, school, or educational program to engage in the hobby of aquaponics, so long as the aquaponics facility complies with the regulations in R657-59-3(1).~~
- ~~———— (2) Aquatic wildlife or aquaculture products produced by institutional aquaculture may not be:~~
 - ~~———— (a) sold;~~
 - ~~———— (b) stocked; or~~
 - ~~———— (c) transferred into waters of the state unless specifically authorized by the certificate of registration.~~
- ~~———— (3) The fish health approval requirements of Title 4 Chapter 37 apply.~~
- ~~———— (4)(a) A certificate of registration for institutional aquaculture may be obtained by submitting an application to the division.~~
 - ~~———— (b) A certificate of registration may be renewed by submitting an application prior to the expiration date of the current certificate of registration.~~
 - ~~———— (c) The application may require up to 30 days for processing.~~
 - ~~———— (d) The division may require a site inspection of the institutional aquaculture facility be performed to confirm compliance with the provisions found in this rule.~~
 - ~~———— (e) The division may deny an application where:~~
 - ~~———— (i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;~~
 - ~~———— (ii) operating the institutional aquaculture facility may violate any federal, state or local law or any agreement between the state and another party;~~
 - ~~———— (iii) the application fails to demonstrate an ability to operate the aquaculture facility in a manner that protects Utah's wildlife, their habitats, and other aquaculture facilities from contamination; or~~
 - ~~———— (iv) the applicant has violated any provision of Title 23, Utah Wildlife Resources Code, Administrative Code R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law that bears a reasonable relationship to the applicant's ability to responsibly operate an institutional aquaculture facility.~~
- ~~———— (5) An application for a certificate of registration may not be denied without the review and consent of the division director or a designee.~~
- ~~———— (6) A certificate of registration for a institutional aquaculture may remain effective for up to 5 years from the date of issuance as identified on the certificate of registration, unless:~~

- ~~_____ (a) amended by the division at the request of the certificate of registration holder;~~
- ~~_____ (b) terminated or modified by the division pursuant to R657-59-13; or~~
- ~~_____ (c) suspended by the division or a court pursuant to Section 23-19-9.~~

~~R657-59-13. Expiration and Termination of Certificates of Registration.~~

~~_____ (1) If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live-aquaculture products permitted under the certificate of registration shall be disposed of as follows:~~

~~_____ (a) Unless the Wildlife Board orders otherwise, all aquaculture products or aquatic wildlife must be removed within 30 days of suspension or the expiration date of the certificate of registration, or within 30 days after ice-free conditions on the water; or~~

~~_____ (b) At the discretion of the division, aquaculture products and aquatic wildlife may remain in the waters at the facility, but shall only be taken as prescribed within Rule R657-13 for Taking Fish and Crayfish.~~

~~KEY: wildlife, aquaculture, fish~~

~~Date of Last Change: August 10, 2023~~

~~Notice of Continuation: July 19, 2018~~

~~Authorizing, and Implemented or Interpreted Law: 23-15-9; 23-15-10~~

Utah Admin. Code R657-59a. Private Fish Ponds.

R657-59a-1. Purpose and Authority.

(1) Under the authority of Sections 23A-9-305 and 23A-9-2023, this rule provides the standards and procedures for private fish ponds.

(2) Fee fishing facility and private aquaculture facility licensing is regulated by the Utah Department of Agriculture and Food under Title 4, Chapter 37 and Rule R58-17.

(3) A person operating a private fish pond must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:

- (a) requirements for the importation of aquaculture products into Utah; and
- (b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, any provision of Title 23, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate of registration or denial of future certificates of registration, as determined by the division.

R657-59a-2. Definitions.

(1) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms undercontrolled, artificial conditions.

(2) "Aquaculture facility" means any facility used for the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions that holds a valid aquaculture facility license from the Utah Department of Agriculture and Food.

(3)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(4) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(5) "Aquatic wildlife" for the purposes of this chapter means:

(a) fish, mollusk, or crustacean species that are spawned and hatched in public waters, state or federal aquaculture facilities, and;

(b) fish, mollusk, or crustacean species that escape a private fish pond into a public water.

(6) "Certified sterile aquaculture product" means any fish or gamete that originates from a health certified source, as described in Title 4, Chapter 37 and is incapable of reproduction due to triploidy or hybridization, and is confirmed as sterile using the protocol described in Sections R657-59-7 and R657-59a-5.

(7) "Division" means the Utah Division of Wildlife Resources.

(8) "FEMA" means Federal Emergency Management Administration.

(9) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the U.S. Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

(10) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(11) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use.

(12) "Lot" means fish of the same species that are subject to a health inspection under the Aquatic Animal Health Inspection Policy in Subsection R58-17-2 (26), which establishes guidelines for lot designation for salmonid and non-salmonid fish.

(13) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(14)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and then sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water;

(A) sport fish - aquatic animal species regulated for angling or harvest for recreation or sport;

(B) baitfish - aquatic animal species authorized for use as bait in Section R657-13-12, or any other species used by anglers as bait in sporting fishing;

(C) food fish - aquatic animal species cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.

(15) "Private fish pond" means a standing body of water or any fish culture system which:

(a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;

(b) is contained entirely on privately owned land; and

(c) is used for holding or rearing fish for a private, noncommercial purpose.

(16) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for monetary consideration or advantage.

(17) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.

(18) "Salmonid" means any fish belonging to the trout or salmon family.

(19) "Short-term fishing event" means an event where:

(a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;

(b) for the purposes of providing a recreational opportunity; and

(c) no fee is charged as a requirement to fish.

(20) "Sterile" means the inability to reproduce.

R657-59a-3. Aquaculture Facility Requirements

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into private fish ponds in Utah, provided:

(a)(i) The purchaser of the aquatic wildlife possesses a valid private fish pond certificate of registration as issued by the division, or

(ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-5;

(a) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-9 (3); and

(b) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originate from a lot that meets the requirements specified in Subsection R657-59a-9 (3).

(2) The division may collect aquatic wildlife from private fish ponds to verify that the species and ploidy meet the requirements of this rule.

(3) (i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59a or other rules established under Title 23, the Wildlife Resources Code of Utah, and the Wildlife Board.

(ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-601.

R657-59a-4. Certificate of Registration Not Required.

(1) A certificate of registration is not required to receive and stock an aquaculture product in a private fish pond, provided:

(a) the pond is not a natural lake, natural flowing stream, or reservoir constructed on a natural flowing stream;

(b) the private fish pond satisfies the screening requirements established in Section R657-59a-7;

(c) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the private fish pond is located consistent with the requirements in Section R657-59a-9;

(d) the aquaculture product is:

(i) delivered to the private fish pond by a licensed aquaculture facility as defined in Title 4, Chapter 37; or

(ii) the owner, lessee, or operator of the private fish pond:

(A) possesses documentation from the aquaculture facility verifying the information itemized in Section R657-59a-6(4)(b) during transport; and

(B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the private fish pond;

(e) the owner, lessee, or operator of the private fish pond obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Title 4, Chapter 37; and

(f) the owner or operator of the private fish pond provides the aquaculture facility a signed written statement that the pond and aquaculture product received are in compliance with this section.

(2) A certificate of registration is required to receive and stock an aquaculture product in a private fish pond when the criteria described in Subsection (1) are not met.

R657-59a-5. Certified Sterile Aquaculture Product.

(1) For the purposes of this rule, the following hybrid fish species are considered certified sterile aquaculture product:

(a) Splake;

(b) Tiger Muskellunge;

(c) Tiger Trout; and

(d) Wiper.

(2) Triloid grass carp is considered a certified sterile aquaculture product if documentation is submitted by an aquaculture facility to the Division that demonstrates that each fish is tested

individually and meets the standards of the U.S. Fish and Wildlife Service National Triploid Grass Carp Inspection and Certification Program. In addition, the same documentation must be provided by the aquaculture facility to customers who purchase triploid grass carp.

(3) All other species not specified in Subsections R657-59a-5 (1) and (2) may be considered certified sterile aquaculture product if they are triploid and the following procedures are followed:

(a) fish samples from each lot of triploid fish at an aquaculture facility are collected, prepared, and submitted to a certified laboratory by an independent veterinarian, certified fish health professional, or other professional approved by the division or Utah Department of Agriculture and food;

(b) certified laboratories shall be limited to independent, professional laboratories capable of reliably testing fish sterility and approved by the division;

(c) sterility shall be determined by sampling and testing 60 fish from each lot using either flow cytometry, particle analysis, or karyotyping;

(d) At least 95% of the fish test triploid; and

(e) The professional laboratory submitted the testing results directly to the division and the division issued the aquaculture facility a letter verifying that the lot meets the criteria established in R657-59a-5-(3)(a-d). A copy of this letter must be provided to all customers who purchase triploid fish.

(4) An aquaculture facility that receives certified sterile aquaculture product from another aquaculture facility is not required to conduct additional sterility testing prior to stocking the aquaculture product, provided the Division is given documentation demonstrating that the fish meet the requirements of Subsection R657-59a-5 (3) and the sterile fish are kept segregated from other fertile fish.

R657-59a-6. Acquiring, Importing, and Transferring Aquaculture Products

(1)(a) Species of aquaculture products that may be imported into the state are provided in Section R657-3c-5.

(b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

(c) Complete applications may require up to 30 days for processing after submission.

(2) Live aquaculture products, other than ornamental fish, may only be:

(a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and

(b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4, Chapter 37.

(3) Triploid fish may only be acquired, purchased or transferred from lots that have been certified triploid by the division.

(4)(a) Any person who has been issued a valid aquaculture license from the Utah Department of Agriculture and Food may transport live aquaculture products as specified on the certificate of registration to a stocking location.

(b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:

(i) name, address, certificate of registration number, and fish health approval number of the source;

(ii) number and weight being shipped by species;

(iii) name, address, and certificate of registration number, if applicable, of the destination; and

(iv) a copy of the importation permit provided by the Utah Department of Agriculture and Food.

(c) Once stocked in a water body, aquaculture products may not be transferred or relocated while live.

(5)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being triploid by the U.S. Fish and Wildlife Service.

(b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City prior to importation.

(c) A copy of the triploidy verification form must also accompany the fish during transport.

(6)(a) Live aquaculture products may be shipped through Utah without a certificate of registration, provided that:

(i) aquaculture products are not sold or transferred;

(ii) aquaculture products remain in the original container;

(iii) water is not exchanged or discharged; and

(iv) the shipment is in Utah no longer than 72 hours.

(b) Proof of legal ownership and destination must accompany the shipment.

R657-59a-7. Inspection of Records and Private Fish Ponds.

(1) Records of purchase, distribution, and acquisition of aquaculture products and copies of certificates of registration must be kept for the duration of the certificate of registration and must be available for inspection by a division representative during reasonable hours.

(2) The division and its authorized representatives may inspect a private fish pond or other stocking location during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

R657-59a-8. Pond Screening Requirements.

(1)(a) Except as provided in Subsection (b), all permanent and intermittent inlets and outlets of a private fish pond shall be screened to prevent the movement of aquatic wildlife into the private pond or the escapement of any aquaculture product from the private fish pond into public waters.

(b) Upon request of the owner or lessee, the division may conduct a site analysis and waive screen requirements if the division determines waiving screen requirements will not be detrimental to the wildlife resource.

(c) Any aquaculture product that escapes a private fish pond is considered aquatic wildlife and is subject to the licensing requirements, bag limits, and allowable methods of take described in the current Utah Fishing Guidebook issued by the Utah Wildlife Board.

(2) If a screen is required, the screen must meet the following provisions:

(a) the screen should be constructed of durable materials that are capable of maintaining integrity when exposed to water and air for an extended period of time;

(b) the screen shall have no openings, seams or mesh width greater than the width of the fish being stocked;

(c) all water entering or leaving the pond, including runoff and other high water events, shall flow through a screen consistent with the requirements of this subsection; and

(d) the screen shall be maintained and in place at all times while any aquaculture product remains in the pond.

R657-59a-9. Species and Reproductive Capabilities of Aquaculture Product Authorized by Area for Stocking in Private Fish Ponds

(1) Aquaculture product may be stocked into a private fish pond without a certificate of registration provided the pond stocked with aquaculture product is outside the 100 year floodplain of the Colorado River and its tributaries; and the aquaculture product stocked belongs to one of the following species:

(i) In all drainages except the Virgin River drainage:

(1) any species defined as certified sterile aquaculture product as established in Subsection R657-59a-5 (1); and

(2) triploid individuals from the following species, provided the stocked aquaculture product is from a lot that meets the requirements specified in Subsection R657-59a-5 (3):

- (a) Bluegill;
- (b) Black Crappie;
- (c) Yellow Perch;
- (d) Brook Trout;
- (e) Brown Trout;
- (f) Lake Trout; and
- (g) Rainbow Trout.

(ii) In the Virgin River Drainage, only Triploid Rainbow Trout may be stocked without a certificate of registration

(iii) Fertile rainbow trout and brown trout may be stocked into all waters without a certificate of registration except those identified in a table entitled Table 59-1, dated 08-14-2023 is incorporated by reference. Table 59-1 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration webpage at <https://wildlife.utah.gov/licenses/certificates-of-registration.html>, copy currently available at: <https://docs.google.com/document/d/16KMRRSp5pZnvZforuCdWwzF9tRdiEObqFW-mvTqAsWE/edit?usp=sharing>)

(2)(a) A certificate of registration must be obtained from the division pursuant to Section R657-59a-11 prior to stocking any private fish pond with any species or sterility of aquaculture product not specifically authorized in this Section.

(b)(i) A certificate of registration application to stock triploid grass carp for control of aquatic weeds will be evaluated based upon:

- (1) adequacy of screening to contain the grass carp; and
- (2) potential for conflict with division management objectives or detrimental interactions with other species of fish or wildlife.

(ii) To import, transport, or stock live grass carp, each fish must be verified as being sterile triploid by the U.S. Fish and Wildlife Service.

R657-59a-10. Fishing License and Transportation of Dead Aquaculture Product.

(1) A fishing license is not required to:

(a) take fish from a legally recognized private fish pond; or

(b) to transport dead aquaculture product from a private fish pond, provided that the person in possession of the dead aquaculture product can provide the name, address, and phone number of the owner of the private fish pond if requested by the division.

R657-59a-11. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

(1) The following persons may apply for a certificate of registration for a private fish pond:

(a) The owner of the private fish pond;

(b) The president of a homeowners association, if the pond is on homeowners association property; or

(c) An individual who is a full-time employee of the private pond owner, who represents the pond owner or is a property manager.

(2)(a) A person may apply for a certificate of registration for a fish stocking activity by submitting an application with the required handling and inspection fee following the instructions provided at: (insert URL for updated private pond website that describes the process).

(b) The application may require up to 30 days for processing.

(c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.

(d) The division may deny an application when:

(i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;

(ii) receiving or stocking the aquaculture product or aquatic wildlife may:

(A) violate any federal, state or local law or any agreement between the state and another party;

(B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;

(C) pose an identifiable adverse threat to other wildlife species or their habitat;

(D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or

(iii) the applicant has violated any provision of Title 23a, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.

(3) A certificate of registration for a private fish pond is effective 5 years from the date of issuance as identified on the certificate of registration. During the effective period of the certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved by the certificate of registration at the locality identified on the certificate of registration so long as all stipulations under R657-59a are adhered to, unless the certificate of registration is:

(a) amended by the division at the request of the certificate of registration holder.

Amendments do not change the expiration date of a certificate of registration and the original expiration date will remain after an amendment;

(b) terminated or modified by the division pursuant to Section R657-59-13; or

(c) suspended by the division or a court pursuant to Section 23-19-9.

R657-59a-12. Expiration and Termination of Certificates of Registration.

If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of in a manner that complies with all Federal, state, and local laws.

R657-59a-13. Prohibited Activities.

(1) Live aquatic wildlife shall not be collected from the wild and used in stocking activities unless authorized by the Wildlife Board and Fish Health Policy Board.

(2) A person shall not release or transport any live aquaculture product received or held under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

R657-59a-14. Administrative Appeal Procedures.

(1) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.

(2) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this rule.

Utah Admin. Code R657-59b. Short Term Fishing Events.

R657-59b-1. Purpose and Authority.

(1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule provides the standards and procedures for short term fishing events.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 and Rule R58-17.

(3) A person operating a short term fishing event must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:

- (a) requirements for the importation of aquaculture products into Utah; and
- (b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, any provision of Title 23, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

R657-59b-2. Definitions.

(1)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(2) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(3)(a) "Event tank" means a tank, container, or vessel used to hold fish during a short-term fishing event.

(b) "Event tank" does not mean a tank, container, or vessel that is mounted to a vehicle and used to transport fish to a destination.

(4) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(5) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use

(6) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(7)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and then sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water;

(A) sport fish - aquatic animal species regulated for angling or harvest for recreation or sport;

- (B) baitfish - aquatic animal species authorized for use as bait in R657-13-12, or any other species used by anglers as bait in sporting fishing;
- (C) food fish - aquatic animal species cultured or harvested from the wild for human consumption; or
- (D) native species; or
- (ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or
- (iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.
- (8) "Private fish pond" means a standing body of water or any fish culture system which:
 - (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
 - (b) is contained entirely on privately owned land; and
 - (c) is used for holding or rearing fish for a private, noncommercial purpose.
- (9) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.
- (10) "Short-term fishing event" means any event where:
 - (a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;
 - (b) for the purposes of providing a recreational opportunity; and
 - (c) no fee is charged as a requirement to fish.

R657-59b-3. Aquaculture Facility Requirements

- (1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife for short-term fishing events in Utah, provided:
 - (a)(i) The purchaser of the aquatic wildlife possesses a valid short-term fishing event certificate of registration as issued by the division, or
 - (ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;
 - (b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5 (3); and
 - (c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5 (3).
- (2) The division may collect aquatic wildlife at short-term fishing events to verify that the species and ploidy meet the requirements of Rule R657-59a
- (3)(i) It is unlawful for an aquaculture facility to stock aquatic wildlife that violates the terms of Rule R657-59b or other rules established under Title 23, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.
 - (ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

R657-59b-4. Certificate of Registration Not Required.

- (1) A certificate of registration is not required to receive and stock an aquaculture product in an event tank for the purposes of holding a short-term fishing event, provided:
 - (a) the event tank used to hold fish temporarily is completely independent of and separated from any public waterway or waterbody;
 - (b) there is no risk of fish escaping the event tank into a public waterway or waterbody; and

(c) the short-term fishing event is being held at a location where the species, sub-species, and sterility of aquaculture product being used for the event is authorized for stocking without a certificate of registration, as described in Section R657-59a-9;

(d) the aquaculture product is:

(i) delivered to the event tank by a licensed aquaculture facility as defined in Title 4, Chapter 37;

or

(ii) the owner, lessee, or operator of the short-term fishing event:

(A) possesses documentation from the aquaculture facility verifying the information itemized in Section R657-59b-4 during transport; and

(B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the short-term fishing event;

(e) the operator of the short term fishing event obtains from the aquaculture facility providing the aquaculture product a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Title 4, Chapter 37; and

(f) the operator of the short-term fishing event provides the aquaculture facility with a signed written statement that the short-term fishing event and aquaculture product received are in compliance with this Section.

(2) A certificate of registration must be obtained from the division under Section R657-59b-8 prior to stocking in any facility that does not meet the definition of a short-term fishing event in Subsection R657-59b-2 (10), or meet the criteria in Subsection R657-59b-4 (1).

R657-59b-5. Acquiring, Importing, and Transferring Aquaculture Products

(1)(a) Species of aquaculture products that may be imported into the state are provided in Section R657-3c-5.

(b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

(c) Complete applications may require up to 30 days for processing after submission.

(2) Live aquaculture products, other than ornamental fish, may only be:

(a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and

(b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4, Chapter 37.

(3) Triploid fish may only be acquired, purchased or transferred from lots that have been certified triploid by the division.

(4)(a) Any person who has been issued a valid aquaculture license from the Utah Department of Agriculture and Food may transport live aquaculture products as specified on the certificate of registration to a stocking location.

(b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:

(i) name, address, certificate of registration number, and fish health approval number of the source;

(ii) number and weight being shipped by species;

(iii) name, address, and certificate of registration number, if applicable, of the destination; and

(iv) a copy of the importation permit provided by the Utah Department of Agriculture and Food.

(c) Once stocked in a water body, aquaculture products may not be transferred or relocated while live.

(5)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being triploid by the U.S. Fish and Wildlife Service.

(b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City prior to importation.

(c) A copy of the triploidy verification form must also accompany the fish during transport.

(6)(a) Live aquaculture products may be shipped through Utah without a certificate of registration, provided that:

(i) aquaculture products are not sold or transferred;

(ii) aquaculture products remain in the original container;

(iii) water is not exchanged or discharged; and

(iv) the shipment is in Utah no longer than 72 hours.

(b) Proof of legal ownership and destination must accompany the shipment.

R657-59b-6. Inspection of Records and Fish Stocking Locations.

(1) Records of purchase, distribution, and acquisition of aquaculture products and copies of certificates of registration must be kept for the duration of the certificate of registration and must be available for inspection by a division representative during reasonable hours.

(2) The division and its authorized representatives may inspect a short-term fishing event during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

(3) Consistent with the provisions of Rule R58-17, the division and its authorized representatives may inspect aquaculture products stocked pursuant to this rule to conduct sterility, pathological, fish culture, or physical investigations during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

R657-59b-7. Fishing License and Transportation of Dead Aquaculture Product.

(1) A fishing license is not required to:

(a) take fish from a legally recognized short-term fishing event; or

(b) to transport dead aquaculture product from a short-term fishing event, provided that the person in possession of the dead aquaculture product can provide the name of the event sponsor and the event location, if requested by the division.

R657-59b-8. Application for a Short-Term Fishing Event Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

(1) The following persons may apply for a certificate of registration for a short-term fishing event:

(a) The owner of the property where the short-term fishing event will be held;

(b) The president of a homeowners association, if the pond is on homeowners association property; or

(c) An individual who is a full-time employee of property owner where the short-term fishing event will be held, who represents the owner as a property manager

(2)(a) A person may apply for a certificate of registration for a fish stocking activity by submitting an application with the required handling and inspection fee following the instructions provided at: (insert URL for updated private pond website that describes the process).

(b) The application may require up to 30 days for processing.

(c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.

(d) The division may deny an application where:

(i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;

- (ii) receiving or stocking the aquaculture product or aquatic wildlife may:
 - (A) violate any federal, state or local law or any agreement between the state and another party;
 - (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;
 - (C) pose an identifiable adverse threat to other wildlife species or their habitat;
 - (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or
 - (iii) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.
- (3) A certificate of registration for a short-term fishing event will be effective for the days listed on the certificate of registration, unless:
- (a) amended by the division at the request of the certificate of registration holder;
 - (b) terminated or modified by the division pursuant to Section R657-59b-9; or
 - (c) suspended by the division or a court pursuant to Section 23-19-9.

R657-59b-9. Expiration and Termination of Certificates of Registration.

If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of in a manner that complies with all Federal, state, and local laws.

R657-59b-10. Prohibited Activities.

- (1) Live aquatic wildlife shall not be collected from the wild and used in stocking activities unless authorized by the Wildlife Board consistent with the requirements in Rule R657-3.
- (2) A person shall not release or transport any live aquaculture product received or held under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

R657-59b-11. Administrative Appeal Procedures.

- (1) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.
- (2) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this rule.

Utah Admin. Code R657-59c. Aquaponics.

R657-59c-1. Purpose and Authority.

(1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule subpart provides the standards and procedures for private fish stocking.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 and Rule R58-17.

(3) A person engaging in private fish stocking must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:

- (a) requirements for the importation of aquaculture products into Utah; and
- (b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, any provision of Title 23, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

R657-59c-2. Definitions.

(1)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(2) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(3) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(4) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use

(5) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(6) "Private fish pond" means a standing body of water or any fish culture system which:

- (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
- (b) is contained entirely on privately owned land; and
- (c) is used for holding or rearing fish for a private, noncommercial purpose.

(7) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.

(8) "Short-term fishing event" means an event where:

- (a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;

- (b) for the purposes of providing a recreational opportunity; and
- (c) no fee is charged as a requirement to fish.

R657-59c-3. Aquaculture Facility Requirements

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into aquaponics facilities within Utah, provided:

(a)(i) The purchaser of the aquatic wildlife possesses a valid aquaponics facility Certificate of Registration as issued by the division, or

(ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;

(b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5 (3); and

(c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5 (3).

(2) The division may collect aquatic wildlife from aquaponics facilities to verify that the species and ploidy meet the requirements of Rule R657-59a

(3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59c or other rules established under Title 23, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.

(ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

R657-59c-4. Certificate of Registration Not Required

(1) A certificate of registration is not required to stock an aquaculture product in an aquaponics facility, provided:

(a) the aquaculture product stocked are accompanied by a valid health approval number issued by the Utah Department of Agriculture and Food under Title 4, Chapter 37;

(b) The facility is located outside the 100 year floodplain of the Colorado River and its tributaries;

(c) In the Virgin River drainage, only the following species may be stocked:

(i) Largemouth Bass;

(ii) Bluegill; and

(iii) Rainbow Trout

(d) In all other drainages, the following species may be stocked:

(i) bluegill;

(ii) hybrid bluegill (bluegill x green sunfish);

(iii) redear sunfish;

(iv) green sunfish;

(v) striped bass;

(vi) white bass;

(vii) hybrid striped bass or wiper (white bass x striped bass);

(viii) largemouth bass;

(ix) smallmouth bass;

(x) channel catfish

(xi) yellow perch;

(xii) fathead minnow;

(xiii) black crappie;

(xiv) white crappie;

- (xv) rainbow trout;
- (xvi) cutthroat trout;
- (xvii) brown trout;
- (xviii) brook trout;
- (xix) tiger trout;
- (xx) walleye;
- (xxi) white sturgeon; and
- (xxii) any aquatic animal species classified as non-controlled for possession and importation under Sections R657-3c-5.

(3) A certificate of registration must be obtained from the division under Section R657-59c-7 prior to stocking in any facility that does not meet the definition of an aquaponics facility in Subsection R657-59c-2 (2), or meet the criteria in Subsection R657-59c-4 (1).

R657-59c-5. Acquiring, Importing, and Transferring Aquaculture Products

(1)(a) Species of aquaculture products that may be imported into the state are provided in Section R657-3c-5.

(b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

(c) Complete applications may require up to 30 days for processing after submission.

(2) Live aquaculture products, other than ornamental fish, may only be:

(a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and

(b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4, Chapter 37.

(3) Triploid fish may only be acquired, purchased or transferred from lots that have been certified triploid by the division.

(4)(a) Any person who has been issued a valid aquaculture license from the Utah Department of Agriculture and Food may transport live aquaculture products as specified on the certificate of registration to a stocking location.

(b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:

(i) name, address, certificate of registration number, and fish health approval number of the source;

(ii) number and weight being shipped by species;

(iii) name, address, and certificate of registration number, if applicable, of the destination; and

(iv) a copy of the importation permit provided by the Utah Department of Agriculture and Food.

(c) Once stocked in a water body, aquaculture products may not be transferred or relocated while live.

(5)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being triploid by the U.S. Fish and Wildlife Service.

(b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City prior to importation.

(c) A copy of the triploidy verification form must also accompany the fish during transport.

(6)(a) Live aquaculture products may be shipped through Utah without a certificate of registration, provided that:

(i) aquaculture products are not sold or transferred;

(ii) aquaculture products remain in the original container;

(iii) water is not exchanged or discharged; and

- (iv) the shipment is in Utah no longer than 72 hours.
- (b) Proof of legal ownership and destination must accompany the shipment.

R657-59c-6. Inspection of Records and Fish Stocking Locations.

- (1) Records of purchase, distribution, and acquisition of aquaculture products and copies of certificates of registration must be kept for the duration of the certificate of registration and must be available for inspection by a division representative during reasonable hours.
- (2) The division and its authorized representatives may inspect an aquaponics facility during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.
- (3) Consistent with the provisions of Rule R58-17, the division and its authorized representatives may inspect aquaculture products stocked pursuant to this rule to conduct sterility, pathological, fish culture, or physical investigations during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

R657-59c-7. Application for a Aquaponics Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

- (1) The following persons may apply for a certificate of registration for an aquaponics facility:
 - (a) The owner of the aquaponics facility; and
 - (b) An individual who is a full-time employee of the aquaponics facility owner and represents the owner as a facility manager.
- (2)(a) A person may apply to receive a certificate of registration for an aquaponics facility by submitting an application with the required handling and inspection fee following the instructions provided at: (insert URL for updated private pond website that describes the process).
- (b) The application may require up to 30 days for processing.
- (c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.
- (d) The division may deny an application where:
 - (i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;
 - (ii) receiving or stocking the aquaculture product or aquatic wildlife may:
 - (A) violate any federal, state or local law or any agreement between the state and another party;
 - (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;
 - (C) pose an identifiable adverse threat to other wildlife species or their habitat;
 - (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives;
 - (iii) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.
- (3) A certificate of registration for an aquaponics facility may remain effective for up to 5 years from the date of issuance as identified on the certificate of registration. During the effective period of the issued certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved on the certificate of registration at the locality identified on the certificate of registration as long as all stipulations under Rule R657-59c are adhered to, unless the certificate of registration is:
 - (a) amended by the division at the request of the certificate of registration holder;

- (b) terminated or modified by the division pursuant to Section R657-59c-8; or
- (c) suspended by the division or a court pursuant to Section 23-19-9.

R657-59c-8. Expiration and Termination of Certificates of Registration.

If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of in a manner that complies with all Federal, state, and local laws.

R657-59c-9. Prohibited Activities.

(1) Live aquatic wildlife shall not be collected from the wild and used in stocking activities unless authorized by the Wildlife Board consistent with the requirements in Rule R657-3c.

(2) A person shall not release or transport any live aquaculture product received or held under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

R657-59c-10. Administrative Appeal Procedures.

(1) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.

(2) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this rule.

Utah Admin. Code R657-59d. Institutional Aquaculture.

R657-59d-1. Purpose and Authority.

(1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule provides the standards and procedures for institutional aquaculture.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 and Rule R58-17.

(3) A person engaging in institutional aquaculture must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:

- (a) requirements for the importation of aquaculture products into Utah; and
- (b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, any provision of Title 23, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

R657-59d-2. Definitions.

(1)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(2) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(3) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(4) "Lake" means a naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use

(5) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(6) "Private fish pond" means a standing body of water or any fish culture system which:

- (a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;
- (b) is contained entirely on privately owned land; and
- (c) is used for holding or rearing fish for a private, noncommercial purpose.

(7) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.

(8) "Short-term fishing event" means any event where:

- (a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;

- (b) for the purposes of providing a recreational opportunity; and
- (c) no fee is charged as a requirement to fish.

R657-59d-3. Aquaculture Facility Requirements

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into institutional aquaculture facilities within Utah, provided:

(a)(i) The purchaser of the aquatic wildlife possesses a valid institutional aquaculture facility Certificate of Registration as issued by the division, or

(ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;

(b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5 (3); and

(c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5 (3).

(2) The division may collect aquatic wildlife from institutional aquaculture facilities to verify that the species and ploidy meet the requirements of Rule R657-59a

(3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59d or other rules established under Title 23, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.

(ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

R657-59d-4. Certificate of Registration Required

(1)(a) A certificate of registration is required for any public agency, institution of higher learning, school, or educational program to engage in aquaculture.

(b) A certificate of registration is not required for any public agency, institution of higher learning, school, or educational program to engage in the hobby of aquaponics, so long as the aquaponics facility complies with the regulations in Subsection R657-59c.

(2) Aquaculture products produced by institutional aquaculture facility may not be:

(a) sold;

(b) stocked; or

(c) transferred into waters of the state unless specifically authorized by the certificate of registration.

(i) All fish transferred into waters of the state must receive a valid fish health certification number from the Utah Department of Agriculture and Food as described in Title 4, Chapter 37.

R657-59d-5. Acquiring, Importing, and Transferring Aquaculture Products

(1)(a) Species of aquaculture products that may be imported into the state are provided in Section R657-3c-5.

(b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

(c) Complete applications may require up to 30 days for processing after submission.

(2) Live aquaculture products, other than ornamental fish, may only be:

(a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and

(b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4, Chapter 37.

(3) Triploid fish may only be acquired, purchased or transferred from lots that have been certified triploid by the division.

(4)(a) Any person who has been issued a valid aquaculture license from the Utah Department of Agriculture and Food may transport live aquaculture products as specified on the certificate of registration to a stocking location.

(b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:

(i) name, address, certificate of registration number, and fish health approval number of the source;

(ii) number and weight being shipped by species;

(iii) name, address, and certificate of registration number, if applicable, of the destination; and

(iv) a copy of the importation permit provided by the Utah Department of Agriculture and Food.

(c) Once stocked in a water body, aquaculture products may not be transferred or relocated while live.

(5)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being triploid by the U.S. Fish and Wildlife Service.

(b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City prior to importation.

(c) A copy of the triploidy verification form must also accompany the fish during transport.

(6)(a) Live aquaculture products may be shipped through Utah without a certificate of registration, provided that:

(i) aquaculture products are not sold or transferred;

(ii) aquaculture products remain in the original container;

(iii) water is not exchanged or discharged; and

(iv) the shipment is in Utah no longer than 72 hours.

(b) Proof of legal ownership and destination must accompany the shipment.

R657-59d-6. Inspection of Records and Fish Stocking Locations.

(1) Records of purchase, distribution, and acquisition of aquaculture products and copies of certificates of registration must be kept for the duration of the certificate of registration and must be available for inspection by a division representative during reasonable hours.

(2) The division and its authorized representatives may inspect an institutional aquaculture facility during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

(3) Consistent with the provisions of Rule R58-17, the division and its authorized representatives may inspect aquaculture products stocked pursuant to this rule to conduct sterility, pathological, fish culture, or physical investigations during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

R657-59d-7. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

(1) Only persons who are full-time employees of the institution of higher learning, school, or other educational program, or public agency seeking to engage in institutional aquaculture may apply for a certificate of registration.

(2)(a) A person may apply to receive a certificate of registration for an aquaponics facility by submitting an application with the required handling and inspection fee following the instructions provided at: (insert URL for updated private pond website that describes the process).

(b) The application may require up to 30 days for processing.

(c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.

(d) The division may deny an application where:

(i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;

(ii) receiving or stocking the aquaculture product or aquatic wildlife may:

(A) violate any federal, state or local law or any agreement between the state and another party;

(B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;

(C) pose an identifiable adverse threat to other wildlife species or their habitat;

(D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or

(iii) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law related to the applicant's ability to responsibly carry out the stocking activity.

(2) A certificate of registration for an institutional aquaculture facility may remain effective for up to 5 years from the date of issuance as identified on the certificate of registration, unless:

(a) amended by the division at the request of the certificate of registration holder;

(b) terminated or modified by the division pursuant to Section R657-59d-8; or

(c) suspended by the division or a court pursuant to Section 23-19-9.

R657-59d-8. Expiration and Termination of Certificates of Registration.

If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of in a manner that complies with all Federal, state, and local laws.

R657-59d-9. Prohibited Activities.

(1) Live aquatic wildlife shall not be collected from the wild and used in stocking activities unless authorized by the Wildlife Board consistent with the requirements in Rule R657-3c.

(2) A person shall not release or transport any live aquaculture product received or held under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

R657-59d-10. Administrative Appeal Procedures.

(1) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.

(2) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this rule.

Utah Admin. Code R657-59e. Stocking into Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels.

R657-59e-1. Purpose and Authority.

(1) Under the authority of Sections 23A-9-305 and 23A-9-203, this rule provides the standards and procedures for the stocking of fish into natural lakes, natural flowing streams, and reservoirs built on natural stream channels.

(2) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 and Rule R58-17.

(3) A person operating a private fish pond must also comply with all requirements established by Title 4, the Utah Agricultural Code and all rules promulgated by the Utah Department of Agriculture and Food, including:

- (a) requirements for the importation of aquaculture products into Utah; and
- (b) requirements for fish health approval for aquaculture products.

(4) Any violation of, or failure to comply with, any provision of Title 23, the Wildlife Resources Code of Utah, this rule, or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for suspension of the certificate of registration or denial of future certificates of registration, as determined by the division.

R657-59e-2. Definitions.

(1) "Aquaculture" means the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions.

(2) "Aquaculture facility" means any facility used for the husbandry, production, harvest, and use of aquatic organisms under controlled, artificial conditions that holds a valid aquaculture facility license from the Utah Department of Agriculture and Food.

(3)(a) "Aquaculture product" means privately purchased, domestically produced aquatic organisms, or their gametes.

(b) "Aquaculture product" does not mean aquatic wildlife obtained from the wild, aquatic wildlife produced by the state or federally owned aquaculture facilities, or ornamental aquatic animal species.

(4) "Aquaponics facility" means a facility that combines fish and plant culture for a non-commercial purpose where:

- (a) all water flowing into or through the facility is completely isolated from any other water source via a self-contained water transport system;
- (b) all water and waste flowing from the facility is discharged into a permitted sewer or septic system;
- (c) the aquatic animals held within the facility are used for non-commercial purposes only;
- (d) no aquatic animals or their gametes are transported from the facility alive; and
- (e) the primary use of the facility is for food production and not for the general display of fish in aquaria.

(5) "Aquatic wildlife" for the purposes of this chapter are:

(a) fish, mollusk, or crustacean species that are spawned and hatched in public waters, state or federal aquaculture facilities, and

(b) fish, mollusk, or crustacean species that escape a private fish pond into a public water

(6) "Certified sterile aquaculture product" means any fish or gamete that originates from a health certified source, as described in Title 4, Chapter 37 and is incapable of reproduction due to triploidy or hybridization, and is confirmed as sterile using the protocol described in Section R657-59a-5.

(7) "Division" means the Utah Division of Wildlife Resources.

(8) "Fee fishing facility" means a body of water used for holding or rearing fish for the purpose of providing fishing for a fee or for pecuniary consideration or advantage.

(9) "FEMA" means Federal Emergency Management Administration.

(10) "HUC" or "Hydrologic Unit Code" means a cataloging system developed by the US Geological Survey and the Natural Resource Conservation Service to identify watersheds in the United States.

(11) "Institutional aquaculture" means aquaculture engaged in by a school, college, university, or other educational program, or public agency other than the division.

(12) "Lake" means an naturally formed, perennial or intermittent, non-flowing waterbody that collects and keeps water in quantity for use

(13) "Lot" means fish of the same species that are subject to a health inspection under the Aquatic Animal Health Inspection Policy in Rule R58-17-2 (26), which establishes guidelines for lot designation for salmonid and non-salmonid fish.

(14) "Natural stream channel" means a body of water that maintains continuous, seasonal or potential flow, as determined by the division.

(15)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is cultured for display and then sold in the United States' aquarium industry for display.

(b) "Ornamental aquatic animal species" does not include:

(i) fresh water;

(A) sport fish - aquatic animal species regulated for angling or harvest for recreation or sport;

(B) baitfish - aquatic animal species authorized for use as bait in R657-13-12, or any other species used by anglers as bait in sporting fishing;

(C) food fish - aquatic animal species cultured or harvested from the wild for human consumption; or

(D) native species; or

(ii) aquatic animals and marine aquatic animals prohibited for importation or possession by any state, federal, or local law; or

(iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.

(16) "Private fish pond" means a standing body of water or any fish culture system which:

(a) is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;

(b) is contained entirely on privately owned land; and

(c) is used for holding or rearing fish for a private, noncommercial purpose.

(17)(a) "Private stocking" means an authorized release of privately owned live fish into waters of the state that are not eligible as a private fish pond, aquaculture facility, or fee fishing facility.

(18) "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for monetary consideration or advantage.

(19) "Reservoir" means an artificially constructed, non-flowing waterbody that is used to collect and keep water in quantity for use built by damming a natural stream channel.

(20) "Salmonid" means any fish belonging to the trout or salmon family.

(21) "Short-term fishing event" means any event where:

(a) privately acquired fish are held or confined for a period not to exceed ten days in a temporary event tank;

(b) for the purposes of providing a recreational opportunity; and

(c) no fee is charged as a requirement to fish.

(22) "Sterile" means the inability to reproduce.

R657-59e-3. Aquaculture Facility Requirements

(1) An aquaculture facility that possesses a valid license from the Utah Department of Agriculture and Food may stock aquatic wildlife into natural lakes, natural flowing streams, or reservoirs on natural stream channels within Utah, provided:

(a)(i) The purchaser of the aquatic wildlife possesses a valid certificate or registration to stock in natural lakes, natural flowing streams, or reservoirs on natural stream channels, or

(ii) the species being stocked meets the criteria where a certificate of registration is not required as described in Section R657-59a-4;

(b) Any triploid aquaculture product that are stocked originate from a lot that has been tested and meet the requirements specified in Subsection R657-59a-5 (3); and

(c) The aquaculture facility provides the purchaser of any triploid fish a copy of the letter issued by the division certifying that the stocked fish originated from a lot that meets the requirements specified in Subsection R657-59a-5 (3).

(2) The division may collect aquatic wildlife from Natural Lakes, Natural Flowing Streams, or Reservoirs on Natural Stream Channels to verify that the species and ploidy stocked meet the requirements of Rule R657-59a.

(3)(i) It is unlawful for an aquaculture facility to release aquatic wildlife that violates the terms of Rule R657-59e or other rules established under Title 23, the Wildlife Resources Code of Utah, and the Utah Wildlife Board.

(ii) Violation of this rule may result in a violation of Sections 23A-5-305 and 4-37-6.

R657-59e-4. Certificate of Registration Required.

(1) A certificate of registration is required for all private stocking events.

(2) An application for a certificate of registration for a private stocking event may be approved only if all the following requirements are met:

(a) The waterbody to be stocked is a lake or reservoir;

(b) The lake or reservoir to be stocked is wholly owned by the applicant;

(c) The lake or reservoir and its inlet neither contains feral fish nor are likely to support such species in the future;

(d) The intended use of the lake or reservoir will not jeopardize conservation of aquatic wildlife populations or lead to the privatization or commercialization of aquatic wildlife;

(e) The lake or reservoir being stocked satisfies the screening requirements established in Section R657-59e-7;

(f) The lake or reservoir is not vulnerable to flood or high water events capable of compromising the inlet or outlet screens which may cause privately owned fish to escape into waters of the state;

(g) The species, sub-species, and sterility of the aquaculture product received is authorized for stocking consistent with the requirements in Section R657-59a-9;

(h) the aquaculture product is delivered to the lake, natural stream channel, or reservoir:

(i) by a licensed aquaculture facility as defined in Title 4, Chapter 37; or

(ii) by the owner, lessee, or operator of the private stocking event provided this individual:

(A) possesses documentation from the aquaculture facility verifying the information itemized in Section R657-59a-(4)(b) during transport; and

(B) assumes legal responsibility for directly transporting the fish from the aquaculture facility to the private fish pond;

(i) The individual purchasing fish provides the aquaculture facility with a signed written statement that the pond and aquaculture product received are in compliance with this section.

R657-59e-5. Acquiring, Importing, and Transferring Aquaculture Products

(1)(a) Species of aquaculture products that may be imported into the state are provided in Section R657-3c-5.

(b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

(c) Complete applications may require up to 30 days for processing after submission.

(2) Live aquaculture products, other than ornamental fish, may only be:

(a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and

(b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4, Chapter 37.

(3) Triploid fish may only be acquired, purchased or transferred from lots that have been certified triploid by the division.

(4)(a) Any person who has been issued a valid aquaculture license from the Utah Department of Agriculture and Food may transport live aquaculture products as specified on the certificate of registration to a stocking location.

(b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:

(i) name, address, certificate of registration number, and fish health approval number of the source;

(ii) number and weight being shipped by species;

(iii) name, address, and certificate of registration number, if applicable, of the destination; and

(iv) a copy of the importation permit provided by the Utah Department of Agriculture and Food.

(c) Once stocked in a water body, aquaculture products may not be transferred or relocated while live.

(5)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being triploid by the U.S. Fish and Wildlife Service.

(b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City prior to importation.

(c) A copy of the triploidy verification form must also accompany the fish during transport.

(6)(a) Live aquaculture products may be shipped through Utah without a certificate of registration, provided that:

(i) aquaculture products are not sold or transferred;

(ii) aquaculture products remain in the original container;

(iii) water is not exchanged or discharged; and

(iv) the shipment is in Utah no longer than 72 hours.

(b) Proof of legal ownership and destination must accompany the shipment.

R657-59e-6. Inspection of Records and Fish Stocking Locations.

(1) Records of purchase, distribution, and acquisition of aquaculture products and copies of certificates of registration must be kept for the duration of the certificate of registration and must be available for inspection by a division representative during reasonable hours.

(2) The division and its authorized representatives may inspect a private fish pond or other stocking location during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

(3) Consistent with the provisions of Rule R58-17, the division and its authorized representatives may inspect aquaculture products stocked pursuant to this rule to conduct sterility, pathological, fish culture, or physical investigations during reasonable hours to verify compliance with the requirements of Title 23, the Wildlife Resources Code of Utah and this rule.

R657-59e-7. Screening Requirements.

(1)(a) Except as provided in Subsection (b), all permanent and intermittent inlets and outlets shall be screened to prevent the movement of aquatic wildlife from the private stocking event into public waters.

(b) Upon request of the owner or lessee, the division may conduct a site analysis and waive screen requirements if the division determines waiving screen requirements will not be detrimental to the wildlife resource.

(c) Any aquaculture product that escapes a private fish pond is considered aquatic wildlife for the purposes of licensing requirements, bag limits, and allowable methods of take.

(2) If a screen is required, the screen must meet the following provisions:

(a) the screen should be constructed of durable materials that are capable of maintaining integrity when exposed to water and air for an extended period of time;

(b) the screen shall have no openings, seams or mesh width greater than the width of the fish being stocked;

(c) all water entering or leaving the pond, including runoff and other high water events, shall flow through a screen consistent with the requirements of this subsection; and

(d) the screen shall be maintained and in place at all times while any aquaculture product remains in the pond.

R657-59e-8. Fishing License and Transportation of Dead Aquaculture Product.

(1) A fishing license is required to:

(a) take fish from a legally recognized private stocking event; and

(b) to transport dead aquaculture product from a private stocking event.

(2) Any aquaculture product that escapes a private stocking event are considered aquatic wildlife and are subject to the licensing requirements, bag limits, and allowable methods of take described in the current Utah Fishing Guidebook issued by the Utah Wildlife Board.

R657-59e-9. Escapement of Fish from Private Stocking Events.

Fish that escape from privately stocked natural lakes, natural flowing streams, or reservoirs on natural stream channels become the property of the state and are subject to the fishing regulations set forth in this title and proclamations of the Wildlife Board.

R657-59e-10. Application for a Fish Stocking Certificate of Registration; Application Criteria; Amendment of Certificate of Registration.

(1) The following persons may apply for a certificate of registration for a private fish pond:

(a) The owner of the private fish pond;

(b) The president of a homeowners association, if the pond is on homeowners association property; or

(c) An individual who is a full-time employee of the private pond owner, who represents the pond owner as a property manager.

(2)(a) A person may apply to receive a certificate of registration for a fish stocking activity by submitting an application with the required handling and inspection fee following the instructions provided at: (insert URL for updated private pond website that describes the process).

(b) The application may require up to 30 days for processing.

(c) The division may require a site inspection of the stocking location be performed to confirm compliance with the provisions found in this rule.

(d) The division may deny an application where:

- (i) the application is incomplete, filled out incorrectly, or submitted without the appropriate fee;
 - (ii) receiving or stocking the aquaculture product or aquatic wildlife may:
 - (A) violate any federal, state or local law or any agreement between the state and another party;
 - (B) negatively impact native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;
 - (C) pose an identifiable adverse threat to other wildlife species or their habitat;
 - (D) pose an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives; or
 - (iii) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, a guidebook of the Wildlife Board, a certificate of registration, an order of the Wildlife Board, or any other law that relates to the applicant's ability to responsibly carry out the stocking activity.
- (3) A certificate of registration for a private stocking event may remain effective for the length of time identified on the certificate of registration. During the effective period of the issued certificate of registration, the certificate of registration holder may stock any of the aquaculture products approved by the certificate of registration at the locality identified on the Certificate of registration so long as all stipulations under R657-59e are adhered to, unless the certificate of registration is:
- (a) amended by the division at the request of the certificate of registration holder;
 - (b) terminated or modified by the division pursuant to Section R657-59-10; or
 - (c) suspended by the division or a court pursuant to Section 23-19-9.

R657-59e-11. Expiration and Termination of Certificates of Registration.

If a certificate of registration expires or the division suspends or terminates the certificate of registration, all live aquaculture products permitted under the certificate of registration shall be disposed of in a manner that complies with all Federal, state, and local laws.

R657-59e-12. Prohibited Activities.

- (1) Live aquatic wildlife shall not be collected from the wild and used in stocking activities unless authorized by the Wildlife Board consistent with the requirements in Rule R657-3c.
- (2) A person shall not release or transport any live aquaculture product received or held under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

R657-59e-13. Administrative Appeal Procedures.

- (1) An aggrieved party to a final division action under this rule may file a request for agency action with the division under Rule R657-2.
- (2) The Director or a designee appointed by the Director shall be the presiding officer for any adjudicative proceedings initiated under this rule.

Big Sand Wash Reservoir Fisheries Management Plan 2023-2028



Purpose

The Big Sand Wash Reservoir (BSW) Management Plan defines goals for all fish species present within the reservoir for the next five years, including management of illegally introduced species and introduction of forage species. It also sets the stage for longer-term management of the reservoir and establishes criteria for evaluating monitoring efforts and future management.

This plan was put together with input from biologists and law enforcement personnel with the Utah Division of Wildlife Resources (UDWR) and from local anglers. Team members included:

- Nathan Belliston (angler)
- Braxton Bolton (angler)
- Natalie Boren (UDWR)
- Kirk Bostick (angler)
- Andrew Ercanbrack (angler)
- Brian Gardner (angler)
- Jim Grisley (angler)
- Trina Hedrick (UDWR)
- Ben Kurtz (angler)
- Morgan Larsen (UDWR)
- Tiffany Lindsay (angler)
- Craig Walker (UDWR)

In addition, habitat improvement options were discussed with Moon Lake Water Users Association (MLWUA) before implementation.

Constraints

All recommendations have considered the following:

1. existing state and federal laws and policies;
2. life history/biology of fish species;
3. that some species (e.g., brown trout) are present in the drainage above the reservoir and cannot be eradicated;
4. limnology of the reservoir;
5. morphometry of the reservoir basin;
6. current budgetary and funding constraints;
7. availability of alternative fish species for stocking; and
8. public perceptions and expectations.

Desired Condition Statement

The BSW management team would like BSW to be a family-oriented fishery that provides opportunities for anglers of all skill levels. We envision it providing a sought-after fishery in the middle of UDWR's Northeastern Management Region where risk of illegal introductions stemming from the reservoir are minimal. The team especially wants to see BSW have enough forage to feed all fish in the system while still providing ample sport fish for anglers.

Current Condition

Big Sand Wash Reservoir is 649 surface acres, originally built in 1964 with a large expansion completed in 2007. The UDWR owns the bottom 1200 acre-feet (AF) of water for fisheries conservation purposes. The reservoir contains Largemouth Bass (*Micropterus salmoides*), Smallmouth Bass (*Micropterus dolomieu*), Yellow Perch (*Perca flavescens*), Brown Trout (*Salmo trutta*), Rainbow Trout (*Oncorhynchus*

mykiss), and Walleye (*Sander vitreus*). This is the current assemblage of the most common species as verified by the UDWR in 2022. Several other species (splake (*Salvelinus namaycush* x *Salvelinus fontinalis*) and Colorado River Cutthroat Trout (*Oncorhynchus clarkia pleuriticus*)) have been documented in BSW and likely moved into the reservoir from upstream sources (e.g., Moon Lake).

Prior to 2014, UDWR had only stocked Rainbow Trout into the reservoir and at one point it was managed as a basic yield family fishery, utilizing fingerling-sized fish. Rainbow Trout are currently stocked as catchables (10 inches) at a rate of 15 fish/ac (at full pool). Tiger trout fingerlings were stocked for a few years from 2015 through 2020; however, the species rarely returned to the creel and the quota was moved elsewhere. In addition, sterile Walleye were stocked between 2016 and 2020 in an attempt to suppress the establishment of an illegally introduced population of fertile Walleye in BSW. However, because the stocking of sterile Walleye was sporadic and the survival of stocked individuals was limited, the population of fertile Walleye is now well established.

It is likely that both Largemouth and Smallmouth Bass entered the reservoir from upstream sources and nearby ponds located on private properties above BSW. Two documented illegal introductions into the reservoir, Yellow Perch and Walleye, were documented in 2013 and 2015, respectively. Yellow Perch have become well established and have recruited in consecutive year classes, for at least eight years. Stomach content analysis of fish collected in April 2015 showed Brown Trout, Walleye and Smallmouth Bass using Yellow Perch as forage; subsequent years and surveys showed Rainbow Trout also consuming Yellow Perch. By 2020, we had documented successful recruitment of Walleye; however, it was not until the winter of 2020-2021 that anglers began catching them in larger numbers. Angler catch rates for Walleye in BSW have continued to increase as has the popularity of the Walleye fishery at BSW among anglers.

Big Sand Wash Reservoir is predominantly surrounded by private land and has limited public access. Boaters and anglers can access the lake via the main boat ramp and anglers have drive-in/walk-in access at multiple locations on the east side. We are currently working with Duchesne County, MLWUA, and private landowners to improve the east-side access points. Improvements include paving the boat ramp parking area, chip sealing the road into the boat ramp, moving the vault toilet on top of the dam, and fencing/signing the east side access areas to direct recreation to specific areas. In the future, if determined to be needed, we may install additional bathrooms.

Escapement Prevention

The BSW dam remodel project in 2007 increased the storage capacity of the reservoir greatly. The current outlet on this system is a six-foot tunnel with a gate. The intake for this structure has a screen with two 4-inch metal grates. With the dam remodel, the water users constructed a 30-inch pressurized water delivery pipeline that runs 12 miles into the neighboring town of Roosevelt and is directly delivered into a secondary water system for culinary and irrigation purposes. The pipeline is pressurized to 300 PSI and water is forced through 3/8-inch holes. The MLWUA manager has indicated that he has never observed a live fish at the end of this pipeline as by the time a fish reaches the end of the pipeline, it is in small pieces. The entire drainage was upgraded to an automated web based system that can be viewed at the following web site: <http://www.duchesneriver.org/>.

Water from BSW occasionally leaves the reservoir in an open canal leading from the dam. The MLWUA staff indicated that this water is only used for irrigation purposes and is used up in the neighboring

agricultural fields between the reservoir and Roosevelt, Utah. The ditch that runs from the reservoir occasionally has water and runs down Sand Wash Creek to Hancock Cove in Roosevelt. For most of the year, water from BSW has no opportunity to reach the Duchesne River. However, there is a chance water from BSW could reach the Duchesne River during years when spring flows increase before irrigation withdrawals occur in April. During these occurrences, water could travel from Sand Wash Creek to a diversion in the Dry Gulch drainage and travel into the Duchesne River. The distance from BSW to the Duchesne River via Dry Gulch is approximately 26 miles. Water from Sand Wash Creek to the Lake Fork drainage never has the option of entering the Duchesne River as it is all diverted and placed into a pressurized irrigation pipeline downstream of the reservoir (Figure 1).

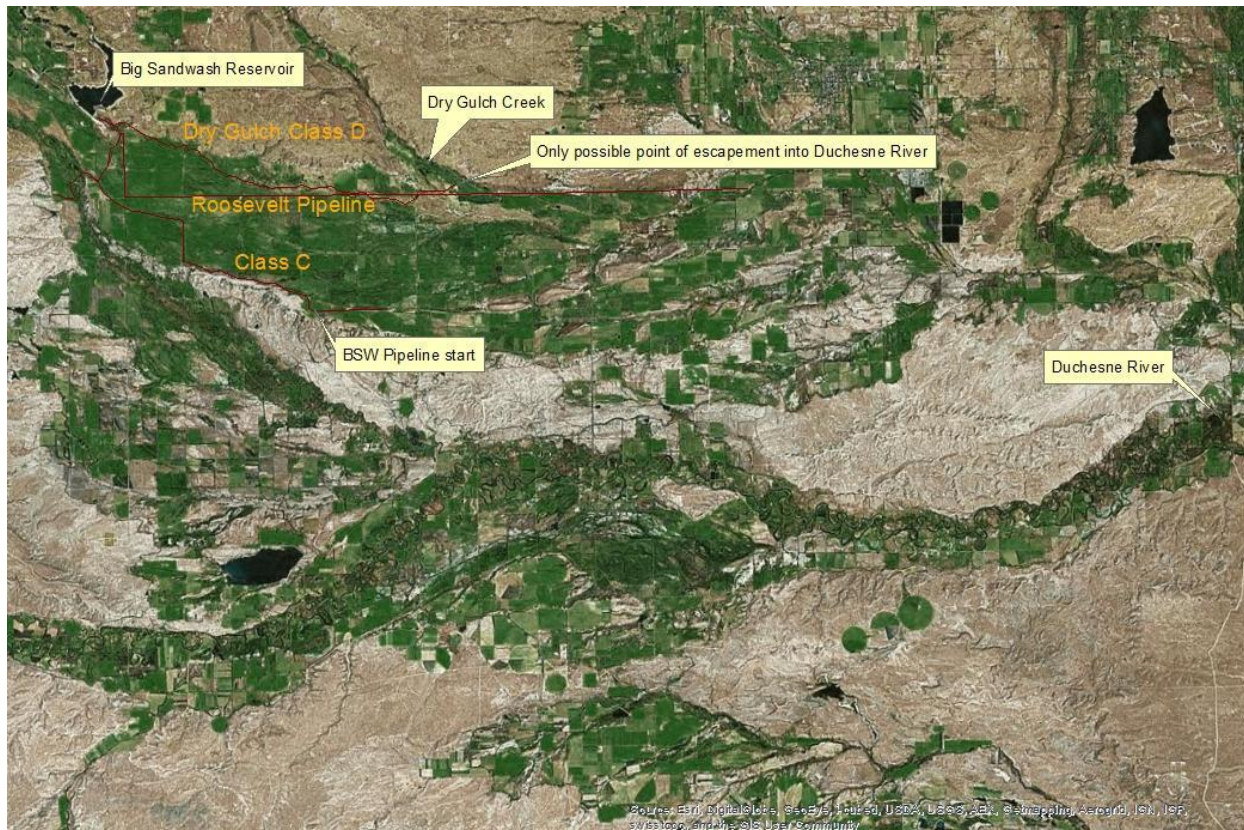


Figure 1. Pipeline and canal systems leaving BSW in relation to the Duchesne River. All information about each canal and pipeline can be found at <http://www.duchesneriver.org/>.

After talking extensively with MLWUA staff, it appears that BSW spills almost every year but the probability of water reaching the Duchesne River is very low and therefore the risk of BSW fish reaching critical habitat for the four big-river endangered fishes found in the Colorado River Basin is extremely low (the lowest two miles of the Duchesne River is considered critical habitat).

Visions, Goals, Objectives and Tools for Management of Big Sand Wash Reservoir

The following vision statement was developed by the BSW management team:

“Adaptively manage fish populations in Big Sand Wash Reservoir to provide an enjoyable recreational experience for local anglers seeking both quality and family-oriented opportunities.”

Goals

1. Manage BSW as an Opportunity water for Rainbow Trout and Walleye, a Quality water for Smallmouth Bass and a Unique water for Brown Trout (see Appendix A for management concept definitions).
2. Protect and improve the forage base in BSW, focusing Yellow Perch management on protecting them more than as an Opportunity fishery until their population improves.
3. Fill current data gaps.

Objectives (by goal) and Tools to accomplish each Objective

- 1. Manage BSW as an Opportunity water for Rainbow Trout and Walleye, a Quality water for Smallmouth Bass, and a Unique water for Brown Trout.**

Objective #1: Manage BSW as an Opportunity (see Appendix A for “opportunity” definition in this context) Rainbow Trout and Walleye fishery. Maintain Rainbow Trout catch rates above 0.2 fish per angler hour and above 10.5 fish per net night. Monitor catch rates for Walleye alongside those for Yellow Perch and identify targets based on how well the Yellow Perch are faring.

Tools to accomplish this objective:

- Stock 10” Rainbow Trout at 26.7 pounds/acre in 2023 and 37.5 pounds per acre in 2024. Continue stocking 37.5 pounds per acre in 2025 but increase the size stocked to 12 inches. This will decrease the total number of RT stocked and could assist Yellow Perch if the two species are competing extensively or if RT are predated upon Yellow Perch extensively. Evaluate changes with biannual sampling (every other year). As the Walleye population increases in size, consider a stocking adjustment for Rainbow Trout if returns decline (e.g., stocking after Nov 1st if Walleye predation is an issue).
- Monitor BSW annually using at least one technique to monitor these species (netting for Rainbow Trout and Walleye, electrofishing for Smallmouth Bass) and if abundance falls below the targets identified in the UDWR’s stocking strategy for each management concept (see Appendix B), explore options to increase numbers.
- Evaluate the new Walleye daily bag limit and adjust as needed to maximize the effectiveness of harvest while attempting to reduce density of Walleye size classes most impactful to forage availability. Balance this with the catch rate targets, reducing Walleye targets as needed to improve the forage base.
- Analyze the relationship between catch rates during the last creel survey and sampling catch rates over that same time period to determine if sampling catch rate can serve as a surrogate for creel catch rates since creel surveys are only completed once every 10+ years. In addition, spot creels, tagged fish returns, and the Utah Fish Planner (<https://dwrapps.utah.gov/fishing/fStart>) could all be used as tools to track angler catch rates.

Objective #2: Manage BSW as a Quality (see Appendix A for “quality” definition in this context) Smallmouth Bass fishery in the future. Provide anglers the opportunity to catch and harvest a memorable or trophy-sized bass (Appendix A).

Tools to accomplish this objective:

- Monitor SMB every other year using electrofishing to evaluate size distribution and abundance. At least 60% of SMB should be of Quality size (11-inches), 7-10% should be Preferred size (14-inches), and there should be at least a few Memorable sized fish in the system (17-inches).
- Determine mortality limit (mortality cap) to ensure size goals for SMB can be met.
- Collect spines from Smallmouth Bass in 2023 for age and growth purposes. Utilize information from this analysis to evaluate whether a regulation change is necessary (minimum harvest length, slot limit, or potentially protecting the spawn), or if reducing annual mortality would suffice (e.g., using habitat structures).
- Pursue habitat installations providing structure for fry, larvae, and/or juvenile Smallmouth Bass to improve annual survival.
- Before the 2028 revision, discuss the pros and cons of considering this area for a Blue Ribbon Fishery status. Concern was expressed in 2023 that if the pressure increased at this water, Smallmouth Bass would be vulnerable during the spawn and could be heavily impacted given the reservoir’s small size. Before assigning Blue Ribbon status, a thorough review of the Smallmouth Bass population is warranted to better understand current mortality rates and how certain regulations would affect the fishery.

Objective #3: Manage BSW as a Unique (see Appendix A for “Unique” definition in this context) Brown Trout fishery. Provide anglers the opportunity to catch and harvest a memorable or trophy-sized Brown Trout, even if only rarely (Appendix A).

Tools to accomplish this objective:

- Maintain < 0.1 fish/hr creel catch rate for Brown Trout (monitored using spot creels or Dedicated Hunter creels during this cycle). The current rate (2020-2021) is 0.005 fish/hr and ranged from 0.0 fish/hr six of the creel months to 0.02 fish/hr in September and February.
- Maintain a gill net catch rate of 0.5 fish per net night or less in spring nets. Recent catch rates have ranged from 0.25 fish per net night in April 2019 to 0.75 fish per net night in April 2018. The most recent catch rates (2022) have been closer to 0.5 fish per net night.
- Consider stocking Brown Trout at small sizes (less than 3 inches) and low numbers ($\leq 5,000$ fish) every 4–5 years if excess fish are available, but do not overstock or stock in years with low Yellow Perch production. Evaluate survival 2-3 years post-stock.

2. Protect and improve the forage base in BSW, focusing Yellow Perch management on protecting them more than as an Opportunity fishery until their population improves.

Objective #1: Protect early life stages of Yellow Perch to increase annual survival.

Tools to accomplish this objective:

- Monitor Yellow Perch populations for increases and decreases in populations.
- Pursue habitat installations providing structure for fry, larvae, and/or juvenile Yellow Perch to improve annual survival. Complete a diversified habitat installation plan that is approved by the BSWMT and MLWUA.
- Assess use of the hypolimnion as cover by age-1 Yellow Perch, specifically looking for hypoxic areas after stratification occurs. Consider placing habitat structures just within or just outside of the hypoxic area(s) if present.
- Monitor effectiveness of the 10 Yellow Perch limit implemented January 1, 2023. Revise as needed, acknowledging that Yellow Perch are their “own worst enemy” and are highly cannibalistic when abundance is high. If abundance is high, the daily bag limit should be increased as a response.
- Consider adjusting the Rainbow Trout quota to improve conditions for Yellow Perch (e.g. increasing the size, while keeping pounds the same each year as mentioned earlier). As time allows, monitor the diet of Rainbow Trout and Yellow Perch in multiple seasons to determine extent of competition and/or predation.

Objective #2: Increase the forage base in BSW by stocking an additional forage species into the reservoir.

Tools to accomplish this objective:

- Research other forage species options and pursue stocking of at least one non-game species into BSW.
 - Research additional forage species that might do well in BSW and other waters within the Northeastern Region. Any species considered would have to be available for purchase from a disease-free certified source and would have to be compatible with the Upper Colorado River Endangered Fish Recovery Program’s (Program) Nonnative Stocking Policy agreed upon by all Program members, including the UDWR.
 - Mountain Sucker successfully reproduced and recruited in this waterbody, until the late 1990s when UDWR reset BSW using rotenone. The goal of restoring this species to BSW would be to increase propagule pressure of a forage species to the point that it can become established within a reservoir despite the diverse predator assemblage present. The species will be disease tested in Moon Lake in FY24 and if certified disease-free, collected annually in June and transferred to BSW for at least five years. This effort would be monitored during gill netting activities and we would look for signs of reproduction and recruitment. After five years, if we haven’t seen any signs of recruitment, we will reconsider the use of this species as forage here.
 - Monitoring for this species would occur along with other identified tasks for the year and would attempt to answer the questions:
 - Are Mountain Sucker reproducing and recruiting on their own in BSW?
 - Are Mountain Sucker being utilized as forage by other species in BSW?

- Are Mountain Sucker taking the predation pressure off of Yellow Perch (evaluate using Yellow Perch abundance information)?

3. Fill current data gaps.

Objective #1: Gather pertinent and useful data to manage BSW using tools and management techniques available to UDWR managers.

Tools to accomplish this objective:

- Establish a baseline zooplankton community sample in 2023 and follow-up with zooplankton community sampling every three years after that.
- Study the limnology of the reservoir, specifically how DO, pH, and temperature at depth change over the irrigation season. Research this is in wet, average, and dry hydrological years to determine if reservoir elevations and rapidity of drawdowns affect conditions. Determine if the hypolimnion ever goes anoxic and if so, at what time of year and reservoir elevation is it more likely? Does it disappear later in the year and if so, when?
- Monitor crayfish populations in 2023 and every three years after that to assess trends through time.
- Monitor Walleye growth and condition over time to inform regulation changes.
- Monitor Yellow Perch abundance over time, following methods identified in the current effort to standardize monitoring statewide (final methods anticipated by December 31, 2023).
- Determine age, growth rates, and natural mortality of Smallmouth Bass (continue to gather data for this and build up over time).
- Conduct a programmatic creel survey at BSW every 10 years (next creel would be 2030-2031).

Discussion

Big Sand Wash Reservoir is surrounded by several small communities, which use this reservoir as a family oriented fishery, but also wish to have the opportunity to catch larger fish. With escapement issues being minimal at this reservoir, the UDWR has a unique opportunity to manage Smallmouth Bass as a Quality fishery that would benefit both local anglers and destination anglers.

This reservoir should remain a family-oriented fishery that provides a good fishing experience for all levels of anglers. This management plan provides flexibility to allow for adjustments as conditions change in the reservoir. At this point in time, BSW is a productive system with the ability to grow large fish of multiple species, both cold and warm water. It is considered a two-tier fishery and will be managed as such.

Timeline for Implementation

- March 2023 – Finalize management plan with MT.
- April 2023 – Submit management plan to partners for review, comments.
- April 2023 – Stock Rainbow Trout (10k fish at 10-inches).
- Summer 2023 – Monitor zooplankton and crayfish, conduct water quality monitoring after likely stratification and then at the end-of-year elevation.

- August 2023 – Electrofish or net for Yellow Perch.
- September 2023 – Submit management plan to NER RAC as an information item. Electrofish for Smallmouth Bass, collecting SMB spines in addition to length and weight. Determine SMB population estimate from this survey.
- October 2023 – Install habitat structures if funding is received. Complete Fall Walleye Index Netting.
- Winter 2023-2024 – Research out-of-state forage options.
- Spring 2024 – Net BSW for Rainbow Trout, Walleye, and Yellow Perch obtaining information on condition and abundance.
- April 2024 – Stock Rainbow Trout (14k fish at 10-inches).
- June 2024 – Disease certification for Mountain Sucker
- Summer 2024 – Conduct water quality monitoring after likely stratification and then at the end-of-year elevation (if a different hydrologic water year from 2023). Request Dedicated Hunters for spot creel surveys throughout the summer.
- Fall 2024 – Install habitat structures if funding is received. Monitor previously installed habitat structures.
- April 2025 – Stock Rainbow Trout (5700 fish at 12-inches).
- June 2025 – Transfer Mountain Sucker if disease free.
- Summer 2025 – Conduct water quality monitoring after likely stratification and then at the end-of-year elevation (if a different hydrologic water year from 2023 and 2024).
- September 2025 – Electrofish for Smallmouth Bass.
- October 2025 – Complete Fall Walleye Index Netting. Install habitat structures if funding is received. Monitor previously installed habitat structures.
- Spring 2026 – Net BSW for Rainbow Trout, Walleye, and Yellow Perch obtaining information on condition and abundance.
- April 2026 – Stock Rainbow Trout (5700 fish at 12-inches).
- June 2026 – Transfer Mountain Sucker if disease free.
- Summer 2026 – Monitor zooplankton and crayfish, conduct water quality monitoring after likely stratification and then at the end-of-year elevation (if a different hydrologic water year from 2023-2025). Request Dedicated Hunters for spot creel surveys throughout the summer.
- October 2026 – Install habitat structures if funding is received. Monitor previously installed habitat structures.
- April 2027 – Stock Rainbow Trout (5700 fish at 12-inches).
- June 2027 – Transfer Mountain Sucker if disease free.
- Summer 2027 – Conduct water quality monitoring after likely stratification and then at the end-of-year elevation (if a different hydrologic water year from 2023-2026).
- September 2027 – Electrofish for Smallmouth Bass, collecting spines in addition to length and weight. Determine population estimate from this survey.
- October 2027 – Complete Fall Walleye Index Netting. Install habitat structures if funding is received. Monitor previously installed habitat structures.
- Spring 2028 – Net BSW for Rainbow Trout, Walleye, and Yellow Perch obtaining information on condition and abundance.
- April 2028 – Stock Rainbow Trout (5700 fish at 12-inches).
- June 2028 – Transfer Mountain Sucker if disease free (year four of five).

- Summer 2028 – Conduct water quality monitoring after likely stratification and then at the end-of-year elevation (if a different hydrologic water year from 2023-2027). Request Dedicated Hunters for spot creel surveys throughout the summer.
- Fall 2028 – Install habitat structures if funding is received. Monitor previously installed habitat structures.
- In all years, assess stocking rates and adjust, knowing that changes may be 1-2 years out, depending on size and number of fish requested.

Appendix A

In 2023, UDWR finalized a statewide stocking strategy that defines the fisheries management concepts used in the state. The management concepts can be characterized as follows.

Opportunity: Provide a high catch rate for a species. The size of fish caught is typically near catchable size.

Unique: Provide anglers the chance to catch a species that is not common to the state or a waterbody (e.g., Golden Trout, Striped Bass, etc.).

Quality: Provide anglers the chance to catch larger fish than at an opportunity fishery. Anglers will catch many stock or quality sized fish but have a good chance to catch preferred size fish.

Trophy: Provide anglers the chance to catch memorable sized fish. Anglers should expect to catch many stock or quality length fish with occasional preferred, memorable, or trophy sized fish caught.

Predator Management: A fishery that utilizes a predator to control a prey species that is either non-native or has a tendency to achieve densities that are detrimental to a fishery (e.g., Utah Chub).

Wild Fishery: A fishery that is sustained by natural reproduction.

Native Fish Water: A waters that is solely managed for native fish conservation.

In the above definitions, terms that categorize the size distribution of a fishery are referenced (stock, quality, preferred, memorable, trophy). These terms are defined in fisheries management texts and are borrowed from Gabelhouse 1984:

Stock: 20-26% of the species' world record length (Anderson and Weithman 1978),

Quality: 36-41% of the species' world record length,

Preferred: 45-55% of the species' world record length,

Memorable: 59-64% of the species' world record length, and

Trophy: 74-80% of the species' world record length.

Works Cited

Gabelhouse, D.W., Jr. 1984. A length-categorization system to assess fish stocks. *North American Journal of Fisheries Management* 4:273-285.

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Appendix B

Species	Concept	PSD	RSD-P	RSD-M	Net CPUE(fish/net-night)	Creel CPUE (fish/hr)	Fulton's K ^a	Relative Weight	Predator/Prey Biomass Ratio	ROI	Growth (inches; 1 & 2 years post-stocking)	L [∞] (percentile)	Angler Exploitation Rate (%)
Trout	Opportunity	10 (0-70)			10 (>5)	0.35-3.0	0.85-1.0	85-100		>50%			
	Quality	60 (>30)	>5		5-20	0.2-1.5	>0.95	>95		>150%	>4		
	Trophy	65 (>40)	>10	≥5	<20	<0.5	>1.0	>100 ^c		>100%	>6		
	Predator Mgmt.	65 (>40)	>10	≥5	<20	<0.5	>1.0	100 (90-110)	0.05-0.10	>50%	>6		
Muskie ^d	Opportunity				0.05-0.06	0.02-0.03						<33rd	33.3-36.8
	Quality				0.03-0.04	0.01-0.02		>100				33rd-67th	25.7-28.4
	Trophy				0.03-0.04	0.01-0.02		>100				>67th	25.7-28.4
	Predator Mgmt.				0.01-0.02	0.01-0.02		>80				33rd-67th	≥ 27.0
Wiper	Opportunity	75 (>60)			7.5 (1-20)	0.11 (>0.075)		85 (>75)					
	Predator Mgmt.	70 (>40)			20 (3.5-30.5)			80 (>75)			5 (>3)		
Walleye	Opportunity	65 (>40)			4.5 (1.0-9.1)			90 (>80)					
Catfish	Opportunity (not community fishery)	75 (40-90)			7 (1-14)	0.07 (0.02-0.14)				>50%			
	Community Fishery					0.25 (0.1-0.4)							