

RAC AGENDA – December 2016

Revised 12-5-16



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|----|---|----------------------|
| 1. | Welcome, RAC Introductions and RAC Procedure
- RAC Chair | |
| 2. | Approval of Agenda and Minutes
- RAC Chair | ACTION |
| 3. | Wildlife Board Meeting Update
- RAC Chair | INFORMATIONAL |
| 4. | Regional Update
- DWR Regional Supervisor | INFORMATIONAL |
| 5. | Waterfowl Recommendations and Rule Amendments - 2017
- Blair Stringham, Waterfowl Program Coordinator | ACTION |
| 6. | 2017 Black Bear Recommendations and Rule Amendments
- Rusty Robinson, Wildlife Biologist | ACTION |
| 7. | Private Pond Rule Amendments – Rule R657- 59
- Randy Oplinger, Coldwater Sport Fisheries Program Coordinator | ACTION |
| 8. | AIS Rule Amendments – Rule R657- 60
- Nathan Owens, Aquatic Invasive Species Program Coordinator | ACTION |
| 9. | R657-38 Dedicated Hunter Rule Amendments
- Bryan Christensen, Dedicated Hunter Coordinator | ACTION |

Region Specific Items – to be presented in the specified region only.

Meeting Locations

CR RAC – Dec. 6th 6:30 PM
Springville Civic Center
110 S. Main Street, Springville

SER RAC – Dec. 14th 6:30 PM
John Wesley Powell Museum
1765 E. Main St., Green River

NR RAC – Dec. 7th 6:00 PM
Brigham City Community Center
24 N. 300 W., Brigham City

NER RAC – Dec. 15th 6:30 PM
Wildlife Resources NER Office
318 North Vernal Ave, Vernal

SR RAC – Dec. 13th 5:00 PM
Sevier School District Office
180 E. 600 N., Richfield

Board Meeting – Jan. 3rd 9:00 am (Tuesday)
DNR Boardroom
1594 West North Temple, SLC



GARY R. HERBERT
Governor

SPENCER J. COX
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

GREGORY SHEEHAN
Division Director

November 14, 2016

TO: Utah Wildlife Board / Regional Advisory Council Members
FROM: Blair Stringham
Migratory Game Bird Program Coordinator
SUBJECT: 2017-18 Waterfowl Season Recommendations

General season duck harvest frameworks are driven by the status of mallard breeding populations. The Western Mallard Harvest Strategy was implemented to determine harvest regulations in the Pacific Flyway. Additionally, scaup, pintail and canvasback have separate harvest frameworks that are based on species-specific harvest strategies. The year's option is the LIBERAL waterfowl package (107 day season/7 bird bag); 1-bird bag for pintails; 2-bird bag for canvasback; and a 3-bird bag and 86 day season for scaup.

There has been growing interest from waterfowl hunters in the southern part of the state to provide later hunt dates for ducks and geese. Frequently waterfowl have not begun to migrate to southern portions of the state, and the first few weeks of the season are largely unproductive for waterfowl hunters in these areas. Providing later hunting dates should increase hunter success for both ducks and geese, and allow for an additional youth hunting day in the state. The zone will be proposed as follows:

Northern Zone: All of Box Elder, Cache, Daggett, Davis, Duchesne, Morgan, Rich, Salt Lake, Summit, Uintah, Utah, Wasatch, and Weber Counties, and that part of Toole County north of I-80.

Southern Zone: All of Juab, Millard, Beaver, Iron, Washington, Sanpete, Sevier, Piute, Wayne, Garfield, Kane, San Juan, Grand, Emery, Grand, Carbon and that part of Tooele County south of I-80.

The remaining portion of the state will have dark goose zones similar to last year.

This year we are recommending a new rest area in the North Bachman Unit at Ogden Bay Waterfowl Management Area. Rest areas provide security and access to feed in areas adjacent to hunting areas. It's anticipated that the creation of this rest area will result in increased bird movements and higher hunter success at Ogden Bay.

Specific season and bag recommendations for the 2017-2018 Utah waterfowl season are as follows:



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November 19, 2016

Subject: 2017-18 Migratory Game Bird Recommendations

Youth Day

Northern Zone: 9/23/2017

Southern Zone: 9/30/2017

Duck/Coot/Merganser (7 bag / 21 possession; 2 female mallard, 2 redhead, 2 wood duck,
1 pintail, 2 canvasback, 3 scaup)

Northern Zone: 10/7/2017 – 1/20/2018

Northern Scaup: 10/7/2017 – 12/31/2018

Southern Zone: 10/14/2017 – 1/27/2018

Southern Scaup: 11/3/2017 – 1/27/2018

Dark Goose (4 bag / 12 possession)

Eastern Box Elder Zone: 10/7/2017 – 1/20/2018

Northern Zone: 10/7/2017 – 10/19/2017; 10/28/2017 – 1/28/2018

Southern Zone: 10/14/2017 – 1/27/2018

Wasatch Front Zone: 10/7/2017 – 10/19/2017; 11/4/2017 – 2/4/2018

Light Goose (20 bag / 60 possession)

Statewide: 10/25/2017 – 11/30/2017; 1/1/2018 – 3/10/2018

- Closed in Millard County from February 5 – February 28

Snipe (8 bag / 24 possession; season dates same as duck zone)

Falconry (3 bag / 9 possession; season dates same as duck zone)

Swan (2000 total permits)

Season: 10/7/2017 – 12/10/2017

R657-9-30. Rest Areas and No Shooting Areas.

(1) A person may only access and use state waterfowl management areas in accordance with state and federal law, state administrative code, and proclamations of the Wildlife Board.

(2)(a) The division may establish portions of state waterfowl management areas as "rest areas" for wildlife that are closed to the public and trespass of any kind is prohibited.

(b) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot, the following areas are designated as rest areas:

(i) That portion of Clear Lake Waterfowl Management Area known as Spring Lake;

(ii) That portion of Desert Lake Waterfowl Management Area known as Desert Lake;

(iii) That portion of Public Shooting Grounds Waterfowl Management Area that lies above and adjacent to the Hull Lake Diversion Dike known as "Duck Lake";

(iv) That portion of Salt Creek Waterfowl Management Area known as "Rest Lake"; ~~and~~

(v) That portion of Farmington Bay Waterfowl Management Area that lies in the northwest quarter of unit one; ~~and-~~

(vi) That portion of Ogden Bay Waterfowl Management Area known as North Bachman.

~~(c)~~ Maps of all rest areas will be available at division offices, on the division's website, and to the extent necessary, marked with signage at each rest area.

(3)(a) The division may establish portions of state waterfowl management areas as "No Shooting Areas" where the discharge of weapons for the purposes of hunting is prohibited.

(b) No Shooting Areas remain open to the public for other lawful activities.

(c) In addition to any areas identified in the proclamation of the Wildlife Board for taking waterfowl, Wilson's snipe, and coot, the following areas are No Shooting Areas:

(i) Within 600 feet of the north and south side of the center line of Antelope Island causeway;

(ii) Within 600 feet of all structures found at Brown's Park Waterfowl Management Area;

(iii) The following portions of Farmington Bay Waterfowl Management Area:

(A) within 600 feet of the Headquarters ~~and Learning Center area;~~ ~~and~~

(B) within 600 feet of dikes and roads accessible by motorized vehicles; ~~and~~

(C) within the area designated as the Learning Center;

R657-62-22. Swan.

(1) Permit applications.

(a) A person may obtain only one swan permit each year.

(i) A person may not apply more than once annually.

(b) A Utah hunting or combination license is required when hunting Swan and may be purchased when applying for the permit.

(c) The division shall issue no more than the number of swan permits authorized by the U.S. Fish & Wildlife Service each year.

~~(i) The division may withhold up to 1% of the authorized number of swan permits each year to correct division errors, which may occur during the drawing process.~~

~~(ii) Division errors may be corrected using the withheld swan permits in accordance with the Division Error Remedy Rule R657-50.~~

~~(iii) Withheld swan permits shall be used to correct division errors reported to or discovered by the division on or before the fifth day preceding the opening day of the swan hunt.~~

~~(iv) Withheld swan permits remaining after correcting any division errors shall be issued prior to the opening day of the swan hunt to the next person on the alternate drawing list.~~

(d) A person must complete a one-time orientation course before applying for a swan permit, except as provided under Subsection R657-9-6 (3) (b).

(i) Remaining swan permits available for sale shall be issued only to persons having previously completed the orientation course.

(e) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31st of the year in which the youth hunting day is held, as provided in the guidebook of the Wildlife Board for taking waterfowl, Wilson's snipe and coot. ~~15 years of age or younger on the Youth Waterfowl Day hunt as posted in the guidebook of the Wildlife Board for taking waterfowl.~~

(b) Fifteen percent of the Swan permits are reserved for youth hunters.

(c) Youth who apply for a swan permit will automatically be considered in the youth permit drawing based on their birth date.

(3) Group applications.

(a) Up to four people may apply together in a Group Application.

(b) Up to four youth may apply together in a Group Application. ~~Youth hunters who wish to participate in the youth drawing must not apply as a group.~~

(4) Waiting period does not apply.

R657-62-21. Sandhill Crane, Sharp-Tailed and Greater Sage Grouse.

(1) Permit applications.

(a) A person may obtain only one Sandhill Crane permit each year.

(b) A hunting or combination license is required when taking Sandhill Crane, Sharp-Tailed and Greater Sage Grouse and may be purchased when applying for the permit.

(c) Applicants must meet all age requirements, proof of hunter education requirements and youth restrictions as provided in Utah Code 23-19-24, 23-19-11 and 23-20-20.

(d) Applicants may select up to four hunt choices. Hunt unit choices must be listed in order of preference.

(2) Youth applications.

(a) For purposes of this section, "youth" means any person 17 years of age or younger on July 31 for the purpose of obtaining Sandhill Crane, Sharp-tailed grouse and Greater Sage grouse permits, ~~and 15 years of age or younger on the Youth Waterfowl hunt, as posted in the guidebook of the Wildlife Board for taking upland game and turkey, for the purpose of obtaining a Sandhill Crane permit.~~

(b) Fifteen percent of the Sandhill Crane, Sharp-tailed grouse and Greater sage grouse permits are reserved for youth hunters.

(c) Youth applicants who apply for a Sandhill Crane, Sharp-tailed grouse or Greater sage grouse permit as provided in this Subsection, will automatically be considered in the youth drawing based upon their birth date.

(3) Group Applications

(a) Up to four people may apply together.

(b) Youth hunters who wish to participate in the youth drawing must not apply as a group.

(4) Waiting Periods do not apply.



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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

GREGORY SHEEHAN
Division Director

MEMORANDUM

Date: November 15, 2016

To: Wildlife Board and Regional Advisory Council Members

From: Rusty Robinson

Subject: **2017 Black Bear Season Dates, Permit Numbers, and Boundary Changes**

SEASON DATES AND PERMIT NUMBERS

In accordance with the Utah Black Bear Management Plan we are recommending a slight increase in the total permit numbers for black bears.

Detailed permit recommendations can be found in the attached tables.

NEW HUNT

We are recommending a multi-season hunt on the Beaver unit.

SEASON STRUCTURE

We are recommending that we continue to implement the current season structure with some minor recommendations to permit numbers based on guidance from the Utah Black Bear Management Plan.

- A. Limited Entry Spring Hunt (no bait): During this season a hunter with this type of permit may use hounds or the spot and stalk method to harvest a bear. Bait stations are not permitted. We are recommending a total of 200 permits for this season.
- B. Limited Entry Summer Hunt (no hounds): During this season a hunter could obtain a Certificate of Registration to use bait or may also use the spot and stalk method. Hounds are not permitted during this season. Hunters may begin baiting two weeks prior to the season and may use any weapon over bait. We are recommending 147 permits for this season.



- C. Fall Limited Entry: We are recommending no changes to the structure of the fall limited entry seasons. We are recommending the use of both hounds and bait, with hunters being allowed to begin baiting two weeks prior to the opening of the hunt. We are recommending 133 permits for this season.
- D. Limited Entry Archery Only (no hounds): This hunt is limited to the Book Cliffs, Bitter Creek South and the Book Cliffs, Little Creek Roadless units. Weapon type is restricted to archery only, and the use of dogs is not allowed. We are recommending 13 permits for this season.
- E. Harvest Objective: We are recommending the continued use of the harvest objective strategy as a way to help decrease bear populations in areas with continued human/bear conflicts and/or livestock depredation issues. We are recommending a combined quota of 79 on these hunts.
- F. Limited Entry Spot and Stalk: We are recommending the continued use of spot and stalk in our harvest season structure. During this season, the use of bait and hounds is not allowed. We are recommending 105 permits for these hunts.
- G. Multi-season hunts: A hunter that draws this permit may hunt any of the approved season/weapon types for the limited entry unit the permit is valid for. We are recommending a total of 50 permits on these hunts not including conservation permits.

PURSUIT AND RESTRICTED PURSUIT SEASONS

We are not recommending any changes to the current structure of pursuit or restricted pursuit seasons.

Season dates and permit numbers are found in the attached tables.

BOUNDARY CHANGES

We are recommending minor boundary changes on the San Juan and La Sal units to be consistent with boundary shapes of other species.

Specific shapes and descriptions are below.

SPRING BLACK BEAR LIMITED ENTRY SEASON (No bait allowed)

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates
Beaver	BR7000	6	1	April 1 - June 2
Book Cliffs, Bitter Creek/South	BR7001	24*	3	April 1 - June 2
Cache/East Canyon/Morgan-South Rich/Ogden	BR7002	3	0	April 1 - June 2
Central Mtns, Manti-North	BR7003	15*	2	April 1 - June 2
Central Mtns, Manti-South/San Rafael, North	BR7004	8	1	April 1 - June 2
Central Mtns, Nebo	BR7005	10	1	April 1 - June 2
Chalk Creek/Kamas/North Slope, Summit	BR7006	4	1	April 1 - June 2
Fillmore, Pahvant	BR7007	1	0	April 1 - June 2
La Sal	BR7008	35*	4*	April 1 - June 2
Mt Dutton	BR7009	2	0	April 1 - June 2
Panguitch Lake/Zion	BR7010	5	1	April 1 - June 2
Paunsaugunt	BR7011	3	0	April 1 - June 2
Plateau, Boulder/Kaiparowits	BR7012	13	2	April 1 - June 2
Plateau, Fishlake/Thousand Lakes	BR7013	2	0	April 1 - June 2
San Juan	BR7014	35*	4*	April 1 - June 2
South Slope, Bonanza/Diamond Mtn/Vernal	BR7015	13*	1	April 1 - June 2

* Includes one expo permit

SUMMER BLACK BEAR LIMITED ENTRY SEASON (No dogs allowed)

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates
Beaver	BR7100	6	1	June 3 - June 30
Book Cliffs, Bitter Creek/South	BR7101	8	1	June 3 - June 30
Book Cliffs, Little Creek Roadless	BR7102	2	0	June 3 - June 30
Cache/East Canyon/Morgan-South Rich/Ogden	BR7103	3	0	June 3 - June 30
Central Mtns, Manti-North	BR7104	5	1	June 3 - June 30
Central Mtns, Manti-South/San Rafael, North	BR7105	6	1	June 3 - June 30
Central Mtns, Nebo	BR7106	8	1	June 3 - June 30
Chalk Creek/Kamas/North Slope, Summit	BR7107	4	1	June 3 - June 30
La Sal	BR7108	13	2	June 3 - June 30
Mt Dutton	BR7109	2	0	June 3 - June 30
Nine Mile	BR7110	7	1	June 3 - June 30
North Slope, Three Corners/West Daggett	BR7111	3	0	June 3 - June 30
Panguitch Lake/Zion	BR7112	3	0	June 3 - June 30
Paunsaugunt	BR7113	1	0	June 3 - June 30
Plateau, Boulder/Kaiparowits	BR7114	11	1	June 3 - June 30
Plateau, Fishlake/Thousand Lakes	BR7115	3	0	June 3 - June 30
San Juan	BR7116	13	2	June 3 - June 30
South Slope, Bonanza/Diamond Mtn/Vernal	BR7117	5	1	June 3 - June 30
South Slope, Yellowstone	BR7118	4	1	June 3 - June 30
Wasatch Mtns, Avintaquin/Currant Creek	BR7119	4	1	June 3 - June 30
Wasatch Mtns, West	BR7120	19*	2*	June 3 - June 30

*Includes one expo permit

FALL BLACK BEAR LIMITED ENTRY SEASON

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates	Comments
Beaver	BR7200	4	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Book Cliffs, Bitter Creek/South	BR7201	5	1	Oct. 2 - Nov. 16	
Cache/East Canyon/Morgan-South Rich/Ogden	BR7202	2	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Central Mtns, Manti-North	BR7203	5	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Central Mtns, Manti-South/San Rafael, North	BR7204	11	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Central Mtns, Nebo	BR7205	3	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Chalk Creek/Kamas/North Slope, Summit	BR7206	4	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Fillmore, Pahvant	BR7207	1	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
La Sal	BR7208	9	1	Aug. 12 - Sep. 25 & Oct. 28 - Nov. 16	No dogs Sep. 16 - 25
Monroe	BR7209	1	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Mt Dutton	BR7210	2	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Nine Mile	BR7211	18*	2	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
North Slope, Three Corners/West Daggett	BR7212	2	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Panguitch Lake/Zion	BR7213	5	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Paunsaugunt	BR7214	2	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Plateau, Boulder/Kaiparowits	BR7215	13*	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Plateau, Fishlake/Thousand Lakes	BR7216	3	0	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
San Juan	BR7217	9	1	Aug. 12 - Sep. 25 & Oct. 28 - Nov. 16	No dogs Sep. 16 - 25
South Slope, Bonanza/Diamond Mtn/Vernal	BR7218	5	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
South Slope, Yellowstone	BR7219	4	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Wasatch Mtns, Avintaquin/Currant Creek	BR7220	6	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	
Wasatch Mtns, West	BR7221	6	1	Aug. 19 - Sep. 25 & Oct. 28 - Nov. 16	

*Includes one expo permit

FALL BLACK BEAR LIMITED ENTRY ARCHERY-ONLY (No dogs allowed)

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates
Book Cliffs, Bitter Creek/South	BR7222	6	1	Aug. 7 - Sep. 8
Book Cliffs, Little Creek Roadless	BR7223	5	1	Aug. 7 - Sep. 8

BLACK BEAR LIMITED ENTRY SEASON SPOT AND STALK (No dogs and no bait allowed)

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates
Book Cliffs, Little Creek Roadless	BR7224	3	0	April 1 - June 2
Book Cliffs, Little Creek Roadless	BR7225	2	0	Sep. 9 - Nov. 16
La Sal	BR7226	45	5	Oct. 3 - Oct. 24
San Juan	BR7227	45	5	Oct. 3 - Oct. 24

BLACK BEAR HARVEST OBJECTIVE SEASON (No bait allowed)

Unit	Harvest Objective	Season Dates	Comments
Nine Mile	20	April 1 - June 2	
Nine Mile*	10	Sep. 26 - Oct. 27	*No dogs/No bait
North Slope, Three Corners/West Daggett	3	April 1 - June 2	
South Slope, Yellowstone	6	April 1 - June 2	
Wasatch Mtns, Avintaquin/Currant Creek	15	April 1 - June 2	
Wasatch Mtns, West	25	April 1 - June 2	

BLACK BEAR PURSUIT SEASONS

Spring pursuit season: April 1 - June 2, 2017

General summer pursuit season: July 5 - Aug. 6, 2017

Fall pursuit season: Oct. 28 - Nov. 16, 2017

RESTRICTED BLACK BEAR SUMMER PURSUIT SEASON

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates
Book Cliffs (early)	BR1008	25	3	July 5 - July 19
Book Cliffs (late)	BR1011	25	3	July 25 - Aug. 6
La Sal (early)	BR1009	4	1	July 5 - July 19
La Sal (late)	BR1012	4	1	July 25 - Aug. 6
San Juan (early)	BR1010	13	2	July 5 - July 19
San Juan (late)	BR1013	13	2	July 25 - Aug. 6

MULTI-SEASON BLACK BEAR LIMITED ENTRY SEASON (Public draw*)

Unit	Hunt	Resident Permits	Nonresident Permits	Season Dates
Beaver (New hunt)	BR7318	1	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Book Cliffs, Bitter Creek/South	BR7300	4	0	April 1 - June 2, June 3 - June 30, Aug. 7 - Sep. 8, & Oct. 3 - Nov. 16
Book Cliffs, Little Creek Roadless	BR7301	1	0	April 1 - June 2, June 3 - June 30, Aug. 7 - Sep. 8, & Sep. 9 - Nov. 16
Cache/East Canyon/Morgan-South Rich/Ogden	BR7302	1	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Central Mtns, Manti-North	BR7303	4	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Central Mtns, Manti-South/San Rafael, North	BR7304	4	1	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Central Mtns, Nebo	BR7305	2	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Chalk Creek/Kamas/North Slope, Summit	BR7306	2	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
La Sal	BR7307	4	1	April 1 - June 2, June 3 - June 30, Aug. 12 - Sep. 25, Oct. 3 - Oct. 24, & Oct. 28 - Nov. 16
Nine Mile	BR7317	3	0	June 3- June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
North Slope, West Daggett/Three Corners	BR7308	1	0	June 3- June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Panguitch Lake/Zion	BR7309	1	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Plateau, Boulder/Kaiparowits	BR7310	4	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Plateau, Fishlake/Thousand Lakes	BR7311	1	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
San Juan	BR7312	4	1	April 1 - June 2, June 3 - June 30, Aug. 12 - Sep. 26, Oct. 3 - Oct. 24, & Oct. 28 - Nov. 16
South Slope, Bonanza/Diamond Mtn/Vernal	BR7313	3	0	April 1 - June 2, June 3 - June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
South Slope, Yellowstone	BR7314	1	0	June 3- June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Wasatch Mtns, Avintaquin/Currant Creek	BR7315	1	0	June 3- June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16
Wasatch Mtns, West	BR7316	4	1	June 3- June 30, Aug. 19 - Sep. 25, & Oct. 28 - Nov. 16

*Permit numbers do not include conservation permits



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DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

GREGORY J. SHEEHAN
Division Director

MEMORANDUM

Date: November 14, 2016

To: Regional Advisory Council Member and Wildlife Board

From: Randy Oplinger, Coldwater Sport Fisheries Program Coordinator
Drew Cushing, Aquatics Section Chief
Craig Walker, Warmwater Sport Fisheries Program Coordinator

SUBJECT: Modification of Administrative Rule R657-59 and Elimination of R657-16

The Utah Division of Wildlife Resources (UDWR) is proposing changes to Administrative Rule R657-59 (Private Fish Pond Rule) and the elimination of rule R657-16 (Aquaculture and Fish Stocking Rule). The key components of R657-16 are incorporated into the proposed modification of R657-59. Both rules have an effect on Utah's private aquaculture industry and these changes are intended to simplify the regulatory requirements imposed on this industry. These changes:

- Respond to requests that the private aquaculture industry made in meetings that the industry held with the UDWR
- Expand stocking opportunities for the private aquaculture industry while protecting Utah's native fishes
- Clarifies industry reporting requirements for short-term fishing events
- Eliminate exemptions and converts all existing exemptions into Certificates of Registration
- Remove inconsistencies between R657-16 and R657-59
- Result in a single simplified, concise rule that regulates the private aquaculture industry



R657. Natural Resources, Wildlife Resources.

R657-16. Aquaculture and Fish Stocking.

R657-16-1. Purpose and Authority.

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

- ~~(a) institutional aquaculture;~~
- ~~(b) short-term fishing events;~~
- ~~(c) private fish stocking; and~~
- ~~(d) displaying aquaculture products or aquatic wildlife in aquaria.~~

~~(2) This rule does not cover private fish ponds as provided in R657-59, or fee fishing and commercial aquaculture as provided in Title 4, Chapter 37, Parts 2 and 3; and the Department of Agriculture Rule R58-17.~~

~~(3) A person engaging in any activity provided in Subsection (1) must also comply with the provisions set forth in Rule R657-3 and the Department of Agriculture Rule R58-17.~~

~~(4) Any violation of, or failure to comply with, any provision of this rule or any specific requirement contained in a certificate of registration issued pursuant to this rule may be grounds for revocation or suspension of the certificate of registration or denial of future certificates of registration, as determined by a division hearing officer.~~

R657-16-2. 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 propagating, rearing, or producing aquatic wildlife or aquaculture products. Facilities that are separated by more than 1/2 mile, or facilities that drain to, or are modified to drain to, different drainages are considered to be separate aquaculture facilities, regardless of ownership.~~

~~(c)(i) "Aquaculture product" means privately purchased aquatic wildlife or their gametes.~~

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

~~(d) "Aquarium" means any container located in an indoor facility that is used to hold fish from which no water is discharged, except during periodic cleaning, and which discharged water is passed through a filtering system capable of removing all fish and fish eggs and is disposed of only in a septic tank approved by the county or in a municipal wastewater treatment system approved by either the state or local health department.~~

~~(e) "Display" means to hold live aquaculture products or aquatic wildlife in an aquarium for the purpose of viewing for commercial or noncommercial purposes.~~

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

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

~~(h)(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is commonly cultured and 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 commonly angled or harvested for recreation or sport;~~
 - (B) ~~baitfish — aquatic animal species authorized for use as bait in R657-13-12, and any other species commonly used by anglers as bait in sport fishing;~~
 - (C) ~~food fish — aquatic animal species commonly cultured or harvested from the wild for human consumption; or~~
 - (D) ~~native species; or~~
- (ii) ~~aquatic animal species prohibited for importation or possession by any state, federal, or local law; or~~
- (iii) ~~aquatic animal species listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.~~
 - (i) ~~"Private fish pond" means a pond, reservoir, or other body of water, or any fish culture system which is contained on privately owned land and used for holding or rearing fish for a private, noncommercial purpose.~~
 - (j) ~~"Private stocking" means noncommercial stocking of live aquaculture products in waters of the state not eligible as a private fish pond under R657-59 or other private fish facility.~~
 - (k) ~~"Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.~~
 - (l) ~~"Short-term fishing event" means any event where privately acquired fish are held or confined for a period not to exceed seven days for the purpose of providing fishing or recreational opportunity and where no fee is charged as a requirement to fish.~~

~~R657-16-3. Certificate of Registration Required.~~

- (1) ~~A certificate of registration is required before any person may engage in any of the following activities:~~
 - (a) ~~produce, propagate, rear, or culture any aquatic wildlife or aquaculture product;~~
 - (b) ~~privately stock fish;~~
 - (c) ~~acquire aquaculture products for a short-term fishing event; or~~
 - (d) ~~display aquaculture products in an aquarium, except a certificate of registration is not required for ornamental fish held in an aquarium.~~
- (2) ~~Only species approved by the division and listed on the certificate of registration may be possessed and used in conjunction with the activities covered by this rule.~~
- (3) ~~No aquaculture facility shall be developed on natural lakes or natural flowing streams, or reservoirs constructed on natural stream channels as provided in Section 23-15-10. Other waters, including canals, off-stream reservoirs or ponds, and excavated ponds or raceways, may be considered for an aquacultural use.~~

~~R657-16-4. Application for Certificates of Registration.~~

- (1) ~~An application for a certificate of registration must be submitted to the Wildlife Registration Office, Utah Division of Wildlife Resources, 1594 West North Temple, Salt Lake City, Utah 84114.~~
- (2) ~~The application may require up to 45 days for processing, except for a short-term fishing event, which may require up to 10 days for processing.~~
- (3) ~~Application forms are available at all division offices and at the division's Internet~~

address.

(4) Applications that are incomplete, filled out incorrectly, or submitted without the appropriate fee may be returned to the applicant.

~~R657-16-5. Renewal of Certificates of Registration.~~

(1) Certificates of registration are valid for the dates identified on the certificate of registration.

(2) Certificates of registration are renewable on or before the expiration date as identified on the certificate of registration.

~~R657-16-6. Failure to Renew Certificates of Registration Annually.~~

(1) If an operator of an aquaculture facility, fails to renew the certificate of registration annually, or the hearing officer suspends the certificate of registration, all live aquatic wildlife or aquaculture products permitted under the certificate of registration shall be disposed of as follows:

(a) Unless the Wildlife Board orders otherwise, all aquatic wildlife or aquaculture products must be removed within 30 days of revocation 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, aquatic wildlife or aquaculture products may remain in the waters at the facility, but shall only be taken as prescribed within Rule R657-13 for Taking Fish and Crayfish.

(2) Aquatic wildlife or aquaculture products from a facility not health approved under Section 4-37-501 may not be moved alive.

(3) Aquatic wildlife or aquaculture products from an aquatic facility infected with any of the pathogens specified in the Department of Agriculture Rule R58-17 must be disposed of as directed by the division to prevent further spread of such diseases.

~~R657-16-7. Importation.~~

(1)(a) To import live aquatic wildlife or aquaculture products into Utah, a certificate of registration is required.

(b) Species of aquatic wildlife or aquaculture products that may be imported are provided in Rule R657-3-34.

(2)(a) To import 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 this form must also accompany the fish during transport.

(3) Applications to import aquatic wildlife or aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City. Applications may require up to 45 days for action.

~~R657-16-8. Acquiring and Transferring Aquaculture Products.~~

(1) Live aquatic wildlife or aquaculture products, other than ornamental fish, may be:

(a) purchased or acquired only from sources that have a valid certificate of registration from the Utah Department of Agriculture and Food to sell such products or from

~~a person located outside Utah if both the species and the source are approved on a certificate of registration for importation or by the Utah Department of Agriculture and Food; and~~

~~(b) acquired, purchased or transferred only from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a fish health approval number as provided in Section 4-37-501. This also applies to separate facilities owned by the same individual, because each facility is treated separately, regardless of ownership.~~

~~(2)(a) Any person who has been issued a valid certificate of registration may transport live aquatic wildlife or aquaculture products as specified on the certificate of registration to the facility or approved stocking site.~~

~~(b) Except as provided in Subsection (3), all transfers or shipments of live aquatic wildlife or aquaculture products must be accompanied by documentation of the source and destination of the fish, including:~~

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

~~(ii) number and weight being shipped, by species; and~~

~~(iii) name, address, and certificate of registration number of the destination, if the destination is a fish hatchery or private water; or~~

~~(iv) name, address, county, and division water identification number if the destination is a public water.~~

~~(3)(a) Live aquatic wildlife or 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.~~

~~R657-16-9. Inspection of Records and Facilities.~~

~~(1) The following records and information must be maintained for a period of two years and must be available for inspection by a division representative during reasonable hours:~~

~~(a) records of purchase, acquisition, distribution, and production histories of aquatic wildlife or aquaculture products;~~

~~(b) certificates of registration; and~~

~~(c) valid identification of stocks.~~

~~(2) Division representatives may conduct pathological, fish culture, or physical investigations at any facility, pond, or holding facility during reasonable hours.~~

~~R657-16-10. Private Fish Ponds.~~

~~Private fish ponds are regulated under the provisions in R657-59.~~

~~R657-16-11. Short-Term Fishing Events.~~

~~(1) A person sponsoring a short-term fishing event must obtain a certificate of registration prior to holding the event, except the division may conduct short-term fishing~~

events for educational purposes without a certificate of registration.

~~(2)(a) A certificate of registration for a short-term fishing event may be obtained by applying to the Wildlife Registration Office at the division's Salt Lake City office a minimum of 10 days prior to the event.~~

~~(b) Application forms are available at all division offices.~~

~~(c) After review and confirmation by the division that the event poses no identifiable adverse threats to other fish or wildlife species, a certificate of registration may be issued.~~

~~(d) The certificate of registration may cover multiple events, which must be requested on the application form.~~

~~(3) A fishing license and bag limit is not required of participants in a short-term fishing event unless stated otherwise on the certificate of registration.~~

~~(4) For short-term fishing events where fishing licenses and bag limits under Rule R657-13 do not apply, a receipt must be given to participants transporting dead aquaculture products or aquatic wildlife away from the event. Such receipt must include the following information:~~

~~(a) name of event sponsor;~~

~~(b) date caught;~~

~~(c) certificate of registration number; and~~

~~(d) species and number of dead aquaculture products or aquatic wildlife being transported.~~

~~(5) Live fish remaining at the end of the event may not be transported alive, released, or stocked.~~

~~(6) A certificate of registration for a short-term fishing event may be obtained by submitting an application and paying a fee in the amount established by the Wildlife Board.~~

~~R657-16-12. Private Stocking.~~

~~(1) An individual wishing to stock fish for private, noncommercial purposes in a body of water not eligible as a private fish pond under R657-59 must first obtain a certificate of registration for private stocking.~~

~~(2) Fish released in a state water not eligible as a private fish pond under R657-59 are considered wild aquatic wildlife and may be taken only as provided in Rule R657-13 and the fishing proclamation.~~

~~(3) A water that does not qualify as a private fish pond may not be screened to contain fish stocked (pursuant to a certificate of registration for private stocking), except that a water stocked with grass carp to control aquatic weeds must be adequately screened to prevent the grass carp from escaping.~~

~~(4)(a) Private stocking is limited only to those species approved on the certificate of registration.~~

~~(b) Species approval will be based on the biological suitability of the requested species compared to the needs of the fish and other wildlife in the drainage.~~

~~(c) An amendment to the certificate of registration is required each time fish are stocked, except the division may allow a person to stock fish more than once if the request is made on the application, and is approved by the division.~~

~~(d) Fish may be acquired only from a source that has a valid fish health approval number assigned by the Department of Agriculture.~~

~~(5)(a) An application for a certificate of registration for private stocking to stock fish~~

~~other than grass carp may be approved only if:~~

~~(i) on privately owned land;~~

~~(ii) the body of water is a reservoir, the reservoir is wholly contained on the land owned by the applicant; and~~

~~(iii) the body of water is not stocked or otherwise actively managed by the division.~~

~~(b) An application for a certificate of registration for private stocking of fish other than grass carp shall not be approved if:~~

~~(i) the fish to be stocked are for a commercial purpose; or~~

~~(ii) in the opinion of the division, stocking would cause harm to other species of fish or wildlife.~~

~~(6) 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 or detrimental interactions with other species of fish or wildlife.~~

~~(7) A certificate of registration for private stocking may be issued after review of the appropriateness of the requested species and inspection of the water to be stocked by a division representative to ensure compliance with the stipulations of this rule and the absence of any threat to other fish or wildlife species.~~

~~(8) A certificate of registration for private stocking may be obtained by submitting an application and paying a fee in the amount established by the Wildlife Board.~~

~~R657-16-13. Institutional Aquaculture.~~

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

~~(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 Section 4-37-501 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 on or before July 31 each year by submitting an application and the records described in Subsection (5).~~

~~(5)(a) A person possessing a valid certificate of registration for institutional aquaculture must submit to the division a report of each acquisition, distribution, transfer, or stocking of live aquatic wildlife or aquaculture products.~~

~~(b) This report must be sent to the division no later than June 30, and must be received before the certificate of registration may be renewed.~~

~~(c) Documentation of source, quantity, species, health approval status, and destination of all live aquatic wildlife or aquaculture products must accompany all shipments or transfers.~~

R657-16-14. Display.

~~(1)(a) A certificate of registration is required to hold live aquatic wildlife or aquaculture products in an aquarium for the purpose of viewing or displaying for commercial or noncommercial purposes, except the division may hold live aquatic wildlife or aquaculture products in an aquarium for educational viewing or display without a certificate of registration. A certificate of registration is not required to display ornamental fish.~~

~~(b) Live aquatic wildlife or aquaculture products that are displayed must meet the health approval standards described in Section 4-37-501.~~

~~(2)(a) Aquatic wildlife taken from the wild may not be displayed or held in an aquarium.~~

~~(b) The division may take aquatic wildlife from the wild for placement in an aquarium for purposes of display or education.~~

~~(3) Live aquaculture products held in an aquarium for display may not be transferred, sold alive, released, or stocked. They may be sold as long as they are first killed and prepared for consumption.~~

~~(4)(a) A certificate of registration for display of live aquaculture products in an aquarium may be obtained by submitting an application and paying a fee in the amount established by the Wildlife Board.~~

~~(b) The certificate of registration is renewable every five years on or before the renewal date as specified on the certificate of registration by submitting an application, paying a fee in the amount established by the Wildlife Board, and submitting the records described in Subsection (5).~~

~~(5)(a) A person possessing a certificate of registration for display must submit to the division an annual report of each purchase or acquisition of live aquaculture products. This report must include the following information:~~

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

~~(ii) number and weight acquired, by species.~~

~~(b) This record must be submitted to the division no later than January 30 each year, and must be received before the certificate of registration can be renewed.~~

KEY: ~~wildlife, aquaculture, fish~~

Date of Enactment or Last Substantive Amendment: ~~August 21, 2012~~_____

Notice of Continuation: ~~October 1, 2012~~_____

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

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 of the Utah Code, this rule provides the standards and procedures for:

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

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

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

(3) A person engaging in any activity provided in Subsection (1) must also comply with all requirements established by Title 4 of Utah Code and all rules promulgated by the Utah Department of Agriculture, including, but not limited to:

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

(~~3~~4) Any violation of, or failure to comply with, any provision of Title 23 of the Utah Code, this rule, or any specific requirement contained in a certificate of registration [~~or exemption certificate~~] 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 [~~propagating, rearing, or producing aquatic wildlife or aquaculture products. Facilities that are separated by more than 1/2 mile, or facilities that drain to, or are modified to drain to, different drainages are considered to be separate aquaculture facilities, regardless of ownership~~] 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 [~~wildlife~~] organisms, or their [~~eggs or~~] gametes.

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

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

(e) "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 R657-59-13.

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

~~(i) Triploid salmonids accepted as sterile under this subsection shall originate from a source that is certified as incapable of reproduction using the following protocols:]~~

~~[(A) 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;]~~

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

~~[(C) sterility shall be determined by sampling and testing 60 fish from each egg lot with procedures generally accepted in the scientific community as reliable for verifying triploidy with a 95% or greater success rate.]~~

~~[(ii) An aquaculture facility that receives certified sterile salmonid aquaculture product is not required to conduct additional sterility testing prior to stocking the aquaculture product in a private fish pond, provided the sterile salmonids are kept segregated from other fertile salmonids.]~~

~~[(iii) 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).]~~

~~[(e) "Exemption certificate" means a document issued by the division pursuant to R657-59-7 that exempts a designated private fish pond from the requirement of obtaining a certificate of registration to stock aquaculture product in the pond.]~~
~~[(f)]~~(g)(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.

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

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

~~[(g)]~~(a) "Ornamental aquatic animal species" means any species of fish, mollusk, or crustacean that is commonly cultured and sold in the United States' aquarium industry for display~~[-]~~ as defined in R657-3-4.

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

~~[(i) fresh water:]~~

~~[(A) sport fish — aquatic animal species commonly angled or harvested for recreation or sport;]~~

~~[(B) baitfish — aquatic animal species authorized for use as bait in R657-13-12, and any other species commonly used by anglers as bait in sport fishing;]~~

~~[(C) food fish — aquatic animal species commonly cultured or harvested from the wild for human consumption; or]~~

~~[(D) native species; or]~~
~~[(ii) aquatic animal species prohibited for importation or possession by any state, federal, or local law; or]~~
~~[(iii) aquatic animal species listed as prohibited or controlled in Sections R657-3-22 and R657-3-23.]~~

~~[(h)]~~ "Private fish pond" means a ~~[pond, reservoir, or other]~~ 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 ~~[and]~~

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

~~[(i)]~~ "Purchase" means to buy, or otherwise acquire or obtain through barter, exchange, or trade for pecuniary consideration or advantage.

~~[(j)]~~ "Salmonid" means any fish belonging to the trout/salmon family.

(m) "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 or recreational opportunity; and

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

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

R657-59-3. Certificate of Registration Not Required – Private Fish Ponds and Short Term Fishing Events.

(1) A certificate of registration is not required to receive and stock an aquaculture product in a private fish pond, provided~~[the following conditions are satisfied]:~~

(a) the ~~[pond is not located on a natural lake, natural flowing stream, or reservoir constructed on a natural stream channel;]~~ private fish pond satisfies the screening requirements established in R657-59-10;

(b) ~~[the pond is properly screened consistent with the requirements in R657-59-15 to prevent the movement of aquatic wildlife into the pond or the movement of any aquaculture product out of the pond;]~~ 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 R657-59-11;

~~[(e)]~~ the aquaculture product is:

(i) delivered to the pond by a licensed aquaculture facility as defined in ~~[Section 4-37-103]~~ Title 4 Chapter 37 of Utah Code; or

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

(A) ~~[receives less than 50 pounds of sterile rainbow trout from a licensed]~~ possesses documentation from the aquaculture facility~~[in a single delivery; -]~~ ~~[(B) possesses documentation from the aquaculture facility]~~ verifying

the information itemized in R657-59-~~11(2)(b)~~6 and R58-17-14~~(C)(2)~~ during transport; and

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

~~(d)e~~ 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 ~~[Section 4-37-501;]~~~~[(e) the species, strain, and reproductive capability of the aquaculture product received is authorized for stocking in the area where the pond is located consistent with the requirements in R657-59-16;]~~Chapter 4 Title 37 of Utah Code; and

~~(f) the aquaculture product received is of sufficient size to be incapable of escaping the pond through or around the screen;]~~~~(g)~~ 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~~;~~and.

~~(h) the owner, lessee, or operator of a private fish pond or an invitee has not previously been found in violation of any provision of Title 4, Chapter 37 or Title 23 of the Utah Code, or this rule.]~~2) 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 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 of Utah Code; 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 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 of Utah Code; 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. ~~[Aquaculture Facility Reporting Requirements.]~~Certificate of Registration Required – Other Fish Stocking Activities.

~~[(1) A person who owns or operates an aquaculture facility shall file an annual report with the division documenting each sale or transfer of live aquaculture product made pursuant to R657-59-3 and R657-59-7 to a private fish pond owner, lessee, or operator.]~~

~~[(2) The report shall contain~~

(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:

~~[(a) the name, address, and Utah health approval number of the person;]~~

~~[(b) the name, address, and phone number of the private fish pond's owner, lessee, or operator;]~~

~~[(c) the number and weight of aquaculture product by]~~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) ~~[species;]~~ the stocking will only occur on privately owned land;

(ii) ~~[strain; and]~~ the body of water to be stocked is a reservoir that is wholly contained on the land owned by the applicant;

(iii) ~~[reproductive capability;]~~ 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) ~~[date of sale or transfer;]~~ potential for conflict with division management objectives or detrimental interactions with other species of fish or

wildlife.

~~[(e) description of the private fish pond location, including UTM coordinates; and]~~

~~[(f) written verification for each live sale or transfer that the private fish pond was inspected and is in compliance with the requirements of Sections 23-15-10(2) and (3)(c) and this rule.]~~

~~[(3) The report required in this Subsection shall be submitted to and received by the division no later than December 31.—]~~

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

~~[—(1) A certificate of registration must be obtained from the division to receive, stock, or possess an aquaculture product in a private fish pond where:]~~

~~[(a) the aquaculture product is classified under R657-59-16 as an unauthorized species, strain, or reproductive capability for the area where the pond is located;]~~

~~[(b) the aquaculture facility does not deliver the aquaculture product directly to the private fish pond, unless the transport of fish by the owner, lessee, or operator of the private pond is allowed without a certificate of registration pursuant to R657-59-3(1)(c)(ii); or]~~

~~[(c) the owner, lessee, or operator of a private fish pond or an invitee is found in violation of any provision of Title 4, Chapter 37 or Title 23 of the Utah Code, or this rule.]~~

~~[(2) A separate certificate of registration is required for each private fish pond as defined under “aquaculture facility” in R657-59-2.]~~

~~[R657-59-6. Application for a Certificate of Registration.]~~

(1) (a) A person may apply to receive a certificate of registration for a ~~[private]~~ fish ~~[pond]~~ 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.

(a) Application forms are available at all division offices and at the division’s internet address.

~~[(2) A certificate of registration may be issued after a division representative inspects the private fish pond and confirms that the pond and the aquaculture products requested for stocking in the pond meet all requirements in this rule and Title 23 of the Utah Code.]]~~ (3) (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.

~~[(4)~~ (e) The division may deny ~~[a private fish pond]~~ an application where:

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

~~[(b) the pond is located on a natural lake, natural flowing stream, or a reservoir constructed on a natural stream channel;]~~ (ii) receiving or stocking the aquaculture product or aquatic wildlife may:

~~[(c) the pond is not screened consistent with the requirements in R657-59-45;]~~

~~[(d) the source of the aquaculture product is not an authorized aquaculture facility with a health approval number issued pursuant to Section 4-37-501;]~~

~~[(e) the applicant or its agents or invitees have previously violated of any provision of Title 4, Chapter 37 of the Utah Code, Title 23 of the Utah Code, or this rule;]~~

~~[(f) receiving or stocking the aquaculture product in the pond may:]~~

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

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

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

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

~~[(g) the aquaculture product received is sufficiently small to be capable of escaping the pond through or around the screen; or]~~ [(h)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.]

~~[(5)2] An application for [private fish pond]a certificate of registration may not be denied without the review and consent of the division director or a designee.~~

~~[(6)3] A [private fish pond]certificate of registration [shall]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 [private fish pond owner, lessee, or operator]the certificate of registration holder;~~

~~(b) terminated or modified by the division pursuant to R657-59-[47]13; or~~

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

~~[----- (7) Certificates of registration are renewable on or before the expiration date identified]~~

(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[-and upon payment of the prescribed handling, and inspection fees].

R657-59-~~7. Exemption Certificate.~~ 6. Acquiring, Importing, and Transferring Aquaculture Products.

~~(1) Upon application for a private fish pond certificate of registration and a risk assessment of the pond by the division under R657-59-6, the Division may issue an exemption certificate in lieu of a certificate of registration where the following conditions exist:~~ (a) Species of aquaculture products that may be imported into the state are provided in Rule R657-3-23.

~~[(a) The pond is eligible to receive a certificate of registration under the requirements of this chapter;]~~

~~[(b) The pond and species, strain and reproductive capability of aquaculture product requested present no risk to native aquatic wildlife species because:]~~

~~[(i) the location and configuration of the pond physically eliminate the possibility of aquaculture product escaping into the surface waters of the state;]~~

~~[(ii) the pond has no inflow or outflow connection with the surface waters of the state;]~~

~~[(iii) the pond is located in an area where escapement of aquaculture product will cause no ecological damage to native aquatic wildlife species; or]~~

~~[(iv) the pond is located in an area where no Tier I or II aquatic wildlife species on the division's sensitive species list or threatened or endangered species listed under the Endangered Species Act will be threatened by the risk of escapement; and]~~

~~[(c) the aquaculture product is delivered directly to the pond by the aquaculture facility.]~~

~~[—(2) The exemption certificate shall have the legal effect of a certificate of registration for purposes of stocking the pond with the species, strain and reproductive capability of aquaculture product authorized in the exemption certificate.—]~~

~~[—(3) Aquaculture facilities supplying aquaculture product to private fish ponds operating under an exemption certificate shall comply with:]~~

~~[(a) the written terms of the exemption certificate; and]~~

~~[(b) the inspection and reporting requirements in R657-59-4.—]~~

~~[(4) The exemption certificate will:]~~

~~[(a) designate the species, strain and reproductive capability of aquaculture product that may be stocked in the pond;]~~

~~[(b) identify any restrictions or conditions relative to stocking and maintaining aquaculture product in the pond;]~~

~~[(c) identify the owner, lessee, or operator of the private fish pond; and]~~

~~[—(d) describe the private fish pond's location, including UTM coordinates.—]~~

~~[(5) The private fish pond exemption certificate shall remain effective, without the requirement of renewal, for the useful life of the pond, provided:]~~

~~[(a) the ownership of the pond does not change;]~~

~~[(b) the pond, screen, and inflow and outflow structures remain in the same state that existed when inspected;]~~

~~[(c) the species, strain, and reproductive capability of aquaculture product stocked and maintained in the pond remains consistent with the that authorized in the exemption certificate; and]~~

~~[(d) the exemption certificate is not modified, terminated, or suspended by the division pursuant to Section 23-19-9, R657-59-1(3), or R657-59-17 or a court of competent jurisdiction.—]~~

~~[—(6) Any private fish pond operating under authority of an exemption certificate which is modified, terminated, or suspended pursuant to Section 23-19-9, R657-59-1(3), or R657-59-17 shall be subject to the aquaculture product depopulation requirements in R657-59-8.]~~

~~[R657-59-8. Failure to Renew Certificates of Registration.]~~

~~[(1) If an owner, lessee, or operator of a private fish pond fails to renew the certificate of registration upon expiration, 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 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 may remain in the waters at the facility, but shall only be taken as prescribed within Rule R657-13 for Taking Fish and Crayfish.]~~

~~[(2) Aquaculture products in a private fish pond may not be moved alive unless the pond has received disease testing and is issued a health approval number from the Department of Agriculture and Food pursuant to Section 4-37-501.—]~~

~~[(3) Aquaculture products from a private fish pond infected with any pathogen specified in the Department of Agriculture Rule R58-17 must be disposed of as directed by the division to prevent further spread of such pathogen.—]~~

~~[R657-59-9. Reporting Requirements for Private Fish Ponds Authorized by Certificate of Registration.]~~

~~[(1) Any person that possesses a certificate of registration for a private fish pond must submit to the division an annual report of all live aquaculture products purchased or acquired during the year. This report must contain the following information:—]~~

~~[(a) the name, address, and phone number of the private fish pond's owner, lessee, or operator;]~~

~~[(b) name, address, and certificate of registration number of the seller or supplier;—]~~

~~[—(c) the number and weight of aquaculture product by:]~~

~~[(i) species;]~~

~~[(ii) strain; and—]~~

~~[(iii) reproductive capability;]~~

~~[(d) date of sale or transfer;—]~~

~~[(2) A form for this information is provided by the division.—]~~

~~[(3) The annual report must be received by the division no later than January 30.—]~~

~~[R657-59-10. Importation.]~~

~~[(1)(a) The species, strains, and reproductive capabilities of live aquaculture products that may be imported and stocked in a private fish pond without a certificate of registration are provided in R657-59-16;]~~

~~(b) [A certificate of registration or exemption certificate is required to import and stock all species, strains and reproductive capabilities of live aquaculture products not specifically exempted from licensure in R657-59-16.]~~

~~[(2)] 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. [-Applications]~~

~~(c) Complete applications~~ may require up to 30 days for ~~[action.]~~
processing.

~~[R657-59-11. Acquiring and Transferring Aquaculture Products.]~~

~~[(1)]~~2 Live aquaculture products, other than ornamental fish, may only be:

~~(a) purchased or acquired [only] from sources [that have a valid certificate of registration from] approved by the Utah Department of Agriculture and Food to sell such products[-or from a person located outside Utah if that person is approved by the Utah Department of Agriculture and Food to import the particular aquaculture product]; and~~

~~(b) acquired, purchased or transferred[-only] from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a [fish health approval] number as provided in [Section 4-37-501. This also applies to separate facilities owned by the same entity since each facility is treated separately, regardless of ownership]~~Title 4 Chapter 37 of Utah Code.

~~[(2)]~~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 ~~[the private fish pond]~~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; ~~[and]~~

(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 prior to 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-~~12.~~7. Inspection of Records and ~~Facilities~~Fish Stocking Locations.

(1) ~~[The following records and information must be maintained for a period of two years]~~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~~[-]~~

~~[(a) records of purchase and acquisition of aquaculture products, including records maintained in connection with the reporting requirements in R657-59-9;]~~

~~[(b) certificates of registration; and][(c) valid identification of stocks].~~

(2) The division and its authorized representatives may inspect a private fish pond ~~[at any time]~~or other stocking location during reasonable hours to verify compliance with the requirements of Title 23 of the Utah Code and this rule~~[-, and to conduct pathological testing].~~

(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-~~13.~~8. Prohibited Activities.

(1) ~~A private fish pond may not be developed on a natural lake; natural flowing stream; or reservoir constructed on a natural stream channel.]~~(2) Live aquatic wildlife may not be collected from the wild and [placed in a private fish pond.]used in stocking activities unless authorized by the Wildlife Board consistent with the requirements in R657-3.

~~[(3) Any]~~(2) A person may not release or transport any live aquaculture product received or held [in a private fish pond may not be released from the pond or transported live to another location]under the provisions of this rule without prior written authorization of the division and the Fish Health Policy Board.

~~[(4) A private fish pond owner, lessee, or operator may not sell, donate, or transfer from the pond live aquaculture product, including gametes and eggs.]~~

R657-59-~~[14.]~~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
- ~~[(2) A fishing license is not required to transport dead aquaculture product from a private fish pond, provided the person possesses a receipt with the following information:-]~~
- ~~[(a) species and number of fish;-]~~
 - ~~(b) [date caught;-]~~
 - ~~[(c) certificate of registration number or exemption certificate number of the private fish pond, where applicable; and]~~
 - ~~[(d) name, address, and telephone number of the owner, lessee, or operator of the private fish pond.-]~~
- ~~[(3) Any person that has a valid fishing license may]to transport [up to a legal limit of]dead aquaculture product from a private fish pond [~~without further documentation~~]or short-term fishing event.~~

R657-59-~~[15.]~~10. Screen Requirements.

- (1)~~[All]~~(a) Except as provided in Subsection (b), all permanent and intermittent inlets and outlets of a private fish pond [must]shall be screened [as follows-]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 [~~shall~~]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) screen construction and placement shall eliminate any movement of aquaculture product into or out of the pond;-]~~
 - ~~[(d) screen dimensions shall be based on precluding escapement of the size of the fish being stocked;][e)]~~ 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
 - (f)d the screen shall be maintained and in place at all times while any aquaculture product remains in the pond.

~~[(2) Ponds with no inlet or outlet to the surface waters of the state are not required to have a screen or device to restrict movement of aquaculture product.]~~

R657-59-~~16.~~11. Species~~[], Strains,~~ and Reproductive Capabilities of Aquaculture Product Authorized by Area for Stocking in Private Fish Ponds ~~[Without a Certificate of Registration or Exemption Certificate]~~and Short-Term Fishing Events.

(1) A certificate of registration~~[-or exemption certificate]~~ must be obtained from the division pursuant to R657-59-~~6]4~~ and R657-59-~~7]5~~ prior to stocking in any private fish pond of:

(a) a non-salmonid aquaculture product; or
(b) any other species or ~~[reproductive capability]~~sterility of aquaculture product not specifically authorized in this Section.

~~(2)(a) [The following subsections designate areas closed to stocking aquaculture product in private fish ponds using a general area identifier such as canyon, creek, spring, or location and then followed by a specific area identifier in the form of hydrologic unit code (HUC) or township and range.]~~

~~[(b) The general area identifier is included for purposes of reference only and may include all or part of the associated drainage.]~~

~~[(c) The HUC or township and range designations constitute the legal descriptions of the actual closed areas.][(3) Certified sterile salmonid aquaculture product may be stocked without a certificate of registration or exemption certificate in any private fish pond within the state consistent with R657-59-3, except for ponds located within the following areas:]~~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.

~~[(a) Washington County - stocking is prohibited in the following areas:]~~(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) [Ash Creek - HUC 150100080405;]~~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) [Beaver Dam Wash - HUC 15010010;]~~certified laboratories shall be limited to independent, professional laboratories capable of reliably testing fish sterility and approved by the division;

~~[(iii) Laverkin Creek - HUC 150100080302;]~~

~~(iv) [Leeds Creek - HUC 150100080906;]~~sterility shall be determined by sampling and testing 60 fish from each egg lot using either flow cytometry, particle analysis, or karyotyping; and

~~(v) [Baker Dam Reservoir/Santa Clara River - HUC 150100080704;]~~At least 95% of the fish test triploid.

~~[(vi) Tobin Wash - HUC 150100080802;]~~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.

~~[(vii) Sand Cove Wash - HUC 150100080801;]~~

~~[(viii) Manganese Wash/Santa Clara River - HUC 150100080804;]~~

~~[(ix) Wittwer Canyon/Santa Clara River - HUC 150100080808;]~~

~~[(x) Cove Wash/Santa Clara River - HUC 150100080809;]~~

~~[(xi) Moody Wash - HUC 150100080603;]~~

~~[(xii) Upper Moody Wash - HUC 150100080602;]~~

~~[(xiii) Magotsu Creek - HUC 150100080704;]~~

~~[(xiv) South Ash Creek - HUC 150100080405;]~~

~~[(xv) Water Canyon - HUC 150100080701;]~~

~~[(xvi) Chinatown Wash/Virgin River - HUC 150100080508;]~~

~~[(xvii) Lower Gould Wash - HUC 150100080508;]~~

~~[(xviii) Grapevine Wash/Virgin River - HUC 150100080903;]~~

~~[(xix) Cottonwood Wash/Virgin River - HUC 150100080909;]~~

~~[(xx) Middleton Wash/Virgin River - HUC 150100080910;]~~

~~[(xxi) Lower Fort Pierce Wash - HUC 150100080605;]~~

~~[(xxii) Atkinville Wash - HUC 150100080303;]~~

~~[(xxiii) Lizard Wash - HUC 150100080302;]~~

~~[(xxiv) Val Wash/Virgin River - HUC 150100080307;]~~

~~[(xxv) Bulldog Canyon - HUC 150100080310; and]~~

~~[(xxvi) Fort Pierce Wash - HUC 15010009;]~~

(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).

~~[(4)3]~~ Fertile rainbow trout may be stocked without a certificate of registration ~~[or exemption certificate]~~ in any private fish pond or short-term fishing event within the state

consistent with R657-59-3, except for ~~[ponds]~~waters located within the following~~[areas and elevations:]~~

drainages designated by County and hydrologic unit code (HUC) or township and range:

(a) Beaver County~~[- stocking is prohibited in the following]:~~

(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

~~[(viii) Mantua Reservoir - HUC 16010204.]~~

- (c) Cache County[~~--stocking is prohibited in the following~~]:
- (i) Logan River [drainage](#) - HUC 16010203;
 - (ii) Blacksmith [~~Fork~~][ForkRiver drainage](#) - HUC 16010203;
 - (iii) East Fork Little Bear River [drainage](#)- HUC 16010203; and
 - (iv) Little Bear River [drainage](#) - HUC 16010203.
- (d) Carbon County[~~--stocking is prohibited in any private fish pond~~]:
- [\(i\) waters](#) above 7000 feet in elevation.
- (e) Daggett County[~~--stocking is prohibited in any private fish pond~~]:
- [\(i\) waters](#) above 7000 feet in elevation.
- (f) [~~Davis County--no areas closed to stocking fertile rainbow trout.~~][~~(g)~~] Duchesne County[~~--stocking is prohibited in any private fish pond~~]:
- [\(i\)waters](#) above 7000 feet in elevation.
- (~~h~~)[g](#)) Emery County[~~--stocking is prohibited in any private fish pond~~]:
- [\(i\) waters](#) above 7000 feet in elevation.
- (i) Garfield County[~~--stocking is prohibited in the following areas~~]:
- (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~~)[h](#)) Grand County[~~--stocking is prohibited in any private fish pond~~]:
- [\(i\) waters](#) above 7000 feet in elevation.
- (~~k~~)[i](#)) [~~Iron~~][Juab](#) County[~~--no areas closed to stocking fertile rainbow trout.~~]:
- [~~(l)~~][\(l\)](#) Juab County - stocking is prohibited in the following areas:]
- (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](#) - HUC160202010107.
- ~~[(m) Kane County -- no areas closed to stocking fertile rainbow trout. --]~~

~~[(n)] Millard County [-- stocking is prohibited in the following areas]:~~

- (i) Outlet Salt Marsh Lake [drainage](#) - HUC 160203011502;
- (ii) Sulphur Wash [drainage](#) - HUC160203011303;
- (iii) Cockscomb 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.

~~[(o)] Morgan County [-- stocking is prohibited in the following areas]:~~

- (i) Weber River [drainage](#) - HUC 16020102;
- (ii) East Canyon Creek [drainage](#) - HUC 16020102; and
- (iii) Lost Creek [drainage](#) - HUC 16020101.

~~[(p)] Piute County [-- stocking is prohibited in the following areas]:~~

- (i) Birch Creek [drainage](#) HUC 160300010603;

- (ii) Clear Creek [drainage](#) HUC 1603000301;
- (iii) Manning Creek [drainage](#) - HUC 160300030203;
- (iv) Tenmile Creek [drainage](#) HUC 160300030204.
- (~~e~~m) Rich County [~~—stocking is prohibited in the following areas~~]:
 - (i) Bear Lake [~~including all its tributaries~~][drainage](#) - HUC 16010201;
 - (ii) Big Creek [drainage](#) - HUC 16010101;
 - (iii) Birch Creek [drainage](#) from Birch Creek Reservoir upstream [~~and tributaries~~] HUC 16010101;
 - (iv) Little Creek [drainage](#) from Little Creek Reservoir upstream [~~and tributaries~~] HUC 16010101;
 - (v) Otter Creek [~~and its tributaries~~][drainage](#) - HUC 16010101;
 - (vi) Woodruff Creek [drainage](#) - HUC 16010101; and
 - (vii) Home Canyon and Meachum Canyon (Deseret Ranch) [drainage](#) - HUC 16010101.
- (~~r~~n) Salt Lake County [~~—stocking is prohibited in the following areas~~]:
 - (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.
- (~~s~~o) San Juan County [~~—stocking is prohibited in any private fish pond~~]:
 - (i) [waters](#) above 7000 feet in elevation.
- (~~t~~p) Sanpete County:
 - (i) [~~stocking is prohibited in the following areas~~][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) [~~stocking is prohibited in any private fish pond~~][Waters](#) above 7000 feet
in elevation east of the Manti Mountain Range divided.

(~~u~~)g Sevier County[~~—stocking is prohibited in the following areas~~]:

- (i) Clear Creek [drainage](#) HUC 1603000301;
- (ii) Salina Creek [drainage](#) - HUC 160300030402; and
- (iii) U M Creek [drainage](#) - HUC 140700030101.

(~~v~~)r Summit County[~~—stocking is prohibited in the following areas~~]:

- (i) Bear River [~~and all tributaries~~][drainage](#) [drainage](#) - HUC 16010101;
- (ii) Mill Creek [~~and all tributaries~~][drainage](#) - HUC 16010101;
- (iii) Muddy Creek and Van Tassel Creek [drainage](#) - HUC 14040108;
- (iv) Little West Fork/Blacks Fork [drainage](#) - HUC 14040107;
- (v) [~~Black~~][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~~][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~~) [~~Silver Creek - HUC 160201010403; and~~](~~xxiv~~) Toll Canyon/East
Canyon Creek [drainage](#) - HUC 160201020102.

(w) Tooele County[~~—stocking is prohibited in the following areas~~]:

- (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.
- (~~[x]~~s) Uintah County[~~—stocking is prohibited in any private fish pond~~]:
- (i) [waters](#) above 7000 feet in elevation.
- (~~[y]~~t) Utah County[~~—stocking is prohibited in the following areas~~]:
- (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 Hobbie Creek [drainage](#) - HUC 160202020401;
 - (xix) Headwaters Right Fork Hobbie Creek [drainage](#) - HUC 160202020402;
 - (xx) Outlet Left Fork Hobbie Creek [drainage](#) - HUC 160202020403;
 - (xxi) Outlet Right Fork Hobbie Creek [drainage](#) - HUC 160202020404;
 - (xxii) Upper Spanish Fork Creek [drainage](#) - HUC 160202020501;
 - (xxiii) Middle Spanish Fork Creek [drainage](#) - HUC 160202020502;
 - (xxiv) Peteetneet 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.
- (~~[z]~~u) Wasatch County[~~—stocking is prohibited in the following areas~~]:
- (i) Willow Creek/Strawberry River [drainage](#) - HUC 140600040101;

- (ii) Clyde Creek/Strawberry River [drainage](#) - HUC 140600040102;
 - (iii) Indian Creek [drainage](#) - HUC140600040104;
 - (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](#) - HUC160202030202;
 - (xiv) Lady Long Hollow/Provo River [drainage](#) - HUC 160202030203;
 - (xv) Charcoal 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](#) - HUC160202030405;
 - (xxvi) Provo Deer Creek [drainage](#) - HUC 160202030501;
 - (xxvii) Little Hobble Creek [drainage](#) - HUC 160202030402;
 - (xxviii) Mill Hollow/South Fork Provo River [drainage](#) - HUC 160202030104; and
 - (xxix) Mud Creek [drainage](#) - HUC 140600040103.
- ([aa]v) Washington County[~~–~~ **stocking is prohibited in the following areas**]:
- (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.

~~[(bb) Wayne County - no areas closed to stocking fertile rainbow trout.~~

~~[(cc)w] Weber County[- stocking is prohibited in the following areas]:~~

- ~~(i) North Fork Ogden River [drainage](#) - HUC 16020102;~~
- ~~(ii) Middle Fork Ogden River [~~and Gertsen Creek~~][drainage](#) - HUC 16020102; and~~
- ~~(iii) South Fork Ogden River [~~and Gertsen Creek~~][drainage](#)- HUC 16020102.~~

(4) Brown trout and brown trout hybrids may not be stocked within Washington County.

R657-59-~~[17. Division Authority to Restrict Private Fish Ponds.]~~12. Institutional Aquaculture.

~~[— (1)(a) Stocking and maintaining aquaculture products in private fish ponds pursuant to this rule is a conditional privilege that is subject to unilateral modification or termination by the division or other competent legal authority.]~~

~~[— (b) Those who establish and maintain private fish ponds under this rule do so with the understanding that the laws and regulations governing private fish ponds are subject to change and that such changes may require:]~~

~~[— (i) discontinuation of stocking particular species, strains, or reproductive capabilities of aquaculture product in the pond:]~~

~~[(ii) partial or complete depopulation of the aquaculture product in the pond;]~~

~~[(iii) modifications in screen requirements and other structural elements associated with the pond; or]~~

~~[(iv) new restrictions and requirements in connection with operating the pond and maintaining the aquaculture product within it.—]~~

~~[— (2) The division may unilaterally restrict a private fish pond operating with or without a]~~

(1) A certificate of registration [or exemption certificate from receiving or possessing particular species, strains and reproductive capabilities of aquaculture product previously authorized when stocking or continued possession of the product in the pond:] is required for any public agency, institution of higher learning, school, or educational program to engage in aquaculture.

(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:

~~(a) violates~~ 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;

~~(b) negatively impacts native wildlife species listed by the division as sensitive or by the federal government as threatened or endangered;~~ 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

~~(c) poses an identifiable adverse threat to other wildlife species or their habitat; or~~

~~(d) poses an identifiable adverse impact to the division's game fish stocking regimes or wildlife management objectives.]~~

~~(3) Any costs or losses incurred as the result of future modifications to this rule or the operational status of a private fish pond made pursuant to this section, including terminations and depopulations, shall be borne exclusively by the owner, lessee or operator of the private fish pond.]~~

(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 Enactment or Last Substantive Amendment: March 16, 2015

Notice of Continuation: August 5, 2013

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



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Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

MICHAEL R. STYLER
Executive Director

Division of Wildlife Resources

GREGORY J. SHEEHAN
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Proposed Rule Changes to R657-60: Aquatic Invasive Species

Summary:

The Utah Division of Wildlife Resources' Aquatic Invasive Species program is continually evolving to address new challenges that become apparent. Based on the experiences of the 2016 boating season, the following rule changes are being proposed:

1. Require a mandatory dry time, in addition to a professional decontamination, for all boats found to have attached mussels.
 - a. Currently, only a professional decontamination is required before the next launch. However, if a large number of mussels is present, there is a greater likelihood that not all mussels will be killed during a professional decontamination
 - b. UDWR has observed live adult quagga mussels on watercraft that have been professionally decontaminated.
 - c. Unlike larval mussels that can be transported through residual water in ballast tanks and engines, adult mussels are immediately capable of starting new populations of mussels.
 - d. This rule change would provide a second layer of protection for those boats at highest risk of transporting invasive mussels.
2. All drain plugs and other devices that retain water must be removed during transport within the state of Utah from all watercraft coming from a waterbody infested with Dreissena mussels
 - a. Water retained in conveyances/equipment can shift during transport, and therefore, draining at the take out site and then replacing drain plugs may not ensure all water has been drained.
3. Remove the state of Colorado from the list of infested waterbodies/regions
 - a. As of January 2017, Colorado will no longer have any waterbodies classified as "infested" by Colorado Parks & Wildlife.
4. Include quarantine language under R657-60-11: Conveyance or Equipment Detainment, allowing UDWR Conservation Officers to restrict watercraft from launching without taking possession of the watercraft
 - a. For example, for boats that have had attached mussels and been professionally decontaminated, UDWR Conservation Officers would be able to require that boat to meet a required dry time as a precaution, without seizing the boat and taking possession of it; the boat could remain in possession of the boat owner, but not be allowed to launch until the dry time requirement has been met.
 - b. This authority already exists in statute, Title 23 Chapter 27 Section 302, allowing UDWR law enforcement officers to quarantine vessels that they believe to be transporting a Dreissena mussel.

R657. Natural Resources, Wildlife Resources.

R657-60. Aquatic Invasive Species Interdiction.

R657-60-1. Purpose and Authority.

(1) The purpose of this rule is to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within the State of Utah.

(2) This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 23-27-401, 23-14-18, and 23-14-19.

R657-60-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2 and 23-27-102.

(2) In addition:

(a) "Conveyance" means a terrestrial or aquatic vehicle, including a vessel, or a vehicle part that may carry or contain a Dreissena mussel.

(b) "Decontaminate" or "Decontaminated" means to comply with one of the following methods:

(i) If no adult mussels are attached to the conveyance after exiting the water body, an owner or operator may self-decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) removing all plants, fish, and mud from the equipment or conveyance;

(B) draining all water from the equipment or conveyance, including water held in ballast tanks, bilges, livewells, and motors; and

(C) drying the equipment or conveyance for no less than 7 days in June, July and August; 18 days in September, October, November, March, April and May; 30 days in December, January and February; or expose the equipment or conveyance to sub-freezing temperatures for 72 consecutive hours; ~~or~~

(ii) Professionally decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) Using a professional decontamination service approved by the division to apply scalding water (140 degrees Fahrenheit) to completely wash the equipment or conveyance and flush any areas where water is held, including ballast tanks, bilges, livewells, and motors; and

(B) if the division determines that there is a significant risk that mussels remain attached to the conveyance after the scalding water wash, complete a mandatory 30 day dry time after the hot water wash is completed; or

(iii) Complying with all protocols identified in a certificate of registration.

(c) "Detected Water" or "Detected" means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated in two consecutive sampling events using visual identification or microscopy and the results of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.

(d) "Dreissena mussel" means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel and a Conrad's false mussel.

(e) "Controlling entity" means the owner, operator, or manager of a water body, facility, or a water supply system.

(f) "Equipment" means an article, tool, implement, or device capable of carrying or containing water or Dreissena mussel.

(g) "Facility" means a structure that is located within or adjacent to a water body.

(h) "Infested Water" or "Infested" means a water body, facility, water supply system, or geographic region where the presence of multiple age classes of attached Dreissena mussels is indicated in two or more consecutive sampling events using visual detection or microscopy and the result of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.

(i) "Juvenile or adult Dreissena mussel" means a macroscopic Dreissena mussel that is not a veliger.

~~(j)~~ "Quarantine" means imposing a required minimum period of time where a conveyance must stay at a predetermined location in order to minimize the risk that Dreissena mussels are spread.

~~(k)~~ "Suspected Water" or "Suspected" means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated through a single sampling event using visual identification or microscopy and the result of that sampling event is confirmed in two independent polymerase chain reaction tests, each conducted at independent laboratories.

~~(l)~~ "Veliger" means a microscopic, planktonic larva of Dreissena mussel.

~~(m)~~ "Vessel" means every type of watercraft used or capable of being used as a means of transportation on water.

~~(n)~~ "Water body" means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

~~(o)~~ "Water supply system" means a system that treats, conveys, or distributes water for irrigation, industrial, wastewater treatment, or culinary use, including a pump, canal, ditch or, pipeline.

~~(p)~~ "Water supply system" does not include a water body.

R657-60-3. Possession of Dreissena Mussels.

(1) Except as provided in Subsections R657-60-3(2) and R657-60-5(2), a person may not possess, import, ship, or transport any Dreissena mussel.

(2) Dreissena mussels may be imported into and possessed within the state of Utah with prior written approval of the Director of the Division of Wildlife Resources or a designee.

R657-60-4. Reporting of invasive species required.

(1) A person who discovers a Dreissena mussel within this state or has reason to believe a Dreissena mussel may exist at a specific location shall immediately report the discovery to the division.

(2) The report shall include the following information:

~~(a)~~ location of the Dreissena mussels;

(b) date of discovery;

(c) identification of any conveyance or equipment in which mussels may be held or attached; and

(d) identification of the reporting party with their contact information.

(3) The report shall be made in person or in writing:

(a) at any division regional or headquarters office or;

(b) to the division's toll free hotline at 1-800-662-3337; or

(c) on the division's website at www.wildlife.utah.gov/law/hsp/pf.php.

R657-60-5. Transportation of equipment and conveyances that have been in waters containing Dreissena mussels.

(1) The owner, operator, or possessor of any equipment or conveyance that has been in an infested water or in any other water subject to a closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water shall:

(a) immediately remove the drain plug or similar mechanical feature and drain all water from the equipment or conveyance at the take out site, including water held in ballast tanks, bilges, livewells, motors, and other areas of containment; and

(b) immediately inspect the interior and exterior of the equipment or conveyance at the take out site for the presence of Dreissena mussels.

(2)(a) If all water in the equipment or conveyance is drained and the inspection undertaken pursuant to Subsection (1)(b) reveals the equipment and conveyance are free from mussels or shelled organisms, fish, plants and mud, the equipment and conveyance may be transported in or through the state directly from the take out site to the location where it will be:

(i) decontaminated; or

(ii) temporarily stored and subsequently returned to the same water body and take out site as provided in Subsection (5).

(b) To the extent feasible, any drain plug or similar mechanical feature that may retain water or conceal aquatic invasive species shall remain open during the transport and storage of a conveyance.

(3) If all the water in the equipment or conveyance is not drained or the inspection undertaken pursuant to Subsection (1)(b) reveals the equipment or conveyance has attached mussels or shelled organisms, fish, plants, or mud, the equipment and conveyance shall not be moved from the take out site until the division ~~is contacted and~~ provides the conveyance operator written or electronic authorization ~~received~~ to move the equipment or conveyance to a designated location for professional decontamination.

(4) Except as provided in Subsection (5), a person shall not place any equipment or conveyance into a water body or water supply system in the state without first decontaminating the equipment and conveyance when the equipment or conveyance in the previous 30 days has been in:

(a) an infested water; or

(b) other water body or water supply system subject to a closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water.

(5) Decontamination is not required when a conveyance or equipment is removed from an infested water or other water body subject to decontamination requirements, provided the conveyance and equipment is:

(a) inspected and drained at the take out site, and is free from attached mussels, shelled organisms, fish, plants, and mud as required in Subsections (1) and (2);

(b) returned to the same water body and launched at the same take out site; and

(c) not placed in or on any other Utah water body in the interim without first being decontaminated.

(6)(a) Division personnel may provide the operator of a vessel leaving an infested water, or any water subject to a closure order under R657-60-8 or control plan under R657-60-9, with an inspection certification indicating the date which that vessel left the water body.

(b) An individual who receives a certification of inspection from the division must retain that certification of inspection until:

(i) the operator returns to the same body of water and receives a new certification of inspection upon leaving the water body;

(ii) the operator completes a certification of decontamination; or

(iii) the operator receives a professional decontamination certificate.

R657-60-6. Certification of Inspection; Certification of Decontamination; Certificate of Registration to Perform Decontamination.

(1) The owner, operator or possessor of a vessel desiring to launch on a water body in Utah must:

(a) present an inspection certificate to division personnel if required; and

(b) verify the vessel and any launching device, in the previous 30 days, have not been in an infested water or in any other water subject to closure order under R657-60-8 or control plan under R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water; or

(b) certify the vessel and launching device have been decontaminated.

(2) Certification of decontamination is satisfied by:

(a) previously completing self-decontamination since the vessel and launching device were last in a water described in Subsection (1)(b) and completely filling out and dating a decontamination certification form which can be obtained from the division; or

(b) providing a signed and dated certificate by a division approved professional decontamination service verifying the vessel and launching device were professionally decontaminated since the vessel and launching device were last in a water described in Subsection (1)(b); or

(c) complying with the terms identified in a certificate of registration issued for alternative decontamination measures.

(3) A certificate of registration to complete alternate forms of decontamination may be issued to an individual who:

(a) operates conveyances as a part of their business;

(b) whose conveyances cannot be decontaminated using self decontamination or professional decontamination as defined in R657-60-2(b)(i) and (ii).

(4) Both the decontamination certification form and the professional decontamination certificate, where applicable, must be signed and placed in open view in the window of the launching vehicle prior to launching or placing the vessel in a body of water.

(5)(a) It is unlawful under Section 76-8-504 to knowingly falsify a decontamination certification form.

(b) It is unlawful under Section 23-13-11(2) to alter or destroy a certificate of inspection prior to completing a decontamination certification form.

(c) The division may suspend, revoke, or terminate a certificate of registration if the business entity or an employee thereof has violated a term of this rule, the Wildlife Resources Code, or a certificate of registration.

R657-60-7. Wildlife Board designations of Infested Waters.

(1) The Wildlife Board may designate a geographic area, water body, facility, or water supply system as Infested with Dreissena mussels pursuant to Section 23-27-102 and 23-27-401

without taking the proposal to or receiving recommendations from the regional advisory councils.

(~~fa~~2) The Wildlife Board may designate a particular water body, facility, or water supply system within the state as Infested with Dreissena mussels when sampling indicates the water body, facility, or water supply system meets the minimum criteria for an Infested Water as defined in this rule.

(3) The Wildlife Board may designate a particular water body, facility, or water supply system outside the state as Infested with Dreissena mussels when it has credible evidence suggesting the presence of a Dreissena mussel in that water body, facility, or water supply system.

(4) Where the number of Infested Waters in a particular area is numerous or growing, or where surveillance activities or infestation containment actions are deficient, the Wildlife Board may designate geographic areas as Infested with Dreissena mussels.

(5) The following water bodies and geographic areas are classified as infested:

(a) all coastal and inland waters in:

(i) ~~Colorado;~~

~~(ii) California;~~

(iii) Nevada;

~~(iii) Arizona;~~

(iv) all states east of Montana, Wyoming, Colorado, and New Mexico;

(v) the provinces of Ontario and Quebec Canada; and

(vi) Mexico;

(b) Lake Powell and that portion of the:

(i) Colorado River within the boundaries of Glen Canyon National Recreation Area;

(ii) Escalante River between Lake Powell and the Coyote Creek confluence;

(iii) Dirty Devil River between Lake Powell and the Highway 95 bridge; and

(iv) San Juan River between Lake Powell and Clay Hills Crossing; and

(c) other waters established by the Wildlife Board and published on the DWR website.

(6) The Wildlife Board may remove an infested classification if:

(a) the division samples the affected water body for seven (7) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies in writing that Dreissena mussels are no longer present.

R657-60-8. Closure Order for a Water Body, Facility, or Water Supply System.

(1)(a) The division may classify a water body, facility, or water supply system as suspected or detected if it meets the minimum criteria for suspected or detected, as defined in this rule.

(b) If the division classifies a water body, facility, or water supply system as either suspected or detected, the division director or designee may, with the concurrence of the executive director, issue an order closing the water body, facility, or water supply system to the introduction or removal of conveyances or equipment.

(c) The director shall consult with the controlling entity of the water body, facility, or water supply system when determining the scope, duration, level and type of closure that will be imposed in order to avoid or minimize disruption of economic and recreational activities.

(d) A closure order may;

(i) close the water entirely to conveyances and equipment;

(ii) authorize the introduction and removal of conveyances and equipment subject to the decontamination requirements in R657-60-2(2)(b) and R657-60-5; or

(iii) impose any other condition or restriction necessary to prevent the movement of *Dreissena* mussels into or out of the subject water.

(iv) a closure order may not restrict the flow of water without the approval of the controlling entity.

(2)(a) A closure order issued pursuant to Subsection (1) shall be in writing and identify the:

(i) water body, facility, or water supply system subject to the closure order;

(ii) nature and scope of the closure or restrictions;

(iii) reasons for the closure or restrictions;

(iv) conditions upon which the order may be terminated or modified; and

(v) sources for receiving updated information on the presence of *Dreissena* mussels and closure order.

(b) The closure order shall be mailed, electronically transmitted, or hand delivered to:

(i) the controlling entity of the water body, facility, or water supply system;

and

(ii) any governmental agency or private entity known to have economic, political, or recreational interests significantly impacted by the closure order; and

(iii) any person or entity requesting a copy of the order.

(c) The closure order or its substance shall further be:

(i) posted on the division's web page; and

(ii) published in a newspaper of general circulation in the state of Utah or the affected area.

(3)(a) If a closure order lasts longer than seven days, the division shall provide the controlling entity and post on its web page a written update every 10 days on its efforts to address the *Dreissena* mussel infestation.

(b) The 10 day update notice cycle will continue for the duration of the closure order.

(4)(a) Notwithstanding the closure authority in Subsection (1), the division may not unilaterally close or restrict a suspected or detected water supply system where the controlling entity has prepared and implemented a control plan in cooperation with the division that effectively controls the spread of *Dreissena* mussels from the water supply system.

(b) The control plan shall comply with the requirements in R657-60-9.

(5) Except as authorized by the Division in writing, a person may not violate any provision of a closure order.

(6) A closure order or control plan shall remain effective so long as the water body, water supply system, or facility remains classified as suspected or detected.

(7) The director or his designee may remove a Suspected classification if:

(a) the division samples the affected water body for three (3) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.

—(8) The director or his designee may remove a detected classification if:

(a) the division samples the affected water body for five (5) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a "suspected" classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.

R657-60-9. Control plan required.

(1) The controlling entity of a water body, facility, or water supply system may develop and implement a control plan in cooperation with the division prior to infestation designed to:

(a) avoid the infestation of Dreissena mussels; and

(b) control or eradicate an infestation of Dreissena mussels that might occur in the future.

(2) A pre-infestation control plan developed consistent with the requirements in Subsection (3) and approved by the division will eliminate or minimize the duration and impact of a closure order issued pursuant to Section 23-27-303 and R657-60-8.

(3) If a water body, facility, or water supply system within the state is classified as infested, detected, or suspected, and it does not have an approved control plan, the controlling entity shall cooperate with the division in developing and implementing a control plan to address the:

(a) scope and extent of the presence of Dreissena mussels;

(b) actions proposed to control the pathways of spread of Dreissena mussels;

(c) actions proposed to control the spread or eradicate the presence of Dreissena mussels;

(d) methods to decontaminate the water body, facility, or water supply system, if possible;

(e) actions required to systematically monitor the presence of Dreissena mussels; and

(f) requirements and methods to update and revise the plan with scientific advances.

(4) All control plans prepared pursuant to Subsection (3) shall be approved by the Division before implementation.

(5) A control plan prepared pursuant to this Section may require that all conveyances and equipment entering or leaving the subject water to comply with the decontamination requirements in R657-60-2(2)(b) and R657-60-5.

(6) Except as authorized by the Division and the controlling entity in writing, a person may not violate any provision of a control plan.

R657-60-10. Procedure for Establishing a Memorandum of Understanding with the Utah Department of Transportation.

(1) The division director or designee shall negotiate an agreement with the Utah Department of Transportation for use of ports of entry for detection and interdiction of Dreissena Mussels illegally transported into and within the state. Both the Division of Wildlife Resources and the Department of Transportation must agree upon all aspects of Dreissena Mussel interdiction at ports of entry.

(2) The Memorandum shall include the following:

- (a) methods and protocols for reimbursing the department for costs associated with Dreissena Mussel interdiction;
- (b) identification of ports of entry suitable for interdiction operations;
- (c) identification of locations at a specific port of entry suitable for interdiction operations;
- (d) methods and protocols for disposing of wastewater associated with decontamination of equipment and conveyances;
- (e) dates and time periods suitable for interdiction efforts at specific ports of entry;
- (f) signage notifying motorists of the vehicles that must stop at the port of entry for inspection;
- (g) priorities of use during congested periods between the department's port responsibilities and the division's interdiction activities;
- (h) methods for determining the length, location and dates of interdiction;
- (i) training responsibilities for personnel involved in interdiction activities; and
- (j) methods for division regional personnel to establish interdiction efforts at ports within each region.

R657-60-11. Conveyance or Equipment Detainment.

- (1) To eradicate and prevent the infestation of a Dreissena mussel, the division may:
 - (a) temporarily stop, detain, inspect, quarantine, and impound a conveyance or equipment that the division reasonably believes is in violation of Section 23-27-201 or R657-60-5;
 - (b) order a person to decontaminate a conveyance or equipment that the division reasonably believes is in violation of Section 23-27-201 or R657-60-5.
- (2) The division, a port-of-entry agent or a peace officer may detain, quarantine, or impound a conveyance or equipment if:
 - (a) the division, agent, or peace officer reasonably believes that the person transporting the conveyance or equipment is in violation of Section 23-27-201 or R657-60-5.
- (3) The detainment, quarantine, or impoundment authorized by Subsection (2) may continue for:
 - (a) up to five days; or
 - (b) the period of time necessary to:
 - (i) decontaminate the conveyance or equipment; and
 - (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

R657-60-12. Penalty for Violation.

- (1) A violation of any provision of this rule is punishable as provided in Section 23-13-11.
- (2) A violation of any provision of a closure order issued under R657-60-8 or a control plan created under R657-60-9 is punishable as a criminal infraction as provided in Section 23-13-11.

R657-60-13. Inspection Stations.

- (1) Inspection stations may be established for administrative purposes to interdict the spread of Dreissena mussels consistent with Utah Code Title 23, Chapter 27 "Aquatic Invasive Species Act," and this rule.

(2) The Division may establish inspection stations at locations authorized under Section 23-27-301 where:

(a) there is a high probability of intercepting conveyances or equipment transporting Dreissena mussels;

(b) there is typically a high level of boat and trailer traffic; or

(c) inspection of conveyances or equipment will provide increased protection against the introduction of Dreissena mussels into a water body that is not classified as infested, suspected, or detected under R657-60-2.

(3) Inspection stations shall have adequate space for conveyances or equipment to be stopped, inspected, and if necessary, decontaminated, without interfering with the public's use of highways or presenting a safety risk to the public.

(4) Inspection stations shall have adequate signage providing the public:

(a) notice that the inspection station is open and operational;

(b) notice that all persons transporting conveyances or equipment must stop at the inspection station and submit their conveyance and equipment for inspection; and

(c) an adequate opportunity to safely stop at the inspection station.

(5) Any person transporting a conveyance or equipment is required to stop at an inspection station during its hours of operation and submit that conveyance or equipment to the Division for inspection.

(6) The Division shall conduct an inspection of a conveyance or equipment that is stopped at an inspection station as follows:

(a) Division personnel will determine whether the conveyance or equipment has been in an infested, suspected, or detected water body within the past 30 days.

(b) If the conveyance or equipment has not been in an infested, suspected, or detected water body within the past 30 days, the Division will:

(i) conduct a brief visual inspection of the conveyance or equipment to ensure that there are no visible Dreissena mussels;

(ii) provide educational materials regarding aquatic invasive species risks and regulations in Utah; and

(iii) provide a certificate of inspection to the person in possession of the conveyance or equipment.

(c) If the conveyance or equipment has been in an infested, suspected, or detected water body within the past 30 days, the Division will:

(i) verify all water is drained from the conveyance or equipment, including water held in ballast tanks, bilges, livewells, motors, and other areas of containment;

(ii) verify that the surface of the conveyance or equipment is free of Dreissena mussels, shelled organisms, fish, plants, and mud; and

(iii) verify that the conveyance or equipment has been or will be decontaminated as defined in R657-60-2(b) before launching in a Utah water body.

(d) The Division may require professional decontamination of conveyances or equipment that have been in an infested, suspected, or detected water within the past 30 days and failed to comply with the draining and cleaning requirements established in R657-60-5(3).

(7) The Division may issue a certification of inspection and decontamination to persons who complete inspections and any applicable decontamination at an inspection station.

(8) Inspection stations shall be operated in a manner that minimizes the length of time of an inspection while ensuring that conveyances are free from the presence of Dreissena mussels.

KEY: fish, wildlife, wildlife law

Date of Enactment or Last Substantive Amendment: November 10, 2015

Notice of Continuation: August 5, 2013

Authorizing, and Implemented or Interpreted Law: 23-27-401; 23-14-18; 23-14-19



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State of Utah

DEPARTMENT OF NATURAL RESOURCES

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November, 14 2016

TO: Utah Wildlife Board / Regional Advisory Council Members
FROM: Bryan Christensen
Volunteer Services/Dedicated Hunter Program Coordinator
SUBJECT: 2016 Dedicated Hunter Program Recommendations (Rule R657-38)

Several aspects of the Dedicated Hunter Program were adjusted in 2011 and 2013 to align the program with the unit-based deer hunting structure that began in 2012. Since then, a few additional aspects have been identified as needing to be updated—some of which have been requested by Dedicated Hunter program participants. The recommended changes to R657-38 align rule text with existing statute and other administrative rules. The recommendations also are intended to simplify and clarify program procedures.

Recommendations for this rule:

- Consolidate related sections for simplification
- Eliminate redundancy and add clarity to rule intent
- Clarify use of appropriate equipment respective to each season
- Clarify requirement to have valid hunting license to apply or obtain COR and permits
- Clarify timeframe which the Wildlife Conservation and Ethics course must be completed
- Allow residents same option as non-residents for purchasing service hours
- Simplify program extension option for military mobilization/deployment
- Manage special circumstances for educational and religious relocations through implementing a more universal withdraw/surrender option for all participants.
- Allow participant that draws limited entry deer permit in Big Game drawing, option of extending Dedicated Hunter COR one year instead of consuming one of the program years.
- Allow participant that accepts a Poaching Reported Rewards permit (deer) the option of extending enrollment 1 year.
- Restructure qualifying minimum requirements for withdrawing from the program.



R657. Natural Resources, Wildlife Resources.

R657-38. Dedicated Hunter Program.

R657-38-1. Purpose and Authority.

(1) Under the authority of Section 23-14-18, this rule provides the standards and requirements for qualified deer hunters to participate in the Dedicated Hunter Program by obtaining a certificate of registration.

(2) The Dedicated Hunter Program is a program that provides:

(a) expanded hunting opportunities;

(b) opportunities to participate in [wildlife conservation](#) projects [~~that are beneficial to wildlife~~]; and

(c) education in hunter ethics and wildlife management principles.

R657-38-2. Definitions.

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

(2) In addition:

(a) "Dedicated Hunter Permit" means a general buck deer permit issued to a participant in the Dedicated Hunter Program, which authorizes the participant to hunt deer during the general archery, general muzzleloader and general any weapon open seasons in the hunt area specified on the permit.

(b) "Hunt area" means an area prescribed by the Wildlife Board where general archery, general muzzleloader and general any weapon [buck](#) deer hunting is open to permit holders for taking deer.

(c) "Participant" means a person who has remitted the appropriate fee and has been issued a Dedicated Hunter certificate of registration.

(d) "Program" means the Dedicated Hunter Program

(e) "Program harvest" means using a Dedicated Hunter permit to tag a harvested deer or failing to return a Dedicated Hunter permit with [~~attached~~] [the](#) kill tag [attached](#), while enrolled in the program.

(f) "Wildlife conservation project" means any project that provides wildlife habitat protection or enhancement, improves hunting or fishing access, or directly benefits wildlife or the Division's current needs and is pre-authorized by the Division.

R657-38-3. Dedicated Hunter Certificates of Registration

(1)(a) To [~~become a participant~~] [participate](#) in the program, a person must apply for, obtain, and sign a Dedicated Hunter certificate of registration [as prescribed by the Division](#). A participant is not required to have the Dedicated Hunter certificate of registration on their person while hunting.

(b) Certificates of registration are issued by the Division through a drawing as prescribed in the guidebook of the Wildlife Board for taking big game and R657-62.

(c) Certificates of registration are valid for 3 consecutive years, except as provided by R657-38-[(110),] [and R657-38-13](#), beginning on the date the big game drawing results are released and ending on the last day of the general season hunt for the 3rd year of enrollment.

(d) The number of Dedicated Hunter certificates of registration is limited to 15% of the total annual general season buck deer quota for each ~~[perspective]~~ respective hunt area.

(i) Certificates of registration remaining unissued from the Dedicated Hunter portion of the big game drawing shall be redistributed as general single-season permits for their respective hunt areas in the general buck deer drawing.

(2) The Division may deny~~[-suspend, or revoke]~~ a Dedicated Hunter certificate of registration for any of the ~~[following reasons:]~~ reasons identified as a basis for suspension in Section 23-19-9(7) and R657-38-15.

~~[(a) The drawing application contains false information;]~~

~~[(b) The person, at the time of application, or during the program enrollment, is under a judicial or administrative order suspending any wildlife hunting or fishing privilege within Utah or elsewhere;]~~

~~[(c) The person has violated the terms of any certificate of registration issued by the Division or an associated agreement.]~~

~~[(3) A person under any wildlife suspension may not apply for a certificate of registration until their suspension period has ended.]~~

~~[(4)]~~3) A certificate of registration conditionally authorizes the participant to obtain and use a Dedicated Hunter permit to hunt deer within the area listed on the permit, during the general archery, general muzzleloader and general any legal weapon buck deer ~~[hunts]~~ seasons according to the dates and boundaries established by the Wildlife Board. When available, the certificate of registration may also authorize hunting within the general deer archery extended area during the extended season dates.

(a) The person must use the appropriate weapons and equipment otherwise applicable to each season and boundary.

~~[(5)]~~4) The participant's selected hunt area, as issued through the drawing, shall remain the same for the entire duration of that program enrollment period.

~~[(6)]~~5) Participants ~~[of]~~ in the program shall be subject to any changes subsequently made ~~[in]~~ to this ~~[rule during]~~ or other rules during the term of enrollment, unless a variance is authorized by the Division.

R657-38-4. Applications for Certificates of Registration.

(1) ~~[Application]~~ Applications to obtain a Dedicated Hunter certificate of registration ~~[is]~~ are made pursuant to R657-62-~~[16]~~ 16.

~~[(a) Applicants must meet all age requirements and proof of:]~~ 2) To apply for a Dedicated Hunter certificate of registration, applicants must:

(a) have a valid Utah hunting or combination license;

(b) meet all age, hunter education, and license requirements ~~[pursuant to]~~ in Sections 23-19-11, 23-19-22, 23-19-24, and 23-19-~~[26.]~~ 26 and in applicable rules;

(i) ~~[Any person who is 12 years of age or older may apply for a Dedicated Hunter certificate of registration.]~~~~[(ii)]~~A person 11 years of age may apply for ~~[or]~~ and obtain a Dedicated Hunter certificate of registration if that person's 12th birthday falls in the calendar year the certificate is issued. A person may not hunt big game prior to their 12th birthday; and

(c) be compliant with the restrictions in Subsection (2).

(3) A person under any wildlife suspension may not apply for a certificate of registration until their suspension period has ended.

R657-38-~~(5)~~.5. Dedicated Hunter Preference Point System.

~~[(1)]~~—Dedicated Hunter Preference points are issued pursuant to R657-62-10.

R657-38-6. Fees.

(1) Any person who is 17 years of age or younger on July 31st of the application year shall pay the youth participant fees.

(2) Any person who is 18 years of age or older on July 31st of the application year shall pay the adult participant fees.

(3) Lifetime License holders shall pay a reduced fee as authorized by the annual fee schedule.

(4) A participant who enters the program as a Utah resident and thereafter becomes a nonresident, shall be changed to a nonresident status and may be issued ~~[a]~~ nonresident ~~[permit]~~ permits at no additional charge for the remainder of the three-year enrollment period.

(5) A participant who enters the program as a nonresident and thereafter becomes a Utah resident, shall be changed to a resident status and may be issued ~~[a]~~ resident ~~[permit]~~ permits with no reimbursement of the higher nonresident fee for the remainder of the three-year enrollment period.

R657-38-7. Refunds.

(1) A refund for the Dedicated Hunter certificate of registration may not be issued, except as provided in Section 23-19-38.2 and R657-42.

(2) Any eligible refund ~~[will]~~ of a certificate of registration fee, may be issued pro rata, based on the number of years in which any portion of a hunt ~~[was participated in]~~ may have occurred during the enrollment period.

(3) Drawing application fees are nonrefundable.

(4) A refund shall not be issued under any circumstance if a participant's harvest record indicates two harvests.

R657-38-8. Wildlife Conservation and Ethics Course Requirement

(1) ~~[Prior]~~ After successfully obtaining a Dedicated Hunter certificate of registration and prior to obtaining the first Dedicated Hunter permit of the program, a participant must complete ~~[the]~~ a wildlife conservation and ethics course prescribed by the Division.

(2) The wildlife conservation and ethics course is available through the Division's Internet site.

(3) The Division shall keep a record of all participants who complete the wildlife conservation and ethics course.

R657-38-9. Service Hour Requirement

(1)(a) Except as provided in R657-38-14, each participant in the program shall provide a minimum of 32 hours ~~[of]~~ service as a volunteer on Division approved wildlife conservation projects.

(i) A participant may obtain a permit in the 1st year of the program without having provided service hours.

(ii) A participant must have completed a minimum of 16 service hours prior to receiving a Dedicated Hunter permit in the 2nd year of the program.

(iii) A participant must have completed a minimum of ~~[16 additional]~~32 total service hours prior to receiving a Dedicated Hunter permit in the 3rd year of the program.

(b) If the participant fails to ~~[have]~~ complete the minimum ~~[of]~~ 32 hours ~~[completed at]~~of service by the expiration of the certificate of registration in the 3rd year, the participant will be ineligible to apply for or obtain any Utah hunting licenses or permits until the remaining service hours have been ~~[-paid for or]~~ completed.

(i) After a certificate of registration has expired, incomplete service hours may be completed through Division approved ~~[wildlife conservation]~~ projects or by payment at the ~~[hour buyout]~~established purchase rate.

(ii) A participant who has not been issued any Dedicated Hunter permits during the enrollment shall not be required to complete the service hour requirement.

(c) Residents ~~[may not purchase more than 24 of the 32 total required service hours. Nonresidents may purchase all]~~ and nonresidents may complete service hour requirements through service, purchase, or a combination of the ~~[32 total required service hours.]~~two options.

~~[project]~~and ethics course or the minimum service requirements in any year of participation, the participant shall not be issued a Dedicated Hunter permit for that year.

(2) Wildlife conservation projects may be designed by the Division, or any other individual or entity, but must be pre-approved by the Division.

(a) Goods or services provided to the Division for wildlife conservation projects by a participant may be, at the discretion of the Division, substituted for service hours based upon current market values or comparative state contract rates for the goods or services, and ~~[using]~~ the approved ~~[hourly]~~ service ~~[buyout]~~hour purchase rate ~~[-when applying the credit].~~

~~[(i) Goods or material donations that are specifically requested and accepted by the Division may be considered as service project hours.]~~

(b) The Division shall publicize the dates, times, locations and description of approved wildlife conservation projects and activities on the Division's Internet site.

(3) Service hours must be completed within the enrollment period.

(a) Service hours exceeding the 32 hour minimum shall not be applicable beyond the enrollment period and shall not be ~~[applied]~~ credited to subsequent certificate of registrations.

(4) ~~[Participants]~~ Except as provided in R657-38-14 for participants surrendering due to injury or illness, all participants are required to perform their own service hours.

(a) Service hours are not transferrable to other participants or certificates of registration.

R657-38-10. Service Hour Exceptions and Program Extension.

~~[(1) The program service hour requirements may be waived on an annual basis if:]~~

~~[(a) The participant provides evidence of leaving the state for a minimum period of one year during the enrollment period for religious or educational purposes.]~~

~~[(i) If the participant requests that the program service hour requirements be waived, and the request is granted, the participant shall not receive a Dedicated Hunter permit for the year in which the program requirements were waived]]~~
~~[(b) The participant]~~ 1) A participant who is a member of the United States Armed Forces or public ~~[health or public-]~~ safety organization ~~[and]~~ that is mobilized or deployed on ~~[order]~~ orders in the interest of national defense or declared state of emergency may request a one-year program extension if;

~~[(2) A person who is a member of the United States Armed Forces or public safety organization that is mobilized or deployed may request:]~~

~~[(a) That the remainder of their program enrollment period be postponed until return from their period of mobilization or deployment:]~~

(a) the person is mobilized or deployed for a minimum period of 3 consecutive months, or;

(b) the participant is mobilized or deployed during the general buck deer season.

(i) The extension may not be granted for a year where the participant was issued a Dedicated Hunter permit and the division determines the participant hunted with the permit.

(2) If an extension is granted:

~~[(b)a]~~ ~~[That]~~ the minimum annual program requirements shall be postponed into ~~[a]the~~ subsequent year of the enrollment ; and

~~[(c) That the program service hour requirements be waived if the participant is prevented from completing the requirements due to the]~~ (b) a permit will not be issued in the year the qualifying mobilization or deployment occurs.

~~[(A)3]~~ The participant must provide evidence of the mobilization or deployment period.

~~[(B) The Division shall determine a pro rata schedule in which the service hour requirements waived correlate with the term length of the deployment or mobilization.]~~

R657-38-11. Allowable Harvest and Permit Return Requirements.

(1)(a) [~~Except as provided in section R657-38-12, a~~]A program participant may take [~~up to 2~~]a maximum of two general season deer within the enrollment period[~~and only 1~~]. Only one deer may be harvested in a single year.

(b) The harvest of an antlerless deer using a Dedicated Hunter permit, when permissible in the extended archery areas and seasons established in the big game guidebook, shall be considered a program harvest.

(2) Upon issue of a Dedicated Hunter permit, the participant is credited with a program harvest.

(a) [~~2~~]Two program harvests are allowed within [~~the~~]an enrollment period.

(b) If program harvests are accrued during the 1st year and 2nd year of the enrollment, a permit shall not be issued for the 3rd year.

(c) In order to remove a program harvest credit, the participant[;] must:

(i) [~~must~~]not have harvested a deer with the Dedicated Hunter permit[;] and

(ii) [~~must~~] return the permit and attached tag, or a qualifying affidavit[~~for duplication~~] as proof of non-harvest to a Division office. A handling fee may be assessed for processing an affidavit.

R657-38-12. Dedicated Hunter Permits.

(1) Pursuant to Sections 23-19-24 and 23-19-26 person must have a valid Utah hunting or combination license to [~~be issued~~]apply for or obtain a big game permit.

(a) Except as provided in subsection (b), a permit may not be issued if the participant does not possess a valid hunting or combination license at the time of permit issuance.

(b) A valid hunting or combination license is not required to obtain a permit in the first year of the enrollment period, provided the participant possessed a valid license when applying for the Dedicated Hunter certificate of registration.

(2) The participant must have a valid Dedicated Hunter permit in possession while hunting.

(3) Upon completion of the minimum annual requirements, a Dedicated Hunter permit may be issued. The method and dates in which the Division issues and distributes Dedicated Hunter permits shall be published on the Division's website or in the guidebook of the Wildlife Board for taking big game.

(4) The Division may exclude multiple season opportunities on specific management units due to extenuating circumstances on a portion or all of a hunt area.

(5)(a) The Division may issue a duplicate Dedicated Hunter permit pursuant to Section 23-19-10.

(b) If a participant's unused Dedicated Hunter permit and tag is destroyed, lost, or stolen prior to, or during the hunting season in which the permit is valid, a participant may obtain a duplicate. A handling fee may be assessed for the duplication.

(c) A duplicate Dedicated Hunter permit shall not be issued after the closing date of the general buck deer season.

(6)(a) A participant may surrender a Dedicated Hunter permit in accordance with Rule R657-42.

(b) A participant may not surrender a Dedicated Hunter permit once the general archery deer hunt has begun, unless the Division can verify that the permit was never in the participant's possession.

(7)(a) Lifetime license holders may participate in the program.

(b) The Lifetime license holder shall apply for a certificate of registration in the same manner as all other prospective participants.

(c) Upon joining and for the duration of enrollment in the program, the lifetime license holder agrees to temporarily forego any rights to receive a lifetime license buck deer permit as provided in Section 23-19-17.5.

(~~e~~d) A refund or credit is not issued for a forgone lifetime license permit.

R657-38-13. Obtaining Other Permits.

(1) Participants may not apply for or obtain any Utah general season buck deer permit, including general landowner buck deer permits, or respective preference points issued by the Division through the big game drawing, license agents, over-the-counter sales, or the internet during an enrollment period in the program.

(a) Any other Utah general season deer permit obtained is invalid and must be surrendered prior to the beginning season date ~~of~~ for that permit. ~~[A refund may not be issued pursuant to]~~Refunds are governed by Section 23-19-~~3-~~38.

(2)(a) Participants may apply for or obtain a limited entry ~~season~~ buck deer permit, including CWMU, limited entry landowner, conservation, expo, and poaching reported rewards permits.

(i) ~~The~~A limited entry buck deer permit may be obtained without ~~the~~ completion of the annual program requirements, but does not exempt the participant from fulfilling the minimum requirements of the entire enrollment.

(ii) ~~Obtaining~~A person who is enrolled in the program and obtains a limited entry buck deer permit ~~[during the enrollment]~~through the Utah Big Game drawing or accepts a poaching reported reward limited entry deer permit, may request the Dedicated Hunter program enrollment period be extended one additional year. Any other method of obtaining a limited entry buck deer permit shall not extend the enrollment period, but shall take the place of one of the 3 ~~[possible permit]~~enrollment years.

(iii) Harvest with a limited entry buck deer permit shall not be counted as a program harvest.

(b) If the participant obtains a limited entry buck deer permit and has been issued a Dedicated Hunter permit, that permit or the Dedicated Hunter permit must be surrendered as permissible by R657-38-11 and R657-42. ~~[A refund may not be issued pursuant to Section 23-19-38.]~~

(i) A participant who obtains a limited entry buck deer permit may only use that permit in the prescribed area and season listed on the permit. Dedicated Hunter privileges are not ~~transferred~~ extended to that permit.

(ii) ~~The~~A limited entry buck deer permit may not be obtained if the Dedicated Hunter permit has been in possession of the participant during any open portion of the general buck deer season.

(3)(a) Participants may apply for or obtain antlerless deer permits as provided in Rule R657-5 and the guidebook of the Wildlife Board for taking big game.

(b) Except as provided in R657-38-~~10,~~11(1), harvest of an antlerless deer with an antlerless deer permit shall not be considered a program harvest.

R657-38-14. Certificate of Registration Surrender.

(1) A participant may ~~surrender a~~ formally request withdrawal from the Dedicated Hunter program by surrendering the Dedicated Hunter certificate of registration pursuant to R657-~~42-4~~42, provided the participant ~~[has not been issued 2 Dedicated Hunter permits in which hunting may have occurred.][(a) if a participant has been issued the 1st permit, the participant must have completed a minimum of 10 service hours prior to an allowable surrender.]~~ meets the surrender requirements and does not have a program record indicating two harvests within the enrollment period.

(a) A participant who has not possessed any permits in the program during any portion of the hunting seasons applicable to those permits, may surrender and have all requirements waived.

~~[(i) if the participant surrendering is physically unable to complete the minimum of 10 service hours due to injury or illness, the Division may authorize another person to fulfill the requirement in the participant's behalf.]~~

~~(b) [a participant may not surrender a certificate of registration if the participant has met the program harvest limit.]~~

A participant who has possessed only one permit in the program during any portion of the hunting seasons applicable to that permit and not credited with a program harvest on that permit, may surrender upon completing a minimum of 11 service hours;

(c) A participant who has possessed two permits in the program during any portion of the hunting seasons applicable to those permits and credited with no more than program harvest between the permits, may surrender upon completion of a minimum of 22 service hours.

~~(2)[The Division may not issue a refund, except as provided in Section 23-19-38 and R657-42 and R657-38-7.]~~

~~[(3) If a Dedicated Hunter permit has been issued in which hunting may have occurred, the participant shall not be eligible for preference points to be reinstated upon surrender of the certificate of registration.]~~ The Division may reinstate preference point(s) for a participant surrendering in the first year of the enrollment period, provided the person did not possess a dedicated hunter permit during any portion of the hunting seasons applicable to the permit.

(3) "Possessed" means, for purposes of this section, that division records show a Dedicated Hunter permit was printed, mailed to or picked up by the participant, and not surrendered prior to the beginning of the general archery buck deer season.

(4)(a) Pursuant to 23-19-38, a participant who becomes ill or suffers an injury that precludes that person from using the permits or completing program requirements, may request withdrawal from the Dedicated Hunter program pursuant to R657-42 and upon furnishing verification of illness or injury from a physician.

(b) If the participant requesting withdrawal due to illness or injury has a program record indicating two harvests, the Division may waive the remaining service hours or authorize another person to fulfill the requirement in the participant's behalf.

R657-38-15. Certificate of Registration Suspension.

(1) The Division may suspend a Dedicated Hunter certificate of registration pursuant to Section 23-19-9 and R657-26.

(2) A certificate of registration may also be suspended if the participant:

(a) fraudulently submits a time sheet for service hours; or

(b) fraudulently completes any of the program requirements[-]; or

(c) is under [~~suspension of any hunting or fishing privileges in any jurisdiction during the participant's enrollment in the program.~~] a judicial or administrative order suspending any wildlife hunting or fishing privilege within Utah or elsewhere; or

(d) provides false information on the drawing application; or

(e) has violated the terms of any certificate of registration issued by the Division or an associated agreement. (3) A Dedicated Hunter permit is invalid if a participant's certificate of registration is suspended.

(4) The program enrollment period shall not be extended in correlation with any suspension.

KEY: wildlife, hunting, recreation, wildlife conservation

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