

RAC AGENDA – August/September 2024



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. Strawberry Reservoir – Response to illegal introduction of walleye
– Alan Ward, CR Aquatics Manager **INFORMATIONAL**
6. 2025 Fishing Recommendations and R657-13 Rule Amendments
- Craig Walker, Asst. Wildlife Program Chief
- Trina Hedrick, NER Aquatics Manager **ACTION**
7. R657-61 Valuation of Real Property Interests for Purposes of Acquisition or Disposal
Rule Amendments **ACTION**
- Chelsea Duke, Wildlife Lands Coordinator

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

CR RAC – August 27th, 6:00 PM
Wildlife Resource Conference Room
1115 N. Main Street, Springville
<https://youtube.com/live/YSa-HEfDrwg>

SER RAC – September 4th, 6:00 PM
John Wesley Powell Museum
1765 E. Main St., Green River
<https://youtube.com/live/YeX9-wLogus>

NR RAC – August 28th, 6:00 PM
Weber County Commission Chambers
2380 Washington Blvd. #240, Ogden
<https://youtube.com/live/TX-ZROas6WM>

NER RAC – September 5th, 6:00 PM
Wildlife Resources Conference Rm
318 North Vernal Ave, Vernal
https://youtube.com/live/aW_LJSqPCm8

SR RAC – September 3rd, 6:00 PM
DNR Richfield City Complex
2031 Industrial Park Rd., Richfield
<https://youtube.com/live/88RvRPZV3Cc>

Board Meeting – September 19th, 9:00 AM
Eccles Wildlife Education Center
1157 S. Waterfowl Way, Farmington
<https://youtube.com/live/71Jrrj9C2x8>



SPENCER J. COX
Governor

DIEDRE M. HENDERSON
Lieutenant Governor

State of Utah

DEPARTMENT OF NATURAL RESOURCES

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

MEMORANDUM

TO: Regional Advisory Council Members and Wildlife Board

FROM: Trina Hedrick, Coldwater Sportfish Coordinator, and
Craig Walker, Assistant Aquatics Chief, Sportfish Program

DATE: July 31, 2024

SUBJECT: 2025-2026 Fishing Regulation Proposals

The UDWR is recommending the following regulation changes to the 2025 and 2026 Utah Fishing Guidebooks. All page numbers referenced in this memorandum refer to the location in the 2024 Utah Fishing Guidebook where a regulation change is proposed.

Central Region:

- Deer Creek Reservoir: Strike white bass from the first bullet requiring that all white bass be killed immediately. Add "No limit white bass" (page 28).
- Provo River Delta: Add to Rules for Specific Waters on page 36 of the guidebook: "All suckers must be immediately released. CLOSED to the possession of walleye from March 1 through 6 a.m. on the first Saturday of May. No limit on northern pike. Anglers must not release any northern pike they catch. All northern pike must be immediately killed. CLOSED to nighttime bowfishing (sunset to sunrise) from the first Saturday of May through 6 a.m. on the second Saturday of July." (Page 37)
- Stansbury Lake: Add to Rules for Specific Waters on page 38 of the guidebook: "Closed to the possession of largemouth bass. Limit 10 bluegill, green sunfish, and black crappie (a combined total). Limit 2 channel catfish." (Page 38)

Northeastern Region:

- Flaming Gorge Reservoir: (Page 30)
 - Strike language saying "Limit 4 trout or kokanee salmon (a combined total), excluding lake trout" and replace with "Limit 4 trout or kokanee salmon (a combined total), excluding lake trout, and no more than 3 may be kokanee salmon" (page 30).
 - Strike language saying "Limit 12 lake trout/mackinaw, only 1 may exceed 28 inches" and replace with "No limit for lake trout/mackinaw 28 inches or less, only 1 may exceed 28 inches."
 - Add "Anglers may use dead lake trout that are part of their daily bag limit as bait."
 - Strike "When ice fishing, the hole size may not exceed 18 inches."

- In the bullet allowing the use of up to six lines while ice fishing, strike “If the angler is using more than one line, pole or tip-up” and replace it with, “If the angler is using more than two lines, poles, or tip-ups.”
- Strike “Open to taking burbot by means of underwater spearfishing from Jan. 1 through Dec. 31, 24 hours each day. Artificial light is permitted while engaged in underwater spearfishing for burbot. Artificial light may not be used to take other fish species with spearfishing techniques. No other species of fish may be taken with underwater spearfishing techniques between official sunset and official sunrise,” and replace it with “Open to the taking of burbot and lake trout by means of underwater spearfishing from Jan. 1 through Dec. 31. Artificial light is permitted while engaged in underwater spearfishing for burbot and lake trout. Artificial light may not be used to take any other fish species with spearfishing techniques.”
- Add “Anglers are only allowed one daily limit at Flaming Gorge Reservoir.”
- Add “Chumming is allowed, but you may chum only with legal baits, dead burbot or lake trout, as specified in Utah Admin. Rule R657-13-12.”
- Add “The length of shooting lines used when spearfishing is restricted to 20 feet.”
- Pelican Lake: Keep the daily bag limit for bluegill at 15 on page 36. Replace the bluegill size restriction with “only 5 may exceed 8 inches.” Add “A person may use up to six lines when fishing through the ice. If the angler is using more than two lines, the angler’s name shall be attached to each line, pole or tip-up, and the angler shall check only their lines.”
- Strawberry River: Add “such as any instream lakes or ponds” to the location description (page 39). The location paragraph would then read, “...including all flowing water, standing water, and instream lakes or ponds.”

Northern Region:

- Causey Reservoir: Add “A person may use up to six lines when fishing through the ice. If the angler is using more than two lines, the angler’s name shall be attached to each line, pole or tip-up, and the angler shall check only their lines.”
- Cutler Reservoir: Add limit 15 black crappie. (Page 27)
- Echo Reservoir: Remove “No limit for walleye. Anglers must not release any walleye they catch. All walleye must be immediately killed.” (Page 30)
- Pond at Poulter Preserve: Add to Rules for Specific Waters on page 36 of the guidebook: “Catch and release only and artificial flies and lures only from 6 a.m. on the second Saturday of September through the third Saturday in May.”
- Porcupine Reservoir: Add “A person may use up to six lines when fishing through the ice. If the angler is using more than two lines, the angler’s name shall be

attached to each line, pole or tip-up, and the angler shall check only their lines.” (Page 36)

- Willard Bay Reservoir and inlet channel: Add limit 15 yellow perch. (Page 41)

Southern Region:

- Barney Lake: Strike “•Limit 2 trout. •Artificial flies and lures only.” (Page 25).
- Gunlock Reservoir : Strike “• Limit 6 largemouth bass, only 1 may be over 12 inches.” Add “Limit 100 black crappie.” (Page 31)
- Manning Meadow Reservoir: Strike “• Limit 2 trout, regardless of species. • Artificial flies and lures only. (Page 34)
- Mill Meadow Reservoir: Remove from Rules for Specific Waters section (Page 34)
- Quail Creek Reservoir: Strike “• Limit 6 largemouth bass, only 1 may be over 12 inches.” (Page 37)
- Sand Hollow Reservoir: Strike “• Limit 6 largemouth bass, only 1 may be over 12 inches.” Add “• Limit 8 largemouth bass.” (Page 37)

Statewide Recommendations

- Change “New community fisheries anticipated: Two new community fishing ponds—Roosevelt Nature Park Pond in Roosevelt (Duchesne County), and The Pond at Poulter Preserve in West Haven (Weber County)—will open to the public in the summer of 2024.” to “New community fishing opportunities: Four new community fishing ponds—Dry Creek Highland Pond in Highland (Utah County), Provo River Delta Gateway Park Pond in Provo (Utah County), Jordan River Big Bend Pond in West Jordan (Salt Lake County), and Willow Spring Pond in Enterprise (Washington County)—are now open to the public.” (Page 3).
- Change “Dead burbot from Flaming Gorge may be used as bait only in Flaming Gorge” to “Dead burbot and lake trout from Flaming Gorge may be used as bait only in Flaming Gorge.” (Page 12).
- On page 13, under “Restrictions on taking fish and crayfish,” add lake trout to the first bullet to now allow the use of artificial light for burbot and lake trout at Flaming Gorge Reservoir.
- On page 13, under “Restrictions on taking fish and crayfish,” add Utah chub to the second bullet to now allow the use of artificial light for common carp and Utah chub anywhere open to spearfishing in the state.
- On page 13, change “Chumming is prohibited on all waters except Lake Powell. Please see the Rules for specific waters, Lake Powell on page 33 for more information about chumming at Lake Powell” to “Chumming is prohibited on all waters except Lake Powell and Flaming Gorge Reservoir. Please see the Rules for specific waters, Lake Powell on page 33 and Flaming Gorge Reservoir on page 30 for more information.”



- On page 14, under “Setline fishing” add Yuba Reservoir to the list of waters where setline fishing is permitted.
- On page 14, under “Setline fishing” change “• A setline may not contain more than 15 hooks.” to “• A setline may not contain more than 8 hooks.”
- On page 14, under “Setline fishing” remove “• When fishing with a setline, you must be within 100 yards of the surface or the bank of water you’re fishing from.”
- On page 14, under “Setline fishing” add “• Setlines may only be tended by anglers possessing a setline permit.”
- On page 14, under “Setline fishing” add “• Mechanical retrieval of setlines is prohibited.”
- On page 14, under “Setline fishing” add “• Permitted setlines must be checked at least once every 48 hours.”
- On page 14, under “Setline fishing” change “• ...Your setline must also have a legible tag attached to it that includes your name, address and setline permit number.” to “•...Your setline must be permanently marked with a legible tag identifying your setline permit number.”
- On page 14, under “Fishing with archery tackle and crossbows” change the “Using a crossbow” subheading to “Using a crossbow or airgun”.
- On page 14, under the new “Using a crossbow or airgun” subheading, change “You may use a crossbow to take carp at any open water statewide. You may not use a crossbow to take any other species of fish.” to “You may use a crossbow or airgun to take carp at any open water statewide. You may not use a crossbow or airgun to take any other species of fish.”
- On page 15 under “Underwater spearfishing” remove “Underwater spearfishing hours are from official sunrise to official sunset. It is illegal to use artificial light while underwater spearfishing, and free shafting is prohibited.”
- On page 15 under “Underwater spearfishing” add the following waters to the list of waterbodies where spearfishing is allowed: Alexander Lake, Chepeta Lake, China Lake, Fish Lake (Uintas), Hacking Lake, Hoop Lake, Hoover Lake, Moccasin Lake, Papoose Lake, Paradise Park Lake, Spirit Lake, Upper Stillwater Reservoir, Wall Lake, Wigwam Lake, and Whitney Reservoir.
- On page 15 under “Underwater spearfishing” add white bass, in addition to northern pike, as a species that can be harvested using spearfishing in listed Utah Lake tributaries.
- On page 15, under “Additional spearfishing rules”
 - Remove “There are a few exceptions to spearfishing regulations”
 - Change “At Flaming Gorge (Daggett County), you can underwater spearfish for burbot from Jan. 1 to Dec. 31, 24 hours per day. You can also use artificial light while spearfishing for burbot at this reservoir.” to “At Flaming Gorge (Daggett County), you can underwater spearfish for burbot and lake trout using artificial light.”
 - Add “Free shafting is prohibited”

- Add “Use of artificial light while spearfishing for Utah chub and carp is permitted anywhere in Utah.”
- Strike Recapture Reservoir from the list of waterbodies open to spearfishing for any legal species on page 15. Add Recapture Reservoir to the list of waterbodies included in the “Restrictions on spearfishing for bass” section on page 16.
- On page 18, under “Prohibited fish” replace all text with the following:
“The following is a list of threatened or endangered native species. If you catch any of these fish, you must release them immediately:
 - Bonytail
 - Colorado pikeminnow
 - Humpback chub
 - June sucker
 - Razorback sucker
 - Virgin River chub
 - Woundfin

The following is a list of non-native nuisance fish species. If you catch any of these fish, please do not release them back into the water. Please keep the fish (dead) and report your catch to a local DWR official:

- Alewife
- Asian swamp eel
- Bighead carp
- Black carp
- Bowfin
- Brook stickleback
- Convict cichlid
- Eurasian ruffe
- Flathead catfish
- Gar
- Grass carp
- Ide
- Piranhas
- Nile perch
- Northern snakehead
- Red bellied pacu
- Red shiner
- Round goby
- Rudd
- Sand shiner
- Sea lamprey
- Silver carp

- South American parasitic catfish
 - Tiger fish
 - Tench
 - Tilapia
 - Walking catfish”
-
- On page 18, under the heading, “Taking common carp,” add airgun to the list of techniques allowed for the take of common carp.
 - On page 20, under the heading, “Season Dates,” replace that entire paragraph with “Utah’s general fish and crayfish season is Jan. 1 through Dec. 31. Fish may be caught by angling, setline, or spearfishing 24 hours a day.”
 - Add “You are on an overnight or multi-day fishing trip at any Utah waterbody, excluding Flaming Gorge Reservoir. (At this reservoir, you may have only one daily limit in your possession.)” as the first bullet on page 20 under “Additional limit in the field.” Strike the paragraph starting, “Here’s another example.”
 - Remove Deer Creek white bass from the list of fish and waterbodies where anglers may legally “waste” (page 23). Remove Echo Reservoir walleye from this list. Strike “• Flaming Gorge: burbot” and add “• Flaming Gorge: burbot and legally possessed lake trout.”
 - Uinta Mountains lakes and streams: Change “Uinta Mountains lakes and streams, Daggett, Duchesne, Summit, Uintah and Wasatch counties” to ““Uinta Mountains lakes and streams, Summit County” (Page 40)
 - Uinta Mountains lakes and streams: Strike “Bonus limit of 4 brook trout (total limit of no more than 12 trout if at least 4 are brook trout from Aug. 15–Dec. 31; total limit of no more than 8 trout if at least 4 are brook trout during the remainder of the year). (b) All other streams and lakes in Utah within the boundary beginning on I-80 at the Utah-Wyoming state line southwest of Evanston, Wyoming and continuing southwest along I-80 to US-40 (near Park City); then east along US-40 to Vernal, Utah; then north along SR-44 to Manila, Utah; then west on SR-43 to the Wyoming state line; and then west and north along the Wyoming state line back to the beginning point at I-80: • Limit 4 trout. • Bonus limit of 4 brook trout (total limit of no more than 8 trout if at least 4 are brook trout).” (page 40).

Definitions

- Add “Shooting line” means the line used to connect a speargun to spearshaft and does not include float line and reel line.

R657. Natural Resources, Wildlife Resources.

R657-13. Taking Fish and Crayfish.

R657-13-1. Purpose and Authority.

(1) Under authority of Sections 23A-2-~~305304~~ and 23A-2-~~304305~~, the Wildlife Board has established this rule for taking fish and crayfish.

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

R657-13-2. Definitions.

(1) Terms used in this rule are defined in Section 23A-1-101.

(2) In addition:

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

~~(b)~~ (b) "Airgun" means any archery tackle that is capable of firing arrows or bolts, is pneumatically powered, and pressurized solely through a separate charging device.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(~~xy~~) "Permanent residence" means, for the purposes of this rule only, the domicile an individual claims pursuant to Subsection 23A-1-101(15).

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

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

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

(~~bbcc~~) "Seine" means a small mesh net with a weighted line on the bottom and float line on the top that is drawn through the water. This type of net is used to enclose fish when its ends are brought together.

~~(ee)~~

(~~dd~~) "Setline" means a line anchored to a non-moving object and not attached to a fishing pole.

~~(dd)~~ (~~ee~~) "Shooting line" means the line used to connect a speargun to spearshaft and does not include float line and reel line.

(~~ff~~) "Single hook" means a hook or multiple hooks having a common shank.

(~~eeeg~~) "Snagging" or "gaffing" means to take a fish in a manner that the fish does not take the hook voluntarily into its mouth.

(~~hh~~) "Spear" means a long-shafted, sharply pointed, hand held instrument with or without barbs used to spear fish from above the surface of the water.

(~~ggii~~) "Tributary" means a stream flowing into a larger stream, lake, or reservoir.

(~~hhjj~~)(i) "Trout" means species of the family Salmonidae, including rainbow, albino, cutthroat, brown, golden, brook, tiger, lake or mackinaw, splake, kokanee salmon, and grayling or any hybrid of the foregoing.

(~~kk~~) "Trout" does not include whitefish or Bonneville cisco.

(~~ll~~) "Underwater spearfishing" means fishing by a person swimming, snorkeling, or SCUBA diving and using a mechanical device held in the hand, which uses a rubber band, spring, pneumatic power, or other device to propel a pointed shaft to take fish from under the surface of the water.

R657-13-3. Fishing License Requirements and Free Fishing Day.

- (1) A license is not required on free fishing day, a Saturday in June, annually. All other laws and rules apply.
- (2) A person 12 years of age or older shall purchase a fishing license before engaging in any regulated fishing activity pursuant to Section 23-19-18.
- (3) A person under 12 years of age may fish without a license and take a full daily and possession limit.

R657-13-4. Fishing Contests.

All fishing contests shall be held pursuant to [Rule R657-58](#) Fishing Contests and Clinics.

R657-13-5. Interstate Waters and Reciprocal Fishing Permits.

- (1) When fishing interstate waters, an individual must:
 - (a) obtain the necessary fishing licenses and permits, as provided below; and
 - (b) comply with angling regulations applicable to the state where they are fishing.
- (2) Bear Lake.
 - (a) A person possessing a valid Utah or Idaho fishing or combination license, whether resident or nonresident, may fish both the Utah and Idaho portions of the Lake in accordance with the angling regulations applicable to the state where they are fishing.
 - (b) Only one daily limit may be taken in a single day, even if licensed in both states.
- (3) Lake Powell Reservoir.
 - (a) A person possessing a valid Utah or Arizona fishing or combination license, whether resident or nonresident, may fish both the Utah and Arizona portions of the Reservoir in accordance with the angling regulations applicable to the state where they are fishing.
 - (b) Only one daily limit may be taken in a single day, even if licensed in both states.
- (4) Flaming Gorge Reservoir.
 - (a)(i) A Utah resident possessing a valid Utah fishing or combination license and a Wyoming reciprocal fishing permit for Flaming Gorge Reservoir may fish the Wyoming portions of the Reservoir as prescribed in Wyoming angling regulations.
 - (ii) Utah residents may obtain reciprocal fishing permits for Flaming Gorge Reservoir by contacting the Wyoming Game and Fish Department.
 - (b)(i) A Wyoming resident possessing a valid Wyoming fishing or combination license and a Utah reciprocal fishing permit for Flaming Gorge Reservoir may fish the Utah portions of the Reservoir as prescribed in Utah angling regulations.
 - (ii) A Utah reciprocal fishing permit for Flaming Gorge Reservoir may be obtained through the division's web- site, authorized license agents, or regional offices.
 - (iii) The Utah reciprocal fishing permit must be:
 - (A) used in conjunction with a valid resident Wyoming fishing or combination license; and

- (B) signed by the holder as the holder's name appears on the Wyoming fishing or combination license.
- (iv) A Utah reciprocal fishing permit is valid for 365 days from the date of purchase.
- (c) Only one daily limit may be ~~taken in a single day possessed~~, even if licensed in both states.

R657-13-6. Angling.

- (1) While angling, the angler shall be within sight (not to exceed 100 feet) of the equipment being used at all times, except setlines.
- (2) Angling with more than two lines is unlawful, except:
 - (a) while fishing for crayfish without the use of fish hooks as provided in Section R657-13-15; or
 - (b) while fishing through the ice at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, or Porcupine Reservoir as provided in Section R657-13-7.
- (3) No artificial lure may have more than three hooks.
- (4) No line may have attached to it more than three baited hooks, three artificial flies, or three artificial lures, except for a setline.
- (5) When angling through the ice, the hole may not exceed 12 inches across at the widest point, except at Bear Lake, ~~Flaming Gorge Reservoir,~~ _____ and Fish Lake where specific limitations apply or Flaming Gorge Reservoir where no limitation applies.

R657-13-7. Fishing With More than One Pole.

- (1) A person may use up to two fishing poles to take fish on all waters open to fishing, provided they possess an unexpired fishing or combination license, except as provided in Subsection (2) below.
- (2) A person may use up to six lines when fishing at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, and Porcupine Reservoir through the ice. When using more than ~~one two~~ _____ lines at Flaming Gorge Reservoir, Pelican Lake, Causey Reservoir, and Porcupine Reservoir, the angler's name shall be attached to each line, pole, or tip-up, and the angler shall check only their lines.
- (3) Regardless of the number of poles or lines used, an angler may not take more than one daily limit or possess more than one possession limit.
- (4) When fishing on waters located within another state, a person must abide by that state's regulations regarding fishing with more than one pole.

R657-13-8. Setline Fishing.

- (1) A person may use a setline to take fish only in the Bear River proper downstream from the Idaho state line, including Cutler Reservoir and outlet canals; Little Bear River below Valley View Highway (SR-30); Malad River; ~~and~~ Utah Lake; and Yuba Reservoir.
- (2) A person may use up to two lines for angling while setline fishing.
- (3) No more than one setline per angler may be used and it may not contain more than ~~158~~ _____ hooks.
- (4)(a) A setline permit may be obtained through the division's ~~web site~~ website, from license agents and division offices.
- (b) A setline permit is required in addition to any valid Utah fishing or combination license.
- (c) A setline permit is a 365 day permit valid only when used in conjunction with any unexpired Utah fishing or combination license.
- ~~_____ (5) When fishing with a setline, the angler shall be within 100 yards of the surface or bank of the water being fished.~~
- ~~_____ (6) A setline shall have one end attached to a nonmoving object, not attached to a fishing pole, have no means of mechanical retrieval, and shall have permanently attached a legible tag with the name, address, and setline permit number of the angler.~~
- ~~_____ (6) A setline shall be tended only by an angler with a setline permit.~~
- ~~_____ (7) Setlines must be checked at least once every 48 hours.~~

R657-13-9. Underwater Spearfishing.

- (1) A person possessing a valid Utah fishing or combination license may engage in underwater spearfishing, only as provided in this section.
- (2) The following waters are open to underwater spearfishing from January 1 through December 31 for all species of game fish, unless specified otherwise by individual water:
 - ~~_____ (a) Alexander Lake (Summit County);~~
 - ~~(b) Big Sand Wash Reservoir (Duchesne County);~~
 - ~~(bc) Brown's Draw Reservoir (Duchesne County);~~
 - ~~_____ (c)~~
 - ~~_____ (d) Causey Reservoir (Weber County);~~
 - ~~_____ (d)~~

- ~~(e)~~ (e) Chepeta Lake (Duchesne County);
- ~~(f)~~ (f) China Lake (Summit County);
- ~~(g)~~ Deer Creek Reservoir (Wasatch County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(eh)~~ East Canyon Reservoir (Morgan County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(fi)~~ Echo Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(ej)~~ Electric Lake (Emery County);
- ~~(h)~~
- ~~(k)~~ Fish Lake (Sevier County), except underwater spearfishing for any game fish is closed from September 10 to the first Saturday in June the following year;
- ~~(i)~~ (l) Fish Lake (Summit County);
- ~~(m)~~ Flaming Gorge Reservoir (Daggett County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(j)~~
- ~~(n)~~ Grantsville Reservoir (Tooele County);
- ~~(k)~~
- ~~(o)~~ Hacking Lake (Uintah County);
- ~~(p)~~ Hoop Lake (Summit);
- ~~(q)~~ Hoover Lake (Duchesne County);
- ~~(r)~~ Jordan River, for northern pike only (Salt Lake and Utah Counties);
- ~~(t)~~
- ~~(s)~~ Lake Powell (Garfield, Kane and San Juan Counties), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(m)~~ (t) Moccasin Lake (Duchesne County);
- ~~(u)~~ Newcastle Reservoir (Iron County), except underwater spearfishing is closed for all species of game fish other than wipers and rainbow trout;
- ~~(n)~~
- ~~(v)~~ Papoose Lake (Duchesne County);
- ~~(w)~~ Paradise Park Reservoir (Uintah County);
- ~~(x)~~ Pineview Reservoir (Weber County), except underwater spearfishing is closed for:
- (i) largemouth and small-__mouth bass from April 1 through the fourth Saturday in June; and
- (ii) tiger musky year round.
- ~~(ey)~~ Porcupine Reservoir (Cache County);
- ~~(pz)~~ Quail Creek Reservoir, for smallmouth bass only (Washington County);
- ~~(qaa)~~ Recapture Reservoir (San Juan County);, except underwater spearfishing for largemouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(fbb)~~ Red Fleet Reservoir (Uintah County);
- ~~(scc)~~ Rockport Reservoir (Summit County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(tdd)~~ Sand Lake (Uintah County);
- ~~(t)~~
- ~~(ee)~~ Smith-Moorehouse and Morehouse Reservoir (Summit County);
- ~~(v)~~ (ff) Spirit Lake (Daggett County);
- ~~(gg)~~ Starvation Reservoir (Duchesne County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(w)~~
- ~~(hh)~~ Steinaker Reservoir (Uintah County), except underwater spearfishing for largemouth and smallmouth bass is closed from April 1 through the fourth Saturday in June;
- ~~(x)~~ (ii) Upper Stillwater Reservoir (Duchesne County);
- ~~(jj)~~ Utah Lake, for northern pike and white bass only (Utah County);
- ~~(y)~~
- ~~(kk)~~ Utah Lake tributaries, including the following tributaries, west of I-15: American Fork, Creek, Beer Creek, Dry Creek, Hobble Creek, Spanish Fork River, Spring Creek and Spring Run Creek, for northern pike and white bass only (Utah County). Spearfishing is not permitted on the Provo River or Provo River Delta;
- ~~(z)~~
- ~~(ll)~~ Wall Lake (Summit County);
- ~~(mm)~~ Whitney Reservoir (Summit County);

(nn) Wigwam Lake (Duchesne County);

(oo) Willard Bay Reservoir (Box Elder County); and

(app) Yuba Reservoir (Juab and Sanpete Counties).

(3) Nongame fish, excluding prohibited species listed in Section R657-13-13, may be taken by underwater spearfishing:

(a) in the waters listed in Subsection (2) and at Blue Lake (Tooele County) for tilapia and pacu only; and

(b) during the open angling season set for a given body of water.

(4) The waters listed in Subsections (2) and (3)(a) are the only waters open to underwater spearfishing for game or nongame fish, except carp may be taken by underwater spearfishing from any water open to angling during the open angling season set for a given body of water.

~~(5)(a) Underwater spearfishing is permitted from official sunrise to official sunset only, except burbot may be taken by underwater spearfishing at Flaming Gorge Reservoir (Daggett County) between official sunset and official sunrise. 24 hours per day.~~

~~(b) No other species of fish may be taken with underwater spearfishing techniques at Flaming Gorge Reservoir or any other water in the state between official sunset and official sunrise.~~

(6)(a) Use of artificial light is unlawful while engaged in underwater spearfishing, except artificial light may be used when underwater spearfishing for Utah chub or common carp at any open waterbody in the state, lake trout at Flaming Gorge Reservoir (Daggett County), and burbot at Flaming Gorge Reservoir (Daggett County).

~~(b) Artificial light may not be used when underwater spearfishing for fish species other than burbot at Flaming Gorge Reservoir.~~

(7) Free shafting is prohibited while engaged in underwater spearfishing.

(8) The daily limit and possession limit for underwater spearfishing is the same as the daily limit and possession limit applied to anglers using other techniques in the waters listed in Subsections (2) and (3)(a), and as identified in the annual Utah Fishing Guidebook issued by the Utah Wildlife Board.

R657-13-10. Dipnetting.

(1) Hand-held dipnets may be used to land game fish legally taken by angling. However, they may not be used as a primary method to take game fish from Utah waters except at Bear Lake where they are permitted for Bonneville Cisco.

(2) The opening of the dipnet may not exceed 18 inches.

(3) When dipnetting through the ice, the size of the hole is unrestricted.

(4) Hand held dipnets may also be used to take crayfish and nongame fish, except prohibited fish.

R657-13-11. Restrictions on Taking Fish and Crayfish.

(1) Artificial light is permitted while angling, except when underwater spearfishing. However artificial light is permitted while underwater spearfishing for burbot and lake trout in Flaming Gorge or; while fishing for carp with a bow, crossbow, or spear statewide; or while fishing for Utah chub with a bow or spear statewide.

(2) A person may not obstruct a waterway, use a chemical, explosive, electricity, poison, crossbow, firearm, pellet gun, or archery equipment to take fish or crayfish, except as provided in Subsection R657-13-14(2) and Section R657-13-20.

(3)(a) A person may not possess a gaff while angling, or take protected aquatic wildlife by snagging or gaffing, except:

(i) a gaff may be used at Lake Powell to land striped bass; and

(ii) snagging may be used at Bear Lake to take Bonneville cisco.

(b) Except as provided in Subsection (3)(a)(ii) and Section R657-13-21, a fish hooked anywhere other than the mouth must be immediately released.

(4) Chumming is prohibited on all waters, exceptions may occur as provided in Section R657-13-20.

(5) The use of a float tube or a boat, with or without a motor, to take protected aquatic wildlife is permitted on many public waters. However, boaters should be aware that other agencies may have additional restrictions on the use of float tubes, boats, or boats with motors on some waters.

(6) Nongame fish and crayfish may be taken only as provided in Sections R657-13-14 and R657-13-15.

R657-13-12. Bait.

(1) Use or possession of corn while fishing is lawful, except as otherwise prohibited by the Wildlife Board in the Fishing Guidebook.

(2) Use or possession of live baitfish while fishing is unlawful, except as authorized by the Wildlife Board in the Fishing Guidebook.

(3) Use or possession of tiger salamanders, live or dead, while fishing is unlawful.

(4) Use or possession of any bait while fishing on waters designated artificial fly and lure only is unlawful.

(5) Use or possession of artificial baits which are commercially embedded or covered with fish or fish parts while fishing is unlawful.

(6) Use or possession of bait in the form of fresh or frozen fish or fish parts while fishing is unlawful, except as provided below and in Subsections (7) and (8).

- (a) Dead Bonneville cisco may be used as bait only in Bear Lake.
- (b) Dead yellow perch may be used as bait only in: Bear River from Cutler Reservoir Dam downriver to the Great Salt Lake, Big Sand Wash, Deer Creek, Echo, Fish Lake, Gunnison, Hyrum, Johnson, Jordanelle, Mantua, Mill Meadow, Newton, Pineview, Red Fleet, Rockport, Starvation, Utah Lake, Willard Bay and Yuba reservoirs.
- (c) Dead white bass may be used as bait only in Utah Lake and the Jordan River.
- (d) Dead shad, from Lake Powell, may be used as bait only in Lake Powell. Dead shad must not be removed from the Glen Canyon National Recreation Area.
- (e) Dead striped bass, from Lake Powell, may be used as bait only in Lake Powell.
- (f) Dead fresh or frozen salt water species including sardines and anchovies may be used as bait in any water where bait is permitted.
- (g) Dead mountain sucker, desert sucker, white sucker, Utah sucker, redbreast shiner, longnose dace, speckled dace, mottled sculpin, Paiute sculpin, fat-head minnow -- all color variants including rosy red minnows, Utah Chub, golden shiner, and common carp may be used as bait in any water where bait is permitted.
- (h) Dead burbot and lake trout, from Flaming Gorge Reservoir, may be used as bait only in Flaming Gorge Reservoir.
- (7) Commercially prepared and chemically treated baitfish or their parts may be used as bait in any water where bait is permitted.
- (8) The eggs of any species of fish caught in Utah, except prohibited fish, may be used in any water where bait is permitted. However, eggs may not be taken or used from fish that are being released.
- (9) Use of live crayfish for bait is legal only on the water where the crayfish is captured. It is unlawful to transport live crayfish away from the water where captured.
- (10) Manufactured, human-made items that may not be digestible, that are chemically treated with food stuffs, chemical fish attractants, or feeding stimulants may not be used on waters where bait is prohibited.
- (11) On any water declared infested by the Wildlife Board with an aquatic invasive species, or that is subject to a closure order or control plan under Rule R657-60, it shall be unlawful to transport any species of baitfish, live or dead, from the infested water for use as bait in any other water of the state. Baitfish are defined as those species listed in Subsections (5)(b), (5)(c), (5)(f) and (8).

R657-13-13. Prohibited Fish.

- (1) The following species of fish are classified as prohibited and may not be taken or held in possession:
 - (a) ~~Bonytail (Gila elegans);~~
 - (b) ~~Colorado pikeminnow (Ptychocheilus lucius);~~
 - (c) ~~Humpback chub (Gila cypha);~~
 - (d) ~~June sucker (Chasmistes liorus);~~
 - (e) ~~Razorback sucker (Xyrauchen texanus);~~
 - (f) ~~Virgin River chub (Gila seminuda);~~
 - (g) ~~Woundfin (Plagopterus argentissimus).~~
- (2) Any of these species caught while attempting to take other legal species shall be immediately released.
- (3) The following species of fish are classified as prohibited and may be held in possession provided the specimen is killed immediately:
 - (a) Alewife (*Alosa pseudoharengus*);
 - (b) Asian swamp eel (*Monopterus albus*);
 - (c) Bighead carp (*Hypophthalmichthys nobilis*);
 - (d) Black carp (*Mylopharyngodon piceus*);
 - (e) ~~Bonytail (Gila elegans);~~
 - ~~(f) Bowfin (Amia calva);~~
 - ~~(g)~~
 - (f) Brook stickleback (*Culaea inconstans*);
 - (h) ~~Colorado pikeminnow (Ptychocheilus lucius);~~
 - ~~(i)~~
 - (g) Eurasian ruffe (*Gymnocephalus cernuus*);
 - ~~(j)~~
 - (h) Flathead catfish (*Pylodictis olivaris*);
 - ~~(k)~~
 - (i) Gar (Family *Lepisosteidae*);
 - ~~(l)~~
 - (j) Grass carp (*Ctenopharyngodon idella*);
 - (m) ~~Humpback chub (Gila cypha);~~
 - ~~(n)~~
 - (k) Ide (*Leuciscus idus*);

- ~~(o) June sucker (*Chasmistes liorus*);~~
- ~~(p)~~
- (l) Piranhas (all species);
- ~~(q)~~
- (m) Nile perch (*Lates niloticus*);
- ~~(r)~~
- (n) Northern snakehead (*Channa argus*);
- ~~(s) Razorbaek sucker (*Xyrauchen texanus*);~~
- ~~(t)~~
- (o) Red bellied pacu (*Piaractus brachypomus*);
- ~~(u)~~
- (p) Red shiner (*Cyprinella lutrensis*);
- ~~(v)~~
- (q) Round goby (*Neogobius melanostomus*);
- ~~(w)~~
- (r) Rudd (*Scardinius erythrophthalmus*);
- ~~(x)~~
- (s) Sand shiner (*Notropis stramineus*);
- ~~(y)~~
- (t) Sea lamprey (*Petromyzon marinus*);
- ~~(z)~~
- (u) Silver carp (*Hypophthalmichthys molitrix*);
- ~~(aa)~~
- (v) South American parasitic catfish (Family Cetopsidae and Family Trichomycteridae);
- ~~(bb)~~
- (w) Tiger fish (*Hydrocynus vittatus*);
- ~~(cc)~~
- (x) Tench (*Tinca tinca*);
- ~~(dd)~~
- (y) Tilapia (Genus *Coelotilapia*, Genus *Coptodon*, Genus *Heterotilapia*, Genus *Oreochromis*, and Genus *Sarotherodon*)
- ~~(ee) Virgin River chub (*Gila seminuda*);~~
- ~~(ff)~~
- (z) Walking catfish (*Clarias batrachus*); and
- ~~(gg) Woundfin (*Plagopterus argentissimus*);~~
- ~~(2)~~ (4) Any of these species ~~taken~~caught while attempting to take other legal species shall not be ~~immediately~~ released alive.

R657-13-14. Taking Nongame Fish.

(1)(a) As provided in this Section, a person possessing a valid Utah fishing or combination license may take nongame fish for personal, noncommercial purposes during the open fishing season set for the given body of water.

(b) A person may not take any species of fish designated as prohibited in ~~Section~~Subsection R657-13-13(2).

(2)(a) Except as provided in Subsection (2)(b), nongame fish may be taken by angling, traps, bow and arrow, liftnets, dipnets, cast nets, seine, or spear in any water of the state with an open fishing season.

(b) Nongame fish may not be taken in the following waters, except carp may be taken by angling, archery, airgun, crossbow, spear, or underwater spearfishing statewide:

(i) San Juan River;

(ii) Colorado River;

(iii) Green River (from confluence with Colorado River upstream to Colorado state line in Dinosaur National Monument);

(iv) Green River (from Colorado state line in Brown's Park upstream to Flaming Gorge Dam, including Gorge Creek, a tributary entering the Green River at Little Hole);

(v) White River (Uintah County);

(vi) Duchesne River (from Myton to confluence with Green River);

(vii) Virgin River (Main stem, North, and East Forks).

(viii) Ash Creek;

(ix) Beaver Dam Wash;

(x) Fort Pierce Wash;

(xi) La Verkin Creek;

(xii) Santa Clara River (Pine Valley Reservoir downstream to the confluence with the Virgin River);

(xiii) Diamond Fork;

- (xiv) Thistle Creek;
- (xv) Main Canyon Creek (tributary to Wallsburg Creek);
- (xvi) Provo River (below Deer Creek Dam);
- (xvii) Spanish Fork River;
- (xviii) Hobbie Creek (Utah County);
- (xix) Snake Valley waters (west and north of US-6 and that part of US-6 and US-50 in Millard and Juab counties);
- (xx) Raft River (from the Idaho state line, including all tributaries);
- (xxi) Weber River; and
- (xxii) Yellow Creek.

(c) Nongame fish may be taken by underwater spearfishing in the waters and under the conditions specified in Section R657-13-9.

- (3) Seines shall not exceed 10 feet in length or width.
- (4) Cast nets must not exceed 10 feet in diameter.
- (5) Except as provided in Section R657-13-21, lawfully taken nongame fish shall be either released or killed

immediately upon removing them from the water, however, they may not be left or abandoned on the shoreline.

R657-13-15. Taking Crayfish.

(1) A person possessing a valid Utah fishing or combination license may take crayfish for personal, noncommercial purposes during the open fishing season set for the given body of water.

(2) Crayfish may be taken by hand or with a trap, pole, liftnet, dipnet, handline, or seine, provided that:

- (a) game fish or their parts, or any substance unlawful for angling, is not used for bait;
- (b) seines shall not exceed 10 feet in length or width;

(c) no more than five lines are used, and no more than two lines may have hooks attached. On unhooked lines, bait is tied to the line so that the crayfish grasps the bait with its claw; and

(d) live crayfish are not transported from the body of water where taken.

R657-13-16. Possession and Transportation of Dead Fish and Crayfish.

(1)(a) At all waters except Strawberry Reservoir, Scofield Reservoir, Panguitch Lake, Jordanelle Reservoir and Lake Powell, game fish may be dressed, filleted, have heads and/or tails removed, or otherwise be physically altered after completing the act of fishing or reaching a fish cleaning station, camp, or principal means of land transportation. It is unlawful to possess fish while engaged in the act of fishing that have been dressed or filleted. This shall not apply to fish that are processed for immediate consumption or to fish held from a previous day's catch.

(b) Trout and/or salmon taken at Strawberry Reservoir, Scofield Reservoir and Panguitch Lake, and smallmouth bass taken at Jordanelle may not be filleted and the heads or tails may not be removed in the field or in transit.

(c) Fish may be filleted at any time and anglers may possess filleted fish at any time at Lake Powell.

(2) A legal limit of game fish or crayfish may accompany the holder of a valid fishing or combination license within Utah or when leaving Utah.

(3) A person may possess or transport a legal limit of game fish or crayfish for another person when accompanied by a donation letter.

(4)(a) A person may not ~~_____~~:

(i) take more than one daily limit of game fish in any one day ~~_____~~ or;

(ii) possess more than one daily limit of each species or species aggregate, unless the additional fish are:

(A) from a previous days catch;

(B) eviscerated; and

(C) within the possession limit for each species or species aggregate ~~_____~~;

~~_____~~
(iii) possess more than one daily limit of each species or species aggregate while fishing Flaming Gorge Reservoir regardless of when the fish were caught.

(b) Fish kept at the angler's permanent residence do not count towards an angler's possession limit for that species or species aggregate.

(c) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous ~~days~~day's catch.

(5) A person may possess or transport dead fish on a receipt from a registered commercial fee fishing installation, a private pond owner, or a short-term fishing event. This receipt shall specify:

(a) the number and species of fish;

(b) date caught;

(c) the certificate of registration number of the installation, pond, or short-term fishing event; and

(d) the name, address, telephone number of the seller.

R657-13-17. Possession of Live Fish and Crayfish.

(1) A person may not possess or transport live protected aquatic wildlife except as provided by the Wildlife Code or the rules and proclamation of the Wildlife Board.

(2) For purposes of this rule, a person may not transport live fish or crayfish away from the water where taken.

(3) This does not preclude the use of live fish stringers, live wells, or hold type cages as part of normal angling procedures while on the same water in which the fish or crayfish are taken.

R657-13-18. Release of Tagged or Marked Fish.

Without prior authorization from the division, a person may not:

(1) tag, mark, or fin-clip fish for the purpose of offering a prize or reward as part of a contest;

(2) introduce a tagged, marked, or fin-clipped fish into the water; or

(3) tag, mark, or fin-clip a fish and return it to the water.

R657-13-19. Season Dates and Daily and Possession Limits.

(1) All waters of state fish rearing and spawning facilities are closed to fishing.

(2) State waterfowl management areas are closed to fishing except as specified in the proclamation of the Wildlife Board for taking fish and crayfish.

(3) The season for taking fish and crayfish is January 1 through December 31, 24 hours each day. Exceptions are specified in the proclamation of the Wildlife Board for taking fish and crayfish.

(4)(a) Daily limits and possession limits are specified in the proclamation of the Wildlife Board for taking fish and crayfish and apply statewide unless otherwise specified.

(b)(i) A person may not fish in waters that have a specific daily, possession, or size limit while possessing fish in violation of that limit.

(ii) Fish not meeting the size, daily limit, or species provisions on specified waters shall be returned to the water immediately.

(c)(i) Trout, salmon and grayling that are not immediately released and are held in possession, dead or alive, are included in the person's daily limit and possession limit.

(ii) Once a trout, salmon or grayling is held in or on a stringer, fish basket, livewell, or by any other device, a trout, salmon or grayling may not be released.

(5)(a) A person may not:

(i) take more than one daily limit in any one day; or

(ii) possess more than one daily limit of each species or species aggregate unless the additional fish are:

(A) from a previous days catch;

(B) eviscerated; and

(C) within the possession limit for each species or species aggregate;

(iii) possess more than one daily limit of each species or species aggregate while fishing Flaming Gorge Reservoir regardless of when the fish were caught.

(b) A person may possess a full possession limit of Bonneville cisco without eviscerating the fish from a previous days catch.

R657-13-20. Variations to General Provisions.

Variations to season dates, times, daily and possession limits, methods of take, use of a float tube or a boat for fishing, and exceptions to closed areas are specified in the proclamation of the Wildlife Board for taking fish and crayfish.

R657-13-21. Catch-and-Kill Regulations.

(1) The Wildlife Board may designate in proclamation and guidebook waters where anglers are required to kill specified aquatic animal species that are caught.

(2) A person shall immediately kill any aquatic animal caught in a water identified by the Wildlife Board in proclamation or guidebook as catch-and-kill for that species.

(a) An aquatic animal killed subject to a catch-and-kill regulation may be:

(i) retained and consumed by the angler; or

(ii) disposed of:

(A) in the water where the aquatic animal was caught;

(B) at a fish cleaning station;

(C) at the angler's permanent residence; or

(D) at another location where disposal is authorized by law.

(3) A person may not release a live aquatic animal subject to a catch-and-kill regulation in the water it was caught or in any other water in the state.

KEY: fish, fishing, wildlife, wildlife law

Date of Last Change: March 13, 2024

Notice of Continuation: August 24, 2022

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



State of Utah

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Governor

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Lieutenant Governor

Department of Natural Resources

JOEL FERRY
Executive Director

Division of Wildlife Resources

J. SHIRLEY
Division Director

MEMORANDUM

Date: July 31, 2024

To: Wildlife Board and Regional Advisory Council Members

From: Chelsea Duke, Wildlife Lands Coordinator

Subject: R657-61 *Valuation of Real Property Interests for Purposes of Acquisition and Disposal* rule change recommendations

The DWR is recommending changes to Administrative Rule R657-61. The rule provides the standards and procedures for how the DWR may buy, sell or exchange land. Below is a summary of the proposed changes. If this recommendation passes, this would provide both DWR staff and the public with a clear understanding of the process for land acquisitions, disposals and exchanges. The purpose of this recommendation is not to materially change how DWR acquires, sells or exchanges land, but rather provide more detail and clarity to the existing process.

- Change the name of the rule to *Acquisition, Disposal and Exchange of Real Property*, to ensure the title of the rule reflects the contents.
- Restructure of the rule, separating information by subject, and creating a new section for Land Exchange. Each subject (acquisition, disposal and exchange) would have its own section for improved flow and understanding.
- Modification of all definitions to improve clarity and consistency with existing real estate terms, defaulting to definitions in Utah Code.
- Inclusion of purpose statements for both acquisitions and disposals.
- The addition of a requirement for DWR to obtain an appraisal review in addition to an appraisal, which is best practice for obtaining fair market value.
- Simplification of the memo to file requirement when using a listed exception to the appraisal requirement for both acquisitions and disposals.
- Inclusion of references to additional sections of Utah Code that DWR must comply with for acquisitions and disposals.
- Explicitly state that DWR may not purchase property above, and may not sell property below, fair market value, which is required in Utah Code.



- Allows DWR to request mitigation for unavoidable disposals, which would be consistent with the mitigation requests available to DWR for less than fee title disposals, such as easements, in R657-28, *Use of Division Lands*.
- Clarify when Administrative Rule R657-61 is required for fee title disposals, and when R657-28, *Use of Division Lands* is required, for less than fee title disposals.
- Explicitly state that DWR must comply with other contracts and restrictions that exist on a DWR property before disposal.
- Inclusion of language that DWR may only quit claim property that is being disposed, to ensure liability is protected.

See redline version of rule included in the RAC and Board packet.



R657. Natural Resources, Wildlife Resources.

R657-61. ~~Valuation~~Acquisition, Disposal and Exchange of Real Property ~~Interests for Purposes of Acquisition or Disposal.~~

R657-61-1. ~~Purpose and Authority.~~

~~_____~~ (1) Pursuant to Utah Code Sections ~~63-34-21~~79-2-403, 23A-2-203, ~~and Section 23A-6-201, and 23A-6-205,~~ this rule defines the process by which the division may acquire, dispose of, and exchange real property, and ensure that the value of the real property is determined for purposes of congruent with the proposed price and other terms of the acquisition or disposal by the Division, or exchange.

R657-61-2. ~~Definitions.~~

~~_____~~ (1) For purposes of this rule:

~~_____~~ (1) Terms used in this rule are defined in Title 23A, the Wildlife Resources Act, and elsewhere in the Utah Code.

(a) ~~“Appraisal” means an independent analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of, an identified parcel of real property, and conducted by a state” as defined in Subsection 61-2g-102(1)(a)(i).~~

~~(b) “Appraisal review assignment” as defined Subsection 61-2g-102(1)(a)(ii)(B).~~

~~(c) “Real property” as defined in Subsection 57-1-1(3).~~

~~(d) “State-certified general appraiser,” as defined in Subsection 61-2g-102(1)(v).~~

~~_____~~ (b) "Value" means as an opinion on the worth of an identified parcel of real property or interest therein at a specific time and may be comprised of one or more of the following values, as commonly understood within the real estate and appraisal services business communities: assessed value, insurable value, use value, investment value, going concern value, business enterprise value, market value, and public interest value.

R657-61-3. ~~Obtaining an Opinion of Value.~~

R657-61-3. ~~Acquisition of real property.~~

~~(1) When purchasing or disposing~~ The division may acquire real property ~~interests~~ for authorized activities of the division, including:

~~(a) to protect and enhance wildlife populations;~~

~~(b) to provide the public the opportunity to hunt, trap, or fish; and~~

~~(c) to conserve, protect, and enhance wildlife habitat.~~

~~(2) When acquiring real property, the Division~~ division shall ~~obtain a written opinion on~~ determine the fair market value of the property interest in the form of an appraisal, ~~and an appraisal review assignment to verify the real property's value.~~

~~_____~~ (a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and complaint with the Uniform Standards of Professional Appraisal Practice (USPAP).

~~(b) The division will keep and maintain the written opinion of value in its real property~~ may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division is utilizing federal funds for the acquisition and disposal files.

~~_____~~ (3) Subsection (2) ~~An appraisal is does~~ not required under the following circumstances:

~~_____~~ (a) ~~The market value~~ apply to the acquisition of real property if;

~~(a) the subject~~ value of the real property interest is less than One Hundred Thousand Dollars (\$100,000, per Subsection 79-2-403(3)(b), as estimated by the Division division;

~~_____~~ (b) ~~The~~ the asking price for the real property interest is considerably below prevailing fair market conditions value, as estimated by the Division division;

~~_____~~ (c) ~~The~~ the asking price for the real property interest is reasonable based upon prevailing market conditions, but the Division will a value estimated by the division and the division may lose the opportunity to purchase acquire the real property if time is taken to conduct an appraisal prior to making an offer and appraisal review assignment;

~~_____~~ (d) ~~An~~ an appraisal has been conducted on the subject real property interest within the past twelve months;

~~(e) the real property is a gift, contribution, or donation to the division; or~~

~~(f) the real property is a right-of-way, easement, lease, or other less-than-fee title acquisition, excluding the acquisition of a conservation easement.~~

(4) If any exception(s) listed in Subsection (3) are used, the division shall create and keep a memo-to-file describing:

(a) an explanation of which exception(s) are being utilized for the acquisition and why;

(b) the division's estimation of value; and

(c) the decision made by the division.

(5) When acquiring real property, the division shall not compensate more than the fair market value for the real property.

(6) When acquiring title to real property held in private ownership, the division shall comply with Sections 23A-6-202 and 23A-6-203.

R657-61-4. Disposal of real property.

(1) The division may dispose of real property when the property no longer serves as wildlife habitat or for wildlife-related recreational opportunities, or when it is in the best interest of the division to do so.

(a) This Section does not apply to real property disposals of less-than-fee title interest such as easements and leases, which are subject to requirements under Rule R657-28.

(2) If the real property is still serving as wildlife habitat or for wildlife-related recreational opportunities, but a disposal cannot be avoided, mitigation may be required in addition to compensation for fair market value. The division may require compensation for impacts of the disposal, based upon the following factors:

(a) number of acres impacted;

(b) species impacted;

(c) impacts to wildlife and wildlife habitat;

(d) impacts to public access; and

(e) impacts to public opportunities to engage in wildlife-related activities.

(3) The division may not dispose of real property without first obtaining written approval of person(s) or entities, if any, holding contractual, funding or proprietary interests in the real property. Additional requirements may be necessary to obtain approval.

(4) When disposing of real property, the division shall determine the fair market value in the form of an appraisal and an appraisal review assignment, to verify the real property's value.

(a) The appraisal and appraisal review assignment shall be completed by a state-certified general appraiser, and complaint with the Uniform Standards of Professional Appraisal Practice (USPAP).

(b) The division may obtain an appraisal and appraisal review assignment compliant with the Uniform Appraisal Standards for Federal Land Acquisitions, commonly known as Yellow Book, if the division utilized federal funds when the property was acquired.

(5) Subsection (4) does not apply to the disposal of real property if:

(a) The value of the real property is less than \$100,000, per Subsection 79-2-403(3)(b), as estimated by the division;

(b) The real property will be auctioned off or part of a bid process, in which the compensation will likely exceed the fair market value, as estimated by the division; or

(c) an appraisal has been conducted on the real property within the past twelve months;

~~_____ (e) The real property interest is a gift, contribution, or donation to~~ (6) If any exception(s) listed in Subsection (5) are used, the division; ~~or~~

~~_____ (f) The real property interest is a right of way, lease, or other less than fee interest that is not perpetual.~~

~~_____ (3) A written opinion of value shall be rendered by a state certified general appraiser conducting an appraisal.~~

~~_____ (4) When values other than market value are considered in addition to or in place of an appraisal rendered by a state certified general appraiser the Division shall create and keep a memo-to-file describing:~~

~~_____ (a) the Division's consideration~~ an explanation of said value ~~which exception(s);~~

~~_____ (b) the Division's rationale in said consideration relative to the proposed price and other terms of the purchase, sale, or exchange; and~~

~~_____ (c) the acquisition or~~ are being utilized for the disposal and why;

(b) the division's estimation of value; and

(c) the decision made by the Division.

R657-61-4. Congruency in Value.

~~_____ (1) Based on~~ (7) When disposing of real property, the written opinion of value, the Division ~~division shall consider and weigh the various economic and social values associated with the real property in an effort to maintain~~ convey title through a levelquit claim deed.

(8) When disposing of ~~eongruency between the~~ real property, the division shall not receive compensation less than the fair market value for the real property.

(9) When disposing of real property to private ownership, the division shall comply with Section 9-8a-404.

R657-61-5. Exchange of real property.

(1) When exchanging real property, the division shall comply with both Sections (3) and ~~its values,~~(4) of this rule.

KEY: wildlife, land sales, property values

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