

R657. Natural Resources, Wildlife Resources.

R657-3c. Certification of Registration – Fish, Mollusks, and Crustaceans.

R657-3c-1. Purpose and Authority.

(1) Under Title 23, Wildlife Resources Code of Utah, this rule governs the collection, importation, possession, and propagation of aquatic animals in Utah.

R657-3c-2. Definitions.

(1) Terms used for purposes of this Rule are defined in Section 23-13-2, Section R657-3a-2, and Subsection (2) through Subsection (10).

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

(3) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture as defined under Title 4, Chapter 37, the Aquaculture Act and the rules promulgated there under.

(4) "Aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs or sperm.

(5) "Baitfish" means aquatic animal species authorized for use as bait in Section R657-13-12, and any other species used by anglers as bait in sporting fishing.

(6) "Fee fishing facility" means a body of water used for holding or rearing fish to provide fishing for a fee or for pecuniary consideration or advantage as described in Title 4, Chapter 37, the Aquaculture Act.

(7) "Food fish" means aquatic animal species cultured or harvested from the wild for human consumption.

(8)(a) "Marine aquatic animal" means a member of any species of fish, mollusk, or crustacean, including their eggs and sperm, that spends its entire life cycle in a marine environment.

(b) "Marine aquatic animal" does not include:

(i) anadromous aquatic animal species;

(ii) species that temporarily or permanently reside in brackish water; and

(iii) species classified as invasive or nuisance by state or federal law.

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

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

(i) fresh water;

(A) sport fish;

(B) baitfish;

(C) food fish; or

(D) native species; or

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

(iii) aquatic animals and marine aquatic animals listed as prohibited or controlled in Section R657-3c-5.

(10) "Sport fish" means aquatic animal species regulated for angling and harvest for recreation or sport in Utah.

R657-3c-3. Liability.

(1)(a) Any person who accepts a certificate of registration assumes all liability and responsibility for the collection, importation, transportation, possession and propagation of the authorized animal and for any other activity authorized by the certificate of registration.

(b) To the extent provided under the Title 63g, Chapter 7, the Governmental Immunity Act of Utah, the division, the Department of Agriculture and Food, and the Department of Health shall not be liable in any civil action for:

(i) any injury, disease, or damage caused by or to any animal, person, or property as a result of any activity authorized under this rule or a certificate of registration; or

(ii) the issuance, denial, suspension, or revocation of or by the failure or refusal to issue, deny, suspend, or revoke any certificate of registration or similar authorization.

(2) It is the responsibility of any person who obtains a certificate of registration to read, understand and comply with this rule and all other applicable federal, state, county, city, or other municipality laws, regulations, and ordinances governing animals.

R657-3c-4. Prohibited Activities.

(1)(a) Except as provided in this rule, the rules and regulations of the Wildlife Board, including Section R657-13-12, Rule R657-14, and Rule R657-59, or Title 4, Chapter 37, the Aquaculture Act, noncontrolled, controlled, or prohibited animals may not be released into the wild or any public or private waters without first obtaining authorization from the division.

(b) A violation of this section is punishable under Section 23-13-14.

(c) A person may not release or transplant a live terrestrial or aquatic wildlife into the wild. A person who violates this subsection is guilty of a class A misdemeanor.

(d) A person who knowingly and without lawful authority imports, transports, or releases a live species of wildlife that the person knows is listed as threatened or endangered, or is a candidate to be listed under the Endangered Species Act, 16 U.S.C. Sec. 1531 et seq., with the intent to establish the presence of that species in an area of the state not currently known to be occupied by a reproducing population of that species is guilty of a third degree felony.

(2) The division may seize or dispose of any illegally held animal.

(3)(a) Any peace officer, division representative, or authorized animal control officer may seize or dispose of any live animal that escapes from captivity.

(b) The division may retain custody of any recaptured animal until the costs of recapture or care have been paid by its owner or keeper.

R657-3c-5. Noncontrolled, Controlled, and Prohibited Species.

(1)(a) The noncontrolled, controlled, and prohibited aquatic animal species classification table entitled Table 3c-1, dated May 1, 2023 is hereby incorporated by reference.

(b) Table 3c-1 can be accessed in person or by contacting the Salt Lake division office located at 1594 West North Temple, Salt Lake City, Utah 84114, and on the division's Certificates of Registration webpage at <https://wildlife.utah.gov/licenses/certificates-of-registration.html>.

(2) A person may collect and possess live aquatic animals of controlled species if:

(a) They possess a valid certificate of registration;

(b) Successfully complete the Fish, Mollusk, and Crustacean education course;

(c) Satisfy the mandatory reporting requirements established in Section R657-3c-6; and

(d) The number of individuals of a species in a person's possession may not exceed the limits established under that person's certificate of registration.

(3) All native species and naturalized sportfish species are classified as controlled except those species that are classified as prohibited.

(4) Some species are classified as noncontrolled when stocked in a private fish pond, short-term fishing event, or aquaponics facility, as allowed in Rule R657-59.

(5) Triploid Grass Carp can be stocked as allowed in Rule R657-59.

(6) (a) Exemptions may be granted to educational, scientific, and commercial organizations.

(b) An individual or entity must acquire a certificate of registration before engaging in an educational, scientific, or commercial use activity involving the collection or possession of a controlled or prohibited species.

(i) A scientific use certificate of registration is valid for the time-period identified in the research proposal and approved by the division.

(ii) Educational use certificates of registration are valid for 3 years and authorize wildlife related instructional activities identified on the certificate of registration.

(iii) Commercial use certificates of registration are valid for 3 years and authorize commercial use activities identified on the certificate of registration.

R657-3c-6. Reporting Requirements for the Collection of Controlled Species

(1) A person must report to the division within 72 hours of collecting a controlled species.

(2) Mandatory reporting must be completed using a division approved reporting platform, and shall include:

(a) Universal Transverse Mercator (UTM) or latitude/longitude coordinates of the collection point location;

(b) number of individuals or specimens collected;

(c) morphological measurements and descriptions of individuals or specimens; and

(d) photographic documentation.

(3) A person who fails to complete mandatory reporting as required in this rule may be:

(a) considered in unlawful possession of unreported animals; and

(b) deemed ineligible to obtain a certificate of registration for the collected species until such reporting is completed.

(4) Mandatory reporting for commercial use, scientific use, and educational use certificates of registration will be established as part of the certificate of registration approval process.

R657-3c-7. Application and Renewal Procedures – Fees – Expiration.

(1)(a) Initial and renewal applications for certificates of registration are available from, and must be submitted to, the Wildlife Registration Office in Salt Lake City or any regional division office.

(b) Applications may require a minimum of 45 days for review and processing from the date the application is received.

(c) Applications that are incomplete, completed incorrectly, or submitted without the appropriate fee or other required information may be returned to the applicant.

(2)(a) Upon or before the expiration date of a certificate of registration, the holder must apply for a renewal of the certificate of registration to continue the activity.

(b) The division may use the criteria provided in Section R657-3c-6 in determining whether to renew the certificate of registration.

(c) It is unlawful for a person to possess an animal for which a certificate of registration is required if that person;

(i) does not have a valid certificate of registration authorizing possession of the animal;

or

(ii) fails to submit a renewal application to the division prior to the expiration of an existing certificate of registration authorizing possession of the animal.

(d) If a renewal application is not submitted to the division by the expiration date, live or dead animals held in possession under the expired certificate of registration shall be considered unlawfully held and may be seized by the division.

(e) If a renewal application is submitted to the division before the expiration date of the existing certificate of registration, continued possession of the animal under the expired certificate of registration shall remain lawful while the renewal application is pending.

(3)(a) Certificates of registration are not transferable and expire December 31 of the year issued, except as otherwise designated on the certificate of registration.

(b) If the holder of a certificate of registration is a representative of an institution, organization, business, or agency, the certificate of registration shall expire effective upon the date of the representative's discontinuation of association with that entity.

(c) Certificates of registration do not provide the holder any rights of succession and any certificate of registration issued to a business or organization shall be void upon the termination of the business or organization or upon bankruptcy or transfer or death of the certificate of registration holder.

(4) Failure to submit timely, accurate, or valid reports as required under this rule or the terms of a certificate of registration may disqualify a person from renewing an existing certificate of registration or obtaining a new certificate of registration.

R657-3c-8. Issuance and Renewal Criteria.

(1) The following factors shall be considered before the division may issue or renew a certificate of registration for the collection, importation, transportation, possession, or propagation of an animal:

(a) the health, welfare, and safety of the public;

(b) the health, welfare, safety, and genetic integrity of wildlife, domestic livestock, poultry, and other animals;

(c) ecological and environmental impacts;

(d) the suitability of the applicant's holding facilities;

(e) the experience of the applicant for the activity requested; and

(f) ecological or environmental impact on other states.

(2) In addition to the criteria provided in Subsection (1), the division shall use the following criteria for the issuance or renewal of a certificate of registration for a scientific use of an animal;

(a) the validity of the objectives and design;

(b) the likelihood the project will fulfill the stated objectives;

(c) the applicant's qualifications to conduct the research, including education or experience;

(d) the adequacy of the applicant's resources to conduct the study; and

(e) whether the scientific use is in the best interest of the animal, wildlife management, education, or the advancement of science without unnecessarily duplicating previously documented scientific research.

(3) In addition to the criteria provided in Subsection (1), the division may use the following criteria for the issuance or renewal of a certificate of registration for an educational use of an animal:

(a) the objectives and structure of the educational program; and

(b) whether the applicant has written approval from the appropriate official if the activity is conducted in a school or other educational facility: and

(c) whether the individual is in possession of the required federal permits.

(4) The division may deny issuing or renewing a certificate of registration to any applicant, if:

(a) the applicant has violated any provision of Title 23, the Wildlife Resources Code of Utah, Title R657, proclamation or guidebook, a certificate of registration, an order of the Wildlife Board or any other law that when considered with the functions and responsibilities of collecting, importing, possessing, or propagating an animal bears a reasonable relationship to the applicant's ability to safely and responsibly carry out such activities;

(b) the applicant has previously been issued a certificate of registration and failed to submit any report or information required by this rule, the division, or the Wildlife Board;

(c) the applicant misrepresented or failed to disclose material information required in connection with the application; or

(d) holding the animal at the proposed location violates federal, state, or local laws.

(5) The collection or importation and subsequent possession of an animal may be granted only upon a clear demonstration that the criteria established in this section have been met by the applicant.

(6) The division, in making a determination under this section, may consider any available facts or information that is relevant to the issuance or renewal of the certificate of registration, including independent inquiry or investigation to verify information or substantiate the qualifications asserted by the applicant.

(7) If an application is denied, the division shall provide the applicant with written notice of the reasons for denial.

R657-3c-9. Collection of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before collecting any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to collect any aquatic animal species classified as noncontrolled.

R657-3c-10. Importation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before importing any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to import any aquatic animal species classified as noncontrolled.

(3)(a) All live aquatic animals, including marine aquatic animals, imported into Utah and not destined for an aquaculture facility or fee fishing facility must be accompanied by the following documentation:

- (i) common or scientific names of the aquatic animals;
- (ii) name and address of the consignor and consignee;
- (iii) origin of shipment;
- (iv) final destination;
- (v) number of aquatic animals shipped; and

(vi) certificate of veterinary inspection, Utah entry permit number issued by the Utah Department of Agriculture and Food, and any other health certifications.

(b) A person may import live fish destined for an aquaculture facility or fee fishing facility only as provided by Title 4, Chapter 37, the Aquaculture Act and the rules promulgated there under.

(4) Subsection (1) does not apply to dead fish or crayfish caught in Lake Powell, Bear Lake, or Flaming Gorge reservoirs under the authority of a valid fishing license and in accordance with Rule R657-13 and the proclamation of the Wildlife Board for taking fish and crayfish.

(5) Any water used to hold or transport fish shall not be emptied into a stream, lake, or other natural body of water.

R657-3c-11. Transportation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before transporting any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to transport any aquatic animal species classified as noncontrolled.

R657-3c-12. Possession of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before possessing any aquatic animal species or aquatic animal species parts classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to possess any aquatic animal species classified as noncontrolled.

R657-3c-13. Propagation of Aquatic Animal Species.

(1) A person shall obtain a certificate of registration before propagating any aquatic animal species classified as prohibited or controlled, except as otherwise provided in this rule, statute, or rules and orders of the Wildlife Board.

(2) A certificate of registration is not required to propagate any aquatic animal species classified as noncontrolled.

R657-3c-14. Brine Shrimp and Brine Shrimp Eggs.

(1) A certificate of registration is not required to collect, transport, or possess brine shrimp and brine shrimp eggs for personal use, provided:

(a) the brine shrimp and brine shrimp eggs are collected, transported, and possessed together with water in a container no larger than one gallon;

(b) no more than a one gallon container of brine shrimp and brine shrimp eggs, including water, is collected during any consecutive seven day period; and

(c) the brine shrimp or brine shrimp eggs following possession are not released live into the Great Salt Lake, Sevier River, or any of their tributary waters.

KEY: wildlife, animal protection, import restrictions, zoological animals

Date of Enactment or Last Substantive Amendment:

Notice of Continuation: New Rule