

**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) aquaponics facilities;
- (d) private fish stocking; and
- (e) institutional aquaculture.

(2)(a) This rule does not regulate fee fishing or private aquaculture as provided in Title 4, Chapter 37 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 [Rules R657-3a and R657-3c](#).

(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.

(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 issued pursuant to this rule may be grounds for suspension of the certificate or denial of future certificates, as determined by the division.

**R657-59-2. Definitions.**

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

(2) In addition:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(A) fresh water;

(I) sport fish;

(II) baitfish;

(III) food fish; or

(IV) native species; or

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

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

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

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

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

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

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

(m) "Salmonid" means any fish belonging to the trout/salmon family.

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

- (i) privately acquired fish are held or confined for a period not to exceed ten days in a temporary structure or container;
- (ii) for the purposes of providing fishing as a recreational opportunity; and
- (iii) no fee is charged as a requirement to fish.
- (o) "Sterile" means the inability to reproduce.

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

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

(a) the aquatic animals stocked are accompanied by a valid health approval number issued by the Utah Department of Agriculture and Food pursuant to Chapter 4 Title 37 of Utah Code; and

(b) the aquatic animals to be stocked belong to one of the following species:

- (i) bluegill;
- (ii) hybrid bluegill (bluegill x green sunfish);
- (iii) redear sunfish;
- (iv) green sunfish;
- (v) striped bass;
- (vi) white bass;
- (vii) hybrid striped bass or wiper (white bass x striped bass);
- (viii) largemouth bass;
- (ix) smallmouth bass;
- (x) channel catfish
- (xi) yellow perch;
- (xii) fathead minnow;
- (xiii) black crappie;
- (xiv) white crappie;
- (xv) rainbow trout;
- (xvi) cutthroat trout;
- (xvii) brown trout;
- (xviii) brook trout;
- (xix) tiger trout;
- (xx) walleye;
- (xxi) golden shiner; and
- (xxii) any aquatic animal species classified as non-controlled for possession and importation under R~~[657-3-22 or 23]~~[657-3c-5](#).

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

(a) the private fish pond satisfies the screening requirements established in R657-59-10;

(b) if a screen is required, the aquaculture product received must be of sufficient size to be incapable of escaping the pond through or around the screen;

- (c) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the private fish pond is located consistent with the requirements in R657-59-11;
  - (d) the aquaculture product is:
    - (i) delivered to the pond by a licensed aquaculture facility as defined in Title 4 Chapter 37 of Utah Code; or
    - (ii) the owner, lessee, or operator of the private pond:
      - (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 private fish pond;
  - (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 Chapter 4 Title 37 of Utah Code; and
  - (f) the owner or operator of the private fish pond provides the aquaculture facility a signed written statement that the pond and aquaculture product received are in compliance with this section.
- (3) A certificate of registration is not required to receive and stock an aquaculture product in a short-term fishing event, provided:
- (a) the temporary container or structure to be stocked is entirely separated from any public waterway or waterbody;
  - (b) the species, sub-species, and sterility of the aquaculture product received is authorized for stocking in the area where the short-term fishing event is located consistent with the requirements in 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.

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

- (1)(a) Species of aquaculture products that may be imported into the state are provided [~~in Rule R657-3-23~~][in Section R657-3c-5](#).
- (b) Applications to import aquaculture products are available from all division offices and must be submitted to the division's Wildlife Registration Office in Salt Lake City.

- (c) Complete applications may require up to 30 days for processing.
- (2) Live aquaculture products, other than ornamental fish, may only be:
  - (a) purchased or acquired from sources approved by the Utah Department of Agriculture and Food to sell such products; and
  - (b) acquired, purchased or transferred from sources which have been health approved by the Utah Department of Agriculture and Food and assigned a number as provided in Title 4 Chapter 37 of Utah Code.
- (3)(a) Any person who has been issued a valid aquaculture certificate of registration may transport live aquaculture products as specified on the certificate of registration to a stocking location.
  - (b) All transfers or shipments of live aquaculture products must be accompanied by documentation of the source and destination of the product, including:
    - (i) name, address, certificate of registration number, and fish health approval number of the source;
    - (ii) number and weight being shipped, by species;
    - (iii) name, address, and certificate of registration number, if applicable, of the destination; and
    - (iv) a copy of the importation permit provided by the Utah Department of Agriculture.
  - (c)(i) Once stocked in a water body, aquaculture products may not be transferred or relocated live.
- (4)(a) To import, transport, or stock live grass carp (*Ctenopharyngodon idella*), each fish must be verified as being sterile triploid by the U.S. Fish and Wildlife Service.
  - (b) The form verifying triploidy must be obtained from the supplier and be on file with the Wildlife Registration Office of the division in Salt Lake City 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.

#### **R657-59-8. Prohibited Activities.**

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

**KEY:** wildlife, aquaculture, fish

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