

Part 2 Aquaculture Facilities

4-37-201 Certificate of registration required to operate an aquaculture facility.

- (1) A person may not operate an aquaculture facility without first obtaining a certificate of registration from the department.
- (2)
 - (a) Each application for a certificate of registration to operate an aquaculture facility shall be accompanied by a fee.
 - (b) The fee shall be established by the department in accordance with Section 63J-1-504.
- (3) The department shall coordinate with the Division of Wildlife Resources:
 - (a) on the suitability of the proposed site relative to potential impacts on adjacent aquatic wildlife populations; and
 - (b) in determining which species the holder of the certificate of registration may propagate, possess, transport, or sell.
- (4) The department shall list on the certificate of registration the species which the holder may propagate, possess, transport, or sell.

Amended by Chapter 183, 2009 General Session

4-37-202 Acquisition of aquatic animals for use in aquaculture facilities.

- (1) Live aquatic animals intended for use in aquaculture facilities may be purchased or acquired only from:
 - (a) aquaculture facilities within the state that have a certificate of registration and health approval number;
 - (b) public aquaculture facilities within the state that have a health approval number; or
 - (c) sources outside the state that are health approved as provided in Part 5, Health Approval.
- (2) A person holding a certificate of registration for an aquaculture facility shall submit annually to the department a record of each purchase of live aquatic animals and transfer of live aquatic animals into the facility. This record shall include the following information:
 - (a) name, address, and health approval number of the source;
 - (b) date of transaction; and
 - (c) number and weight by species.
- (3) The records required by Subsection (2) shall be submitted to the department before a certificate of registration is renewed or a subsequent certificate of registration is issued.

Amended by Chapter 189, 2014 General Session

4-37-203 Transportation of aquatic animals to or from aquaculture facilities.

- (1) Any person holding a certificate of registration for an aquaculture facility may transport the live aquatic animals specified on the certificate of registration to the facility or to any person who has been issued a certificate of registration to possess those aquatic animals.
- (2) Each transfer or shipment of live aquatic animals from or to an aquaculture facility within the state shall be accompanied by documentation of the source and destination of the fish, including:
 - (a) name, address, certificate of registration number and health approval number of the source;
 - (b) number and weight being shipped, by species; and

(c) name, address, and certificate of registration number of the destination.

Amended by Chapter 378, 2010 General Session

4-37-204 Sale of aquatic animals from aquaculture facilities.

- (1)
 - (a) Except as provided by Subsection (1)(b), a person holding a certificate of registration for an aquaculture facility may take an aquatic animal as approved on the certificate of registration from the facility at any time and offer the aquatic animal for sale; however, live aquatic animals may be sold within Utah only to a person who has been issued a certificate of registration to possess the aquatic animal.
 - (b) A person who owns or operates an aquaculture facility may stock a live aquatic animal in a private fish pond if the person:
 - (i) obtains a health approval number for the aquaculture facility;
 - (ii) provides the private fish pond's owner with a brochure published by the Division of Wildlife Resources that summarizes the statutes and rules related to a private fish pond and the possession of an aquatic animal;
 - (iii) inspects the private fish pond to verify that the private fish pond is in compliance with Subsections 23-15-10(2) and (3)(c); and
 - (iv) stocks the species, strain, and reproductive capability of aquatic animal authorized by the Wildlife Board in accordance with Section 23-15-10 for stocking in the area where the private fish pond is located.
- (2) An aquatic animal sold or transferred by the owner or operator of an aquaculture facility shall be accompanied by the seller's receipt that contains the following information:
 - (a) date of transaction;
 - (b) name, address, certificate of registration number, health approval number, and signature of seller;
 - (c) number and weight of aquatic animal by:
 - (i) species;
 - (ii) strain; and
 - (iii) reproductive capability; and
 - (d) name and address of the receiver.
- (3)
 - (a) A person holding a certificate of registration for an aquaculture facility shall submit to the department an annual report of each sale of live aquatic animals or each transfer of live aquatic animals to:
 - (i) another aquaculture facility; or
 - (ii) a fee fishing facility.
 - (b) The report shall contain the following information:
 - (i) name, address, and certificate of registration number of the seller or supplier;
 - (ii) number and weight by species;
 - (iii) date of sale or transfer; and
 - (iv) name, address, phone number, and certificate of registration number of the receiver.
- (4)
 - (a) A person who owns or operates an aquaculture facility shall submit to the Division of Wildlife Resources an annual report of each sale or transfer of a live aquatic animal to a private fish pond.
 - (b) The report shall contain:

- (i) the name, address, and health approval number of the person;
 - (ii) the name, address, and phone number of the private fish pond's owner or operator;
 - (iii) the number and weight of aquatic animal by:
 - (A) species;
 - (B) strain; and
 - (C) reproductive capability;
 - (iv) date of sale or transfer;
 - (v) the private fish pond's location; and
 - (vi) verification that the private fish pond was inspected and is in compliance with Subsections 23-15-10(2) and (3)(c).
- (5) The reports required by Subsections (3) and (4) shall be submitted before:
- (a) a certificate of registration is renewed or a subsequent certificate of registration is issued for an aquaculture facility in the state; or
 - (b) a health approval number is issued for an out-of-state source.

Amended by Chapter 378, 2010 General Session