

**4-37-103 Definitions.**

As used in this chapter:

- (1) "Aquaculture" means the controlled cultivation of aquatic animals.
- (2)
  - (a)
    - (i) "Aquaculture facility" means any tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture.
    - (ii) "Aquaculture facility" does not include any public aquaculture facility or fee fishing facility.
  - (b) Structures that are separated by more than 1/2 mile, or structures that drain to or are modified to drain to, different drainages, are considered separate aquaculture facilities regardless of ownership.
- (3)
  - (a) "Aquatic animal" means a member of any species of fish, mollusk, crustacean, or amphibian.
  - (b) "Aquatic animal" includes a gamete of any species listed in Subsection (3)(a).
- (4) "Fee fishing facility" means a body of water used for holding or rearing fish for the purpose of providing fishing for a fee or for pecuniary consideration or advantage.
- (5)
  - (a) "Private fish pond" means a body of water where privately owned fish are propagated or kept for a noncommercial purpose.
  - (b) "Private fish pond" does not include any aquaculture facility or fee fishing facility.
- (6) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream reservoir, or other structure used for aquaculture by the Division of Wildlife Resources, U.S. Fish and Wildlife Service, or an institution of higher education.
- (7) "Public fishery resource" means fish produced in public aquaculture facilities and wild and free ranging populations of fish in the surface waters of the state.

Amended by Chapter 69, 2008 General Session