

Chapter 15 Aquatic Wildlife

23-15-2 Jurisdiction of division over public or private land and waters.

All wildlife within this state, including wildlife on public or private land or in public or private waters within this state, shall fall within the jurisdiction of the Division of Wildlife Resources.

Amended by Chapter 297, 2011 General Session

23-15-3 Diversion of water prohibited -- Exception for flood control.

Except in anticipation of and to provide for the carrying away and the safe disposal of natural storm and flood waters, no person may, without existing rights, divert so much water from any natural stream, lake, pond or natural lake or pond, the natural storage content of which has been increased by the construction of a dam, that the diversion unduly endangers protected aquatic wildlife.

Amended by Chapter 347, 1983 General Session

23-15-4 Screens or other devices required -- Failure to install after notice a misdemeanor.

It is unlawful for any person, company or corporation to take any water from the state streams, lakes or reservoirs for power purposes, or for waterworks, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering such power plants, millraces or waterworks system; said screen or other devices to be built and maintained under the direction of the board and at the expense of said owner or operators. The failure of any person, firm or corporation to install a screen or device within 30 days after notice in writing so to do has been given by the board shall constitute a misdemeanor.

Enacted by Chapter 46, 1971 General Session

23-15-5 Notice of intention to drain or divert waterway.

Any person, company or corporation owning or controlling any irrigation canal, ditch, reservoir, millrace, or other waterway leading from or into any state waterway containing protected aquatic wildlife who shall desire to drain any such waterway, or who shall intend to divert sufficient water from any state waterway endangering the protected aquatic wildlife therein, shall give five days' written notice to the Division of Wildlife Resources prior to the diversion except that under emergency conditions reasonable notice shall be given.

Enacted by Chapter 46, 1971 General Session

23-15-6 Pollution of waters unlawful.

It is unlawful for any person to pollute any waters deemed necessary by the Wildlife Board for wildlife purposes or any waters containing protected aquatic wildlife and stoneflies (Plecoptera), mayflies (Ephemeroptera), dragonflies and damsel flies (Odonata), water bugs (Hemiptera), caddis flies (Trichoptera), spongilla flies (Neuroptera), and crustaceans. Provided further that each day of pollution shall constitute a separate offense.

Enacted by Chapter 46, 1971 General Session

23-15-7 Taking protected aquatic wildlife or eggs unlawful except as authorized.

It is unlawful for any person to take any protected aquatic wildlife or eggs of same in any of the waters of this state, except as provided by this code or the rules and regulations of the Wildlife Board.

Enacted by Chapter 46, 1971 General Session

23-15-8 Seining or selling aquatic wildlife unlawful except as authorized.

It is unlawful for any person to seine for any kind of protected aquatic wildlife in any of the waters of this state or to sell protected aquatic wildlife except as prescribed by this title or rules of the Wildlife Board.

Amended by Chapter 153, 1994 General Session

23-15-9 Possession or transportation of live aquatic wildlife unlawful except as authorized -- Exceptions.

It is unlawful for any person to possess or transport live protected aquatic wildlife except as provided by this code or the rules and regulations of the Wildlife Board. This section does not apply to tropical and goldfish species intended for exhibition or commercial purposes. Operators of a properly registered private fish pond may transport live aquatic wildlife specified by the Wildlife Board in the operator's certificate of registration.

Amended by Chapter 297, 2011 General Session

23-15-10 Private fish pond.

- (1) A private fish pond is not required to obtain a certificate of registration from the division to receive an aquatic animal from an aquaculture facility.
- (2) A private fish pond may not be developed on:
 - (a) a natural lake;
 - (b) a natural flowing stream; or
 - (c) a reservoir constructed on a natural stream channel.
- (3) A person who owns or operates a private fish pond may receive an aquatic animal from an aquaculture facility if:
 - (a) the aquaculture facility has a health approval number required by Section 4-37-501;
 - (b) the species, strain, and reproductive capability of the aquatic animal is authorized by the Wildlife Board in accordance with Subsection (4) for stocking in the area where the private fish pond is located;
 - (c) the private fish pond is screened in accordance with the Wildlife Board's rule to prevent an aquatic animal from moving into or out of the private fish pond;
 - (d) the aquatic animal is not:
 - (i) released from the private fish pond; or
 - (ii) transported live to another location; and
 - (e) the person provides the aquaculture facility with a signed statement that the private fish pond is in compliance with this section.
- (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the Wildlife Board may make rules that:

- (a) specify the screen requirements to prevent the movement of an aquatic animal into or out of the private fish pond;
 - (b) specify the aquatic animal species that may not be stocked in a private fish pond located in the state; and
 - (c) establish a location or region where a specified species, strain, and reproductive capability of aquatic animal may be stocked in a private fish pond.
- (5) The division may inspect a private fish pond to verify compliance with this section.

Amended by Chapter 69, 2008 General Session

23-15-13 Operation of aquaculture and fee fishing facilities.

A person may engage in the following activities as provided by Title 4, Chapter 37, Aquaculture Act, and rules adopted under that chapter by the Department of Agriculture and Food and Wildlife Board:

- (1) acquisition, importation, or possession of aquatic animals intended for use in an aquaculture or fee fishing facility;
- (2) transportation of aquatic animals to or from an aquaculture facility or to a fee fishing facility;
- (3) stocking or propagation of aquatic animals in an aquaculture or fee fishing facility; and
- (4) harvest, transfer, or sale of aquatic animals from an aquaculture or fee fishing facility.

Amended by Chapter 82, 1997 General Session

23-15-14 State Fish Hatchery Maintenance Account -- Contents -- Use of account money.

- (1) There is created a restricted account within the General Fund known as the State Fish Hatchery Maintenance Account.
- (2) The following money shall be deposited into the account:
 - (a) \$2.00 of each fishing license fee or combination license fee; and
 - (b) interest and earnings on account money.
- (3) Money in the account shall be used by the division, after appropriation by the Legislature, for major repairs or replacement of facilities and equipment at fish hatcheries owned and operated by the division for the production and distribution of fish to enhance sport fishing opportunities in the state.

Amended by Chapter 22, 2001 General Session