

57 (b) Structures that are separated by more than 1/2 mile, or structures that drain to or are
 58 modified to drain to, different drainages, are considered separate aquaculture facilities
 59 regardless of ownership.

60 (3) (a) "Aquatic animal" means a member of any species of fish, mollusk, crustacean,
 61 or amphibian.

62 (b) "Aquatic animal" includes a gamete of any species listed in Subsection (3)(a).

63 (4) "Fee fishing facility" means a body of water used for holding or rearing fish for the
 64 purpose of providing fishing for a fee or for pecuniary consideration or advantage.

65 (5) "Natural flowing stream" means the same as that term is defined in Section
 66 [23-13-2](#).

67 (6) "Natural lake" means the same as that term is defined in Section [23-13-2](#).

68 ~~[(5)(a)]~~ (7) "Private fish pond" means ~~[a body of water where privately owned fish are~~
 69 ~~propagated or kept for a noncommercial purpose]~~ the same as that term is defined in Section
 70 [23-13-2](#).

71 ~~[(b) "Private fish pond" does not include any aquaculture facility or fee fishing~~
 72 ~~facility.]~~

73 ~~[(6)]~~ (8) "Public aquaculture facility" means a tank, canal, raceway, pond, off-stream
 74 reservoir, or other structure used for aquaculture by the Division of Wildlife Resources, U.S.
 75 Fish and Wildlife Service, ~~H→~~ **a mosquito abatement district**, ~~←H~~ or an institution of higher
 75a education.

76 ~~[(7)]~~ (9) "Public fishery resource" means fish produced in public aquaculture facilities
 77 and wild and free ranging populations of fish in the surface waters of the state.

78 (10) "Reservoir constructed on a natural stream channel" means the same as that term
 79 is defined in Section [23-13-2](#).

80 (11) "Short-term fishing event" means the same as that term is defined in Section
 81 [23-13-2](#).

82 Section 2. Section **4-37-104** is amended to read:

83 **4-37-104. Department's responsibilities.**

84 (1) The department is responsible for[:] enforcing laws and rules made by the Wildlife
 85 Board governing species of aquatic animals which may be imported into the state or possessed
 86 or transported within the state that are applicable to aquaculture or fee fishing facilities ~~H→~~ **and the**
 86a **promotion of the state's aquaculture industry** ~~←H~~ .

87 ~~[(a) the marketing and promotion of the state's aquaculture industry, and]~~

491 fee fishing facilities, private fish ponds, short-term fishing events, and private stocking.

492 (2) The advisory council shall consist of 10 members appointed to four-year terms by
 493 the ~~H→~~ governor, in consultation with the ~~←H~~ executive director of the department, ~~H→~~ [in
 493a consultation with] ~~←H~~ the commissioner of the

494 Department of Agriculture and Food ~~H→~~ , ~~←H~~ and the director of the division, as follows:

495 (a) two members representing the division selected from four or more names submitted
 496 by the director of the division;

497 (b) two members representing the Department of Agriculture and Food selected from
 498 four or more names submitted by the commissioner of the Department of Agriculture and
 499 Food;

500 (c) one member representing angling interests selected from two or more names
 501 submitted by a nonprofit corporation that promotes sport fishing;

502 (d) two members representing the private aquaculture industry selected from four or
 503 more names submitted by a nonprofit corporation that promotes the aquaculture industry; and

504 (e) three members representing private ponds or fee fishing facilities selected from six
 505 or more names submitted by a nonprofit corporation that promotes the aquaculture industry.

506 (3) Notwithstanding the requirements of Subsection (2), the ~~H→~~ [executive director]
 506a governor ~~←H~~ shall, at
 507 the time of appointment or reappointment, adjust the length of terms to ensure that the terms of
 508 advisory council members are staggered so that approximately half of the advisory council is
 509 appointed every two years.

510 (4) When a vacancy occurs in the membership for any reason, the replacement shall be
 511 appointed for the unexpired term.

512 (5) (a) Six members of the advisory council shall constitute a quorum.

513 (b) A quorum is necessary for the advisory council to act.

514 (c) Advisory council recommendations to the commissioner and Wildlife Board
 515 pursuant to Subsection (1) shall be supported by majority vote.

516 (d) The advisory council shall elect a chair and vice chair from the advisory council's
 517 membership.

518 (e) The advisory council shall determine:

519 (i) the time and place of meetings, not to exceed four meetings per calendar year; and

520 (ii) other procedural matters not specified in this Subsection (5).

521 (6) A member may not receive compensation or benefits for the member's service, but

522 may receive per diem and travel expenses in accordance with:

523 (a) Section 63A-3-106;

524 (b) Section 63A-3-107; and

525 (c) rules made by the Division of Finance pursuant to Sections 63A-3-106 and

526 63A-3-107.

526a ~~§→ [H→ (7) The division and the council shall report to the Natural Resources, Agriculture, and~~
 526b ~~Environment Interim Committee by no later than November 30 of each year. ←H] ←§~~

527 Section 13. Section 23-14-3 is amended to read:

528 **23-14-3. Powers of division to determine facts -- Policymaking powers of Wildlife**
 529 **Board.**

530 (1) The Division of Wildlife Resources may determine the facts relevant to the wildlife
 531 resources of this state.

532 (2) (a) Upon a determination of these facts, the Wildlife Board shall establish the
 533 policies best designed to accomplish the purposes and fulfill the intent of all laws pertaining to
 534 wildlife and the preservation, protection, conservation, perpetuation, introduction, and
 535 management of wildlife.

536 (b) In establishing policy, the Wildlife Board shall:

537 (i) recognize that wildlife and its habitat are an essential part of a healthy, productive
 538 environment;

539 (ii) recognize the impact of wildlife on man, his economic activities, private property
 540 rights, and local economies;

541 (iii) seek to balance the habitat requirements of wildlife with the social and economic
 542 activities of man;

543 (iv) recognize the social and economic values of wildlife, including fishing, hunting,
 544 and other uses; and

545 (v) seek to maintain wildlife on a sustainable basis.

546 (c) (i) The Wildlife Board shall consider the recommendations of the regional advisory
 547 councils established in Section 23-14-2.6 and the Private Aquaculture Advisory Council
 548 established in Section 23-14-2.8.

549 (ii) If a regional advisory council or the Private Aquaculture Advisory Council
 550 recommends a position or action to the Wildlife Board, and the Wildlife Board rejects the
 551 recommendation, the Wildlife Board shall provide a written explanation to the [regional]
 552 advisory council recommending the opposing position.