

Prohibited Species in the Great Lakes Region

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Compiled by:

Great Lakes Panel on Aquatic Nuisance Species

Introduction

Purposeful or accidental releases of species arising from the trade of live organisms (aquarium, water garden, live food, aquaculture and live bait) make up the second most important pathway of introduction into the Great Lakes (Ricciardi 2006). Growing concern in the Great Lakes region over introduction and spread of aquatic invasive species through these trades has prompted the development of species-specific regulations in the Great Lakes states and provinces. However, the effectiveness of any individual state regulation is in part dependent upon policies in neighboring jurisdictions, particularly if these allow the importation or movement of problem species, including those known to be invasive, that some jurisdictions are attempting to regulate. In 2007, the Great Lake Panel on Aquatic Nuisance Species identified the need to compile a comprehensive list of all aquatic species for which certain activities related to commercial trade are restricted or prohibited, at either state, provincial or federal levels.

Regulations in the states and provinces vary by species as well as by the specific activities that are prohibited. Generally, however, the regulations are meant to prevent the possession, movement or commercial sale of specific aquatic species that are known to be invasive or have characteristics of invasive species. The goal of these regulations is to limit the introduction and spread of these potential problematic species. The Great Lakes Panel, in compiling a list of regulated species on a state/provincial basis, is striving to facilitate greater consistency and policy effectiveness on a regional basis among these Great Lakes jurisdictions. In addition, this list should also serve as a useful resource for user groups, commercial interests, and others stakeholders within the region by increasing awareness of these regulations. In so doing, hopefully opportunities for trade of the problem organisms will be limited, thereby reducing the accidental release and transfer of aquatic invasive species across jurisdictional lines.

Methodology for the Listing Process

The list of Great Lakes regulated species was compiled from state and provincial species regulations. Lists of prohibited species were requested from each member state and province of the Great Lakes Aquatic Nuisance Species Panel. In addition, federal lists of “noxious” aquatic and wetland plants and “injurious” aquatic species were also included from the Federal Noxious Weed List (7 U.S.C. 2801 *et seq*) and the Lacey Act Injurious species list (50 C.F.R. §16.1 *et seq*). Species recently prohibited under a city ordinance for Chicago, IL were also included.

In addition, new regulations or listings have been proposed or were being developed as this list assessment was undertaken. Hence we have included aquatic species that have been provisionally listed by the State of Wisconsin, based on our expectation that these will pass into legislation shortly. Our understanding is that the State of New York is in the process of drafting a new list of regulated species and these should be added when this become publically available.

The initial request for information was focused on regulations that restricted or prohibited the import, transport, possession and/or sale of live aquatic organisms considered to be “invasive”, “nuisance” or “noxious”. In effect, those regulations appear to focus on the horticulture, water garden, aquarium and live food trades. Regulations restricting the use of certain species as live bait were not explicitly covered by this list. It is important to recognize, however, that such regulations may exist for some species on the list (e.g. rusty crayfish). It is also assumed that

prohibiting the possession or sale of a species will have bearing on their sale and use as live bait. Addition of species governed by rules specific to the live bait trade would make this list more comprehensive.

The list also does not cover the rules governing the aquaculture trades as our understanding is that, in most cases, this industry is regulated using a limited list of permissible species ("white list") and the farming of all other species are prohibited. Further, species prohibited under the conditions described above, are, in most cases, also prohibited for aquaculture. The development of a list of permissible aquaculture species in each Great Lake State or province would improve this assessment.

This document contains two main components: (1) a matrix of regulated species in the Great Lakes region by local, state, provincial, or Federal legislation, and (2) an index of associated regulations and definitions, which vary by jurisdiction. Some states have a different levels of regulation (e.g. restricted, prohibited), which is noted in the species matrix.

Discussion

Under this assessment, 58 aquatic animal and 46 aquatic plant species are regulated within the Great Lakes states and provinces. The list demonstrates a lack of overlap or consistency between states and provinces, as only a few species (other than those that are federally listed) are prohibited or restricted across all jurisdictions. This observation is most pronounced for aquatic plants, reflecting the apparent absence or near absence of any regulations for aquatic plants in the states of New York, Ohio, Pennsylvania, and the provinces of Ontario and Quebec. The lists of prohibited or restricted animals are only slightly more consistent with only a handful of species listed in more than half the state/provincial jurisdictions. No non-federally listed species is listed across all state/provincial jurisdictions. In addition, many of the species more widely listed are already widespread and well established within the basin. ***Most non-federally listed species are regulated in fewer than three state or provinces. Many of the US federally listed species are not regulated in neighboring Canadian provinces.***

References

Ricciardi, A. 2006. Patterns of invasion in the Laurentian great lakes in relation to changes in vector activity. *Diversity and Distributions* 12: 425-433.

Prohibited Species in the Great Lakes Region Regulatory Citations & Definitions

Illinois:

17 ILL. ADM. CODE CH. 1, SEC. 805.30 Unlawful Acts

“a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport injurious species across Illinois without an injurious species permit from the Department

1) Under no circumstances shall an interstate transporter:

A) transfer any injurious species from one container to another; nor

B) exchange or discharge from a container containing injurious species without first obtaining written permission from the Department:

i) water;

ii) bedding;

iii) soluble material; or

iv) insoluble material.

2) The Department shall grant permission under subsection (a)(1)(B) only if:

A) it approves of the final disposition of the water, bedding, or material; and

B) the transporter satisfies the Department that there is no possibility of release into the environment.

b) Injurious species shall not be released. Release of injurious species is a violation of Section 10-100 and/or Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/10-100 or 20-90] or Section 2.2 of the Wildlife Code [520 ILCS 5/2.2].

c) Possession of federally listed injurious species shall also be in accordance with the provisions of the Lacey Act (18 USC 42) and 50 CFR 16 (no incorporation in this Part includes later amendments or editions).”

17 ILL. ADM. CODE CH. 1, Section 805.40 Permits

“a) Application Requirements: Permits to transport/possess injurious species may be issued by the Department of Natural Resources in accordance with Section 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/20-100] and Sections 2.2 or 3.22 of the Wildlife Code [520 ILCS 5/2.2 or 3.22], for zoological, educational, medical, or scientific purposes” under certain provisions.”

17 ILL. ADM. CODE CH. 1, SEC. 870.10

“a) For the purposes of Section 20-90 of the Fish and Aquatic Life Code [515 ILCS 5/20-90], the Aquatic Life Approved Species List is established. The following aquatic life categories will be considered approved for aquaculture, transportation, stocking, importation and/or possession in the State of Illinois.

1) Amphibians

2) Reptiles

3) Crustaceans

4) Mollusks

5) Gastropods

6) Fish

7) Plants

b) Any species not on the Aquatic Life Approved Species List as described in Section 870.10(a) may not be imported or possessed alive without a letter of authorization to import/possess such species, except saltwater species commonly used as seafood which will not survive in freshwater, such as lobsters, clams, mussels, and oysters.”

Aquatic Life Approved Species List: http://www.ncrac.org/Info/StateImportReqs/illinois_approvedspecies.htm

17 ILL. ADM. CODE CH. 1, SEC. 870.50 Unlawful Acts

“a) It is unlawful to release any aquatic life into the waters of this State without first securing permission of the Department to do so, except that the owners of a body of water or their agents may release aquatic life on the Aquatic Life Approved Species List into waters that are wholly on their property. All aquatic life may be released into the waters from which they were taken. (Section 10-100 of the Fish and Aquatic Life Code). Permission will be based upon the potential detriment to the aquatic resource.

b) It is unlawful for any persons to transport, ship, or convey within the State, any live grass carp or white amur (*Ctenopharyngodon idella*), bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*), or hybrid grass carp, unless that person has in his possession a "Restricted Species Transportation Permit" issued by the Illinois Department of Natural Resources."

17 ILL. ADM. CODE CH. 1, SEC. 870.80 Exceptions

"Except in the case of injurious species, as described in 17 Ill. Adm. Code 805, this Part does not apply to the aquarium industry (those businesses regulated by the Department of Agriculture under the Animal Welfare Act [225 ILCS 605] or State agencies or universities, so long as they are operating in a manner that will prevent escapement into the waters standing on or flowing over the soil of the State of Illinois."

City of Chicago:

Invasive Species Ordinance: Chapter 11-4 Municipal Code of Chicago Article XXI

11-4-2730 Regulated invasive species.

"(a) It shall be unlawful for any person to do the following:

- (1) Import, sell, transport, own, keep or otherwise possess any live or viable regulated animal species within the city; or
- (2) Import, sell, transport, own, keep, or otherwise possess any live regulated plant species or any viable plant material from a regulated plant species within the city; or
- (3) Release or introduce into the environment anywhere within the city any live regulated invasive species or viable plant material from a regulated plant species.

(b) The provisions of this subsection shall not apply to the following:

- (1) Any person who imports, transports, carries, owns, keeps or otherwise possesses any regulated invasive species for zoological, educational, medical or scientific purposes if the person has obtained all applicable licenses or permits required by law, and the person makes such licenses or permits available for inspection by the commissioner; or
- (2) Any business that imports, transports, carries, owns, keeps or otherwise possesses any live transport species for the sale or transfer of any such live transport species to any retailer; provided that the business has obtained all applicable licenses and permits required by law; or
- (3) Any retailer that owns, keeps or otherwise possesses any live transport species for the retail sale or transfer of any such live transport species to a consumer; provided that the retailer purchased the live transport species from a business in compliance with subsection (b)(2) of this section, and kills the live transport species before the species is sold or provided to the consumer."

Indiana:

312 IAC 18-3-20 Regulation of Brazilian Elodea, a pest or pathogen

"In Indiana a person must not do the following: (1) Possess, sell, offer for sale, gift, barter, exchange, or distribute *Egeria densa* as an outdoor water plant. (2) Allow Brazilian elodea to infest any of the following: lake, river, pond, outdoor water garden, waterway. (3) Transport Brazilian elodea on or within the following: boat, trailer, motor vehicle, bait bucket, fishing gear, creel, tackle, tackle box, another aquatic appurtenance. A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate this species."

312 IAC 18-3-21 Control of *Hydrilla verticillata*

"A person must not...possess, sell, offer for sale, gift, barter, exchange, or distribute *Hydrilla*, or allow *Hydrilla* to infest any lake, river, pond, outdoor water garden, waterway, or aquarium, or transport *Hydrilla* within any: boat, trailer, motor vehicle, bait bucket, fishing gear, creel, tackle, tackle box, another aquatic appurtenance. A person who owns property that is infested with *Hydrilla* must take lawful efforts to eliminate the species."

IC 14-24-12 Purple Loosestrife and Multiflora Roses

IC 14-24-12-7 "A person may not: sell, offer for sale, give away, plant, or otherwise distribute seeds, roots, or plants of any species of *lythrum* in Indiana unless the person has a permit issued from the division director authorizing the planting or distribution of *lythrum*."

312 IAC 9-6-7 Exotic Fish

"Sec. 7. (a) Except as otherwise provided under this section, a person must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the following live fish or fry of live fish or their viable eggs or genetic material..."

(b) A person who takes a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture.

(c) This section does not apply to the following:

- (1) The use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i).

(2) During the lawful interstate shipment of fish through the state if the fish are not unloaded or do not leave the control of a common carrier.

(3) A person who lawfully possesses an exotic fish under a permit issued under 312 IAC 9-10-17 for medical, educational, or scientific purposes.

(d) A person who possesses federally listed injurious species must also comply with 18 U.S.C. 42 and 50 CFR 16.”

312 IAC 9-9-3 Mussels

“It is unlawful to import, possess, or release into public or private waters, a zebra mussel, quagga mussel (*Drissena* sp.), or Asiatic clam (*Corbicula* sp.).”

Except as provided in 312 IAC 9-6-7, live fish for the aquarium pet trade are exempt from permitting regulations for fish hauler’s and suppliers (312 IAC 9-10-14), fish importation (312 IAC 9-10-15) and aquaculture (312 IAC 9-10-17).

312 IAC 9-10-17 Aquaculture permit

“(a) A person must not import, raise, sell, or transport fish into or within Indiana without an aquaculture permit issued under this section. ”

Michigan:

2005-PA-0077

M.C.L.A. 324.41301 Definitions; possession of live organism.

Lists prohibited and restricted plant and fish species.

M.C.L.A. 324.41303 Possession of live prohibited or restricted organism; prohibition; exceptions; notification of location where found.

“(1) Subject to subsection (2), a person shall not knowingly possess a live organism if the organism is a prohibited species or restricted species, except under 1 or more of the following circumstances:

(a) The person intends to present a specimen of the prohibited species or restricted species, for identification or similar purposes, to a person who is a certified applicator or registered applicator under part 83, to a public or private institution of higher education, or to the department or any other state, local, or federal agency with responsibility for the environment or natural resources.

(b) The person has been presented with a specimen of a prohibited species or restricted species for identification or similar purposes under subdivision (a).

(c) The person possesses the prohibited species or restricted species in conjunction with otherwise lawful activity to eradicate or control the prohibited species or restricted species.

(d) If the prohibited species or restricted species is not an insect species, the possession is pursuant to a permit issued for education or research purposes by the department under section 41306. If the prohibited species or restricted species is an insect species, the possession is pursuant to a permit issued for education or research purposes by the department of agriculture under section 41306 or by the United States department of agriculture.

(2) A person described in subsection (1)(b) or (c) shall notify the department, the department of agriculture, or the department of environmental quality if the prohibited species or restricted species was found at a location where it was not previously known to be present.”

M.C.L.A. 324.41305 Introduction of prohibited or restricted species, or genetically engineered or nonnative fish; prohibition; exceptions.

“A person shall not introduce a prohibited species, a restricted species, or a genetically engineered or nonnative fish or aquatic plant unless the introduction is authorized by 1 of the following, as applicable:

(a) For a fish, by a permit issued by the department under section 48735.

(b) For a prohibited species or restricted species that is an insect, by a permit issued by the department of agriculture under section 41306.

(c) For an aquatic plant, by a permit issued by the department under section 41306.”

Minnesota:

Minnesota Rule 6216.0250 PROHIBITED INVASIVE SPECIES

Lists prohibited invasive plants, fish, and invertebrates.

Minnesota Rule 6216.0260 REGULATED INVASIVE SPECIES

Lists regulated invasive plants, fish, and invertebrates.

Minnesota Statute 84D.01 DEFINITIONS.

"Prohibited invasive species" means an invasive species that has been designated as a prohibited invasive species in a rule adopted by the commissioner under section 84D.12

"Regulated invasive species" means an invasive species that has been designated as a regulated invasive species in a rule adopted by the commissioner under section 84D.12

84D.04 CLASSIFICATION OF NONNATIVE SPECIES.

"Subdivision 1. Classes. The commissioner shall, as provided in this chapter, classify nonnative species of aquatic plants and wild animals according to the following categories:

- (1) prohibited invasive species, which may not be possessed, imported, purchased, sold, propagated, transported, or introduced except as provided in section 84D.05;
- (2) regulated invasive species, which may not be introduced except as provided in section 84D.07;
- (3) unlisted nonnative species, which are subject to the classification procedure in section 84D.06; and
- (4) unregulated nonnative species, which are not subject to regulation under this chapter."

84D.05 PROHIBITED INVASIVE SPECIES.

"Subdivision 1. Prohibited activities. A person may not possess, import, purchase, sell, propagate, transport, or introduce a prohibited invasive species, except:

- (1) under a permit issued by the commissioner under section 84D.11;
- (2) in the case of purple loosestrife, as provided by sections 18.75 to 18.88;
- (3) under a restricted species permit issued under section 17.457;
- (4) when being transported to the department, or another destination as the commissioner may direct, in a sealed container for purposes of identifying the species or reporting the presence of the species;
- (5) when being transported for disposal as part of a harvest or control activity under a permit issued by the commissioner according to section 103G.615, when being transported for disposal as specified under a commercial fishing license issued by the commissioner according to section 97A.418, 97C.801, 97C.811, 97C.825, 97C.831, or 97C.835, or when being transported as specified by the commissioner;
- (6) when the specimen has been lawfully acquired dead and, in the case of plant species, all seeds are removed or are otherwise secured in a sealed container;
- (7) in the form of herbaria or other preserved specimens;
- (8) when being removed from watercraft and equipment, or caught while angling, and immediately returned to the water from which they came; or
- (9) as the commissioner may otherwise prescribe by rule."

84D.07 REGULATED INVASIVE SPECIES.

"Except as provided in rules adopted under section 84D.12, subdivision 2, clause (1), a person may not introduce a regulated invasive species without a permit issued by the commissioner."

84D.09 AQUATIC MACROPHYTES.

"Subdivision 1. Transportation prohibited. A person may not transport aquatic macrophytes on any state forest road as defined by section 89.001, subdivision 14, any road or highway as defined in section 160.02, subdivision 26, or any other public road, except as provided in this section."

84D.10 PROHIBITED ACT; WATERCRAFT.

"Subdivision 1. Launching prohibited. A person may not place or attempt to place into waters of the state a watercraft, a trailer, or plant harvesting equipment that has aquatic macrophytes, zebra mussels, or prohibited invasive species attached except as provided in this section."

Minnesota Statute 17.49 Aquaculture Program and Promotion 17.497 EXOTIC SPECIES IMPORTATION; RULES.

"The commissioner of natural resources shall establish rules, in consultation with the commissioner of agriculture and the Aquaculture Advisory Committee, for approving or rejecting importation of "exotic" or genetically altered aquatic species to protect the integrity of the natural ecosystem and provide aquatic farmers with information that may affect business decisions."

17.4981 GENERAL CONDITIONS FOR REGULATION OF AQUATIC FARMS.

(a) Aquatic farms are licensed to culture private aquatic life. Cultured aquatic life is not wildlife. Aquatic farms must be licensed and given classifications to prevent or minimize impacts on natural resources. The purpose of sections 17.4981 to 17.4997 is to:

- (1) prevent public aquatic life from entering an aquatic farm;
- (2) prevent release of nonindigenous or exotic species into public waters without approval of the commissioner;
- (3) protect against release of disease pathogens to public waters;
- (4) protect existing natural aquatic habitats and the wildlife dependent on them; and
- (5) protect private aquatic life from unauthorized taking or harvest.

(b) Private aquatic life that is legally acquired and possessed is an article of interstate commerce and may be restricted only as necessary to protect state fish and water resources.

(c) The commissioner of natural resources shall establish license and other fees as provided in section 16A.1285, subdivision 2, that would make aquaculture licensing and enforcement self-sustaining. The commissioner shall develop best management practices for aquaculture to ensure the long-term sustainability of aquaculture and wetlands used for aquaculture, including, but not limited to, fish farming in man-made ponds."

New York:

NYS DEC Regulations, Chapter I, Part 180.9

"(b) Except as provided in subdivisions c and d of this section, no person shall buy, sell or offer for sale, possess, transport, import or export, or cause to be transported, imported or exported live individuals or viable eggs of the following species of fish, which the Department of Environmental Conservation (department) has determined present a danger to indigenous fish populations. No person shall liberate to the wild any species listed in this section, cause such species to be liberated to the wild or allow such species to exist in a state or condition where it is likely to escape into the wild."

NY Environmental Conservation Law Section 11-1703

"(6)-Importation, possession and sale of fish without license or permit; prohibitions: No person shall import, import, export, own or possess, acquire or dispose of live piranha fish (*Serrasalmus*, *Rooseveltiella* or *Pyrocentrus*), grass carp or hybrid grass carp within the state or place them in the waters of NY state without a license or permit issued at the discretion of the department for scientific, biological or exhibition purposes."

ECL * 11-0509. Water chestnut.

"No person shall plant, transport, transplant or traffic in plants of the water chestnut or the seeds or nuts thereof nor in any manner cause the spread or growth of such plants."

ECL * 9-1705. New York invasive species council.

"(h) submitting to the legislature and the governor prior to January first, two thousand ten a report, produced in consultation with the advisory committee, recommending a four-tier system for nonnative animal and plant species. The system shall contain: (i) a list of prohibited species, which should be unlawful to possess, import, purchase, transport, or introduce except under a permit for disposal, control, research, or education; (ii) a list of regulated species which should be legal to possess, sell, buy, and transport but not be introduced into a free-living state; (iii) a list of unregulated species which are nonnative species that should not be subject to regulation; and (iv) a procedure for the review of a nonnative species that is not on the prohibited, regulated, or unregulated lists before the use, distribution or release of such nonnative species. Nothing contained in the report shall have the force of law. The council shall recommend legislation regarding the four-tier system, including penalties for violations of the four-tier system."

ECL * 11-0507. Liberation of fish, shellfish and wildlife.

"1. Fish or fish eggs shall not be placed in any waters of the state unless a permit is first obtained from the department; but no permit shall be required to place fish or fish eggs in an aquarium."

"3. No person shall willfully liberate within the state any wildlife except under permit from the department. The department may issue such permit in its discretion, fix the terms thereof and revoke it at pleasure. These provisions do not apply to migratory game birds, importation of which is governed by regulation of the department."

"4. No person shall intentionally liberate zebra mussels (*Dreissena polymorpha*) into any waters of the state. No person shall buy, sell, or offer to buy or sell, or intentionally possess or transport zebra mussels except under a license or permit issued pursuant to section 11-0515. Zebra mussels, except those lawfully held pursuant to a license or permit, may be destroyed by any person at any time."

Title 6 (Environmental Conservation) of New York's Official Compilation of Codes, Rules and Regulations (6NYCRR)

Part 44, paragraph 44.11 Chinese Mitten Crabs (*Eriocheir sinensis*).

(a) No person shall liberate Chinese Mitten Crabs (*Eriocheir sinensis*) into the waters of the state.

(b) No person shall possess, import, transport, buy, sell or offer to buy or sell Chinese mitten crabs, whether alive or dead, in New York State.

(c) Chinese mitten crabs, except those lawfully held pursuant to a license or permit issued under section 11-0515, shall be destroyed.

Ohio:

Ohio Administrative Code: Chapter 1501:31-19 Wild Animal Regulations

1501:31-19-01 Wild animal importing, exporting, selling and possession regulations.

"(A) It shall be unlawful for any person to possess, import or sell live individuals of the following species: Walking catfish (*Clarias batrachus*), diploid white amur or diploid grass carp (*Ctenopharyngodon idella*), silver carp – white bream (*Hypophthalmichthys molitrix*), black amur – black carp (*Mylopharyngodon piceus*), bighead carp – bighead – bighead amur (*Aristichthys nobilis*), ruffe (*Gymnocephalus cernuus*), round goby (*Neogobius melanostomus*), tubenose goby (*Proterorhynchus marmoratus*), snakeheads (*Channa* spp. and *Parachanna* spp.), white perch (*Morone americana*), three spine stickleback (*Culaea aculeatus*), sea lamprey (*Petromyzon marinus*), eastern banded killfish (*Fundulus diaphanus diaphanus*) or hybrid of such species at any time. Such fish may be used only for research, by zoos, public aquariums and public displays after obtaining written authorization from the chief."

"(E) It shall be unlawful for any person to possess, import or sell exotic species of fish or hybrids thereof for introduction or to release into any body of water that is connected to or otherwise drains into a flowing stream or other body of water that would allow egress of the fish into public waters, or waters of the state, without first having obtained permission of the chief.

(F) For purposes of paragraph (E) of this rule, "exotic species of fish" are those fish which are not naturally found in the waters of the state of Ohio."

"(G) It shall be unlawful for any person to import or sell triploid white amur [grass carp] within this state without first applying for and receiving written authorization from the chief. It shall be unlawful to import or sell triploid white amur except in accordance with the specifications and limitations as prescribed in the written authorization from the chief."

"(L) It shall be unlawful for any person to possess, import or sell... (3) Yabbie (*Cherax destructor*); (4) Zebra mussel (*Dreissena polymorpha*); (5) Quagga mussel (*Dreissena bugensis*); (6) Rudd (*Scardinius erythrophthalmus*)."

Ontario:

Ontario Fishery Regulations, 2007

"S. 6(1) No person shall possess live invasive fish without a licence issued under subsection (2)

(2) The provincial Minister may issue a licence to a person to possess specified species and quantities of live invasive fish if

(a) they are a qualified fisheries researcher working in a recognized research facility;

(b) they have, and will use, the equipment and controls necessary to protect against any release of invasive fish into Ontario waters; and

(c) the purpose of their possession is for scientific research on the potential impact of the species in Ontario, the mitigation of those impacts or the prevention or control of their spread."

Under 1(1) "invasive fish" means a fish of a species set out in Part 3 of Schedule 1.

Pennsylvania:

Noxious Weeds: 7 Pa Code 110.1

"It is illegal to propagate, sell or transport the following weeds in the Commonwealth..."

58 Pa. Code 63.19. Sale and purchase of fish.

"(a) Except as otherwise provided in subsection (d), it is unlawful for a person to sell, purchase, offer for sale or exchange or export for consideration, trade or barter any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish caught or taken from the waters of this Commonwealth.

(b) Except as otherwise provided in subsection (d), it is unlawful for a person to take, catch, kill or possess any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish, for the purpose of selling the fish or offering it for sale.

(c) In prosecutions for violation of this section, there shall be a rebuttable presumption that a species of fish that occurs within the waters of this Commonwealth was taken or caught from Commonwealth waters. A receipt or other document showing the lawful origin of the fish from waters in a state other than this Commonwealth or from an artificial propagator or dealer in live aquatic organisms registered in this Commonwealth, shall be sufficient to rebut the presumption created in this subsection.

(d) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Chapter 42 (relating to aquacultural development), if the fish are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 of the code (relating to special licenses and permits), if the fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale of mounted fish.”

Injurious, Nonnative Aquatic Species:

58 Pa. Code 63.46

“It is unlawful for a person to sell, purchase, offer for sale or barter the following live species in the Commonwealth:”

58 Pa. Code 71.6

“(A) [I]t is unlawful to introduce or import grass carp into this Commonwealth. (B) It is unlawful to introduce tilapia, including blue tilapia hybrids, into the waters of this Commonwealth...(D) It is unlawful to possess the following live species in the Commonwealth. It is unlawful to introduce or import the following live species into the waters of this Commonwealth: snakehead, black carp, etc...”

58 Pa. Code 73.1

“(D) Transportation of the following live species in or through this Commonwealth is prohibited: snakehead, black”

[58 PA. CODE CH. 137] Importation of Wildlife

[33 Pa.B. 1471]

Annex A

TITLE 58. RECREATION

PART III. GAME COMMISSION

CHAPTER 137. WILDLIFE

§ 137.1. Importation, sale and release of certain wildlife.

“(a) Unless otherwise provided in this section or the act, it is unlawful for a person to import, possess, sell, offer for sale or release within this Commonwealth the following animals or birds or the eggs of the birds or a crossbreed or hybrid of the animals or birds, which are similar in appearance:

.... (5) In the family Capromyidae. The nutria.”

Quebec:

Règlement de pêche du Québec (Fishing regulation of Québec), annexe XXVIII: it is forbidden to use specific species as baits: sea lamprey, tench, goldfish and round goby

Règlement sur l'aquaculture et la vente de poissons (Regulation on aquaculture and the commercial selling of fish), art. 30, section VII: it is forbidden to sell tench.

Wisconsin:

Administrative Code and Register

NR 109.07 (2) “The following aquatic plants are designated as invasive aquatic plants statewide: Eurasian water milfoil, curly leaf pondweed and purple loosestrife.”

NR 109.08 “(1) No person may distribute an invasive aquatic plant under s. MR 109.07. (2) No person may intentionally introduce Eurasian water milfoil, curly leaf pondweed or purple loosestrife into waters of this state without the permission of the department... (4)(a) No person may place equipment used in aquatic plant management in a navigable water if the person has reason to believe that the equipment has any aquatic plants or zebra mussels attached.”

Proposed regulations are available at: http://dnr.wi.gov/invasives/classification/classification_table.htm.

Federal:

Noxious Weed List: 7 U.S.C. 2801 *et seq* (as amended)

Movement of Noxious Weeds Into or Through the U.S. No person may import or move any noxious weed identified by regulations of the Secretary into or through the U.S. except in compliance with the regulations, which may require that permits be obtained. No person may knowingly sell, purchase, barter, exchange, give, or receive any noxious weed moved in violation of these provisions or deliver or receive for transportation any advertisement to sell, purchase, barter, exchange, give, or receive a noxious weed whose movement is prohibited. § 2803.

The Secretary may promulgate inspection and quarantine regulations to prevent the dissemination of noxious weeds. The Secretary may temporarily quarantine any state, territory, or district or any portion, and may prohibit the interstate movement of any products from the quarantined area. Quarantine regulations expire 90 days after promulgation unless the Secretary determines, after a public hearing, that a quarantine and regulations are necessary to protect agriculture, commerce, wildlife resources, or the public health. § 2804.

Lacey Act Injurious Wildlife: 50 C.F.R. §16.1 *et seq*

Species listed as injurious (including their gametes and viable eggs) may not be imported into the United States or transported between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico or any territory or possession of the United States by any means without a permit issued by the Service. Regulation of transport or use within a State is the responsibility of each State. Possession of a species, within State boundaries, is also the responsibility of each State and is not regulated by an injurious wildlife listing.

Great Lakes Prohibited Species List - Aquatic Plants

November 26, 2008

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N |
|----|--|---|----|----|-----------------|---------------|----|----|-----|----|-----|-----------------|-----|---------|
| 1 | Common name | Genus species | IL | IN | MI ¹ | MN | NY | OH | ONT | PA | QBC | WI ¹ | Fed | Chicago |
| 2 | Anchored water hyacinth | <i>Eichhornia azurea</i> | x | | | x | | | | | | | x | |
| 3 | Arrowhead | <i>Sagittaria sagittifolia</i> | x | | | x | | | | | | | x | |
| 4 | Arrowleaf false pickerelweed | <i>Monochoria hastata</i> | x | | | x | | | | | | | x | |
| 5 | Asian marshweed | <i>Limnophila sessiliflora</i> | x | | | x | | | | | | c | x | |
| 6 | Australian stoncrop, swamcrop, New Zealand | <i>Crassula helmsii</i> | x | | | x | | | | | | p | | |
| 7 | Brazilian elodea, waterweed | <i>Egeria densa</i> | x | x | x | r | | | | | | p | | x |
| 8 | Brittle water nymph | <i>Najas minor</i> | x | | | x | | | | | | p | | |
| 9 | Bur reed | <i>Sparganium erectum</i> | x | | | x | | | | | | | x | |
| 10 | Chameleon | <i>Houttuynia cordata</i> | x | | | | | | | | | | | x |
| 11 | Chinese waterspinach (swamp morning glory) | <i>Ipomoea aquatica</i> | x | | | r | | | | | | c | x | x |
| 12 | Curly-leaf pondweed | <i>Potamogeton crispus</i> | x | | x | x | | | | | | x (r) | | |
| 13 | Cylindro (cyanobacteria) | <i>Cylindrospermopsis raciborskii</i> | x | | | | | | | | | p | | |
| 14 | Didymo, rock snot | <i>Didymosphenia geminata</i> | x | | | | | | | | | p | | |
| 15 | Dotted duckweed | <i>Landoltia punctata</i> | x | | | | | | | | | c | | |
| 16 | Duck lettuce | <i>Ottelia alismoides</i> | x | | | x | | | | | | c | x | |
| 17 | Eurasian water milfoil | <i>Myriophyllum spicatum</i> | x | | x | x (+ hybrids) | | | | | | x (+ hybrids) | | x |
| 18 | European frogbit | <i>Hydrocharis morsus-ranae</i> | x | | x | x | | | | | | p | | x |
| 19 | Fanwort | <i>Cabomba caroliniana</i> | x | | | r | | | | | | p | | |
| 20 | Flowering rush | <i>Butomus umbellatus</i> | x | | x | x | | | | | | r | | x |
| 21 | Giant salvinia, eared watermoss | <i>Salvinia molesta, auriculata, biloba, or herzogii</i> | x | | x | x | | | | | | c | x | |
| 22 | Golden alga | <i>Prymnesium parvum</i> | x | | | | | | | | | p | | |
| 23 | Greater spearwort | <i>Ranunculus lingua</i> | x | | | | | | | | | | | |
| 24 | Heartshape false pickerelweed | <i>Monochoria vaginalis</i> | x | | | x | | | | | | | x | |
| 25 | Hydrilla | <i>Hydrilla verticillata</i> | x | x | x | x | | | | | | p | x | x |
| 26 | Indian swampweed, miramar weed | <i>Hygrophila polysperma</i> | x | | | x | | | | | | c | x | |
| 27 | Novel cyanobacteria (order Stigonematales) | <i>Stigonematales spp.</i> | x | | | | | | | | | p | | |
| 28 | Nonnative waterlilies | <i>Nymphaea spp.</i> | | | | r | | | | | | | | |
| 29 | Oxygen weed, African oxygen weed, African watercress | <i>Lagarosiphon major</i> | x | | x | x | | | | | | p | x | |
| 30 | Parrot's feather, parrot feather watermilfoil | <i>Myriophyllum aquaticum</i> | x | | x | r | | | | | | p | | x |
| 31 | Phragmites, common reed | <i>Phragmites australis</i> | x | | x | | | | | | | | | |
| 32 | Pinnate mosquito fern, water velvet, feather | <i>Azolla pinnata</i> | x | | | x | | | | | | c | x | |
| 33 | Pond water-starwort | <i>Callitriche stagnalis</i> | x | | | | | | | | | c | | |
| 34 | Purple Loosestrife | <i>Lythrum salicaria</i> | x | x | x | x (+ hybrids) | | x | | x | | x | | x |
| 35 | Starry stonewort | <i>Nitellopsis obtusa</i> | x | | | | | | | | | p | | |
| 36 | (Unknown) | <i>Limnobium spongia</i> | x | | | | | | | | | c | | |
| 37 | (Unknown) | <i>Ulva (Enteromorpha) spp.</i> | x | | | | | | | | | p | | |
| 38 | (Unknown, alga) | <i>Pfiesteria spp.</i> | x | | | | | | | | | c | | |
| 39 | Water aloe or water soldiers | <i>Stratiotes aloides</i> | x | | | x | | | | | | nr | | |
| 40 | Water chestnut | <i>Trapa natans</i> | x | | x | x | x | | | | | p | | x |
| 41 | Watercress | <i>Nasturtium officinale/Rorippa nasturtium-aquaticum</i> | x | | | | | | | | | c | | |
| 42 | Water hyacinth | <i>Eichhornia crassipes</i> | x | | | | | | | | | c | | x |
| 43 | Water lettuce | <i>Pistia stratiotes</i> | x | | | | | | | | | c | | |
| 44 | Water shamrock, European waterclover | <i>Marsilea quadrifolia</i> | x | | | | | | | | | c | | |
| 45 | Wetland nightshade | <i>Solanum tampicense</i> | x | | | x | | | | | | | x | |
| 46 | Yellow flag iris | <i>Iris pseudacorus</i> | x | | x | r | | | | | | | | x |
| 47 | Yellow floating heart | <i>Nymphoides peltata</i> | x | | x | | | | | | | p | | |
| 48 | | | | | | | | | | | | | | |
| 49 | Other Marine/Wetland Plants | | | | | | | | | | | | | |
| 50 | Caulerpa | <i>Caulerpa taxifolia</i> | x | | | x | | | | | | nr | x | |
| 51 | Giant hogweed | <i>Heracleum mantegazzianum</i> | x | | x | x | | x | | x | | | x | |
| 52 | Japanese knotweed | <i>Fallopia japonica</i> | x | | x | | | | | | | | | |
| 53 | Melaleuca, punk tree, paperbark tea tree | <i>Melaleuca quinquenervia</i> | x | | | x | | | | | | | x | |
| 54 | | | | | | | | | | | | | | |
| 55 | | | | | | | | | | | | | | |

¹ Wisconsin proposed species regulations as of 10/14/08; prohibited (p), restricted (r), caution (c), and not restricted (nr)

Great Lakes Prohibited Species List - Aquatic Plants
November 26, 2008

Cell: C1

Comment: Erika Jensen:

Illinois maintains an Aquatic Life Approved Species List - plants are marked if they do not appear on that list. Separate regulations exist for purple loosestrife.

Cell: A51

Comment: Erika Jensen:

Included as an "aquatic species" in Michigan's regulations, but listed as "terrestrial" on the Federal Noxious weed list. Prefers moist soils and can be found along stream banks.

Cell: A52

Comment: Erika Jensen:

Included as an "aquatic species" in Michigan's regulations. Known to be found along rivers and streams.

Cell: A53

Comment: Erika Jensen:

Listed as an aquatic/wetland plant on the Federal Noxious Weed list and in Michigan regulations. Found in wetland areas.

Great Lakes Prohibited Species List - Aquatic Animals
November 26, 2008

| | A | B | C | D | E | F | G | H | I | J | K | L | M | N |
|----|-------------------------------------|--|----|----|----|--------------|-----------------|----|-----|----|-----|-----------------|-----|---------|
| 1 | Common Name | Genus species | IL | IN | MI | MN | NY ¹ | OH | ONT | PA | QBC | WI ² | Fed | Chicago |
| 2 | (Asian freshwater mussel) | <i>Anodonta woodiana</i> | x | | | | | | | | | | | x |
| 3 | African clawed frog | <i>Xenopus laevis</i> | x | | | | | | | | | | | x |
| 4 | Alewife | <i>Alosa pseudoharengus</i> | | | | r | | | | | | | | |
| 5 | Arctic char | <i>Thymallus arcticus</i> | x | | | | | | | | | r | | |
| 6 | Asiatic clam | <i>Corbicula fluminea</i> | x | x | | | | | | | | x (p) | | |
| 7 | Atlantic Salmon | <i>Salmo salar</i> | x | | | | | | | | | r | | |
| 8 | Bighead carp | <i>Hypophthalmichthys nobilis</i> | x | x | x | x | r | x | x | x | | p | | x |
| 9 | Bitterling | <i>Rhodeus sericeus</i> | x | | x | | | | | | | r | | |
| 10 | Black carp | <i>Mylopharyngodon piceus</i> | x | x | x | x | x | x | x | x | | p | x | x |
| 11 | Bloody shrimp | <i>Hemimysis anomala</i> | | | | | | | | | | p | | |
| 12 | Blue catfish | <i>Ictalurus furcatus</i> | | | | | | | | | | | | |
| 13 | Brown trout | <i>Salmo trutta</i> | | | | | | | | | | r | | |
| 14 | Chinese hi-fin banded shark | <i>Myxocyprinus asiaticus</i> | x | | | | | | | | | r | | |
| 15 | Chinese mitten crab | <i>Eriocheir sinensis</i> | x | | | | x | | | | | p | x | |
| 16 | Chinese mystery snail | <i>Cipangopaludina chinensis</i> | x | | | r | | | | | | r | | x |
| 17 | Common carp, koi | <i>Cyprinus carpio</i> | | | | r | | | | x | | | | |
| 18 | Eastern banded killifish | <i>Fundulus diaphanus diaphanus</i> | x | | | | | x | | | | | | |
| 19 | Eastern mosquitofish | <i>Gambusia holbrooki</i> | x | | | | | | | | | p | | |
| 20 | Eurasian minnow | <i>Phoxinus phoxinus</i> | x | | | | | | | | | | | x |
| 21 | European perch | <i>Perca fluviatilis</i> | x | | | | | | | | | | | x |
| 22 | Faucet snail | <i>Bithynia tentaculata</i> | | | | | | | | | | p | | |
| 23 | Fish hook water flea | <i>Cercopagis pengoi</i> | x | | | | | | | | | p | | |
| 24 | Goldfish | <i>Carassius auratus</i> | | | | r | | | | x | x | | | |
| 25 | Grass carp | <i>Ctenopharyngodon idella</i> | x | x | x | x | r | x | x | x | | p | | x |
| 26 | Ide or Orfe | <i>Leuciscus idus</i> | x | | x | | | | | | | r | | |
| 27 | Japanese weatherfish, weather loach | <i>Misgurnus anguillicaudatus</i> | x | | x | | | | | | | r | | x |
| 28 | Largescale silver carp | <i>Hypophthalmichthys harmandi</i> | x | | x | | | | | | | | x | |
| 29 | Marron | <i>Cherax tenuimanus</i> | x | | | | | x | | | | | | |
| 30 | Monkey goby | <i>Neogobius fluviatilis fluviatilis</i> | x | | | | | | | | | | | x |
| 31 | New Zealand mudsnail | <i>Potamopyrgus antipodarum</i> | x | | | x | | | | | | p | | |
| 32 | Nutria | <i>Myocastor coypus</i> | x | | | | x | | | x | | | | |
| 33 | Quagga mussel | <i>Dreissena rostriformis bugensis</i> | x | x | | x (genus) | | x | | x | | r | x | |
| 34 | Rainbow smelt | <i>Osmerus mordax</i> | | | | r | | | | | | | | |
| 35 | Rainbow trout | <i>Onchorhynchus mykiss</i> | | | | | | | | | | r | | |
| 36 | Red shiner | <i>Cyprinella lutrensis</i> | | | | | | | | | | p | | |
| 37 | Redear sunfish | <i>Lepomis microlophus</i> | | | | | | | | | | r | | |
| 38 | Round goby | <i>Neogobius melanostomus</i> | x | x | x | x | x | x | x | x | x | r | | |
| 39 | Rudd | <i>Scardinius erythrophthalmus</i> | x | x | x | x | | x | x | x | | p | | |
| 40 | Ruffe | <i>Gymnocephalus cernuus</i> | x | x | x | x | | x | x | x | | r | | |
| 41 | Rusty crayfish | <i>Orconectes rusticus</i> | x | | x | r | | | | x | | r | | x |
| 42 | Salmon (pink, coho, chinook) | <i>Onchorhynchus gorbuscha, kisutch, tshawytscha</i> | | | | | | | | | | r | | |
| 43 | Sea lamprey | <i>Petromyzon marinus</i> | x | | | x | | x | | | x | r | | |
| 44 | Silver carp | <i>Hypophthalmichthys molitrix</i> | x | x | x | x | x | x | x | x | | p | x | x |
| 45 | Snakehead | genera <i>Channa, Parachanna, Bostrych</i> | x | x | x | x (northern) | x | x | x | x | | p | x | x |
| 46 | Spiny water flea | <i>Bythotrephes longimanus (Bythotrephes)</i> | x | | | r | | | | | | p | | |
| 47 | Tench | <i>Tinca tinca</i> | x | | x | | | | | | x | p | | |
| 48 | Three spine stickleback | <i>Gasterosteus aculeatus aculeatus</i> | x | | | | | x | | | | r | | |
| 49 | Tiger trout | <i>Salvelinus fontinalis x Salmo trutta</i> | x | | | | | | | | | r | | |
| 50 | Tilapia | <i>Tilapia sp.</i> | x | | | r | | | | x | | r | | |
| 51 | Tubenose goby | <i>Proterorhinus marmoratus</i> | x | x | x | x | | x | x | x | | r | | |
| 52 | Water flea | <i>Daphnia lumholtzi</i> | x | | | | | | | | | p | | |
| 53 | Walking catfish | family <i>Clariidae</i> | x | x | | | | x | | | | | x | |
| 54 | Western mosquitofish | <i>Gambusia affinis</i> | | | | | | | | | | p | | |
| 55 | White perch | <i>Morone americana</i> | x | x | | x | | x | | | | r | | |
| 56 | White sturgeon | <i>Acipenser ruthenus</i> | x | | | | | | | | | r | | |
| 57 | Yabbie | <i>Cherax destructor</i> | x | | | x | | x | | | | p | | |
| 58 | Zander | <i>Sander lucioperca</i> | x | x | | x | | | | | | p | | |
| 59 | Zebra mussel | <i>Dreissena polymorpha</i> | x | x | | x (genus) | x | x | | x | | r | x | |
| 60 | | | | | | | | | | | | | | |
| 61 | | | | | | | | | | | | | | |
| 62 | | | | | | | | | | | | | | |

¹it is illegal to release any live animal without a permit in the state

²Wisconsin proposed species regulations as of 10/14/08; prohibited (p), restricted (r), caution (c), and not restricted (nr)

Aquaculture species, regulations only reflected for Wisconsin

Great Lakes Prohibited Species List - Aquatic Animals
November 26, 2008

Cell: C1

Comment: Erika Jensen:

Illinois maintains an Aquatic Life Approved Species List - species are marked if they do not appear on that list. More stringent penalties exist for bighead, black and silver carp; mitten crabs; round and tubenose gobies; rudd; ruffe; rusty crayfish; snakehead; walking catfish; and zebra mussel.

Cell: J17

Comment: Erika Jensen:

Prohibited for use as a bait fish

Cell: J24

Comment: Erika Jensen:

Prohibited for use as a bait fish

Cell: K24

Comment: Erika Jensen:

Goldfish is prohibited for use as a bait fish

Cell: D25

Comment: Erika Jensen:

Grass carp is regulated under Indiana's aquaculture permit. Diploid is regulated more stringently than triploid.

Cell: H25

Comment: Erika Jensen:

Diploid is prohibited, triploid is allowed with a permit

Cell: J25

Comment: Erika Jensen:

Diploid grass carp are prohibited, triploid grass carp are allowed with a permit

Cell: B38

Comment: Ichadderton:

Stepien proposes a name change from *Neogobius* to *Apollonia* see <http://www.utoledo.edu/as/lec/pdfs/goby/StepienTumeo2006.pdf>

Cell: K38

Comment: Erika Jensen:

Round goby is prohibited for use as a bait fish

Cell: K43

Comment: Erika Jensen:

Sea lamprey is prohibited for use as a bait fish

Cell: B46

Comment: Ichadderton:

Therriault et al 2002 Diversity and distributions 8(2)67-84. genetic study indicates all *Bythotrephes* in GL's should be considered *B. longimanus*, and that there is little genetic difference between *longimanus* form and *B. cederstroemii* form suggesting they are a common species. However both species still listed as valid by ITIS

Cell: K47

Comment: Erika Jensen:

Tench is prohibited for sale and for use as a bait fish

Cell: B51

Comment: Ichadderton:

Synonyms and Other Names: *Proterorhinus semilunaris*, proposed by Stepien and Tumeo 2006

Cell: B58

Comment: Ichadderton:

Stizostedion lucioperca is a synonym of Sander.