



# Great Lakes Crayfish Regulation

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## Great Lakes Crayfish Regulation

### Executive Summary

Crayfish regulations vary widely around the Great Lakes Region. This can create confusion among industry, land managers, and outreach professionals. The lack of regulatory uniformity within the Great Lakes Basin makes the entire Basin vulnerable to invasions of non-native crayfish through states with permissive regulations. To help Illinois-Indiana Sea Grant and its project partners make progress toward regulatory uniformity, the National Sea Grant Law Center (NSGLC) summarized regulations for crayfish in the Great Lakes Region (Minnesota, Wisconsin, Illinois, Indiana, Michigan, Ohio, Pennsylvania, New York). Information was compiled through traditional research methods using legal databases such as Westlaw and state agency websites. The NSGLC solicited feedback from state invasive species coordinators on research results to ensure accuracy and completeness. The brief regulatory summaries for each state are below.

The NSGLC also created one-page summaries for four species of regulated crayfish: yabby, marbled crayfish, red swamp crayfish, and rusty crayfish. The yabby and marbled crayfish summaries were originally created as part of a project for the Great Lakes Fishery Commission in 2019 and updated for this project. Each summary includes two maps and one table. The first map represents the classification of the species in the state as either “prohibited,” “restricted,” or “not listed.” A second map seeks to illustrate whether all, some, or none of the activities of concern are regulated in each jurisdiction. A table below the maps identifies the specific activity restrictions for each species in the states and provinces. These are attached as an appendix.

There are significant variabilities among the Great Lakes states regarding the listing of crayfish species. Some states have a general prohibition on live crayfish, while others list specific species as prohibited or restricted. Classifications and restrictions for each species may also vary. For example, a species may be designated as “prohibited,” but that may not mean that all high-risk activities (e.g. sale, trade, possession) are prohibited within the state. In addition, some states have chosen to directly regulate certain species by pathway, such aquaculture and bait. These variabilities among the states can complicate enforcement of state laws and regulations.



## Illinois Crayfish Regulation

The Illinois Department of Natural Resources (IDNR) has primary authority in the state to regulate aquatic species, including crayfish. Under state law, it is illegal to possess, transport, or release live “injurious species” (515 Ill. Comp. Stat. Ann. 5/10-100). State regulations prohibit possession, propagation, purchase, sale, or barter of injurious species, as well as the offer to buy, sale, barter, transport, trade, transfer, or loan injurious species. (17 Ill. Admin. Code § 805.30). Injurious species include those on the federal injurious species list (50 CFR § 16.11-15) and species listed in 17 Ill. Adm. Code 805.20. (17 Ill. Adm. Code § 805.10). **Yabby** and **Rusty crayfish** are listed as injurious species. Possession of live **rusty crayfish** is prohibited except by holders of an approved aquaculture permit with a letter of authorization to import/possess this species. (17 Ill. Admin. Code § 805.20).

IDNR maintains an approved species list identifying species approved for aquaculture, transportation, stocking, importation, and possession. (Ill. Admin. Code tit. 17, § 870.10). There are four native crayfish species listed on the approved list: **White River crayfish, papershell crayfish, northern crayfish, and devil crayfish.**

[https://www.ifishillinois.org/programs/aquaculture/aquatic\\_approved\\_species.pdf](https://www.ifishillinois.org/programs/aquaculture/aquatic_approved_species.pdf)

Live species not on the approved list may not be imported or possessed without authorization from IDNR. (Ill. Admin. Code tit. 17, § 870.10). Release of species not on the list requires a Restricted Species Transportation Permit. (Ill. Admin. Code tit. 17, § 870.50). There are permit exemptions for:

- aquarists/hobbyists if the aquatic life are not offered for sale, trade or barter and the aquarist/hobbyist activity does not violate other aquatic life regulations and the facilities are operated in a manner to prevent escape;
- the aquarium industry (regulated and licensed by the Department of Agriculture under the Animal Welfare Act); or
- State agencies or universities.

Exemptions do not apply to: injurious species or VHS susceptible species or species from VHS affected regions without a Fish Health Certificate. (17 Ill. Admin. Code § 870.80).

### **Bait/Harvest**

Aquatic species on the approved list may be used as bait, but only on waters where collected. Dead crayfish of any species, excluding endangered or threatened species, may be used as bait. Crayfish taken with a sportfishing license may only be taken for personal use, and may not be sold or bartered. Only those possessing a valid commercial fishing license may harvest and sell crayfish from designated waters.



## Indiana Crayfish Regulation

The Indiana Department of Natural Resources, Division of Fish and Wildlife (DNR) has primary authority to regulate aquatic species. Indiana does not have a blanket prohibition on the import/sale of nonnative species. **Rusty crayfish and red swamp crayfish** are not currently regulated but are identified as a “species of concern.” <https://www.in.gov/dnr/rules-and-regulations/invasive-species/aquatic-invasive-species-invertebrates/>

### **Bait/Harvest**

Live minnows and crayfish may be sold as live bait under a bait dealers license. (Ind. Code Ann. § 14-22-16-2). A permit is required for possession at one time of more than 500 live crayfish not intended for sale or barter for live bait. (Ind. Code Ann. § 14-22-16-4). A bait dealer may not transport or hold live crayfish in Indiana for any purpose in a manner or under the conditions that cause unnecessary loss and death. (Ind. Code Ann. § 14-22-9-4). A person may not transport outside Indiana more than 100 crayfish in a twenty-four hour period. This transport restriction is not applicable to those raising crayfish in private waters. (Ind. Code Ann. § 14-22-9-5; 312 Ind. Admin. Code 9-9-2). DNR has promulgated rules on the take of crayfish, including methods (312 Ind. Admin. Code 9-9-2).



## Michigan Crayfish Regulation

State law prohibits anyone from selling or offering for sale or possession for the purpose of selling or offering for sale live, non-native aquatic organisms in Michigan without permission from the Department of Natural Resources (DNR). (Mich. Comp. Laws Ann. § 324.41329). State law prohibits possession, import, sale, or offer for sale of live prohibited or restricted species, except under certain circumstances. Mich. Comp. Laws Ann. § 324.41301 et seq.

**Red swamp crayfish**, **yabby** and **marbled crayfish** are listed as prohibited species in Michigan. **Rusty crayfish**, which are listed as restricted in the state, may be harvested for personal consumption; however, they are illegal to commercially take, possess, or sell. (Fisheries Order 249.15; DNR Invasive Species Order 40.1, [amended](#)). Approved species for aquaculture include the following species of crayfish: *Orconectes immunus*, *O. propinquus*, *O. virilis*, *Cambarus bartonii*, *C. robustus*. (Mich. Comp. Laws Ann. § 286.875). *Please note, non-cave dwelling crayfish belonging to the genus Orconectes were reclassified and labeled under the genus Faxonius in 2017.*

### Bait/Harvest

State law requires a license or permit for the take, possession, import, or export of crayfish as bait. There are exceptions for charter fishing guides. (Mich. Comp. Laws Ann. § 324.48729). DNR may develop rules for the take of crayfish from designated waterbodies. (Mich. Comp. Laws Ann. § 324.48730.)

Crayfish species not native to Michigan waters, including (but not limited to) **red swamp crayfish** (*Procambarus clarkii*) may not be used for bait, whether alive or dead, on any waters whether those waters are public or private. However, **rusty crayfish** may be harvested live for personal consumption, or harvested and used as bait if they are dead. On Michigan-Wisconsin boundary waters, crayfish may not be possessed or used for bait, whether alive or dead. Native crayfish may be harvested in all waters as long as the water body is open to fishing. In designated trout waters, crayfish may only be taken during the fishing season for trout. Anglers may use traps, nets, hook-and-line or hands to harvest crayfish. All crayfish traps must bear the owner's name and address. There is no minimum size limit or possession limit. ([Fisheries Order 249.15](#)).



## Minnesota Crayfish Regulation

The Minnesota Department of Natural Resources (DNR) has regulatory authority over aquatic plants and animals and terrestrial vertebrates. Minnesota law classifies invasive species according to a four-tier system: prohibited, regulated, unregulated nonnative species, or unlisted nonnative species.

State law prohibits possession, import, purchase, sale, propagation, transport, or introduction of prohibited invasive species without a permit for disposal, control, research, or education. (Minn. Stat. Ann. § 84D.05; Minn. Stat. Ann. § 84D.11). Several exemptions apply to the requirement for a prohibited invasive species permit.<sup>1</sup> (Minn. Stat. Ann. § 84D.05) The DNR has a prohibited species list (Minn. R. 6216.0250). Crayfish on the prohibited list include: **red swamp crayfish** and **yabby** (*Cherax destructor*). However, DNR is authorized to issue a permit for the import, purchase, and possession of dead (frozen and/or pre-cooked) **red swamp crayfish**. (<https://files.dnr.state.mn.us/eco/invasives/2022-dead-crayfish-general-permit.pdf>) (DNR has a proposed regulation for adding marbled crayfish to its prohibited list, but the regulation has not yet been finalized. 2022 MN REG TEXT 627940 (NS))

It is legal to possess, sell, buy, and transport regulated invasive species. A permit is required to introduce regulated invasive species into public waters. (Minn. Stat. Ann. § 84D.07). **Rusty crayfish** are on the regulated species list. (Minn. R. 6216.0260). It is illegal to import live crayfish or crayfish eggs into the state except by written permit. The commissioner of the DNR may issue a permit to import live crayfish for aquarium sales for species that cannot survive in Minnesota. (Minn. R. 6259.1000 (4)).

### Bait/Harvest

The DNR has season and size restrictions for the take of crayfish (Minn. R. 6259.0100). Crayfish may not be sold for live bait. (Minn. R. 6259.0200). Dead crayfish or the shells or meats of crayfish may not be returned to the water or deposited on any shoreline or adjacent area. (Minn. R. 6259.0400). The transportation of any crayfish from one body of water to another within the state is prohibited, except by written permission from the commissioner. (Minn. R. 6259.0500). The placement in waters of the state of any crayfish imported from outside the

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<sup>1</sup> Activities authorized without a permit, include but are not limited to:; transport the invasive species to the Minnesota DNR, 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; transport prohibited invasive species for disposal as part of a harvest or control activity under a permit issued by the Commissioner according to section 103G.615 or as specified by the Commissioner; transport prohibited invasive species for disposal as specified under a commercial fishing license issued by the Commissioner; and immediately return prohibited invasive species that are removed from watercraft and equipment, or caught while angling, to the water from which they came.



state is prohibited, except under permit by the commissioner. (Minn. R. 6259.0600). A person possessing a valid resident or nonresident angling license may take and possess no more than 25 pounds of live, whole freshwater crayfish for personal use (sale is prohibited). Live crayfish taken may be used as bait only in the body of water where taken. (Minn. R. 6259.0800). A permit is required to harvest crayfish for sale. (Minn. R. 6259.0900). The DNR has permit conditions for commercial crayfish operations (Minn. R. 6259.1000).



### **New York Crayfish Regulation**

New York does not have a blanket prohibition on the import/sale of nonnative species. Under state law, prohibited species cannot be sold, imported, purchased, or possessed with intent to sell, import, or purchase. (N.Y. Comp. Codes R. & Regs. tit. 6, § 575.3). **Rusty Crayfish** are listed as prohibited. (N.Y. Comp. Codes R. & Regs. tit. 6, § 575.3).



## Ohio Crayfish Regulation

Ohio does not have a blanket prohibition on the import/sale of nonnative species. State law prohibits possession, import, or sale of live listed species. (Ohio Admin. Code 1501:31-19-01). The Ohio Department of Natural Resources, Division of Wildlife (DNR) has the authority to establish the list. (Ohio Admin. Code 1501:31-19-01). Three crayfish species have been listed by DNR: **Marbled Crayfish, Marron, Yabby**.

*In January 2024, new DNR regulations will go into effect, and **red swamp crayfish** will be added to the list (Ohio Admin. Code 1501:31-1-02); however, **red swamp crayfish** may be imported or harvested from the wild and possessed alive for consumption as long as they are killed within 48 hours of receipt or possession in Ohio. The new regulation will also make it possible to possess injurious aquatic species for research by zoos, public aquariums, and public displays with written authorization if the species are headless, preserved in ethanol or formaldehyde or eviscerated. (regulation will be Ohio Admin. Code 1501:31-19-01 (A)(B)). It will be unlawful for any person to possess, import, or sell exotic species of aquatic invertebrates, including crayfish, 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. For purposes of this rule, "exotic species of fish or aquatic invertebrates" are those species of fish and aquatic invertebrates which are not naturally found in the waters of the state of Ohio. (regulation will be [Ohio Admin. Code 1501:31-19-01 \(D\)](#))*

For areas owned or controlled by the Division of Wildlife, it is unlawful to transport and introduce any aquatic species (fish, invertebrate, plant) from any state fish hatchery; DNR-supervised beaches, the boundaries of which are posted with "no fishing" signs; or wildlife ponds located on state-owned or controlled areas which are posted with state signs reading, "no fishing." (Ohio Admin. Code 1501:31-13-07)

### **Bait/Harvest**

A bait permit is required for a person to buy, sell, or deal in crayfish. (Ohio Rev. Code Ann. § 1533.40). DNR has established regulations for the take of crayfish (Admin. Code 1501:31-13-04). It is unlawful for any person except licensed bait dealers to possess more than 100 crayfish, or in combination 500 crayfish, minnows, and other baitfish. (Ohio Admin. Code 1501:31-13-04).



## Pennsylvania Crayfish Regulation

The Pennsylvania Fish and Boat Commission (PFBC) is charged with managing most AIS in the state, with the Pennsylvania Department of Aquaculture managing some invasive aquatic plants.

It is unlawful to sell, purchase, offer for sale, barter, possess, introduce, or import all species of live crayfish in Pennsylvania except when used: as bait on, in, or about the water from which taken; for testing and scientific purposes; for restaurant consumption when adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. (58 Pa. Code § 63.46; 58 Pa. Code § 71.6).<sup>2</sup> (See footnotes for updated regulation as of January 1, 2024.)

### *AIS action plan*

The PFBC works to limit the spread of AIS by developing control plans to manage, contain, or eliminate AIS. The PFBC has developed plans for the rusty crayfish and the red swamp/white river crayfish.

- **Rusty Crayfish** <https://www.fishandboat.com/Conservation/Plans/Documents/ais-control-plan-rusty-crayfish.pdf>
- **Red Swamp/White River Crayfish** <https://www.fishandboat.com/Conservation/Plans/Documents/ais-control-plan-swamp-river-crayfish.pdf>

### **Bait/Harvest**

Live crayfish may be possessed and used as bait on, in, or about the water from which taken. 58 Pa. Code § 71.6(10). Guidance from the DNR Fishing Summary Book states the head must be removed prior to transport.

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<sup>2</sup> DNR new regulations coming into effect on Jan 1, 2024 which will merge 58 Pa. Code 71 and 73 into "Chapter 71a." Sections 58 Pa. Code 71a.11 (will replace 71.6).



## Wisconsin Crayfish Regulation

The Wisconsin Department of Natural Resources (DNR) has primary authority in the state to regulate aquatic species, including crayfish. With certain exceptions, no one may transport, possess, transfer, or introduce live prohibited invasive species identified or listed in state regulation. (Wis. Admin. Code NR § 40.04). All live non-native crayfish are prohibited species in Wisconsin (Wis. Adm. Code s. NR 40.04(2)(c)(12)). There is an exception for the non-native **rusty crayfish**, which is considered an “established non-native crayfish” and is classified as “restricted.” (Wis. Admin. Code NR § 40.05(2)(c)). No one may transport, possess, transfer, or introduce a restricted invasive fish or crayfish species identified or transport, transfer or introduce any other restricted invasive species identified or listed. (Wis. Admin. Code NR § 40.05). “Transfer” means to buy, sell, trade, barter, exchange, give or receive or to offer to buy, sell, trade, barter, exchange, give or receive. (Wis. Admin. Code NR § 40.02). “Transport” means to cause, or attempt to cause, an invasive species to be imported or carried or moved within the state, and includes accepting or receiving a specimen for the purpose of transportation or shipment. (Wis. Admin. Code NR § 40.02). DNR may grant an invasive species permit to possess restricted crayfish for educational or public display purposes.

### Native Crayfish of Wisconsin – Lawful to Possess

<b>Common Name</b>	<b>Scientific Name(s)</b>
Devil crayfish	<i>Cambarus diogenes</i>
Calico crayfish	<i>Orconectes immunis</i> or <i>Faxonius immunis</i>
Northern Clearwater crayfish	<i>Orconectes propinquus</i> or <i>Faxonius propinquus</i>
Virile crayfish	<i>Orconectes virilis</i> or <i>Faxonius virilis</i>
White River crayfish	<i>Procambarus acutus</i>
Prairie crayfish	<i>Procambarus gracilis</i>

### Bait/Harvest

While it is normally not permitted to harvest an animal and then keep it alive, state law specifically allows a person to retain a live native crayfish (“arthropod”) without obtaining a license or other approval if the wild animals are not endangered or threatened species. (Wis. Stat. Ann. § 169.04).

Native crayfish may be captured according to the rules in NR 19.27, which covers seasons, methods of harvest, and bag limits. The daily lift requirement not applicable to Tribal treaty rights participants except when the traps are placed in streams containing trout.) (Wis. Admin. Code NR § 13.12). A fishing license or small game license is required to collect or harvest crayfish from the wild by any person age 16 or older.

Live crayfish may not be used as bait in Wisconsin except on the Mississippi River. (Wis. Admin. Code NR § 40.07; Wis. Admin. Code NR § 19.27(4)(a)). Possession of live crayfish and fishing



equipment at the same time is prima facie evidence of violation of this prohibition. (Wis. Admin. Code NR § 19.27). A bait dealer license is required to sell crayfish (live or dead) as bait for fishing. (Wis. Stat. Ann. § 29.509).

## Crayfish in the Great Lakes

# Marmorkreb (Marbled Crayfish)

*Procambarus fallax forma virginalis*

### Classification



- = Prohibited
- = Restricted
- = Not Listed

### Activities Prohibited



- = All 8
- = Some
- = None

“Prohibited” means different things in different jurisdictions. While possession, sale, and release is expressly illegal in all states where marmorkreb is listed as prohibited, jurisdictions may be silent on other activities such as transport, purchase, or import.

Sell	Offer for Sale	Purchase	Transport	Import	Barter, Gift, Trade, Transfer	Possession	Release	Propagation	Lease, Loan
MI, OH, PA, WI	MI, PA, WI	PA, WI	MN, PA, WI	IL, MI, MN, OH, PA, WI	MI, PA, WI	IL, MI, OH, PA, WI	MI, MN, PA, WI	N/A	N/A
4	3	2	3	6	3	5	4	0	0

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# Crayfish in the Great Lakes

## Red Swamp Crayfish

*Procambarus clarkii*

### Classification



- = Prohibited
- = Restricted
- = Not Listed

### Activities Prohibited



- = All 8
- = Some
- = None

“Prohibited” means different things in different jurisdictions. While possession, sale, and release is expressly illegal in all states where red swamp crayfish is listed as prohibited, jurisdictions may be silent on other activities such as transport, purchase, or import.

Sell	Offer for Sale	Purchase	Transport	Import	Barter, Gift, Trade, Transfer	Possession	Release	Propagation	Lease, Loan
MI, MN, PA	MI, PA	MN, PA	MN, WI, PA	IL, MI, MN, PA	PA, WI	IL, MI, MN, PA, WI	MN, PA, WI	MN	N/A
3	2	2	3	4	2	5	3	1	0

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# Crayfish in the Great Lakes

## Rusty Crayfish

*Faxonius rusticus*

### Classification



- = Prohibited
- = Restricted
- = Not Listed

### Activities Prohibited



- = All 8
- = Some
- = None

“Prohibited” means different things in different jurisdictions. While possession, sale, and release is expressly illegal in all states where rusty crayfish is listed as prohibited, jurisdictions may be silent on other activities such as transport, purchase, or import.

Sell	Offer for Sale	Purchase	Transport	Import	Barter, Gift, Trade, Transfer	Possession	Release	Propagation	Lease, Loan
MI, MN, NY, PA	MI, PA	MN, NY, PA	MN, PA, WI	IL, MI, MN, NY, PA	PA, WI	IL, MI, MN, PA, WI	MN, PA, WI	N/A	N/A
4	2	3	3	5	2	5	3	0	0

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# Crayfish in the Great Lakes

# Yabby

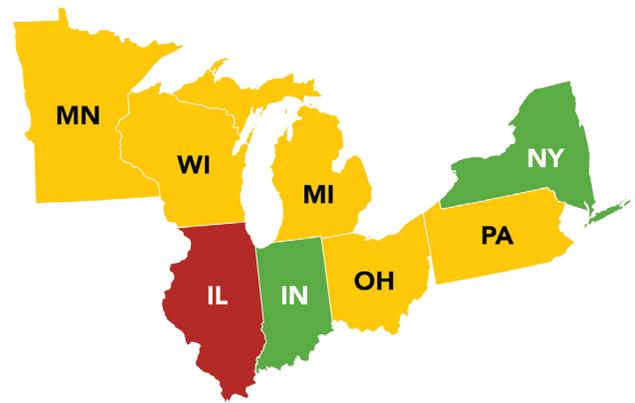
*Cherax destructor*

## Classification



- = Prohibited
- = Restricted
- = Not Listed

## Activities Prohibited



- = All 8
- = Some
- = None

“Prohibited” means different things in different jurisdictions. While possession, sale, and release is expressly illegal in all states where yabby is listed as prohibited, jurisdictions may be silent on other activities such as transport, purchase, or import.

Sell	Offer for Sale	Purchase	Transport	Import	Barter, Gift, Trade, Transfer	Possession	Release	Propagation	Lease, Loan
IL, MI, MN, OH, PA, WI	IL, MI, PA, WI	IL, MN, PA, WI	IL, MN, PA, WI	IL, MI, MN, OH, PA, WI	IL, PA, WI	IL, MI, MN, OH, PA, WI	IL, MI, MN, PA, WI	IL, MN	IL
6	4	4	4	6	3	6	5	2	1

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