

Aquaculture Regulation *in the* Great Lakes



Table of Contents

Executive Summary	1
I. Aquaculture Permit	2
II. Aquaculture Species	7
III. Scope of Aquaculture Requirements	10
Possession	10
Transport	11
Import	13
Sale	15
IV. Health Requirements	17
V. Other Major Permit Requirements	23
Water Withdrawal	23
NPDES	24
Wetlands	25
Right-to-Farm	26
Appendix A: Summary Table of Aquaculture Statutes and Regulations in Great Lakes States	28
Appendix B: Aquaculture Statutes and Regulations in Great Lakes States	48

Executive Summary

The Great Lakes Aquaculture Collaborative (GLAC) 2.0, led by Minnesota Sea Grant, received funding from the National Sea Grant Office to increase aquaculture literacy and to continue development of an environmentally responsible, competitive, and sustainable aquaculture industry in the Great Lakes region.¹ The National Sea Grant Law Center Law Center (NSGLC) joined GLAC 2.0 to provide legal research to enhance understanding of the legal framework governing aquaculture in the Great Lakes. This report and appendices provide an overview of each state's existing aquaculture laws, regulations, policies.

NSGLC conducted a legal scan of each Great Lakes state to compile and compare laws and regulations related to land-based aquaculture. This scan involved an examination of state laws relating to aquaculture permitting requirements, approved and prohibited species, and health requirements. The scan also included select state environmental laws, regulations, and permits that may be implicated in aquaculture production, including water withdrawal, pollutant discharge, wetlands, and Right-to-Farm laws.

The legal scan was conducted using traditional legal research methods and online databases (e.g., Westlaw, state websites) to identify relevant statutes and regulations for each state. Upon completion of the legal scan, the resulting state summaries were sent to state agencies contacts for review to ensure accuracy and completeness. The identification and compilation of the specific statutory and regulatory provisions enacted in each state is an essential first step towards understanding the state of law across the country. The spreadsheet incorporating these provisions is attached in Appendix A. The compilation of state laws relating to aquaculture permitting requirements, approved or prohibited species, and health requirements is attached in Appendix B.

The NSGLC then conducted an analysis of the compiled state statutes, regulations, and policies to identify the range of different approaches taken. Each section below compares the state requirements by category. Section 1 compares what type of base permit or license is required to begin aquaculture operations in the state. Section 2 examines the approved and prohibited species in the states. Section 3 looks at the scope, or coverage, of the aquaculture requirements by activity: possession, transport, import, and sale. Section 4 considers the health certifications required in each state, including VHS Requirements and testing/certification. Finally, Section 6 examines environmental permitting regarding water withdrawal, NPDES requirements, wetlands permitting, and Right-to-Farm laws.

¹ This report was prepared by the National Sea Grant Law Center using Federal funds under NA22OAR4170627 from the National Oceanic and Atmospheric Administration Sea Grant College Program, U.S. Department of Commerce through a subaward from the University of Minnesota (Subaward No. D010061405). The statements, findings, conclusions, and recommendations are those of the author(s) and do not necessarily reflect the views of the University of Minnesota, NOAA, or the U.S. Department of Commerce.

I. Aquaculture Permit

All nine Great Lakes states have permit requirements to engage in aquaculture and/or to establish aquaculture facilities.

Illinois

Two state agencies oversee aquaculture: the Department of Natural Resources (DNR) and the Department of Agriculture, although DNR has primary permitting authority. Illinois requires an aquaculture permit from DNR for breeding, hatching, propagation, and raising aquatic life for food or stocking purposes.² The annual fee for an aquaculture permit is \$50 and the permit expires on March 31 of each year.³

Illinois defines “aquaculture” as “the controlled breeding, hatching, propagation or raising of aquatic life by an aquaculturist.”⁴ “Aquatic life” includes approved fish, mollusks, crustaceans, algae and other aquatic plants and invertebrates. It does not include amphibians or reptiles; saltwater species commonly used as seafood that will not survive in freshwater; or any species listed as endangered or threatened under state law.⁵

Indiana

Two agencies share authority over aquaculture regulations: the Department of Natural Resources (DNR) and the State Board of Animal Health (SBOAH). A fish hauler and supplier permit from DNR is required to import, produce, or sell certain approved live fish species.⁶ The permit is not required for raising, importing, or selling live fish exclusively for use in the aquarium pet trade; or for anyone who holds a bait dealer's license under and is engaged exclusively in the sale of live fish for bait. For unapproved species of fish, an aquaculture permit from DNR is required to import, raise, sell, or transport into or within Indiana.⁷ The aquaculture permit is not required for the aquarium pet trade or for the importation of live fish exclusively for confinement and exhibition in a zoo or another public display.

Triploid and diploid grass carp require an aquaculture permit to import, produce, raise, sell, or transport triploid grass—these permits have additional conditions.⁸ The annual fee for each permit is \$15 and they both expire on December 31 of each year.

² 515 ILL. COMP. STAT. ANN. 5/20-90; ILL. ADMIN. CODE tit. 17, § 870.30.

³ ILL. ADMIN. CODE tit. 17, § 870.30.

⁴ *Id.* § 870.5.

⁵ *Id.*

⁶ 312 IND. ADMIN. CODE 9-10-14 (The list includes: Black crappie; Golden shiner; Sucker; Blue catfish; Goldfish; Walleye; Bluegill/Hybrid Bluegill; Green sunfish; Warmouth; Bluntnose minnow; Hybrid sunfish; White bass; Bowfin; Largemouth bass; White catfish; Buffalo; Mosquitofish; White crappie; Bullhead; Muskellunge; Yellow perch; Burbot; Northern pike; Common carp; Paddlefish; Brown trout; Channel catfish; Redear sunfish; Hybrid striped bass; Fathead minnow; Rock bass; Rainbow trout; Flathead catfish; Smallmouth bass; Tiger muskellunge; Freshwater drum; Striped bass; Tilapia).

⁷ *Id.* 9-10-17(a).

⁸ *Id.* 9-10-17(e)-(f).

Michigan

The Michigan Department of Agriculture and Rural Development (MDARD) issues aquaculture facility registrations for individuals to engage in aquaculture in private waters with species on the state approved list.⁹ The application fee is \$100 for a new permit and \$75 for a renewal. MDARD may also issue an aquaculture research permit for species not on the approved list; the application fee is \$250 for a new permit and \$100 for a renewal. Both expire annually on September 30th. The DNR issues permits for aquaculture used to stock public waters.

The state defines “aquaculture” as “the commercial husbandry of aquaculture species on the approved list of aquaculture species, including, but not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of aquacultural products under an appropriate permit or registration.”¹⁰ “Aquaculture facility” is defined as “a farm or farm operation engaged in any aspect of aquaculture in privately controlled waters capable of holding all life stages of aquaculture species with a barrier or enclosure to prevent their escape into waters of the state.”¹¹

Minnesota

The Minnesota Department of Natural Resources (DNR) primarily oversees aquaculture permitting. Aquaculture producers must obtain an Aquatic Farm License from the DNR for hatching, raising, rearing, and culturing private aquatic life in waters, as well as for preparing aquatic life for sale.¹² Aquatic farm licensees are subject to a pond acreage fee, the fee is charged at a rate of \$15 per 10 acres of licensed waters. There are separate applications for operations with sales less than \$200/license year and greater than \$200/license year. There are six available endorsements: License to Take Sucker Egg from Public Waters; Minnow Retailer License; Minnow Dealer License; Exporting Minnow Dealer License; Minnow Dealer, Exporting Minnow Dealer; and Minnow Retailer Vehicle Licenses; Fish Packer License.¹³

“Aquaculture” is defined as “the culture of private aquatic life for consumption or sale.”¹⁴ “Aquatic farm” is defined as “a facility used for the purpose of culturing private aquatic life in waters, including but not limited to artificial ponds, vats, tanks, raceways, other indoor or outdoor facilities that an aquatic farmer owns or where an aquatic farmer has exclusive control of, or private fish hatcheries licensed under section 97C.211 for the sole purpose of processing or cultivating aquatic life.”

⁹ MICH. COMP. LAWS §§ 286.872, 286.876-286.878.

¹⁰ *Id.* § 286.872.

¹¹ *Id.*

¹² MINN. STAT. ANN. § 17.4984.

¹³ *Id.* § 17.4988.

¹⁴ *Id.* § 17.47.

New York

The Department of Environmental Conservation (DEC) has primary authority for aquaculture permitting.¹⁵ For freshwater aquaculture, a Fish Hatchery Permit is required to operate a private commercial fish hatchery, and for the authority to propagate, raise, and sell trout or black bass fish species.¹⁶ A Trout Hatchery Permit is required for breeding and raising of specific trout species and selling hatchery-raised trout.¹⁷ A Black Bass Hatchery Permit is required for breeding and raising smallmouth bass and largemouth bass, selling hatchery-raised largemouth bass, and selling hatchery-raised smallmouth bass (except for human consumption). The license duration for all permits is January 1-December 31 each year and there is no fee. To operate a hatchery with other freshwater fish species (i.e. tilapia, white perch, etc.) a hatchery permit is not required.

The DEC may issue a fish pond license, effective for a period of five years, to the owner or lessee of a farm, which entitles the holder to manage a fish pond for the production of fish.¹⁸ If a hatchery uses outdoor earthen ponds (a water of New York), a fish stocking permit from the regional DEC fisheries office is also required.¹⁹ There is no fee for these additional licenses and the duration may be up to 5 years each.

Ohio

The Department of Natural Resources (ODNR) is the primary state agency for aquaculture permitting. Aquaculture permits are classified as either Class A or Class B.²⁰ Class A aquaculture permits are issued for operations growing aquaculture species designated as Class A by ODNR, and the annual fee is \$50. Class B permits are issued on a case-by-case basis for species designated as Class B by ODNR, and the annual fee is \$100. Unclassified species require a written request to ODNR.

“Aquaculture” is defined as “a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including, but not limited to, for the purpose of sale for consumption as food.”²¹ “Aquaculture production facility” is “a facility that has suitable infrastructure and equipment, as determined by the chief, and that is solely dedicated to the propagation and rearing of an aquaculture species.”²²

Pennsylvania

The Department of Agriculture (PDA) primarily manages aquaculture activities. Aquaculture operations must be registered with the PDA, which allows the owner to propagate, sell, and transport aquatic species listed by the Fish and Boat Commission.²³ Registration is also required to propagate aquatic reptiles and amphibians.²⁴ The registration fee is \$150 and lasts for five years.

¹⁵ N.Y. ENV'T CONSERV. LAW § 11-507.

¹⁶ *Id.* § 11-1909. Marine aquaculture is not included in this analysis.

¹⁷ Brook trout, Brown trout, Rainbow trout, Atlantic salmon, other salmonid species.

¹⁸ N.Y. ENV'T CONSERV. LAW § 11-1911.

¹⁹ *Id.* § 11-0507.

²⁰ OHIO REV. CODE ANN. § 1533.632; OHIO ADMIN. CODE 1501:31-39-01.

²¹ *Id.*

²² *Id.*

²³ 3 PA. STAT. AND CONS. STAT. ANN. §§ 4220, 4221(c).

²⁴ 58 PA. CODE § 79.8.

The state defines “aquaculture” as “a form of agriculture which is the controlled cultivation of aquatic plants, animals and microorganisms.”²⁵ “Aquatic organism” means “any plant or animal that grows or lives in or upon the water.”²⁶

Vermont

The Fish and Wildlife Department (FWD) and the Agency of Agriculture, Food, and Markets manage aquaculture activities.²⁷ The FWD issues annual propagation/breeding permits, which cost \$50 for a new permit and \$10 for a renewal.²⁸ Closed propagation systems may receive permit exemptions upon request to the FWD.²⁹ Propagation farms are defined as “lands or waters used for the propagation of fish or wild animals as provided ... ”³⁰

Wisconsin

The Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Natural Resources (WDNR) manage aquaculture operations. Annual registration with DATCP is required for aquaculture operations.³¹ Certain operations, such as rearing fish for research or educational purposes, may be exempt from registration provided certain requirements are met.³² If a fish farm uses a “natural waterbody” DATCP requires that new registrants receive a Natural Waterbody Status review from the DNR prior to registering their waterbody(s) or facility as a DATCP fish farm.³³

Aquaculture operations may be registered as Type 1, Type 2, or Type 3, authorized activities vary based on designation.³⁴ Type 1 allows raising, moving, selling, or distributing live fish. Type 1 has a \$37.50 annual fee for one fish farm registration and \$50 for two or more farms. Type 2 farms allow Type 1 activities, plus raising bait for sale or trade; raising, buying, trading, or importing live fish/fish eggs for resale, stocking, processing, or exchange; distributing fish/fish eggs outside the state. Type 3 registration allows all activities under Type 1 and 2, plus obtaining, selling or distributing live fish or fish eggs from a wild source of species susceptible to VHS. Type 2 and 3 farm annual fees range from \$125 for 1-5 farms; \$150 for 6-10 farms; \$200 for 11-20 farms; and \$300 for 20 or more farms.

²⁵ 3 PA. CONS. STAT. § 4203.

²⁶ *Id.*

²⁷ VT. STAT. ANN. tit. 10A, § 117; VT. STAT. ANN. tit. 6, § 1154a.

²⁸ VT. STAT. ANN. tit. 10, § 5207; VT. STAT. ANN. tit. 10A, § 117.

²⁹ VT. STAT. ANN. tit. 10A, § 117.

³⁰ VT. STAT. ANN. tit. § 4001.

³¹ WIS. ADMIN. CODE ATCP § 10.61.

³² *Id.* § 10.61(2).

³³ WIS. STAT. ANN. § 29.733; WIS. ADMIN. CODE § NR 19.93.

³⁴ WIS. ADMIN. CODE ATCP § 10.61.

Great Lakes States Aquaculture Lead Agencies

State	Operations Permit/License	Lead Agency
<i>Illinois</i>	aquaculture permit	Department of Natural Resources <i>dnr.aquaculture@illinois.gov</i>
<i>Indiana</i>	fish hauler & supplier or aquaculture permit	Department of Natural Resources
<i>Michigan</i>	aquaculture facility registration	Department of Natural Resources
<i>Minnesota</i>	fish hatchery permit	Department of Natural Resources
<i>New York</i>	fish hatchery permit	Department of Environmental Conservation <i>SpecialLicenses@dec.ny.gov</i>
<i>Ohio</i>	aquaculture permit	Department of Natural Resources <i>wildlife.permits@dnr.ohio.gov</i>
<i>Pennsylvania</i>	aquaculture permit	Department of Agriculture
<i>Vermont</i>	propagation permit	Fish and Wildlife Department
<i>Wisconsin</i>	facility registration	Department of Agriculture, Trade and Consumer Protection

II. Aquaculture Species

Species approved for aquaculture purposes vary by state. Some states have approved aquaculture species lists, and commercial aquaculture is limited to those species. Some states restrict or prohibit certain fish species from being imported or possessed, yet those species may be permitted for aquaculture purposes with appropriate state agency approvals.

Illinois

DNR developed and maintains an Aquatic Life Approved Species List for aquaculture, transportation, stocking, importation and/or possession in the state.³⁵ Any species not on the “Approved List” may not be imported or possessed alive without permission.³⁶ Species not on the list are considered “restricted” and require additional transport permits; these species include: live grass carp/white amur, black carp, bighead carp, silver carp, tilapia or any hybrid of these species.³⁷ Propagation of injurious species is only allowed for limited zoological, educational, medical, or scientific purposes with DNR authorization.³⁸

Indiana

Approved aquaculture species in Indiana are listed under the aquaculture regulations.³⁹ Approved species also include brown trout; hybrid striped bass; rainbow trout; tiger muskellunge; and tilapia.⁴⁰ Aquaculture of species not included on the approved list may be permitted on a case-by-case basis, and diploid and triploid grass carp will have additional permit conditions.⁴¹

Additionally, the state’s Exotic Fish Rule designates 13 species or families of invasive fish as prohibited.⁴² This rule makes it illegal to import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the listed fish; however, possession of an exotic fish is permitted under an aquaculture permit.⁴³

Michigan

Michigan lists approved species for aquaculture production in state law.⁴⁴ Only the approved species on the list are allowed for purposes of aquaculture production.⁴⁵ Indigenous species; species that have been naturalized within the waters of the state; species that could not perpetuate in the waters of the state; and species that are held in a confinement research facility for purposes of research, are included

³⁵ ILL. ADMIN. CODE tit. 17, § 870.10; [Aquatic Life Approved Species List](#), INDIANA DEP’T OF NAT. RES. (Aug. 31, 2015).

³⁶ ILL. ADMIN. CODE tit. 17, § 870.10.

³⁷ *Id.* § 870.60.

³⁸ *Id.* §§ 805.10-805.50.

³⁹ 312 IND. ADMIN. CODE 9-10-15(e).

⁴⁰ *Id.* 9-10-14.

⁴¹ *Id.* 9-10-17.

⁴² *Id.* 9-6-7.

⁴³ *Id.*

⁴⁴ MICH. COMP. LAWS ANN. § 286.875.

⁴⁵ *Id.*

on the approved species list.⁴⁶ An aquaculture research permit is available for species not on the list, if the species will be in a confined research facility.⁴⁷ Species prohibited under the Natural Resources and Environmental Protection Act are prohibited for both aquaculture or aquaculture research permits.⁴⁸

Minnesota

An aquatic farm license must list the species of aquatic life appropriate for the classification of the waters.⁴⁹ All waters licensed before July 1, 1992, under a private fish farm or fish hatchery license will be approved for species listed under current licenses if other conditions are met.⁵⁰ For example, if licensed waters are located within a 25-year floodplain and are not enclosed within a building, the species of aquatic life may be licensed at the discretion of the DNR commissioner.⁵¹ Licensed waters located outside of a 25-year floodplain or enclosed within a building may be licensed for any species, however the commissioner may deny licensing for species not native to the state.⁵²

Generally, indigenous or naturalized species are permitted. Species classified as regulated, unregulated nonnative species, or unlisted nonnative species may require additional certification. State law prohibits possession, import, purchase, sale, propagation, transport, or introduction of prohibited invasive species without a permit for disposal, control, research, or education.⁵³

New York

New York has hatchery permits for certain species: Brook trout, Brown trout, Rainbow trout, Atlantic salmon, other salmonid species, smallmouth bass, and largemouth bass.⁵⁴ A permit is not required to operate a hatchery for other freshwater fish species (i.e. tilapia, white perch, etc.) A permit is required to import or possess grass carp and hybrid grass carp.⁵⁵ Prohibited species cannot be sold, imported, purchased, or possessed with intent to sell, import, or purchase.⁵⁶

Ohio

Aquaculture permits are classified as either class A or class B.⁵⁷ Class A aquaculture species are designated by rule as a Class A aquaculture species. Class B permits are issued on a case-by-case basis. Unclassified species require a written request. It is illegal to possess, import, sell, or release into the wild listed live species in regulations.⁵⁸

⁴⁶ *Id.*

⁴⁷ *Id.* § 286.878.

⁴⁸ *Id.* § 286.875.

⁴⁹ MINN. STAT. ANN. § 17.4984.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² *Id.*

⁵³ MINN. STAT. ANN. § 84D.05, 84D.07; MINN. R. 6216.0250, 6216.0270.

⁵⁴ N.Y. ENV'T CONSERV. LAW § 11-1909.

⁵⁵ *Id.* § 11-1703.

⁵⁶ N.Y. COMP. CODES R. & REGS. tit. 6, § 575.3.

⁵⁷ OHIO REV. CODE ANN. § 1533.632; OHIO ADMIN. CODE 1501:31-39-01.

⁵⁸ OHIO ADMIN. CODE 1501:31-19-01.

Pennsylvania

The FBC issues a list of approved species for importation and propagation each year.⁵⁹ It is unlawful to propagate grass carp, diploid or triploid.⁶⁰ However, any species may be cultured in a closed system with approval from the FBC.⁶¹

Vermont

Breeders Licenses are allowed for fish species not classified as Endangered Species or Injurious Fish.⁶² Additionally, there are import and possession permit requirements for species on the restricted or prohibited species lists.⁶³

Wisconsin

Wisconsin does not have an approved aquaculture species list, however, there are import requirements for nonnative fish.⁶⁴ Nonnative fish species that are allowed to be imported for use in aquaculture are identified by the regulation. These species include arctic char, Atlantic salmon, brown trout, chinook salmon, coho salmon, rainbow trout, pink salmon, redear sunfish, tiger trout, and tilapia.⁶⁵

⁵⁹ 3 PA. CONS. STAT. ANN. § 4219; *Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions*, PENNSYLVANIA FISH & BOAT COMM'N (2024).

⁶⁰ 58 PA. CODE § 71a.3.

⁶¹ 3 PA. CONS. STAT. § 4219.

⁶² VT. STAT. ANN. tit. 10A, § 117(5)(A)(2).

⁶³ *Id.* § 121.

⁶⁴ WIS. STAT. ANN § 29.735.

⁶⁵ WIS. ADMIN. CODE NR § 40.02.

III. Scope of Aquaculture Permit Requirements

Possession

States generally authorize “possession” of approved aquaculture species in their primary aquaculture permits or facility registrations. States may have additional health certification or other requirements to possess VHS-susceptible species, which are covered in the VHS section below.

Illinois

In Illinois, any species not on the Approved List requires additional authorization to possess live.⁶⁶

Indiana

Indiana requires a separate permit to possess more than 500 crayfish or minnows at one time, if they are not intended for sale as bait.⁶⁷

Michigan

Possession is permitted under the facility registration or research permit.

Minnesota

Possession is permitted under the aquaculture facility or private hatchery permit.

New York

In New York, a permit is required to possess grass carp and hybrid grass carp.⁶⁸

Ohio

Possession is covered by the aquaculture permit.

Pennsylvania

Possession is permitted under the aquaculture permit.

Vermont

Possession is permitted under the aquaculture permit.

Wisconsin

Possession is permitted under the aquaculture permit.

⁶⁶ ILL. ADMIN. CODE tit. 17, § 870.10.

⁶⁷ IND. CODE ANN. §14-22-16-4.

⁶⁸ N.Y. ENV'T CONSERV. LAW § 11-1703.

Transport

Although states may have varying definitions, “transport” generally covers the intrastate movement of live aquaculture species. Illinois, Indiana, Michigan, and Pennsylvania authorize aquaculture permit holders to transport approved species under their permits. Aquaculture permittees in Minnesota, New York, Ohio, and Wisconsin must obtain additional transportation authorization for live species, as “transport” is not covered under their aquaculture permits. Additionally, states may have additional transport requirements for certain species.

Illinois

In Illinois, the transport of approved species is included in the aquaculture permit.⁶⁹ The transport of restricted species, either within state or importing into the state, requires a Restricted Species Transportation Permit (RSTP).⁷⁰ DNR has established specific transportation requirements for RSTPs.⁷¹ For example, triploid grass carp under 4 inches may not be transported at any time.

Indiana

The transport of approved species is included in the aquaculture permit.

Michigan

The transport of approved species is included in the aquaculture permit. After securing a permit, a person must keep records of all transportation and shipment of aquaculture species. Fish transported for stocking outside a facility registered under the Aquaculture Development Act require a Fish Stocking Permit from the MDNR.⁷²

Minnesota

A licensee may not transport aquatic life within the state without first obtaining a bill of lading or transport permit from the commissioner, and when applicable, a disease certification.⁷³ A bill of lading is required for intrastate transportation of aquatic life other than salmonids, catfish, or species on the VHS-susceptible-species list.⁷⁴ A transport permit is required for salmonids, catfish, or species on the VHS-susceptible-species list; their eggs; or their sperm and must be accompanied by certification that the source of the eggs or sperm are free of certifiable diseases.⁷⁵ However, eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or VHS may be imported, transported, or stocked into areas where the disease already been identified as present.⁷⁶ A transport permit is also required before intrastate transportation of saltwater aquatic life not exempted under

⁶⁹ 515 ILL. COMP. STAT. ANN. 5/20-90.

⁷⁰ ILL. ADMIN. CODE tit. 17, § 870.50.

⁷¹ *Id.* § 870.60.

⁷² [Fish Disease Control Order 245.21](#), Mich. DEP'T NAT. RES. (Feb. 11, 2021).

⁷³ MINN. STAT. ANN. §§ 17.4985, 17.4986.

⁷⁴ *Id.*

⁷⁵ *Id.*

⁷⁶ MINN. STAT. ANN. §§ 17.4985, 17.499(6), 97C.515.

Minn. Stat. Ann. § 17.4985.⁷⁷ The DNR has implemented VHSV surveillance zones to help regulate the movement of fish within Minnesota based on an annual surveillance program.⁷⁸

New York

New York has special provisions for the transport of trout and black bass from private hatcheries.⁷⁹ The transport of fish for placing them into water bodies of the state requires a fish health certification report.⁸⁰

Ohio

In Ohio, intrastate movement of live fish requires a Transportation Permit from ODNR.⁸¹ Currently, there are restrictions for movement within the state of VHS susceptible species. This VHS Proclamation made by the Department of Agriculture prohibits the intrastate transportation, sale, or distribution of 28 fish species susceptible to VHS in the affected region of Northern Ohio.⁸² The VHS proclamation is in effect until December 31, 2025.

Pennsylvania

The transport of approved species is included in the aquaculture permit. It is unlawful to transport or cause the transportation of VHS-susceptible species from the state's Lake Erie watershed into other watersheds unless the fish are: being transported to a disease testing facility; from a group of fish certified as having tested negative for VHS; from an artificial propagation facility certified as having tested negative for VHS; being transported to a slaughterhouse; or dead, recreationally caught fish.⁸³ It is unlawful to transport or cause the transportation of VHS-susceptible species from a VHS-affected or VHS-at risk state, except when one of the following conditions is met: the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS.⁸⁴

Vermont

Fish raised on propagation farms may be transported unaccompanied by the owner in any number and quantity, when tagged.⁸⁵ Fish accompanied by the owner may be transported without being tagged.

Wisconsin

Operators of registered fish farms may ship live fish or fish eggs from the farm to another facility, for processing or direct sale to consumers, provided that certain requirements are met.⁸⁶ Movement of any live fish or fish eggs of a species that the DATCP has identified as being susceptible to VHS from a type

⁷⁷ *Id.* § 17.499.

⁷⁸ [Certified VHSV-free Water Bodies](#), MINN. DEP'T. NAT'L RES., (last visited Dec. 3, 2024).

⁷⁹ N.Y. COMP. CODES R. & REGS. tit. 6, §§ 150.1, 155.1.

⁸⁰ *Id.* § 188.1 (water bodies are defined as either publicly or privately owned *Id.* § 10.1(f)(6-7)).

⁸¹ OHIO REV. CODE ANN. § 1533.301.

⁸² [Viral Hemorrhagic Septicemia \(VHS\) Proclamation](#), OHIO DEP'T OF AGRIC. (Dec. 20, 2019).

⁸³ 58 PA. CODE § 69.3(b), (d).

⁸⁴ 58 PA. CODE § 71a.7; [Quarantine Order; Viral Hemorrhagic Septicemia Virus](#), PA. DEP'T OF AGRIC. (Aug. 30, 2008).

⁸⁵ VT. STAT. ANN. tit. 10A, § 5104.

⁸⁶ WIS. ADMIN. CODE ATCP § 10.61(3).

3 fish farm, to any other location in the state is prohibited, unless those fish or fish eggs are covered by a valid health certificate.⁸⁷ There are exemptions: if the live fish or fish eggs moved between type 3 fish farms; if the operator keeps a complete record of the movement; fish or fish eggs are moved to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity meets certain requirements; or live fish or fish eggs shipped to a specific location for direct sale to consumers as food, provided that certain requirements are met.⁸⁸

Import

Fish importation requirements for each state depend on the species imported and the purpose for importation. Importing “approved” fish may be covered by a state’s aquaculture permit. However, some states may require additional permits or health certifications for import, especially for VHS-susceptible species.

Illinois

Importation of approved species is covered by an aquaculture permit. A restricted species transportation permit is required to import live grass carp/white amur, black carp, bighead carp, silver carp, tilapia or any hybrid of these species, or any other species not on the Approved List.⁸⁹ A salmonid import permit is required for live trout, salmon, or char and will only be issued to hatcheries inspected and found to be disease free (VHS and others) within the past 12 months.⁹⁰ A permit to import live VHS-susceptible species or any species from a VHS-affected area, as defined by areas designated by USDA-APHIS as Affected or At-Risk Regions, requires a permit from DNR.⁹¹ A Non-Resident Aquatic Life Dealer License allows a non-resident of Illinois to sell or ship aquatic life to other wholesalers, retailers, or consumers in Illinois.⁹²

Indiana

A fish hauler and supplier permit is required to import certain species.⁹³ An aquaculture permit is required to import fish not included in that list into or within Indiana.⁹⁴ A pre-entry permit from SBOAH is required for VHS-susceptible species. A fish importation permit from DNR is required to import live fish for sale or release, except for fish listed in the regulations.⁹⁵

Michigan

A Prior Entry Permit from the MDARD is required for the importation of aquaculture species for fish in private waters.⁹⁶ The permit requires a Fish Health Certificate or Certificate of Veterinary Inspection;

⁸⁷ *Id.* § 10.64.

⁸⁸ *Id.*

⁸⁹ ILL. ADMIN. CODE tit. 17, § 870.50.

⁹⁰ 515 ILL. COMP. STAT. ANN. 5/10-105; ILL. ADMIN. CODE tit. 17, § 870.50.

⁹¹ ILL. ADMIN. CODE tit. 17, §§ 875.10, 875.30.

⁹² 515 ILL. COMP. STAT. ANN. 5/20-70.

⁹³ 312 ILL. ADMIN. CODE 9-10-14.

⁹⁴ *Id.* 9-10-17.

⁹⁵ *Id.* 9-10-15.

⁹⁶ MICH. COMP. LAWS ANN. § 287.719.

VHS test results; and an invoice or shipping statement with the required information.⁹⁷ Import for stocking of public waters or for use as bait requires approval from MDNR.⁹⁸

Minnesota

The import of live fish for bait into the state is prohibited.⁹⁹ The importation of aquatic life into the state requires a transportation permit from the commissioner, with a disease certification, if applicable.¹⁰⁰ However, there are exemptions. For example, a transportation permit is not required to import live fish not on the VHS-susceptible list from a licensed aquatic farm that may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents.¹⁰¹ Importation of saltwater aquatic life not exempt from obtaining a transportation permit has additional restrictions, including quarantine requirements.¹⁰² The commissioner will issue transportation permits to import: 1) indigenous and naturalized species except trout, salmon, catfish, or species on the VHS-susceptible-species list and sperm from any source to a standard facility; 2) trout, salmon, catfish, or species on the VHS-susceptible-species list from a nonemergency enzootic disease area to a containment facility if the fish are certified, within the previous year, to be free of certifiable diseases, except eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or VHS may be imported into areas where the disease has been identified as being present; and 3) trout, salmon, catfish, or species on the VHS-susceptible-species list from a facility in a nonemergency enzootic disease area with a disease-free history of three years or more to a standard facility, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or VHS may be imported into areas where the disease has been identified as being present.¹⁰³

New York

A permit is required to import grass carp and hybrid grass carp.¹⁰⁴ Fish health certification is required to import fish for purposes of placing fish into water bodies of the state.¹⁰⁵

Ohio

Importation of fish requires an import permit from the Department of Agriculture.¹⁰⁶ A fish health certificate is required for fish, viable eggs, or sperm of salmonidae or salmonidae hybrids or the species or hybrids of the species listed in Appendix A of 901:1-17-13.¹⁰⁷ Salmonidae fish eggs may not be imported from either a facility or a water source where whirling disease has been found unless health requirements are met.

⁹⁷ *Id.*

⁹⁸ [Fish Health Testing Guidelines](#), MICH. DEP'T OF NAT'L. RES. (Mar. 2021).

⁹⁹ MINN. STAT. ANN. § 97c.341.

¹⁰⁰ MINN. STAT. ANN. §§ 17.4985, 17.4986.

¹⁰¹ *Id.* § 17.4985(3)(a).

¹⁰² *Id.* §§ 17.499.

¹⁰³ *Id.* § 17.4986.

¹⁰⁴ N.Y. ENV'T CONSERV. LAW § 11-1703.

¹⁰⁵ N.Y. COMP. CODES R. & REGS. tit. 6, § 188.1 (Water bodies are defined as either publicly or privately owned); N.Y. COMP. CODES R. & REGS., tit. 6, § 10.1(f)(6-7).

¹⁰⁶ OHIO ADMIN. CODE § 901:1-17-01.

¹⁰⁷ *Id.* §§ 901:1-17-01, 901:1-17-13 (list of fish susceptible to VHS).

Pennsylvania

Importation is covered by the aquaculture permit.¹⁰⁸ It is unlawful to import VHS-susceptible species from a VHS-affected or VHS-at risk state, except when one of the following conditions is met: the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS.¹⁰⁹

Vermont

No import permit is required to import fish on the unrestricted list or for any species not on the unrestricted, restricted and prohibited lists and which natural global distribution range occurs entirely within the bounds of the 30 degrees North latitude and the 30 degrees South latitude. Fish species on the restricted and prohibited lists require import permits.¹¹⁰ An importation permit is also required for any fish brought into the state which are intended to be introduced into waters of the state; no fish can be introduced into any waters except private ponds lacking access to other waters of the state without a permit.¹¹¹

Wisconsin

No import permit is required for live native fish or fish eggs from an out of state fish farm to a Wisconsin fish farm if there is a health certificate.¹¹² An import permit from DNR is required for non-native fish and fish eggs imported for use as a fish farm or as bait.¹¹³ A non-native species import permit allows the import of “non-native fish species in the aquaculture industry.”¹¹⁴ An import permit is required if the imported fish or fish eggs are harvested from the wild and delivered to a registered fish farm.¹¹⁵ An import permit is also required if the fish or fish eggs originate from any source out of state and are going to be released into a body of water that is not registered as a fish farm.

Sale

States generally authorize producers to directly sell finfish cultured under their primary aquaculture permits.

Illinois

Aquaculture permittees are exempt from needing a resident retail or wholesale aquatic life dealers (ALD) license if selling aquatic life raised under an aquaculture permit. The ALD license is still needed for any other aquatic life that may be held in a facility short term before distribution—thus, many permittees still need both the ALD license and the aquaculture permit.

¹⁰⁸ 3 PA. STAT. AND CONS. STAT. ANN. § 4221; 58 PA. CODE § 71a.7.

¹⁰⁹ 58 PA. CODE § 71a.7; *Quarantine Order; Viral Hemorrhagic Septicemia Virus*, PA. DEP'T OF AGRIC. (Aug. 30, 2008).

¹¹⁰ VT. STAT. ANN. tit. 10A, § 121.

¹¹¹ *Id.*

¹¹² WIS. STAT. ANN. § 95.60.

¹¹³ *Id.* § 29.735.

¹¹⁴ WIS. ADMIN. CODE. NR § 40.02(30). Species on the list include: arctic char, Atlantic salmon, brown trout, Chinook salmon, coho salmon, rainbow trout, pink salmon, red ear sunfish, tiger trout, and tilapia. *Id.*

¹¹⁵ WIS. ADMIN. CODE. ATCP §§ 10.61, 10.62.

Indiana

Producers may sell aquatic life raised under a fish hauler and supplier permit or under an aquaculture permit without any additional permitting.¹¹⁶ However, there are additional requirements for the sale of diploid or triploid carp sold under aquaculture permits.¹¹⁷

Michigan

Sales of aquaculture products are included under “marketing” for aquaculture facility registration.¹¹⁸

Minnesota

Aquatic life legally possessed by an aquatic farm may be bought, acquired, and sold by licensed facilities.¹¹⁹

New York

All species permitted under hatchery permits may be sold. A black bass hatchery permit only allows the sale of largemouth black bass (not smallmouth black bass) for human consumption.¹²⁰

Ohio

In Ohio, Class A holders may only sell Class A species.¹²¹ A wholesale permit is required for selling to resellers.¹²²

Pennsylvania

The aquaculture permit allows the owner to sell all species of fish listed on the registration.¹²³

Vermont

A permit is required to buy or sell fish caught in the state, except for fish reared on licensed propagation farms.¹²⁴

Wisconsin

In Wisconsin, a fish farm operator may not sell or distribute live fish or fish eggs from that farm unless the fish farm has a type 2 or type 3 fish farm license.¹²⁵

¹¹⁶ 312 IND. ADMIN. CODE. 9-10-14, 9-10-17.

¹¹⁷ *Id.* 9-10-17.

¹¹⁸ MICH. COMP. LAWS ANN. § 286.872.

¹¹⁹ MINN. STAT. ANN. § 17.4983. A minnow dealers license or minnow retailer endorsements may be required for the sale of minnows. MINN. STAT. ANN. §§ 17.4988, 97C.501.

¹²⁰ N.Y. COMP. CODES R. & REGS. tit. 6, § 155.1.

¹²¹ OHIO ADMIN. CODE 1501:31-39-01. A bait dealer permit is required for selling bait species. OHIO REV. CODE ANN. § 1533.40.

¹²² OHIO REV. CODE ANN. § 1533.631.

¹²³ 3 PA. STAT. AND CONS. STAT. ANN. § 4220, 4221(c).

¹²⁴ VT. STAT. ANN. tit. 10, § 4611.

¹²⁵ WIS. ADMIN. CODE ATCP § 10.61.

IV. Health Requirements

Most of the states have specific import permits or certification requirements for VHS susceptible species. Many of these import permits have exceptions for fish imported for diagnostic or educational reasons, consumption, or shipments in transit through the state if the fish will not be released. Testing practices are variable among the states, although many perform testing in accordance with the Fish Health Blue Book adopted by the American Fisheries Society or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE). For geographic considerations, many of the states identify Great Lakes States as states that require VHS testing/permits. Others have also identified zones either within their states or in their watersheds. Many of the states include movement restrictions or requirements related to the movement of fish, especially when stocking public waters.

Illinois

A salmonid import permit is required to import live trout, salmon or char, and will only be issued to hatcheries inspected and found to be free of: VHS; IHN-Infectious Hematopoetic Necrosis Virus; CS-Ceratomyxosis (*Ceratomyxa shasta*); PKD-Proliferative Kidney Disease agent; and/or any other disease agents that are not known to be present in the Great Lakes Basin within the past 12 months.¹²⁶ A letter of disease-free certification, including the date of examination, must be provided by the applicant. A permit may be canceled upon the diagnosis of a disease at the source hatchery that may be detrimental to the fishery resource of the state.

Import of VHS-susceptible species and any species from VHS-affected region requires a pre-entry permit with VHS testing, with some exceptions.¹²⁷ Affected Regions are those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these regions include the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec.

Official Fish Health Inspection Reports (FHIR) must be issued by and received directly from one of the following: the state competent authority for fish health in the issuing state; a department approved veterinarian offering diagnostic services for aquatic animals; or a department approved laboratory for certifying lots of fish as VHS-free.¹²⁸ FHIR and supporting documentation must state that fish were sampled and tested negative for VHS virus in accordance with procedures set forth in either: American Fisheries Society-Fish Health Section Blue Book's USFWS/AFS-FHS Standard Procedures for Aquatic Animal Health Inspections (USFWS/AFS-FHS) or OIE standards.

Indiana

BOAH requires a pre-entry permit for live VHS susceptible species imported into the state.¹²⁹ Testing is required for VHS-susceptible species originating from a VHS-affected or at-risk regions, as designated

¹²⁶ ILL. ADMIN. CODE tit. 17, § 870.50.

¹²⁷ *Id.* §§ 875.10–875.50.

¹²⁸ *Id.* § 875.40.

¹²⁹ 345 IND. ADMIN. CODE 1-3-31.5.

by the state veterinarian.¹³⁰ VHS testing is performed in accordance with USFWS/AFS-FHS or OIE standards.¹³¹ VHS-susceptible species of live fish that are transported directly to a slaughter facility for human consumption or to a research and diagnostic laboratory are not required to be tested if appropriate waste water discharge controls are in place at the receiving facility to prevent the possible spread of disease.¹³²

DNR has permitting authority to determine if fish are “free of any communicable disease;” the agency also includes permit conditions that regulate and require heterosporis testing on yellow perch, muskellunge walleye and northern pike from Wisconsin, Michigan, and Minnesota, as well as fish health testing requirements for trout and salmon species, with different testing required for Great Lakes origin versus outside Great Lake basin states.¹³³

Michigan

The Prior Entry Permit for imported aquaculture species requires: a Fish Health Certificate (FHC) filled out by a certified Fish Health Official or an official interstate certificate of veterinary inspection (CVI) filled out by a U.S. Department of Agriculture accredited veterinarian in the state of origin; VHS test results; and an invoice or shipping statement with the required information.¹³⁴ Tilapia, Lake Sturgeon, Common Shiners, and aquaculture going to food markets and retail ornamental fish facilities do not require VHS testing.¹³⁵ Importing aquaculture from a hatchery or other facility with a record of an emergency fish disease (as listed in Great Lakes Fish Health Commission’s Model Program for Fish Management in the Great Lakes and/or the Michigan Reportable Animal Disease List) within the past two years is NOT allowed. All imported baitfish and aquaculture species ultimately destined for stocking public waters must follow the MDNR [fish health testing guidance](#), which outlines a list of fish species and pathogen testing requirements.¹³⁶

Minnesota

A licensee may not import aquatic life into the state, transport aquatic life within the state, or stock waters of the state with aquatic life without first obtaining a bill of lading or transport permit from the commissioner, with disease certification, if applicable.¹³⁷ The certification must state that the source of the eggs or sperm are free of certifiable diseases, except eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or VHS may be imported, transported, or stocked into areas where the disease has been identified as present.¹³⁸ Inspection and certification is required annually for a salmonid or catfish facility that discharges effluent into public waters or if a Live Fish Transportation, Importation and Stocking Permit is approved for Salmonids or Catfish.¹³⁹

¹³⁰ *Id.*

¹³¹ *Id.*

¹³² *Id.*

¹³³ Correspondence with Indiana DNR.

¹³⁴ MICH. COMP. LAWS ANN. 287.719; *Fish Disease Control Order 245.21; Fish Health Testing Guidelines.*

¹³⁵ *Fish Disease Control Order 245.21*, MICHIGAN DEP’T OF NAT. RES. (Feb. 11, 2021).

¹³⁶ *Id.*

¹³⁷ MINN. STAT. ANN. §§ 17.4985–17.4986.

¹³⁸ *Id.* § 17.4985.

¹³⁹ *Id.* § 17.4985–17.4986.

“Fish health inspection” means an on-site, statistically based sampling, collecting, and testing of fish in accordance with USFWS/AFS-FHS Blue Book or OIE Diagnostic Manual for Aquatic Animal Diseases.¹⁴⁰ The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer.¹⁴¹ Testing of samples must be done by an approved laboratory.¹⁴² The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in non-salmonids must include at a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease.¹⁴³ The inspection for certifiable diseases and pathogens for wild fish must follow the guidelines of the USFWS/AFS-FHS Blue Book or OIE Diagnostic Manual for Aquatic Animal Diseases.¹⁴⁴

New York

A private hatchery rearing fish in state waters or selling fish for stocking purposes must have a state Fish Health Certificate before the agency will issue a private hatchery permit. A fish health certification is required to place live fish into the water bodies of the state, possess, sell, offer for sale, barter, import, or transport fish for purposes of placing them into water bodies of the state.¹⁴⁵ The fish health certification report must also certify that the fish are free of: VHS; Infectious carp dropsy; Furunculosis; Enteric Red Mouth; Infectious Pancreatic Necrosis Virus.

A fish health certification report for Salmonidae must also certify that the fish are free of: Myxobolus cerebralis (whirling disease); Infectious Hematopoietic Necrosis Virus (IHN); Renibacterium salmoninarum (bacterial kidney disease).¹⁴⁶ Fish health certification reports must conform with testing methods and procedures recognized by the USFWS/AFS-FHS or the World Organization of Animal Health (WOAH/OIE) standards.¹⁴⁷

Ohio

A Fish Health Certification is required to import salmonidae fish, viable eggs, or sperm, salmonidae hybrids of the species, or hybrids of the species listed as fish susceptible to VHS.¹⁴⁸ The certification must show fish is free of: Ceratomyxosis (*Ceratomyxa shasta*), when originating from a state or zone where ceratomyxosis has been reported; Infectious hematopoietic necrosis; Infectious pancreatic necrosis; Infectious salmon anemia, when originating from a state or zone where infectious salmon anemia has been reported; Proliferative kidney disease, when originating from a state or zone where proliferative kidney disease has been reported; Viral hemorrhagic septicemia; and Whirling disease (*Myxobolus cerebralis*).¹⁴⁹ Salmonidae Fish eggs may not be imported from either a facility or a water

¹⁴⁰ *Id.* § 17.4982.

¹⁴¹ *Id.*

¹⁴² *Id.*

¹⁴³ *Id.*

¹⁴⁴ *Id.*

¹⁴⁵ N.Y. COMP. CODES R. & REGS. tit. 6, § 188.1.

¹⁴⁶ *Id.* § 188.2.

¹⁴⁷ *Id.*

¹⁴⁸ Appendix A of OHIO ADMIN. CODE § 901:1-17-13.

¹⁴⁹ OHIO ADMIN. CODE § 901:1-17-13.

source where whirling disease has been found unless: the fish eggs are surface disinfected when shipped and disinfected again when received with a one hundred milligram per liter solution of active iodine for ten minutes; and the fish eggs are transported in new containers and water free of the causative agent for whirling disease.¹⁵⁰

Current restrictions exist for movement within the state of VHS susceptible species. This VHS Proclamation made by the Department of Agriculture prohibits the intrastate transportation, sale, or distribution of 28 fish species susceptible to VHS in the affected region of Northern Ohio. The VHS proclamation is in effect until December 31, 2025.¹⁵¹

Testing and inspection done at a facility for issuance of a fish health inspection report must be done in the following manner: all lots at a facility must be inspected and tested using either a polymerase chain reaction test, cell culture test, or another method approved by the department.¹⁵² Collection of samples from each lot must be based upon an assumed prevalence level of five percent and a ninety-five percent confidence of detecting at least one infected fish in the lot for causative agents of the diseases listed in the regulation.¹⁵³ If samples cannot be collected for diagnostic testing from all lots at a facility in one day, all lots not sampled must have samples collected from them within thirty days of the date the first sample was collected at the facility.¹⁵⁴ Inspection and diagnostic testing for whirling disease must be done using one sample of sixty fish.¹⁵⁵ The sample must be made up of fish at an age when whirling disease is most likely to be detected, and from species most susceptible to the disease.¹⁵⁶ If all lots not sampled in one day at a facility are not sampled within thirty days of the date the first sample was collected, all testing and inspection at the facility must be done over thirty days from the first sampling.¹⁵⁷

Pennsylvania

Health certification is required to introduce, transport, or cause the transportation of VHS-susceptible species from Lake Erie watershed into other watersheds.¹⁵⁸ It is unlawful to introduce, transport, or cause the transportation of VHS-susceptible species from a VHS-affected or VHS-at risk state, except when one of the following conditions is met: the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the PDA and approved by the FBC. A PDA Quarantine Order states that no VHS susceptible fish species from any Great Lakes state may enter Pennsylvania without documentation that the fish have tested negative for the VHS virus.¹⁵⁹ There is a general quarantine for Crawford, Erie, and Potter counties and any at-risk watersheds by order of USDA-APHIS.

¹⁵⁰ *Id.*

¹⁵¹ [Proclamation](#), Oh. Dept. of Agric. (Dec. 20, 2019).

¹⁵² OHIO ADMIN. CODE § 901:1-17-14.

¹⁵³ *Id.*; OHIO ADMIN. CODE § 901:1-17-13.

¹⁵⁴ OHIO ADMIN. CODE § 901:1-17-14.

¹⁵⁵ *Id.*

¹⁵⁶ *Id.*

¹⁵⁷ *Id.*

¹⁵⁸ 58 PA. CODE § 71a.7; *Quarantine Order*; [Viral Hemorrhagic Septicemia Virus](#), PA. DEP'T OF AGRIC. (Aug. 30, 2008).

¹⁵⁹ *Id.*

VHS-susceptible species must meet the following testing and documentation requirements:

within 12 months preceding movement from a Quarantined County or a Quarantined VHS-Affected or VHS At-Risk State; the VHS-susceptible species lot must be tested in accordance with either the testing protocols described in the current edition of the Fish Health Section Bluebook adopted by the American Fisheries Society or the OIE's testing protocols and the lot must test negative for VHS. If fish are added to a lot of VHS-susceptible species after the testing is completed, the lot must be retested and found negative prior to movement. Documentation of VHS status must accompany VHS-susceptible species that are required to be tested at all times the VHS-susceptible species remain within the state and must, upon request, be produced for inspection by any employee or representative of the PDA.

Vermont

All individuals holding a Breeders License for trout and/or salmon are required to have annual fish health inspections, conducted by a qualified fish health inspector acceptable by the FWD.¹⁶⁰ However, persons maintaining fish in a closed rearing unit may be exempt from the annual fish health inspection.¹⁶¹ All fish lots in the facility must be tested for VHS, IPN, IHN, BKD (*Renibacterium salmoninarum*), ERM (*Yersinia ruckeri*), *Aeromonas salmonicida* (Furunculosis), Whirling disease, and other disease agents, that may be deemed necessary by the Commissioner.¹⁶² Other species can be required to be inspected for those pathogens, when deemed necessary by the Commissioner, with the approval of the Commissioner of Agriculture, Food and Markets.¹⁶³

Annual inspection will use inspection procedures approved by the FWD, such as those provided for in the most recent addition of the Blue Book, or the most recent addition of the “Fish Health Protection Regulations Manual of Compliance,” of the Department of Fisheries and Oceans, Canada.¹⁶⁴ If at any time, fish are found to be infected with the causative agents of VHS and/or other diseases as determined to be a serious threat to the state’s fishery resources, the Commissioner has the authority to impose an immediate prohibition on moving any fish.¹⁶⁵ During the prohibition a compliance agreement stating the appropriate procedures for the disposal of fish and the disinfection of the facility will be determined by the FWD’s appropriate representative and in consultation with the owner/operator, in cooperation with a nonaffiliated fish health specialist.¹⁶⁶ The action will be designed to bring the least amount of economic hardship to the affected party while affording maximum protection to other operators, growers, and the fishery resources in the state.¹⁶⁷

¹⁶⁰ VT. STAT. ANN. tit. 10A, § 117.

¹⁶¹ *Id.*

¹⁶² *Id.*

¹⁶³ *Id.*

¹⁶⁴ *Id.*

¹⁶⁵ *Id.*

¹⁶⁶ *Id.*

¹⁶⁷ *Id.*

Wisconsin

The import of non-native fish and VHS susceptible fish, transport of VHS-susceptible species, and introduction to waters of the state requires health inspection.¹⁶⁸ Movement of any live fish or fish eggs of a species that the department has identified as being susceptible to VHS from a type 3 fish farm, to any other location is prohibited, unless those fish or fish eggs are covered by a valid health certificate.¹⁶⁹

A qualified fish health inspector will issue a fish health certificate based on a personal inspection, using appropriate inspection, sampling, and diagnostic methods specified in the certificate form.¹⁷⁰ A Fish Health Certificate certifies that the fish and fish eggs are free of visible signs of contagious or infectious disease; Whirling disease; if a fish farm or shipment covered by the health certificate includes salmonids; VHS if the health certificate covers fish or fish eggs of a species susceptible to VHS; and that the fish or fish eggs are from a wild source or a Type 3 fish farm.¹⁷¹

Certification from states that required laboratory tests must have been sampled and inspected by lot or facility according to the current version of the I Blue Book or the OIE Manual and Code. Certification also requires a visual inspection of a minimum of sixty fish per species (or 100% of the population for populations of sixty fish or less) and certification that the fish have no gross clinical signs of contagious or infectious diseases except as noted on the form.

¹⁶⁸ WIS. ADMIN. CODE §§ 10.63–10.65.

¹⁶⁹ *Id.*

¹⁷⁰ WIS. ADMIN. CODE § 10.65.

¹⁷¹ *Id.*

V. Other Major Permit Requirements

Water Withdrawal

Water withdrawal for aquaculture production may require a permit or be subject to certain regulations, depending on the location of the farm and the production system.

Illinois

An allocation permit is required from DNR before using or diverting water from Lake Michigan. Additionally, registration and/or reporting is required for withdrawals over 100,000 gallons per day.¹⁷²

Indiana

A permit from the IDNR is required for daily water withdrawals over: five million gallons of surface water from Lake Michigan; one hundred thousand gallons from a salmonid stream; and one million gallons of any other surface water or groundwater source.¹⁷³

Michigan

A new or increased water withdrawal of at least 100,000 gallons per day in withdrawal capacity but less than or equal to 2,000,000 gallons per day capacity must be registered with the Michigan Department of Environment, Great Lakes, and Energy (EGLE).¹⁷⁴ A Water Withdrawal Permit must be applied for prior to making a withdrawal more than two million gallons per day.¹⁷⁵ This includes withdrawals from groundwater, inland surface water, and the Great Lakes and their connecting channels.

Minnesota

A permit is required for water appropriations that exceed 10,000 gallons per day or 1 million gallons per year.¹⁷⁶

New York

A water withdrawal permit is required for agricultural water withdrawal systems with the capacity to withdraw 100,000 gallons per day.¹⁷⁷

Ohio

In Ohio, any facility that is able to withdraw over 100,000 gallons per day must register with the chief of the Division of Water Resources (DWR).¹⁷⁸ Any facility that is registered with the DWR must complete and submit an annual report of all water withdrawn in a calendar year. Reports must be submitted even if no water was withdrawn.

¹⁷² ILL. ADMIN. CODE tit. 17, § 3730.301(a); 45 ILL. COMP. STAT. ANN. § 147/5-4.1(3).

¹⁷³ IND. CODE ANN. § 14-25-15-7(a).

¹⁷⁴ MICH. COMP. LAWS ANN. § 324.32705.

¹⁷⁵ *Id.* § 324.32723.

¹⁷⁶ MINN. STAT. ANN. § 103G.271(a).

¹⁷⁷ N.Y. COMP. CODES R. & REGS. tit. 6, § 601.10; N.Y. ENV'T CONSERV. LAW § 15-1501.

¹⁷⁸ OHIO REV. CODE ANN. § 1521.16.

Pennsylvania

The following categories must register with the PDA: owners of public water supply agencies; owners of a hydropower facility; individuals with a watershed withdrawal that exceeds 10,000 gallons per day within 30 days, either from one point of withdrawal or multiple, concurrently or sequentially.¹⁷⁹

Vermont

Any person who withdraws 10,000 gallons or more of surface water within a 24-hour period in the preceding calendar year or 150,000 gallons or more of surface water over any 30-day period in the preceding calendar year must file a report with the Secretary of Agriculture, Food and Markets.¹⁸⁰

Wisconsin

An individual permit and fee is required to withdraw water for agriculture, including aquaculture.¹⁸¹

NPDES

The Clean Water Act (CWA) prohibits the discharge of pollutants from a point source into waters of the United States (WOTUS) without a permit. Under one of the CWA's principal permitting programs, the National Pollutant Discharge Elimination System (NPDES), the U.S. Environmental Protection Agency (EPA) may "issue a permit for the discharge of any pollutant, or combination of pollutants" in accordance with certain conditions.¹⁸² The EPA has approved all nine Great Lakes states to administer NPDES permitting in their respective states.

A NPDES permit outlines the specific limits on what pollutants can be discharged as well as monitoring and reporting requirements. The EPA has specific regulations that apply to "Concentrated Aquatic Animal Production Facilities" (CAAP) that use flow-through, recirculating, or net pen systems; directly discharge wastewater; and produce at least 100,000 pounds of fish, molluscs or crustaceans a year.¹⁸³ These requirements are all incorporated into NPDES permits. A fish farm, hatchery, or other aquatic animal production facility producing: less than 100,000 pounds per year of warm water animals; 20,000 pounds per year of cold water animals; or an aquatic plant production operation may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility that has a point source discharge of pollutants to WOTUS, is required to have an NPDES permit.

¹⁷⁹ 25 PA. CODE § 110.201.

¹⁸⁰ VT. STAT. ANN. tit. 6, § 4927.

¹⁸¹ Wis. Admin. Code § NR 860.31.

¹⁸² CWA § 402(a).

¹⁸³ 40 C.F.R. § 451.

State	State Agency Administering NPDES Program
<i>Illinois</i>	Environmental Protection Agency
<i>Indiana</i>	Department of Environmental Management
<i>Michigan</i>	Department of Environment, Great Lakes, and Energy
<i>Minnesota</i>	Pollution Control Agency
<i>New York</i>	Department of Environmental Conservation
<i>Ohio</i>	Environmental Protection Agency
<i>Pennsylvania</i>	Department of Environmental Protection
<i>Vermont</i>	Department of Environmental Conservation
<i>Wisconsin</i>	Department of Natural Resources

Wetlands

Section 404 of the CWA establishes a program to regulate the discharge of dredged and fill materials into WOTUS. Aquaculture facilities impacting wetlands may need permits from both federal and state agencies.

Illinois

Any person or entity who impacts a wetland must obtain a permit from both the U.S. Army Corps of Engineers (Corps) and DNR. The Corps and DNR have a joint application for construction projects in waterways, floodplains, and wetlands.

Indiana

Certain wetlands require a permit from both the Corps and the Department of Environmental Management (DEM). A person proposing a wetland activity in a state regulated wetland must obtain a permit from DEM, with exceptions for: the construction or maintenance of farms, stock ponds, or irrigation ditches, or the maintenance of drainage ditches.¹⁸⁴

Michigan

Any person or entity who impacts a wetland must receive approval from EGLE. The following activities are prohibited in regulated wetlands unless a permit has been obtained from EGLE: depositing or placing fill material in a wetland; dredging, removing, or permitting the removal of soil or minerals from a wetland; constructing, operating, or maintaining any use or development in a wetland; and draining surface water from a wetland.¹⁸⁵

¹⁸⁴ IND. CODE § 13-18-22-1.

¹⁸⁵ *Id.*

Minnesota

Any person or entity who impacts a wetland must obtain a permit from both the Corps and DNR. Permitting for public waters wetlands is completed by DNR.¹⁸⁶ Wetlands not covered under the public wetlands program are covered by the state Wetland Conservation Act (WCA).¹⁸⁷ The WCA designates the Minnesota Board of Water and Soil Resources to oversee local wetlands programs.

New York

Any person or entity who impacts a wetland may need to submit a joint application to the Corps and DEC. A state permit is also required for activities in freshwater wetlands.¹⁸⁸

Ohio

Any person or entity who impacts a jurisdictional wetland may need a permit from the Corps and the Ohio Environmental Protection Agency. A person that proposes to engage in an activity that involves the filling of an isolated wetland must apply for a general state isolated wetland permit or an individual state isolated wetland permit, as applicable.¹⁸⁹

Pennsylvania

Any person or entity who impacts a wetland may require a joint permit from the Corps and the state department of environmental protection. Aquaculture facilities are not considered “wetlands” if they were established prior to 1985 or after 1985, if not created or maintained on wetlands.¹⁹⁰

Vermont

Any person or entity who impacts a wetland may require a permit from the Department of Environmental Conservation (DEC). The DEC Secretary determines whether any wetland is a Class II or Class III wetland. Activities in a Class I or Class II wetland, or its associated buffer zone, is prohibited unless it is an allowed use or authorized by a permit, conditional use determination, or order issued by the Secretary.¹⁹¹

Wisconsin

Any person or entity who impacts a wetland may need a joint permit from the Corps and WDNR. Depending on the type of project, a wetland general permit or individual permit will be required if there will be any impacts to the wetlands.¹⁹²

Right-to-Farm

Right-to-Farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. Only four of the nine states include aquaculture in their Right-to-Farm laws.

¹⁸⁶ Minn. R. 6115.0150.

¹⁸⁷ MINN. STAT. ANN. §§ 103G.005, 103G.221-103G.2375.

¹⁸⁸ N.Y. ENV'T CONSERV. LAW § 24-0701.

¹⁸⁹ OHIO REV. CODE ANN. §§ 6111.021-6111.024.

¹⁹⁰ 3 PA. STAT. AND CONS. STAT. ANN. § 4212.

¹⁹¹ 16-5 Vt. Code R. § 103. .

¹⁹² WIS. STAT. ANN. § 281.36.

Illinois

The State of Illinois does not explicitly mention aquaculture in its Right-to-Farm laws.¹⁹³

Indiana

Indiana does not explicitly mention aquaculture in its Right-to-Farm laws. The law defines an agricultural operation as any facility used for the production of crops, livestock, poultry, livestock products, poultry products, or horticultural products, or for growing timber.¹⁹⁴

Michigan

Michigan explicitly includes aquaculture in its Right-to-Farm laws.¹⁹⁵ It defines “farm” as the land, plants, animals, buildings, structures, including ponds used for aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Minnesota

Minnesota does not mention aquaculture in its Right-to-Farm laws.¹⁹⁶ It defines “agricultural operation” as a facility and its appurtenances for the production of crops, livestock, poultry, dairy products, or poultry products, but not a facility primarily engaged in processing agriculture products.

New York

New York includes aquaculture in its definition of crops, livestock, and livestock products.¹⁹⁷ Specifically, it includes aquaculture products, including fish, fish products, water plants, and shellfish.

Ohio

Ohio includes aquaculture in its Right-to-Farm law. The law’s definition of agricultural production encompasses commercial aquaculture.¹⁹⁸

Pennsylvania

Pennsylvania does not mention aquaculture in its right-to-farm statutes.¹⁹⁹

Vermont

Vermont’s Right-to-Farm law does not include aquaculture or fish species in its definition of “domestic animals.”²⁰⁰

Wisconsin

The State of Wisconsin includes aquaculture in its definition of agriculture use in its Right-To-Farm law.²⁰¹

¹⁹³ 740 ILL. COMP. STAT. 70/0.01-70/5.

¹⁹⁴ IND. CODE §§ 32-30-6-1-32-30-6-1.5, 32-30-6-6-32-30-6-9.5, 32-30-6-11.

¹⁹⁵ MICH. COMP. LAWS § 286.471-286.474.

¹⁹⁶ MINN. STAT. § 561.19.

¹⁹⁷ N.Y. AGRIC. & MKTS. §§ 300-310.

¹⁹⁸ OHIO REV. CODE ANN. §§ 929.01-929.05, 3767.13.

¹⁹⁹ 3 PA. CONS. STAT. §§ 951-957.

²⁰⁰ VT. STAT. ANN. tit. 12, § 5751-54.

²⁰¹ WIS. STAT. § 823.08; WIS. STAT. ANN. § 91.01.

APPENDIX A: Summary Table of Aquaculture Statutes and Regulations in the Great Lakes

Illinois

	Citation	Brief Summary
Aquaculture Agency Lead		DNR, Agriculture
Aquaculture Permit Requirement	515 Ill. Comp. Stat. Ann. 5/20-90; Ill. Admin. Code § tit. 17, §§ 870.20, 870.30, 870.80	An aquaculture permit is required for breeding, hatching, propagation, or raising of aquatic life. Certain categories are exempt from these requirements: aquarists/hobbyists, the aquarium industry, state agencies or universities meeting certain requirements; however, exemption does not apply to any injurious species or any VHS-susceptible species or any wild caught aquatic life coming from affected regions without Fish Health Certificates (FHC) and Department approval, and the activity must not allow the escape of aquatic life into the waters standing on or flowing over the soil of the State of Illinois. Permit holders may transport this aquatic life for food or stocking purposes. Permit holders selling aquatic life under this permit are exempt from fish or minnow dealers license.
Approved Species List	Ill. Admin. Code § tit. 17, § 870.10; Ill. Admin. Code § tit. 17, § 870.60	DNR developed and maintains Aquatic Life Approved Species List. Any species not on the "Approved List" may not be imported or possessed alive without a letter of authorization to import/possess those species. https://www.ifishillinois.org/programs/aquaculture/aquatic_approved_species.pdf . Any species not on the Aquatic Life Approved Species list is considered Restricted. "Aquatic life" does not include amphibians, reptiles, saltwater species commonly used as seafood that will not survive in freshwater or any species listed as endangered or threatened under Section 8 of the Illinois Endangered Species Protection Act
List of Prohibited Species	17 Ill. Admin. Code §§ 805.10-805.50	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, without a permit from DNR, granted only for limited zoological, educational, medical, or scientific purposes. 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.
Scope of Aquaculture Permit		
Possess	Ill. Admin. Code tit. 17, § § 870.10, 870.20	Approved species covered by aquaculture permit. Any species not on the "Approved List" may not be imported or possessed alive without a letter of authorization to import/possess those species.
Transport	515 Ill. Comp. Stat. Ann. 5/20-90; Ill. Admin. Code tit. 17, § 870.20; Ill. Admin Code tit. 17 § 875.30; 17 Ill. Admin. Code sec. 870.60	Approved species covered by aquaculture permit. Transport of restricted species, either within state or importing into state, requires Restricted Species Transportation Permit. VHS-susceptible species only require a VHS-import permit if being imported into the state, not if transporting within.
Import	515 Ill. Comp. Stat. Ann. 5/20-70; Ill. Admin. Code tit. 17, § § 870.10, 870.20, 870.50, 870.80; Ill. Admin Code Title 17 §§ 875.10-875.30.	Approved species covered by aquaculture permit. A Non-Resident Aquatic Life Dealer License allows a non-resident of IL to sell or ship to other wholesalers, retailers, or consumers in IL, any protected aquatic life (*including minnows). A restricted species transportation permit is required to import live grass carp/white amur, black carp, bighead carp, silver carp, tilapia or any hybrid of these species, or any other species not on the Approved List. A salmonid import permit is required for live trout, salmon or char and will only be issued to hatcheries inspected and found to be disease free (VHS and others) within the past 12 months. A permit to import live VHS-susceptible species or any species from a VHS-affected area as defined in 875.10, requires a permit from DNR.
Sale	515 Ill. Comp. Stat. Ann. 5/20-90; Ill. Admin. Code tit. 17, § § 870.10, 870.20, 515 ILCS 5/20-70.	Permittees may sell aquatic life propagated or raised under the Aquaculture Facility Permit. Per DNR, aquaculturists may also require an Aquatic Life Dealer license for other aquatic life held in a facility before distribution.

Health requirements		
Health certifications required	515 Ill. Comp. Stat. Ann. 5/10-105; Ill. Admin. Code § tit. 17, §§ 870.30, 870.50	<p>An importation permit may be granted by the Department for extended periods of up to 6 months from the date the source hatchery is certified as being disease free. A permit may be cancelled upon the diagnosis of a disease at the source hatchery that may be detrimental to the fishery resource of the State. A letter of disease free certification, including date of examination, must be provided by the applicant.</p> <p>A salmonid import permit is required to import live trout, salmon or char and will only be issued to hatcheries inspected and found to be disease free (VHS and others) within the past 12 months. Diseases include VHS; IHN-Infectious Hematopoetic Necrosis Virus; CS-Ceratomyxosis (Ceratomyxa shasta); PKD-Proliferative Kidney Disease agent; and/or any other disease agents that are not known to be present in the Great Lakes Basin.</p> <p>VHS-susceptible species or any species from VHS-affected region require a permit and testing for import.</p>
VHS Requirements	515 Ill. Comp. Stat. Ann. 5/10-105; Ill. Admin. Code tit. 17, §§ 875.20-875.50.	<p>Import of VHS-susceptible species and any species from VHS-affected region requires pre-entry permit with VHS testing; It is unlawful to stock VHS-susceptible species into waters of the State or remove live VHS-susceptible species from waters where legally taken without permission from DNR, or unless an Fish Health Inspection Report is on file with the Department.</p> <p>A salmonid import permit is required to import live trout, salmon or char and will only be issued to hatcheries inspected and found to be disease free (VHS and others) within the past 12 months.</p>
Testing/Certification	Ill. Admin. Code tit. 17, § 875.40.	Official Fish Health Inspection Reports must be issued by and received directly from one of the following: 1) the state competent authority for fish health in the issuing state; 2) a department approved veterinarian offering diagnostic services for aquatic animals; or 3) a department approved laboratory for certifying lots of fish as VHS-free. FHIR and supporting documentation must state that fishes were sampled and tested negative for VHS virus in accordance with procedures set forth in either: 1) Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook; or 2) the World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.
Other Major Permits Required		
Water Withdrawal	Ill. Admin. Code tit. 17, § 3730.301(a); 45 Ill. Comp. Stat. Ann. § 147/5-4.1(3).	An allocation permit is required from DNR before using or diverting water from Lake Michigan. Additionally, registration/reporting is required for withdrawals over 100,000 gallons per day.
NPDES	Ill. Admin. Code § tit. 35, § 503.101.	The Illinois Environmental Protection Agency oversees NPDES permitting. The U.S. EPA has specific regulations that apply to "Concentrated Aquatic Animal Production Facilities" (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.
Wetlands		Any person or entity who impacts a wetland must obtain joint authorization (a permit) from the U.S. Army Corps of Engineers and IDNR.
Right to Farm	Farm Nuisance Suit Act 740 Ill. Comp. Stat. 70/0.01 to 70/5	Right-to-farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. The State of Illinois does not explicitly mention aquaculture in its Right-to-farm laws.

Indiana

	Citation	Brief Summary
Aquaculture Agency Lead		Department of Natural Resources State Board of Animal Health
Aquaculture Permit Requirement	312 Ind. Admin. Code 9-10-14; 312 Ind. Admin. Code 9-10-17	Fish hauler and supplier permit is required to import, produce, or sell live fish of the species listed under section 9-10-15(e) and the following species: Brown trout; Hybrid striped bass; Rainbow trout; Tiger muskellunge; Tilapia. An aquaculture permit is required to import, raise, sell, or transport species of fish not included above into or within Indiana.
Approved Species List	312 Ind. Admin. Code 312 9-10-14; 312 Ind. Admin. Code 312 9-10-15(e).	The species listed under section 9-10-15(e) and the following species: Brown trout; Hybrid striped bass; Rainbow trout; Tiger muskellunge; Tilapia.
List of Prohibited Species	312 IAC 9-6-7	Invasive species-Exotic Fish Rule designates 13 species or families of invasive fish as prohibited species. This rule makes it illegal to import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the fish. However, possession of an exotic fish under an aquaculture permit issued under 312 IAC 9-10-17 is permitted.
Scope of Aquaculture Permit		
Possess	312 Ind. Admin. Code 9-10-14; 312 Ind. Admin. Code 9-10-17	Covered by fish hauler and supplier permit or aquaculture permit .
Transport	312 Ind. Admin. Code 9-10-14; 312 Ind. Admin. Code 9-10-17	Covered by fish hauler and supplier permit or aquaculture permit .
Import	312 Ind. Admin. Code 9-10-14; 312 Ind. Admin. Code 9-10-15.	Import included in fish hauler and supplier permits and aquaculture permits from DNR. To import live fish for sale or release, a fish importation permit from DNR is required except for fish in 9-10-15(e). Pre-entry permit from BOAH is required for VHS-susceptible species (below).
Sale	312 IAC 9-10-14; Ind. Code Ann. § 14-22-16-1.	Covered by fish hauler and supplier permit or aquaculture. Sale of bait requires bait dealer's license.
Health requirements		
Health certifications required	345 Ind. Admin. Code 1-3-31.5. 312 Ind. Admin. Code 9-10-14; 312 Ind. Admin. Code 9-10-17.	Pre-entry permit to import VHS (below). IDNR has permitting authority to determine if fish are "free if any communicable disease" and the agency includes permit conditions that regulate and require heterosporis testing on yellow perch, muskellunge walleye and northern pike from WI MI and MN, as well as fish health testing requirements for Trout and Salmon species, with different testing required for Great Lakes origin vs outside GL basin states.
VHS Requirements	345 Ind. Admin. Code 1-3-31.5.	Pre-entry permit required from BOAH for VHS susceptible species of live fish imported into the state. Testing is required for VHS-susceptible species of fish originating from a VHS-affected or at-risk region.
Testing/Certification	345 Ind. Admin. Code 1-3-31.5(a)(3)(A)-(B).	VHS testing is performed in accordance with: USFWS/AFS-FHS or OIE standards.
Other Major Permits Required		
Water Withdrawal	Ind. Code Ann. § 14-25-15-7(a).	A person must obtain a permit from the Indiana Department of Natural Resources for daily water withdrawals over: "Five Million (5,000,000) gallons from Lake Michigan surface water[;] [O]ne hundred thousand (100,000) gallons from a salmonid stream . . . [;][A]ny other surface water or groundwater source, one million (1,000,000) gallons."

NPDES	327 Ind. Admin. Code 5-4-5	Indiana Department of Environmental Management oversees NPDES permitting. The U.S. EPA has specific regulations that apply to “Concentrated Aquatic Animal Production Facilities” (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.
Wetlands	Ind. Code § 13-18-22-1	Certain wetlands require permit from both the U.S. Army Corps of Engineers and IDEM. A person proposing a wetland activity in a state regulated wetland must obtain a permit from IDEM, with exceptions including for construction or maintenance of farm or stock ponds or irrigation ditches, or the maintenance of drainage ditches.
Right to Farm	Ind. Code §§ 32-30-6-1 to 32-30-6-1.5, 32-30-6-6 to 32-30-6-9.5, 32-30-6-11	Right-to-farm laws protect qualifying farmers and ranchers from nuisance lawsuits. The State of Indiana does not explicitly mention aquaculture in its definition of an agricultural operations. It defines an agricultural operation as any facility used for the production of crops, livestock, poultry, livestock products, poultry products, or horticultural products, or for growing timber.

Michigan

	Citation	Brief Summary
Aquaculture Agency Lead		Michigan Department of Natural Resources (DNR) Michigan Department of Agriculture and Rural Development (MDARD)
Aquaculture Permit Requirement	MI ST. 286.872; MCL 286.876 and 286.878; Mich. Comp. Laws Ann. § 324.48735	The MDARD must issue an Aquaculture facility registration in order for an individual to engage in aquaculture. Aquaculture is defined as “the commercial husbandry of aquaculture species on the approved list of aquaculture species, including, but not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of aquacultural products under an appropriate permit or registration.” DNR must issue permit for aquaculture for fish that will be stocked in public waters.
Approved Species List	MCL 286.875	Michigan lists approved species for aquaculture production in Mich. Comp. Laws Ann. § 286.875.
List of Prohibited Species	Mich. Comp. Laws Ann. § 286.875.	Species prohibited under the NREPA (MCL 324.101 to 324.90106) are prohibited for aquaculture or aquaculture research.
Scope of Aquaculture Permit		
Possess		Covered by aquaculture facility registration
Transport		Covered by aquaculture facility registration. After securing a permit, a person must keep records of all transportation and shipment of aquaculture species (MI ST. 286.876(3)). Fish health certifications are required for all live salmonid species and/or eggs, baitfish and gamefish
Import	Mich. Comp. Laws Ann. § 287.719; Mich. Comp. Laws Ann. § 324.45906	A Prior Entry Permit from the Michigan Department of Agriculture & Rural Development is required for imported aquaculture species for fish in private waters. The permit requires a Fish Health Certificate or Certificate of Veterinary Inspection; VHS test results; and an invoice or shipping statement with the certain information. Import for stocking in public waters or for use as baitfish requires approval from MDNR and fish must meet fish health guidelines developed by the department.
Sale		Included under "marketing" for aquaculture facility registration
Health requirements		
Health certifications required	Mich. Comp. Laws Ann. § 287.719; F.O. 245.21.	Importation of fish under an aquaculture permit requires CVI or Fish Disease Inspection Report or Fish Health Certificate. All baitfish and aquaculture species ultimately destined for stocking public waters that are being imported into Michigan must follow the Michigan Department of Natural Resources (DNR) fish health testing guidance.
VHS Requirements	Ill. Admin. Code tit. 17, § 875.10-50.	To import fish for aquaculture, it must test negative for Viral Hemorrhagic Septicemia virus (VHS) and the test information must be provided. Tilapia, Lake Sturgeon, Common Shiners, and aquaculture going to food markets and retail ornamental fish facilities do not require VHS testing. Baitfish and aquaculture species destined for public waters must meet fish health guidelines established by DNR Order 245.
Testing/Certification	Fish Disease Control Order 245.21.	An official interstate certificate of veterinary inspection (CVI) filled out by a U.S. Department of Agriculture accredited veterinarian in the state of origin. In place of a CVI, a Fish Disease Inspection Report or a Fish Health Certificate (FHC) can be used if it is filled out by a certified Fish Health Official. The FHC or CVI should be in accordance with the MDNR’s Fisheries Health Guidance Document, which are guidelines developed under Fisheries Disease Control Order 245.21 for importing baitfish and gamefish species, stocking fish in public waters, and baitfish certification.
Other Major Permits Required		

Water Withdrawal	Mich. Comp. Laws Ann. § 324.32701-§ 324.32730	Large quantity water withdrawals (over 70 gallons per minute) must be registered with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) prior to beginning withdrawal. A Water Withdrawal Permit must be applied for prior to making a withdrawal more than two million gallons per day. This includes withdrawals from groundwater, inland surface water, and the Great Lakes and connecting channels. There is a \$2,000 permit application fee. If you have a withdrawal rate over two million gallons per day, you do not have to comply with the requirements pertaining to combined pump capacity over 70 gallons per minute.
NPDES		MI Department of Environment, Great Lakes, and Energy (EGLE) oversees NPDES permitting. The U.S. EPA has specific regulations that apply to "Concentrated Aquatic Animal Production Facilities" (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.
Wetlands	Mich. Comp. Laws Ann. § 324.30102	Any person or entity who impacts a wetland under state/federal jurisdiction must obtain authorization from EGLE. The following activities are prohibited in regulated wetlands unless a permit has been obtained from EGLE: depositing or placing fill material in a wetland; dredging, removing, or permitting the removal of soil or minerals from a wetland; constructing, operating, or maintaining any use or development in a wetland; and draining surface water from a wetland.
Right to Farm	Mich. Comp. Laws § 286.471 to 286.474	Right-to-farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. The State of Michigan explicitly includes aquaculture in its Right-to-Farm laws. It defines "farm" as the land, plants, animals, buildings, structures, including ponds used for aquaculture activities, machinery, equipment, and other appurtenances used in the commercial production of farm products.

Minnesota

	Citation	Brief Summary
Aquaculture Agency Lead		MN DNR
Aquaculture Permit Requirement	Minn. Stat. Ann. §§ 17.4984, 17.4988	Aquatic Farm License. Aquatic farm licensees are subject to a pond acreage fee. This fee is charged at a rate of \$15 per 10 acres of licensed waters. An annual private fish hatchery license is also required. There are separate applications for operations with sales less than \$200/license year and greater than \$200 per year. There are six available endorsements: License to Take Sucker Egg from Public Waters; Minnow Retailer License; Minnow Dealer License; Exporting Minnow Dealer License; Minnow Dealer, Exporting Minnow Dealer; and Minnow Retailer Vehicle Licenses; Fish Packer License
Approved Species List	Minn. Stat. Ann. § 17.4986; Minn. Stat. Ann. § 97C.515.	Approved-indigenous and naturalized species except trout, salmon, catfish, or species on the VHS-susceptible-species list except certain circumstances listed under “import”. Live minnows used for feeding fish at a licensed private fish hatchery or aquatic farm must be obtained within the state. Dead minnows may be imported for feeding hatchery or aquatic farm fish.
List of Prohibited Species	Minn. Stat. Ann. § 84D.05; § 84D.07; 84D.11; Minn. R. 6216.0250; Minn. R. 6216.0270	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.
Scope of Aquaculture Permit		
Possess	Minn. Stat. Ann. § 17.4983.	Aquatic life legally possessed may be bought, acquired, and sold by licensed facilities
Transport	Minn. Stat. Ann. § 17.4985; Minn. Stat. Ann. § 97C.515	<p>A licensee may not import aquatic life into the state, transport aquatic life within the state, or stock waters of the state with aquatic life without first obtaining a bill of lading or transport permit from the commissioner, with disease certification, if applicable.</p> <p>A bill of lading is required for intrastate transportation of aquatic life other than salmonids, catfish, or species on the VHS-susceptible-species list.</p> <p>A transport permit is required for salmonids, catfish, or species on the VHS-susceptible-species list; their eggs; or their sperm and must be accompanied by certification that the source of the eggs or sperm are free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported, transported, or stocked into areas where the disease has been identified as being present</p>
Import	Minn. Stat. Ann. § 17.4985, 17.4986, 17.4987; Minn. Stat. Ann. § 97C.515	<p>A licensee may not import aquatic life into the state, transport aquatic life within the state, or stock waters of the state with aquatic life without first obtaining a bill of lading or transport permit from the commissioner, with disease certification, if applicable.</p> <p>A transport permit is required for salmonids, catfish, or species on the VHS-susceptible-species list; their eggs; or their sperm and must be accompanied by certification that the source of the eggs or sperm are free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported, transported, or stocked into areas where the disease has been identified as being present.</p> <p>Imported live minnows require transport permit.</p>
Sale	Minn. Stat. Ann. § 17.4983.	Aquatic life legally possessed may be bought, acquired, and sold by licensed facilities

Health requirements		
Health certifications required	Minn. Stat. Ann. §§ 17.4985, 17.4986	Inspection and certification required annually for a salmonid or catfish facility that discharges effluent into public waters; if a Live Fish Transportation, Importation and Stocking Permit is approved for Salmonids or Catfish; to transfer any species on the VHSV species list from public waters or a licensed facility to another licensed facility; to stock VHSV susceptible species into waters of the state.
VHS Requirements	Minn. Stat. Ann. § 17.4985; Minn. Stat. Ann. § 17.499 subd. 6	A transport permit and health inspection is required to transport VHSV species or stock in waters of the state. The DNR has implemented VHSV surveillance zones to help regulate the movement of fish within Minnesota based on an annual surveillance program.
Testing/Certification	Minn. Stat. Ann. § 17.4982.	“Fish health inspection” means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory. The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease. The inspection for certifiable diseases and pathogens for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.
Other Major Permits Required		
Water Withdrawal	Minn. Stat. Ann. § 103G.271(a)	This is required for water appropriations that exceed 10,00 gallons per day or 1 million gallons per year.
NPDES	Minn. R. 7053.0405	The Minnesota Pollution Control Agency (MPCA) oversees NPDES permitting. The U.S. EPA has specific regulations that apply to “Concentrated Aquatic Animal Production Facilities” (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.
Wetlands	Minn. Stat. Ann. § 103G.005; Minn. Stat. Ann. §§ 103G.221-.2375;	Any person or entity who impacts a wetland must obtain authorization (a permit) from both the U.S. Army Corps of Engineers and WDNR. Permitting for public waters wetlands by DNR. Wetlands not covered under public wetlands program are covered by the Wetland Conservation Act. Local governments may also have ordinances.
Right to Farm	Minn. Stat. § 561.19	The State of Minnesota does not mention aquaculture in its "Right-to-Farm" laws. It defines "agricultural operation" as a facility and its appurtenances for the production of crops, livestock, poultry, dairy products or poultry products, but not a facility primarily engaged in processing agriculture products.

New York

	Citation	Brief Summary
Aquaculture Agency Lead		Department of Environmental Conservation
Aquaculture Permit Requirement	N.Y. Env't Conserv. Law § 11-1909; N.Y. Env't Conserv. Law § 11-1911	Fish Hatchery Permit authorizes operation of a private commercial fish hatchery (propagate, raise, sell) with trout or black bass fish species. Note: to operate a hatchery with other freshwater fish species (i.e. tilapia, white perch, etc.) a hatchery permit is not required. The department may issue to the owner or lessee of a farm fish pond a license, effective for a period of five years, entitling the holder to manage such fish pond for the production of fish.
Approved Species List		A Trout Hatchery Permit allows breeding and raising trout species, including: Brook trout, Brown trout, Rainbow trout, Atlantic salmon, other salmonid species, and selling hatchery-raised trout. A Black Bass Hatchery Permit allows breeding and raising smallmouth bass and largemouth bass, selling hatchery-raised largemouth bass, selling hatchery-raised smallmouth bass except for human consumption.
List of Prohibited Species	N.Y. Comp. Codes R. & Regs. tit. 6, § 575.3	Prohibited species cannot be sold, imported, purchased, or possessed with intent to sell, import, or purchase.
Scope of Aquaculture Permit		
Possess	N.Y. Env't Conserv. Law § 11-1909; N.Y. Env't Conserv. Law § 11-1911	Included under fish hatchery permit
Transport	6 NYCRR 150.1; 6 NYCRR 155.1	Special provisions for transport of trout and black bass from private hatcheries.
Import	N.Y. Env't Conserv. Law § 11-1909; N.Y. Env't Conserv. Law § 11-1911 6 NYCRR 155.1. 6 NY CRR 188.1.	Private fish hatcheries outside of the state must have a state Fish Hatchery Permit . No person may place live fish into the water bodies of the State, or possess, sell, offer for sale, barter, import or transport fish for purposes of placing them into water bodies of the State, unless such fish are accompanied by a fish health certification report. A permit is required to import and possess grass carp and hybrid grass carp. Salmonid permit may be required N.Y. Env't Conserv. Law § 11-1709
Sale	6 NYCRR 155.1	Covered by black bass/trout hatchery permit. Only black bass originating from a black bass hatchery or otherwise as permitted by the Fish and Wildlife Law may be purchased or offered for sale in New York. Only largemouth black bass originating from a black bass hatchery or otherwise permitted by the Fish and Wildlife Law may be purchased or offered for sale for human consumption purposes in New York.
Health requirements		
Health certifications required	N.Y. Comp. Codes R. & Regs. tit. 6, § 188.1-188.2	A private hatchery rearing fish in state waters or selling fish for stocking purposes must have a state Fish Health Certificate before the agency will issue a private hatchery permit. A fish health certification report is required certify that the fish being placed into the waters of the State or possessed, sold, offered for sale, bartered, imported or transported fish for purposes of placing them into water bodies of the State are free of certain diseases and pathogens.
VHS Requirements	N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2.	VHS listed as disease in 188.2.

Testing/Certification	N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2	<p>Fish health certification reports required by this section shall be based upon and conform with testing methods and procedures recognized by the American Fisheries Society or the World Organization of Animal Health.</p> <p>Sample collection shall be made and fish health certification reports shall be issued by one of the following independent qualified inspectors:</p> <ul style="list-style-type: none"> (1) American Fisheries Society certified fish pathologists; (2) American Fisheries Society certified fish health inspectors; (3) licensed veterinarians with demonstrated capability to perform sample collection and fish health inspections; (4) government employees with demonstrated capability to perform sample collection and fish health inspections; (5) university or college personnel with demonstrated capability to perform sample collection and fish health inspections; or (6) private laboratory personnel with demonstrated capability to perform sample collection and fish health inspections.
Other Major Permits Required		
Water Withdrawal	N.Y. Comp. Codes R. & Regs. tit. 6, § 601.10; NY ECL §15-1501	A water withdrawal permit is required for agricultural water withdrawal systems with the capacity to withdraw 100,000 gallons per day (GPD).
NPDES	Environmental Conservation Law §17-0803	In New York, the State Department of Environmental Conservation (DEC) oversees NPDES permitting. The U.S. EPA has specific regulations that apply to "Concentrated Aquatic Animal Production Facilities" (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.
Wetlands	N.Y. Env't Conserv. Law § 24-0701	Any person or entity who impacts a wetland may need a joint permit from the U.S. Army Corps of Engineers and NY DEC. State permit required for activities in freshwater wetlands.
Right to Farm	N.Y. Agric. & Mkts. §§ 300 to 310	Right-to-farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. The State of New York includes aquaculture in its definition of crops, livestock, and livestock products. Specifically, it includes aquaculture products; including fish, fish products, water plants, and shellfish.

Ohio

	Citation	Brief Summary
Aquaculture Agency Lead		OH DNR; OH Department of Agriculture
Aquaculture Permit Requirement	Ohio Rev. Code Ann. § 1533.632; Ohio Admin. Code 1501:31-39-01	An aquaculture permit may be issued by Ohio DNR upon application to a person who owns or leases an aquaculture production facility. "Aquaculture" means a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including, but not limited to, for the purpose of sale for consumption as food.
Approved Species List	Ohio Rev. Code Ann. § 1533.632; Aquaculture; Ohio Admin. Code 1501:31-39-01	Aquaculture permits are classified as either class A or class B. class A aquaculture species are designated by rule as a class A aquaculture species. Class B permits are issued on a case-by-case basis. Unclassified species require a written request.
List of Prohibited Species	Ohio Admin. Code 1501:31-19-01	It is illegal to possess, import, sell, or release into the wild listed live species in regulations. DNR approval required
Scope of Aquaculture Permit		
Possess		Covered by aquaculture permit.
Transport	Ohio Rev. Code Ann. § 1533.301	Intrastate movement of live fish requires a Transportation Permit from ODNR. Current restrictions exist for movement within the state of VHS susceptible species. This VHS Proclamation made by the Department of Agriculture prohibits the intra-state transportation, sale, or distribution of 28 fish species susceptible to VHS in the affected region of Northern Ohio. VHS proclamation is in effect until 12/31/25
Import	Ohio Admin. Code §§ 901:1-17-01, 901:1-17-13	Importation of fish requires import permit from Agriculture. For fish, viable eggs, or sperm of the family Salmonidae or Salmonidae hybrids or the species or hybrids of the species listed in appendix A of 901:1-17-13 (list of fish susceptible to VHS), a fish health certificate is required. Fish eggs of the family salmonidae may not be imported from either a facility or a water source where whirling disease has been found unless health requirements are met (below).
Sale	Ohio Admin. Code 1501:31-39-01. Ohio Rev. Code Ann. § 1533.40; 1533.631.	Covered by aquaculture permit. Class A holders may only sell Class A species. A wholesale permit is also required for selling to resellers. A bait dealer permit is also required for selling bait species.
Health requirements		
Health certifications required	Ohio Admin. Code 901:1-17-13	Fish Health Certification is required to import the fish, viable eggs, or sperm of the family salmonidae or salmonidae hybrids or the species or hybrids of the species listed in appendix A of 901:1-17-13 (list of fish susceptible to VHS). Certification must show free of Ceratomyxosis (Ceratomyxa shasta), when originating from a state or zone where ceratomyxosis has been reported; Infectious hematopoietic necrosis; Infectious pancreatic necrosis; Infectious salmon anemia, when originating from a state or zone where infectious salmon anemia has been reported; Proliferative kidney disease, when originating from a state or zone where proliferative kidney disease has been reported; Viral hemorrhagic septicemia; and Whirling disease (Myxobolus cerebralis). Fish eggs of the family salmonidae may not be imported from either a facility or a water source where whirling disease has been found unless: 1) The fish eggs are surface disinfected when shipped and disinfected again when received with a one hundred milligram per liter solution of active iodine for ten minutes; and 2) The fish eggs are transported in new containers and water free of the causative agent for whirling disease.

VHS Requirements	Ohio Admin. Code 901:1-17-13	VHS listed as “dangerously contagious or infectious disease”. VHS susceptible fish as listed in appendix A of 901:1-17-13 must be accompanied by a fish health inspection and testing report. Restrictions for movement within VHS proclamation map in Department of Agriculture Order https://agri.ohio.gov/wps/wcm/connect/gov/fab08b65-0857-42db-b107-33f52b3ebb65/2019.12.20+-+2020+VHS+Proclamation.pdf?MOD=AJPERES&CONVERT_TO=url&CACHEID=ROOTWORKSPACE.Z18_M1HGGIK0N0JO00QO9DDDDM3000-fab08b65-0857-42db-b107-33f52b3ebb65-o24zk0j
Testing/Certification	Ohio Admin. Code §§ 901:1-17-13, 901:1-17-14	<p>Testing and inspection done at a facility for issuance of a fish health inspection report shall be done in the following manner: All lots at a facility must be inspected and tested using either a polymerase chain reaction test, cell culture test, or another method approved by the department.</p> <p>Collection of samples from each lot must be based upon an assumed prevalence level of five per cent and a ninety-five per cent confidence of detecting at least one infected fish in the lot for causative agents of the diseases listed in paragraphs (A)(1)(a) to (A)(1)(g) of rule 901:1-17-13 of the Administrative Code.</p> <p>If samples cannot be collected for diagnostic testing from all lots of fish at a facility in one day; all lots not sampled must have samples collected from them within thirty days of the date the first sample was collected at the facility.</p> <p>Inspection and diagnostic testing for whirling disease must be done using one sample of sixty fish. The sample must be made up of fish at an age when whirling disease is most likely to be detected, and from species most susceptible to the disease.</p> <p>If all lots not sampled in one day at a facility are not sampled within thirty days of the date the first sample was collected; all testing and inspection at the facility must be done over. Tested for Ceratomyxosis (<i>Ceratomyxa shasta</i>), when originating from a state or zone where ceratomyxosis has been reported; Infectious hematopoietic necrosis; Infectious pancreatic necrosis; Infectious salmon anemia, when originating from a state or zone where infectious salmon anemia has been reported; Proliferative kidney disease, when originating from a</p>
Other Major Permits Required		
Water Withdrawal	Ohio Rev. Code Ann. § 1521.16	<p>In Ohio, any facility that is able to withdraw over 100,000 gallons per day must register with the chief of the division of water resources. Ohio Rev. Code Ann. § 1521.16</p> <p>“Any facility that is registered with the Division of Water Resources must complete and submit an annual report of all water withdrawn in a calendar year. Reports must also be submitted even if no water was withdrawn.” Also, “. Water withdrawal facility registration is also a requirement of the Great Lakes Water Resources Compact, a binding agreement among the eight Great Lakes States. Ohio has enacted the Compact into law.” Ohio Rev. Code Ann. § 1522.01</p>
NPDES		<p>The Ohio Environmental Protection Agency (OEPA) oversees NPDES permitting. The U.S. EPA has specific regulations that apply to “Concentrated Aquatic Animal Production Facilities” (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.</p>
Wetlands	Ohio Rev. Code Ann. §§ 6111.021-6111.024.	<p>Any person or entity who impacts a jurisdictional wetland may need a joint permit from both the U.S. Army Corps of Engineers and Ohio DEC. A person that proposes to engage in an activity that involves the filling of an isolated wetland applies under a general state isolated wetland permit or for an individual state isolated wetland permit, as applicable.</p>

Right to Farm	Ohio Rev. Code Ann. §§ 929.01 to 929.05; Ohio Rev. Code Ann. § 3767.13	Right-to-farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. The State of Ohio includes aquaculture in its definition of agricultural production. Agricultural production encompasses commercial aquaculture.
----------------------	--	---

Pennsylvania

	Citation	Brief Summary
Aquaculture Agency Lead		Department of Agriculture Fish and Boat Commission
Aquaculture Permit Requirement	3 Pa. Stat. and Cons. Stat. Ann. § 4220, 4221(c).	Aquaculture operations must be registered with the Department of Agriculture. This registration allows the owner to propagate, sell, and transport all species of fish listed on the registration.
Approved Species List	PSCA § 4219; 58 Pa. Code § 71a.3.	Approved list of species approved for importation and propagation determined by PA Fish and Boat Commission each year. PBC has regulations regarding the cultural methods for species of fish allowed for closed systems. Those systems may be registered for any species of fish with approval by the department.
List of Prohibited Species	58 Pa. Code §§ 71a.11; 71a.10; 58 Pa. Code § 71a.3.	It is unlawful to introduce, import, possess or transport listed species in or through the Commonwealth, or the waters of the Commonwealth. It is unlawful to propagate grass carp, diploid or triploid.
Scope of Aquaculture Permit		
Possess	PSCA § 4221. 58 Pa. Code § 71a.7.	Covered by aquaculture permit; additional requirements for VHS-susceptible species.
Transport	PSCA § 4221. 58 Pa. Code § 71a.7.	Covered by aquaculture permit; additional requirements for VHS susceptible species.
Import	PSCA § 4221. 58 Pa. Code § 71a.7.	Covered by aquaculture permit; additional requirements for VHS susceptible species. Separate permit for dealers not licensed to propagate.
Sale	PSCA § 4221.	Covered by aquaculture permit.
Health requirements		
Health certifications required	58 Pa. Code § 71a.7; 38 Pa.B. 4787	Transport or import of VHS susceptible species.
VHS Requirements	58 Pa. Code § 71a.7; 38 Pa.B. 4787; 58 Pa. Code § 69.3	Pa. regulations state that it is unlawful to introduce, transport or cause the transportation of VHS-susceptible species from PA's Lake Erie watershed into other watersheds except as specified in 58 Pa. Code § 69.3 b and d. It is unlawful to introduce, transport or cause the transportation of VHS-susceptible species from from a VHS-affected or VHS-at risk state, except when one of the following conditions is met: The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by Agriculture and approved by the Commission. Pennsylvania Department of Agriculture Quarantine Order states that no VHS susceptible fish species from any Great Lakes state may enter Pennsylvania without documentation that the fish have tested negative for the VHS virus. There is a general quarantine for Crawford, Erie, and Potter Counties and any at-risk watersheds by order of USDA-APHIS.

<p style="text-align: center;">Testing/Certification</p>	<p>https://www.pacodeandbulletin.gov/Display/pabull?file=/secure/pabulletin/data/vol38/38-35/1594.html</p>	<p>Testing and Documentation Requirements from the VHS Quarantine Order. VHS-susceptible species must meet the following testing and documentation requirements:</p> <p>Within 12 months preceding movement from a Quarantined County or a Quarantined VHS-Affected or VHS At-Risk State, the VHS-susceptible species lot must be tested in accordance with either the testing protocols described in the current edition of the Fish Health Section Bluebook adopted by the American Fisheries Society or the testing protocols of the Office of International Epizootiologies, and the lot shall be test-negative for VHS.</p> <p>If fish are added to a lot of VHS-susceptible species after the testing is completed, the lot must be retested and found VHS test-negative prior to movement.</p> <p>Documentation of VHS status must accompany VHS-susceptible species that are required to be tested under Paragraphs 4 or 5, at all times the VHS-susceptible species remain within the state and must, upon request, be produced for inspection by any employee or representative of the Department.</p>
<p>Other Major Permits Required</p>		
<p style="text-align: center;">Water Withdrawal</p>	<p>25 Pa. Code § 110.201</p>	<p>The following categories must register with the Department: 1) Owners of public water supply agency; 2) owners of a hydropower facility; 3) each individual with a watershed that exceeds 10,000 gallons per day within 30 days, either from one point of withdrawal or multiple, and either concurrently or sequentially.</p>
<p style="text-align: center;">NPDES</p>		<p>PA DEP oversees NPDES permitting. The U.S. EPA has specific regulations that apply to "Concentrated Aquatic Animal Production Facilities" (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.</p>
<p style="text-align: center;">Wetlands</p>	<p>PSCA § 4212.</p>	<p>Any person or entity who impacts a wetland may require a joint permit from the U.S. Army Corps of Engineers and PA DEP. "Impacts" include filling, regrading, piping, draining, or flooding. Aquaculture facilities are not "wetlands" if est prior to 1985 or after 1985 if not created or maintained on wetlands.</p>
<p style="text-align: center;">Right to Farm</p>	<p>3 Pa. Cons. Stat. §§ 951 to 957</p>	<p>Right-to-farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. The State of Pennsylvania does not mention aquaculture in its right-to-farm statutes.</p>

Vermont

	Citation	Brief Summary
Aquaculture Agency Lead	Vt. Stat. Ann. tit. 10A, § 117; Vt. Stat. Ann. tit. 6, § 1154a. Vt. Stat. Ann. tit. 10, § 5207.	"The Department of Fish and Wildlife will review the Fish and Wildlife regulations governing the industry of fish propagation annually." Moreover, "[h]ealth testing of cultured fish may be provided to commercial fish farms and fee fishing businesses through an aquaculture inspection program conducted jointly by the Agency of Agriculture, Food and Markets and the Department of Fish and Wildlife. The fee for a breeder's license application is \$50.00 for a new application and \$10.00 for a renewal.
Aquaculture Permit Requirement	Vt. Stat. Ann. tit. 10, § 5207; 10 App. V.S.A. § 117 (fish propagation regulation).	The applicant for a Breeder's License 1) must be in writing; 2) must be addressed to the Commissioner; 3) must be signed by the applicant; and 4) must be made in good faith. Moreover, the applicant for a Breeder's License must include the following information: (a) License number; (b) A description of the land or water to be used for propagation; (c) Ownership status of the lands or waters, specifying whether the applicant is the owner or lessee. If the applicant is not the owner, the owner's name and address must be listed; (d) A map of the property and waters, indicating any ingress and egress by public waters; (e) A map of all existing or proposed fish rearing units, including water sources. The unit type, volume, and available water supply (in gallons per minute) should also be included; (f) The purpose for propagating species, specifying the percentage for food fish or live sale; (g) The complete name—common and scientific—of each fish species to be listed on the application; (h) A copy of the latest annual fish health inspection report and the health inspection reports for fish lots introduced to the station in the past year.
Approved Species List	10 App. V.S.A. § 117 (5)(A)(2).	Breeders Licenses are allowed for fish species not classified as Endangered Species or Injurious Fish.
List of Prohibited Species	10 App. V.S.A. § 117 (5)(A)(2).	Breeders Licenses shall not be issued for Endangered Species or Injurious Fish.
Scope of Aquaculture Permit		
Possess	10 V.S.A. § 4605 and 10 V.S.A. App. § 121	
Transport	Vt. Stat. Ann. tit. 10, § 5104.	Fish raised on propagation farms, when tagged, may be transported unaccompanied by the owner thereof in any number and quantity. Fish raised for propagation purposes may be transported without being so tagged when accompanied by the owner thereof.
Import	Vt. Stat. Ann. tit. 10A, § 121 Vt. Stat. Ann. tit. 10, § 4605.	No one may introduce fish into state waters (excluding private ponds isolated from other waters) without a permit from the Commissioner. The Commissioner may establish rules to Require a permit to introduce certain fish species into specific state waters for management purposes. Prohibit fish introduction in certain waters to protect management goals, ecosystems, or Vermont's fish health. List fish that, if introduced, could harm state fish populations. Possession or import of these fish requires a permit, with allowances for controlled use in public research or education. A \$50 permit fee applies, unless waived for organizations partnering with the Department. The Commissioner will inspect the fish as necessary and issue a permit decision within 10 days. Unlawfully imported fish may be disposed of, and violators may face fines for related costs.
Sale	Vt. Stat. Ann. tit. 10, § 4611.	A person shall not buy or sell a salmon, trout, lake trout, walleye, northern pike, muskellunge, black bass, or any other fish specified by rule by the Board taken in this State, or imported from another state or country where sale of such fish is prohibited, except such fish reared in licensed propagation farms within the State. A person shall not buy or sell fish caught in Vermont without a permit issued by the Commissioner, as required under the rules of the Board and the requirements of part 4 of this title. A propagation farm with a valid permit issued under 10 App. V.S.A. § 117 shall not be required to obtain a permit under this section.

Health requirements	Vt. Stat. Ann. tit. 6, § 1154a.	Health Inspection Agency's & Fees - Health testing of cultured fish may be provided to commercial fish farms and fee fishing businesses through an aquaculture inspection program conducted jointly by the Agency of Agriculture, Food and Markets and the Department of Fish and Wildlife. Such testing shall be at no charge to the commercial fish farm or fee fishing business. The testing shall be funded jointly from the operating budgets of the Agency of Agriculture, Food and Markets and the Department of Fish and Wildlife.
Health certifications required	10 App. V.S.A. § 117 (fish propagation regulation)	Annual Fish Health Inspection. Annual inspection (minimum once a year) for fish pathogens using inspection procedures approved by the Department, such as those provided for in the most recent addition of the "Blue Book," which is developed by the Fish Health Section of the American Fisheries Society (AFS) or the most recent addition of the "Fish Health Protection Regulations Manual of Compliance," of the Department of Fisheries and Oceans, Canada. Different standards for trout and salmon. All individuals holding a Breeders License for trout and/or salmon will be required to have annual fish health inspections, conducted by a qualified fish health inspector acceptable by the Department. However, persons maintaining fish in a closed rearing unit may be exempt from the annual fish health inspection. Things tested for: All fish lots on the facility shall be tested for VHS (Viral Hemorrhagic Septicemia), IPN (Infectious Pancreatic Necrosis), IHN (Infectious Hematopoietic Necrosis), BKD (Renibacterium salmoninarum), ERM (Yersinia ruckeri), Aeromonas salmonicida (Furunculosis), Myxobolus cerebralis (Whirling disease), and other disease agents, that may be deemed necessary by the Commissioner. Other species will be required to be inspected for those pathogens deemed necessary by the Commissioner with the approval of the Commissioner of Agriculture, Food and Markets.
VHS Requirements	10 App. V.S.A. § 117(4)(b).	All fish lots shall be tested for VHS (Viral Hemorrhagic Septicemia).
Testing/Certification	10 App. V.S.A. § 117(4)(b), (E).	All fish lots shall be tested for VHS (Viral Hemorrhagic Septicemia). If at any time fish are found to be infected with the causative agents of VHS and/or other diseases as determined by the Commissioner to be a serious threat to the fishery resources of the State of Vermont, the Commissioner shall have the authority to impose an immediate prohibition on moving any fish. During the prohibition a compliance agreement stating the appropriate procedures for the disposal of fish and the disinfection of the facility shall be determined by the Department's appropriate representative and in consultation with the owner/operator in cooperation with a nonaffiliated fish health specialist. The action shall be designed to bring the least amount of economic hardship to the affected party while affording maximum protection to other operators, growers, and the fishery resources of the State of Vermont.
Water Withdrawal	Vt. Stat. Ann. tit. 6, § 4927.	"Any person who withdraws 10,000 gallons or more of surface water within a 24-hour period in the preceding calendar year or 150,000 gallons or more of surface water over any 30-day period in the preceding calendar year shall file a report with the Secretary of Agriculture, Food and Markets. The report shall be made on a form provided by the Secretary and shall include all of the following information: (1) an estimate of the total amount of water withdrawn in the preceding calendar year; (2) the location of the withdrawals; (3) the daily maximum withdrawal for each month; (4) the date of each daily maximum withdrawal; and (5) any other information related to surface water withdrawal required by the Secretary of Agriculture, Food and Markets."

<p style="text-align: center;">NPDES</p>	<p>Final NPDES Aquaculture General Permit (AQUAGP) for Concentrated Aquatic Animal Production (CAAP) Facilities and Other Related Facilities in Vermont: https://www3.epa.gov/region1/npdes/aquagp/aquagp-2022-final-mod-permit.pdf; State Statute Governing Discharge Permits: Vt. Stat. Ann. tit. 10, § 1263.</p>	<p>Operators of federally-owned concentrated aquatic animal production (CAAP) and similar federal facilities in Vermont that discharge pollutants are authorized to discharge into all waters, subject to Vermont Water Quality Standards and the conditions in the Vermont General Permit (Permit No. VTG130000). Facilities producing 100,000 lbs or more annually must conduct monthly monitoring, while those producing less monitor quarterly. All permittees must also submit an annual nutrient optimization report as part of their BMP Plan, per Part 5.5 of the General Permit.</p>
<p style="text-align: center;">Wetlands</p>	<p>Vt. Stat. Ann. tit. 10, § 914; Vt. Stat. Ann. tit. 10, § 6086</p>	<p>Wetlands determination - The Secretary may, upon a petition or on his or her own motion, determine whether any wetland is a Class II or Class III wetland. Such determinations shall be based on an evaluation of the functions and values set forth in subdivision 905b(18)(A) of this title and the rules of the Department. Application - For an individual or general permit, the administration fee is \$240. Moreover, the Agency of Natural Resources and Department of Environmental Conservation grants the the application for a wetland permit.</p>
<p>Right to Farm</p>	<p>Vt. Stat. Ann. tit. 12, § 5751 (2024); Vt. Stat. Ann. tit. 12, § 5753.</p>	<p>The term "right to farm" is not expressly mentioned in Vermont's statutes; however, case law has interpreted Vermont's statute to include the right to farm. <i>See Trickett v. Ochs</i>, 2003 VT 91 (2003). Vermont's legislature has found that agricultural activities are potentially subject to lawsuits based on the theory of nuisance and that these suits encourage and could force the premature removal of the farmlands and other farm resources from agricultural use. The purpose of Chapter 195 is to protect reasonable agricultural activities conducted on the farm from nuisance lawsuits. Agricultural activities shall be entitled to a rebuttable presumption that the activity does not constitute a nuisance if the agricultural activity meets all of the following conditions: (A) it is conducted in conformity with federal, State, and local laws and regulations (including required agricultural practices); (B) it is consistent with good agricultural practices; (C) it is established prior to surrounding nonagricultural activities and (D) it has not significantly changed since the commencement of the prior surrounding nonagricultural activity. (2) The presumption that the agricultural activity does not constitute a nuisance may be rebutted by a showing that the activity has a substantial adverse effect on health, safety, or welfare or has a noxious and significant interference with the use and enjoyment of the neighboring property.</p>

Wisconsin

	Citation	Brief Summary
Aquaculture Agency Lead		Department of Agriculture, Trade and Consumer Protection (aquaculture and fish health) Department of Natural resources (non-native species/waters of the state)
Aquaculture Permit Requirement	WI Stat. Ann. §§ 95.60; 29.733; Wis. Admin. Code ATCP § 10.61.	Annual registration with DATCP required. If fish farm uses "natural waterbody" DATCP requires that new registrants receive a Natural Waterbody Status review from the DNR prior to registering their waterbody(s) or facility as a DATCP fish farm. If fish farm uses "natural waterbody" DATCP requires the NR19 permit from the DNR.
Approved Species List	WI Stat. Ann. § 29.735; Wis. Adm. Code NR 40.02 (30)	Non-native fish require import permit from DNR. Non-native species import permit allows the import of "non-native fish species in the aquaculture industry:" arctic char, Atlantic salmon, brown trout, Chinook salmon, coho salmon, rainbow trout, pink salmon, redear sunfish, tiger trout, and tilapia.
List of Prohibited Species		Prohibited list in NR 40.04; Restricted NR 40.05 list https://dnr.wisconsin.gov/sites/default/files/topic/Invasives/nr40lists.pdf
Scope of Aquaculture Permit		
Possess		Covered by facility registration.
Transport	Wis. Admin. Code ATCP § 10.61(3); 10.64; 10.65	Operators of registered fish farms may ship live fish or fish eggs from the fish farm to another facility, for processing or direct sale to consumers, provided that certain requirements are met. VHS susceptible require a health certificate with certain exceptions.
Import	Wis. Admin. Code ATCP §§ 10.61, 10.62 (2)(f); Wis. Stat. Ann. § 95.60.	No additional import permit from DATCP is required if import is live Wisconsin-native fish or fish eggs from out of state fish farm to WI fish farm with health certificate. Fish import permit is required for introducing fish or fish eggs into waters of the state. This also requires a stocking permit from the DNR. A fish import permit is required when using the fish or fish eggs as bait. An import permit is required for holding or rearing the fish, or hatching the fish eggs, at a fish farm for which a registration certificate is required under s. ATCP 10.61 (1) if the imported fish or fish eggs are harvested from the wild. An import permit from DNR is required for non-native fish and fish eggs imported for use as bait or to a fish farm.
Sale	Wis. Admin. Code ATCP § 10.61	A fish farm operator may not sell or distribute live fish or fish eggs from that fish farm unless the fish farm has a type 2 or type 3 fish farm license.
Health requirements		
Health certifications required	Wis. Admin. Code ATCP § 10.62; 10.63; 10.64.	Import of non-native fish and VHS susceptible fish; transport of VHS-susceptible species; introduction to waters of the state requires health inspection. Fish Health Certificate required for salmonids or VHS susceptible species moving from a Type 3 fish farm, with exceptions.

VHS Requirements	Wis. Admin. Code ATCP § 10.64-65.	Import or transport of VHS-susceptible species require a health inspection. Movement of any live fish or fish eggs of a species that the department has identified as being susceptible to VHS from a type 3 fish farm to any other location in this state is prohibited, unless those fish or fish eggs are covered by a valid health certificate. There are exemptions if the live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10); or fish or fish eggs moved to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity meets certain requirements; or live fish or fish eggs shipped to a specific location for direct sale to consumers as food, provided that certain requirements are met.
Testing/Certification	Wis. Admin. Code ATCP § 10.65	A qualified fish health inspector will issue a fish health certificate based on a personal inspection, using appropriate inspection, sampling, and diagnostic methods specified in the certificate form. A Fish Health Certificate certifies that the fish and fish eggs are free of visible signs of contagious or infectious disease; Whirling disease (<i>Myxobolus cerebralis</i>) if a fish farm or shipment covered by the health certificate includes salmonids; (VHS) VHS if the health certificate covers fish or fish eggs of a species susceptible to VHS and the fish or fish eggs are from a wild source or a Type 3 fish farm. Certification form states that required laboratory tests have been sampled and inspected by lot or facility according to the current version of the Inspection Section of the AFS-FHS Blue Book or the OIE Manual and Code. Also requires a visual inspection of a minimum of 60 fish per species (or 100% of the population for populations of 60 fish or less) and certification that the fish have no gross clinical signs of contagious or infectious diseases except as noted on this form.
Other Major Permits Required		
Water Withdrawal	281.346	Water withdrawal in the Great Lakes Basin in quantities that average 100,000 gallons per day or more in any 30-day period requires a general Water Use Permit. Individual permits are required for 1,000,000 per day in a 30-day period.
NPDES		WI DNR oversees NPDES permitting. The U.S. EPA has specific regulations that apply to "Concentrated Aquatic Animal Production Facilities" (CAAP). A fish farm, hatchery or other aquatic animal production facility producing less than 100,000 pounds/year of warm water animals or 20,000 pounds/year of cold water animals, or an aquatic plant production operation may or may not need an NPDES permit. Any facility, regardless of whether it is a CAAP facility, that has a point source discharge of pollutants to waters of the U.S. is required to have NPDES coverage.
Wetlands	Wis. Stat. Ann. § 281.36.	Any person or entity who impacts a wetland may need a joint permit from the U.S. Army Corps of Engineers and WI DNR. Depending on the type of project a wetland general permit or individual permit will be required if any impacts to wetlands are proposed.
Right to Farm	Wis. Stat. § 823.08; Wis. Stat. Ann. § 91.01.	Right-to-farm laws seek to protect qualifying farmers and ranchers from nuisance lawsuits. The State of Wisconsin includes aquaculture in its definition of agriculture use in its right-to-farm legislation.

Illinois Aquaculture Provisions

Illinois Aquaculture Statutes

515 Ill. Comp. Stat. Ann. 5/5-5. Ownership and Title; Violations; Penalties

The ownership of and title to all aquatic life within the boundaries of the State, are hereby declared to be in the State, and no aquatic life shall be taken or killed, in any manner or at any time, unless the person or persons so taking or killing the aquatic life shall consent that the title to the aquatic life shall be and remain in the State for the purpose of regulating the taking, killing, possession, use, sale, and transportation of aquatic life after taking or killing, as set forth in this Code. Aquatic products, including any aquatic plants and animals or their by-products that are produced, grown, managed, harvested and marketed on an annual, semi-annual, biennial or short-term basis, in permitted aquaculture facilities, bred, hatched, propagated, or raised by the owner of a body of water, with the consent of the Department of Natural Resources through the issuance of an aquaculture permit and consistent with this Section, in permitted aquaculture facilities in or on that body of water are the property of the person who bred, hatched, propagated, or raised them or that person's successor in interest. Ownership of aquatic products reverts to the State upon revocation or expiration of an aquaculture permit as prescribed by administrative rule. If any person causes any waste, sewage, thermal effluent, or any other pollutant to enter into, or causes or allows pollution of, any waters of this State so as to kill aquatic life, the Department, through the Attorney General, may bring an action against that person and recover the value of and the related costs in determining the value of the aquatic life destroyed by the waste, sewage, thermal effluent, or pollution. Any money so recovered shall be placed into the Wildlife and Fish Fund in the State Treasury. If any person shall abandon, deposit, or otherwise place any wire, can, bottle, glass, paper, trash, rubbish, cardboard, wood cartons, boxes, trees, parts of trees, brush, or other insoluble material, including animal or vegetable material, into the waters or upon the ice of any waters of this State, or in any place on the bank of waters of this State where it shall be liable to be washed into the waters either by storms, floods, or other causes, the person shall be in violation of the offense of polluting. Employees of the Department, however, may place or direct the placement, in the waters of the State, of insoluble materials deemed suitable for the purposes of enhancing aquatic habitat. Any person who shall be found guilty under this Section shall be guilty of a petty offense, and the Court shall further order that the guilty person shall employ every practical means of removing the debris within a time specified by the Court. Failure to comply with an order under this Section shall constitute a Class B misdemeanor.

515 Ill. Comp. Stat. Ann. 5/10-105. Fish Importation Permits

Live fish, viable fish eggs, or viable sperm of any species or hybrid of salmon or trout may be imported into the State only by the holder of a fish importation permit and other required State permits. Importation permits shall be issued at no charge to a person who has applied on a Department special permit form, no less than 15 days nor more than 30 days before shipment, provided that the shipment is not considered detrimental to the fishery resource of the State. An importation permit shall be issued only if the source hatchery is inspected and found free of those diseases designated by administrative rule of the Department, or any other diseases, that may be detrimental to the fishery resource of the State. Inspections may be carried out only by persons recognized by the Department as competent in the diagnosis of fish diseases. An importation

permit may be granted by the Department for extended periods of up to 6 months from the date the source hatchery is certified as being disease free. A permit may be cancelled upon the diagnosis of a disease at the source hatchery that may be detrimental to the fishery resource of the State. A letter of disease free certification, including date of examination, must be provided by the applicant. A copy of the fish importation permit shall accompany shipment. Fish, eggs, or viable sperm imported under this permit are subject to inspection by employees of the Department and may include taking samples for biological examination. Shipment of live fish, viable fish eggs, or viable sperm of salmon or trout into the State without a fish importation permit shall be considered detrimental to the fishery resource and shall be seized and disposed of by means found suitable to the Department. This Section does not apply to salmon or trout in transit through the State that will not be released from their original containers. Failure to comply with this Section is grounds for revocation of the aquaculture permit or fish dealers license, or both.

515 Ill. Comp. Stat. Ann. 5/20-70. Non-resident and resident aquatic life dealers.

(a) Non-resident aquatic life dealers. Any person not a resident of Illinois who sells or ships to other wholesalers, retailers, or consumers any of the aquatic life protected by this Code, whether from waters within or without the State is a non-resident aquatic life dealer within the meaning of this Code. All licenses issued to non-resident aquatic life dealers are valid only in the location described and designated in the application for the license. Wholesalers may deliver their products by truck or common carrier of any type but must possess a separate license for each truck from which aquatic life are being sold if business is solicited from the trucks. Application for a non-resident aquatic life dealer's license shall be made to and upon forms furnished by the Department and shall be in the form as the Department may prescribe. The annual fee for a non-resident aquatic life dealer's license shall be \$100. All non-resident aquatic life dealer licenses shall expire on March 31 of each year. Non-residents purchasing aquatic life in Illinois for sale solely outside the State are exempt from possessing an aquatic life dealer's license if purchases are made from a licensed resident wholesale or retail aquatic life dealer.

(b) Resident aquatic life dealer's licenses. Any person conducting a fish market or buying, selling, or shipping any aquatic life (except minnows) protected by this Code, whether from waters within or without the State, shall first procure a license from the Department to do so, including any commercial fisherman selling live fish for stocking only. Any commercial fisherman selling fish legally caught or taken by themselves to a resident licensed wholesale aquatic life dealer, however, is exempt from the provisions of this Section.

(1) Wholesale aquatic life dealer's license. Any resident of this State who, within the State of Illinois, conducts a wholesale fish market or who sells or ships to any other wholesaler, retailer, or other commercial institution aquatic life protected by this Code, whether from waters within or without the State, is a resident wholesale aquatic life dealer in the meaning of this Code. This provision, however, does not apply to minnows or saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels, and oysters. All licenses issued to resident wholesale aquatic life dealers are valid only in the location described and designated in the application for license. Wholesale aquatic life dealers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which aquatic life is being sold if business is solicited from the truck. Applications for resident wholesale aquatic life dealer's licenses shall be made to and upon forms furnished by the Department,

which shall be in the form as the Department may prescribe. The annual license fee for each wholesale aquatic life dealer's license is \$50. All wholesale aquatic life dealer's licenses shall expire on March 31 of each year.

(2) Retail aquatic life dealer's license. Any resident of the State of Illinois who, within the State of Illinois, conducts a retail fish market where he or she sells or offers for sale any aquatic life protected by this Code, whether from waters from within or without the State, is a retail aquatic life dealer in the meaning of this Code. This provision, however, does not apply to minnows or saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels, and oysters. All licenses issued to resident aquatic life dealers are valid only in the location described and designated in the application for the license. Retailers may deliver their products by truck or other common carrier but must possess a separate license for each truck from which aquatic life is being sold if business is solicited from the truck. Applications for resident retail aquatic life dealer's licenses shall be made to and upon forms furnished by the Department, which shall be in the form the Department may prescribe. The annual license for each resident retail aquatic life dealer's license is \$10. All these licenses shall expire on March 31 of each year.

(3) Separate licenses. A license shall be procured for each separate fish market or place of business operated by any wholesale or retail aquatic life dealer, whether a resident or non-resident, and for each vehicle from which aquatic life is sold. All licenses shall be conspicuously displayed at all times.

(c) The Department may adopt administrative rules pertaining to non-resident and resident aquatic life dealers. Any person who violates any provision of this Section 20-70, or related administrative rule, is guilty of a Class B misdemeanor.

515 Ill. Comp. Stat. Ann. 5/20-90. Aquaculture Permits

Any person who shall engage in the breeding, hatching, propagation, or raising of aquatic life, whether indigenous or non-indigenous to this State, shall first procure a permit from the Department to do so. Aquatic life specified, which is bred, hatched, propagated or raised by a person holding a permit as provided for in this Section, may be transported and sold for food or stocking purposes. Permittees who sell aquatic life propagated or raised under this permit are exempt from possessing a fish or minnow dealers license. Aquaculture permit holders shall maintain records of all aquatic life bought, sold or shipped. These records shall include the name and address of the buyer and seller, the appropriate license or permit number of the buyer and seller, the date of the transaction, and the species, poundage, and origin of aquatic life involved. The records shall be kept for a minimum of 2 years from the date of the transaction and shall be made immediately available to authorized employees of the Department upon request. Records of the annual operations, as may be required by the Department, shall be forwarded to the Department upon request. Nothing in this Section shall be construed to give permittees authority to take aquatic life in their wild or natural state, contrary to other provisions of this Code, or to remove the permittee from responsibility for the observance of any federal, State, or local laws, rules, or regulations that may apply to the aquatic life. Aquaculture permit holders may harvest aquatic life on licensed aquaculture facilities with commercial fishing devices without obtaining any license for these devices. Before any person imports or receives live, non-indigenous aquatic life for aquaculture or stocking purposes in this State, permission must be obtained from the Department. Regulations governing non-indigenous aquatic life shall be covered by administrative

rule. The annual fee for a permit under this Section shall be \$50 and the permit shall expire on March 31 of each year. Any person who violates any provisions of this Section, including administrative rules relating to this Section, shall be guilty of a business offense and fined not less than \$1,000 and no more than \$5,000. Permitted aquaculture facilities are exempt from size, catch, and possession limits and seasons on aquatic life when harvested, sold, or transported, except when taken by sport fishing devices. All permits issued under this Section are valid only in the location described and designated in the application for such permit.

Illinois Aquaculture Regulations

Ill. Admin Code Title 17 805.10 to 805.50 Injurious Species [full text not included]

Ill. Admin. Code § tit. 17, § 870.5 Definitions

The following definitions apply to this Part.

“Annual Report” means the record of the annual operations of an aquaculture permit holder that shall be submitted to the Department under Section 370.40(c).

“Aquaculture” means the controlled breeding, hatching, propagation or raising of aquatic life by an aquaculturist [515 ILCS 5/20-90].

“Aquaculture Permit” means a permit issued to any person who engages in the breeding, hatching, propagating or raising of aquatic life, whether indigenous or nonindigenous. Aquatic life bred, hatched, propagated or raised by a permittee may be transported and sold for food or stocking purposes. [515 ILCS 5/20-90]

“Aquaculturist” means an individual involved in producing, transporting or marketing aquatic life or aquatic products from privately owned waters for commercial purposes [20 ILCS 215/4(b)].

“Aquatic Life” means fish, mollusks, crustaceans, algae and other aquatic plants and invertebrates [515 ILCS 5/1-20].

For purposes of this Part, “aquatic life” does not include amphibians or reptiles, which are governed by the Herptile-Herps Act [510 ILCS 68]; saltwater species commonly used as seafood that will not survive in freshwater, such as lobsters, clams, mussels and oysters; any species listed as endangered or threatened under Section 8 of the Illinois Endangered Species Protection Act [520 ILCS 10], which are governed under Section 3 of that Act; or any persons exempted by Section 870.80 of this Part.

“Aquatic Life Approved Species List” or “Approved List” means the list created by the Department under Section 870.10.

The Approved List is used in the licensure of aquaculture facilities and the permitting of aquaculturists, and regulating importation and transportation of aquatic life.

“Chief” means the Chief of the DNR Division of Fisheries.

“Code” means the Fish and Aquatic Life Code [515 ILCS 5].

“Department” or “DNR” means the Illinois Department of Natural Resources.

“Division” means the DNR Division of Fisheries.

“Wholly Owned” means a pond or lake where the boundary of the pond or lake is completely contained within a landowner's property.

Ill. Admin. Code § tit. 17, § 870.10 Aquatic Life Approved Species List

(a) For the purposes of regulating aquaculture and the transportation, stocking, importation and/or possession of aquatic life specified in this Part, the Aquatic Life Approved Species List is established. The Approved List is created and maintained by the Department and is comprised of specific species of aquatic life, within the categories of fish, crustaceans, gastropods, mollusks and plants.

(b) Any species not on the Approved List shall not be imported or possessed alive without a letter of authorization to import/possess those species.

(c) Copies of the Aquatic Life Approved Species List may be obtained free of charge by writing to:

Aquaculture Specialist
Illinois Department of Natural Resources
Aquatic Nuisance Species and Aquaculture Program
One Natural Resources Way
Springfield IL 62702-1271

(d) The Aquaculture Advisory Committee shall review requests for letters of authorization to import/possess aquatic species not included on the Approved List, and recommend to the Division under what conditions species may be imported/possessed. The Committee shall be composed of:

(1) The Chiefs of the following DNR Divisions:

- (A) Fisheries (Chair);
- (B) Wildlife;
- (C) Natural Heritage;
- (D) Law Enforcement.

(2) Should they agree to participate:

- (A) The Chief of the Illinois Natural History Survey;
- (B) The Aquaculture Coordinator, Department of Agriculture;
- (C) The Director, Southern Illinois University Fisheries, Aquaculture and Aquatic Sciences;
- (D) The Chief, Division of Food, Drugs and Dairies, Department of Public Health.

(e) The Chief of the Division of Fisheries shall consider the recommendations of the Committee prior to rendering final decisions regarding requests for letters of authorization to import/possess species not included on the Approved List. The Committee's recommendations and the decisions of the Chief shall be based upon the potential detriment to the natural fishery resource.

Ill. Admin. Code § tit. 17, § 870.20 Aquaculture Facility Permit Application and Requirements

(a) Facility Permit. Entities wishing to import/possess aquatic life for sale for food or stocking purposes shall apply for a permit for the facility where the aquatic life will be maintained.

(b) Facility Intended for Species Not on the Approved List. Entities wishing to import/possess aquatic life not on the Aquatic Life Approved Species List must submit with their application an aquaculture facilities plan, which the Department must approve prior to issuing a permit for the facility. The facility will be inspected by the Department as part of the application review process.

(c) Permit Standards. The Department will issue a facility permit if it concludes, after consideration of the application and any required facility plan and inspection of the facility, that the facility will not pose a danger to the natural fishery resource of the State. A facility will be deemed eligible for a permit based on the following standards:

- (1) The facility must be self-contained and not capable of overflowing into other waters of the State.
- (2) The facility is not located in a 100-year flood plain, as defined by the DNR Division of Water Resources (see 17 Ill. Adm. Code 3706), unless the location is approved by the Department based upon the facility's susceptibility to flooding.
- (3) The facility, if it needs to drain or discharge water, shall do so:
 - (A) into a municipal water treatment facility;
 - (B) into an on-site waste treatment facility incorporating sand filtration and chlorination; or
 - (C) in another manner approved by the Department.

(d) Facility Permit Conditions. The Department may impose additional conditions on the facility permit, specific to the facility, that are deemed necessary or appropriate for the protection of the State's aquatic resources.

(e) Timing of the Facility Permit Process

- (1) The Department will approve or deny an application for a facility permit within 8 weeks after it is submitted.
- (2) An applicant may apply under Section 870.30 for the aquaculture permit. Any aquaculture permits the Department issues prior to permitting the facility are conditional pending permit approval for the receiving facility. Aquatic life introduced to the facility prior to final permitting of the facility is at the applicant's own risk.

(f) Authorized Department personnel may conduct an inspection of any permitted facility at any time.

Ill. Admin. Code § tit. 17, § 870.30 Aquaculture Permit Application and Requirements

(a) Persons wishing to propagate, grow and harvest aquatic life for food or stocking purposes must obtain an aquaculture permit from the Department prior to the commencement of those activities.

- (1) The application for a permit shall be obtained from and must be submitted to the Aquaculture Specialist at the address in Section 870.10(c)
- (2) Applicants must complete all portions of the permit application form. Incomplete applications will be rejected.
- (3) The Department will issue permits to applicants who meet the requirements of the Code and this Part.
- (4) The permit fee of \$50 shall be assessed online or from an approved Point of Sale Location using a Customer ID Number issued by the Department after approval of the application. Paper payments are not accepted. Illinois DNR license vendors can be found at www.dnr.illinois.gov/LPR/pages/LicensePermitVendors.
- (5) Aquaculture permits expire on March 31 annually. Upon expiration of the aquaculture permit, the permittee may renew the permit by submitting the renewal application and the Annual Report required by Section 870.40(c) to the

Department by January 31. The Department will review the Annual Report in determining whether the permit will be renewed.

(b) Timing of the Aquaculture Permit Application/Letter of Authorization Process

(1) Applicants wishing to import/possess aquatic life that appears on the Approved List shall submit their aquaculture permit application at least 4 weeks prior to the importation/possession.

(2) Applicants wishing to import/possess aquatic life not on the Approved List may submit an application for the aquaculture permit with the Department. The Department will review the permit application and make its determination within 8 weeks after receipt of the application.

(3) Letters of authorization shall have a beginning and ending date.

(c) Inspection of Permit and Letters of Authorization. The aquaculture permit with any letters of authorization shall be available for inspection by the Department upon request.

III. Admin. Code § tit. 17, § 870.40 Cessation of Business; Recordkeeping and Reporting

(a) Permittee with Letters of Authorization - Cessation of Business

(1) In the event that the holder of an aquaculture permit with letters of authorization for aquatic life not on the Approved List goes out of business or possesses the aquatic life contrary to the Code, the Department shall determine disposition of the aquatic life as it deems necessary, based upon the potential detriment to the aquatic resource of the State.

(2) Holders of permits with letters of authorization who cease operation, for whatever reason, are required to notify the Department in writing within 30 days after their cessation of business. Permits/letters of authorization are not transferrable to other persons or businesses, including heirs or assigns.

(3) When a holder of a permit with letters of authorization ceases doing business voluntarily or involuntarily, his or her permit/letters of authorization expire at the cessation of business.

(b) Recordkeeping. Records shall be maintained as required in Sections 20-90 and 20-125 of the Code. *These records shall be made available to any authorized employee of the Department or any peace officer, upon request [515 ILCS 5/20-125]. Records shall be kept for a minimum of 2 years after the transaction [515 ILCS 5/20-90].*

(c) Annual Report

(1) All aquaculture permit holders shall submit to the Department, on forms provided by the Department, by January 31 of each year, an Annual Report providing information on the previous calendar year's activity for aquatic life possessed, bought, sold or shipped. The information required in this Annual Report shall include:

(A) name, address and license number of buyer;

(B) name, address and license number of seller;

(C) transaction date;

(D) species;

(E) number of pounds, to the nearest half pound;

(F) origin [515 ILCS 5/20-125(a)];

(G) price paid per pound (optional); and

(H) any other information (e.g., receipt number, carrier type, etc.) as required by the Department on the form.

(2) Failure of the permittee to submit the required Annual Report in the manner and time frame specified shall be grounds for refusal by the Department to renew a permit for the following year until all required reports are received and approved by the Department.

Ill. Admin. Code § tit. 17, § 870.50 Unlawful Acts

(a) Release of Aquatic Life. It is unlawful to release (or allow escape of) 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 Approved List *into waters that are wholly on their property. All aquatic life may be immediately returned unharmed to waters from where they were taken* [515 ILCS 5/ 10-100(a)]. Permission will be based upon the potential detriment to the aquatic resource.

(b) Transportation. It is unlawful for any person to transport, ship or convey within the State any live grass carp/ white amur (*Ctenopharyngodon idella*), black carp (*Mylopharyngodon piceus*), bighead carp (*Hypophthalmichthys nobilis*), silver carp (*Hypophthalmichthys molitrix*), tilapia (*Oreochromis* species) or any hybrid of these species, or any other species not on the Approved List, unless that person possesses a Restricted Species Transportation Permit issued by the Department.

(c) It is unlawful to transport, ship or convey live trout, salmon or char into the State unless a salmonid import permit has been issued to the source hatchery, as required by Section 10-105 of the Code. A copy of the salmonid import permit must accompany each shipment. A salmonid import permit will be issued only if the source hatchery has been inspected by the Department within the last 12 months and found free of the following disease agents: VHS - Viral Hemorrhagic Septicemia Virus; IHN - Infectious Hematopoetic Necrosis Virus; CS - Ceratomyxosis (*Ceratomyxa shasta*); PKD - Proliferative Kidney Disease agent; and/or any other disease agents that are not known to be present in the Great Lakes Basin.

(1) A salmonid import permit may be issued for a period of up to 6 months following the inspection of the source hatchery. The salmonid import permit will be reissued if the owner/operator of the source hatchery certifies that there has been no change in the disease status of the source hatchery in the 6 month period following the annual inspection. A bill of sale, listing quantity, species, and hatchery of origin shall be provided to and retained by the final recipient of the fish, until the fish are disposed of.

(2) The Department recognizes persons inspecting hatcheries using the methods of diagnosis found in "Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens" 4th ed., Version 1 (1994), published by the Fish Health Section of the American Fisheries Society or the "Manual of Compliance to the Fish Health Protection Regulations of the Department of Fisheries and Oceans, Canada" (1988) (no further amendments or editions are included), as competent in the diagnosis of fish diseases, unless a clearcut conflict of interest exists (such as the inspector being related to the hatchery owner by blood, adoption, marriage or economic interest).

(d) No live aquatic life not on the Approved List produced at the facilities operated or owned by an aquaculture permit holder may be removed from the site unless it is being transferred

to another permit holder who has permission to possess them, or to a fish market as food, or to an aquarium shop.

Ill. Admin. Code § tit. 17, § 870.60 Restricted Species Transportation Permit Procedures

(a) Generally Applicable Provisions; Exemptions

(1) Triploid Grass Carp

Triploid grass carp under 4 inches in length cannot be shipped, transported or stocked at any time and may be possessed only by authorized aquaculture permit holders.

(2) For the purposes of this Section, a shipment is defined as one load of fish; for example, 3 truckloads of fish being transported in convoy would be 3 shipments.

(3) Landowner Exemption

(A) Landowners South of I-80

(i) Pre-Order from Retail Outlet

If the triploid grass carp are listed on a Restricted Species Transportation Permit (RSTP) issued to the Illinois aquaculturist or Illinois licensed aquatic life dealer that supplied the triploid grass carp to the entity from which the landowner pre-ordered the fish, the landowner is exempt from the RSTP requirement while transporting those fish for stocking in his or her wholly owned waters south of I-80. During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

ii) Purchase Over-the-Counter

Lake or pond owners purchasing no more than 20 triploid grass carp over-the-counter are exempt from the RSTP requirement while transporting triploid grass carp purchased and obtained in Illinois for stocking in their wholly owned waters south of I-80, as long as they have a receipt from an aquaculturist selling over-the-counter in Illinois. (See subsection (c).) During the transport, the landowner must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

(B) Landowners North of I-80 - Pre-Order from Retail Outlet

Those landowners wanting to stock wholly owned lakes/ponds north of I-80 with triploid grass carp must procure those fish through an Illinois aquaculturist or Illinois licensed aquatic life dealer who holds an RSTP authorizing transport and stocking of those fish. (See subsection (c).) During transport of those fish by the landowner to his or her wholly owned lake/pond, the landowner is exempt from the RSTP requirement, but must have available the receipt from the entity from which the landowner purchased the fish. The exemption applies only during the first 24 hours after the purchase.

(b) Fish Importers, Aquaculturists and Commercial Fishermen. An RSTP is required for live grass carp, black carp, bighead carp, silver carp, tilapia (*Oreochromis* species) or any hybrid

of these species, or any other species not on the Approved List, including commercial fishermen that are holding Asian carp in a crib for later transport or that are transporting directly to a rendering facility for slaughter (with restrictions (see Section 870.50(b))). RSTPs are available from the Aquaculture Specialist at the address in Section 870.10(c). Applications must be received by the Program at least two weeks prior to the proposed shipment date. IDNR will evaluate the potential for escapement into glacial lakes, sloughs, potholes, bottom land, backwater lakes, streams, rivers, water areas known to harbor animals or plants on the national or Illinois threatened or endangered species list, natural areas or nature preserves, or wetlands. An RSTP shall be required for each shipment, except that extended permits covering regular periodic deliveries may be granted by the Department, pursuant to Section 10-105 of the Code. An RSTP is valid only:

- (1) on the dates listed on the permit; and
- (2) for names and addresses listed for delivery on the application/permit.

(c) Aquaculturists Selling Certified Triploid Grass Carp Over-the-Counter The receipt issued by an aquaculturist in an over-the-counter sale shall contain:

- (1) Accession number of USFWS certifying triploid status of grass carp.
- (2) Total number of fish sold. (Total amount in any one sale shall not exceed 20 individuals.)
- (3) Name, address and driver's or fishing license number of the buyer and the location of the wholly owned waterbody where stocking will occur. The signature of the buyer is confirmation that this information is true and accurate, the lake/pond is south of I-80, and the fish purchased will only be released in the identified lake/pond. Township/range, latitude and longitude, or equivalent is acceptable to identify the lake/pond location.
- (4) Name, address and aquaculture license number of seller. The signature of the seller is required to confirm information such as the buyer's license number and fish count and certification information.
- (5) Transaction date and time. (The landowner exemption from an RSTP is only for 24 hours after purchase. No more than 20 triploid grass carp may be carried in any vehicle/fish hauler at any one time under this exemption.)
- (6) The transaction documents must clearly state:
 - (A) that the transaction involves the sale of triploid grass carp;
 - (B) the number of fish sold;
 - (C) where the fish are to be transported; and
 - (D) the average length of the fish in each batch of fish sold.

(d) Fish Importers and Aquaculturists. Any person hauling any live triploid grass carp must subject the shipment to examination by IDNR. Except for persons exempt under subsection (a)(3), batches of fish subject to testing and containing more than 56 individuals will have 56 fish tested; for a batch containing fewer than 56 individuals, 100% will be tested.

(e) Commercial Fishermen

- (1) Commercial fishermen shall be allowed to harvest from the wild and transport to a State-licensed wholesale aquatic life dealer bighead carp, silver carp, grass carp and black carp, providing either of the following criteria are met:
 - (A) the fish are dead. Transportation of dead fish is allowed if:
 - (i) the fish are packed on ice only while directly en route to a fish market or processor (addition of water to iced and packed fish is not permitted);

- (ii) the packed fish are dry (in box, barrel, crate, etc.) while directly en route to a fish market or processor;
 - (iii) the isthmus has been severed;
 - (iv) the gills have been removed; or
 - (v) the fish have been eviscerated.
- (B) the fish are not transported in an aerated live tank or in any other manner intended to maintain the fish alive unless commercial fisherman first obtains an RSTP. An RSTP can be obtained by applying to the Aquaculture Specialist at the address in Section 870.10(c).
- (2) With a Department approved RSTP, commercial fishermen are allowed to:
- (A) transport live grass carp to a State-licensed slaughter facility or equivalent outside the State of Illinois, provided this facility is not located in the counties of Will, Cook or Lake and that the fish are processed or stored on ice immediately upon arrival at the facility; and
 - (B) transport live bighead carp, silver carp, grass carp and black carp directly to a crib (net pen) or State-licensed slaughter facility, provided that the fish are transported no more than a 15 mile radius to or from a crib or facility, or as otherwise designated on the RSTP, and that the fish are processed or stored on ice immediately upon arrival at the slaughter facility.
- (3) Asian carp may be held live in a crib (net pen) provided that:
- (A) they are cribbed in the waters where caught (within a 15 mile radius of the crib) and not transported upstream of a lock and dam or other barrier;
 - (B) they are removed within 72 hours;
 - (C) they are killed by one of the methods specified in subsection (e)(1)(C), (D) or (E) immediately upon removal from the crib; and
 - (D) all other regulations pertaining to commercial fishing and commercial fishing devices are followed.

Ill. Admin. Code § tit. 17, § 870.70 Penalties

Any person who violates this Part, falsifies or makes any misrepresentation on his or her application, permit, required records, or any other information required to be given to the Department or consumer, shall be subject to penalties described in Sections 2.4, 5.7, 5.16 and 5.19 of the Fish Code of 1971 (Ill. Rev. Stat. 1987, ch. 56, pars. 2.4, 5.7, 5.16 and 5.19).

Ill. Admin. Code § tit. 17, § 870.80 Exceptions

- (a) Except as otherwise provided in subsection (b), this Part does not apply to:
 - (1) aquarists/hobbyists (e.g., keepers of any non-injurious aquatic life, including carp (koi) and goldfish (not including amphibians or reptiles), within home aquaria, private water gardens and aquascapes), as long as the aquatic life are not offered for sale, trade or barter and the aquarist/hobbyist activity does not violate other aquatic life regulations (e.g., 17 Ill. Adm. Code 875);
 - (2) the aquarium industry (those businesses regulated and licensed by the Department of Agriculture under the Animal Welfare Act [225 ILCS 605]); or
 - (3) State agencies or universities.
- (b) Exceptions from Subsection (a)

- (1) The exemption in subsection (a) does not apply to any injurious species, as described in 17 Ill. Adm. Code 805.
- (2) The exemption in subsection (a) does not apply to any VHS-susceptible species or any wild caught aquatic life coming from affected regions without Fish Health Certificates (FHC) and Department approval.
- (3) The entities cited in subsection (a) are exempt as long as the excepted activity operates in a manner that will prevent escape of aquatic life into the waters standing on or flowing over the soil of the State of Illinois.

Ill. Admin. Code § tit. 17, § 875.10 Definitions [Viral Hemorrhagic Septicemia]

“Affected Regions” - those areas designated by USDA-APHIS as Affected or At-Risk Regions. Currently, these are the U.S. states of Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania and Wisconsin and the Canadian Provinces of Ontario and Quebec.

“Aquatic Life Farm” - property containing any or a combination of levee ponds, a strip mine lake or other type of lake maintained for the exclusive purpose of rearing aquatic life for harvest and resale.

“Baitfish” - live or dead species of fish or parts of fish, excluding roe, that are used by anglers to catch or attempt to catch fish.

“BlueBook” - Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens, American Fisheries Society, Fish Health Section, Bethesda, Maryland (2005 Edition).

“Department” - the Illinois Department of Natural Resources.

“Farm-Raised” - any species of aquatic life that has been reared entirely in captivity on an aquatic life farm.

“Fish Health Inspection Report” or “FHIR” - official document reporting health status of inspected fish issued by a trained, qualified fish health professional in accordance with BlueBook or OIE standards.

“Live Market” - an Illinois business in which commercially captured fish are maintained for a period of time prior to being killed and processed for consumption.

“Lot” - a population of fish as defined in the BlueBook.

“Offal” - the whole or parts of an aquatic animal and aquatic animal products not approved for human consumption, including sludge and sieve material collected during slaughtering.

“OIE” - the World Organization for Animal Health.

“Private Waters” - waters of the State of Illinois that are wholly upon properties held in private ownership and contained on the land of the owner.

“Public Waters” - all other waters of the State of Illinois.

“Resident” - a person who actually resides in Illinois. For businesses, resident means at least 51% owned by Illinois residents and organized under the laws of Illinois.

“Slaughter Facility” - an Illinois business in which commercially captured fish are immediately killed and processed for consumption.

“Specific Pathogen Free” or “SPF” - a lot of fish that have tested negative for VHS. “VHS” or “VHSv” - Viral hemorrhagic septicemia or the VHS virus. For purposes of this Part, VHSv and VHS are considered synonymous.

“Wild-Trapped” - any species of aquatic life that has any portion of its life history not under direct control of an aquatic life farm (i.e., those that are not farm-raised).

Ill. Admin. Code § tit. 17, § 875.20 Susceptible Species

(a) For purposes of this Part, susceptible species are:

(1) those species designated by USDA-APHIS in the Federal Order update of September 9, 2008;

(2) Additional species known to be carriers of VHS virus (VHSV) that present significant risk to the aquatic resources of Illinois;

(3) hybrids (offspring) of listed species for which both parent species are listed; and

(4) all species that originate from affected regions

(b) The current list of susceptible species from the APHIS Federal Order (<http://www.aphis.usda.gov/focusonfish/species-affected.php>) is as follows:

Black crappie	<i>Pomoxis nigromaculatus</i>
Bluegill	<i>Lepomis macrochirus</i>
Bluntnose minnow	<i>Pimephales notatus</i>
Brown bullhead	<i>Ictalurus nebulosus</i>
Brown trout	<i>Salmo trutta</i>
Burbot	<i>Lota lota</i>
Channel catfish	<i>Ictalurus punctatus</i>
Chinook salmon	<i>Oncorhynchus tshawytscha</i>
Emerald shiner	<i>Notropis atherinoides</i>
Freshwater drum	<i>Aplodinotus grunniens</i>
Gizzard shad	<i>Dorosoma cepedianum</i>
Lake whitefish	<i>Coregonus clupeaformis</i>

Largemouth bass	<i>Micropterus salmoides</i>
Muskellunge	<i>Esox masquinongy</i>
Northern pike	<i>Esox lucius</i>
Pumpkinseed	<i>Lepomis gibbosus</i>
Rainbow trout	<i>Onchorhynchus mykiss</i>
Rock bass	<i>Ambloplites rupestris</i>
Round goby	<i>Neogobius melanostomus</i>
Shorthead redhorse	<i>Moxostoma macrolepidotum</i>
Silver redhorse	<i>Moxostoma anisurum</i>
Smallmouth bass	<i>Micropterus dolomieu</i>
Spottail shiner	<i>Notropis hudsonius</i>
Trout-Perch	<i>Percopsis omiscomaycus</i>
Walleye	<i>Sander vitreus</i>
White bass	<i>Morone chrysops</i>
White perch	<i>Morone americana</i>
Yellow perch	<i>Perca flavescens</i>

(c) Additional species known to be carriers of VHSv that present significant risk to the aquatic resources of Illinois include:

Atlantic herring *Clupea harengus*

Pacific herring *Clupea pallasii*

Sea lamprey *Petromyzon marinus*

(d) Examples:

(1) Hybrid bluegill (bluegill X green sunfish) are not considered susceptible species as only one parent species is listed.

(2) Tiger muskellunge (muskellunge X northern pike) are considered susceptible species because both parent species are listed.

(3) All wild-trapped minnows are subject to certification standards if they originate from affected regions.

(4) Farm-raised minnows from affected regions (defined in Section 875.10) are subject to testing.

(5) Farm-raised minnows from Arkansas or Missouri are not subject to testing.

(6) *Tilapia* hybrid/subspecies and other non-approved species coming from an affected region (also need a Restricted Species Transportation Permit; see 17 Ill. Adm. Code 870).

(e) The official list of VHS-susceptible species as identified by the Department will be available from the Department and posted on the Department's website (<http://dnr.state.il.us>). Updates to the list of susceptible fish species will be made as necessary, and notice shall be given by issuing a press release, by publication in the official State newspaper, and by such other means as the Department determines are reasonably likely to inform the public, including notification on the Department website.

Ill. Admin. Code § tit. 17, § 875.30 Permits

(a) Application Requirements. Permits to import live VHS-susceptible species may be issued by the Department of Natural Resources in accordance with Sections 10-100 and 20-100 of the Fish and Aquatic Life Code [515 ILCS 5/10-100, 20-100] for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes, under the following provisions:

(1) Applicants wishing to import live VHS-susceptible species must make application to the Department in writing, at the following address:

Aquaculture Specialist
Illinois Department of Natural Resources
Aquatic Nuisance Species and Aquaculture Program
One Natural Resources Way
Springfield IL 62702-1271

(2) The Department may accept applications via fax or email if time permits and it is deemed to be in the best interest of the Department to do so.

(3) Applications must contain the following minimum information:

- (A) name, address and telephone number of the applicant, including the business, research or educational institution;
- (B) the common and scientific name, size and total number (or pounds) of each VHS-susceptible species for which a permit is requested;
- (C) date of anticipated imports and number of shipments;
- (D) source of supply, including name, address and telephone number of the supplier; and
- (E) any other information requested by the Department (e.g., route of transportation, holding facility location, stocking locations, disposition of animals and federal permit, if required).

(b) Issuance Criteria. The Department shall consider the following in determining whether to issue a permit to import live VHS-susceptible species:

- (1) whether the request is for persons or businesses holding an Aquaculture Permit, Aquatic Life Dealer's License or Minnow Dealer's License, or research or educational institutions for scientific purposes;
- (2) whether the supplier of the fish stocks has an acceptable Fish Health Inspection Report on file with the Department;
- (3) for importation of minnows and species commonly used as bait, whether the supplier/importer has submitted an officially recognized management plan (Hazard Analysis and Critical Control Points (HACCP)/Best Management Practices (BMP)) to minimize transfer of exotic species and potential pathogens; and
- (4) whether the Department approves of the live market stocking locations based upon the potential risk to the fishery resource of the State.

(c) Permit Conditions. Permits issued to import live VHS-susceptible species shall be subject to the following conditions:

- (1) All specimens approved under the permit must be imported only to the facilities, and at the location approved on the permit.
- (2) A person in possession of VHS-susceptible species, at all times during shipment and stocking, shall allow the Department, its agents or authorized employees to inspect the shipment and pertinent records to ensure compliance with this Part.
- (3) Permits issued under this Part shall be valid only for the time periods and under the provisions designated by the Department on the permit or accompanying letter.
- (4) All importers shall maintain records documenting disposition of all VHS-susceptible species for a minimum of 2 years from date of disposition.
- (5) It is unlawful for any person to violate any condition stipulated on the permit or accompanying letter issued by the Department. Violation of any special condition will result in revocation of the permit.
- (6) Shipments found in violation of this Part shall be subject to confiscation, quarantine and/or seizure. Disposition of specimens confiscated, placed under quarantine (including conditions under which they may be sold, traded, bartered or transferred), or seized under this Part shall be as designated by the Department.

(d) Permit Exceptions. The permits required by subsection (a) do not apply to:

- (1) Any licensed veterinarian, agent of a veterinary clinic, fish pathologist, or fish health inspector recognized by the American Fisheries Society providing diagnostic services subject to all of the following conditions:

- (A) the fish are in transit to an approved research or diagnostic laboratory authorized by the Department to work with VHS;
 - (B) if entering from outside the State of Illinois, the fish must be accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office; and
 - (C) effluent and carcasses shall be considered medical waste and shall be disposed of at the receiving research or diagnostic facility according to all applicable EPA and State regulatory criteria.
- (2) Any person moving fish to a slaughter facility subject to all of the following conditions:
- (A) the fish are for human consumption;
 - (B) the fish are accompanied by a valid Form VS 1-27 (Permit for Movement of Restricted Animals) issued by an APHIS area office;
 - (C) the fish are being transported to a State-inspected slaughter facility that:
 - (i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or
 - (ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria;
 - (D) offal, including carcasses, from the slaughter facility must be rendered or composted; and
 - (E) VS 1-27 form only applies to fish entering the State of Illinois.
- (3) Persons involved in catch and release fishing activities in which VHS-susceptible fish will be released into the same water body where caught, except VHS-susceptible species used or intended to be used as bait.
- (4) Any shippers 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 live VHS-susceptible species across Illinois. Under no circumstances shall an interstate transporter:
- (A) transfer any VHS-susceptible species from one container to another; or
 - (B) exchange or discharge water or other materials from a container containing VHS-susceptible species without first obtaining written permission from the Department.
- (5) Persons having a Salmonid Import Permit issued in accordance with 17 Ill. Adm. Code 870, provided that:
- (A) FHIR is issued in accordance with Section 875.40(a); and
 - (B) lot inspections (60 fish each) were tested according to the Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook.
- (6) Any licensed commercial fisherman moving fish to a live market subject to all of the following conditions:
- (A) the fish are for human consumption;
 - (B) the facility is located on the same body of water where the fish are captured;
 - (C) the fish are being transported to a State-inspected live market that:
 - (i) must discharge waste water to a municipal sewage system that includes waste water disinfection; or

- (ii) may discharge to either a non-discharging settling pond or a settling pond that disinfects according to all applicable EPA and State regulatory criteria; or
- (iii) may discharge maintenance water into the same water body where the aquatic life originated according to all applicable EPA and State regulatory criteria;
- (D) offal, including carcasses, from the slaughter facility must be rendered or composted.
- (7) Any licensed Commercial Roe Harvester in possession of roe-bearing species that are captured and transported under a Commercial Roe Harvest Permit as defined in 17 Ill. Adm. Code 830.13, provided no susceptible species are commingled.

Ill. Admin Code § tit. 17, 875.40 Fish Health Inspection Reports

- (a) Official FHIR must be issued by and received directly from one of the following:
 - (1) the state competent authority for fish health in the issuing state;
 - (2) a Department approved veterinarian offering diagnostic services for aquatic animals; or
 - (3) a Department approved laboratory for certifying lots of fish as VHS-free.
- (b) It is the responsibility of the importer and/or supplier to arrange for appropriate delivery of FHIR.
- (c) FHIR must contain the suppliers contact information, water supply, lot designation, original egg or fry source, age of fish, number in lot, size, pathogens tested, numbers of individuals sampled, results, and original signature of the inspector.
- (d) FHIR and supporting documentation must state that fishes were sampled and tested negative for VHS virus in accordance with procedures set forth in either:
 - (1) Standard Procedures for Aquatic Animal Health Inspections section of the BlueBook; or
 - (2) the World Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Fifth Edition (2006), Chapter 2.1.5, OIE, Paris, France.

Ill. Admin. Code tit. 17, § 875.50 Unlawful Acts/Penalties

- (a) It shall be unlawful to:
 - (1) import VHS-susceptible species into the State of Illinois without a VHS-Susceptible Species Permit issued by the Department;
 - (2) stock VHS-susceptible species into waters of the State without securing permission from Department fish health authorities, or unless an FHIR is on file with the Department;
 - (3) remove live VHS-susceptible species from the waters where legally taken without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);
 - (4) remove natural water from waters of the State via bait bucket, livewell, baitwell, bilge, etc., or any other method without first securing permission from Department fish health authorities, unless an FHIR is on file with the Department, or as provided in Section 875.30(d)(2), (6) and (7);

(5) remove any watercraft, boat, boat trailer or other equipment from waters of the State without emptying and draining any bait bucket, livewell, baitwell, bilge, etc., or any other compartment capable of holding natural waters; and

(6) use wild-trapped fishes as bait within the State of Illinois, other than in the waters where they were legally taken.

(b) The Department may make exceptions to the unlawful acts listed in subsection (a) in writing for special circumstances (e.g., fishing special waters via contract, import or stocking facilities in process of gaining OIE facility-level certification, etc.) based upon the potential risk to the fishery resource of the State.

(c) Violation Classifications

(1) Violation of subsection (a)(1) is a Class A misdemeanor if the value of the aquatic life is \$300 or less (see 515 ILCS 5/10-105 and 20 -35), and a Class 3 felony if the value of the aquatic life is in excess of a total of \$300 with intent to profit or for commercial purposes. Possession of aquatic life valued in excess of \$600 shall be considered prima facie evidence of possession for profit or commercial purposes. (See 515 ILCS 5/5-25.)

(2) Violation of subsection (a)(2) is a Class A misdemeanor (see 515 ILCS 5/10-100(b)) and violation of subsection (a)(3), (4), (5) or (6) is a Petty Offense (see 515 ILCS 5/1-150 and 20 -35).

(d) Revocation/Suspension

(1) Any violations of the Fish and Aquatic Life Code or administrative rules of the Department may result in revocation of licenses and permits, as well as suspension of privileges for up to five years.

(2) Violation of any conditions of a permit issued under this Part shall result in cancellation of the permit.

Ill. Admin. Code § tit. 17, § 890.50 Licensed Aquaculturist

Licensed aquaculturists who are also licensed Private Pesticide Applicators are exempt from Section 890.30, "Treatment of the Water Area" requirement when the fish toxicant is applied to aquaculture waters owned by the aquaculturist. Licensed aquaculturists must, however, obtain a permit to purchase a fish toxicant from the Illinois Department of Natural Resources.

Ill. Admin. Code § tit. 35, § 503.101. Fish and Aquatic Animal Production Facilities

(a) National Pollutant Discharge Elimination System (NPDES) permits are required for the construction, modification, or operation of facilities such as hatcheries, fish farms or other facilities which contain, grow or hold aquatic animals in ponds, raceways or other similar structures for purposes of production and from which there is or may be a discharge for any 30 or more days per year, except that NPDES permits are not required for:

(1) Closed ponds which discharge only during periods of excess runoff; or

(2) Facilities which produce less than 20,000 pounds of aquatic animals per year.

(b) NPDES permits are required for any fish or aquatic animal facility which contains, grows, or holds any species of fish or other aquatic animal life non-native to the United States, from which there is a discharge to a navigable water at any time. The non-native species of fish are as defined in Special Publication No. 6 of the American Fisheries Society, entitled "A List of Common and Scientific Names of Fishes from the United States and Canada" (Washington, D.C., American Fisheries Society, 1970); except that carp (*Cyprinum carpio*), goldfish (*Carassius*

auratus) and brown trout (*Salmo trutta*) are considered to be native species for purposes of this regulation.

Indiana Aquaculture Provisions

Indiana Aquaculture Statutes

Ind. Code Ann. § 14-22-16-1 Application Fees

(a) A person engaging in or continuing to engage in the business of selling or bartering live minnows or crayfish for bait shall file an application with the division for a bait dealer's license. The application and the license must be on forms prescribed by the director.

(b) Subject to IC 14-22-2-10, the minimum fee for a license is as follows:

- (1) Ten dollars (\$10) for residents.
- (2) Fifty dollars (\$50) for nonresidents.

Ind. Code Ann. § 14-22-16-2 Issuance

The director:

- (1) may, after investigation, issue a license to the applicant; or
- (2) shall, if the applicant is engaged in hatching and raising the applicant's own stock, issue a license.

Ind. Code Ann. § 14-22-16-3 Expiration

A license expires December 31 following the date of issue.

Ind. Code Ann. § 14-22-16-4 Permits to possess minnows or crayfish

A person desiring to possess in Indiana at one (1) time more than:

- (1) five hundred (500) live minnows; or
- (2) five hundred (500) live crayfish;

not intended for the purpose of engaging in the business of selling or bartering live minnows or crayfish for bait must procure a permit to possess the minnows or crayfish.

Indiana Aquaculture Regulations

312 Ind. Admin. Code 9-6-7 Exotic Fish (full text not included)

312 Ind. Admin. Code 9-10-14 Fish Hauler's and Supplier's Permit

(a) A fish hauler's and supplier's permit must be obtained under this section before a person:

- (1) imports live fish from another state or another country for sale; or
- (2) raises fish for sale for any purpose, live or dead.

(b) A person shall make application for a permit under this section on a departmental form.

(c) A person applying for a permit under this section must establish that a fish that is raised in Indiana or imported in Indiana and will be sold:

- (1) is free of any communicable disease;
- (2) will not become a nuisance; and

(3) will not damage a native wild species or a domestic species of animal or plant.

(d) A permit issued under this section expires on December 31 for the year of its issuance.

(e) Subject to conditions imposed on the permit by the department, a permittee may import, produce, or sell live fish of the species listed under section 15(e) of this rule and the following species:

- (1) Brown trout.
- (2) Hybrid striped bass.
- (3) Rainbow trout.
- (4) Tiger muskellunge.
- (5) Tilapia.

(f) This section does not apply to a person who possesses fish other than those listed in 312 IAC 9-6-7 and who:

- (1) is engaged in raising, importing, or selling live fish exclusively for use in the aquarium pet trade; or
- (2) holds a bait dealer's license under IC 14-22-16 and is engaged exclusively in the sale of live fish for bait.

312 Ind. Admin. Code 9-10-15 Fish Importation Permit

(a) Except as provided in subsection (e), a person must obtain a fish importation permit under this section before a person imports any live fish for sale or release.

(b) An application for a fish importation permit must be submitted by an applicant at least ten (10) days in advance of the proposed date of importation.

(c) An applicant must establish that a fish to be imported:

- (1) is free of any communicable disease;
- (2) will not become a nuisance; and
- (3) will not damage a native wild species or a domestic species of animal or plant.

(d) A person is exempted from this section who possesses fish other than those listed in 312 IAC 9-6-7 and who is either engaged in:

- (1) importing live fish exclusively for confinement and exhibit in a zoo or another public display; or
- (2) supplying live fish for use in the aquarium pet trade.

(e) Live fish of the following species, other than genetically altered fish, may be imported without obtaining a permit under this section:

- (1) Black crappie.
- (2) Blue catfish.
- (3) Bluegill.
- (4) Bluntnose minnow.
- (5) Buffalo.
- (6) Bullhead.
- (7) Burbot.
- (8) Carp.
- (9) Channel catfish.
- (10) Fathead minnow.
- (11) Flathead catfish.
- (12) Freshwater drum.
- (13) Golden shiner.
- (14) Goldfish.
- (15) Green sunfish.

- (16) Hybrid sunfish.
- (17) Largemouth bass.
- (18) Mosquitofish.
- (19) Muskellunge.
- (20) Northern pike.
- (21) Redear sunfish.
- (22) Rock bass.
- (23) Smallmouth bass.
- (24) Striped bass.
- (25) Sucker.
- (26) Walleye.
- (27) Warmouth.
- (28) White bass.
- (29) White catfish.
- (30) White crappie.
- (31) Yellow perch.

312 Ind. Admin. Code 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, except as provided in:

- (1) sections 14 and 15 of this rule; or
- (2) subsection (b).

(b) A permit is not required under this section by a person who possesses fish, other than those listed in 312 IAC 9-6-7, and who is engaged in either of the following:

- (1) The production, importation, or sale of live fish exclusively for use in the aquarium pet trade.
- (2) The importation of live fish exclusively for confinement and exhibition in a zoo or another public display.

(c) A person shall apply for an aquaculture permit on a department form. The director may attach any appropriate conditions to a permit.

(d) A permit issued under this section expires on December 31 of the year of issuance.

(e) In addition to conditions imposed by the director under subsection (c), the following conditions apply to an aquaculture permit to import, produce, raise, sell, or transport triploid grass carp:

- (1) No stocking of triploid grass carp may take place in public waters except as provided in IC 14-22-27.
- (2) The seller must deliver and stock the fish.
- (3) A copy of each bill of sale and triploidy certification must be:
 - (A) conveyed to each buyer; and
 - (B) retained by the permit holder for two (2) years.
- (4) A purchaser of triploid grass carp must retain the bill of sale and the triploidy certification for at least two (2) years.
- (5) A permit holder must submit a quarterly report on a departmental form not later than the fifteenth day of the month following the end of a quarter, regardless of whether fish have been stocked during the time period.

(6) Fish holding facilities, stocking reports, stocking trucks, other documents required under this subsection, and live fish may be inspected at any reasonable time by the division or a conservation officer. Not more than six (6) fish from a lot or truck load may be removed by the department for verification of the chromosome number.

(7) As used in this subsection and subsection (e), “triploid grass carp” means grass carp certified to be triploid by the U.S. Fish and Wildlife Service.

(f) In addition to conditions imposed by the director under subsection (c), a person who possesses an aquaculture permit to import, produce, raise, sell, or transport diploid grass carp must comply with the following conditions:

(1) No stocking of diploid grass carp may take place in any public or private waters except as provided in this subsection and IC 14-22-27.

(2) A live diploid grass carp may be possessed only for the purpose of producing triploid grass carp or producing diploid grass carp capable of producing triploid grass carp.

(3) A diploid grass carp may be sold only to a person who holds a valid aquaculture permit.

(4) All diploid grass carp must be held in a closed aquaculture system.

(5) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must submit an annual report to the division on a department form.

(6) A permit holder who imports, produces, raises, sells, or transports diploid grass carp must be capable of accurately determining the number of sets of chromosomes of the fish in the possession of the permit holder under certification procedures of the U.S. Fish and Wildlife Service.

345 Ind. Admin. Code 1-3-1.5 Definitions

(48) “VHS” means viral hemorrhagic septicemia.

(49) “VHS-affected or at-risk region” means a state, province, or other region designated by the state veterinarian as affected or at-risk for VHS based upon current data related to the prevalence of the pathogen in the region.

(50) “VHS-susceptible species of live fish” means those species designated by the state veterinarian that are known to be carriers of the VHS pathogen and that present a significant risk to the aquatic resources of the state.

345 Ind. Admin. Code 1-3-31.5 Movement of Fish into Indiana

(a) Except as provided in subsection (b), a person responsible for moving VHS-susceptible species of live fish into the state must ensure that the following requirements are met:

(1) A pre-entry permit must be obtained from the state veterinarian. An application for a pre-entry permit must be submitted to the board on a form provided by the state veterinarian and includes the following information:

(A) Name of the owner of the facility of origin.

(B) Owner contact information.

(C) Location of the facility of origin.

(D) Name and contact information for the fish health inspector for the facility of origin.

- (E) Name and contact information for the owner of the destination of the fish.
- (F) Address of the destination of the fish.
- (G) Name, contact information, and IDNR permit information for the fish hauler.
- (H) Size, quantity, and species of fish in the proposed movement.
- (I) Anticipated date or window for movement.
- (J) Signature and affiliation of applicant attesting to the accuracy of the information provided.

A copy of the permit, or a CVI bearing the permit number, must be in possession of the person in charge of the fish during movement.

(2) An individual who has obtained a pre-entry permit under this subdivision may provide the destination information required in subdivision (1)(E) and (1)(F) by submitting a fish destination report within thirty (30) days of the end of the pre-entry permit period. A fish destination report is submitted to the board on a form provided by the state veterinarian and includes the following information:

- (A) Name and address of the pre-entry permit holder.
- (B) Pre-entry permit number and expiration date.
- (C) The location, owner and contact information, dates, species, and numbers of fish for each destination.
- (D) Signature attesting to accuracy of information from person holding the pre-entry permit.

(3) VHS-susceptible species of live fish moved into the state from a VHS-affected or at-risk region must be transported with documentation from a licensed and accredited veterinarian or a laboratory that certifies the fish originate from a group of fish or facility that has tested negative for the VHS virus according to either of the following standards:

- (A) United States Fish and Wildlife Service, Animal Fisheries Society-Fish Health Section (USFWS/AFS-FHS) Standard Procedures for Aquatic Animal Health Inspections section of the Suggested Procedures for the Detection and Identification of Certain Finfish and Shellfish Pathogens 2012 Edition, American Fisheries Society, Fish Health Section, Bethesda, Maryland (commonly referred to as the AFS Blue Book).
- (B) World Health Organization for Animal Health (OIE) Manual of Diagnostic Tests for Aquatic Animals, Seventh Edition (2012), Chapter 2.3.9, and the Aquatic Code, Sixteenth Edition (2013), Chapter 10.9, OIE, Paris, France.

A laboratory that certifies fish under this subdivision must be proficient in performing VHS tests according to the AFS Blue Book or OIE standards.

(b) VHS-susceptible species of live fish that are transported directly to a:

- (1) slaughter facility to be processed for human consumption; or
- (2) research and diagnostic laboratory;

are not required to be tested as required in subsection (a) if appropriate waste water discharge controls are in place at the receiving facility to prevent the possible spread of disease.

(c) The following types of movements of VHS-susceptible species of live fish are exempt from the permit and testing requirements in subsection (a):

- (1) The fish are the subject of catch and release fishing activities.
- (2) The fish are being transported directly through the state en route to another state.
- (3) The state veterinarian has approved the movement to occur without a permit or VHS testing in order to facilitate disease control.

(d) A person moving VHS-susceptible species of fish into the state under the requirements of this section must keep a copy of the movement documents for at least two (2) years.

(e) The state veterinarian may deny a permit required under subsection (a) when a determination is made that the transport of the fish would present a significant risk to the health of the aquatic resources of the state.

345 Ind. Admin. Code § 1-6-3 Reporting a Laboratory Diagnosis of Disease

(a) Except as provided in subsection (b), for the purpose of facilitating animal disease programs, a diagnostic laboratory or veterinarian must report a diagnosis of any of the following reportable diseases in an animal or article from Indiana or whose owner is from Indiana to the state veterinarian within two (2) business days of the diagnosis. If a sample is submitted to a National Animal Health Laboratory Network (NAHLN) laboratory for testing and the positive result is sent by the laboratory to the state veterinarian, duplicate reporting by the veterinarian is not required as follows:

- (8) The following diseases in fish:
- (A) Bacterial kidney disease (*Renibacterium salmoninarium*).
 - (B) Gyrodactylosis (*Gyrodactylus salaris*).
 - (C) Epizootic hematopoietic necrosis.
 - (D) Epizootic ulcerative syndrome.
 - (E) Infectious hematopoietic necrosis.
 - (F) Infectious pancreatic necrosis.
 - (G) Infectious salmon anemia (ISA).
 - (H) Koi herpesvirus disease.
 - (I) *Oncorhynchus masou* virus disease.
 - (J) Piscirickettsiosis (*Piscirickettsia salmonis*).
 - (K) Red sea bream iridoviral disease.
 - (L) Salmon pancreas disease (salmonid alphavirus).
 - (M) Spring viremia of carp.
 - (N) Tilapia lake virus
 - (O) Viral encephalopathy and retinopathy.
 - (P) Viral hemorrhagic septicemia.
 - (Q) White sturgeon iridoviral disease.
 - (R) Whirling disease (*Myxobolus cerebralis*).

(b) The state veterinarian may do the following:

- (1) Conduct surveillance for reportable diseases.

(2) Establish a reporting agreement with a laboratory that does not require reporting every diagnosis of a particular disease listed in subsection (a) if the reporting standard is consistent with the National Animal Health Reporting System and board programs.

State Board of Health Susceptible Species List (see <https://www.in.gov/boah/species-information/aquaculture/viral-hemorrhagic-septicemia/>) Indiana State Board of Animal Health (BOAH) issues entry permits for all aquaculture species on the viral hemorrhagic septicemia strain IVb (VHS IVb) susceptible species list imported into the state. This species list has been updated to reflect current science about the disease.

VHS IVb Susceptible Species List (August 2021)

Black crappie, bluegill, bluntnose minnow, brown bullhead, chinook salmon, emerald shiner, fathead minnow, freshwater drum, American gizzard shad, lake cisco, lake trout, lake whitefish, largemouth bass, muskellunge, northern pike, pumpkinseed, rainbow trout, rock bass, round goby, smallmouth bass, spottail shiner, striped bass, walleye, white bass, white perch, yellow perch

Beginning January 1, 2022, added species will be required to have an entry permit issued by BOAH.

Michigan Aquaculture Provisions

Michigan Aquaculture Statutes

Michigan Aquaculture Development Act

Mich. Comp. Laws Ann. § 286.872. Definitions

Sec. 2. As used in this act:

(a) “Aquacultural products” means any products, coproducts, or by-products of aquaculture species.

(b) “Aquaculture” means the commercial husbandry of aquaculture species on the approved list of aquaculture species, including, but not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of aquacultural products under an appropriate permit or registration.

(c) “Aquaculture facility” means a farm or farm operation engaged in any aspect of aquaculture in privately controlled waters capable of holding all life stages of aquaculture species with a barrier or enclosure to prevent their escape into waters of the state.

(d) “Aquaculture facility registration” means a registration issued by the director allowing a facility to engage in aquaculture.

(e) “Aquaculture research permit” means a permit issued by the director to researchers to study and culture aquaculture species not included on the approved list of aquaculture species for the evaluation of aquacultural potential and to provide a scientific basis for including the aquaculture species on the approved list.

(f) “Aquaculture species” means aquatic animal organisms including, but not limited to, fish, crustaceans, mollusks, reptiles, or amphibians reared or cultured under controlled conditions in an aquaculture facility.

(g) “Aquaculturist” means a person involved in or engaged in any aspect of aquaculture.

(h) “Aquarium” means any park, building, cage, enclosure, or other structure or premises in which aquaculture species are kept for public exhibition or viewing, regardless of whether compensation is received.

(i) “Confinement research facility” means a facility holding an aquaculture research permit, enclosed in a secure structure, and separated from other aquaculture facilities and in which aquaculture species are isolated and maintained in complete and continuous confinement to prevent their escape into the environment and to prevent the release of any possible pathogens into the environment.

(j) “Department” means the Michigan department of agriculture.

(k) “Director” means the director of the Michigan department of agriculture or his or her designee.

(l) “Farm” or “farm operation” means those terms as defined in the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

(m) “Genetically engineered” refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably using recombinant nucleic acid techniques, or the progeny thereof.

(n) “Law enforcement officer” means a person appointed by the state or a local governmental unit who is responsible for the enforcement of the criminal laws of this state.

(o) "Person" means an individual, corporation, limited liability company, partnership, association, joint venture, or other legal entity.

(p) "Privately controlled waters" means waters controlled within ponds, vats, raceways, tanks, and any other indoor or outdoor structure wholly within or on land owned or leased by an aquaculturist and used with an aquaculture facility or confinement research facility. Privately controlled waters includes those waters diverted for use in an aquaculture facility by an aquaculturist exercising his or her riparian rights.

(q) "Recombinant nucleic acid techniques" means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(r) "Retail bait outlet" means a facility that sells directly to the consumer any live or dead organism, edible or digestible material, organic or processed food, or scented material each of which may be used to attract fish, including, but not limited to, worms, leeches, aquatic insects, crayfish, amphibians, fish eggs, minnows or other fish, marshmallows, cheese, pork rinds, or any part thereof.

(s) "Retail ornamental fish facility" means a facility in which a person sells, imports or exports at wholesale or retail, leases, or loans ornamental species of aquatic organisms that may live in fresh, brackish, or saltwater environments to the general public for home or public display purposes.

(t) "Waters of the state" means groundwaters, lakes, rivers, and streams and all other watercourses and waters within the jurisdiction of the state and also the Great Lakes bordering the state.

(u) "Zoo" means any park, building, cage, enclosure, or other structure or premises in which a live animal is kept for public exhibition or viewing, regardless of whether compensation is received.

Mich. Comp. Laws Ann. § 286.874. Aquaculture Enterprises and Aquaculturists; Rights, Privileges, Opportunities, and Responsibilities

Sec. 4.

(1) Aquaculture is an agricultural enterprise and is part of the farming and agricultural industry of this state. The director shall assure that aquaculture is afforded all rights, privileges, opportunities, and responsibilities of other agricultural enterprises.

(2) Aquaculture is a form of agriculture. Aquaculture facilities and aquaculture uses are a form of agricultural facilities and uses.

(3) Aquacultural products lawfully taken, produced, purchased, possessed, or acquired from within this state or imported into this state are the exclusive and private property of the aquaculturist.

(4) This act does not prohibit an aquaculturist from exercising riparian rights for water diversion. If water is discharged back into the waters of the state, the discharge shall be pursuant to any appropriate permit issued by the department of environmental quality, if such a permit is required.

(5) An aquaculturist harvesting aquaculture species from a registered aquaculture facility or a permitted confinement research facility is exempt from size, catch, and possession limits, closed seasons, and any other restriction imposed in parts 459 and 487 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.45901 to 324.45908 and 324.48701 to 324.48740.

(6) This act does not give an aquaculturist authority to take wild species from the waters of the state and held in trust, in violation of the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106, unless under a permit issued by the department of natural resources.

(7) This act does not give an aquaculturist authority to release any aquaculture species into any waters of the state that are not an aquaculture facility unless the aquaculturist first obtains an appropriate permit from the director of the department of natural resources. It is intended that the department of natural resources shall consider a registration issued under this act as the equivalent of a game fish breeders license issued under part 459 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.45901 to 324.45908.

(8) Any movement, importing, or exporting of aquaculture species shall be in compliance with the animal industry act, 1988 PA 466, MCL 287.701 to 287.745, for purposes of obtaining a planting permit.

(9) For the purposes of this act, each genetically engineered variant of an aquaculture species shall be considered a distinct aquaculture species. A genetically engineered variant of an aquaculture species is not included on the list of approved aquaculture species under section 5¹ unless specifically identified on the list or specifically identified in a rule promulgated under section 12² as being included on the list. A genetically engineered organism that is a variant of an aquaculture species is not covered by an aquaculture research permit under section 8³ unless specifically identified in the permit. An entry on the list of approved aquaculture species under section 5, a rule promulgated under section 12, or an aquaculture research permit under section 8 may be limited to a genetically engineered organism.

Mich. Comp. Laws Ann. § 286.875. Approved Aquaculture Species

Sec. 5.

(1) There is established a list of approved species for aquaculture production as further described in this section. Only the aquaculture species on the approved list are allowed for purposes of aquaculture production. The following types of aquaculture species are qualified for inclusion on the list of approved species:

- (a) Aquaculture species that are naturally indigenous within the waters of the state.
- (b) Aquaculture species that have been naturalized within the waters of the state.
- (c) Aquaculture species that could not perpetuate in the waters of the state.
- (d) Aquaculture species that are held in a confinement research facility for purposes of research that, on the basis of that research, may be recommended to be included on the list of approved aquaculture species.

(2) Approved freshwater species are as follows:

- (a) Lake sturgeon (*Acipenser fulvescens*)
- (b) Paddlefish (*Polyodon spathula*)
- (c) Arctic grayling (*Thymallus arcticus*)
- (d) Atlantic salmon (*Salmo salar*)
- (e) Brown trout (*Salmo trutta*)
- (f) Brook trout (*Salvelinus fontinalis*)
- (g) Splake (*Salvelinus namaycush* x *Salvelinus fontinalis*)
- (h) Lake trout (*Salvelinus namaycush*)
- (i) Chinook salmon (*Oncorhynchus tshawytscha*)
- (j) Coho salmon (*Oncorhynchus kisutch*)

- (k) Pink salmon (*Oncorhynchus gorbusha*)
- (l) Rainbow trout (*Oncorhynchus mykiss*)
- (m) Lake whitefish (*Coregonus clupeaformis*)
- (n) Lake herring (*Coregonus artedi*)
- (o) Muskellunge (*Esox masquinongy*)
- (p) Northern pike (*Esox lucius*)
- (q) Tiger muskie (*Esox masquinongy* x *Esox lucius*)
- (r) Common carp (*Cyprinus carpio*)
- (s) Goldfish (*Carassius auratus*)
- (t) Creek chub (*Semotilus atromaculatus*)
- (u) Bowfin (*Amia calva*)
- (v) Redbelly dace (*Phoxinus eos*)
- (w) Finescale dace (*Phoxinus neogaeus*)
- (x) Common shiner (*Luxilus cornutus*)
- (y) Golden shiner (*Notemigonus crysoleucas*)
- (z) Emerald shiner (*Notropis atherinoides*)
- (aa) Bluntnose minnow (*Pimephales notatus*)
- (bb) Fathead minnow (*Pimephales promelas*)
- (cc) Black bullhead (*Ameiurus melas*)
- (dd) Yellow bullhead (*Ameiurus natalis*)
- (ee) Brown bullhead (*Ameiurus nebulosus*)
- (ff) Channel catfish (*Ictalurus punctatus*)
- (gg) Flathead catfish (*Pylodictis olivaris*)
- (hh) Burbot (*Lota lota*)
- (ii) Smallmouth bass (*Micropterus dolmieu*)
- (jj) Largemouth bass (*Micropterus salmoides*)
- (kk) White crappie (*Pomoxis annularis*)
- (ll) Black crappie (*Pomoxis nigromaculatus*)
- (mm) Hybrid crappie (*Pomoxis annularis* x *Pomoxis nigromaculatus*)
- (nn) Warmouth (*Lepomis gulosus*)
- (oo) Rock bass (*Ambloplites rupestris*)
- (pp) Green sunfish (*Lepomis cyanellus*)
- (qq) Bluegill (*Lepomis macrochirus*)
- (rr) Hybrid bluegill (*Lepomis cyanellus* x *Lepomis macrochirus*)
- (ss) Pumpkinseed (*Lepomis gibbosus*)
- (tt) Redear sunfish (*Lepomis microlophus*)
- (uu) Sauger (*Stizostedion canadense*)
- (vv) Walleye (*Stizostedion vitreum vitreum*)
- (ww) Saugeye (*Stizostedion canadense* x *Stizostedion vitreum vitreum*)
- (xx) Yellow perch (*Perca flavescens*)
- (yy) Bigmouth buffalofish (*Ictiobus cyprinellus*)
- (zz) Black buffalofish (*Ictiobus niger*)
- (aaa) White perch (*Morone americana*)
- (bbb) White bass (*Morone chrysops*)
- (ccc) Tilapia (Genera of *Tilapia* (except *T. rondellia*), *Oreochromis*, *Sarotheradom* and hybrids thereof)

- (3) Approved other aquatic organisms are as follows:
 - (a) Prawn (*Macrobrachium rosenbergii*)
 - (b) Crayfish (*Orconectes immunus*, *O. propinquus*, *O. virilis*, *Cambarus bartonii*, *C. robustus*)
- (4) Approved salt or brackish waters species are as follows:
 - (a) Brine shrimp (*Artemia* sp.)
 - (b) Shrimp (All species of the genus *Peneaus*)
 - (c) Mahi-mahi (*Coryphaena hippurus*)
 - (d) Haddock (*Melanogrammus aeglefinus*)
 - (e) Cod (*Gadus* sp.)
 - (f) Halibut (*Hippoglossus* sp.)
 - (g) Snapper (*Lutjanidae-Lutjanus* sp. *Ocyurus* sp.)
 - (h) Grouper (*Serranidae-Epinephelus* sp. *Mycteroperca* sp.)
 - (i) Red drum (*Sciaenops ocellatus*)
 - (j) Tuna (*Thunnus thynnus*)
 - (k) Flounder (*Paralichthys* sp.)
 - (l) Pompano (*Trachinoyus* sp.)
 - (m) Snook (*Centropomus* sp.)
 - (n) Mackerel (*Scomberomorus* sp.)

(5) Aquaculture species, possession of which is prohibited under the natural resources and environmental protection act, Act No. 451 of the Public Acts of 1994, being sections 324.101 to 324.90106 of the Michigan Compiled Laws, are prohibited for aquaculture or aquaculture research under this act.

Mich. Comp. Laws Ann. § 286.876. Registration and Permit Requirements; Exemptions; Maintenance of Records and Documentation

Sec. 6.

(1) A person shall not engage in aquaculture unless he or she obtains a registration from the department as an aquaculture facility, obtains an aquaculture research permit, or unless otherwise exempt by rule or law. If the activity in which the aquaculture facility is engaged is required to be regulated under any act, registration under this act does not exempt the person or aquaculture facility from requirements imposed under any local, state, or federal regulation.

(2) The following are exempt from registration as an aquaculture facility:

- (a) Retail bait outlets.
- (b) Retail ornamental fish facilities.
- (c) Persons using privately controlled waters for noncommercial purposes.
- (d) Public aquariums or zoos.
- (e) Portable retail fishing concessions.

(3) A person registered or permitted under this act shall keep and maintain records of production, purchases, or imports in order to establish proof of ownership. A person transporting aquaculture species shall produce documentation that contains the origin of shipment, registration or permit copies or documentation, documentation demonstrating shipping destination, and any other proof that may be required under the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being sections 287.701 to 287.747 of the Michigan Compiled Laws, upon demand of the director or a law enforcement officer.

(4) An aquaculture facility in existence before January 1, 1997 is required to obtain a registration or permit, or both, if applicable, by January 1, 1999 in order to continue to engage in aquaculture. Any person engaging in aquaculture beginning on or after January 1, 1997 is required to obtain a registration or permit under this act, or both, if applicable, in order to engage in aquaculture.

Mich. Comp. Laws Ann. § 286.877. Application for Aquaculture Facility Registration or Aquaculture Research Permit; Procedure

Sec. 7.

(1) A completed initial application for a registration shall be submitted to the department not less than 60 days before the proposed operation of the aquaculture facility.

(2) The department shall not issue an initial aquaculture facility registration or an aquaculture research permit unless an applicant demonstrates the following:

(a) The facility has been inspected by the director and the director has determined that the facility meets the standards and requirements prescribed by this act and that there are barriers in place to prevent the escape of aquaculture species into the public waters.

(b) The aquaculture species involved in the facility is on the list of approved aquaculture species.

(c) The owner or his or her agent has received from the director a current copy of the “Great Lakes fish disease control policy and model program”, published by the Great Lakes fishery commission.

(3) Within 30 days after receipt of an initial registration or permit application, the director shall inspect the aquaculture facility. If the director determines that the facility to be utilized under a registration or permit conforms to standards prescribed by this act, verifies that unlisted aquaculture species are not in the facility, and reviews and approves research protocols in the case of a proposed aquaculture research permit, the director shall issue a registration or permit within 60 days of receipt of a registration or permit application.

(4) The application for a registration or permit may be denied for failure to comply with the requirements of this act. The department shall notify an applicant of the reasons for a registration or permit denial within 60 days after receipt of an application. The notice shall specify the deficiencies to be corrected in order for a registration or permit to be issued.

(5) Without filing a second application under this section, an applicant may request a second inspection after the specified deficiencies have been corrected. The department shall not make more than 2 preregistration or prepermitting inspections of the same facility per application.

(6) The applicant may request a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, on a denial of a registration or permit.

(7) The department shall not return a registration or permit fee or a portion of a registration or permit fee to an applicant if a registration or permit is denied.

(8) A registration and permit issued by the department shall contain the following information:

(a) The registration or permit number and expiration date.

(b) The complete name, business name, business address, and telephone number of the aquaculture facility registration holder or aquaculture research permit holder.

- (c) The complete address of the aquaculture facility or confinement research facility location.
 - (d) The list of aquaculture species approved for the registered or permitted facility.
 - (e) The complete name, address, and telephone number of the department contact person regarding aquaculture.
- (9) Applications for an aquaculture facility shall be accompanied by the following fees:
- (a) Aquaculture facility registration--initial application, \$100.00.
 - (b) Aquaculture facility registration--renewal application, \$75.00.
 - (c) Aquaculture research permit--initial application, \$250.00.
 - (d) Aquaculture research permit--renewal application, \$100.00.
- (10) Application for renewal of an aquaculture facility registration or aquaculture research permit shall be submitted not later than October 1 of each year. Each registration and permit issued shall be for a period of 1 year commencing October 1 and ending the following September 30.
- (11) A renewal submitted later than October 31 shall require submission of an initial application and initial license fee.
- (12) An aquaculturist may apply on a form provided by the department for a modification of the aquaculture facility registration or a confinement research permit to add or remove aquaculture species.

Mich. Comp. Laws Ann. § 286.878. Research and Importation of Unapproved Species; Permit and Protocol Requirements

Sec. 8.

- (1) Research of an aquaculture species not on the approved list is allowed and shall be conducted pursuant to an aquaculture research permit in a confinement research facility.
- (2) A person who holds an aquaculture research permit shall not import aquaculture species that are the subject of the research unless he or she complies with the animal industry act of 1987, Act No. 466 of the Public Acts of 1988, being sections 287.701 to 287.747 of the Michigan Compiled Laws.
- (3) The director shall approve the protocol of the aquaculture species, including disposition, for the proposed research period. The applicant for the aquaculture research permit shall submit the protocol to the department with the initial or renewal aquaculture research permit application.

Mich. Comp. Laws Ann. § 286.879. Inspections; Access to Aquaculture Facility or Confinement Research Facility; Conduct

Sec. 9.

- (1) The department or its duly authorized agent shall have free access at all reasonable hours to any aquaculture facility or confinement research facility to inspect and to determine if this act is being violated and to secure samples or specimens of any aquaculture species after paying or offering to pay fair market value for such sample or specimen. An inspection shall be conducted under generally recognized practices designed not to jeopardize the health of the aquaculture species.
- (2) The director may periodically inspect a registered aquaculture facility and a permitted confinement research facility for the following:
- (a) For registered and permitted facilities, confirmation that there are in place procedures or barriers designed to prevent the escape of aquaculture species into

waters of the state and confirmation of compliance with other requirements as set forth in this act or as required by law.

(b) For registered facilities, confirmation that the aquaculture species are on the approved list.

(c) For permitted facilities, confirmation that the facility is following approved protocols and all specimens are accounted for.

Mich. Comp. Laws Ann. § 286.881. Denial, Suspension, Revocation, or Limitation of Registration or Permit; Grounds; Procedure

Sec. 11.

(1) The department may deny, suspend, revoke, or limit a registration or permit if an applicant, registrant, or permittee fails to comply with or violates this act or rules promulgated under this act.

(2) A proceeding relative to the suspension or revocation of a registration or permit shall be conducted pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

Mich. Comp. Laws Ann. § 286.883. Violations; Penalties and Remedies

Sec. 13.

(1) A person who violates this act or a rule promulgated under this act is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or imprisonment for not less than 30 days, or both.

(2) The court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of subsection (1).

(3) The director, upon finding that a person has violated any provisions of this act or a rule promulgated under this act, may do any of the following:

(a) Issue a warning.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation after notice and an opportunity for a hearing. A person aggrieved by an administrative fine issued under this section may request a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws.

(c) Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter 4 of the code of criminal procedure, Act No. 175 of the Public Acts of 1927, being sections 764.9a to 764.9g of the Michigan Compiled Laws.

(4) The director shall advise the attorney general of the failure of any person to pay an administrative fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine. Civil penalties collected shall be paid to the general fund.

(5) Notwithstanding any other provisions of this act, the director may bring an action to do either or both of the following:

(a) Obtain a declaratory judgment that a method, activity, or practice is a violation of this act.

(b) Obtain an injunction against a person who is engaging in a method, activity, or practice that violates this act.

Animal Industry Act

Mich. Comp. Laws Ann. § 287.701. Short title; purposes

Sec. 1.

(1) This act shall be known and may be cited as the “animal industry act”.

(2) This act is intended to protect the health and safety of humans and the health, safety, and welfare of animals and to be consistent with applicable federal and state laws and shall be so construed.

Mich. Comp. Laws Ann. § 287.702. Words and phrases

Sec. 2. For the purposes of this act, the words and phrases defined in sections 3 to 61 have the meanings ascribed to them in those sections.

Mich. Comp. Laws Ann. § 287.703. Definitions

Sec. 3. As used in this act:

(a) “Accredited veterinarian” means a veterinarian approved by the administrator of the United States Department of Agriculture, Animal and Plant Health Inspection Service in accordance with 9 CFR part 161, and considered preapproved to perform certain functions of federal and cooperative state/federal programs.

(b) “Animal” means mollusks, crustaceans, and vertebrates other than human beings including, but not limited to, livestock, exotic animals, aquaculture species, and domestic animals.

(c) “Animal movement certificate” means animal movement authorization established in a manner approved and issued by the director that contains, at a minimum, the following information regarding animals or an animal:

(i) The point of origin and point of destination.

(ii) Official identification.

(iii) Anticipated movement date.

(iv) Any required official test results.

(d) “Animal welfare” means the well-being of animals based upon animal husbandry, animal science, and veterinary science practices and standards.

(e) “Approved laboratory” means a state, federal, or private veterinary diagnostic laboratory approved by the United States Department of Agriculture, Animal and Plant Health Inspection Service, veterinary services, to conduct approved official laboratory tests for a specific reportable animal disease.

(f) “Approved vaccine” means a veterinary biological as described in 9 CFR subchapter E that is administered to livestock or other animals to induce immunity in the recipient and approved by the state veterinarian.

(g) “Aquaculture” means the propagation and rearing of aquaculture species on the approved list of aquaculture species under the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884, in controlled or selected environments. Aquaculture includes, but is not limited to, the culturing, producing, growing, using, propagating, harvesting, transporting, importing, exporting, or marketing of aquaculture products.

(h) “Aquaculture facility” means that term as defined in the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

(i) “Aquaculture lot” means a group of aquatic animals that share approximately the same risk of exposure to a pathogenic agent or toxin within a defined location due to common management or sharing a common aquatic environment.

(j) “Aquaculture species” means that term as defined in the Michigan aquaculture development act, 1996 PA 199, MCL 286.871 to 286.884.

(k) “Autogenous veterinary biological” means all bacteria, viruses, serums, toxins, or analogous products from a specific herd that are custom-made with herd-specific antigens.

(l) “Carcasses” means the dead bodies of domestic animals. Carcasses do not include rendered products.

(m) “Cattle” means all bovine (genus bos) animals, bovinelike animals (genus bison) also commonly referred to as American buffalo or bison, and any cross of these species unless otherwise specifically provided.

(n) “Commingling” means concurrently or subsequently sharing or subsequent use by livestock or other domestic animals of the same pen or same section in a facility or same section in a transportation unit where there is physical contact or contact with bodily excrements, aerosols, or fluids from other livestock or domestic animals.

(o) “Consignee” means a person receiving animals at the point of destination named on an official interstate or intrastate health certificate, official interstate certificate of veterinary inspection or animal movement certificate, entry authorization form, fish disease inspection report, owner-shipper statement, or sales invoice.

(p) “Consignor” means a person moving animals from a point of origin named on an official interstate or intrastate health certificate, official interstate certificate of veterinary inspection or animal movement certificate, entry authorization form, fish disease inspection report, owner-shipper statement, or sales invoice.

(q) “Dealer” means a person required to be licensed under 1937 PA 284, MCL 287.121 to 287.131, and engaged in the business of buying, receiving, selling, exchanging, transporting, negotiating, or soliciting the sale, resale, exchange, transportation, or transfer of livestock.

(r) “Department” means the department of agriculture and rural development.

(s) “Direct movement” means transfer of animals to a destination without unloading the animals en route.

(t) “Director” means the director of the department or his or her authorized representative.

(u) “Disease” means any animal health condition with potential for economic impact, public or animal health concerns, or food safety concerns.

(v) “Disease free zone” means an area in this state with a defined dimension determined by the director to be free of a specific reportable animal disease.

(w) “Distribute” means to deliver other than by administering or dispensing a veterinary biological.

(x) “Domestic animal” means a species of animal that lives under the husbandry of humans.

(y) “Equidae” means all animals of the equine family and includes horses, asses, jacks, jennies, hinnies, mules, donkeys, burros, ponies, and zebras.

(z) “Exhibition or exposition” means a congregation, gathering, or collection of animals that are presented or exposed to public view for show, display, swap, exchange, entertainment, educational event, instruction, advertising, or competition. Exhibition or exposition does not include livestock for sale at public stockyards, auctions, saleyards, or livestock yards licensed under 1937 PA 284, MCL 287.121 to 287.131.

(aa) “Exhibition facility” means a facility used or intended to be used for public view, show, display, swap, exchange, entertainment, advertisement, educational event, or competition involving animals. Exhibition facility does not include a public stockyard, an auction saleyard, or an animal yard where animals are accepted on consignment and the auction method is used in the marketing of the animals.

(bb) “Exhibitor” means a person that presents an animal for public display, exhibition, or competition or enters an animal in a fair, show, exhibition, or exposition.

(cc) “Exotic animal” means a species of animal that is not native to the United States. (dd)

“Fair” means a competition and educational exhibition of agricultural commodities and manufactured products for which premiums may be paid.

(ee) “Feral swine” means swine that have lived their life or any part of their life as free roaming.

(ff) “Fish disease inspection report” means a document prepared by a fish health laboratory approved by the director, a veterinarian, or a fish health official giving evidence of inspections and diagnostic work performed.

(gg) “Fish health official” means a veterinarian or a fish health specialist approved by the director who is responsible for conducting aquaculture facility inspections and issuing fish disease inspection reports.

(hh) “Flock” means all of the poultry on 1 premises or, in the discretion of the department, a group of poultry that is segregated from all other poultry on the same premises.

(ii) “Garbage” means any animal origin products, including those of poultry and fish origin, or other animal material resulting from the handling, processing, preparation, cooking, or consumption of foods. Garbage includes, but is not limited to, any refuse of any type that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food. Garbage does not include rendered products or manure.

(jj) “Genetically engineered” refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably using recombinant nucleic acid techniques, or the progeny thereof.

(kk) “Grade” means an animal for which no proof of registration with an appropriate breed registry is provided.

(ll) “Herd” means an isolated group of livestock maintained on common ground for any purpose, or 2 or more groups of livestock under common ownership or supervision that are geographically separated but that have an interchange or movement of livestock without regard to health status as determined by the director.

(mm) “Herd or flock of origin” means any herd or flock in which animals are born and remain until movement or any herd or flock in which animals remain for at least 30 days immediately following direct movement into the herd or flock from another herd or flock. Herd or flock of origin includes the place of origin, premises of origin, and farm of origin.

(nn) “High-risk area” means an area in this state that has a defined dimension determined by the director in which a specific reportable animal disease has been diagnosed in domesticated animals.

(oo) “Infectious disease” means a disorder caused by an organism, including, but not limited to, a bacteria, virus, fungus, parasite, prion, or analogous organism, and that can be directly or indirectly passed from animal to animal.

(pp) “Infected zone” means an area in this state that has a defined dimension determined by the director in which a specific reportable animal disease is present in animals and separated from a disease-free zone by a surveillance zone.

(qq) “Intrastate movement” means movement from 1 premises to another within this state.

(rr) “Isolated” means the physical separation of animals by a physical barrier or geographical distance in such a manner that other animals do not have access to the isolated animals’ bodies, excrement, aerosols, or discharges, as approved by the director.

(ss) “Law enforcement agency” means the department of state police, the department of natural resources, a law enforcement agency of a county, township, city, or village, or a tribal law enforcement agency that is responsible for the prevention and detection of crime and enforcement of the criminal laws of this state.

(tt) “Livestock” means those species of animals used for human food or for fiber or those species of animals used for service to humans. Livestock includes, but is not limited to, cattle, sheep, new world camelids, old world camelids, goats, bison, privately owned cervids, ratites, swine, equids, poultry, aquaculture species, and rabbits. Livestock does not include dogs or cats.

(uu) “Livestock auction market” means a livestock market where livestock is accepted on consignment and the auction method is used in the marketing of consigned livestock as defined in 1937 PA 284, MCL 287.121 to 287.131.

(vv) “National Poultry Improvement Plan” means a plan for the control or eradication of certain poultry diseases that is published in 9 CFR parts 56, 145, 146, and 147.

(ww) “Native” means an animal born and raised in this state, or legally imported into this state and having complied with entry requirements prescribed by the director, and having been maintained in this state for at least 30 days.

(xx) “New world camelids” means animals belonging to the genus llama and vicuna of the family camelidae of the order artiodactyla including, but not limited to, the llama, alpaca, vicuna, and guanaco.

(yy) “Offal” means the waste parts resulting from the processing of animals, poultry, fish, and aquaculture species. Offal does not include rendered products.

(zz) “Official identification” means an identification ear tag, tattoo, electronic identification, or other identification approved by the United States Department of Agriculture or the department.

(aaa) “Official interstate health certificate” or “official interstate certificate of veterinary inspection” means a form in paper or electronic format approved by the director with a unique identifier that documents the information required under section 201 and that is issued for animals that are being imported to or exported from this state not more than 30 days prior to the importation or exportation of those animals. A photocopy of an official interstate health certificate or an official interstate certificate of veterinary inspection is considered an official copy if certified as a true copy by the issuing veterinarian or animal health official of the state of origin.

(bbb) “Official intrastate health certificate” or “official intrastate certificate of veterinary inspection” means a form in paper or electronic format approved by the director with a unique identifier that documents the information required under section 20 and that is issued for animals that are being moved within this state not more than 30 days prior to the movement of those animals. A photocopy of an official intrastate health certificate of veterinary inspection is considered an official copy if certified as a true copy by the issuing veterinarian or animal health official.

(ccc) “Official test” means a sample of specific material collected from an animal with official identification by an accredited veterinarian, state or federal veterinary medical officer, or other person authorized by the director and analyzed by a laboratory certified by the United States Department of Agriculture or the department to conduct the test, or a diagnostic injection administered and analyzed by an accredited veterinarian or a state or federal veterinary medical officer. An official test is conducted only by an accredited veterinarian or a state or federal veterinary medical officer except under special permission by the director.

(ddd) “Official vaccination” means a vaccination that the director has designated for a reportable animal disease, administered by an accredited veterinarian or a state or federal veterinary medical officer, and documented on a form supplied by the department.

(eee) “Old world camelid” means a Bactrian or an Arabian or dromedary camel.

(fff) “Originate” means the direct movement of animals from a herd or flock of origin.

(ggg) “Person” means an individual, partnership, corporation, cooperative, association, joint venture, or other legal entity including, but not limited to, contractual relationships.

(hhh) “Potential high-risk area” means an area in this state that has a defined dimension determined by the director in which a specific reportable animal disease has been diagnosed in wild animals.

(iii) “Poultry” means, but is not limited to, chickens, guinea fowl, turkeys, waterfowl, pigeons, doves, peafowl, and game birds that are propagated and maintained under the husbandry of humans.

(jjj) “Prior entry permit” means a code that is obtained from the department for specific species of animals imported into this state that is recorded on the official interstate health certificate, official interstate certificate of veterinary inspection, or fish disease inspection report before entry into this state.

(kkk) “Prior movement permit” means prior documented permission given by the director before intrastate movement of an animal.

(lll) “Privately owned cervid” means all species of the cervid family including, but not limited to, deer, elk, moose, and all other members of the family cervidae propagated and maintained under the husbandry of humans for the production of meat and other agricultural products, sport, exhibition, or any other purpose approved by the director. A privately owned cervid at large remains a privately owned cervid as long as it bears visible identification and is recovered by its owner within 48 hours after the time the cervid is discovered.

(mmm) “Pullorum-typhoid” means a disease of poultry caused by *Salmonella pullorum* or *Salmonella gallinarum*.

(nnn) “Pullorum-typhoid clean flock” means a flock that receives and maintains this status by fulfilling the requirements prescribed in the National Poultry Improvement Plan.

(ooo) “Quarantine” means enforced isolation of an animal or group of animals or restriction of movement of an animal or group of animals, equipment, feed and food products, or vehicles to or from any structure, premises, or area of this state, including the entirety of this state, determined by the director.

(ppp) “Ratite” means flightless birds having a flat breastbone without the keellike prominence characteristic of most flying birds. Ratites include, but are not limited to, cassowaries, kiwis, ostriches, emus, and rheas.

(qqq) “Reasonable assistance” means safely controlling an animal by corralling, stabling, kenneling, holding, tying, chemically restraining, or confining by halter or leash or crowding the

animal in a safe and sensible manner so an examination or testing procedure considered necessary by the director can be performed.

(rrr) “Recombinant nucleic acid techniques” means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism.

(sss) “Rendered products” means waste material derived in whole or in part from meat of an animal or other animal material and other refuse of any character that has been associated with any such material at any time during the handling, preparation, cooking, or consumption of food that has been ground and heat-treated to a minimum temperature of 170 degrees Fahrenheit for a minimum of 30 minutes to make products including, but not limited to, animal protein meal, poultry protein meal, fish protein meal, grease, or tallow. Rendered products also include bakery wastes, eggs, candy wastes, and domestic dairy products including, but not limited to, milk.

(ttt) “Reportable animal disease” means an animal disease on the current reportable animal disease list maintained by the state veterinarian that poses a serious threat to the animal industry, public health, or animal health.

(uuu) “Slaughter premises” means all facilities, buildings, structures, including all immediate grounds where slaughtering occurs under federal or state inspection, or otherwise authorized by the director.

(vvv) “Sow” means a female swine that has farrowed or given birth to or aborted 1 litter or more.

(www) “State veterinarian” means the chief animal health official of this state as appointed by the director under section 7,2 or his or her authorized representative.

(xxx) “Surveillance zone” means an area in this state that has a defined dimension determined by the director to be at risk for a specific reportable animal disease and is located adjacent and contiguous to an infected zone.

(yyy) “Swine” means any of the ungulate mammals of the family suidae.

(zzz) “Toxic substance” means a natural or synthetic chemical or radiologic material in concentrations that alone or in combination with other natural or synthetic chemicals presents a threat to the health, safety, or welfare of human or animal life or that has the capacity to produce injury or illness through ingestion, inhalation, or absorption through the body surface.

(aaaa) “Toxicological disease” means any condition caused by or related to a toxic substance.

(bbbb) “Veterinarian” means a person licensed to practice veterinary medicine under article 15 of the public health code, 1978 PA 368, MCL 333.16101 to 333.18838, or under a state or federal law applicable to that person.

(ccc) “Veterinary biological” means all bacteria, viruses, serums, toxins, and analogous products of natural or synthetic origin, or products prepared from any type of genetic engineering, such as diagnostics, antitoxins, vaccines, live microorganisms, killed microorganisms, or the antigenic or immunizing components of microorganisms intended for use in the diagnosis, treatment, or prevention of diseases in animals.

(dddd) “Wild animal” means that term as defined in section 43508 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.43508.

Mich. Comp. Laws Ann. § 287.703a. Extraordinary emergencies; determination and recommendation; proclamation; orders; procedure
Sec. 3a.

(1) If the director determines that a disease or condition in animals in this state poses an extraordinary emergency to the animal industry, public health, or human food chain of this state, the director shall notify the governor of the determination and the reasons for this determination. The director shall recommend to the governor the procedures the director considers necessary to eliminate the threat.

(2) Upon being notified, the governor may issue a proclamation declaring a state of emergency. After proclamation of a state of emergency by the governor, the governor may expedite necessary procedures to control the spread of, or to eradicate, the disease or condition.

(3) The director may develop, implement, and enforce a scientifically based extraordinary emergency order if the director determines that a delayed response to a specific reportable animal disease or condition in animals will cause a significant impact on animals, an animal industry, or public health. The extraordinary emergency order shall be specific and shall consider the impact on animals and product movement. An extraordinary emergency order shall not be in effect for more than 72 hours without notification to and advice from the impacted animal industry and in no case shall remain effective for longer than 6 months. The director shall act in consultation with the director of the department of health and human services if there is an extraordinary emergency causing a significant impact on public health.

Mich. Comp. Laws Ann. § 287.703b. Powers of director; development, implementation, and enforcement of scientifically based orders; establishment of high-risk areas, potential high-risk areas, disease-free zones, infected zones, and surveillance zones; assistance from law enforcement; agreements

Sec. 3b.

(1) The director may develop, implement, and enforce scientifically based orders. These orders may include requirements for testing, animal or premises identification, record keeping, premovement documentation, or on-farm management practices that must be completed before the movement of animals from any premises within this state, or between premises within this state.

(2) Before issuing an order described in subsection (1), the department shall comply with all of the following to ensure public notice and opportunity for public comment:

(a) The department shall develop scientifically based requirements with advice and consultation from the impacted animal industry and veterinary professionals.

(b) The department shall place the proposed requirements on the commission of agriculture and rural development agenda at least 1 month before final review and issuance of the order by the director. During the 1-month period described in this subdivision, written comments may be submitted to the director and the director shall hold at least 1 public hearing on the order within the affected areas.

(c) The department shall, at least 1 month before implementation of the order, place the proposed requirements in a media channel in each county within the area subject to the proposed requirements and at least 1 media channel having circulation outside of the area.

(3) The director may revise or rescind an order described in subsection (1). A revision or rescission described in this subsection shall comply with the requirements of subsection (2), unless the revision or rescission does not alter the boundary of a previously established zone.

(4) The director may create an order to establish high-risk areas, potential high-risk areas, a disease-free zone, an infected zone, or a surveillance zone based upon the finding of a reportable animal disease or scientifically based epidemiology and may consult with the appropriate state or

federal department or agency in creating that order. The director shall notify the commission of agriculture and rural development and the impacted animal industry.

(5) The director may call upon a law enforcement agency to assist in enforcing the director's quarantines, orders, or any other provision of this act.

(6) If the director considers it a benefit to the health or condition of the animal industry in this state, the director may enter into agreements with the federal government, other state governments, tribal governments, or any other person to protect or enhance the growth of this state's animal industry or the human food chain.

Mich. Comp. Laws Ann. § 287.707. Powers and duties of state veterinarian; appointment
Sec. 7.

(1) The director must appoint an individual as state veterinarian who will be the chief animal health official of this state. The appointment shall be made in accordance with the rules of the state civil service commission. The individual appointed as state veterinarian must maintain a current license to practice veterinary medicine in this state and be federally accredited in this state by the United States Department of Agriculture. The state veterinarian must be skilled in the diagnosis, treatment, and control of infectious and toxicological diseases of animals. The state veterinarian must also be knowledgeable of state and federal laws as they relate to the intrastate, interstate, and international movement of animals.

(2) Office facilities and laboratory services for the investigation of infectious or toxicological diseases of animals shall be made available for the state veterinarian's use.

(3) Under the direction of the director, the state veterinarian shall do all of the following:

(a) Develop and enforce policy and supervise activities to carry out this act and other state and federal laws, rules, and regulations that pertain to the health and welfare of animals in this state on public or private premises.

(b) Serve as the authority for animal welfare oversight on livestock-related issues.

(c) Maintain a list of reportable animal diseases. The state veterinarian shall review and update the list annually and more often if necessary. When feasible and practical, the state veterinarian shall seek input from stakeholders for any changes in the list of reportable animal diseases.

(d) Develop and implement scientifically based surveillance and monitoring programs for reportable animal diseases when the director determines, with advice and consultation from the impacted animal industry and veterinary profession, that these programs would aid in the control or eradication of a specific reportable animal disease or strengthen the economic viability of the industry.

(e) Maintain a list of veterinary biologicals whose sale, distribution, use, or administration by any person is reported to the director when requested by the director within 10 working days after the sale, distribution, use, or administration. The state veterinarian shall review and update the list annually and more often if necessary.

(f) Promulgate rules under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, for the use of veterinary biologicals, including diagnostic biological agents.

(4) Unless otherwise prohibited by law, the state veterinarian may enter upon any public or private premises to enforce this act.

(5) The state veterinarian shall maintain requirements for the importation of animals into this state. When feasible and practical, the state veterinarian shall seek input from stakeholders for any changes in importation requirements.

(6) The director may waive any testing requirements after epidemiologic review.

Mich. Comp. Laws Ann. § 287.709. Report and investigation of animals affected by disease or contaminated with toxic substance; confidentiality of information; notification of state veterinarian

Sec. 9.

(1) A person that discovers, suspects, or has reason to believe that an animal is either affected by a reportable animal disease or contaminated with a toxic substance shall immediately report that fact, suspicion, or belief to the director. The director shall take appropriate action to investigate the report. A person possessing an animal affected by, or suspected of being affected by, a reportable animal disease or contaminated with a toxic substance shall allow the director to examine the animal or collect diagnostic specimens. The director may enter premises where animals, animal products, or animal feeds are suspected of being contaminated with an infectious disease or a disease caused by a toxic substance and seize or impound the animal products or feed located on the premises. The director may withhold a certain amount of animal products or feed for the purpose of controlled research and testing. A person that knowingly possesses or harbors affected or suspected animals shall not expose other animals to the affected or suspected animals or otherwise move the affected or suspected animals or animals under quarantine except with permission from the director.

(2) A person owning animals shall provide reasonable assistance to the director during the examination and necessary testing procedures.

(3) All of the following apply to any medical or epidemiological information that identifies the owner of an animal and is gathered by the department in connection with the reporting of a discovery, suspicion, or reason to believe that an animal is either affected by a reportable animal disease or contaminated with a toxic substance, or information gathered in connection with an investigation of the reporting of a discovery, suspicion, or reason to believe that an animal is affected by a reportable animal disease or contaminated with a toxic substance:

(a) The information is confidential.

(b) The information is exempt from disclosure under the freedom of information act, 1976 PA 442, MCL 15.231 to 15.246.

(c) State employees or contractors are bound by section 2 of 1973 PA 196, MCL 15.342, with respect to the information.

(d) The information is not open to public inspection without the owner's consent unless 1 of the following applies:

(i) Public inspection is necessary to protect the public health or animal health as determined by the director.

(ii) Public inspection is necessary to protect the public health, as determined by the director of the department of health and human services.

(e) If the information is released to a legislative body, the information shall not contain any information that identifies a specific owner or location.

(4) Notwithstanding any other provision of this act, the state veterinarian shall be notified of a reportable animal disease found in a wild bird, wild animal, game, or protected animal under the natural resources and environmental protection act, 1994 PA 451, MCL 324.101 to 324.90106,

or a state or federal fish hatchery. The appropriate resource agency, including, but not limited to, the department of natural resources and the United States Fish and Wildlife Service, shall retain authority over the wild bird, wild animal, game, protected animal, or state or federal fish hatchery.

Mich. Comp. Laws Ann. § 287.712. Quarantines; issuance by director; prohibited conduct; enforcement

Sec. 12.

(1) The director may issue a quarantine on animals, equipment, vehicles, structures, premises, or any area in this state, including the entire state if necessary, for the purpose of controlling or preventing the spread of a known or suspected infectious or toxicological disease.

(2) A person shall not move animals or any other items that are included in the quarantine without permission from the director.

(3) A person shall not allow animals under quarantine to mingle with or have contact with other animals not under quarantine without permission by the director.

(4) A person shall not import into this state an animal from another state or jurisdiction if that animal is under quarantine by the other state or jurisdiction unless that person obtains prior permission from the director.

(5) A person shall not import into this state an animal species, including a genetically engineered organism that is a variant of that species, from an area under quarantine for that species for any infectious or toxicological disease unless permission is granted from the director.

(6) The director may prescribe procedures for the identification, inventory, separation, mode of handling, testing, treatment, feeding, and caring for both quarantined animals and animals within a quarantined area to prevent the exposure of nonquarantined or quarantined animals to infectious or toxicological diseases.

(7) The director may prescribe procedures required before any animal, structure, premises, or area or zone in this state, including the entirety of this state if necessary, are released from quarantine.

(8) An animal found running at large in violation of a quarantine may be killed by a law enforcement agency. The director may enlist the cooperation of a law enforcement agency to enforce the provisions of this quarantine. A law enforcement agency killing an animal due to a quarantine under this section is not subject to liability for the animal.

Mich. Comp. Laws Ann. § 287.712a. Intrastate movement of animals; requirements; movement controls

Sec. 12a.

(1) The director may require movement controls for the movement of animals within this state to prevent or control a specific reportable animal disease, as provided in section 3b.1

(2) The director may require an official intrastate health certificate or official intrastate certificate of veterinary inspection or another form approved by the director to be prepared and signed by an accredited veterinarian. The forms described in this subsection shall include the information required in section 20(1)(a) to (e).2

(3) Animals subject to movement controls required by the director under subsection (1) shall be accompanied with a copy of an official intrastate health certificate, official intrastate certificate of veterinary inspection, or other form approved by the director.

(4) When the intrastate movement of livestock causes livestock to cross from 1 zone into another zone, the livestock shall meet the testing requirements for their zone of origin or destination.

(5) If livestock enter a slaughter facility premises, the livestock and offspring born on the premises shall not leave the slaughter facility premises unless prior permission is granted by the director to move the livestock to an alternate premises.

Mich. Comp. Laws Ann. § 287.714. Orders to slaughter, destroy, or otherwise dispose of animals; powers of director; site or method of disposal; disinfection of premises; repopulation

Sec. 14.

(1) If the director determines that the control or eradication of a disease or condition of livestock warrants entry onto property where livestock or domestic animals are located, the director shall order the entry onto property where livestock or domestic animals are located and authorize seizure, slaughter, destruction, or other disposition of individual livestock or domestic animals or the entire herd, flock, or aquaculture lot.

(2) Animals ordered to be slaughtered, destroyed, or otherwise disposed of for infectious or toxicological disease shall be identified and slaughtered, destroyed, or otherwise disposed of in a manner approved by the director.

(3) The director may approve facilities and procedures for the orderly disposal of animals, animal products, animal feeds, and contaminated materials that cannot be appropriately disinfected to control or prevent the spread of an infectious or toxicological disease.

(4) The director may select a site or method for the disposal described in subsection (3) with the advice of the director of the department of environment, Great Lakes, and energy in compliance with 1982 PA 239, MCL 287.651 to 287.683.

(5) A premises that has been depopulated shall be cleaned and disinfected as prescribed by the director.

(6) Repopulation of a premises, except as approved by the director, does not confer eligibility for future indemnity under section 14a.1

(7) The director may require additional biosecurity and wildlife risk mitigation measures, as determined by the director in an order under this act, before allowing repopulation of a premises.

Mich. Comp. Laws Ann. § 287.714a. Indemnification for slaughter or destruction due to disease or toxicological contamination

Sec. 14a.

(1) The director may allow indemnification for the slaughter or destruction of livestock due to a reportable animal disease or toxicological contamination. If the director has signed an order for the slaughter or destruction of livestock, the owner may apply for indemnification. To be eligible for indemnification in an area of this state where a reportable animal disease is prevalent and an order of the director is in place, a defined management plan for the area shall be in place. The director shall appraise and inventory the condemned livestock. The appraisals and inventories shall be on forms approved by the director. The director shall use agricultural pricing information from commercial livestock auction markets and other livestock market information as determined by the director to determine the value of condemned livestock.

(2) The director may allow indemnification for the slaughter or destruction of domestic animals due to reportable animal diseases or toxicological contamination. The director shall

appraise and inventory the condemned domestic animals. The appraisals and inventories shall be on forms approved by the director. The director shall use pricing information from domestic animal auctions and other domestic animal market information as determined by the director to determine the value of condemned domestic animals.

(3) Indemnification for individual or entire herd, flock, or aquaculture lot depopulations of livestock shall be based upon 100% of the fair market value of that type of animal on the date of the appraisal and marketable for the purpose for which the livestock was intended, not to exceed \$10,000.00 for each livestock or an average of \$5,000.00 per animal in the flock, herd, or aquaculture lot. The appraisal determination shall not delay depopulation. The indemnification amount under this section shall include a deduction for any compensation received, or to be received, from any other source, including, but not limited to, indemnification by the United States Department of Agriculture, insurance, salvage value, or any monetary value obtained to encourage disposal of infected or exposed livestock in accordance with a disease control or eradication program. The owner shall furnish to the department all records indicating other sources of indemnity. An affidavit signed by the owner attesting to the amount of compensation for the livestock received, or to be received, from any other source shall accompany the appraisal certificate before indemnification under this section.

(4) Indemnification for individual or entire group depopulations of domestic animals shall be based upon 100% of the fair market value of that type of animal on the date of the appraisal and marketable for the purpose for which the domestic animal was intended, not to exceed \$4,000.00 for each domestic animal or an average of \$500.00 per animal in the group. The appraisal determination shall not delay depopulation. The indemnification amount under this section shall include a deduction for any compensation received, or to be received, from any other source, including, but not limited to, indemnification by the United States Department of Agriculture, insurance, salvage value, or any monetary value obtained to encourage disposal of infected or exposed domestic animals in accordance with a disease control or eradication program. The owner shall furnish to the department all records indicating other sources of indemnity. An affidavit signed by the owner attesting to the amount of compensation for the domestic animals received, or to be received, from any other source shall accompany the appraisal certificate before indemnification under this section.

(5) Acceptance of compensation under this act constitutes a full and complete release of any claim the owner has against this state and its departments, agencies, officers, employees, agents, and contractors to the extent these persons were acting on behalf of this state, within the scope of their employment with this state or under the direction of this state, its departments, agencies, officers, or employees, arising out of testing, purchase, removal, slaughter, destruction, and other disposition of the owner's livestock or domestic animals.

(6) The right to indemnity from this state for livestock or domestic animals condemned and ordered slaughtered, destroyed, or otherwise disposed of by the director applies only to native livestock and native domestic animals or as directed by the director. Indemnification is not available for livestock or domestic animals determined by the department to be imported or to be moved within this state without meeting import or movement requirements, including, but not limited to, an official interstate health certificate or official interstate certificate of veterinary inspection, required testing, required vaccination, or for livestock or domestic animals determined by the department to have been illegally moved into or within this state. An owner is not entitled to indemnity from this state for livestock or a domestic animal that comes into the possession of the owner with the owner's knowledge that the livestock or domestic animal is diseased or is

suspected of having been exposed to an infectious or toxicological disease. The director shall not indemnify an owner for livestock or domestic animals that have been exposed to livestock or a domestic animal that comes into the possession of the owner with the owner's knowledge that the livestock or domestic animal is diseased or is suspected of having been exposed to an infectious, contagious, or toxicological disease, or that are in violation of an order of the director.

(7) This state shall not indemnify an owner of livestock or domestic animals for the loss of the livestock or domestic animals due to an infectious, contagious, or toxicological disease until the owner executes and signs a subrogation agreement assigning to this state the rights of the owner to a cause of action to recover damages for the loss up to the amount of indemnification paid to the owner under this act, and presents all necessary documents, including registration papers, a statement of names and addresses of all persons to whom or from whom the owner has transferred livestock or domestic animals within a time period determined by the director, and signed permission allowing the breed association to disclose information requested by the director.

(8) The director may require additional biosecurity and wildlife risk mitigation measures, as determined by the director in an order under this act, for future indemnification eligibility under this act.

(9) The department may cooperate and coordinate with the United States Secretary of Agriculture or the secretary's authorized representative or other governmental departments or agencies regarding indemnification under this section.

(10) A livestock owner shall be compensated for livestock that dies or needs to be destroyed for humane reasons due to an injury occurring while the livestock is undergoing mandatory testing for a reportable animal disease.

(11) As used in this section, "domestic animal" does not include livestock.

Mich. Comp. Laws Ann. § 287.717b. Surveillance testing of animals; designation of status of certain herds, flocks, or aquaculture lots

Sec. 17b.

(1) The director may order surveillance testing of animals for a specific reportable animal disease in this state with a defined dimension as determined by the director. The director may also order surveillance testing of animals for either of the following purposes:

(a) To accomplish surveillance necessary for this state to be in compliance with rules and regulations adopted by the United States Secretary of Agriculture under any act of Congress providing for the prevention, control, or eradication of a reportable animal disease.

(b) To complete epidemiologic investigations for a specific reportable animal disease, or in any instance where a reportable animal disease is suspected.

(2) The director may establish a surveillance testing program for the intrastate movement of animals.

(3) The director may designate the status of certain herds, flocks, or aquaculture lots as certified, accredited, validated, qualified, monitored, clean, or free of a specific disease when the herd, flock, or aquaculture lot has met the director's requirements for that status.

(4) Livestock in a herd, flock, or aquaculture lot that is undergoing an official test shall not be removed from the premises until the test results from the herd, flock, or aquaculture lot are available, except as permitted by the director.

Mich. Comp. Laws Ann. § 287.719. Importation of animals; requirements and restrictions

Sec. 19.

(1) An animal imported into this state shall meet any and all requirements under the applicable provisions of this act and, notwithstanding the provisions of any other act, shall be accompanied by 1 of the following:

- (a) An official interstate health certificate or an official interstate certificate of veterinary inspection.
- (b) An owner-shipper statement or sales invoice if imported and consigned directly to slaughter or through a livestock auction market and then directly to slaughter.
- (c) A “report of sales of hatching eggs, chicks, and poults”, United States Department of Agriculture Veterinary Services form 9-3, commonly known as vs form 9-3, for participants in the National Poultry Improvement Plan.
- (d) A “permit for movement of restricted animals”, United States Department of Agriculture Veterinary Services form 1-27, commonly known as vs form 1-27, if prior approval is granted by the director.
- (e) A fish disease inspection report for aquaculture only.
- (f) Permission from the director.

(2) All livestock imported into this state shall meet federal regulations for official identification under 9 CFR part 86, unless otherwise approved by the director.

(3) Brucellosis or tuberculosis officially classified suspect or reactor cattle shall not be imported into this state.

(4) A person shall not import or move intrastate livestock known to be affected with or exposed to chronic wasting disease, tuberculosis, brucellosis, or any other disease identified by the director, as determined by an official test, without permission of the director.

(5) The director may require that a prior entry permit be obtained for certain classifications of livestock.

(6) A person, consignee, dealer, or livestock market operator must ensure that any testing of an animal required under this act, any official identification of an animal required under this act, and the appropriate documentation for an animal, accompanies the animal as provided in subsection (1).

(7) An animal shall not be diverted to premises other than the destination site named on the documentation described in subsection (1) that accompanies the animal.

(8) An animal imported for exhibition shall meet the requirements of this act for importation of the applicable species and shall be accompanied by a copy of an official interstate health certificate or an official interstate certificate of veterinary inspection issued by an accredited veterinarian from the state of origin.

(9) The director may refuse entry into this state of an animal that the director has reason to believe may pose a threat to the public health or the health of animals. An animal imported into this state shall not originate from a herd under quarantine unless accompanied by permission issued by the director. The director may waive specific requirements if he or she determines that an animal imported from a certain area or state is not a threat to the public health or the health of animals.

(10) If the director determines that there is a threat to public health or a threat to the health of animals in this state, he or she may require additional testing, vaccination, or biosecurity measures for animals imported or to be imported into this state.

(11) Upon request of the director, a person transporting an animal shall produce the documentation required in subsection (1).

(12) The director may waive any testing requirements for importation of animals into this state based upon epidemiologic review and may consult with the appropriate state or federal department or agency to make that determination.

Mich. Comp. Laws Ann. § 287.720. Health certificates and certificates of veterinary inspection; preparation and contents; requirements; time period for slaughter of livestock
Sec. 20.

(1) An official interstate or intrastate health certificate or official interstate or intrastate certificate of veterinary inspection shall be prepared and signed by an accredited veterinarian for animals requiring such a certificate and being imported into this state, or being moved from 1 premises to another premises within this state. An official interstate or intrastate health certificate or official interstate or intrastate certificate of veterinary inspection for animals being imported to or exported from this state or being moved from 1 premises to another premises within this state when required shall include all of the following:

- (a) The complete names, telephone numbers, and physical addresses of the consignor and consignee, the address of the premises of the animals to be moved, and the physical destination address if different from the consignee address.
- (b) A description of the animals by breed, sex, age, and individual official identification number, as determined by the director.
- (c) The date of examination of the animals by the accredited veterinarian preparing the certificate, and the date the certificate was issued.
- (d) The intended use of the animals, including, but not limited to, use for sale, dairy, breeding, feeding or grazing, exhibition, immediate slaughter, or other.
- (e) The health status of the animals by recording the results of the required tests, required vaccinations, and any other data concerning the health of the animals including herd or state disease-free status. The accredited veterinarian preparing the certificate shall certify that the animals are free from clinical signs of infectious or toxicological diseases.
- (f) The prior entry permit number issued by the director, if a prior entry permit is required.

(2) A copy of the official interstate or intrastate health certificate or official interstate or intrastate certificate of veterinary inspection for animals being exported from this state or for animals being moved from 1 premises to another premises within this state shall be forwarded by the issuing accredited veterinarian to the state veterinarian within 7 working days after the date of issuance.

(3) Livestock delivered directly to a slaughter plant shall be slaughtered within 5 days except for swine, which shall be slaughtered within 48 hours. Livestock for slaughter delivered to a market for livestock auction as that term is defined in 1937 PA 284, MCL 287.121 to 287.131, shall be slaughtered within 5 days.

Mich. Comp. Laws Ann. § 287.722. Animals imported without required tests, vaccinations, official identification, or documents; powers of director
Sec. 22.

(1) If an animal is imported into this state without the required official tests, vaccination, official identification, or documents, the director may do 1 or more of the following:

- (a) Quarantine the animal or the premises, or both.

- (b) Require that the required tests, vaccination, official identification, or documents be performed or obtained at the owner's expense.
- (c) Require the animal be returned to the state of origin after notification that the animal was imported into this state without the required tests, vaccination, official identification, or documents.
- (d) Order the slaughter, destruction, or other disposition of the animal, if the director determines that the control or eradication of a disease or condition of the animal is warranted.
- (e) Allow a direct movement of the animal, if applicable, to slaughter by permit.
- (f) Allow legal importation into another state.

(2) If the official test result, proof of vaccination, proof of identification, or proof of shipment of the animal back to the state of origin has not been received within 15 days after notification, the director may order that any required tests, vaccinations, or identification be performed by a department or accredited veterinarian, at the owner's or importer's expense.

Mich. Comp. Laws Ann. § 287.731. Importation of diseased or dangerous species, wild or exotic animals, feral swine, large carnivores, and wolf-dog crosses; restrictions; powers of director

Sec. 31.

(1) The director may create an order as provided in this section.

(2) Any species having the potential to spread serious diseases or parasites, to cause serious physical harm, or to otherwise endanger wild animals, wild animal and domesticated animal crosses, human life, livestock, domestic animals, or property, as determined by the director, shall not be imported into this state, except as determined by the director of the department of natural resources under section 40107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.40107. An order of the director under this subsection applies to the species identified in the order, unless the order expressly provides otherwise.

(3) The director may require compliance with any or all of the following before the importation of a wild animal or an exotic animal species not regulated by the Fish and Wildlife Service of the United States Department of Interior or the department of natural resources of this state:

- (a) Physical examination by an accredited veterinarian be conducted after importation to determine the health status, proper housing, husbandry, and confinement of any animal permitted to enter this state.
- (b) Negative test results to specific official tests required by the director within a time frame before importation into this state as determined by the director.
- (c) Identification prior to importation in a manner approved by the director.
- (d) A prior entry permit.

(4) A person shall not import or release live feral swine or any crosses of feral swine in this state for any purpose without permission from the director.

(5) Notwithstanding any other provision of this act, and unless otherwise allowed under section 22 of the large carnivore act, 2000 PA 274, MCL 287.1122, a person shall not import a large carnivore, as that term is defined in section 2 of the large carnivore act, 2000 PA 274, MCL 287.1102, into this state.

(6) Notwithstanding any other provision of this act, and unless otherwise allowed under section 22 of the wolf-dog cross act, 2000 PA 246, MCL 287.1022, a person shall not import a

wolf-dog cross, as that term is defined in section 2 of the wolf-dog cross act, 2000 PA 246, MCL 287.1002, into this state.

Mich. Comp. Laws Ann. § 287.744. Violations and enforcement; powers and duties of director; actions by attorney general; prohibited conduct; penalties, remedies, and sanctions
Sec. 44.

(1) The director may call upon a law enforcement agency to assist in enforcing this act.

(2) The attorney general may bring a criminal or civil action against a person responsible for unlawfully introducing an infectious or toxicological disease into animals, animal products, or animal feeds in this state.

(3) A person shall not knowingly give false information in a matter pertaining to this act and shall not impede or hinder the director in the discharge of his or her duties under this act.

(4) If a person does not cause an animal or a herd, flock, or aquaculture lot to be tested in compliance with this act, the director shall notify the person responsible for management of the animal or herd of the necessity for testing to occur and the deadline for testing to occur and shall quarantine any animal or herd that has not been tested until the testing can be completed by state or federal regulatory veterinarians or accredited veterinarians, at the owner's expense.

(5) An animal purchased at a licensed livestock market, collection point, or buying station or by a dealer licensed under 1937 PA 284, MCL 287.121 to 287.131, for the purpose of slaughter must be slaughtered within 5 days after movement of the purchased animal. The buyer of livestock sold for slaughter shall provide upon request of the director verification that the slaughter occurred within 5 days after movement of the purchased animal. Failure of a buyer of livestock sold for slaughter to comply with this subsection subjects that buyer to the penalties and sanctions of this act.

(6) A person shall not expose swine to garbage.

(7) A person shall not use garbage, offal, or carcasses, except in a disease outbreak and with the approval of the director, as feed for swine.

(8) The director has full access to inspect any premises or conveyance upon reasonable grounds to believe or suspect that garbage, offal, or carcasses are being used as feed for swine or that garbage, offal, or carcasses may expose swine to a communicable disease.

(9) The director shall quarantine swine determined to have been exposed to, in contact with, or fed garbage, offal, or carcasses. The quarantine shall continue until such time as the director determines that the swine are not a threat to animal or public health.

(10) A person that commits 1 or more of the following is guilty of a felony punishable by a fine of not less than \$1,000.00 and not more than \$50,000.00, or imprisonment of not more than 5 years, or both, and shall not receive any indemnification payments at the discretion of the director:

(a) Intentionally contaminating or exposing an animal to an infectious or toxicological disease for the purpose of receiving indemnification from this state or causing this state to destroy affected livestock.

(b) Intentionally making a false statement on an application for indemnification or reimbursement from this state.

(c) Intentionally violating a condition of quarantine, movement restrictions or other requirements authorized under this act.

(d) Intentionally importing into this state, without permission from the director, diseased animals or animals exposed to an infectious or toxicological disease.

(e) Intentionally misrepresenting the health, medical status, or prior treatment for an infectious or toxicological animal disease to facilitate movement or transfer of ownership to another person.

(f) Intentionally infecting or contaminating an animal with, or intentionally exposing an animal to, a reportable animal disease other than for bona fide research as approved by a research institution regulated by a federal agency.

(11) Except as otherwise provided under subsection (10), a person that violates this act, or a rule promulgated under this act, is guilty of a misdemeanor punishable by a fine of not less than \$300.00 or imprisonment of not less than 30 days, or both.

(12) The court may allow the department to recover reasonable costs and attorney fees incurred in a prosecution resulting in a conviction for a violation of subsection (10). Costs assessed and recovered under this subsection shall be paid to the state treasury and credited to the department for the enforcement of this act.

(13) Except as otherwise provided in subsection (10), the director, upon finding that a person has violated this act, a rule promulgated under this act, a quarantine authorized under section 12,1 or movement restrictions and other requirements authorized under section 3b,2 may do the following:

(a) Issue a warning.

(b) Impose an administrative fine of not more than \$1,000.00 for each violation. Upon the request of a person to whom an administrative fine is issued under this subsection, the director shall conduct a hearing under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) Issue an appearance ticket as described and authorized by sections 9a to 9g of chapter IV of the code of criminal procedure, 1927 PA 175, MCL 764.9a to 764.9g, with a fine of not less than \$300.00 or imprisonment of not less than 30 days, or both.

(14) The director shall advise the attorney general of the failure of any person to pay an administrative or civil fine imposed under this section. The attorney general shall bring a civil action in a court of competent jurisdiction to recover the fine and costs and fees including attorney fees. Civil penalties and administrative fines collected shall be paid to the state treasury.

(15) The remedies and sanctions under this act are independent and cumulative. The use of a remedy or sanction under this act does not bar other lawful remedies and sanctions and does not limit criminal or civil liability. Notwithstanding the provisions of this act, the department may bring an action to do 1 or more of the following:

(a) Obtain a declaratory judgment that a method, act, or practice is a violation of this act.

(b) Obtain an injunction against a person that is engaging, or about to engage, in a method, act, or practice that violates this act.

Mich. Comp. Laws Ann. § 287.745. Promulgation of rules

Sec. 45. The department may promulgate rules for the implementation and enforcement of this act pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

[DNR authority: Mich. Comp. Laws Ann. §§ 324.503, 324.504, 324.1601]

Orders

Michigan Department of Natural Resources (DNR) Fish Health Testing Guidelines for Moving Game and Bait Fish into the State of Michigan, Stocking of Fish into Public Waters of Michigan, and Baitfish Certification for the State of Michigan March 2021

<https://www.michigan.gov/->

[/media/Project/Websites/dnr/Documents/Fisheries/misc/Fish_Health_Test_Requirements.pdf?rev=e7cde57901204feda7389c67c2c5e4be](https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Fisheries/misc/Fish_Health_Test_Requirements.pdf?rev=e7cde57901204feda7389c67c2c5e4be)

Public waters fish stocking

<https://www.michigan.gov/dnr/-/media/Project/Websites/dnr/Documents/Fisheries/misc/Private-Fish-Stocking-Permit-Process.pdf?rev=8808e63e8e2b4bd59431ec5fb6d78a67>

MDARD Reportable Disease List

<https://www.michigan.gov/mdard/->

[/media/Project/Websites/mdard/documents/animals/diseases/reportable_disease_list.pdf?rev=e6f3cfa08afd4be5901c07d1574d2972&hash=F6D135368370538BA82EFB999B831559](https://www.michigan.gov/mdard/documents/animals/diseases/reportable_disease_list.pdf?rev=e6f3cfa08afd4be5901c07d1574d2972&hash=F6D135368370538BA82EFB999B831559)

Michigan Aquaculture Regulations

Mich. Admin. Code r. 281.53. Exempt Use

Rule 3.

(1) Land uses exempt from a zoning permit in a designated natural river district include the following:

- (a) Private, non-commercial recreation which does not involve a structure, equipment, or other device, and includes camping, boating, fishing, hunting, and other similar activities.
- (b) Reforestation and any other accepted forest management practice that does not involve a structure and is landward of the natural vegetation strip.
- (c) Agricultural activities, including general and specialized farming such as a Christmas tree farm, provided that any new activity occur landward of the natural vegetation strip and provided such use does not contribute to stream degradation. Construction of a residential and farm-related structure and appurtenance is classified as a principal use and is subject to zoning permit requirements. Any new **aquaculture facility** or concentrated animal feeding operation, and expansion of any existing **aquaculture** facility or concentrated animal feeding operation, is not permitted within the natural river district without a land use variance as described in R 281.60. Resumption of a prior agricultural use previously located within the natural vegetation strip and discontinued, for example, rotation of crop fields, may resume if 1 of the following criteria is met:
 - (i) The cessation of use was within 10 years of resumption of use.
 - (ii) The cessation of use was due to implementation of a management plan written before the effective date of these rules.
 - (iii) The cessation of use was the result of a written agreement with a governmental agency or agencies entered into before the effective date of these rules.

- (iv) The cessation of use was the result of a written agreement with a governmental agency or agencies entered into after the effective date of these rules or ordinances implementing this plan, where the term of cessation of use specified in the agreement is for 10 years or less.
- (v) The cessation of use was required or imposed by a governmental agency or agencies.
- (d) Cutting of low growing vegetation and placement of wood chips on uplands in the natural vegetation strip to create a single footpath of not more than 4 feet in width leading to a single point on the river's edge. A boardwalk or other artificial walkway is not exempt and requires a zoning permit as specified in R 281.57.
- (e) A sign for identification, direction, resource information, exclusion of trespassers, regulation of use and those related to permitted uses, subject to the following provisions:
 - (i) A sign for the sale of a product or service is prohibited, unless related to a permitted use, located on the site of the permitted use, not located in the natural vegetation strip, and not visible from the river.
 - (ii) An illuminated sign is prohibited.
 - (iii) "No trespassing" sign shall be not larger than 1 square foot in area and shall be spaced at least 100 feet apart. Other signs may be not larger than 2 square feet in area, except 1 real estate sign may be not larger than 4 square feet in area if located outside the natural vegetation strip.
- (f) Routine maintenance and repair of a legal use or structure within the existing foundation and structure, subject to R 281.57.
- (g) A satellite dish not more than 32 inches in diameter and located landward of the natural vegetation strip or attached to an existing single-family dwelling, short-term rental facility, or appurtenance.
- (h) Removal of any dead, diseased, or unsafe tree, noxious plant or shrub, within the natural vegetation strip.

Mich. Admin. Code r. 299.1051. Importation, Transportation, and Sale of Live Fishes or Viable Eggs of the Salmonidae Family

Rule 1.

(1) No person shall import live fishes or viable eggs of the family of the salmonidae from without the state or transport or sell such fishes or viable eggs within the state, except under authority of a permit issued by the director of the department of natural resources, hereinafter referred to as the director.

(2) Applications for permits to import or transport live fishes or viable eggs of the family salmonidae shall be made on forms provided by the director and shall contain the following data and such other information as may be required for the purpose of controlling the spread of diseases of fishes, including, but not limited to, infectious pancreatic necrosis (IPN); viral hemorrhagic septicemia (egtvcd virus); and myxosoma cerebralis (whirling disease): (a) species, (b) name and address of shipper, (c) name of carrier, (d) type of transportation, (e) name and address of hatchery where fishes or eggs were produced, (f) name of broker through whom shipment is made, if any, and (g) the approximate number or weight of fishes or eggs to be imported or transported.

(3) Importation permits will be issued only for fish stock or eggs, or both, from sources certified free of IPN, egtved, whirling disease, or other diseases of fishes which may threaten

resident fish stocks. The certification shall be made by a person holding a degree from an accredited college in 1 of the sciences and specializing in diseases of fishes and whose name appears on a register to be established and maintained by the director. Certification shall be reviewed not less frequently than once every 6 months.

(4) Fish stocks of the family salmonidae held or in transport under authority of a game fish breeder's license shall be subject to inspection by designated representatives of the director. Such inspection may include removal of reasonable quantities of stock for biological samples.

(5) Permits to sell and transport fishes or eggs within the state shall be issued only for stocks certified to be free of diseases, including, but not limited to, IPN, egtved, and whirling disease. Permits to sell and transport fishes and eggs within the state shall be issued for a time period not to exceed 6 months.

(6) Commencing August 15, 1969, licensed game fish breeders shall have available for examination by the director or his designated representatives records of inventory of fish stocks as of August 15, 1969, and evidence of all purchases and sales of fishes and viable eggs made subsequent to August 15, 1969, except that the records need be maintained in any year for the current year and the 2 prior years only. Information obtained from such records shall be confidential to the department of natural resources.

Mich. Admin. Code r. 299.1052. Importation of Other Species

Rule 2. No fish or eggs of the species *misgurnus anguillicaudatus* (Japanese weatherfish), *ctenopharyngodon idellus* (grass carp), *leuciscus idus* (ide), *scardinius erythrophthalmus* (rudd), *rhodeus sericeus* (bitterling) or *tinca tinca* (tench) shall be imported into Michigan except by permit issued by the director.

Mich. Admin. Code r. 299.1061. Documents and Records of Wholesalers and Retailers

Rule 1. Imported commercial fish species and game fish, not processed outside the state and sold to the consumer in the same package as imported, when of a size, weight, or species not prohibited by the laws of the state or country where caught, may be possessed, transported, offered for sale and marketed as follows:

(a) A wholesale fish dealer who, directly or indirectly, imports the fish shall (i) retain for 30 days following importation a commercial invoice or bill of sale or, if imported from Canada, the customs entry or customs broker's statement, to include species of fish and formal entry number; (ii) keep a record including quantity and species of fish and name and address of every retailer to whom he sells or ships such fish; and (iii) make the invoices, customs documents, and records available for inspection by any conservation officer at any reasonable time.

(b) A retail fish dealer shall retain, until the fish are disposed of by sale or otherwise, a bill of sale or invoice, indicating quantity and species of fish and name and address of consignor for inspection by any conservation officer at any reasonable time.

Minnesota Aquaculture Provisions

Minnesota Aquaculture Statutes

Minn. Stat. Ann. § 17.47. Definitions

Subdivision 1. Scope. The definitions in this section apply to Laws 1991, chapter 309, sections 2 to 16.

Subd. 2. Aquaculture. “Aquaculture” means the culture of private aquatic life for consumption or sale.

Subd. 3. Aquatic farm. “Aquatic farm” means a facility used for the purpose of culturing private aquatic life in waters, including but not limited to artificial ponds, vats, tanks, raceways, other indoor or outdoor facilities that an aquatic farmer owns or where an aquatic farmer has exclusive control of, or private fish hatcheries licensed under section 97C.211 for the sole purpose of processing or cultivating aquatic life.

Subd. 4. Aquatic farmer. “Aquatic farmer” means an individual who practices aquaculture.

Subd. 5. Repealed by Laws 1996, c. 310, § 1.

Subd. 6. Department. “Department” means the Department of Agriculture.

Subd. 7. Private aquatic life. “Private aquatic life” means fish, shellfish, mollusks, crustaceans, turtles, and any other aquatic animals cultured within an aquatic farm. Private aquatic life is the property of the aquatic farmer.

Minn. Stat. Ann. § 17.49. Aquaculture Program and Promotion

Subdivision 1. Repealed by Laws 2001, c. 161, § 58, eff. June 30, 2001.

Subd. 2. Coordination. Aquaculture programs in the state must be coordinated through the commissioner of agriculture. The commissioner of agriculture shall direct the development of aquaculture in the state. Aquaculture research, projects, and demonstrations must be reported to the commissioner before state appropriations for the research, projects, and demonstrations are encumbered. The commissioner shall maintain a database of aquaculture research, demonstrations, and other related information pertaining to aquaculture in the state.

Subd. 2a. Development program. The commissioner may establish a Minnesota aquaculture development and aid program that may support applied research, demonstration, financing, marketing, promotion, broodstock development, and other services.

Subd. 3. Repealed by Laws 2009, c. 94, art. 1, § 107, eff. July 1, 2009.

Minn. Stat. Ann. § 17.491. Aquaculture is Agricultural Pursuit

Aquaculture is an agricultural pursuit.

Minn. Stat. Ann. § 17.494. Aquaculture Permits; Rules

(a) The commissioner shall act as permit or license coordinator for aquatic farmers and shall assist aquatic farmers to obtain licenses or permits.

(b) A state agency issuing multiple permits or licenses for aquaculture shall consolidate the permits or licenses required for every aquatic farm location. The Department of Natural Resources transportation permits are exempt from this requirement. State agencies shall adopt rules or issue commissioner's orders that establish permit and license requirements, approval timelines, and compliance standards. Saltwater aquatic farms, as defined in section 17.4982, and

processing facilities for saltwater aquatic life, as defined in section 17.4982, must be classified as agricultural operations for purposes of any construction, discharge, or other permit issued by the Pollution Control Agency.

Nothing in this section modifies any state agency's regulatory authority over aquaculture production.

Minn. Stat. Ann. § 17.495. Appeal Procedures

A state agency that denies a license or permit to an aquatic farmer shall provide the aquatic farmer with a written notice specifying the reasons for refusal.

An aquatic farmer may appeal a state agency's denial of the license or permit in a contested case proceeding under chapter 14.

Minn. Stat. Ann. § 17.496. Quarantine Facility; Rules

By July 1, 1992, the commissioner of natural resources shall adopt rules, in consultation with the commissioner of agriculture and the Aquaculture Advisory Committee, for the construction and operation of a quarantine facility for fish eggs presently requiring quarantine and disposition of fish from the facility. Fish in a quarantine station that are determined to be disease-free under the procedures developed by the commissioner of natural resources may be bought, sold, or transported.

Minn. Stat. Ann. § 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.

Minn. Stat. Ann. § 17.498. Rules; Financial Assurance

(a) The commissioner of the Pollution Control Agency, after consultation and cooperation with the commissioners of agriculture and natural resources, shall present proposed rules to the Pollution Control Agency board prescribing water quality permit requirements for aquaculture facilities by May 1, 1992. The rules must consider:

- (1) best available proven technology, best management practices, and water treatment practices that prevent and minimize degradation of waters of the state considering economic factors, availability, technical feasibility, effectiveness, and environmental impacts;
- (2) classes, types, sizes, and categories of aquaculture facilities;
- (3) temporary reversible impacts versus long-term impacts on water quality;
- (4) effects on drinking water supplies that cause adverse human health concerns;
- and
- (5) aquaculture therapeutics, which shall be regulated by the Pollution Control Agency.

(b) Net pen aquaculture and other aquaculture facilities with similar effects must submit an annual report to the commissioner of the Pollution Control Agency analyzing changes in

water quality trends from previous years, documentation of best management practices, documentation of costs to restore the waters used for aquaculture to the trophic state existing before aquatic farming was initiated, and documentation of financial assurance in an amount adequate to pay for restoration costs. The trophic state, which is the productivity of the waters measured by total phosphorus, dissolved oxygen, algae abundance as chlorophyll-a, and secchi disk depth of light penetration, and the condition of the waters measured by raw drinking water parameters, shall be determined to the extent possible before aquatic farming is initiated. The financial assurance may be a trust fund, letter of credit, escrow account, surety bond, or other financial assurance payable to the commissioner for restoration of the waters if the permittee cannot or will not restore the waters after termination of aquatic farming operations or revocation of the permit.

(c) Information received as part of a permit application or as otherwise requested must be classified according to chapter 13. Information about processes, aquatic farming procedures, feed and therapeutic formulas and rates, and tests on aquatic farming products that have economic value is nonpublic data under chapter 13, if requested by the applicant or permittee.

Minn. Stat. Ann. § 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. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish the fees required by this section. The fees are not subject to the rulemaking provisions of chapter 14, and section 14.386 does not apply. 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.

Minn. Stat. Ann. § 17.4982. Definitions

Subdivision 1. Scope. The definitions in this section apply to sections 17.4981 to 17.4998.

Subd. 2. Approved laboratory methods. “Approved laboratory methods” means methods described in the latest edition of the “Procedures for the Detection and Identification of Certain Fish Pathogens” published by the American Fisheries Society Fish Health Section known as the Fish Health Blue Book.

Subd. 2a. Aquaculture therapeutics. “Aquaculture therapeutics” means drugs, medications, and disease control chemicals that are approved for aquaculture use by the United States Food and Drug Administration or the United States Environmental Protection Agency.

Subd. 3. Aquarium facilities. “Aquarium facilities” means facilities that rear or hold private aquatic life for sale for aquarium or display purposes.

Subd. 4. Aquatic farm. “Aquatic farm” means a licensed facility used for hatching, raising, rearing, and culturing private aquatic life in waters and preparing aquatic life for sale, including, but not limited to, ponds, vats, tanks, raceways, and other indoor or outdoor facilities that an aquatic farmer owns or waters of which an aquatic farmer has the use.

Subd. 5. Aquatic life. “Aquatic life” has the meaning given to “private aquatic life” in section 17.47, subdivision 7, and for purposes of commercial transactions, aquatic life is livestock.

Subd. 6. Certifiable diseases. “Certifiable diseases” includes any of the following expressed as clinical symptoms or based on the presence of the pathogen: channel catfish virus, *Renibacterium salmoninarum* (bacterial kidney disease), *Aeromonas salmonicida* (bacterial furunculosis), *Yersinia ruckeri* (enteric redmouth disease), *Edwardsiella ictaluri* (enteric septicemia of catfish), infectious hematopoietic necrosis virus, infectious pancreatic necrosis virus, *Myxobolus cerebralis* (whirling disease), *Tetracapsuloides bryosalmonae* (proliferative kidney disease), viral hemorrhagic septicemia virus, epizootic epitheliotropic virus, *Ceratomyxa shasta* (ceratomyxosis), and any emergency fish disease.

Subd. 7. Commissioner. “Commissioner” means the commissioner of natural resources.

Subd. 8. Containment facility. “Containment facility” means a licensed facility for salmonids, catfish, or species on the VHS-susceptible-species list that complies with clauses (1), (3), and (4), or clauses (2), (3), and (4):

- (1) disinfects its effluent to the standards in section 17.4991 before the effluent is discharged to public waters;
- (2) does not discharge to public waters or to waters of the state directly connected to public waters;
- (3) raises aquatic life that is prohibited from being released into the wild and must be kept in a facility approved by the commissioner unless processed for food consumption;
- (4) contains aquatic life requiring a fish health inspection prior to transportation.

Subd. 8a. Emergency enzootic disease area. “Emergency enzootic disease area” means an enzootic disease area that harbors an emergency fish disease. Trout, salmon, or catfish species are from an emergency enzootic disease area only if the individual species in question can carry one or more of the emergency fish disease pathogens present.

Subd. 9. Emergency fish disease. “Emergency fish disease” means designated fish diseases or pathogens not already present in this state that could impact populations of aquatic life if inadvertently released by infected aquatic life, including channel catfish virus, viral hemorrhagic septicemia virus, infectious hematopoietic necrosis virus, infectious pancreatic necrosis virus, whirling disease, ceratomyxosis, proliferative kidney disease, and epizootic epitheliotropic virus disease.

Subd. 10. Enzootic disease area. “Enzootic disease area” means an area with well-defined geographic boundaries which harbors one or more certifiable diseases¹ pathogens.

Subd. 10a. Fish collector. “Fish collector” means an individual who has been certified under section 17.4989 to oversee the collection of fish samples from a facility or a water body for disease testing by a certified laboratory.

Subd. 11. Fish Health Blue Book. “Fish Health Blue Book” means the standardized set of procedures and guidelines established and published by the American Fisheries Society Fish Health Section for the detection and isolation of fish pathogens.

Subd. 12. Fish health inspection.

(a) “Fish health inspection” means an on-site, statistically based sampling, collection, and testing of fish in accordance with processes in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE) to test for causative pathogens. The samples for inspection must be collected by a fish health inspector or a fish collector in cooperation with the producer. Testing of samples must be done by an approved laboratory.

(b) The inspection for viral hemorrhagic septicemia (VHS), infectious pancreatic necrosis (IPN), and infectious hematopoietic necrosis (IHN) in salmonids and for VHS in nonsalmonids must include at a minimum viral testing of ovarian fluids at the 95 percent confidence level of detecting two percent incidence of disease.

(c) The inspection for certifiable diseases and pathogens for wild fish must follow the guidelines of the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases.

Subd. 13. Fish health inspector. “Fish health inspector” means an individual certified as a fish health inspector or an aquatic animal health inspector by the American Fisheries Society or state, federal, or provincial resource management agency, except that a certification may not be made by an inspector who has a conflict of interest in connection with the outcome of the certification.

Subd. 14. Game fish. “Game fish” has the meaning given in section 97A.015, subdivision 25, except that green or orange spotted sunfish are not game fish for purposes of determining fish of significant public value.

Subd. 15. Intensive culture. “Intensive culture” means the rearing of fish at densities greater than can be supported in the natural environment.

Subd. 16. Licensed facility. “Licensed facility” means a licensed aquatic farm, including all licensed waters.

Subd. 17. Lot. “Lot” means a group of fish of the same species and age that originated from the same discrete spawning population and that always have shared a common water supply, or various age groups of adult brood stock of the same species that have shared the same containers for one brood cycle.

Subd. 18. Minnows. “Minnows” has the meaning given in section 97A.015, subdivision 29, except the 12-inch restriction on sucker minnows does not apply.

Subd. 18a. Nonindigenous species. “Nonindigenous species” means a species of fish or other aquatic life that is:

- (1) not known to have been historically present in the state;
- (2) not known to be naturally occurring in a particular part of the state; or
- (3) designated by rule as a prohibited or regulated invasive species.

Subd. 18b. Nonindigenous strain. “Nonindigenous strain” means a species of fish or other aquatic life that:

- (1) has an original source outside of this state and contiguous states;
- (2) is an unnaturally occurring hybrid or genetically engineered species; or
- (3) in areas north of marked State Highway 210, is a walleye, the original source of which is from south of marked State Highway 210 or from outside the state.

Subd. 18c. Processing. “Processing” means rendering a species of aquatic life for food, bait, or other purposes so that it is no longer alive.

Subd. 19. Public waters. “Public waters” has the meaning given in section 103G.005, subdivision 15.

Subd. 20. Quarantine facility. “Quarantine facility” means a culture system that is enclosed in a building and is separated from other fish culture facilities where fish can be isolated and maintained while preventing their introduction and pathogen introduction into the environment.

Subd. 20a. Saltwater aquaculture. “Saltwater aquaculture” means the commercial propagation and rearing of saltwater aquatic life primarily for consumption as human food.

Subd. 20b. Saltwater aquatic farm. “Saltwater aquatic farm” means a facility used for saltwater aquaculture including but not limited to artificial ponds, vats, tanks, raceways, and other facilities that an aquatic farmer owns or has exclusive control of for the sole purpose of producing saltwater aquatic life.

Subd. 20c. Saltwater aquatic life. “Saltwater aquatic life” means aquatic species that are saltwater obligates or perform optimally when raised in salinities closer to that of natural seawater and need saltwater to survive. Saltwater aquatic life includes but is not limited to crustaceans.

Subd. 21. Standard facility. “Standard facility” means a licensed facility that is not a quarantine or containment facility.

Subd. 21a. VHS-susceptible species. “VHS-susceptible species” are aquatic species that are natural hosts for viral hemorrhagic septicemia according to the Fish Health Blue Book or the book's successor.

Subd. 21b. VHS-susceptible-species list. “VHS-susceptible-species list” is the VHS-susceptible species listed in the Fish Health Blue Book that are found in or that can survive in the Great Lakes region.

Subd. 22. Waters of the state. “Waters of the state” has the meaning given in section 103G.005, subdivision 17.

Minn. Stat. Ann. § 17.4983. Aquatic Farm Operations

Subdivision 1. Acquisition and sale of private aquatic life. Aquatic life legally possessed may be bought, acquired, and sold by licensed facilities as provided in sections 17.4981 to 17.4997.

Subd. 2. Acquisition from state.

(a) The commissioner may sell aquatic life to licensed facilities at fair wholesale market value. Fair wholesale market value must be determined by the average market price charged in this state and contiguous states and provinces for similar quantities.

(b) The commissioner shall establish procedures to make aquatic life available to licensed facilities if state aquatic life would otherwise die or go to waste, such as in cases of winterkill lakes, waters where piscicides will be applied, and waters

subject to extreme draw-down. The public must be given angling opportunities if public access is available.

(c) The commissioner shall attempt to provide opportunities to make brood stock available to licensed facilities to reduce reliance on out-of-state sources without causing adverse impacts to game fish populations.

(d) If the commissioner denies approval to obtain aquatic life outside the state, a written notice must be submitted to the applicant stating the reasons for denial, and the commissioner shall:

(1) designate approved sources if available to obtain the desired aquatic life; or

(2) sell the aquatic life from state hatcheries at fair wholesale market value if there is a surplus from state operations.

Subd. 3. Methods to harvest aquatic life. Licensed facilities may use all reasonable methods to operate and harvest aquatic life from licensed facilities, including available nets.

Subd. 4. Discharge may require permit. The discharge from an aquatic farm must comply with discharge permits required by the Minnesota Pollution Control Agency.

Subd. 5. Ownership of aquatic life.

(a) Notwithstanding other provisions of law, aquatic life lawfully acquired and possessed by a licensed facility is private aquatic life and property of the owner of the licensed facility.

(b) The state may not seize or otherwise confiscate private aquatic life without due process of law, except that private aquatic life in public waters may become property of the state if the waters are not part of a licensed facility. The commissioner shall notify the licensee that the aquatic life in a facility that is no longer licensed will become property of the state if the aquatic life is not removed. If the licensee does not respond in writing within 30 days after receiving the notice and make alternative arrangements, or does not remove the aquatic life by 60 ice-free days after receiving the notice, the private aquatic life becomes property of the state.

(c) Private aquatic life that is transferred to the state or released into public waters that are not part of a licensed facility is owned by the state and may be considered wildlife.

Subd. 6. Control of licensed waters.

(a) If the public cannot legally access waters of the state that are part of a licensed aquatic farm except by permission of the licensee, the use of the waters by the public is subject to restriction by the licensee.

(b) Waters of the state may not be licensed for aquaculture use to more than one licensee.

Subd. 7. Angling in licensed waters. A person may not take fish by angling from waters subject to subdivision 6 unless the person has written permission from the licensee and:

(1) has an invoice when in possession of fish; or

(2) takes fish under an angling license, subject to the limits and conditions in the game and fish laws.

Subd. 8. Interference prohibited. A person may not knowingly damage, disturb, or interfere with legal aquatic farm operations.

Minn. Stat. Ann. § 17.4984. Aquatic Farm License

Subdivision 1. License required.

- (a) A person or entity may not operate an aquatic farm without first obtaining an aquatic farm license from the commissioner.
- (b) Applications for an aquatic farm license must be made on forms provided by the commissioner.
- (c) Licenses are valid for five years and are transferable upon notification to the commissioner.
- (d) The commissioner shall issue an aquatic farm license on payment of the required license fee under section 17.4988.
- (e) A license issued by the commissioner is not a determination of private property rights, but is only based on a determination that the licensee does not have a significant detrimental impact on the public resource.
- (f) The commissioner shall not issue a new license for aquatic farm purposes on a natural water body that has been restored or subject to a protective easement or other interest in land that was at least partially paid for with state or federal money.
- (g) Before a new aquatic farm license is issued for a natural water body, the applicant must notify all owners of property with direct access to the water body. The notification must include the language of this subdivision.

Subd. 2. Listed waters.

- (a) An aquatic farm license must list:
 - (1) the specific waters of the state that may be used in connection with the licensed aquatic farm and the species approved for each licensed water; and
 - (2) whether aeration requiring a permit is approved.

Additional waters may not be used until they are approved by the commissioner.

- (b) The right to use waters licensed for private fish hatchery or aquatic farm purposes may be transferred between licensees with prior approval by the commissioner if requirements for species to be raised are met. Waters that are continually connected by a permanent watercourse to other waters must not be approved for aquatic farm use, except that connected waters that are isolated from other waters may be licensed as a single water body. Waters that are intermittently connected or may become connected with other waters may be denied, or screening or other measures may be required to prevent passage of aquatic life. Listed waters may be changed on approval by the area fisheries supervisor or the commissioner.
- (c) The commissioner shall conduct an inspection of waters to be licensed prior to approving or denying initial licensing of the waters. When artificial tanks, jars, or other containers are added to existing licensed facilities, an additional inspection is not required.
- (d) Waters containing game fish of significant public value may be denied licensing unless the applicant can demonstrate exclusive riparian control.
- (e) Waters containing game fish of significant public value may be denied licensing unless the game fish of significant public value are, at the

commissioner's option, and taking into consideration the recommendation of the licensed applicant, sold to the licensee, or removed by the Department of Natural Resources or disposed of as provided in writing by the commissioner.

(f) Waters licensed under an aquatic farm license may be aerated during open water periods without a separate aeration permit.

(g) Carp and bullheads may be removed from licensed waters, and transported and disposed of by the licensee.

Subd. 3. Listed species.

(a) An aquatic farm license must list the species of aquatic life appropriate for the classification of the waters. Listed species of aquatic life may be changed on written request to and approval by the area fisheries supervisor. Species of aquatic life regulated under chapter 97A, 97B, or 97C may not be cultured unless listed on the license.

(b) All waters licensed before July 1, 1992, under a private fish farm or fish hatchery license must be approved for species listed under current licenses if other conditions for licensing are met.

(c) If licensed waters are located within a 25-year floodplain and are not enclosed within a building, species of aquatic life may be licensed at the discretion of the commissioner.

(d) Licensed waters located outside of a 25-year floodplain or enclosed within a building may be licensed for any species, except that the commissioner may deny licensing for species not present in the state.

Subd. 4. Single license for aquatic farming operation. The commissioner shall issue a single license for aquatic farming, with the following information and endorsements:

(1) waters covered by the license;

(2) classification of each of the licensed waters;

(3) aeration endorsement for each licensed water where the licensee has exclusive control of riparian access or where the conditions for an aeration permit have been met; and

(4) endorsements requested by the licensee.

Subd. 5. State list of waters. If the state uses waters of the state for aquatic farming, the state shall acquire legal access to the waters and make documentation of the access available to the public.

Subd. 6. Inspections and enforcement.

(a) The premises, property, vehicles, private aquatic life, and equipment where private aquatic farm operations are being conducted are subject to reasonable and necessary inspections at reasonable times by conservation officers. The reason for the inspection must be provided in writing. The owner, operator, or designee may be present when inspections are conducted.

(b) Conservation officers may enforce sections 17.4981 to 17.4997 under section 97A.205.

Subd. 7. Nonpublic records.

(a) Licensees must keep complete, up-to-date, nonpublic records of the operation of the aquatic farm. The records must remain available for at least three years.

(b) The records must be in English and include the following information:

- (1) for each species acquired, the number or pounds of fish or eggs acquired, names and addresses of the sources from which acquired, and the dates of receipt;
 - (2) for each species sold or disposed of, the number or pounds of fish sold or disposed of, the names and addresses of the purchasers or persons to whom the conveyances are made, and the dates of sale; and
 - (3) for fish sperm or viable eggs, the amount acquired or sold, the names and addresses of the sources from which acquired, the purchasers to whom conveyed, and the dates of purchase or sale.
- (c) On or before March 1 of each year, the licensee shall submit a complete annual report on a form furnished by the commissioner, covering the number or pounds of all species sold or purchased in the preceding licensed year.
- (d) An aquatic farmer shall maintain records for reasonable inspection by the commissioner. Information on aquatic life production, harvest, and sales is nonpublic information.

Minn. Stat. Ann. § 17.4985. Transportation of Aquatic Life

Subdivision 1. Requirements for importation, transportation within the state, or stocking of fish. Except as provided in subdivision 3, a licensee may not import aquatic life into the state, transport aquatic life within the state, or stock waters of the state with aquatic life without first obtaining a bill of lading or transportation permit from the commissioner, with disease certification, if applicable.

Subd. 2. Bill of lading.

- (a) A state-issued bill of lading is required for:
- (1) intrastate transportation of aquatic life other than salmonids, catfish, or species on the VHS-susceptible-species list between licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported if the aquatic life is being transported into a watershed where it is not currently present, if walleyes whose original source is south of marked State Highway 210 are being transported to a facility north of marked State Highway 210, or if the original source of the aquatic life is outside Minnesota and contiguous states; and
 - (2) stocking waters other than public waters with aquatic life other than salmonids, catfish, or species on the VHS-susceptible-species list.
- (b) When aquatic life is transported under paragraph (a), a copy of the bill of lading must be submitted to the regional fisheries manager at least 72 hours before the transportation.
- (c) For transportation and stocking of waters that are not public waters:
- (1) a bill of lading must be submitted to the regional fisheries manager 72 hours before transporting fish for stocking;
 - (2) a bill of lading must be submitted to the regional fisheries manager within five days after stocking if the waters to be stocked are confirmed by telecopy or telephone prior to stocking by the regional fisheries office not to be public waters; or
 - (3) a completed bill of lading may be submitted to the regional fisheries office by telecopy prior to transporting fish for stocking. Confirmation that

the waters to be stocked are not public waters may be made by returning the bill of lading by telecopy or in writing, in which cases additional copies need not be submitted to the Department of Natural Resources.

(d) Bill of lading forms may only be issued by the Department of Natural Resources in St. Paul, and new bill of lading forms may not be issued until all previously issued forms have been returned.

Subd. 3. Exemptions for transportation permits and bills of lading.

(a) A state-issued bill of lading or transportation permit is not required by an aquatic farm licensee for importing animals not on the VHS-susceptible-species list, transporting animals not on the VHS-susceptible-species list, or exporting the following:

- (1) minnows taken under an aquatic farm license in this state and transported intrastate;
- (2) aquarium or ornamental fish including goldfish and tropical, subtropical, and saltwater species that cannot survive in the waters of the state, which may be imported or transported if accompanied by shipping documents;
- (3) fish or fish eggs that have been processed for use as food, bait, or other purposes unrelated to fish propagation;
- (4) live fish from a licensed aquatic farm, which may be transported directly to an outlet for processing or for other food purposes if accompanied by shipping documents;
- (5) fish being exported if accompanied by shipping documents;
- (6) sucker eggs, sucker fry, or fathead minnows transported intrastate for bait propagation or feeding of cultural aquatic life, except that if either species becomes listed on the VHS-susceptible-species list, then a transportation permit is required;
- (7) species of fish that are found within the state used in connection with public shows, exhibits, demonstrations, or fishing pools for periods not exceeding 14 days;
- (8) fish being transported through the state if accompanied by shipping documents; or
- (9) intrastate transportation of aquatic life between or within licensed private fish hatcheries, aquatic farms, or aquarium facilities licensed for the species being transported, except where required in subdivision 2 and except that salmonids, catfish, or species on the VHS-susceptible-species list may only be transferred or transported intrastate without a transportation permit if they had no record of bacterial kidney disease or viral hemorrhagic septicemia at the time they were imported into the state and if they have had a fish health inspection within the preceding year that has shown no certifiable diseases to be present.

Aquatic life being transferred between licensed private fish hatcheries, aquatic farms, or aquarium facilities must be accompanied by shipping documents and salmonids, catfish, or species on the VHS-susceptible-species list being transferred or transported intrastate without a

transportation permit must be accompanied by a copy of their most recent fish health inspection.

(b) Shipping documents required under paragraph (a) must show the place of origin, owner or consignee, destination, number, and species.

Subd. 4. Transportation permit requirements. A transportation permit is required for all importation, transportation, or stocking of private aquatic life not covered by subdivision 2 or exempted in subdivision 3. A transportation permit may be used for multiple shipments within the 30-day term for the permit if the source and the destination remains the same. Transportation permits, which may authorize importation or stocking of public waters, may be issued through Department of Natural Resources regional offices or the St. Paul office, and must be obtained prior to shipment.

Subd. 5. Permit application. An application for a transportation permit must be made on forms provided by the commissioner. An incomplete application must be rejected. An application for a transportation permit for salmonids, catfish, or species on the VHS-susceptible-species list; their eggs; or their sperm must be accompanied by certification that the source of the eggs or sperm are free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported, transported, or stocked following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported, transported, or stocked into areas where the disease has been identified as being present. A copy of the transportation permit showing the date of certification inspection must accompany the shipment of fish while in transit and must be available for inspection by the commissioner. By 14 days after a completed application is received, the commissioner must approve or deny the importation permits as provided in this section.

Subd. 6. Vehicle identification.

(a) A vehicle used by a licensee for transporting aquatic life must be identified with the licensee's name and town of residence as it appears on the license and the license number.

(b) A vehicle used by a licensee must have identification displayed so that it is readily visible from either side of the vehicle in letters and numbers not less than 2-1/2 inches high and with a three-eighths inch wide stroke. Identification may be permanently affixed to vehicles or displayed on removable plates or placards placed on opposite doors of the vehicle or on the tanks carried on the vehicle.

(c) An application to license a vehicle for minnow transport or export or for use as a fish vendor that is received by the commissioner is a temporary license until it is approved or denied.

Minn. Stat. Ann. § 17.4986. Importation of Aquatic Life

Subdivision 1. Importation and stocking restrictions. A person may not import fish into or stock fish in the state without first obtaining a transportation permit with a disease certification, as prescribed under section 17.4985, subdivision 5, when required or a bill of lading from the commissioner, unless the person is exempted.

Subd. 2. Licensed facilities.

(a) The commissioner shall issue transportation permits to import:

(1) indigenous and naturalized species except trout, salmon, catfish, or species on the VHS-susceptible-species list and sperm from any source to a standard facility;

(2) trout, salmon, catfish, or species on the VHS-susceptible-species list from a nonemergency enzootic disease area to a containment facility if the fish are certified within the previous year to be free of certifiable diseases, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been identified as being present; and

(3) trout, salmon, catfish, or species on the VHS-susceptible-species list from a facility in a nonemergency enzootic disease area with a disease-free history of three years or more to a standard facility, except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease or viral hemorrhagic septicemia may be imported into areas where the disease has been identified as being present.

(b) If a source facility in a nonemergency enzootic disease area cannot demonstrate a history free from disease, aquatic life may only be imported into a quarantine facility.

Subd. 3. Emergency enzootic disease area. Except as otherwise provided and except that eggs with enteric redmouth, whirling disease, or furunculosis may be imported following treatment approved by the commissioner, and fish with bacterial kidney disease may be imported into areas where the disease has been previously introduced, fish may be imported from emergency enzootic disease areas only as fertilized eggs under the following conditions:

(1) to be imported into a standard facility, fertilized eggs must have a disease-free history for at least five years;

(2) to be imported into a containment facility, fertilized eggs must have a disease-free history for at least three years; or

(3) to be imported into a quarantine facility, fertilized eggs may have a disease-free history of less than three years.

Subd. 4. Disease-free history. Disease-free histories required under this section must include the results of a fish health inspection. When disease-free histories of more than one year are required for importing salmonids, catfish, or species on the VHS-susceptible-species list, the disease history must be of consecutive years that include the year previous to, or the year of, the transportation request.

Minn. Stat. Ann. § 17.4987. Stocking Private Aquatic Life

(a) A person may not release private aquatic life into public waters that are not licensed as part of an aquatic farm without first obtaining a transportation permit from the commissioner. The commissioner may:

(1) deny issuance of a permit if releasing the private aquatic life is not consistent with the management plan for the public waters; and

(2) approve the import, transport, and stocking of fish with bacterial kidney disease or viral hemorrhagic septicemia into areas or waters where either disease has been identified as being present.

(b) The commissioner shall make management plans available to the public.

(c) If a permit is denied, the commissioner must provide reasons for the denial in writing.

Minn. Stat. Ann. § 17.4988. License and Inspection Fees

Subdivision 1. Requirements for issuance. A permit or license must be issued by the commissioner if the requirements of law are met and the license and permit fees specified in this section are paid.

Subd. 2. Aquatic farming license.

(a) The annual fee for an aquatic farming license is \$210 for the base license. The commissioner must establish an additional fee based on the acreage of the operation.

(b) The aquatic farming license may contain endorsements for the rights and privileges of the following licenses under the game and fish laws. The endorsement must be made upon payment of the license fee prescribed in section 97A.475 for the following licenses:

- (1) minnow dealer license;
- (2) minnow retailer license for sale of minnows as bait;
- (3) minnow exporting license;
- (4) aquatic farm vehicle endorsement, which includes a minnow dealer vehicle license, a minnow retailer vehicle license, an exporting minnow vehicle license, and a fish vendor license;
- (5) sucker egg taking license; and
- (6) game fish packers license.

Subd. 3. Inspection and additional fees. Notwithstanding section 16A.1283, the commissioner may, by written order published in the State Register, establish fees for the services listed in clauses (1) to (3) and the additional fee required under subdivision 2, paragraph (a). The fees must be set in an amount that does not recover significantly more or less than the cost of providing the service. The fees are not subject to the rulemaking provisions of chapter 14 and section 14.386 does not apply. The services covered under this provision include:

- (1) initial inspection of each water to be licensed;
- (2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, viral pathogen testing, and bacteriological testing; and
- (3) initial inspection for containment and quarantine facility inspections.

Subd. 4. Aquarium facility.

(a) A person operating a commercial aquarium facility must have a commercial aquarium facility license issued by the commissioner if the facility contains species of aquatic life that are for sale and that are present in waters of the state. The commissioner may require an aquarium facility license for aquarium facilities importing or holding species of aquatic life that are for sale and that are not present in Minnesota if those species can survive in waters of the state. The fee for an aquarium facility license is \$90.

(b) Game fish transferred by an aquarium facility must be accompanied by a receipt containing the information required on a shipping document by section 17.4985, subdivision 3, paragraph (b).

Minn. Stat. Ann. § 17.4989. Fish Sample Collecting

Subdivision 1. Training. Fish collector training may be offered by any organization or agency that has had its class and practicum syllabus approved by the commissioner. The class and practicum must include the following components:

- (1) accurate identification of licensed water bodies listed according to section 17.4984 and ensuring that collection is taking place at the correct site;
- (2) identification of fish internal organs;
- (3) fish dissection and sample preparation as identified by the Department of Natural Resources based on specific testing requirements or as outlined in the Fish Health Blue Book or the Diagnostic Manual for Aquatic Animal Diseases, published by the International Office of Epizootics (OIE);
- (4) recording and reporting data;
- (5) sample preparation and shipping;
- (6) a field collection site test to demonstrate mastery of the necessary skills, overseen by a certified fish health inspector; and
- (7) a certificate of successful completion signed by a certified fish health inspector on a form provided by the commissioner.

Subd. 2. Certification time period. Fish collector certification is valid for five years and is not transferable. A person may renew certification only by successfully completing certification training. Certification shall be revoked if the certified person is convicted of violating any of the statutes or rules governing testing for aquatic species diseases. Certification may be suspended during an investigation associated with misconduct or violations of fish health testing and collection. The commissioner shall notify the person that certification is being revoked or suspended.

Subd. 3. Conflict of interest. A fish collector may not oversee the collection of fish from a facility or a water body when the collector has a conflict of interest in connection with the outcome of the testing.

Minn. Stat. Ann. § 17.499. Transportation or Importation of Saltwater Aquatic Life; Quarantine Requirement

Subdivision 1. Purpose. The legislature finds that it is in the public interest to increase private saltwater aquaculture production and processing in this state under the coordination of the commissioner of agriculture. Additional private production will reduce dependence on foreign suppliers and benefit the rural economy by creating new jobs and economic activity.

Subd. 2. Transportation permit.

- (a) Notwithstanding the requirements in section 17.4985, saltwater aquatic life transportation and importation requirements are governed by this section. A transportation permit is required before importation or intrastate transportation of saltwater aquatic life not exempted under subdivision 3. A transportation permit may be used for multiple shipments within the 30-day term of the permit if the source and the destination are the same. Transportation permits must be obtained from the commissioner before shipment of saltwater aquatic life.
- (b) An application for a transportation permit must be made in the form required by the commissioner. The commissioner may reject an incomplete application.
- (c) An application for a transportation permit must be accompanied by satisfactory evidence, as determined by the commissioner, that the shipment is

free of any nonindigenous species of animal other than the saltwater aquatic species and either:

- (1) the facility from which the saltwater aquatic life originated has provided documentation of 36 or more consecutive months of negative testing by an approved laboratory as free of any disease listed by OIE--the World Organisation for Animal Health for that species following the testing guidelines outlined in the OIE Aquatic Animal Health Code for crustaceans or the AFS Fish Health Blue Book for other species, as appropriate; or
- (2) the saltwater aquatic life to be imported or transported includes documentation of negative testing for that specific lot by an approved laboratory as free of any disease listed by OIE--the World Organisation for Animal Health for crustaceans or in the AFS Fish Health Blue Book for other species, as appropriate.

If a shipment authorized by the commissioner under clause (1) includes saltwater aquatic life that originated in a foreign country, the shipment must be quarantined at the receiving facility according to a quarantine plan approved by the commissioner. A shipment authorized by the commissioner under clause (2) must be quarantined at the receiving facility according to a quarantine plan approved by the commissioner.

(d) For purposes of this subdivision, “approved laboratory” means a laboratory approved by the commissioner or the United States Department of Agriculture, Animal and Plant Health Inspection Services.

(e) No later than 14 calendar days after a completed transportation permit application is received, the commissioner shall approve or deny the transportation permit application.

(f) A copy of the transportation permit must accompany a shipment of saltwater aquatic life while in transit and must be available for inspection by the commissioner.

(g) A vehicle used by a licensee for transporting aquatic life must be identified with the license number and the licensee's name and town of residence as it appears on the license. A vehicle used by a licensee must have identification displayed so that it is readily visible from either side of the vehicle in letters and numbers not less than 2- ½ inches high and three-eighths inch wide. Identification may be permanently affixed to vehicles or displayed on removable plates or placards placed on opposite doors of the vehicle or on the tanks carried on the vehicle.

(h) An application to license a vehicle for brood stock or larvae transport or for use as a saltwater aquatic life vendor that is received by the commissioner is a temporary license until approved or denied by the commissioner.

Subd. 3. Exemptions.

(a) A transportation permit is not required to transport or import saltwater aquatic life:

- (1) previously processed for use as food or other purposes unrelated to propagation;

- (2) transported directly to an outlet for processing as food or for other food purposes if accompanied by shipping documents;
- (3) that is being exported if accompanied by shipping documents;
- (4) that is being transported through the state if accompanied by shipping documents; or
- (5) transported intrastate within or between facilities licensed for saltwater aquaculture by the commissioner if accompanied by shipping documents.

(b) Shipping documents required under paragraph (a) must include the place of origin, owner or consignee, destination, number, species, and satisfactory evidence, as determined by the commissioner, of the disease-free certification required under subdivision 2, paragraph (c), clauses (1) and (2).

Minn. Stat. Ann. § 17.4991. Disease Transmission (** non-aquaculture provisions omitted **)

Subd. 5. Aquaculture therapeutics registration.

- (a) Aquaculture therapeutics must be registered and labeled in accordance with rules adopted by the commissioner of agriculture relating to drugs and feed additives.
- (b) The Department of Agriculture may not require registration of those aquaculture therapeutics designated as low regulatory priority by the United States Food and Drug Administration.

Minn. Stat. Ann. § 17.4992. Game Fish

Subdivision 1. Acquisition and purchase. Game fish sperm, viable game fish eggs, or live game fish may not be taken from public waters for aquaculture purposes, but may be purchased from the state or acquired from aquatic farms.

Subd. 2. Restriction on the sale of fish.

- (a) Except as provided in paragraph (b), species on the VHS-susceptible-species list must be free of viral hemorrhagic septicemia and species of the family salmonidae or ictaluridae, except bullheads, must be free of certifiable diseases if sold for stocking or transfer to another aquatic farm.
- (b) The following exceptions apply to paragraph (a):
 - (1) eggs with enteric redmouth, whirling disease, or furunculosis may be transferred between licensed facilities or stocked following treatment approved by the commissioner;
 - (2) fish with bacterial kidney disease or viral hemorrhagic septicemia may be transferred between licensed facilities or stocked in areas where the disease has been identified as being present; and
 - (3) the commissioner may allow transfer between licensed facilities or stocking of fish with enteric redmouth or furunculosis when the commissioner determines that doing so would pose no threat to the state's aquatic resources.

Subd. 3. Acquisition of fish for brood stock.

- (a) Game fish brood stock may be sold to private fish hatcheries or aquatic farms by the state at fair wholesale market value. For brood stock development, up to 20

pair of adults of each species requested may be provided to a licensee once every three years, if available, by the state through normal operations.

(b) If brood stock is not available by the June 1 following the request under paragraph (a) and a permit to take brood stock by angling is requested by the licensee, within 30 days of the request, the commissioner may issue a permit to the licensee to take, by angling, up to 20 pairs of each species requested. Game and fish laws and rules relating to daily limits, seasons, and methods apply to the taking of fish by angling pursuant to a permit issued under this paragraph.

Subd. 4. Sale of eggs by the state. The commissioner may offer for sale or barter as eggs or fry from the department's annual game fish egg harvest.

Subd. 5. Purchase of eggs dependent upon facility. Licensees may purchase game fish eggs or fry from the state at a rate based on the capacity of their facility to hatch and rear fish. Licensees may purchase walleye at a rate of no more than one-half quart of eggs or 5,000 fry for each acre or fraction of licensed surface water. This limitation may be waived if an aquatic farm is an intensive culture facility. The allowable purchase of trout or salmon eggs must be based on the capacity of rearing tanks and flow of water through the aquatic farm facility.

Subd. 6. Stocking walleyes north of marked State Highway 210. Walleyes from outside of the area of the state north of marked State Highway 210 may not be stocked in waters of the state north of marked State Highway 210 without approval by the commissioner.

Minn. Stat. Ann. § 17.4993. Minnows

Subdivision 1. Taking from public waters.

(a) Under an aquatic farm license, a licensee may take only minnow sperm, minnow eggs, and live minnows for aquatic farm purposes from a water body if:

- (1) the water body has been tested for viral hemorrhagic septicemia and the testing indicates the disease is not present; or
- (2) the water body is located within a viral-hemorrhagic-septicemia-free zone posted on the Department of Natural Resources website.

(b) A licensee may take sucker eggs and sperm only in approved waters with a sucker egg license endorsement as provided by section 17.4994.

Subd. 2. Repealed by Laws 2012, c. 277, art. 1, § 91, par. (b), eff. July 1, 2013.

Minn. Stat. Ann. § 17.4994. Sucker Eggs

Sucker eggs may be taken from public waters with a sucker egg license endorsement for the fee prescribed in section 97A.475, subdivision 29. Taking sucker eggs from public waters is subject to chapter 97C and may be supervised by the commissioner. The commissioner may limit the amount of sucker eggs that a person with a sucker egg license endorsement may take based on the number of sucker eggs taken historically by the licensee, new requests for eggs, and the condition of the spawning runs at those historical streams and rivers that have produced previous annual quotas.

Minn. Stat. Ann. § 17.4996. White Earth Indian Reservation

Until the commissioner reaches an agreement with the White Earth Indian Reservation regarding the acquisition and sale of aquatic life from public waters, an aquatic farm licensee may acquire and transport rough fish, as defined in section 97A.015, subdivision 43, and yellow perch lawfully acquired and possessed by a tribal member for sale under tribal laws and regulations on

the White Earth Reservation. Transportation of yellow perch off the reservation must be accompanied by documentation showing the source and number of the yellow perch.

Minn. Stat. Ann. § 17.4997. Rules

The commissioner may adopt rules that are consistent with sections 17.4981 to 17.4996. The commissioner must notify the Minnesota Aquaculture Commission and the commissioner of agriculture prior to publication of the proposed rules.

Minn. Stat. Ann. § 17.4998. Violations; Penalty

Subdivision 1. Misdemeanor. Unless a different penalty is prescribed, a violation of a provision of sections 17.4981 to 17.4997 or a rule of the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is a misdemeanor.

Subd. 2. Petty misdemeanor. A first and second violation, within a three-year period, of sections 17.4981 to 17.4997 or a rule of the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is a petty misdemeanor if it does not involve intentionally falsifying records and does not put public waters or other fish hatchery facilities at risk from harmful nonindigenous species, nonindigenous strains, or emergency fish diseases.

Subd. 3. License void. The license of a person convicted of a violation of sections 17.4981 to 17.4997 or a rule of the commissioner governing the operation of an aquatic farm, private fish hatchery, or quarantine facility is void for a period of one year after the conviction if the person is convicted of two or more misdemeanors within a three-year period. If the commissioner determines that the public welfare will not be injured, the commissioner may reinstate a license voided under this subdivision.

Minn. Stat. Ann. § 17.4999. Storage, Handling, and Disposal of Fish Manure

Fish manure from aquatic farm operations:

- (1) is subject to the same requirements under state law and rules as other animal manures; and
- (2) if managed in a pond system, may be applied as a manipulated manure under chapter 18C if certified by the commissioner.

****DIFFERENT SECTION****

Minn. Stat. Ann. § 97A.155. Amendments to Leech Lake Indian Reservation Agreement

Subdivision 1. Payment in lieu of special licenses. The commissioner may enter into an agreement with authorized representatives of the Leech Lake Band of Chippewa Indians to amend the settlement agreement adopted by section 97A.151 by providing that in lieu of the system of special licenses and license fees for persons who are not members of the Minnesota Chippewa tribe for the privilege of hunting, fishing, trapping, or taking minnows and other bait within the reservation, five percent of the proceeds from all licenses sold in the state for hunting, fishing, trapping, and taking minnows and other bait shall be credited to the special license account established by section 97A.151. The funds shall be remitted to the Leech Lake Band in the manner and subject to the terms and conditions that may be mutually agreed upon.

Subd. 2. Payment in lieu of migratory-waterfowl stamp fee. The commissioner may enter into an agreement with the Reservation Business Committee of the Leech Lake Indian Reservation to amend the settlement agreement adopted in section 97A.151 by providing that in

lieu of collecting an additional fee in connection with the state migratory-waterfowl stamp for the privilege of hunting waterfowl on the Leech Lake Indian Reservation five percent of the proceeds from the sale of state migratory-waterfowl stamps shall be credited to the special license account established by section 97A.151. The funds shall be remitted to the Leech Lake Reservation Business Committee in the manner and subject to the terms and conditions provided in section 97A.151.

Subd. 3. Aquaculture allowed. The commissioner shall not interpret commercial fishing in the settlement agreement in a manner that restricts aquaculture by the Leech Lake Band, or Leech Lake Band members, that is conducted consistent with state policies, laws, and regulations relating to aquaculture.

Minn. Stat. Ann. 97C.211. Private fish hatcheries

Subdivision 1. License required. A person may not operate a private fish hatchery without a private fish hatchery license. A private fish hatchery is a facility for raising fish, including minnows, for sale, stocking waters, angling, or processing. A private fish hatchery license is valid for five years but must be renewed annually.

Subd. 2. Operating rules. The commissioner shall prescribe rules that allow a person to maintain and operate a private fish hatchery to raise and dispose of fish. The commissioner shall establish and assess a fee to cover the cost of inspection and disease certification of private hatcheries.

Subd. 2a. Acquiring fish.

(a) A private fish hatchery may not obtain fish outside of the state unless the fish or the source of the fish are approved by the commissioner. The commissioner may apply more stringent requirements to fish or a source of fish from outside the state than are applied to fish and sources of fish from within the state. The commissioner must either approve or deny the acquisition within 30 days after receiving a written request for approval. Minnows acquired must be processed and not released into public waters, except as provided in section 97C.515, subdivision 4. A request may be for annual acquisition.

(b) If the commissioner denies approval, a written notice must be submitted to the applicant stating the reasons for the denial and the commissioner must:

- (1) designate approved sources to obtain the desired fish or fish eggs; or
- (2) sell the fish or fish eggs from state fish hatcheries at fair market value.

Subd. 3. Angling without license; certificate. A person may take fish by angling without a fishing license at a licensed private fish hatchery or an artificial pool containing only fish purchased from a private fish hatchery, if the operator of the hatchery or pool furnishes each person catching fish a certificate prescribed by the commissioner. The certificate must state the number and species of the fish caught and other information as prescribed by the commissioner. A person without a fishing license may possess, ship, and transport within the state the fish caught in the same manner as fish taken by a resident with a fishing license.

Subd. 4. License required to take sucker eggs. A person may not take sucker eggs from public waters for a private fish hatchery without a license to do so.

Subd. 5. Price of game fish fry and eggs. The commissioner may sell or barter game fish or native rough fish fry or eggs for not less than the cost associated with the production of eggs or fry.

Subd. 6. Nonpublic records. Information on production, harvest, and sales of aquatic life by a private fish hatchery is nonpublic information.

Minn. Stat. Ann. § 97C.342. Disease-Free Certification; Frozen or Dead Fish Bait

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given:

- (1) “Water body” means waters identified by a unique Department of Natural Resources public water identification number; a body of water that has defined boundaries and that has no Department of Natural Resources public water identification number; or a section of stream designated by a Kittle number, lock and dam numbering system, or to the upstream and downstream barrier.
- (2) “Commercial license” means a license issued under section 97A.475, subdivision 26, 27, 29, or 30.

Subd. 2. Bait restrictions.

(a) Frozen or dead fish on the VHS-susceptible-species list under section 17.4982, subdivision 21b; cisco (all *Coregonus*, including lake herring and tullibee); and smelt (all *Osmerus*, *Spirincus*, *Hypomesus*, and *Allosmerus*) being used as bait in waters of the state must originate from water bodies certified disease-free. A water body is certified as disease-free if:

- (1) the water body has been tested for viral hemorrhagic septicemia and the testing indicates the disease is not present; or
- (2) the water body is located within a viral hemorrhagic septicemia-free zone posted on the Department of Natural Resources website.

(b) Certification for individually tested water bodies is valid for one year from the date of test results. Certification of water bodies within a viral hemorrhagic septicemia-free zone posted on the Department of Natural Resources website is valid for the dates included in the posting. A viral hemorrhagic septicemia-free certification is also referred to as fish health certification.

Subd. 3. Testing requests. As a part of commercial licensing procedures, a list of water bodies requiring a fish health certification for commercial bait harvest must be provided to the commissioner no later than March 1 of each year, except in 2011 the list must be provided by August 1.

Subd. 4. Certification fees. Notwithstanding section 16A.1283, the commissioner may by written order published in the State Register, establish fees for the services and testing required to issue health certifications for a water body. The fees must be set in an amount that does not recover significantly more or less than the costs of providing services to health certify a water body. The fees are not subject to the rulemaking provisions of chapter 14 and sections 14.125 and 14.386 do not apply. The services covered under this subdivision include:

- (1) cost of collecting the species for testing;
- (2) fish health inspection and certification, including initial tissue sample collection, basic fish health assessment, and fish disease testing; and
- (3) administrative overhead for tracking and documentation of testing.

Subd. 5. Transportation permit requirements. A commercial licensee harvesting from a certified disease-free water body must obtain a live fish importation, transportation, and stocking permit to move fish from that source. A live fish importation, transportation, and stocking permit may be used for multiple shipments within a 30-day term period if the source and destination remain the same. The commercial licensee must contact the department within 24 hours of exercising the permit. Permits may be issued through the department's regional offices or St. Paul office and must be obtained prior to moving fish as approved for movement from these certified disease-free water bodies.

Subd. 6. Reporting requirements. A commercial licensee harvesting bait under this section must maintain records on forms provided by the commissioner for each lot of frozen or dead fish for sale as bait. The records must include the lot number for each batch of frozen or dead fish, water body health certification documentation, transportation permit number, and other information as specified on the reporting form. The commercial licensee must enter required records onto forms within 24 hours of packaging and labeling each lot of fish. The commercial licensee must retain records for three years following the year of creation. All records required to be retained must be open to inspection by the commissioner at any reasonable time.

Subd. 7. Labeling requirements. Frozen or dead fish from certified disease-free water bodies that are being sold as bait must be labeled. The seller of the product is responsible for making sure the items are labeled according to this section. Each container or package of frozen or dead fish bait must have the following information:

- (1) Department of Natural Resources certified water body number;
- (2) Department of Natural Resources transportation permit number;
- (3) lot number;
- (4) date of harvest from water body;
- (5) date of packaging and labeling;
- (6) bait store or vendor name where purchased; and
- (7) disease-free certification date.

Subd. 8. Persons using frozen or dead fish bait. A person on, or taking wild animals in, waters of the state with frozen or dead fish bait must possess all labeling as prescribed under subdivision 7. The person must retain the labeling until the bait is used and no longer in the person's possession.

Minn. Stat. Ann. § 97C.501. Minnow Licenses Required

Subdivision 1. Minnow retailers.

- (a) A person may not be a minnow retailer without a minnow retailer license except as provided in subdivisions 2, paragraph (d), and 3. A person must purchase a minnow retailer license for each minnow retail outlet operated, except as provided by subdivision 2, paragraph (d).
- (b) A minnow retailer must obtain a minnow retailer's vehicle license for each motor vehicle used by the minnow retailer to transport more than 12 dozen minnows to the minnow retailer's place of business. A minnow retailer is not required to obtain a minnow retailer's vehicle license:
 - (1) as provided in subdivision 3;
 - (2) if the minnow retailer is licensed as a resort under section 157.16, is transporting minnows purchased from a minnow dealer's place of business

directly to the resort, possesses a detailed receipt, including the date and time of purchase, and presents the receipt and minnows for inspection upon request; or

(3) if minnows are being transported by common carrier and information is provided that allows the commissioner to find out the location of the shipment in the state.

Subd. 2. Minnow dealers.

(a) A person may not be a minnow dealer without a minnow dealer license except as provided in subdivision 3.

(b) A minnow dealer must obtain a minnow dealer's vehicle license for each motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(c) A minnow dealer may not transport minnows out of the state without an exporting minnow dealer license. A minnow dealer must obtain an exporting minnow dealer's vehicle license for each motor vehicle used to transport minnows out of the state. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(d) A person with a minnow dealer's license may sell minnows at one retail outlet. A minnow dealer must obtain a minnow retailer license for each additional retail outlet operated. A minnow dealer operating a retail outlet under a minnow dealer's license must list the following information for the retail outlet: name of the business; city; state; zip code; and legal description or fire number. The retail outlet name and location may be changed by making application to the commissioner.

(e) A minnow dealer may designate employees as helpers who are authorized to take, buy, sell, and transport minnows on behalf of the minnow dealer. The employees designated as helpers must be listed on the minnow dealer's license, and a copy of the license designating the employee as a helper must be in the helper's possession when acting on behalf of the minnow dealer. The minnow dealer may add and delete helpers listed on the dealer's license within a license year by notifying the commissioner in writing of the change to the license. Employees who are acting under the direction and control of the minnow dealer but who are not designated as helpers may not buy or sell minnows on behalf of the minnow dealer. This paragraph does not apply to employees selling minnows at the retail outlet location under paragraph (d).

Subd. 3. License exemption for minors selling leeches. A resident under age 18 may take leeches, sell leeches at retail, and transport leeches without a minnow retailer or dealer license.

Subd. 4. Nonresident exporting minnow dealers.

(a) A nonresident must obtain an exporting minnow dealer's vehicle license for the motor vehicle used to transport minnows. The serial number, motor vehicle license number, make, and model must be on the license. The license must be conspicuously displayed in the vehicle.

(b) Only one nonresident exporting minnow dealer vehicle license may be issued to a nonresident exporting minnow dealer.

Minn. Stat. Ann. § 97C.515. Imported Minnows

Subdivision 1. General prohibition. A person may not bring live minnows into the state except as provided in this section.

Subd. 2. Permit for transportation.

(a) A person may transport live minnows through the state with a permit from the commissioner. The permit must state the name and address of the person, the number and species of minnows, the point of entry into the state, the destination, and the route through the state. The permit is not valid for more than 12 hours after it is issued.

(b) Minnows transported under this subdivision must be in a tagged container. The tag number must correspond with tag numbers listed on the minnow transportation permit.

(c) The commissioner may require the person transporting minnow species found on the official list of viral hemorrhagic septicemia susceptible species published by the United States Department of Agriculture, Animal and Plant Health Inspection Services, to provide health certification for viral hemorrhagic septicemia. The certification must disclose any incidentally isolated replicating viruses, and must be dated within the 12 months preceding transport.

Subd. 3. Repealed by Laws 2008, c. 307, § 21, eff. May 16, 2008.

Subd. 4. Private fish hatchery or aquatic farm. Live minnows used for feeding fish at a licensed private fish hatchery or aquatic farm must be obtained within the state. Dead minnows may be imported for feeding hatchery or aquatic farm fish according to section 97C.341, paragraph (d).

Subd. 5. Special permits.

(a) The commissioner may issue a special permit, without a fee, to allow a person with a private fish hatchery license, which private fish hatchery has been designated as a containment facility under section 17.4982, subdivision 8, to import live minnows from other states for export. A containment facility for the purposes of this section applies to live minnows imported for later export and does not need to comply with section 17.4982, subdivision 8, clause (4). The permit shall include conditions necessary to avoid spreading aquatic invasive species and fish pathogens. Permits shall not be issued to containment facilities located within a 25-year floodplain.

(b) An applicant for a permit under this subdivision shall submit to the commissioner sufficient information to identify potential threats to native plant and animal species and an evaluation of the feasibility of the proposal. The permit may include reasonable restrictions on importation, transportation, possession, containment, disease certification, and disposal of minnows to ensure that native species are protected. The permit may have a term of up to two years and may be modified, suspended, or revoked by the commissioner for cause, including violation of a condition of the permit.

(c) The premises, property, vehicles, private aquatic life, and equipment that are part of a containment facility permitted under this subdivision are subject to

reasonable and necessary inspections at reasonable times by a fish health specialist delegated by the commissioner. The owner, operator, or designee may be present when inspections are conducted. During the inspection, a representative sample of imported minnows may be collected for the purpose of fish pathogen or invasive species screening.

(d) The commissioner may require the applicant to furnish evidence of financial responsibility at the time of application for a permit under this section, as prescribed by the commissioner.

Minnesota Aquaculture Regulations

Minn. R., part 6116.0030. Aeration Permit.

Subpart 1. Term. No permit shall be issued for a period of more than one year.

Subp. 2. Criteria for granting a permit. The commissioner shall grant a permit for an aeration system when the commissioner concludes that:

- A. operation of a system will result in substantial benefit to the lake resource; and
- B. the objectives of the system are compatible with natural resources management and public safety goals for the body of water.

Subp. 3. Form contents. Applications for permits shall be submitted on forms provided by the commissioner and shall include:

- A. the reason the system is needed;
- B. a description of the system, including but not limited to location, size, and number of devices to be used;
- C. a sketch of the proposed system, indicating the compass direction “north,” location on the lake, roads in the vicinity, pertinent fire numbers, noteworthy landmarks, and enough detail so the system can be located for inspection, and emergency access, shall accompany all new applications;
- D. the proposed operating schedule; and
- E. further information the commissioner needs in order to assess the need for and effectiveness of the proposed aeration system.

Subp. 4. Private hatchery or fish farm license holders. Beginning March 1, 1989, a private fish farm or hatchery license may contain authorization for the operation of aeration systems on protected waters without public access if the licensee owns all riparian land or all of the possessory rights to the riparian lands. A private hatchery or fish farm license application requesting authorization for aeration system operation shall be subject to the same review as the aeration permit application. The license application shall include:

- A. the legal description and Division of Waters inventory number of each water body;
- B. location of the aeration system in each water body;
- C. enough detail so the systems can be located for inspection and emergency access; and
- D. a signed statement attesting that the requirements of this subpart are met.

Subp. 5. Public input. Upon receipt of a new application for installation and operation of an aeration system on protected waters with public access the commissioner shall issue public notice and may conduct a public meeting to assist

in deciding whether to issue, deny, or modify a permit. Reissuance of permits for existing permitted aeration systems does not require a public meeting, however, upon request of 25 or more residents of the state a public meeting will be held.

Subp. 6. Applicants. The applicant shall be a governmental entity such as a county, city, town, watershed district, or lake improvement district; or a private person, group, or entity.

Subp. 7. Financial responsibility. All permittees, except those permittees operating an aeration system in protected waters without public access, where the permittee owns all land riparian to the protected water, or all of the possessory rights to the land riparian to the protected water, or has leased all access rights to the protected water, and state agencies subject to the State Tort Claims Act or municipalities subject to the Municipal Tort Claims Act, must provide proof that the permittee is financially able to meet any liability that should arise from the presence or operation of the system. This shall be done by:

- A. posting a bond for \$500,000; or
- B. providing a certificate of insurance for the current period of operation. An insurance policy of \$500,000 (minimum) combined single limit general liability coverage must be in effect while the system is in operation during all times any portion of the lake is ice-covered. An insurance binder is adequate until a certificate is issued, at which time the certificate must be delivered to the appropriate regional fisheries manager.

Minn. R., part 6216.0250 Prohibited Invasive Species. (full text not included)

Minn. R., part 6216.0500. Transporting and appropriating water from infested sources.

Subp. 1a. Diverting, appropriating, and transporting.

A. Water from listed infested waters may not be diverted to other waters, transported on a public road, or transported or appropriated off property riparian to infested waters except:

- (1) in emergencies that threaten human safety or property;
- (2) as specified in a water appropriation or public waters work permit issued by the commissioner according to Minnesota Statutes, chapter 103G; or
- (3) under a permit issued according to this part.

B. For newly listed infested waters or infested waters that are newly listed with an additional invasive species, the commissioner shall review active water appropriation or public waters work permits issued under Minnesota Statutes, chapter 103G, and may amend permits to include conditions that prevent the spread of invasive species.

C. The following conditions may be included in permits issued under this part or Minnesota Statutes, chapter 103G, to prevent the spread of invasive species:

- (1) seasonal or other timing restrictions;
- (2) requirements to treat water, including chemical, ultraviolet, heat, filtering, or other treatment; and
- (3) requirements for discharge or disposal of water.

Subp. 2. Disposing water used to transport wild animals from infested waters. Water used to transport wild animals from infested waters, including water from waters or facilities permitted to hold fish from infested waters, may be disposed of only at sites approved in writing by the commissioner.

Subp. 5. Fish hatchery or aquatic farm operations in infested waters.

A. Natural lakes or wetland basins that are listed as infested waters will not be licensed by the department pursuant to Minnesota Statutes, section 17.4984, for aquatic farms or pursuant to Minnesota Statutes, section 97C.211, as private fish hatcheries.

B. Artificial water basins that have populations of prohibited or regulated invasive species may be used for aquatic farm or private hatcheries under license by the department. After notifying a licensee that an artificial water basin has a prohibited or regulated invasive species, the commissioner may require that nets, traps, buoys, stakes, and lines that have been used in such artificial water basins must be dried for a minimum of ten days, or frozen for a minimum of two days, before they are used in noninfested waters. All aquatic plants must be removed from nets and other equipment that are removed from the artificial water basins.

C. The commissioner may license aquatic farm or private fish hatchery facilities to use infested waters as a source for the facilities' water. The commissioner may require that the waters be treated to eliminate prohibited or regulated invasive species.

D. Fish raised in artificial water basins that have populations of prohibited or regulated invasive species, or in any facility using infested water as a source, must be sold directly to a wholesale buyer for processing, except:

- (1) the commissioner may by permit allow the stocking or transport of such fish where the receiving waters contain populations of the same prohibited or regulated invasive species as the source facility's waters; or
- (2) the commissioner may by permit allow the stocking or transport of such fish in water bodies that do not contain populations of prohibited or regulated invasive species if the source facility uses adequate treatment to remove the prohibited or regulated invasive species from the facility.

Subp. 6. Infested waters diversion or transportation permits. Applications for permits issued pursuant to this part, to divert or transport water from infested waters, shall be made on forms obtained from the commissioner and shall contain information as the commissioner may prescribe. The department shall act upon the application within 90 days of receipt. Failure on the part of the department to act upon the permit within the required time shall not be construed as approval of the application. Permits shall

state all the conditions and limitations upon which they are based. A permit may be modified at any time by the department.

Minn. R., part 6250.0101. Private Fish Hatchery Operations.

Private fish hatcheries are subject to the provisions for aquatic farms in Minnesota Statutes, chapter 17, to the extent they are now and in the future consistent with statutes pertaining specifically to private fish hatcheries.

Minn. R., part 6254.0700. Private Hatchery License Exemptions.

Minnow dealers are not required to obtain an aquatic farm, as defined by Minnesota Statutes, section 17.4982, subdivision 4, or private fish hatchery license when holding minnows in ponds for bait purposes, provided that no more than three ponds are used and no pond exceeds one acre.

Minn. R., part 6287.0100. Definitions.

Subpart 1. Scope. For purposes of this chapter, the terms in parts 6287.0100 to 6287.0900 have the meanings given them in Minnesota Statutes, section 17.4982, unless otherwise provided in this part.

Subp. 2. Applicant. “Applicant” means an individual, association, partnership, cooperative, public or private corporation or educational institution, or public agency that applies to the department to import fertilized fish eggs into a quarantine facility.

Subp. 3. Effluent. “Effluent” means any water discharged from a quarantine facility including fish rearing water, backflush or coolant water, floor drainage, and any potable drainage that does not flow into a sanitary sewer or approved septic system.

Subp. 4. Heat stress test. “Heat stress test” means a test for disease in fish as described in this subpart that is conducted for 14 to 21 days at a water temperature between 64 and 68 degrees Fahrenheit. For catfish, the test is conducted for 14 to 21 days at a water temperature above 80 degrees Fahrenheit. All fish are fed or injected with an immunosuppressant at the beginning of the test. At the conclusion of the test, all fish are sampled as provided by Minnesota Statutes, section 17.4982, subdivision 12. The number of fish sampled must be adequate to statistically determine a two percent level of disease prevalence at a 95 percent confidence level.

Subp. 5. Quarantine unit. “Quarantine unit” means an enclosed rearing area within a quarantine facility that allows for complete isolation from other quarantine units of fish hatching and rearing tanks, fish culture supplies and equipment, feed, clothing, water supply lines, and drainage lines.

Subp. 6. Sentinel fish. “Sentinel fish” means a lot of at least 150 fish obtained from a facility with no history of disease that are known to be sensitive to a particular disease agent.

Minn. R., part 6287.0200 AUTHORITY, SCOPE, PURPOSE.

Subpart 1. Authority. This chapter is adopted under authority granted in Minnesota Statutes, section 17.496.

Subp. 2. Scope. This chapter applies to all facilities constructed for the quarantine of fertilized fish eggs.

Subp. 3. Purpose. The purpose of parts 6287.0100 to 6287.0900 is to prescribe design criteria, operational procedures, and release protocols to minimize risk of introducing emergency fish diseases to the naturalized fishery resources of Minnesota while providing an opportunity for

the importation of fertilized fish eggs from emergency disease-restricted areas and areas with unknown fish health history.

Minn. R., part 6287.0300 Importation Requirements.

Only fertilized fish eggs may be imported into a quarantine facility.

Minn R., part 6287.0400 Construction Requirements of Quarantine Facility.

Subpart 1. Siting. A quarantine facility must be outside of the 100-year floodplain and be physically separated from other fish raising facilities in the same watershed by not less than five miles, except that the commissioner may permit a quarantine facility to be within five miles of other fish raising facilities if there is minimal risk of transferring disease to the other facilities. Criteria used by the commissioner to determine the risk will include: flow rate of the water which would receive the quarantine facility effluent; construction, water source, and siting of potentially affected fish culture facilities; and disease susceptibility of the species being raised by potentially affected fish culture facilities. Siting is prohibited if effluent from the facility will be discharged into designated trout waters or other waters containing or managed for salmonids.

Subp. 2. Water supply. The water supply must be from a spring or well groundwater source, free of fish and fish pathogens, and covered. Water supply systems must be constructed to prevent transmission of pathogens among quarantine units.

Subp. 3. Egg receiving area. Each facility must have an egg receiving area isolated from quarantine units with respect to equipment, supplies, and clothing.

Subp. 4. Quarantine facility size. Each facility must be designed to consist of no more than six quarantine units and an egg receiving area.

Subp. 5. Quarantine units. Quarantine units must be isolated with respect to fish tanks, equipment, supplies, feed, water supply lines, drainage lines, and laboratory clothing. The capacity of each unit must not exceed 100,000 eggs.

Subp. 6. On-site laboratory space. There must be a minimum of 16 square feet in at least eight linear feet of counter space within each quarantine unit for pathological examination of fish. Each work area must include a sink, running water, adequate lighting, and electrical outlets.

Subp. 7. Disinfection stations. Each quarantine unit and egg receiving area must have separate disinfection stations. This station must include disinfectant supplies, hand washes, foot baths (preferably sunken), an emergency shower, and a locker room where clothes can be changed, stored, and disinfected.

Subp. 8. Effluent treatment. Effluent water from all quarantine units and egg receiving areas must enter a common collector. The collector must incorporate a primary disinfectant-sterilization system and an automatic backup system to disinfect all pathogens. All pipes into and out of the collector must be designed to prevent backflow.

Subp. 9. Backup systems. Every quarantine facility must have installed backups for all systems vital to maintaining the aquatic environment within the facility. A backup generator sized to handle all necessary electrical equipment must be installed to automatically activate during power failures. Each quarantine unit must be monitored with a flow alarm.

Subp. 10. Contingency plan. A contingency plan for disease control and accidental escapement must be submitted to and approved by the commissioner prior to the operation of a quarantine facility. The plan must contain maps of the watershed in which the facility is located,

locations where sentinel fish will be confined, identification of sufficient personnel to execute the plan, source of chlorine supply for disinfectant procedures, length and flow rates of feeder streams and main branches, and identification of financial resources to mitigate damage that may occur from the accidental release of fish or fish pathogens.

Subp. 11. Security. Minimum security measures must include locking devices on all building entrances and facility gates, and fencing around unenclosed components of the facility.

Minn. R., part 6287.0500 Quarantine Facility Licensing and Inspection.

Subpart 1. Quarantine facility licensing and inspection. No facility may be licensed as a quarantine facility unless the commissioner determines that standards specified in parts 6287.0400 to 6287.0600 are met. The commissioner may conduct an on-site inspection of a quarantine facility at reasonable times.

Subp. 2. Personnel qualifications. A quarantine facility must have at least one full-time person with two years of fish culture experience and fish health training from an accredited academic or United States Fish and Wildlife Service program.

Minn. R., part 6287.0600 Operation of Quarantine Facility.

Subpart 1. Egg receiving. All egg deliveries must have a certified health inspection statement for parental stock from which the eggs were taken. Fish eggs may only be received in the receiving area. A complete disinfection, as described in subpart 5, of the egg receiving area is required before and after each egg delivery. All eggs must be disinfected before transfer into quarantine units. Transfer of disinfected eggs from the egg receiving area shall be done by a person who was not in contact with the incoming eggs before they were disinfected. All packing materials, excess fluids, and other materials related to the shipping of eggs must be incinerated or chlorinated to avoid potential spread of pathogen.

Subp. 2. Transfer into quarantine. Eggs from the same lot may be transferred into more than one quarantine unit provided the units remain isolated.

Subp. 3. Quarantine period. All fish hatched from quarantined eggs must remain quarantined for a minimum of 12 months, unless they are sold directly to an outlet for processing and human consumption, or unless the fish develop a certifiable disease and must be removed as provided by subpart 6.

Subp. 4. Facility disinfection. The following procedure will be considered a complete disinfection when using chlorine.

- A. All objects to be disinfected must be cleansed of all organic matter before application of chlorine.
- B. A chlorine solution must be maintained on all surfaces at not less than 200 parts per million for the first hour and at not less than 100 parts per million for an additional four hours.
- C. All raceways, troughs, drain pipes and lines, and loose equipment, such as buckets, nets, and screens, must be disinfected as specified in item B.
- D. All interior surfaces of the quarantine unit must be sprayed with a solution of 1,600 parts per million chlorine. Sufficient quantity and pressure must be applied so that crevices will be penetrated to destroy infectious organisms.
- E. All disinfected objects must be thoroughly rinsed with clean water and neutralized with a solution of three parts sodium thiosulfate to one part chlorine upon completion of the disinfection.

F. Other disinfection methods and procedures must be approved by the commissioner.

Subp. 5. Effluent disinfection. Effluent treatment methods must be approved by the commissioner and must comply with chapter 7050. If chlorine disinfectant is used, a measurable residual level of 1.0 part per million active chlorine must be maintained for one hour of retention time. The design must include a backup system that ensures noninterrupted treatment of effluent. Concentration of the disinfectant must be monitored by a recording-sensing device that is functional at all times.

Subp. 6. Inspection and disposal of diseased fish. Daily mortalities may be inspected by the commissioner. Mortalities not required for inspection must remain in the quarantine unit and be placed in disinfectant until they are properly disposed.

If a certifiable disease is detected, a confirmational test must be done. Upon confirmation of a certifiable disease, the commissioner may order that fish be destroyed, sold for human consumption, or otherwise disposed.

Each quarantine facility must dispose of fish mortalities by use of a gas- or oil-fired incinerator or by other disposal methods approved by the commissioner. Equipment and solid waste materials that are potentially contaminated with fish pathogens must be treated by chlorination or an alternate method approved by the commissioner.

Subp. 7. Disinfection required. A complete disinfection of the quarantine unit, as described in subpart 5, is required after fish are released from quarantine or after the discovery of a certifiable disease.

If a certifiable disease is detected, sentinel fish must be kept in the affected quarantine unit after disinfection to verify the effectiveness of disinfections, and held for at least 120 days following disinfection. All mortalities of sentinel fish must be monitored and inspected for disease. Surviving sentinel fish must be subjected to a heat stress test.

Subp. 8. Personnel movement. Access to quarantine facilities must be limited to designated personnel only. Personnel entering or exiting an egg receiving area or quarantine unit must use a disinfection station. Personnel must disinfect themselves using foot baths and hand washes, and wear protective clothing prior to entering or exiting a quarantine unit or an egg receiving area. Used outer clothing must be disposed of or laundered with disinfectants.

Minn. R., part 6287.0700 Record Keeping and Reporting.

A daily log must be kept on mortality, transfers, feeding, approved chemical use, treatments, assessments, water quality, inspections, disinfectant levels in effluent, and personnel movement. Any signs of disease must be reported to the commissioner within 24 hours. Chemical use to treat disease requires prior confirmation of a diagnosed fish health problem by the commissioner. Mortality reports for each quarantine unit must be submitted to the commissioner weekly. Approved chemical usage and effluent disinfectant operation must be reported and submitted to the commissioner monthly.

Minn. R., part 6287.0800 Inspection Requirements.

Fish in quarantine must be monitored and inspected for certifiable disease agents at monthly intervals by a fish health inspector. If requested, the commissioner will conduct fish health inspections for a fee as provided in Minnesota Statutes, section 17.4988, subdivision 3.

Minn. R., part 6287.0900 Release from Quarantine.

Subpart 1. Final testing. A final inspection must be conducted after fish have been in quarantine and have been feeding for 12 to 16 months. This inspection must include the use of a heat stress test on all sampled fish. Results of the inspection must be reviewed and approved by the commissioner.

Subp. 2. Quarantine report. A completed quarantine report on forms provided by the commissioner must accompany each lot of fish to be released from quarantine.

Subp. 3. Release of fish. Fish released from a quarantine facility cannot be released into the wild and must be processed for use as food or kept in a facility licensed by the commissioner under part 6250.0300, subpart 1, or Minnesota Statutes, section 17.4984, subdivision 1, or 97A.401, subdivision 3.

Minn. R., part 7053.0405. Requirements for Aquaculture Facilities. Subpart

1. Definitions. For purposes of this part, the terms in items A to G have the meanings given them.

A. “Aquaculture therapeutics” means drugs, medications, or disease control chemicals that are approved for concentrated aquatic animal production facility use by the United States Food and Drug Administration or the United States Environmental Protection Agency.

B. “Aquatic animal production” means harvest of unprocessed aquatic animals, including mortalities, where the animals are fed fish food.

C. “Chemical additive” means an aquaculture therapeutic, growth-inducing compound, hormone, or algal control product that is added to a concentrated aquatic animal production facility.

D. “Cold water aquatic animals” means aquatic animals in the Salmonidae family of fish, such as trout and salmon

E. “Concentrated aquatic animal production facility” means a hatchery, fish farm, or other facility that contains, grows, or holds aquatic animals as described in subitems (1) to (4).

(1) Cold water aquatic animal facilities that produce more than 9,090 harvest weight kilograms (approximately 20,000 pounds) of aquatic animals per year or feed more than 2,272 kilograms (approximately 5,000 pounds) of food during the calendar month of maximum feeding.

(2) Warm and cool water aquatic animal facilities that produce more than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.

(3) Case-by-case designation of concentrated aquatic animal production facilities. The commissioner may designate any warm, cool, or cold water aquatic animal production facility as a concentrated aquatic animal facility upon determining that it may cause a violation of an applicable state or federal water quality rule or regulation. In making this designation, the commissioner shall consider the following factors:

(a) the location and quality of the receiving waters;

(b) the holding, feeding, and production capacities of the facility;
and

(c) the quantity and nature of the pollutants reaching waters of the state.

A permit application is not required from a concentrated aquatic animal production facility designated under this item until the commissioner has conducted an on-site inspection of the facility and has determined that the facility is required to be regulated under the permit program. A permit is required under this subitem only after the facility has been given notice of the commissioner's determination and an opportunity to request a hearing as provided in part 7000.1800.

(4) Harvest weight is considered the weight of aquatic animal product that leaves a production facility, minus the weight of aquatic animal product that enters the same production facility.

F. "Fish food" means materials including processed feeds, grains and seeds, plants, plant wastes, meat, and dead fish or other dead animal parts, but not including living aquatic animals, for the purposes of sustaining growth, repairing vital processes, or furnishing energy for aquatic animals present in the facility.

G. "Warm and cool water aquatic animals" means all other aquatic animals not included in the Salmonidae family of fish.

Subp. 2. Permit required. No person may construct, operate, or maintain a concentrated aquatic animal production facility until the agency has issued a national pollutant discharge elimination system and state disposal system (NPDES/SDS) permit for the facility according to chapter 7001. Production levels of multiple projects and multiple stages of a single project that are connected actions or phased actions shall be considered in total under subpart 1, item E.

Subp. 3. Treatment technology discharge requirements.

A. All concentrated aquatic animal production facilities shall collect, remove, treat, and properly dispose of unconsumed fish food and fish wastes.

B. All concentrated aquatic animal production facilities that discharge industrial or other wastes to waters of the state shall comply with the requirements of parts 7053.0225, subparts 1, 3, 4, and 5, and 7053.0275.

Subp. 4. Additional requirements. Except as expressly excluded in this part, the construction, operation, and maintenance of a concentrated aquatic animal production facility shall comply with the requirements of this chapter and chapters 7050 and 7052.

Subp. 5. [Repealed, 38 SR 1001]

Subp. 6. Special conditions.

A. In addition to the requirements for monitoring, testing, and reporting under part 7001.0150, subpart 2, item B, the permittee shall report the aquatic animal production and amount of fish food used. The commissioner may require the permittee to monitor receiving waters to determine natural background levels and baseline quality and to determine compliance with state and federal antidegradation and water quality standard requirements. The monitoring shall consider natural seasonal and year-to-year variations in background levels and baseline quality.

B. The permittee shall transport aquatic animal mortalities for rendering or disposal at a land-based facility. Aquatic animal mortalities shall not be disposed of in waters of the state. The permittee shall prevent blood produced through harvest of aquatic animals from entering waters of the state untreated. The blood generated shall be transported to a land-based rendering or disposal facility

approved by the commissioner or discharged to a publicly owned treatment works according to the applicable publicly owned treatment works national pollutant discharge elimination system or state disposal system (NPDES/SDS) permit.

C. The permittee shall maintain an operation record book of daily operations and other occurrences that may affect water quality including addition of fish food, composition of fish food, aquatic animal transfers and harvests, cleaning, mortalities, major weather events, and power failures. The operation record book must be available at all times for inspection and copying by the commissioner.

D. The permittee shall submit an annual report to the commissioner. The report shall include:

- (1) a general description of the operations conducted for the past calendar year;
- (2) a summary of the monitoring data;
- (3) the mass of aquatic animals currently at the facility;
- (4) aquatic animal production at the facility for the past calendar year;
- (5) methods, amounts, and locations of the removal and disposal of waste fish food, filter backwash, sludges, sediments, mortalities, and other accumulated solids generated at the facility; and
- (6) proposed changes in operation or production for the coming year.

E. The discharge of water treatment and chemical additives must comply with parts 7050.0218 and 7050.0221 to 7050.0227.

New York Aquaculture Provisions

New York Statutes

N.Y. Env't Conserv. Law § 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.

2. No person shall liberate or import or cause to be imported for the purpose of liberation within the state any European hare (*Lepus europaeus*), European or San Juan rabbit (*Oryctolagus cuniculus*), Texas or jack rabbit (*Lepus californicus*), gray fox (*Urocyon cinereoargenteus*), including captive bred gray fox, red fox (*Vulpes vulpes*), including captive bred red fox or nutria (*Myocastor coypus*), whether taken from within or without the state. Nutria may be imported only by permit of the department for scientific, exhibition or for breeding purposes.

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.

N.Y. Env't Conserv. Law § 11-1703. Importation, possession and sale of fish without license or permit; prohibitions

1. Except as provided in subdivision 3 and subdivision 4; (a) all species of fish taken outside the state, except trout, black bass, muskellunge and landlocked salmon other than Atlantic salmon, may be imported and transported by any means and in any number, and may be possessed, bought and sold without permit or license, during the open season; (b) Atlantic salmon taken outside the state may be imported, transported, bought and sold at any time.

2. Except as provided in subdivision 3 and subdivision 4, any person may, during the closed season, without license or permit, and without limitation by section 11-1707, transport into the state, buy, possess, transport and sell, lake sturgeon, lake trout, whitefish, pickerel, pike, walleye and striped bass taken outside the state, provided he keeps a record and enters therein the name, residence and post office address of every person from whom he buys and every person to whom he sells or ships such fish. But this subdivision does not require that a record be kept of persons to whom such fish are sold for personal or home consumption, nor by persons who purchase in this state for consumption and not for resale. A person required by this subdivision to keep records shall permit the department or its agents to examine all books and papers relating to such purchase and sale at any time and shall on demand furnish invoices, freight or express receipts used in such transactions.

3. a. No person shall sell, offer for sale or expose for sale, under the name or designation of Lake Champlain fish, any fish other than fish that have been taken from the waters of Lake Champlain, its bays, coves or tributaries, the Missisquoi Bay or the Richelieu River. No person shall wilfully and with intent to deceive, affix, apply or annex, or use in connection with any

fish, or any container of the same, any words or other symbols, tending falsely to identify the origin of the contents as the waters described in this paragraph.

b. No person shall possess or transport into the state any fish except eels caught in that part of Missisquoi Bay in Lake Champlain lying in the Province of Quebec or in the Richelieu River.

4. Fish of the following species taken outside the state shall not be bought or sold or otherwise trafficked in if they are of less than the size limits specified in this subdivision or in the sections to which it refers:

a. striped bass, fluke or summer flounder, blue porgie, weakfish, mackerel, sea bass, king fish, cod fish, blackfish, winter flounder, all as specified in section 13-0339;

b. lake trout, pickerel, Atlantic sturgeon, Atlantic (landlocked) salmon, whitefish, northern pike, all as specified in regulations of the department.

5. Fish named in subdivision 4 of less than the size limits specified, may be imported, transported and possessed as provided in section 11-1707.

6. No person shall import, export, own, possess, acquire or dispose of live piranha fish (*Serrasalmus*, *Rooseveltiella* or *Pyrocentrus*), grass carp (*Ctenopharyngodon idella*) or hybrid grass carp within the state without a license or permit issued at the discretion of the department for scientific, biological or exhibition purposes.

7. Fish, except those specified in subdivision 6 of this section, may be imported and transported at any time, for propagation purposes, and the provisions of section 11-1707 do not apply.

N.Y. Env't Conserv. Law § 11-1709. Importation and transportation of certain fish or fish eggs

Notwithstanding any other provision of the Fish and Wildlife Law the department may establish by order regulations governing the importation from without the state or transportation within the state of any live fish or viable eggs of any species of the family Salmonidae (trout, salmon, whitefish and grayling).

N.Y. Env't Conserv. Law § 11-1727. Hatchery trout and domestic or imported foreign game in sealed containers

Trout raised in a private hatchery under permit from the department or outside the state under certificate pursuant to section 11-1715, and carcasses or parts thereof of processed imported foreign game and domestic game, packed within or without the state in sealed containers, may be imported, transported, exported, bought and sold at any time. No person in this state shall possess, transport, import, export, buy or sell any such trout, imported game or domestic game in a sealed container unless such container shall bear a label describing the contents and the name of the person by whom processed.

N.Y. Env't Conserv. Law § 11-1909. Private trout and black bass hatcheries

1. The department in its discretion may issue to any person a hatchery permit, valid during the calendar year of issue, to propagate, raise and sell trout. The department shall establish by order regulations governing the identification of trout raised under such a permit which are offered for sale, sold or transported.

2. The department in its discretion may issue to any person a hatchery permit, valid during the calendar year of issue, to propagate, raise and sell black bass. The department shall establish by order, regulations governing the transportation of black bass raised under such a permit.

N.Y. Env't Conserv. Law 11-1911. Farm fish ponds

1. "Farm fish pond" means a body of water, impounded by a dam, of not more than ten acres of water surface when full, lying wholly within the boundaries of privately owned or leased lands. It does not include any pond used in connection with any private camp, boarding house, hotel or other establishment catering to the public.

2. The department may issue to the owner or lessee of a farm fish pond a license, effective for a period of five years, entitling the holder to manage such fish pond for the production of fish. The department shall fix the terms of each such license and may include therein (a) permission to control undesirable fish, aquatic vegetation and insect life, interfering with the production of fish and (b) permission, notwithstanding any other provisions of this chapter to the contrary, to release, stock and propagate fish in the licensed pond. The department may specify in the license methods of control to be used and the manner of taking and type, size and mesh of gear to be used in taking fish. The department may, for cause, revoke or suspend any license issued pursuant to this section.

3. No person shall release any species of fish into a farm fish pond unless permission to do so is first obtained from the department.

4. A licensee, any member of his immediate family, and any person actually employed by him in the cultivation of his farm or the management of the licensed pond may without license issued under title 7 of the Fish and Wildlife Law, take fish of any size, in any number, at any time, in any manner permitted by the department.

5. The holder of any type of fishing license, or a person entitled to exercise the privileges of such a license, may, with the permission of the licensee, take fish by angling from the licensed pond provided the holder complies with the provisions of title 13 of the Fish and Wildlife Law, with respect to open seasons, minimum size limits and daily and seasonal possession limits.

6. a. Fish protected by law, except trout, black bass, muskellunge and landlocked salmon, legally taken from a licensed farm fish pond, may be bought and sold during their respective open seasons, and may be possessed and transported at any time. Trout, black bass, muskellunge and landlocked salmon, legally taken from a licensed farm fish pond may be possessed and transported during their respective open seasons and until March 1 immediately following, but unless such fish were taken by a person described in subdivision 4 or are frozen or otherwise processed and packaged for storage and are being transported to a place of storage or consumption, no person shall transport in any one day a quantity of such fish exceeding the quantity which may be legally taken from that farm fish pond by a person described in subdivision 5.

b. Fish protected by law shall not be removed from the premises of the licensee unless such fish or the package containing them bears the name and address of the licensee and his license number and the name and address of the person in whose possession they are.

c. Fish not protected by law, legally taken from a licensed farm fish pond, may be possessed, transported, bought and sold at any time, except that taking and sale of bait fish shall be permitted only under license pursuant to section 11-1315.

New York Aquaculture Regulations

N.Y. Comp. Codes R. & Regs. tit. 6, § 150.1 Identification of trout from private hatcheries

- (a) Carcasses and parts thereof of trout produced in a hatchery under permit from the department may be offered for sale, sold, possessed and transported provided they:
- (1) bear a tag furnished by the department having the letters NYSCD inscribed thereon; or
 - (2) bear a tag on which the name of the producer is clearly indicated; or
 - (3) are packed in a container on which is clearly indicated either the name of the producer or, if imported from a foreign country, the name of the country of origin.
- (b) Trout raised under a hatchery permit issued by the department may be transported in live condition within New York State only in a container which has affixed thereto a tag on which shall be plainly marked the number and kind of trout contained therein, together with the name and address of the consignee and of the consignor and the point of destination.
- (c) Holders of a trout hatchery permit or certificate may purchase trout identification tags from the department for a fee of two cents for each tag.

N.Y. Comp. Codes R. & Regs. tit. 6, § 155.1 Special regulations for the transport of black bass raised by private hatcheries

- (a) Definitions. For the purposes of this Part, the following definitions shall apply:
- (1) Black bass hatchery means any in-State or out-of-State facility permitted pursuant to ECL 11-1909 in which black bass are bred, propagated, or otherwise cultured for wholesale, retail sale or trade in New York State for stocking purposes, for exhibition purposes, for food purposes, or for any combinations of these three purposes. Facilities applying for a permit must demonstrate through the permit application that they possess appropriate hatchery rearing equipment including but not limited to ponds, buildings, tanks, raceways, or other structures.
 - (2) Black bass shall mean largemouth bass and smallmouth bass.
 - (3) Whole black bass shall mean black bass carcasses that are complete or that have had only the gills and viscera removed and remain recognizable.
 - (4) Retail sale shall mean the selling or offering for sale of black bass to any person who will consume the black bass, prepare the black bass for consumption, sell the black bass for scientific or exhibition purposes, or who will stock the black bass.
 - (5) Wholesale commerce shall mean the selling or offering for sale of black bass to any person other than those defined in retail sale of this Part.
- (b) Black bass hatchery permits.
- (1) Only black bass originating from a black bass hatchery or otherwise as permitted by the Fish and Wildlife Law may be purchased or offered for sale in New York. Only largemouth black bass originating from a black bass hatchery or otherwise permitted by the Fish and Wildlife Law may be purchased or offered for sale for human consumption purposes in New York.
 - (2) Any permit issued pursuant to article 11-1909 of the Environmental Conservation Law or this Part may be issued with conditions. Conditions may be

attached as necessary to assure that wild black bass are protected and that the intent and purposes of this Part will be carried out.

(3) Every permit issued pursuant to article 11-1909 of the Environmental Conservation Law or this Part shall contain the following conditions:

(i) The commissioner or authorized department staff may enter and inspect a black bass facility, premises, books, papers, documents, or records of that facility, at all reasonable times, locations, and hours, whether announced or unannounced and to take representative samples, without payment, of any black bass for the purpose of ascertaining compliance or noncompliance with a permit, the ECL, and this Title. A receipt will be issued to the permittee documenting any black bass taken pursuant to this subparagraph.

(ii) The permittee shall keep copies of all black bass purchase receipts, black bass sales receipts and black bass fish health inspection reports. All purchase or sales receipts must contain the name and address of the seller and purchaser as well as the date of sale, the species, size, and number sold. Permittee shall make such records and fish health inspection reports readily available for inspection by the department for two years after each sale of black bass.

(iii) The permittee shall complete and send to the Bureau of Fisheries an annual report by January 31st of each year, indicating the name and address of each person from whom they purchased black bass, each person to whom they sold black bass, the species, size, number and date of each sale of black bass during the prior calendar year. No black bass hatchery permit will be renewed until this annual report is received by the Bureau of Fisheries.

(c) Transportation of black bass from a private black bass hatchery.

(1) Black bass that are sold by a black bass hatchery or sold in wholesale commerce originating from a black bass hatchery may be transported within the state in any number and in any size subject to the following conditions:

(i) All shipments of live or whole black bass must be accompanied by an original bill of sale that contains the name and address of the source black bass hatchery and the name and address of the buyer, the date of shipment, the size, number and species of black bass being shipped and the point of destination.

(ii) All shipments of live or whole black bass shall be in a container or containers marked black bass. Live black bass may be sold from a container or tank on the transporting vehicle provided the transporter retains a copy of all black bass bills of sale for black bass delivered that trip.

(iii) Any person engaged in retail sale of black bass that owns more than one retail location may divide black bass shipments into unmarked containers for distribution only to other retail locations owned by them provided they are the transporter and each shipment is accompanied by a copy of the original bill of sale.

(iv) All black bass hatchery permittees and persons engaged in the wholesale commerce of black bass must retain copies of any bill of sale and make such records readily available for inspection by the department for two years after each sale of black bass.

(d) Additional requirements for persons engaged in the wholesale commerce of black bass.

(1) Black bass purchased from different black bass hatcheries by a wholesaler may be combined into one tank or container for sale but the wholesaler must generate a new original bill of sale that contains the name and address of the wholesaler and the name and address of the buyer, the date of shipment, the size, number and species of black bass being shipped, and the point of destination.

(2) Persons engaged in the wholesale commerce of black bass must maintain a bound book, or use other methods approved by the department, at their place of business listing the name, address and telephone number of all black bass hatcheries or other black bass wholesalers that they purchase black bass from and the name and address of all black bass wholesalers or black bass retailers to whom they sell black bass. The list must include the date of transaction, number and species of black bass bought and or sold and if the black bass were live or whole black bass. All required records must be completed by the end of the business day in which the transaction occurred.

(e) Retail sale of black bass; requirements.

(1) Any person selling black bass in retail sale must issue a receipt to the purchaser containing the name of the retail seller, the date of the retail sale, the name of the species of black bass sold and the quantity of each species sold. This section does not apply to on premises human consumption of black bass.

(2) Any person selling largemouth bass in retail sale for human consumption must retain a copy of the bill of sale for all black bass purchased by them during the preceding two years and must make those records readily available for inspection by the department during normal business hours.

(3) Any person selling black bass in retail sale, for purposes other than for human consumption, must retain a copy of the bill of sale for all black bass purchased and sold by them during the preceding two years and must make those records readily available for inspection by the department during normal business hours.

(4) Any person who buys black bass in retail sale must retain the issued receipt while in possession of the black bass. Any person who buys largemouth bass in retail sale for human consumption purposes must retain the issued receipt while in possession of the largemouth bass until it is prepared for human consumption.

(5) Live largemouth bass sold in retail sale for human consumption shall be killed by the retail seller before transferring possession of the fish.

(f) General prohibitions.

(1) No person shall operate a black bass hatchery except under permit from the department.

(2) No person shall operate a black bass hatchery except in compliance with all the hatchery permit terms and conditions.

(3) No person shall buy, sell, import, export, offer for sale, possess or transport black bass from a black bass hatchery except as authorized by this Part.

- (4) No person shall buy, sell, import, export, offer for sale, possess or transport black bass from a person engaged in the wholesale commerce of black bass except as authorized by this Part.
- (5) No person shall possess or transport black bass unless accompanied by an original bill of sale, or copy of original bill of sale that contains the information as required in this Part, or as otherwise permitted by the Fish and Wildlife Law.
- (6) No person engaged in the retail sale of black bass for human consumption shall sell or offer for sale any black bass other than the species largemouth bass.
- (7) No person engaged in the retail sale of black bass for human consumption shall fail to kill a largemouth bass prior to transferring possession of the fish to the retail purchaser.
- (8) No person shall purchase, sell or offer for sale black bass unless the black bass originated from a permitted black bass hatchery.
- (9) No person shall sell or offer for sale a largemouth bass with the head removed, skin removed or filleted. This section does not apply to largemouth bass prepared for on site consumption.
- (10) No person shall fail to maintain complete and accurate records of all black bass transactions as required by this Part.

N.Y. Comp. Codes R. & Regs. tit. 6, § 188.1 Fish health inspection prohibitions

(a) For the purposes of this section, water body, as defined in section 10.1(f)(6) and (7) of this Title, shall apply for purposes of this section.

(b) No person shall place live fish into the water bodies of the State, or possess, sell, offer for sale, barter, import or transport fish for purposes of placing them into water bodies of the State, unless such fish are accompanied by a fish health certification report issued within the previous 12 months, except:

- (1) in the marine and coastal district, as defined in Environmental Conservation Law, section 13-0103; or
- (2) pursuant to permit issued by the department in its discretion; or
- (3) where a water body is contiguous with waters of another state or Province, live fish, except bait fish, taken from those waters outside of New York State, may be transported on the contiguous water across the state or Province boundary and may be released in the New York water body.

(c) This section shall not prohibit the personal use of bait fish in accordance with section 10.1(f) of this Title or shall not prohibit the use of legally obtained bait fish in accordance with sections 35.2, 35.3 and 35.4 of this Title. All fish health certification reports required by this section shall comply with section 188.2 of this Part.

(d) Environmental conservation officers may seize any fish possessed in violation of this Part. No action for damages shall lie for such seizure, and disposition of seized bait fish shall be at the discretion of the department.

(e) No person shall fail to exhibit a fish health certification report upon the demand of any police officer or representative of the department.

N.Y. Comp. Codes R. & Regs. tit. 6, § 188.2 Fish health inspection

- (a) All fish species.

(1) A fish health certification report shall certify that the fish being placed into the waters of the State are free of:

- (i) Viral Hemorrhagic Septicemia (VHS);
- (ii) Spring Viremia of Carp Virus (Infectious carp dropsy);
- (iii) *Aeromonas salmonicida* (Furunculosis);
- (iv) *Yersinia ruckeri* (Enteric Red Mouth);
- (v) Infectious Pancreatic Necrosis Virus (IPN).

(b) Additional fish health inspection requirements for Salmonidae.

(1) In addition to the requirements of subdivision (a) of this section, a fish health certification report for Salmonidae shall certify that the fish are free of:

- (i) *Myxobolus cerebralis* (whirling disease);
- (ii) Infectious Hematopoietic Necrosis Virus (IHN);
- (iii) *Renibacterium salmoninarum* (bacterial kidney disease).

(c) No fish shall be placed into the waters of the State unless a fish health certification report certifies that such fish are free of all pathogens identified in this section.

(d) Sample collection shall be made and fish health certification reports shall be issued by one of the following independent qualified inspectors:

- (1) American Fisheries Society certified fish pathologists;
- (2) American Fisheries Society certified fish health inspectors;
- (3) licensed veterinarians with demonstrated capability to perform sample collection and fish health inspections;
- (4) government employees with demonstrated capability to perform sample collection and fish health inspections;
- (5) university or college personnel with demonstrated capability to perform sample collection and fish health inspections; or
- (6) private laboratory personnel with demonstrated capability to perform sample collection and fish health inspections.

(e) Fish health certification reports required by this section shall be based upon and conform with testing methods and procedures recognized by the American Fisheries Society or the World Organization of Animal Health.

(f) Fish health certification reports required by this Part shall be completed on a form provided by the department. A copy of the completed form shall be submitted by the inspector to the department within seven days of the date of fish health inspection.

(g) The addition of fish that are not accompanied by a fish health certification report to a facility will invalidate any existing fish health certification report.

(h) A fish health certification report shall not be required for fish placed into an aquarium or possessed for purposes of placing such fish into an aquarium.

Additional Resources:

Viral Hemorrhagic Septicemia (VHS) in New York - NYS Dept. of Environmental Conservation
Fish Health Regulations - NYS Dept. of Environmental Conservation

N.Y. Comp. Codes R. & Regs. tit. 6, § 575.3 Prohibited invasive species

**text not included*

Ohio Aquaculture Provisions

Ohio Aquaculture Statutes

Ohio Rev. Code Ann. § 941.07 Investigation; quarantine; results of tests

(A) When the director of agriculture is notified by any person of the possibility of the existence of a dangerously contagious or infectious disease, a disease of concern, or a residue, the director immediately shall order an investigation to be made. In order to conduct an investigation, the director or the director's designee may quarantine the animal and, if the director or the director's designee considers it necessary, the geographic area in which the animal was located immediately, so that the director or the director's designee is able to inspect, examine, and test the animal and other animals within the geographic area.

(B) Except as otherwise provided in this chapter, if, as the result of the investigation, an animal is found to be infected with or exposed to a dangerously contagious or infectious disease or a disease of concern or adulterated with a residue, the director or the director's authorized representative may issue quarantine orders, without a prior hearing, pursuant to this section in order to prevent dangerously contagious or infectious diseases, diseases of concern, or residues from affecting other animals in the state or the public health. No person shall fail to comply with the terms and conditions of the quarantine order.

(C) No animal or its means of conveyance shall be brought to or removed from the premises or geographic area disclosed in a quarantine order without written permission from the director or the director's authorized representative.

(D) The director, if possible, shall notify any person owning or having custody of a quarantined animal either in person or by certified mail, return receipt requested. Evidence of the notification of a quarantine order shall be proved by affidavit or by the certified mail return receipt. The director also may post the quarantine order at two conspicuous places on the quarantined premises.

(E) A quarantine order shall contain all of the following information:

- (1) The name and address of the person owning and having custody of the quarantined animal, if known;
- (2) A description of the quarantined animal;
- (3) A description of the premises and means of conveyance affected by the quarantine;
- (4) The reason for the quarantine;
- (5) The terms and conditions applicable to the quarantine;
- (6) A notice to the effect that persons adversely affected by the quarantine order may request a hearing to review the order.

(F) A person adversely affected by a quarantine order, within thirty days after the order is issued, may request in writing a hearing in accordance with Chapter 119. of the Revised Code. A request for a hearing does not stay a quarantine order.

(G) A quarantine order shall remain in effect until a written notice of release is issued by the department of agriculture, or until ordered to be removed after a hearing under division (F) of this section.

(H) All necessary and proper expenses incurred by the director in the quarantine of an animal shall be paid by the state. However, such expenses shall not include the maintenance, feeding, and quartering of the animal while in quarantine.

(I) A copy of the results of any tests or method of detection for a dangerously contagious or infectious disease or a disease of concern, conducted by a person authorized by the department of agriculture, shall be admitted in any court as prima-facie proof of those results when the results are certified by the department or authorized person.

Ohio Rev. Code Ann. § 941.10 Rules governing importation and movement of animals

(A) The director of agriculture may adopt and enforce rules to govern the importation and movement of animals.

(B) Whenever the governor upon receipt of information from the director believes that any condition or disease, including a dangerously contagious or infectious disease or a disease of concern present in any other state, territory, or country, may endanger the health of livestock, animals, or persons of this state, the governor may prohibit or regulate by proclamation, the importation from that other state, territory, or country, of animals of a kind that could carry that disease or condition into this state.

(C) No person shall import, move, sell, or dispose of any animal contrary to a proclamation issued by the governor under division (B) of this section, without first obtaining written permission from the director.

(D) When an animal is moved into the state in violation of any applicable federal or state law, the director or the director's authorized representative, without prior hearing, may take whichever of the following courses of action regarding the animal as the director or the director's authorized representative determines is most appropriate:

- (1) Quarantine the animal until it is brought into compliance;
- (2) Order the animal returned to the point of origin;
- (3) Order the animal moved to slaughter.

Ohio Rev. Code Ann. § 1533.40 Permits for collecting or dealing in bait; nonresident license

Each person, firm, partnership, association, or corporation that buys, sells, or deals in minnows, crayfish, or hellgrammites or collects the listed species for sale shall obtain, annually, from the chief of the division of wildlife a permit and shall operate under such rules as the chief adopts. A permit shall be issued upon application and the payment of a fee of forty dollars. This permit expires at midnight on the thirty-first day of December. Nonresidents engaging in the collecting, seining, or picking of minnows, crayfish, or hellgrammites for bait shall have a nonresident fishing license as prescribed in section 1533.32 of the Revised Code.

Ohio Rev. Code Ann. § 1533.301 Permit to transfer commercial fish; offense; effect of permit

Any person may apply for a permit to transport fish that are for sale, sold, or purchased. The chief of the division of wildlife shall issue an annual permit granting the applicant the privilege to transport such fish, upon filing of an application on a form prescribed by the chief and payment of a fee of sixty-five dollars. No person shall transport any fish or part thereof that is for sale, sold, or purchased, whether acquired in or outside this state, unless the consignor has a permit for the calendar year in which the fish is transported, except that no such permit is required for any of the following:

- (A) Fish transported from a point outside this state to another point outside this state if the fish are not unloaded in this state. A fish is not to be considered unloaded for purposes of this section if it remains under the control of a common carrier.
- (B) Fish being transported by a person holding a valid license under section 1533.34 of the Revised Code from the place of taking to the person's usual place of processing or temporary storage as designated by the person in the application for the license under that section;
- (C) Fish being transported from a premises designated in a valid permit issued under section 1533.631 of the Revised Code to a premises where fish are to be sold at retail, sold for immediate consumption, or consumed if inspection of the designated premises as required by that section has not been denied during the preceding thirty days;
- (D) Any quantity of fish the total weight of which does not exceed five hundred pounds in one vehicle;
- (E) Minnows for which a permit is required under section 1533.40 of the Revised Code.

If a fish for which a permit is required under this section is transported in this state from a consignor who does not have a valid permit at the time of transportation, or if such a fish is transported in this state from a consignor who has a valid permit at the time of transportation, but the fish is part of the contents of a box, package, or receptacle that was or could be the basis for conviction of a violation of this chapter or a division rule, the fish may be seized by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and division rules, and the fish shall escheat to the state unless a court of this state makes a specific finding that the consignor at the time of seizure had a valid permit under this section and that the fish are lawful under the requirements of this chapter or a division rule relating thereto. A fish for which a permit is required under this section may be transported only if each box, package, or other receptacle bears a label showing the total weight in pounds, the species of the fish, the name of the consignor and consignee, the initial point of billing, the destination, and a statement that each species of fish by weight in the box, package, or other receptacle that are

undersized under section 1533.63 of the Revised Code or division rule is ten per cent or less or is in excess of ten per cent, whichever the fact may be. If fish are not boxed or packaged, each compartment of a tank or other receptacle shall be considered a separate receptacle, but in lieu of a label on the compartment or tank a written statement containing the same information required to be contained on a label, and clearly identifying the tank or receptacle concerned, may be carried in the vehicle. Species may be designated in any manner, but the label also shall bear either the common name indicated in section 1533.63 of the Revised Code or the scientific name contained in section 1531.01 of the Revised Code. The consignor shall ascertain that labels are attached or statements carried as required herein and that the facts stated thereon are true.

The permit required by this section may be suspended by the chief for a period not to exceed five days upon conviction of the permittee of a violation of this chapter or Chapter 1531. of the Revised Code or a division rule if the permittee has been convicted of another such violation during the preceding twelve-month period. If the permittee has had two or more such convictions during the twelve-month period preceding such a conviction, the permittee's permit may be suspended as provided herein for a period not to exceed twenty days. A permit is invalid during the period of suspension, but in no case is a permit invalid until fifteen days after mailing by certified mail a notice of the rule of suspension by the chief.

The chief may not suspend more than one permit of the same permittee, or suspend a permit of the same permittee more than once, for convictions resulting from violations that occur in a load in one vehicle.

A driver or other person in charge of a vehicle transporting fish that are for sale, sold, or purchased, upon demand by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce laws and division rules, shall stop and open the vehicle and allow inspection of the load, and any box, package, or receptacle, and the contents thereof, for the purpose of determining whether this chapter or a division rule is being violated.

The word "fish" in the English language, at least eight inches high and maintained in a clear, conspicuous, and legible condition at all times, shall appear on both sides of the vehicle body of all vehicles transporting fresh water fish in this state when the fish are for sale or sold, except those fish exempt from a transportation permit in divisions (A), (B), and (E) of this section. The chief may refuse to issue a permit to any person whose purpose in applying for the permit is to allow it to be used by another person to whom a permit has been refused or revoked. The chief also may revoke a person's permit when it is used for that purpose.

No civil action may be brought in any court in the state for the value or agreed price of fish that have escheated to the state under this section.

No person shall fail to comply with any provision of this section or a division rule adopted pursuant thereto.

In addition to other penalties provided in the Revised Code, the permit of any person who is convicted of two violations of this section that occurred within a twelve-month period is suspended upon the second such conviction by operation of law for a period of five fishing season days immediately following that conviction.

In addition to other penalties provided in the Revised Code, the permit of any person who is convicted of three or more violations of this section that occurred within a twelve-month period is suspended upon the third or subsequent conviction by operation of law for a period of twenty fishing season days immediately following that conviction.

During any period of suspension, no person shall use or engage in hauling or transporting fish with equipment owned, used, or controlled at the time of conviction by the permittee whose permit has been suspended.

Ohio Rev. Code Ann. § 1533.631 Permit for handling fish at wholesale

Any person may apply for a permit to handle commercial fish, or other fish that may be bought or sold under the Revised Code or division rule, at wholesale. Prior to making application for such a permit, a person first shall satisfy the following qualifications to the satisfaction of the chief of the division of wildlife: over eighteen years of age, no prior conviction of or plea of guilty on or after October 10, 2007, to a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and ninety days Ohio residency immediately preceding application. The chief shall issue an annual permit granting the applicant the privilege to handle such fish at wholesale at one or more designated premises upon satisfaction of the pre-application qualifications, filing of an application on a form prescribed by the chief, and payment of a fee of sixty-five dollars. No person or a person's agent shall handle at wholesale any fresh water fish or part thereof unless a permit has been issued for the calendar year in which the fish is handled at wholesale for the premises at which the fish is handled.

A fish is handled at wholesale for purposes of this section when it is on a premises within the state and is being held, stored, handled, or processed for the purpose of sale to a person who resells the fish.

The permit required by this section shall be issued subject to the right of entry and inspection of the designated premises of the permittee by any law enforcement officer authorized by section 1531.13 of the Revised Code to enforce the laws and rules of the division of wildlife. Such an officer may enter and inspect the designated premises and any box, package, or receptacle, and the contents thereof, for the purpose of determining whether any provision of this chapter or Chapter 1531. of the Revised Code or division rule is being violated.

No person holding a permit under this section shall remove a label required by section 1533.301 of the Revised Code unless the box, package, or receptacle bearing the label has been opened or unless the label is replaced with another label that meets the requirements of that section.

No person shall fail to comply with any provision of this section or division rule adopted pursuant to it.

Ohio Rev. Code Ann. § 1533.632 Aquaculture

(A) As used in this section:

- (1) “Aquaculture” means a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including, but not limited to, for the purpose of sale for consumption as food.
- (2) “Aquaculture species” means any aquatic species that may be raised through aquaculture that is either a class A aquaculture species or a class B aquaculture species.
- (3) “Class A aquaculture species” includes any species designated as such by the chief of the division of wildlife in rules adopted under division (B) of this section.
- (4) “Class B aquaculture species” includes any species, except for class A aquaculture species, designated as such by the chief in rules adopted under division (B) of this section.
- (5) “Aquaculture production facility” means a facility that has suitable infrastructure and equipment, as determined by the chief, and that is solely dedicated to the propagation and rearing of an aquaculture species.
- (6) “Suitable infrastructure” includes ponds, raceways, and tanks.

(B) The chief, in accordance with Chapter 119. of the Revised Code, shall adopt rules for the regulation of aquaculture and may issue permits to persons wishing to engage in aquaculture for the production of aquaculture species. Rules adopted under this section shall ensure the protection and preservation of the wildlife and natural resources of this state. The legal length and weight limitations established under section 1533.63 of the Revised Code do not apply to class A or class B aquaculture species.

A permit may be issued upon application to any person who satisfies the chief that the person owns or leases an aquaculture production facility. Each permit shall be in such form as the chief prescribes. The permits shall be classified as either class A or class B. A class A permit shall be required for all class A aquaculture species that are designated by rule as a class A aquaculture species. Class B permits shall be issued on a case-by-case basis. In determining whether to issue a class B permit, the chief shall take into account the species for which the class B permit is requested, the location of the aquaculture production facility, and any other information determined by the chief to be necessary to protect the wildlife and natural resources of this state. The annual fee for a class A permit shall be fifty dollars unless otherwise provided by rule by the chief. The annual fee for a class B permit shall be set by the chief at a level between one hundred and five hundred dollars. In determining the fee to be charged for a class B permit, the chief shall take into account the additional costs to the division for the inspection of aquaculture facilities used to raise a given class B aquaculture species.

The chief may revoke a permit upon a determination that the person to whom the permit was issued has violated any rule adopted under this section. The permit shall be reissued upon a showing by the person that the person is in compliance with the rules adopted under this section. A holder of an aquaculture permit may receive a permit issued under section 1533.301 or 1533.40 of the Revised Code without payment of the fee for that permit if the conditions for the issuance of the permit have been met.

(C) No person shall knowingly sell any aquatic species under an aquaculture permit issued under this section that was not raised in an aquaculture production facility. In addition to any other penalties prescribed for violation of this division, the chief may revoke the permit of any person convicted of a violation of this division for any period of time the chief considers necessary.

(D) No person who does not hold a current valid aquaculture permit shall knowingly sell an aquaculture species while claiming to possess an aquaculture permit.

Ohio Aquaculture Regulations

Ohio Admin. Code 901:1-17-01 General requirements

(A) No person shall move or import any animal into the state of Ohio unless that animal meets the rules of this chapter and all applicable federal laws or is otherwise exempt.

(B) Animals imported in violation of the rules of this chapter shall be quarantined and be brought into compliance with the applicable requirements of these rules at the owner's expense. Pursuant to Chapter 941. of the Revised Code, if the animals cannot or are not, for any reason, brought into compliance the department may order the animal returned to the place of origin, delivered to slaughter, or destroyed at the owner's expense.

(C) Imported animals shall be healthy and free of symptoms of contagious or infectious diseases and residues. They shall not have been recently exposed to any contagious or infectious diseases and shall not originate from a herd, flock, or area under quarantine.

(D) As required by the rules of this chapter, certificates of veterinary inspection, USDA national poultry improvement plan, veterinary service 9-3 forms, permits, and/or permit numbers shall be in the possession of the person in charge of the animal during movement.

(E) A copy of a certificate of veterinary inspection must be forwarded to the "Chief, Division of Animal Health, 8995 E. Main Street, Reynoldsburg, Ohio 43068" within seven days of issuance.

The certificate shall be void thirty days after inspection and issuance unless specifically waived or extended time is granted by a permit from the department.

(F) When the purpose of importation is for a sale assembly, the sale management will provide an approved veterinarian to do the following:

- (1) Examine the certificate of veterinary inspection of each animal brought to the sale;
- (2) Inspect within a reasonable time of arrival each animal brought to the sale for symptoms of any infectious or contagious diseases; and
- (3) Daily inspect each animal present at the sale for symptoms of infectious or contagious disease.

(G) Individuals wishing to import animals that do not meet the rules of this chapter may apply to the department for an entry permit. Applications for permits shall be made to the "Chief, Division of Animal Health, 8995 E. Main Street, Reynoldsburg, Ohio 43068," telephone 614-

728-6220. Such applications shall include the number and species of animals, identification numbers, the origin and date of shipments, consignee, the purpose of the importation, and shall include the age and sex. All animals entering Ohio under a permit are subject to quarantine and inspection on arrival at destination.

If at any time the conditions of a permit are violated by the holder and would endanger the health of other animals in the state of Ohio, the chief may suspend such permit and refuse to issue any future permit.

Ohio Admin. Code 901:1-17-02 Importation and Health of Animals definitions

(A) The following terms and their definitions are incorporated from 9 CFR part 77.5 (2014):

- (1) "Accreditation preparatory state or zone";
- (2) "Accredited free state or zone";
- (3) "Accredited herd";
- (4) "Modified accredited advanced state or zone";
- (5) "Modified accredited state or zone"; and
- (6) "Non-accredited state or zone".

(B) The following terms and their definitions are incorporated from 9 CFR part 78.1 (2014):

- (1) "Class A State";
- (2) "Class B State
- (3) "Class C State";
- (4) "Brucellosis free state";
- (5) "Certified Brucellosis free herd";
- (6) "Validated brucellosis free herd"; and,
- (7) "Validated Brucellosis free state."

(C) "Accredited laboratory" means a laboratory meeting the accreditation standards established for fish health diagnostic laboratories by a state government, the United States federal government or, the Canadian government's department of fisheries and oceans.

(D) "Animal" means any animal that is a bird, reptile, amphibian, fish, or mammal other than humans; and when specified in a rule, includes germplasm of the foregoing animals.

(E) "Approved veterinarian" means any licensed and accredited veterinarian approved by the Ohio department of agriculture, or an employee of the Ohio department of agriculture, or the United States department of agriculture, animal and plant health inspection service, veterinary services.

(F) "Certificate of veterinary inspection" means a legible record, certified, completed, and issued by a licensed, accredited veterinarian, or by a veterinarian employed by either the state of origin or the United States department of agriculture, and shall contain all of the following:

- (1) The complete name and address of the consignor and the consignee, (including final destination if different from consignee's address);

- (2) An accurate description with official individual identification of the animal listed, as required;
- (3) The date and results of any required or known test conducted;
- (4) A complete description (including dates of administration) of any vaccinations and treatments, as required by the rules of this chapter;
- (5) Designation of the purpose for which the animal is being imported (i.e., breeding, feeding, exhibition, sale, etc.); and
- (6) The animal health and test status records which meet the legal requirements of the state of destination, including any other tests of record.

(G) "Certified fish health inspector" means an individual who has successfully completed the course of study on fish diseases sponsored by the American fisheries society and is currently certified by the American fisheries society to issue fish health inspection reports.

(H) "Consignee letter of consent" means a letter signed by the Ohio recipient of an animal which acknowledges the presence of a disease condition and affirms his continued intent to import the animal.

(I) "Contagious or infectious disease" means any disease, including any foreign animal disease, or vector, capable of transmission by any means from a carrier animal to a human or to another animal and includes dangerously contagious or infectious diseases.

(J) "Department of agriculture" and "department" means the Ohio department of agriculture.

(K) "Domestic animal" includes livestock; other animals that through long association with humans have been bred to a degree resulting in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes them different from nondomestic animals of their kind, and other animals as defined by rule by the director.

(L) "Facility" means an establishment where fish are raised, held, or released.

(M) "Feral swine" means any swine that has lived any part of its life free roaming.

(N) "Fish" means a cold-blooded vertebrate animal living in water, having permanent gills for breathing, and fins.

(O) "Fish health inspection and testing report" means a document listing inspections done and diagnostic work performed on fish and stating the results of the inspections and diagnostic work.

(P) "Licensed and accredited veterinarian" means a person who is licensed to practice veterinary medicine either by the state of Ohio or the state in which the certificate of veterinary inspection was issued and who is certified approved by the United States department of agriculture, animal plant health inspection service, veterinary services, to be an accredited veterinarian.

(Q) "Lot" means:

- (1) A group of fish of the same species that originate from either the same brood stock, or the same egg source, during the same year and are raised on the same water source; or

(2) A group of fish of the same species over twelve months of age from the same water source.

(R) "Non Domestic animal" means any animal that is not domestic, including at least non indigenous animals and animals usually not in captivity.

(S) "Official individual identification" means a device or method assigned to livestock being moved as required by the rules of this chapter.

(T) "Owner/Shipper statement" means a statement signed by the owner or shipper of livestock being moved which includes the information as required by the rules of this chapter, as applicable.

(U) "Permit" means a document issued by the department which:

(1) Authorizes actions which require, by rule, prior permission from the chief of the department's division of animal health.

(2) May waive or modify requirements established by rule when compliance with the rule requirements works a hardship and waiver or modification of the rule requirements is consistent with the purpose of and does not compromise the effectiveness of the rule requirements being waived or modified.

(3) May require as a condition for waiver or modification of requirements established by rule:

(a) Restrictions regarding movement, handling, quarantine, destination, and purpose for which the animal may be imported; and

(b) Additional inspections, identification, pre and post-entry tests, vaccinations, treatments, and other procedures;

(4) May require a consignee letter of consent.

(V) "Poultry" means any domesticated fowl kept in confinement, except for doves and pigeons, that are bred for the primary purpose of producing eggs or meat for human consumption. The term includes chickens, turkeys, waterfowl and game birds.

(W) "Premises identification" means a nationally unique number assigned by a state, tribal, and/or federal animal health authority to a premise that is, in the judgment of the state, tribal, and/or federal animal health authority, a geographically distinct location from other premises.

(X) "PRRS" means porcine reproductive and respiratory syndrome.

(Y) "Pseudorabies status stage V state" means a state that has been declared pseudorabies free as outlined in the United State department of agriculture, animal and plant health inspection service, "Pseudorabies Eradication Program Standards" as effective on November 1, 2003. A copy of these standards may be found at www.aphis.usda.gov.

(Z) "Residue" means any poisonous or deleterious pesticide governed by 40 C.F.R. 180 (2017), any poisonous or deleterious substance governed by 21 C.F.R. 109.6 (2017), or any other substance governed by 21 C.F.R. 556 (2017).

(AA) "Sale assembly" means any public assembly of animals, except rabbits, chickens, turkeys, waterfowl, and gamebirds with a final disposition of slaughter, that are brought together for the purpose of exchanging ownership.

(BB) "Slaughter channels" means a system of movement wherein an animal, not for the purposes of breeding, is sold, transferred, or moved either:

- (1) For feeding for the express purpose of improving that animals condition for final movement to slaughter;
- (2) To a USDA approved livestock market as defined under Chapter 943. of the Revised Code for final movement to slaughter;
- (3) To a slaughter facility;
- (4) To an individual for custom slaughter; or
- (5) To a livestock dealer licensed under Chapter 943. of the Revised Code.

(CC) "Sporting swine" means any domestic or feral swine intended for hunting purposes and includes the progeny of these swine whether or not the progeny are intended for hunting purposes.

(DD) "Tagging site" means locations authorized by USDA, state, or tribal animal health officials where livestock may be officially identified on behalf of their owner or the person in possession, care, or control of the animals when they are brought to the site.

(EE) "USDA" means the United States department of agriculture, animal plant health inspection service, veterinary services.

(FF) "Water source" means a body of water with controlled access in which fish are hatched, spawned, or raised.

Ohio Admin. Code 901:1-17-13 Fish

(A) No person shall import into Ohio fish, viable eggs, or sperm of the family salmonidae or salmonidae hybrids unless, all of the following requirements are met:

- (1) The shipment is accompanied by a permit issued by the chief of the division of animal health or the chief's designee in accordance with paragraph (S) of rule 901:1-17-02 of the Administrative Code.
- (2) The fish, viable eggs, or sperm of the family salmonidae or salmonidae hybrids are accompanied by a fish health inspection and testing report signed by a certified fish health inspector or veterinarian verifying that the facility has been inspected by either a licensed accredited veterinarian or a certified fish health inspector and tested by an accredited laboratory in accordance with the requirements of rule 901:1-17-14 of the Administrative Code within twelve months of the date of import and found negative to the following dangerously contagious or infectious diseases:
 - (a) Ceratomyxosis (*Ceratomyxa shasta*), when originating from a state or zone where ceratomyxosis has been reported;
 - (b) Infectious hematopoietic necrosis;

- (c) Infectious pancreatic necrosis;
- (d) Infectious salmon anemia, when originating from a state or zone where infectious salmon anemia has been reported;
- (e) Proliferative kidney disease, when originating from a state or zone where proliferative kidney disease has been reported;
- (f) Viral hemorrhagic septicemia; and
- (g) Whirling disease (*Myxobolus cerebralis*).

(3) The fish, viable eggs, or sperm of the family salmonidae or salmonidae hybrids are free of any evidence of any of the dangerously contagious or infectious disease listed in paragraphs (A)(1)(a) to (A)(1)(g) of this rule at the time of import.

(4) No fish, viable eggs, or sperm from any source have been introduced into the facility subsequent to the inspection and testing required under paragraph (A) (2) of this rule that have not been inspected and tested in accordance with the requirements of paragraph (A)(2) of this rule within twelve months prior to entry into the facility and found to be negative to the diseases listed in paragraphs (A)(2)(a) to (A)(2)(g) of this rule.

(5) Viable fish eggs will be exempt from paragraphs (A)(2)(a) and (A)(2)(e) of this rule, provided the eggs undergo proper disinfections prior to shipment in accordance with paragraph (B)(1) of this rule.

(B) No person shall import fish eggs of the family salmonidae from either a facility or a water source where whirling disease has been found unless:

- (1) The fish eggs are surface disinfected when shipped and disinfected again when received with a one hundred milligram per liter solution of active iodine for ten minutes; and
- (2) The fish eggs are transported in new containers and water free of the causative agent for whirling disease.

(C) No person shall import into Ohio fish, viable eggs, or sperm of the species or hybrids of the species listed in appendix A to this rule unless the following requirements are met:

- (1) The shipment is accompanied by a permit issued by the chief of the division of animal health or the chief's designee in accordance with paragraph (S) of rule 901:1-17-02 of the Administrative Code
- (2) The fish, viable eggs, or sperm of the species or hybrids of the species are accompanied by a fish health inspection and testing report signed by a certified fish health inspector or veterinarian verifying that the facility has been inspected by either a licensed accredited veterinarian or a certified fish health inspector and tested by an accredited laboratory in accordance with the requirements of rule 901:1-17-14 of the Administrative Code within twelve months of the date of import and found negative for viral hemorrhagic septicemia.

(3) The fish, viable eggs, or sperm of the species or hybrids of the species are free of any evidence of viral hemorrhagic septicemia.

(4) No fish, viable eggs, or sperm from any source have been introduced into the facility subsequent to the inspection and testing required under paragraph (C) (2) of this rule that have not been inspected and tested in accordance with the requirements of paragraph (C)(2) of this rule within twelve months prior to entry into the facility and found to be negative to viral hemorrhagic septicemia.

(5) Viable fish eggs will be exempt from paragraph (C)(2) of this rule, provided the fish eggs are surface disinfected when shipped and disinfected again when received with a one hundred milligram per liter solution of active iodine for ten minutes.

Appendix A

(List of fish subject to 901:1-17-13(C)) [https://codes.ohio.gov/assets/laws/administrative-code/pdfs/901/1/17/901\\$1-17-13 PH FF A APP1 20201029 0832.pdf](https://codes.ohio.gov/assets/laws/administrative-code/pdfs/901/1/17/901$1-17-13 PH FF A APP1 20201029 0832.pdf)

Ohio Admin. Code 901:1-17-14 Fish Testing and Inspection Requirements

(A) Testing and inspection done at a facility for issuance of a fish health inspection report shall be done in the following manner:

(1) All lots at a facility shall be inspected and tested using either a polymerase chain reaction test, cell culture test, or another method approved by the department.

(2) Collection of samples from each lot shall be based upon an assumed prevalence level of five per cent and a ninety-five per cent confidence of detecting at least one infected fish in the lot for causative agents of the diseases listed in paragraphs (A)(1)(a) to (A)(1)(g) of rule 901:1-17-13 of the Administrative Code. If samples cannot be collected for diagnostic testing from all lots of fish at a facility in one day; all lots not sampled shall have samples collected from them within thirty days of the date the first sample was collected at the facility.

(3) Inspection and diagnostic testing for whirling disease shall be done using one sample of sixty fish. The sample shall be made up of fish at an age when whirling disease is most likely to be detected, and from species most susceptible to the disease.

(B) If all lots not sampled in one day at a facility are not sampled within thirty days of the date the first sample was collected; all testing and inspection at the facility shall be done over.

Ohio Admin. Code 901:1-21-02 Designation of dangerously contagious or infectious and reportable diseases

(A) For purposes of Chapter 941. of the Revised Code and as provided for in division (A) of section 941.01 of the Revised Code, the director of agriculture designates as dangerously contagious or infectious diseases the following:

- (1) Anthrax;
- (2) Bluetongue (ovine, caprine);
- (3) Brucellosis (*Brucella abortus*, *brucella canis*, *brucella melitensis*, *brucella suis*);
- (4) Ceratomyxosis;
- (5) Contagious equine metritis;
- (6) Eastern equine encephalomyelitis;
- (7) Equine herpes virus 1 (clinical or exposed neurological disease);
- (8) Equine infectious anemia;
- (9) Equine piroplasmiasis (*babesia caballi*, *theileria equi*);
- (10) Foot and mouth disease;
- (11) Fowl typhoid;
- (12) High path avian influenza;
- (13) Hog cholera;
- (14) Infectious encephalomyelitis (poultry);
- (15) Infectious hematopoietic necrosis;
- (16) Infectious laryngotracheitis (other than vaccine induced);
- (17) Infectious pancreatic necrosis;
- (18) Infectious salmon anemia;
- (19) Lymphocytic choriomeningitis virus (LCMV)
- (20) Monkeypox;
- (21) *Mycoplasma gallisepticum*, turkeys;
- (22) Newcastle disease;
- (23) Poultry chlamydiosis-ornithosis;
- (24) Poultry paramyxovirus (other than Newcastle);
- (25) Proliferative kidney disease;
- (26) Pseudorabies;
- (27) Psoroptic cattle scabies;
- (28) Psoroptic sheep scabies;
- (29) Rabies;
- (30) *Salmonella pullorum*;
- (31) Scrapie;
- (32) Transmissible spongiform encephalopathies;
- (33) Tuberculosis;
- (34) Venezuelan equine encephalomyelitis;
- (35) Vesicular exanthema
- (36) Viral hemorrhagic septicemia;

(37) Whirling disease (*Myxobolus cerebralis*);

(B) Whenever the director believes that a dangerously contagious or infectious disease is present in any geographic area of the state of Ohio, he may prohibit or regulate by proclamation the movement of any animal(s) which could carry the disease within, into or out of the area.

(C) No person shall sell, move, or dispose of animal(s) so designated in paragraph (B) of this rule without written permission from the department or its authorized representative.

(D) The director may at any time designate a disease not specified in paragraph (A) of this rule without a hearing as a dangerously contagious or infectious disease by executive order. The executive order is effective when it is journalized in the order book of the department of agriculture and is effective for ninety days from its journalization. Within three days after the order is journalized the director shall file a certified copy of the order with the secretary of state. Within seven days after the order is journalized, the director shall cause it to be published in a newspaper of general circulation within this state.

Ohio Admin. Code 1501:31-39-01 Aquaculture permits

(A) It shall be unlawful for a person to engage in aquaculture without first making application for and receiving an aquaculture permit issued by the chief of the division of wildlife or their designee.

(1) The application shall include the name of the applicant, name of the aquaculture production facility, class of aquaculture permit requested, the common and scientific names of the aquatic species to be produced, and the location by state, county, and street address of the aquaculture production facility.

(2) The application and permit will be in the form as the chief prescribes.

(3) Aquaculture permits shall expire December thirty-first of each year, except a permit issued after November thirtieth shall be valid until December thirty-one of the following year.

(4) It shall be unlawful to transfer an aquaculture permit issued pursuant to section 1533.632 of the Revised Code.

(5) Class A aquaculture permits.

The yearly fee for a class A aquaculture permit is fifty dollars.

(6) Class B aquaculture permits.

(a) The yearly fee for a class B aquaculture permit is one-hundred dollars.

(b) A class B aquaculture permit shall not be issued unless the applicant's facility has been inspected by a representative of the division of wildlife and the facility has been found to be in compliance with rules contained in this section.

(c) It shall be unlawful to operate a class B aquaculture permit facility that does not have a minimum of two levels of escapement prevention.

(B) Sales

(1) It shall be unlawful for any person possessing a class A aquaculture permit to possess, buy, or sell any aquatic species, except for class A aquaculture species.

(2) It shall be unlawful for any person to possess or buy for the purpose of aquaculture, or sell class B aquaculture species without first obtaining a class B aquaculture permit.

It shall be lawful to possess, buy, or sell class A aquaculture species with a class B aquaculture permit.

(3) It shall be unlawful to possess, buy, or sell for the purpose of aquaculture, any aquatic species other than a class A aquaculture species or class B aquaculture species without first obtaining written permission from the chief of the division of wildlife or his designee.

(C) Records

(1) It shall be unlawful for any individual licensed under section 1533.632 of the Revised Code to fail to keep accurate daily records of all transactions from within or without the state. Such records shall be for all sales or purchases of aquaculture species and shall include:

- (a) The type of species bought or sold;
- (b) The amount of species in gallons, numbers, or pounds;
- (c) The date of sale or purchase;
- (d) The name and address of the buyer and seller.

(2) It shall be unlawful to fail to keep the records required by this rule for a period of less than two years.

(3) The records required by this rule shall be open for inspection by any division of wildlife employee at all reasonable hours.

(D) It shall be unlawful to possess, buy, or sell for aquaculture purposes species state list designated as threatened or endangered in Chapter 1501:31-23 of the Administrative Code without first obtaining a threatened and endangered species culture endorsement from the chief of the division of wildlife.

(E) An aquaculture facility shall consist of one or more rearing units.

(F) It shall be unlawful to possess or buy for the purpose of aquaculture, or sell northern pike X muskellunge hybrid (*Esox lucius* X *Esox masquinongy*), or white catfish (*Ictalurus catus*) without prior written authorization from the chief of the division of wildlife.

For the purposes of this rule. "Hybrids" are the offspring created from two different species.

(G) It shall be unlawful for any person to engage in aquaculture in any body of water, except those under private control, without first obtaining written permission from the chief of the division of wildlife or their designee.

(H) It shall be unlawful for any person to violate any provision of this rule.

(I) All definitions set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.

Additional Resources:

Order from Department of Agriculture on transport of VHS susceptible species

[SLegal_Copi19122308321 \(ohio.gov\)](#)

Pennsylvania Aquaculture Provisions

Pennsylvania Aquaculture Statutes

3 Pa. Cons. Stat. Ann. § 4201 Short title of chapter

This chapter shall be known and may be cited as the Aquacultural Development Law.

3 Pa. Cons. Stat. Ann. § 4202. Purpose

The purposes of this chapter are as follows:

(1) To encourage aquacultural operators to make a long-term commitment to aquaculture by offering them the same protections afforded other agricultural practices.

(2) To reduce the amount of governmental agencies with jurisdiction over aquaculture by transferring authority over commercial aquacultural operations to the Department of Agriculture.

(3) To encourage further development of the aquacultural industry by including aquaculture in any and all promotional and other economic developmental programs which are made available to other industry sectors.

3 Pa. Cons. Stat. Ann. § 4203. Definitions

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Account.” The Aquaculture Development Account.

“Advisory committee.” The Aquaculture Advisory Committee in the Department of Agriculture.

“Aquaculture.” A form of agriculture which is the controlled cultivation of aquatic plants, animals and microorganisms.

“Aquarium species.” Any aquatic species which may not be propagated in open air facilities within this Commonwealth under normal circumstances and are primarily kept indoors in glass aquariums for their aesthetic value

“Aquatic organism.” Any plant or animal that grows or lives in or upon the water.

“Artificial propagation.” Rearing any species of fish during any stage of the species’ life cycle from inception by natural or artificial means to the adult stage of the species.

“Baitfish.” The following fish, unless otherwise provided by departmental regulation:

(1) All forms of the minnow family (Cyprinidae) except carp and goldfish.

(2) Suckers, chubs, fallfish, lampreys and eels measuring less than eight inches in length.

(3) All forms of darters, killifish and madtoms (otherwise known as stonecats).

“Commission.” The Pennsylvania Fish and Boat Commission.

“Department.” The Department of Agriculture of the Commonwealth.

“Finfish.” True fish which are any number of strictly aquatic craniate vertebrates that include the teleosts, elasmobranches and cyclostomes. These fish typically have an elongated, spindle-shaped body terminating in a caudal fin.

“Fish.” When used as a noun, the term includes all game fish, fish bait, baitfish, amphibians, reptiles and aquatic organisms

“Hobby breeder.” Any person who keeps and propagates aquatic animals on a small scale. A small scale is gross annual sales of less than \$1,000.

“Ornamental species.” Any aquatic organism kept primarily for its aesthetic value which can be propagated in open-air facilities within this Commonwealth under normal circumstances

“Pet store.” A commercial outlet engaged in the retail sale of pets and related products to the public.

“Secretary.” The Secretary of Agriculture of the Commonwealth.

“Watershed.” One of the five major watersheds located within this Commonwealth:

- (1) Lake Erie.
- (2) Ohio.
- (3) Delaware.
- (4) Susquehanna.
- (5) Potomac.

Smaller watersheds not considered as part of these five shall be identified by the Pennsylvania Fish and Boat Commission as annexes to one of the five listed.

3 Pa. Cons. Stat. Ann. § 4204. Applicability

This chapter does not apply to a pet store making a purely retail sale or offer for sale of species of fish legally approved for sale in this Commonwealth.

3 Pa. Cons. Stat. Ann. § 4211. Designation of aquaculture as agriculture

Aquaculture is hereby designated as a normal farming operation within this Commonwealth for all purposes. This designation shall be recognized by all agencies of State and local government.

3 Pa. Cons. Stat. Ann. § 4212. Wetlands

Aquacultural facilities licensed pursuant to this chapter are not wetlands under 25 Pa. Code Ch. 105 Subch. A (relating to general provisions) so long as such facilities were created and have been continuously operating for any purpose, including effluent mitigation, prior to September 23, 1985. Facilities created on or after September 23, 1985, are not wetlands under any statute or regulation of this Commonwealth so long as the facilities are or were not created nor are currently maintained on wetlands. Normal maintenance and improvements on facilities created prior to September 23, 1985, are permissible notwithstanding any statutory provision relating to wetlands. Permits issued by the Commonwealth for normal maintenance and improvements of facilities created prior to September 23, 1985, are not required.

3 Pa. Cons. Stat. Ann. § 4213. Requirements for discharge of water

(a) **General permit.** Except as provided in subsection (b), aquacultural facilities, including those existing facilities which discharge into high quality or exceptional value waters, licensed under this chapter may be eligible for inclusion under a National Pollutant Discharge Elimination System (NPDES) general permit issued pursuant to regulations of the Department of Environmental Protection.

(b) **Permitting system.** The Department of Environmental Protection is directed to develop an NPDES general permit for aquacultural facilities. Net effluent limitation, monitoring type and frequency of pollutants shall be determined in consultation with the Department of Agriculture and the advisory committee. The fee for an applicant seeking coverage to discharge pursuant to the terms and conditions of the general permit shall not exceed \$100 per facility during a period of five years.

(c) **Consolidation of permitting.** All agencies of the Commonwealth are directed to work with the Department of Environmental Protection to develop a consolidated permitting process for aquacultural facilities. This consolidated permitting process shall result in one permit to replace potentially several permits necessary for an applicant to file. This consolidated permitting process shall be developed and implemented on or before January 1, 2000.

3 Pa. Cons. Stat. Ann. § 4214. Aquacultural marketing programs

The department may develop voluntary aquacultural marketing programs. The department may request nominal payment by participants to cover costs of these programs.

(a) **Development of plan.** The department shall develop a plan to promote and develop aquacultural industry in this Commonwealth. Economic development and exportation of products from this Commonwealth shall be components of this plan. The advisory committee shall advise the department in development of the plan. The department must obtain the consent of the advisory committee for the plan.

(b) **Implementation of plan.** The department shall, in the manner provided by law, promulgate the plan as regulations of the department.

3 Pa. Cons. Stat. Ann. § 4216. Aquaculture Advisory Committee

(a) **Establishment and composition.** The Aquaculture Advisory Committee is hereby established as a departmental advisory board within the department. The advisory committee shall consist of 21 members of whom the following 12 shall be members ex officio:

- (1) The secretary.
- (2) The Secretary of Environmental Protection.
- (3) The Secretary of Community and Economic Development.
- (4) The Executive Director of the Pennsylvania Fish and Boat Commission.
- (5) The chairman and minority chairman of the Agriculture and Rural Affairs Committee of the Senate.

(6) The chairman and minority chairman of the Agriculture and Rural Affairs Committee of the House of Representatives.

(7) The chairman and minority chairman of the Game and Fisheries Committee of the Senate.

(8) The chairman and minority chairman of the Game and Fisheries Committee of the House of Representatives.

Ex officio members may designate a substitute for membership. Ex officio members cast votes at committee meetings.

(b) **Appointments by secretary.** The remaining nine members shall be appointed by the secretary as follows:

(1) Three appointees must be active, resident cold or cool water aquaculture producers.

(2) One appointee must be an active, resident warm water aquaculture producer.

(3) One appointee must be an active, resident indoor aquaculture producer.

(4) One appointee must be an active, resident servicer or supplier to the aquaculture industry.

(5) One appointee must be an active, resident aquacultural wholesaler, food broker or food merchant.

(6) One appointee must be an active, resident aquarium or ornamental species aquacultural merchant.

(7) One appointee must be a representative of recreational sport fishing.

(c) **Tenure and convention.** All appointed members shall serve terms of three years. Ex officio members shall serve so long as the official continues to serve in an official position. The advisory committee shall convene at the discretion of the secretary or his designee, who shall serve as chairman of the committee.

(d) **Responsibility of committee.** The advisory committee shall draft and submit an aquacultural plan to the secretary on or before December 31, 1999. The focus of the plan shall be economic development to include recommendations for regulations necessary to foster development of aquaculture. The advisory committee shall also advise the secretary on matters relating to aquacultural production and development.

3 Pa. Cons. Stat. Ann. § 4217. Biennial survey of aquaculture

The department shall cooperate with the Pennsylvania Agricultural Statistics Service to compile biennially a survey of this Commonwealth's aquacultural industry. Persons licensed under sections 4220 (relating to registration for artificial propagation) and 4222 (relating to registration for dealers of live aquatic animals) whose businesses involve the sale of fish shall submit annually at the conclusion of each calendar year a summary report of sales specifying the amount or weight of each species sold and gross receipts. The contents shall be used by the department solely for statistics. The individual summary reports are not public records and shall not be made public without written consent of the party submitting that report.

3 Pa. Cons. Stat. Ann. § 4218. Aquaculture Development Account

(a) **Establishment of account.** There is hereby established a separate account in the State Treasury to be known as the Aquaculture Development Account. Moneys in this account shall be used to stimulate the growth of the aquacultural industry in this Commonwealth.

(b) **Sources of funds.** Except for fees generated pursuant to section 4213 (relating to requirements for discharge of water), all fees and charges generated under this chapter shall be deposited in the account.

(c) **Use of funds.** Moneys in the account shall be used for administration of aquaculture programs in the department, including the biennial survey of aquaculture in section 4217 (relating to biennial survey of aquaculture). Up to 10% of the moneys deposited in the account on a fiscal year basis may be available for aquaculture research. After administrative costs are covered, the remainder of the account may be used to provide low-interest loans to aquacultural producers for development, expansion and modernization of facilities.

3 Pa. Cons. Stat. Ann. § 4219. Permissible propagation

(a) **Species.** The commission shall determine which species of fish are allowed to be propagated in each watershed. On or before January 31 of each year, the commission shall supply the department a current list of species approved for propagation and the conditions under which each species may be cultured. As the commission approves a new species for propagation throughout the year, it shall notify the department of the species and watersheds. Except triploid and other nonreproducing forms, species may be propagated in the same watersheds within which they are allowed to be stocked.

(b) **Initial list of approved species.** Except for those species of fish allowed for stocking only in a triploid or other nonreproducing form, the initial list of approved species shall include all species approved for artificial propagation or stocking by watershed as listed by the commission on January 1, 1995. Requirements for special conditions to culture certain species will be retained until modified. The initial list shall be submitted to the department within 60 days of the effective date of this chapter.

(c) **Closed systems.** Special regulations shall be promulgated regarding the cultural methods for species of fish allowed to be propagated in systems which do not discharge water into waters of this Commonwealth. Systems whose discharge of water is rendered incapable of containing self-perpetuating living organisms may be registered for any species of fish with approval by the department.

3 Pa. Cons. Stat. Ann. § 4220. Registration for artificial propagation

(a) **Application.** Application to register for artificial propagation shall be made on forms, prepared by the department, which relate to the size, character and purpose of the facility to be used for propagation. The species of fish to be propagated and each separate propagation facility as well as any other information required by the department shall also be indicated on the forms.

(b) **Registration and fees.** The department may register applicants for artificial propagation upon receipt of a written application signed by the applicant after the applicant has paid a fee of \$150 to the department. Registration allows the registered operator to propagate all approved species of fish. The department shall establish a system to provide unique identification to a facility for the duration of that facility's continuous commercial existence. A registration shall expire five years after the initial date of registration. A registration may be renewed for an additional five-year period upon payment of the fee.

3 Pa. Cons. Stat. Ann. § 4221. Activities under registration for artificial propagation

(a) Sale of certain species.

(1) Only species of fish approved for propagation and stocking under section 4219 (relating to permissible propagation) taken from waters wholly within this Commonwealth or legally taken in waters outside of this Commonwealth and received in interstate commerce are permitted to be purchased, sold or offered for sale.

(2) A registrant selling species of fish shall furnish to the consumer a receipt specifying the date of sale, identification of the registered facility and the amount of species sold by count or weight. The holder of the receipt must display it upon demand to anyone authorized to enforce laws of this Commonwealth. The receipt authorizes sale or possession of the purchased species for a period of 15 days after the date on the receipt. The period of 15 days, however, is inapplicable to species stocked in regulated fishing areas as well as ornamental, aquarium and baitfish species which may be held by dealers until disposed.

(b) **Water obstruction.** A person registered under section 4220 (relating to registration for artificial propagation) must obtain prior written approval from the Department of Environmental Protection to erect or place a dam, pond or other device which will prevent the free migration of finfish. This subsection permits dams, ponds and other devices erected prior to January 1, 1980, and used continuously since then to be maintained.

(c) **Authorized activities by registrants.** Registration under section 4220 authorizes the registrant to:

- (1) carry on the business of propagation and sale of species of fish and eggs thereof which are specified in the registration;
- (2) catch and kill the specified species of fish in the specified facility or facilities in the registration by any means except explosives or poison; and
- (3) sell, transport or dispose of species of fish and eggs thereof which are specified in the registration. Public transportation companies are authorized to receive and transport species and eggs.

(d) Unauthorized activities by registrants.

(1) Registration under section 4220 does not authorize registrants to catch species of fish out of natural streams flowing over property of a registrant nor from other

waters within this Commonwealth. Transportation of species of fish neither cultivated nor purchased by the registrant is not permitted.

(2) Species of fish or eggs thereof taken from waters within this Commonwealth unoccupied, unowned or uncontrolled by a registrant and uncovered by his registration shall neither be stocked nor maintained in any manner. This paragraph, however, allows the exchange of eggs or the fry of any species of fish with the department and the commission.

3 Pa. Cons. Stat. Ann. § 4222. Registration for dealers of live aquatic animals

(a) **Registration for dealing.** A resident or nonresident who does not propagate live aquatic animal species but deals in those species shall register with the department. The department may register applicants upon receipt of a written application signed by the applicant and the payment of a \$50 registration fee. Registration shall expire five years after the initial date of registration and may be renewed upon payment of the fee.

(b) **Records to be kept.** Registrants shall keep records of all transactions, buying and selling, and shall record the date, amount by count or weight of species of fish, source of species, registration identification and place of sale.

(c) **Approval.**

(1) Distribution by dealers is limited to those species of fish approved by the department.

(2) Transportation of species of fish into this Commonwealth is limited to sources of species whose health inspection reports have already been approved by the department. Sources may be preapproved by the department for an entire calendar year. Denials shall be restricted to those sources where diseases are nonendemic to this Commonwealth and for any diseases designated by the department upon recommendation of the advisory committee.

(d) **Exemption from registration.** Dealers who are registered under section 4220 (relating to registration for artificial propagation) are exempt from licensure under this section for those species of fish. Compliance with subsection (c) is, however, required.

3 Pa. Cons. Stat. Ann. § 4223. Prohibited propagation and penalties

(a) **Prohibited propagation.** Except for hobby breeders, artificial propagation of any species of fish is limited to those who have registered under section 4220 (relating to registration for artificial propagation). Artificial propagation by anyone, whether or not registered, is limited to those species of fish approved under this chapter, approved by law or approved by regulation of the department.

(b) **Penalties.** Any person who sells, offers to sell or purchases fish with a market value or sale price of \$50 or more in violation of section 4221(a)(1) (relating to activities under registration for artificial propagation) commits a misdemeanor of the third degree. Any other violation of this subchapter as well as a violation of section 4221(a)(1) where the market value or

sale price is not shown or is less than \$50 is a summary offense of the first degree as described in 30 Pa.C.S. § 923 (relating to classification of offenses and penalties).

Pennsylvania Aquaculture Regulations

58 Pa. Code § 63.51. Sale of VHS-susceptible species of fish.

(a) For purposes of this section, the following terms have the following meanings:

(1) Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the *Pennsylvania Bulletin*.

(i) The term “VHS-susceptible species” includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(ii) The term “VHS-susceptible species” does not include the eggs of these species.

(2) A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(3) A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(b) It is unlawful to introduce VHS-susceptible species of fish from the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except in accordance with § 69.3(d) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(c) It is unlawful to introduce into the waters of this Commonwealth VHS-susceptible species of fish from an affected or at-risk state unless the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Pennsylvania Department of Agriculture and approved by the Commission.

(d) It is unlawful to introduce into the waters of this Commonwealth VHS-susceptible species of fish from an affected or at-risk region unless the fish meet the requirements of § 73.3(d)(1) (relating to transportation and importation of VHS-susceptible species of fish).

58 Pa. Code § 69.3 Transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed.

(a) For purposes of this section, species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the

United States Department of Agriculture designates by order or the Commission defines by notice published in the Pennsylvania Bulletin.

(1) The term “VHS-susceptible species” includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(2) The term “VHS-susceptible species” does not include the eggs of these species.

(b) It is unlawful to transport or cause the transportation of VHS-susceptible species of fish out of the portion of Lake Erie watershed in this Commonwealth except when one of the following conditions is met:

(1) The fish are being transported to a disease testing facility and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing.

(2) The fish are from a group of fish certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department of Agriculture (Department) and approved by the Commission. Persons selling the fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish owned or kept at the place of sale.

(3) The fish are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Artificial propagation facilities shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification report for the facility.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

(c) It is unlawful to possess and use VHS-susceptible species of fish from the Lake Erie watershed as bait in other watersheds of this Commonwealth except when the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission.

(d) It is unlawful to introduce VHS-susceptible species of fish from the Lake Erie watershed into other watersheds of this Commonwealth except when the fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility

certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission.

(e) It is unlawful to sell VHS-susceptible species of fish from the Lake Erie watershed in other watersheds of this Commonwealth unless the following conditions are met:

(1) The sale meets the requirements of 30 Pa.C.S. § 2507 (relating to sale of certain fish, reptiles and amphibians prohibited).

(2) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Persons selling these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, either a copy of the fish health certification reports for all VHS-susceptible fish kept at the place of sale or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility certified as having tested negative for VHS.

58 Pa. Code § 71a.1 Authority and definitions.

(a) *Authority.* Under section 2102 of the code (relating to rules and regulations), the Commission may promulgate rules and regulations to preserve, protect and enhance the fishery interests of the Commonwealth.

(b) *Definitions.* The following words, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

Department – The Department of Agriculture of this Commonwealth.

Diploid – Having two haploid sets of homologous chromosomes.

Genetically modified – An organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques and includes the progeny of any genetically modified organism derived therefrom.

Grass carp – *Ctenophryngodon idella*, also known as white amur.

Ornamental pond – An outdoor pond constructed as an aesthetic landscape feature that has a closed system of water circulation with no risk of contacting the surface waters of this Commonwealth; this does not include aquaculture facilities, ponds constructed to provide fishing opportunity, or ponds used for the confinement or production of baitfish.

58 Pa. Code § 71a.2 General.

No species of fish may be introduced into waters of this Commonwealth, unless baited on a hook for angling purposes, without prior submission of a Notice of Stocking to the Commission on a form prescribed by the Commission. For the purposes of this subsection, “waters of this Commonwealth” does not include waters contained within a property or premise of a propagation

or dealer facility licensed under 3 Pa.C.S. §§ 4201--4223 (relating to Aquaculture Development Law). Fish health certification requirements provided in § 71a.6 (relating to fish health certificate requirements) shall be adhered to, when applicable.

58 Pa. Code § 71a.3. Fish propagation and introduction list.

(a) *General.* The Bureau of Fisheries will maintain a list of species by watershed for which the Department may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The Director of the Bureau of Fisheries may update or modify the list of authorized species by adding species to, or deleting species from, the list as necessary to provide for the protection and management of fish and fishing in this Commonwealth. The Commission will provide the list to the Department on or before January 31 each year and whenever the Commission updates or modifies the list. Copies of the list of authorized species are available upon request from the Fish and Boat Commission, Bureau of Fisheries, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823.

(b) *Grass carp.*

(1) It is unlawful to propagate grass carp, diploid or triploid, in this Commonwealth.

(2) The introduction or importation of grass carp into this Commonwealth or waters of this Commonwealth is prohibited, except that triploid grass carp may be introduced as provided in § 71a.10 (relating to triploid grass carp)

(c) *Genetically modified fish.* A genetically modified fish may not be propagated and introduced into waters of this Commonwealth, without prior written approval from the Commission.

58 Pa. Code § 71a.4. Closed system propagation.

(a) *Closed (no discharge) system.*

(1) A propagating system may be designated as a closed system only if all of the following criteria are met:

(i) There will be 100% recycling water as normal operations.

(ii) The system will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this subsection, a wall, floor or roof will be considered solid if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of aquatic organisms from the closed system.

(iii) Water can be added to the system only for making up evaporative loss, cleaning and fish harvesting or to reduce toxic ammonia/nitrates by diluting

(iv) The system does not discharge water into waters of this Commonwealth.

(v) No live fish or live fish eggs may be allowed to escape with water discharges. Accidental spillage of live fish or live fish eggs, including truck loading, and the like, will be contained within the facility in a manner that

will prevent fish and fish eggs from escaping into the waters of this Commonwealth.

(vi) The system operator is registered with the Department.

(2) The Department will notify the Commission when it receives an application to register a proposed closed system, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed in a manner to prevent escapement of live fish or live fish eggs into the waters of this Commonwealth. Closed systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with the requirements of this section and the Commission may issue an order to suspend operations of any closed system when an inspection discloses that it is not in compliance.

(3) The Commission will invite the Department's Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators to help them ensure enclosed facilities prevent escape of aquatic organisms into the waters of this Commonwealth. These guidelines will assist registered propagators in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.

(b) *Systems with discharges rendered incapable of containing living organisms.* A system whose discharge of water is rendered incapable of containing self-perpetuating living organisms shall be registered with the Department. The Department will notify the Commission when it receives an application to register a proposed system under this subsection, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed so that its discharge is rendered incapable of containing live fish or live fish eggs. Systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with this section and the Commission may issue an order to suspend operations of any system when an inspection discloses that it is not in compliance. The registration of this system may include any species of fish with the approval of the Department.

(c) *Escape of fish into waters of this Commonwealth.* It is unlawful for an operator of any system registered under subsection (a) or subsection (b) to allow fish to escape into the waters of this Commonwealth.

(d) *Written plans for discharge.* An operator of any system registered under subsection (a) or subsection (b) shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or treating discharge in the event of a discharge system failure.

(e) *Notification in event of discharge.* An operator of any system registered under subsection (a) or subsection (b) shall notify both the Commission's Director of the Bureau of

Fisheries and the Department's Aquaculture Coordinator immediately in the event of a discharge system failure that is likely to contain viable living organisms.

58 Pa. Code § 71a.5. Notice of Stocking to the Commission.

(a) General

(1) No person may introduce any species of fish into waters of this Commonwealth (except baited on a hook for angling purposes) without prior submission of a Notice of Stocking to the Commission. For the purposes of this subsection, "waters of this Commonwealth" does not include waters contained within a property or premise of a propagation or dealer facility licensed under 3 Pa.C.S. §§ 4201--4223 (relating to Aquacultural Development Law). Persons who notify the Commission of an intent to stock fish through a Notice of Stocking should also ensure that fish intending to be stocked are limited to those listed on the Notice of Stocking and the Commission's Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions list. An electronic or hard copy of the Notice of Stocking shall be present at the location during the time fish are stocked. In the event the person(s) who filed a Notice of Stocking is not present during the time of stocking, an entity stocking fish on behalf of the authorized person shall possess a copy of the Notice of Stocking.

(2) In addition to the Notice of Stocking requirement set forth in paragraph (1), species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth. Written permission from the Commission may be obtained by sending a request to the Executive Director, P.O. Box 67000, Harrisburg, Pennsylvania 17106.

(3) The following apply:

(i) The following do not require submission of a Notice of Stocking:

(A) Fish not on a Commission prohibited species list and raised and sold for the intended uses of indoor aquaria.

(B) Fee fishing operations located on the same property as a propagation facility licensed under 3 Pa.C.S. §§ 4201--4223.

(C) Outdoor ornamental ponds not discharging into a water of this Commonwealth.

(ii) Species obtained through or originating from pet stores or tropical and ornamental fish dealers may not be released into waters of this Commonwealth.

(4) Submission of a Notice of Stocking does not authorize individuals or organizations to stock waters that are prohibited from stocking as defined in §§ 57.8a (relating to Class A wild trout streams) and 71a.8 (relating to stocking of designated waters).

(b) *Notice of Stocking Form.* A Notice of Stocking shall be made on a form prescribed by the Commission. In addition to the information required under 1 Pa. Code § 35.2 (relating to contents of applications), persons notifying the Commission of intent to stock must provide other information as may be required by the Commission to fully describe the details of the planned stocking.

(c) *Exceptions.* Exceptions from a Notice of Stocking submission will require prior written approval from the Executive Director or their designee.

(d) *Effective Date.* Beginning on January 1, 2024, the provisions of § 71a.5(a)--(c) shall be effective

58 Pa. Code § 71a.7. Introduction or transportation of VHS-susceptible species of fish.

(a) *Intrastate transportation.* It is unlawful to introduce, transport or cause the transportation of VHS-susceptible species of fish from the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth, except in accordance with § 69.3(b) and (d) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(b) *Interstate transportation.* It is unlawful to introduce, transport or cause the transportation into the waters of this Commonwealth VHS-susceptible species of fish from a VHS-affected or VHS-at risk region or VHS-affected or VHS-at risk state unless the fish meet the requirements one of the following requirements:

(1) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Department and approved by the Commission. Persons transporting these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

(2) The fish are being transported through this Commonwealth and the shipping container including a tank, trailer, holding vessel or other container remains bio-secure in transit and the fish are accompanied in transit by documentation stating

the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

(3) All of the following apply:

(i) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes

(ii) The persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish.

(iii) The fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant within this Commonwealth and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

(c) *International movement.*

(1) Except as provided in paragraph (2), it is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region

(2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

(d) *Definitions.* The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

VHS-affected or VHS-at risk region--Includes the Canadian provinces of Ontario and Quebec or other region that the Animal and Plant Inspection Services of the United States Department of Agriculture (APHIS) later designates by order, or the Commission later defines by notice in the *Pennsylvania Bulletin* as being a VHS-affected region or VHS-at risk region.

VHS-affected or VHS-at risk state--Includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order, or the Commission later defines by notice in the *Pennsylvania Bulletin* as being a VHS-affected state or VHS-at risk state.

VHS-susceptible species--Those listed as a susceptible host species by the World Organization for Animal Health's Aquatic Manual and listed on the Commission's Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions list or as the Commission defines by notice in the *Pennsylvania Bulletin*. The term:

- (1) Includes fish that are dead or alive, preserved or unpreserved, and the parts of the fish.
- (2) Does not include the eggs of these species.

58 Pa. Code § 71a.8. Stocking of designated waters.

It is unlawful to introduce, place or stock fish in waters that have been designated by the Commission as catch and release, wilderness trout or wild trout management waters except with the express written consent of the Executive Director or their designee. This section does not prohibit a person from returning fish unharmed to the waters from which they were caught or taken.

58 Pa. Code § 71a.9. Improper stocking of Commission fish.

When stocking fish reared or salvaged by the Commission or a cooperative nursery recognized by the Commission, the following acts are prohibited:

- (1) Failure to stock fish in waters designated by Commission personnel.
- (2) Diversion of fish to be stocked to waters not open or accessible to free public fishing.
- (3) Mishandling or misuse of fish being stocked in a manner so as to damage or destroy the fish.

58 Pa. Code § 71a.10. Triploid grass carp.

(a) *Policy.* As a limited exception to the prohibition of grass carp in this Commonwealth, it is the policy of the Commission to permit triploid grass carp, certified by the United States Fish and Wildlife Service (USFWS) and procured from a producer participating in the USFWS certification program, to be introduced into Commonwealth waters and imported and transported into this Commonwealth in accordance with this section.

(b) *Status.* The triploid grass carp is not a game fish.

(c) *Permit required*

(1) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that permits shall be required for possessing triploid grass carp or introducing them into Commonwealth waters and for importing or transporting triploid grass carp into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pond owner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit, for a fee of \$85. A person who wishes to import triploid grass carp into this Commonwealth shall, before doing so, obtain from the Commission a triploid grass carp importation/transportation permit, for a fee of \$85. Permits shall be applied for on forms supplied by the Commission. Live

triploid grass carp imported and intended for introduction into waters of this Commonwealth shall be in compliance with § 71a.6 (relating to fish health certificate requirements).

(2) A person aggrieved by a Commission staff action on a permit application may appeal under Chapter 51, Subchapter E (relating to permit procedures) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(d) *Dealers and importers.* In addition to the triploid grass carp permit required by subsection (c), dealers and importers shall obtain and maintain all licenses, permits and registrations required by the Department for the sale or transportation of fish.

(e) *Restrictions on introduction of triploid grass carp.*

(1) The Commission will not approve the stocking or release of triploid grass carp into a water body wholly or partially in this Commonwealth that is currently known to be inhabited by a species of animal or plant currently listed as status endangered, threatened, candidate or other special concern status, by a state or Federal agency with jurisdiction for the species, without prior written approval for the stocking or release by the agency or agencies which classified the species as endangered, threatened, candidate or of special concern.

(2) The Commission will not approve stocking or release of triploid grass carp into wetlands under Federal or state jurisdiction except in compliance with applicable Federal or state regulations including, when required, the written approval for the stocking or release by the involved agency or agencies.

(3) The Commission will not approve stocking or release of triploid grass carp into a body of water more than 5 acres in surface area until the applicant submits an environmental inspection report prepared by a biologist, fisheries scientist or environmental scientist acceptable to the Commission. The environmental inspection report shall include all of the following:

(i) A certification that the preparer has personally inspected the pond or body of water and that the stocking of triploid grass carp will have no adverse environmental impacts on the waters where stocked or waters upstream or downstream of the waters

(ii) A description of the measures taken by the applicant to prevent the escape of the grass carp into waters upstream or downstream of the stocked waters.

(iii) Additional information as the Commission may require.

(4) The Commission may require an applicant for a permit to stock triploid grass carp in a pond or body of water of 5 or less acres in surface area to submit an environmental inspection report in the format described in paragraph (3) when the staff's review of the application indicates that further inspection or review of the proposed stocking is appropriate under the circumstances.

(5) The issuance of permits under this section will be subject to the public notice and comment provisions of Chapter 51, Subchapter E.

(f) *Prohibited acts.*

(1) It is unlawful to transport, import, possess or introduce triploid grass carp in this Commonwealth unless the person possessing, transporting, importing or introducing the grass carp obtains and maintains required permits, possesses a valid bill of sale or bill of origin from a producer participating in the USFWS triploid grass carp certification program and the grass carp are certified by the USFWS to be triploid grass carp. Permits shall be displayed upon request to an officer authorized to enforce the code or this part. The certification of triploid status shall be obtained from the producer at the time of purchase.

(2) Persons, organizations or companies are prohibited from giving, trading or exchanging triploid grass carp except to persons holding valid triploid grass carp possession/introduction permits.

(g) *Revocation or suspension of permits.* Failure to abide by regulations, permits and permit conditions pertinent to triploid grass carp possession, transportation and introduction may result in suspension or revocation of the applicable permits in accordance with Chapter 51, Subchapter C (relating to suspension, denial or revocation of licenses, permits, registrations or privileges). Revocation or suspension shall be in addition to other applicable penalties provided by law or regulation.

58 Pa. Code § 71a.11. Prohibited species.

(a) It is unlawful to introduce, import, possess or transport in or through this Commonwealth, or the waters of this Commonwealth, the following species:

- (1) Snakeheads (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena rostriformis bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Freshwater tubenose goby (*Proterorhinus semilunaris*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Crayfish (all live species), except when any of the following apply:
 - (i) Possessed and used as bait on, in or about the water from which taken.
 - (ii) Possessed or imported for testing and scientific purposes or restaurant consumption, 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.
 - (iii) Dead with the head removed or salted and dried for angling purposes.

(11) Ruffe (*Gymnocephalus cernua*).

(b) *Exceptions.* Species in subsection (a)(1)--(4) may be possessed in this Commonwealth for the purposes of consumption or slaughter only. Other exceptions for species in subsection (a) shall require prior written approval from the Commission's Executive Director.

58 Pa. Code § 71a.13. Bait fish importation and use.

(a) A person may not release or dispose live bait fish into any water of this Commonwealth, except live bait fish baited on a hook for angling purposes, without prior submission of a Notice of Stocking to the Commission. A person may collect live bait fish for angling. A species of bait fish collected for use as bait may not be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species does not already exist. This subsection does not apply to the Commission, or a propagation facility licensed by the Department under 3 Pa.C.S. §§ 4201--4223 (relating to Aquaculture Development Law) for the purpose of releasing bait fish into waters of this Commonwealth as food for aquaculture or fisheries management purposes.

(b) Live bait fish imported and intended for introduction into waters of this Commonwealth shall be in compliance with § 71a.6 (relating to fish health certificate requirements).

(c) This subsection does not apply to dead bait fish (salted or frozen) sold for angling purposes outside the Lake Erie watershed. The provisions of § 71a.7 (relating to introduction or transportation of VHS-susceptible species of fish) shall be adhered to for purposes of this section.

58 Pa. Code § 79.8. Artificial propagation and dealers of live reptiles and amphibians.

(a) *General.* Except for hobby breeders and pet stores as defined in 3 Pa.C.S. Chapter 42 (relating to Aquaculture Development Law), it is unlawful to artificially propagate or deal in live reptiles and amphibians without being registered with the Department of Agriculture (Department) under 3 Pa.C.S. Chapter 42. It is unlawful for anyone, regardless of whether or not registered, to artificially propagate reptiles and amphibians except those species, subspecies and color morphs that the Commission has approved for artificial propagation in this Commonwealth in accordance with this section.

(b) *Approved lists.* The Bureau of Fisheries will maintain lists of species, subspecies and color morphs for which the Department may issue registrations for artificial propagation and registrations for dealers of live reptiles and amphibians. The Bureau of Fisheries will maintain two separate lists--one that the Commission has approved for artificial propagation in an open system and one that the Commission has approved for artificial propagation in a closed system. The Director of the Bureau of Fisheries may update or modify the lists of approved species, subspecies and color morphs by adding species, subspecies or color morphs to or deleting species, subspecies or color morphs from the lists as necessary for the protection and management of reptiles and amphibians in this Commonwealth. The Commission will provide the lists to the Department on or before January 31 each year and whenever the Commission updates or modifies the lists. Copies of the lists of approved species, subspecies and color morphs are available upon request from the Pennsylvania Fish and Boat Commission, Bureau of Fisheries, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823.

(c) *Open systems.* Reptiles and amphibians may be artificially propagated or held by dealers in an open system only when the Commission has approved the species, subspecies or color morphs for artificial propagation in an open system.

(d) *Closed systems.*

(1) Reptiles and amphibians may be artificially propagated or held by dealers in a closed system that meets the requirements of this subsection only when the Commission has approved the

species, subspecies or color morphs for artificial propagation in a closed system.

(2) To artificially propagate or deal in live reptiles and amphibians in a closed system, an applicant for registration shall certify that the following conditions are met:

(i) The closed system will be constructed and operated in a manner that prevents the escape or liberation of live animals. Typically, a closed system will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this paragraph, a wall, floor or roof will be considered "solid" if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of live reptiles or amphibians from the closed system. Other types of housing structures will be considered closed if they are appropriate for the species being held and prevent their escape or liberation onto the lands or into the waters of this Commonwealth.

(ii) If water will be used in the propagator's or dealer's normal operations, discharge or disposal of the water will be in a manner that prevents the escape or liberation of live animals onto the lands or into the waters of this Commonwealth.

(iii) No live reptiles or amphibians or live reptile or amphibian eggs will be permitted to escape. Accidental escape, spillage or loss of live reptiles or amphibians including their eggs will be contained within the facility in a manner that prevents the reptiles and amphibians or their eggs from escaping onto the lands or into the waters of this Commonwealth.

(3) The Commission may request from the Department a list of registered propagators and dealers that hold reptiles and amphibians in closed systems. The Commission, in its discretion, may inspect the closed systems to ensure that they are designed and constructed in a manner to prevent escape of live reptiles or amphibians or their live eggs onto lands or into the waters of this Commonwealth. In addition, the Commission, in its discretion, may inspect the closed systems at any time to ensure compliance with this subsection, and the Commission may issue an order to suspend operations of any of these systems when an inspection discloses that it is not in compliance with this subsection.

(4) The Commission will invite the Department's Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators and dealers to help them ensure closed systems prevent escape of reptiles and amphibians onto the lands or into the waters of this Commonwealth. These guidelines will assist registered propagators and dealers in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.

(5) It is unlawful for an operator of a closed system to liberate or allow live reptiles or amphibians to escape onto lands or into the waters of this Commonwealth.

(6) A registered operator of a closed system shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or recovering escaped or liberated live reptiles and amphibians in the event of a closed system failure.

(7) A registered operator of a closed system shall notify both the Commission's Director of the Bureau of Fisheries and the Department's Aquaculture Coordinator immediately in the event of an escape or liberation of live reptiles and amphibians.

Additional Resources:

VHS Quarantine Order 38 Pa.B. 4787 [Saturday, August 30, 2008] - [Pennsylvania Bulletin \(pacodeandbulletin.gov\)](http://pacodeandbulletin.gov)

[AIS Control Plan – VHS \(fishandboat.com\)](http://fishandboat.com)

The Department of Agriculture issues this temporary order designating Chronic Wasting Disease, Viral Hemorrhagic Septicemia, the neurologic form of Equine Rhinopneumonitis or Equine Herpes Virus, *Brucella canis*, Tilapia lake virus, *Streptococcus equi* ssp. *zooepidemicus* in swine, Rabbit Hemorrhagic Disease, and Leishmaniasis as "dangerous transmissible diseases".

These designations are made under the authority of the Domestic Animal Law (3 Pa.C.S. s.s. 2301 - 2389).

The Department hereby designates CWD, VHS, EHV-1, *Brucella canis*, Tilapia lake virus, *Streptococcus equi* ssp. *zooepidemicus* (*S. zooepidemicus*) in swine, Rabbit Hemorrhagic Disease (RHD), and Leishmaniasis as "dangerous transmissible diseases" under the Domestic Animal Law at 3 Pa.C.S. § 2321(d). This order supplants any previous temporary order making such a designation.

This order shall take effect as of January 1, 2022, and upon publication in the Pennsylvania Bulletin and shall remain in effect until no later than January 1, 2023. This Department may: (1) reissue this temporary order to extend the designation beyond January 1,

2023, (2) allow this temporary order to expire on January 1, 2023, (3) supplant this temporary order with a formal regulation; or (4) modify this temporary order.

**VHS Quarantine Order 38 Pa.B. 4787 [Saturday, August 30, 2008]
2021 PA REG TEXT 600596 (NS), 2021 PA REG TEXT 600596 (NS)
Quarantine Order; Viral Hemorrhagic Septicemia Virus**

Recitals

A. Viral hemorrhagic septicemia (VHS) is an infectious disease caused by a rhabdovirus--the viral hemorrhagic septicemia virus (VHSV)--in a variety of fish species.

B. VHS has been designated a "dangerous transmissible disease" of animals under a temporary order issued by the Department of Agriculture (Department) under 3 Pa.C.S. § 2321(d) (relating to dangerous transmissible diseases). The current temporary order making this designation was published at 37 Pa.B. 6297 (December 1, 2007).

C. The Department has broad authority under the Domestic Animal Law to regulate the keeping and handling of domestic animals to exclude, contain or eliminate dangerous transmissible diseases.

D. VHS has caused death losses to various fish species in the Great Lakes and other infected waterways. It is of particular concern to this Commonwealth's aquaculture industry, in that its presence and impact may severely limit the market for this Commonwealth-produced fish and fish products.

E. VHS virus exists within the Lake Erie and Lake Ontario Watersheds, which includes portions of Crawford, Erie and Potter Counties. It is also present in several States outside this Commonwealth, including Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin.

F. The Department registers "artificial propagators" of fish and "dealers" of fish under 3 Pa.C.S. §§ 4201--4223 (relating to Aquacultural Development Law). There are Department-registered artificial propagators and dealers within the Lake Erie and the Lake Ontario Watersheds.

G. There is no known treatment for VHS infection, no vaccine against this disease and no feasible live animal test that can detect the presence of VHSV.

J. The Domestic Animal Law allows at 3 Pa.C.S. § 2329 (relating to quarantine) for the establishment of a Quarantine Order to address the presence and potential impact of VHS. The Department established a VHS-related quarantine by order of October 13, 2007 (published at 37 Pa.B. 5534) and that order was subsequently amended by order of December 8, 2007 (published at 37 Pa.B. 6428).

L. The Department seeks to amend its VHS-related quarantine to better-coordinate with the Fish and Boat Commission and the Animal and Plant Health Inspection Service of the United States Department of Agriculture (USDA-APHIS).

Order

The Department enters a General Quarantine Order and an Interstate Quarantine Order with respect to VHS, incorporating the foregoing recitals into this order. This order is entered under authority of the Domestic Animal Law, at 3 Pa.C.S. § 2329, and establishes the following restrictions and conditions:

1. **Previous VHS-related quarantine orders.** This order supplants the previous VHS-related quarantine orders issued by the Department. These previous orders were issued October 13, 2007 (published at 37 Pa.B. 5534) and December 8, 2007 (published at 37 Pa.B. 6428).

2. **Overview.** This order establishes a General Quarantine with respect to VHS-susceptible species (defined in Paragraph 3) produced, held or transported by Department-registered artificial propagators or Department-registered dealers from those Pennsylvania Counties that are--in whole or in part--within the Lake Erie Watershed, the Lake Ontario Watershed, or any watershed designated "VHS-Affected" or "VHS At-Risk" by the Fish and Boat Commission (FBC) or USDA-APHIS. This order also establishes an Interstate Quarantine with respect to VHS-susceptible species transported from certain designated States within which VHS has been detected or is reasonably suspected to exist, or any State that is subsequently designated "VHS-Affected" or "VHS At-Risk" by FBC or USDA-APHIS.

3. **VHS-susceptible species.** For purposes of this order, the term "VHS-susceptible species" shall include live animals of the following fish species, as well as any other species designated "VHS-susceptible species" by order of the FBC or USDA-APHIS after the effective date of this order: Bluegill (*Lepomis macrochirus*), Bluntnose Minnow (*Pimephales notatus*), "Bullhead catfishes" (*Ictalurus* spp.), Brown Trout (*Salmo trutta*), Burbot (*Lota lota*), Channel Catfish (*Ictalurus punctatus*), Chinook Salmon (*Oncorhynchus tshawytscha*), Common Carp (*Cyprinus carpio*), "Crappies" (*Pomoxis* spp.), Emerald Shiner (*Notropis atherinoides*), Freshwater Drum (*Aplodinotus grunniens*), Gizzard Shad (*Dorosoma cepedianum*), Largemouth Bass (*Micropterus salmoides*), Lake Trout (*Salvelinus namaycush*), "Whitefishes" (*Coregonus* spp.), Muskellunge (*Esox masquinongy*), Northern Pike (*Esox lucius*), Pumpkinseed (*Lepomis gibbosus*), Rainbow Trout/Steelhead (*Oncorhynchus mykiss*), Rock Bass (*Ambloplites rupestris*), Round Goby (*Apollonia melanostomus*), "Redhorse Suckers" (*Moxostoma* spp.), Smallmouth Bass (*Micropterus dolomieu*), Spottail shiner (*Notropis hudsonius*), Trout-perch (*Percopsis omiscomaycus*), Walleye (*Sander vitreus*), White Bass (*Morone chrysops*), White Perch (*Morone Americana*), White Sucker (*Catostomus commersonii*) and Yellow Perch (*Perca flavescens*). The term "VHS-susceptible species" does not include dead animals, dead animal parts or the eggs of these species. The term "VHS-susceptible species" does not

include any of the previously-listed species if it is no longer designated a "VHS-susceptible species" by USDA-APHIS after the date of this order.

4. General Quarantine.

a. A General Quarantine is hereby established with respect to the following counties, which are – in whole or in part – within the Lake Erie or Lake Ontario Watersheds: Crawford, Erie and Potter Counties. This General Quarantine shall also extend to the following:

- i. A Pennsylvania county, any portion of which is located within a watershed designated "VHS-Affected" or "VHS At-Risk" by FBC through publication of notice in the Pennsylvania Bulletin.
- ii. A Pennsylvania county, any portion of which is located within a watershed designated "VHS-Affected" or "VHS At-Risk" by order of USDA-APHIS.

The Counties described in this Subparagraph are referred to as the "Quarantined Counties" throughout this order.

b. The Department-registered artificial propagator of fish species or the Department-registered dealer of fish species shall not transport VHS-susceptible species from the Quarantined Counties unless the testing and documentation requirements set forth, in Paragraph 6, are met. The following exceptions apply:

- i. VHS-susceptible species may be moved from point-to-point within the Quarantined Counties without the Department-registered artificial propagator or dealer having to comply with the referenced testing and documentation requirements, if the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the location within the Quarantined Counties to which they are to be delivered.
- ii. VHS-susceptible species may be moved from the Quarantined Counties for testing and scientific purposes without the Department-registered artificial propagator or dealer having to comply with the referenced testing and documentation requirements, if the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing.
- iii. If the Department-registered artificial propagator or dealer located within the Quarantined Counties documents to the Department that its operation is not located within the Lake Erie or Lake Ontario Watersheds, or any watershed described in Subparagraphs (a)(i) or (a)(ii), the Department may issue the propagator or dealer a written permit exempting that part of the

propagator or dealer's operation from the requirements of this General Quarantine.

iv. VHS-susceptible species may be moved from the Quarantined Counties directly to a slaughter facility, processing plant or restaurant within this Commonwealth, if accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

c. The Department-registered artificial propagator of fish species or a Department-registered dealer of fish species moving VHS-susceptible species from the Quarantined Counties shall maintain records of any lot of VHS-susceptible species for 2 years and shall, upon request, produce these records for inspection by any employee or representative of the Department. The records shall include:

i. Species, quantity and destination of fish in the lot and date of movement.

ii. Origin of fish in the lot (whether hatched onsite or brought live from another source).

iii. Date of VHS-related testing, and results of these tests.

iv. Dates of any additions of fish to the lot, including the source, species and approximate number of fish added to the lot.

d. If VHS-susceptible species are transported from or within a Quarantined County in accordance with Subparagraph (b), the following apply:

i. The VHS-susceptible species shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system outside of the Lake Erie or Lake Ontario Watersheds, or any watershed described in Subparagraphs (a)(i) and (a)(ii).

ii. Water in which VHS-susceptible species are transported shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system outside of the Lake Erie or Lake Ontario Watersheds, or any watershed described in Subparagraphs (a)(i) and (a)(ii), above.

5. Interstate Quarantine.

a. An Interstate Quarantine is hereby established with respect to the following States, which have been designated by USDA-APHIS as being either affected by VHS or as being at risk of being affected by VHS (Quarantined VHS-Affected or VHS At-Risk States): Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin. This Interstate

Quarantine shall also extend to any State that is subsequently designated a VHS-Affected or VHS At-Risk State by USDA-APHIS.

b. VHS-susceptible species shall not be transported into the Commonwealth from the Quarantined VHS-Affected or VHS At-Risk States unless the testing and documentation requirements set forth, in Paragraph 5, are met. The following exceptions apply:

i. VHS-susceptible species may be moved from Quarantined VHS-Affected or VHS At-Risk States, through this Commonwealth to another State, if the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

ii. VHS-susceptible species may be moved from the Quarantined VHS-Affected or VHS At-Risk States to facilities located within the Commonwealth for testing and scientific purposes without the transporter having to comply with the referenced testing and documentation requirements, if the VHS-susceptible species are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing.

iii. VHS-susceptible species may be moved from Quarantined VHS-Affected or VHS at-Risk States to a slaughter facility, processing plant or restaurant within the Commonwealth, if accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

c. If VHS-susceptible species are transported into this Commonwealth from the Quarantined VHS-Affected or VHS At-Risk States in accordance with Subparagraph (b), the following apply:

i. VHS-susceptible species shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system within this Commonwealth.

ii. Water in which VHS-susceptible species are transported shall not be deposited, introduced, dumped, commingled or otherwise permitted to enter the natural water system within this Commonwealth.

6. Testing and Documentation Requirements. VHS-susceptible species that are required to be tested under Paragraphs 4 or 5, shall meet the following testing and documentation requirements:

a. Within 12 months preceding movement from a Quarantined County or a Quarantined VHS-Affected or VHS At-Risk State, the VHS-susceptible species lot shall be tested in accordance with either the testing protocols described in the current edition of the Fish Health Section Bluebook adopted by the American Fisheries Society or the testing protocols of the Office of International Epizootiologies, and the lot shall be test-negative for VHS.

b. If fish are added to a lot of VHS-susceptible species after the testing described in Paragraph (a), previous, is completed, the lot shall be retested in accordance with Paragraph (a) and found VHS test-negative prior to movement.

c. Documentation of VHS status shall accompany VHS-susceptible species that are required to be tested under Paragraphs 4 or 5, at all times the VHS-susceptible species remain within the Commonwealth and shall, upon request, be produced for inspection by any employee or representative of the Department. This documentation shall include the following:

i. A completed Aquaculture Verification Certificate form. This form will be provided by the Department upon request. Requests can be made to the following:

Department of Agriculture
Bureau of Animal Health and Diagnostic Services
ATTN: Aquaculture
2301 North Cameron Street
Harrisburg, PA 17110-9408
(717) 772-2852

ii. A copy of the test results reflecting that the lot is VHS test-negative.

7. **Violations.** Any person violating the requirements of this order shall be subject to criminal prosecution and/or civil penalties of up to \$10,000 per violation.

8. **Effective Date.** This Order is immediately effective August 30, 2008, and shall remain in effect unless rescinded or modified by subsequent order.

9. **Additional Restrictions.** This Order shall not be construed as limiting the Department's authority to establish additional quarantine or testing requirements relating to VHS.

Vermont Aquaculture Provisions

Vermont Aquaculture Statutes

Vt. Stat. Ann. tit. 6, § 1154a. Testing of cultured fish and fee fishing businesses

Health testing of cultured fish may be provided to commercial fish farms and fee fishing businesses through an aquaculture inspection program conducted jointly by the Agency of Agriculture, Food and Markets and the Department of Fish and Wildlife, in accordance with any memorandum of understanding between the Agency and Department prepared for this purpose as required by 1991 Acts and Resolves No. 50, Sec. 88. Such testing shall be at no charge to the commercial fish farm or fee fishing business. The testing shall be funded jointly from the operating budgets of the Agency of Agriculture, Food and Markets and the Department of Fish and Wildlife.

Vt. Stat. Ann. tit. 10, § 4605. Placing fish in waters; fish importation permits

(a) A person shall not introduce or attempt to introduce any fish into any waters except private ponds lacking access to other waters of the State without a permit issued by the Commissioner under this section or rules adopted by the Commissioner under subsection (c) of this section.

(b) A person shall not bring into the State for the purpose of planting or introducing, or to plant or introduce, into any of the inland or outlying waters of the State any live fish or the live spawn thereof, unless, upon application in writing therefor, the person obtains from the Commissioner a permit so to do.

(c) The Commissioner may, by rule:

- (1) Require a permit to introduce or attempt to introduce specific fish species into a specific water of the State based on management purposes.
- (2) Prohibit the introduction or attempt at introduction of fish to specific waters of the State based on management purposes, ecosystem considerations, or the health and safety of Vermont's fish population.
- (3) Adopt a list of fish that if introduced into Vermont waters, have the potential to cause harm to the fish population of the State. A person shall not possess or bring into the State any fish on the list unless the person has received a permit issued pursuant to this subsection. The Commissioner may issue a permit allowing importation and possession of a fish on the list, provided the fish is to be kept in a controlled situation and used for a public purpose such as research or education.

(d) Applicants shall pay a permit fee of \$50.00. The Commissioner or duly authorized agents shall make such investigation and inspection of the fish as they may deem necessary, and then the importation permit may be granted pursuant to regulations that the Board shall prescribe. The Commissioner may waive the permit fee required under this subsection for organizations cooperating or partnering with the Department. The Commissioner or duly authorized agents shall make a determination on the permit within 10 days of receiving the application. The Department may dispose of unlawfully imported fish as it may judge best, and the State may collect damages from the violator of this subsection for all expenses incurred.

(e) Nothing in this section shall prohibit the Board, the Commissioner, or their duly authorized agents from bringing into the State for the purpose of planting, introducing, or stocking, or from planting, introducing, or stocking any fish in the State.

(f) In any permit issued under this section, the Commissioner may include conditions that ensure the health and safety of Vermont's fish population.

Vt. Stat. Ann. tit. 10, § 5207. Propagation farms

(a) The Commissioner may issue a license to propagate fish and wild animals and shall make and publish regulations governing such industry. The application for such a breeder's license shall be in writing, addressed to the Commissioner, shall be signed by the applicant, and shall describe the land or waters owned or leased by such breeder to be used for such purpose and shall contain such other facts as may be required by the Commissioner. When it appears that the application is made in good faith, the Commissioner may issue such a license, which shall continue in force for one year, upon the payment of a fee of \$50.00 for a new application and \$10.00 for a renewal of an application. Fees collected under this section shall be deposited into the Fish and Wildlife Fund.

(b) All health testing of cultured trout shall be provided to commercial trout farms through an aquaculture inspection program conducted jointly by the Agency of Agriculture, Food and Markets and the Department of Fish and Wildlife as provided by 6 V.S.A. § 1154a and part 4 of this title.

Vt. Stat. Ann. tit. 10A, § 117. Regulations governing the industry of fish propagation

Vt. Admin. Code 16-4-154:117

(1) Purpose - The purpose of this regulation is to carry out the mandate of the Vermont General Assembly to control, through a permit program, the propagation of fish, 10 V.S.A. Chapter 119, 5207 - 5209. In addition, a Memorandum of Understanding of the operation of the fish health inspection program was adopted July 21, 1992, by the commissioners of the Fish and Wildlife Department and the Department of Agriculture. The Department of Fish and Wildlife will review the Fish and Wildlife regulation governing the industry of fish propagation annually. This review will consider the recommendations of the Vermont Aquaculture Advisory Board to include testimony and data.

(2) Scope of Regulations - The provisions of this part are in addition to, and not in lieu of, any present State law or regulation pertaining to the taking of any fish in a lawful means and lawful manner. These regulations provide for the establishment of an application process, investigation process, permit issuance process and conditions under which the propagated species may be sold or purchased.

(3) Definitions -

(A) Fish - All fresh water fish and any salt water fish capable of adapting to fresh water. Also includes live fish, viable fish eggs, and viable sperm.

(B) Propagation - To cause to multiply or breed. To increase the species, or to cause to spread.

(C) Endangered Species - All fish named as threatened or endangered by the Federal Endangered Species Act (PL 93-205) and those listed as threatened or endangered pursuant to 10 V.S.A., Chapter 123.

(D) Commissioner - Commissioner of the Vermont Fish and Wildlife Department, with the exception of when the language "Commissioner of Agriculture" is used

pursuant to the established Memorandum of Understanding signed July 21, 1992, by the commissioners of the Fish and Wildlife Department and the Department of Agriculture.

(E) Department - Vermont Fish and Wildlife Department.

(F) Injurious Fish - Fish determined by the Vermont Fish and Wildlife Department or the United States Fish and Wildlife Service to be a danger to or potential danger to, Vermont's fish or wildlife.

(G) Annual Fish Health Inspection - Annual inspection (minimum once a year) for fish pathogens using inspection procedures approved by the Department, such as those provided for in the most recent addition of the "Blue Book," which is developed by the Fish Health Section of the American Fisheries Society (AFS) or the most recent addition of the "Fish Health Protection Regulations Manual of Compliance," of the Department of Fisheries and Oceans, Canada.

(H) Fish Health Inspector - Person responsible for carrying out fish health inspections based on the standards approved by the Department, such as those provided for by the Fish Health Section of the American Fisheries Society and/or the New England Salmonid Health Guidelines.

Fish health inspectors shall have access to adequate laboratory facilities and qualified personnel to assure the prompt conduct of inspections, diagnosis, and reporting.

(I) Fish Lot - A group of fish of the same species and age that originated from the same discrete spawning population during the same year, and are being raised on the same water source.

(4) Permit Requirements -

(A) A person shall not rear for sale or distribution, any species of live fish within this state without first procuring a permit from the Commissioner to do so (10 V.S.A., Chapter 119, 5207 - 5209). Persons maintaining fish in a closed rearing aquarium (no water discharge) may request exemptions (on the fish propagation application form) from the Annual Fish Health Inspection and/or the Breeders License.

(B) All individuals holding a Breeders Licence for trout and/or salmon will be required to have annual fish health inspections, conducted by a qualified fish health inspector acceptable by the Department. However, persons maintaining fish in a closed rearing unit may be exempt from the annual fish health inspection. All fish lots on the facility shall be tested for VHS (Viral Hemorrhagic Septicemia), IPN (Infectious Pancreatic Necrosis), IHN Infectious Hematopoietic Necrosis), BKD (Renibacterium salmoninarum), ERM (Yersinia ruckeri), Aeromonas salmonicida (Furunculosis), Myxobolus cerebralis (Whirling disease), and other disease agents, that may be deemed necessary by the Commissioner. Fish health inspections will be scheduled by the fish health inspector. Individuals holding a Breeders License will be responsible for providing aid to help the fish health inspector with the collection of fish during the scheduled date of the inspection.

(C) Other species will be required to be inspected for those pathogens deemed necessary by the Commissioner with the approval of the Commissioner of Agriculture.

(D) Sample sizes for each lot must be approved by the Department such as those provided for by the Fish Health Section of the (AFS) and/or the New England Salmonid Health Guidelines (mixed fish lots will be sampled according to the discretion of the Department.)

(E) If at any time fish are found to be infected with the causative agents of VHS (Viral Hemorrhagic Septicemia), IHN (Infectious Hematopoietic Necrosis), Whirling Disease (*Myxobolus cerebralis*) and/or other diseases as determined by the Commissioner to be a serious threat to the fishery resources of the State of Vermont, the Commissioner shall have the authority to impose an immediate prohibition on moving any fish. During the prohibition a compliance agreement stating the appropriate procedures for the disposal of fish and the disinfection of the facility shall be determined by the Department's appropriate representative and in consultation with the owner/operator in cooperation with a non-affiliated fish health specialist. Other diseases as determined by the Commissioner, with the approval of the Commissioner of Agriculture, to be a serious threat to the fisheries resources of the State of Vermont may also result in this action. The action shall be designed to bring the least amount of economic hardship to the affected party, while affording maximum protection to other operators, growers, and the fishery resources of the State of Vermont.

(5)

(A) Application

(1) The applicant for a Breeders License shall apply on a form supplied by the Department and include appropriate fee. Such forms must be complete in all respects and shall contain the following information:

(a) License number

(b) A description of the land or water to be utilized for propagation.

(c) Information on whether the applicant is the owner or lessee of such lands or waters. If the applicant is not the owner, list the owner's name and address.

(d) A map of the property and waters indicating any ingress and egress to his/her waters by public waters.

(e) A map of existing and/or proposed fish rearing units, including water sources. Unit type, volume, and available water supply (gallons per minute) should be included.

(f) Reason for propagating species: food fish or live sale (percent of each).

(g) The complete name, common and scientific, of each fish species will be listed on the application.

(h) A copy of the latest annual fish health inspection report and the fish health inspection reports of fish lots introduced to the station in the past year must be included. (See Page 2, B through E.)

(i) The applicant shall sign the application.

(j) A report shall be sent to the Department 30 days prior to the anniversary date of initial issuance. The report shall have an annual accounting (since submission of previous application) of all fish

lots and/or eggs purchased or obtained, from who purchased or obtained, number, kind, and size of fish and/or eggs. The applicant shall sign the report. (Failure to comply will disqualify the permittee for issuance of a subsequent permit.)

(2) Upon receipt of the application the Department shall, within 30 working days, investigate and determine if the information on the application is correct and approve or deny the application.

(B) Issuance of Permit

(1) Breeders Licenses will not be issued for: Endangered Species or Injurious Fish.

(2) If the permit application is denied, the applicant may appeal to the Commissioner for a hearing pursuant to Title 3, Chapter 25.

(3) Conditional permits may be issued, based on specifications and requirements set forth by the Department.

(4) All Breeders Licenses shall expire on the anniversary date of initial issuance. Subsequent applications for a propagation permit will, if approved, receive the same breeders permit number assigned in the past.

(6) Marking - Invoices - All persons licensed to propagate fish pursuant to this part shall provide an invoice and/or mark any box, carton, barrel, can, or other type container or wrapper containing any propagated fish with the following information:

(a) Name and address of propagator, supplier, or producer

(b) License number

(c) Species

(d) Number and/or total weight

Vt. Stat. Ann. tit. 10A, § 121. Rule establishing a list for prohibited, restricted and unrestricted fish species

1.0 Authority.

1.1 This rule is adopted pursuant to 10 V.S.A § 4081(a) which provides that the protection, propagation, control, management, and conservation of fish, wildlife, and furbearing animals in this State is in the interest of the public welfare and that the safeguarding of these valuable resources for the people of the State requires a constant and continual vigilance.

1.2 10 V.S.A. § 4605(c)(3) provides that the Commissioner may, by rule, adopt a list of fish which, if introduced into Vermont waters, have the potential to cause harm to the fish population of the State.

2.0 Purpose.

2.1 It is the purpose of this regulation to carry out the mandate of the Vermont General Assembly to control through a permit program the importation and possession of fish species as provided in 10 V.S.A. § 4605(c)(3) to guard the health of Vermont's fish populations by preventing the introduction of fish species that could have the potential to cause harm to fish populations of the State.

3.0 Definitions.

3.1 “Fish” means all live fresh- and salt-water fish species including viable fish ovum and viable fish semen.

3.2 “Transgenic Fish” means any fish that possesses a novel combination of genetic material obtained through the use of modern biotechnology. This definition does not include diploid, triploid, or hybrid-crossed fish.

3.3 “Department” means Vermont Fish and Wildlife Department.

3.4 “Commissioner” means Fish and Wildlife Department Commissioner.

3.5 “Person” means an individual, association, corporation, partnership, or municipality, or other entity.

3.6 “State” means State of Vermont.

4.0 Importation and Possession of Live Fish.

4.1 This rule establishes a list by which the importation and possession of fish shall be regulated.

4.1.1 Prohibited Fish Species Section: Fish species for which importation into or possession within Vermont shall be prohibited except through a Commissioner’s Prohibited Fish Species Permit. This section of the list primarily includes species not native to the State that are known to pose a threat to Vermont’s fish populations and/or aquatic ecosystems.

4.1.2 Restricted Fish Species Section: This section of the list primarily includes native and certain naturalized fish species which although they may not require a Commissioner’s Prohibited Fish Species Permit as set out in 4.1.1 above, may be regulated through other department permits including but not limited to 10 V.S.A. § 4605(b) Importation of Fish; 10 V.S.A. § 5403, Protection of Endangered and Threatened Species; and 10 V.S.A. App. § 122, Fish Regulations.

4.1.3 Unrestricted Fish Species Section: This section of the list primarily includes species commonly imported into the State for the pet or aquarium trade and are currently considered to pose minimal or no risk to Vermont fish populations. A Commissioner’s Prohibited Fish Species Permit is not required to import or possess these species. Additionally, any species not on the Unrestricted, Restricted and Prohibited lists and which natural global distribution range occurs entirely within the bounds of the 30° north latitude and the 30° south latitude may be imported or possessed in Vermont without prior review and approval of the Commissioner. Notwithstanding the foregoing, an importation permit is required for any fish brought into the State which are intended to be introduced into waters of the State as per 10 V.S.A. § 4605(b), and no fish shall be introduced into any waters except private ponds lacking access to other waters of the State as per 10 V.S.A. § 4605(a).

4.2 All fish species not included in the sections of the list covered by 4.1.2 (Restricted Fish Species Section) and 4.1.3 (Unrestricted Fish Species Section) shall also be considered to be Prohibited Fish Species.

4.3 The importation and/or possession of transgenic fishes shall be prohibited unless explicitly included in the Unrestricted Fish Species section.

5.0 Review, Revision & Maintenance of List.

5.1 The Commissioner may review and revise the species contained within the list. The public may submit any species of fish for consideration of inclusion in this list by submitting a written request with relevant documentation.

5.2 The Department shall maintain an up-to-date list of prohibited, restricted, and unrestricted fish species and shall make this list available on the Department's website, from the Department's headquarters and from the Department's district offices.

6.0 Permits.

6.1 Prohibited Fish Species Permits. The Commissioner may issue a Commissioner's Prohibited Fish Species Permit allowing importation and possession of a fish on the Prohibited Fish Species section of the list.

6.1.1 In issuing a permit, the Commissioner shall consider:

- (a) How the fish are being kept in a controlled environment including but not limited to artificial tanks without inflow or outflow, and; without connection to waters of the State;
- (b) Whether the purpose is for research;
- (c) Whether the purpose is for education;
- (d) Whether it is for public purpose;
- (e) Whether there are available alternatives;
- (f) The health of native or naturalized fish species.

6.1.2 A permit issued under this subsection shall include conditions that ensure the health and safety of Vermont's fish population.

6.2 Restricted Fish Species Permits. Fish in the Restricted Fish Species section do not require a Commissioner's Prohibited Fish Species Permit. However, as noted in paragraph 4.1.2 above, other Department permits may be required to import and/or possess fish listed in the Restricted Fish Species section.

7.0 Permit Applications.

7.1 Applications for Commissioner's Prohibited Fish Species Permits shall be complete and submitted to the Department on an application form to be provided by the Department. For an application to be considered complete, it shall be legible, shall contain all information requested by the Department, shall contain no false statements, shall bear the applicant's official signature and shall be accompanied by the required application fee.

7.2 With regard to all fish, the applicant shall present to the Department, as a requirement of the permit, written fish health inspection reports as the Department may specify, and invoices clearly indicating the source of the fish to be imported. Fish health inspection reports shall be made by a qualified fish health inspector acceptable to the Department.

8.0 Inspections.

8.1 Persons holding a Commissioner's Prohibited Fish Species Permit shall allow inspection at reasonable times of their premises, facilities, records, and fish by the Commissioner or the Commissioner's designee(s).

8.2 The issued permit shall be available for inspection by the Commissioner or the Commissioner's designee(s).

9.0 Quarantine, Destruction or Sterilization Where Disease and/or Harmful Species are Present.

9.1 The Department may require a period of quarantine and treatment, the destruction of fish, and/or order remedial action if necessary, if a harmful fish species and/or fish pathogen is confirmed. This shall occur at the expense of the owner.

10 App. V.S.A. § 139 Seasons, Waters, and Limits

16-4 Vt. Code R. § 153

4. It is unlawful for any person to bring into the state any fish that will be introduced into any of the inland or outlying waters of the state unless upon application in writing and receipt of a fish importation permit from the commissioner.

4.2 No person shall import fish unless the fish come from a fish hatchery approved by the commissioner. Fish disease inspection shall be made by inspection of the fish at the hatchery source by an inspector acceptable to the department. Inspection procedures, methods of diagnosis, and inspection frequency will be specified by the department.

4.3 Notwithstanding the provisions of paragraph 4.2, the commissioner may, subject to conditions designed to protect the fish and wildlife in the state, permit the importation of live wild caught fish species from waters identified in a list maintained by the department.

4.4 No fish that are considered endangered or threatened by the department shall be permitted into the state unless the department determines that the intent of such importation is for scientific purposes or for purposes of re-establishment of fish populations.

4.5 The importation and possession of dead fish is exempt from this regulation provided they are disposed of to guard against the introduction of fish diseases to state waters. Acceptable disposal methods include: 1) placement of all fish waste products in an approved state landfill; or 2) incineration of all fish waste products; or 3) burial of fish on private land only, no less than one hundred feet from a public water.

4.6 Dead fish imported and possessed as bait must be processed through approved methods which eliminate all fish pathogens. These approved methods will be identified in a list maintained by the department.

Wisconsin Aquaculture Provisions

Wisconsin Statutes

Wis. Stat. Ann. § 29.701 - Propagation of fish; protected wild animals

(4) DESTRUCTION OF FISH EGGS OR FISH.

- (a) The department may seize or destroy, or both, any fish, or any fish eggs, found to be infected with any disease organisms as are designated by the department.
- (b) Paragraph (a) does not authorize the department of natural resources to remove fish or fish eggs from a self-contained fish rearing facility or from a preexisting fish rearing facility that is an artificial body of water unless the department of agriculture, trade and consumer protection has requested that the department of natural resources remove the fish or fish eggs to address a problem affecting fish health.

Wis. Stat. Ann. § 29.707 - Propagation of fish; department rule

(2) The department and the department of agriculture, trade and consumer protection shall review the departments' rules relating to viral hemorrhagic septicemia, and shall promulgate new rules as the departments determine are necessary.

Wis. Stat. Ann. § 29.733. Natural waters used in fish farms

(1d) In this section:

- (a) "Artificial water body" has the meaning given in s. 30.19(1b)(a).
- (b) "Natural body of water" means a spring, stream, pond, lake, or wetland that was historically present in a natural state but may have been physically altered over time.

(1h) No person may use a natural body of water as a fish farm or as part of a fish farm unless all of the following apply:

- (a) The land that is riparian to the body of water is owned, leased or controlled by the owners of the fish farm.
- (b) None of the owners of the fish farm or of the riparian land provides access to the body of water to the public by means of an easement or other right-of-way or by means of a business open to the public, except that the owners of the fish farm may allow fishing by the public for a fee.
- (c) The body of water is one of the following:
 - 1. A freeze-out pond.
 - 2. A preexisting fish rearing facility.
 - 3. A body of water for which the department has issued a permit under s. 30.19, 30.195, or 31.04.
 - 4. An artificial water body that is used as a fish farm that is registered with the department of agriculture, trade and consumer protection on June 25, 2017, or as part of a fish farm that is registered with the department of agriculture, trade and consumer protection on June 25, 2017, regardless of its water source, including an artificial water body that is fed by a spring.
- (d) If the department has not issued a permit for the body of water under s. 30.19, 30.195, or 31.04, a permit for the body of water has been issued under sub. (2).

(1m) The department shall post notice of every application submitted to the department under this section on the department's Internet website.

(2)

(a) The department, subject to s. 29.024(2g) and (2r), shall issue a permit under this subsection for a natural body of water specified under sub.

(1h)(c)1. if the department determines that no substantial public interest exists in the body of water and that no public or private rights in the body of water will be damaged.

(b) Notwithstanding par. (a), for a freeze-out pond that is licensed as a private fish hatchery, or as part of a private fish hatchery, under s. 29.52, 1995 stats., on January 1, 1998, or for a natural body of water as described under sub. (1h)(c)2., the department shall issue an initial permit without making the determination under par. (a).

(c) Subject to s. 29.024(2g) and (2r), a permit issued under this subsection does not expire unless the department determines that there has been a substantial change in circumstances that is related to a determination made under par. (a) for the natural body of water or that is related to the application of the criteria promulgated under par. (f) to the body of water.

(d) If the department denies a permit under par. (a), (b) or (c), the department shall issue written findings supporting the reason for the denial that are based on the criteria promulgated under par. (f).

(e) The department may suspend a permit for a body of water specified in sub. (1h)(c)2. for 90 days if the department finds that the permit holder has failed to adequately maintain the fish barriers and may revoke the permit if the department determines that the failure to adequately maintain the barriers has not been corrected within the 90-day period.

(f) The department shall promulgate rules to establish the fees, criteria and procedures to be used in issuing permits under this subsection. The rules may not require the department, before issuing a permit under this subsection, to hold a hearing or to provide notice to any person, other than the applicant, that the department will proceed on an application for a permit without a hearing.

(3) This section does not apply to any of the following:

(a) A person who places a net pen in a natural body of water for the purpose of holding or rearing fish in accordance with a general permit issued under s. 30.12(3)(b).

(b) A person who holds a permit under sub. (2) and who takes no action in the natural body of water other than maintaining the fish farm facility, including maintaining ponds, raceways, ditches, canals, berms, swales, drains, pipes, and other structures, drainage areas, and flowage controls within the facility.

Wis. Stat. Ann. § 29.735 - Importation of fish

(1) No person may bring into this state any fish, or fish eggs, of a species that is not native to this state for the purpose of introduction into the waters of the state, as defined in s.

281.01(18), of use as bait or of rearing in a fish farm without having a permit issued by the department.

(2) A person applying for a permit under this section shall submit a written application to the department.

(3) Subsections (1) and (2) do not apply to the importation of fish by the department.

(4) For the purpose of issuing permits under this section, the department may not require that any testing, inspection or investigation be performed concerning the health of the fish.

Wis. Stat. Ann. § 29.739 - Grants for walleye production.

(1) The department shall establish a grant program to award grants on a competitive basis to cities, villages, towns, and counties; to federally recognized Indian tribes or bands located in this state; and to fish farms.

(2) Grants awarded under this section shall be used for the purpose of increasing the grantee's capacity to raise walleye for stocking in the waters of the state. The grants may be used to build, improve, or repair any of the following:

(a) Buildings and structures used as fish hatcheries or for fish rearing.

(b) Fish rearing ponds.

(c) Wells or water recirculation systems.

(d) Biosecurity systems to ensure fish health.

(e) Holding facilities and equipment used for fish brood stock.

(f) Equipment used for the distribution of fish or for the collection of fish spawn.

(3) For a fish farm to be eligible for a grant under this section, the fish farm shall meet all of the following requirements:

(a) The fish farm is registered with the department of agriculture, trade and consumer protection under s. 95.60.

(b) The fish farm is in compliance with all applicable state and federal environmental laws and all applicable state and federal laws related to fish health.

(4) A contract awarding a grant under this section shall state the number of fingerlings that will be reared as a result of the increased capacity and the purchase price the grantee shall charge for the fingerlings when the construction, improvement, or repair is completed.

(5) The department shall promulgate rules to implement the program to be established under this section.

Wis. Stat § 95.60. Importing Fish Farms

(1) In this section, "waters of the state" has the meaning given in s. 281.01 (18).

(2)

(a) Except as provided in sub. (9) and par. (e), no person may bring any fish or fish eggs into this state for the purpose of introduction into the waters of the state, of use as bait or of rearing in a fish farm without an annual permit issued by the department.

(b) No person may bring any fish or fish eggs of the family salmonidae into this state for the purpose of introduction into the waters of the state unless the fish are certified, as provided in the rules promulgated under sub. (4s) (d), to be free of the diseases specified under sub. (4s) (d).

(c) The department may require a person who is subject to par. (a) or (b) to notify the department before bringing fish or fish eggs into this state.

(e) A person bringing fish or fish eggs from a fish farm in another state to a fish farm in this state is not required to have a permit under par. (a) if the person has a fish health certificate that covers the fish or fish eggs and that complies with the requirements for fish health certificates specified by the department by rule.

(3) The department may promulgate rules, applicable to persons who operate fish farms, that require any evidence of fish health that the department determines is necessary.

(3m) A person who operates a fish farm shall annually register the fish farm with the department. The person registering the fish farm shall provide any evidence of fish health required under sub. (3) and shall identify the activities that will be engaged in, the species of fish that will be used, and the facilities that will be used on the fish farm.

(4)

(a) The department may inspect a fish farm upon initial registration under sub. (3m) and at any other time.

(b) The department may inspect fish and fish eggs subject to subs. (2) and (3) and the rules under sub. (4s) (b) to ensure the health of the fish and fish eggs. The inspection may include removal of reasonable samples of the fish and fish eggs for biological examination.

(c) Except as provided in par. (d), a person who operates a fish farm shall keep records on purchases, sales and production of fish and fish eggs and any other records required by the department by rule. The department may inspect these records upon request.

(d) A person who operates a fish farm is not required to keep records on the sale of fish to an individual for the individual's personal use. A person who buys fish under this paragraph may not introduce the fish into a public water body.

(4m) The department shall maintain a registry of fish farms.

(4s) The department shall do all of the following:

(a) In consultation with the department of natural resources, promulgate rules specifying requirements for the labeling and identification, in commerce, of fish reared in fish farms.

(b) In consultation with the department of natural resources, promulgate rules specifying fish health standards and requirements for certifying that fish meet those standards for the purpose of s. 29.736.

(c) Promulgate rules specifying the qualifications that a person who is not a veterinarian must satisfy in order to provide evidence of fish health.

(d) In consultation with the department of natural resources, promulgate rules specifying diseases and requirements for certifying that fish are free of those diseases for the purposes of sub. (2) (b).

(e) Promulgate rules establishing the period for which a record required under sub. (4) (c) must be retained.

(5) The department shall, by rule, specify the fees for permits, certificates, registration and inspections under this section, including any reinspection fees required under sub. (5m). The department may not require an individual who is eligible for the veterans fee waiver program under s. 45.44 to pay a fee for a permit under sub. (2) (a) or a registration under sub. (3m).

(5m)

- (a) If the department reinspects a fish farm because the department has found a violation of this chapter or rules promulgated under this chapter, the department shall charge the fish farm operator the reinspection fee specified under par. (b).
- (b) The department shall specify the reinspection fee to be charged under par. (a) by rule. The reinspection fee may not exceed the reasonable costs to reinspect the fish farm. The department may specify different reinspection fees for different fish farms.
- (c) A reinspection fee under this subsection is payable when the reinspection is completed, and is due upon written demand from the department. The department may issue a demand for payment when it issues a registration renewal application form to the fish farm operator.

(6) No person, except the department of natural resources, may rear lake sturgeon in a fish farm.

(7) Any information kept by the department that identifies the type or number of fish or fish eggs bought, raised or sold by a privately owned fish farm or the supplier or purchaser of those fish or fish eggs is not subject to inspection or copying under s. 19.35 (1) except as the department determines is necessary to protect fish health or prevent the spread of disease.

(8) The department may provide training to veterinarians and other persons who issue fish health certificates for the purposes of this section. The department may charge fees to recover the cost of providing the training.

(9)

(a) Subsections (2) and (3m) do not apply to a person who places a net pen in a Great Lakes water body or a tributary of a Great Lakes water body under the authority of a general permit issued under s. 30.206 for the purpose described in s. 30.12 (3) (b).

(b) After the date on which fish are placed in a net pen under the authority of a general permit issued under s. 30.206 for the purpose described in s. 30.12 (3) (b), the department's authority to regulate fish farms under this section does not apply to the fish that are held in that net pen.

Wisconsin Regulations

Wis. Admin. Code ATCP § 10.60, Definitions

In this subchapter:

(1) “Contiguous parcels” means land parcels that are adjacent or that share a common boundary. “Contiguous parcels” includes parcels that are separated only by a river, stream, section line, public road, private road, or railroad or utility right of way.

(1m) “Fish farm” means a facility or group of facilities, all located on a single parcel of land or on 2 or more contiguous parcels, at which a person hatches fish eggs, rears live fish, or holds live fish for the purpose of introduction into the waters of the state, human or animal consumption, fishing, use as bait or fertilizer, or for sale to another person to rear for one of those purposes.

(2) “Food processing plant” means a facility that is required to be licensed under s. 97.29, Stats.

(2m) “Listed species” means the species of fish listed on the shipment documents or listed on the fish farm registration application as hatched or kept at the fish farm. “Listed

species” does not include species that the department determines are incidentally included in the shipment or located on the fish farm.

Note: Although this exempts the incidental fish in a shipment from fish health certificate and department import permit requirements, it does not exempt a fish importer from the prohibitions or restrictions on fish imports in ch. NR 40.

(3) “Operator” means a person who owns or controls a fish farm. “Operator” includes the operator’s employees and agents.

(4) “Ornamental fish” means goldfish, koi, tropical freshwater fish that cannot survive in temperatures below 38°F, saltwater fish, and other fish that the department designates in writing.

(5) “Qualified fish health inspector” means an individual who qualifies under s. ATCP 10.67 (1).

(6) “Qualified laboratory” means a laboratory that qualifies under s. ATCP 10.67 (2).

(7) “Retail food establishment” means a facility that is required to be licensed under s. 97.30, Stats.

(8) “Restaurant” means a facility that is required to be licensed under s. 97.605, Stats.

(9) “Salmonid” means fish or fish eggs of the family that includes trout, salmon, grayling, char, Dolly Vardon, whitefish, cisco, and inconnu.

(10) “Untreated water” means water that has not been rendered free of pathogens.

(10m) “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems, and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction. For this subchapter “waters of the state” do not include those waters registered as a fish farm under s. ATCP 10.61.

Note: See s. 281.01 (18), Stats.

(11) “Wild source” means waters within or without this state that meet both of the following:

(a) The waters are not determined to be fish farms under the laws of the state of location.

(b) The waters are not exempt from any requirements of the state of location to be licensed or registered as a fish farm. Waters that are exempt from licensing or registration in the state of location are not “wild sources.”

Note: The Wisconsin department of natural resources is considered a “person” for purposes of this subchapter. See s. ATCP 10.01 (77).

Wis. Admin. Code ATCP § 10.61, Fish Farms

(1) REGISTRATION CERTIFICATE REQUIRED. Except as provided in sub. (2), no person may operate a fish farm for any of the following purposes without a current annual registration certificate from the department that identifies that fish farm:

(a) Hatching fish eggs or holding or rearing live fish for any of the following purposes:

1. Sale or distribution.
2. Introduction into the waters of the state.
3. Fishing.
4. Use as bait or fertilizer.
5. Use as human food or animal feed.

6. Education, demonstration or research.

(b) Holding live fish or fish eggs owned by another person.

Note: A Wisconsin department of natural resources (DNR) fish stocking permit is needed to stock fish into the waters of the state. However, a DNR fish stocking permit is not needed to stock fish into a fish farm registered under sub. (1). See s. 29.736, Stats.

A DNR sport fishing license is not required to fish at a registered fish farm. Persons fishing at a registered fish farm do not need to comply with season, size, or bag limits. See s. 29.001 (27), Stats.

Toxicants required for fish farming operations may be used in self--contained fish rearing facilities (as defined in s. 29.001 (76), Stats.) if there is no discharge from the facility, or if the discharge of the chemical is allowed under a Wisconsin pollutant discharge elimination system (WPDES) permit. A DNR aquatic pesticide use permit is required in other cases. See ss. 29.601 (5) (b) and 283.31, Stats.

Pesticide applications must comply with ch. ATCP 29, administered by the department of agriculture, trade and consumer protection. Pesticide applications may also be subject to other federal, state, and local regulations.

(2) EXEMPTIONS. A person may do any of the following without a registration certificate under sub. (1):

(a) Hold, rear, sell, or distribute live ornamental fish, or hatch the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non-ornamental fish or fish eggs or are reared for bait, human food, or animal feed.

(b) Hold or rear live fish, or hatch fish eggs, in a fully enclosed building solely for purposes of education, display, or research where the fish spend the remainder of their lives within that building, provided that all of the following apply:

1. The live fish and eggs are not commingled with fish or fish eggs that will be used for any other purposes.
2. The facility does not discharge to waters of the state any untreated water used to hold those fish or fish eggs.
3. All of the dead fish and offal from the building are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Exhibit live fish in a public forum for not more than 15 days in a calendar year, or for a longer period of time that the department authorizes in writing for a specific exhibit.

(d) Hold live fish or fish eggs for not more than 30 days at a food processing plant, retail food establishment, or restaurant pending slaughter or sale to consumers at that facility, provided that all of the following apply:

1. The live fish and fish eggs are not commingled with fish or fish eggs that will be used for other purposes.
2. The facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs.
3. All of the dead fish and offal from the buildings are disposed of by means of rendering, composting, municipal solid waste disposal, or other means approved by the department.

(e) Transport live fish or fish eggs to or from a fish farm.

(f) Operate as a bait dealer licensed under s. 29.509, Stats., provided that the person does not hatch fish eggs or rear fish for any purpose other than for retail sale as bait.

(g) Hold live fish at a temporary public fishing event if all of the following requirements are met:

1. No fish leave the event alive, except to return to the registered fish farm of origin or directly to slaughter.
2. Fish are not commingled with fish from another source.
3. Fish are held in a self--contained enclosure.
4. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.
5. The event lasts no more than 15 days.

(h) Hold or rear live fish solely for the purpose of sale as pet fish for personal home aquaria, provided that the facility does not discharge to waters of the state any untreated water used to hold or process those fish or fish eggs and the fish are not commingled with fish or fish eggs that will be used for other purposes.

Note: The Wisconsin department of natural resources wild harvest laws under s. 29.509, Stats., and s. NR 19.057, may apply.

(i) Temporarily hold live fish in a Wisconsin department of natural resources fish egg collection station located in waters of the state, solely for the purpose of collecting eggs, if all of the following requirements are met:

1. Fish in the fish egg collection station are obtained from the waters in which the egg collection station is located.
2. Fish are not retained at the egg collection station after egg collection. The fish are returned to the waters from which they were obtained.
3. The fish eggs collected are not hatched at the egg collection station, but are taken to a registered fish farm for hatching.

Note: Records of movement under s. ATCP 10.655 (2), must be kept to return the fish or fish eggs to the same waters of the state from which they were collected.

(3) REGISTRATION TYPE.

(a) A fish farm registration certificate under sub. (1) shall specify whether the fish farm is registered as a type 1, type 2, or type 3 fish farm. Except as provided in par. (g), the registration type may vary from year to year.

(b) Except as provided in par. (d), a fish farm operator may not sell or distribute live fish or fish eggs from that fish farm unless the fish farm is registered as a type 2 or type 3 fish farm.

(c) Except as provided in par. (d), the operator of a fish farm that receives any fish or fish eggs obtained from a wild source of a species that the federal bureau has found to be susceptible to viral hemorrhagic septicemia may not sell or distribute any live fish or fish eggs from that fish farm unless the fish farm is registered as a type 3 fish farm.

(d) The operator of a registered fish farm may do any of the following, regardless of whether that fish farm is registered as a type 1, type 2, or type 3 fish farm:

1. Allow public fishing at the fish farm, including public fishing for a fee.

2. Ship live fish or fish eggs from the fish farm to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

- a. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.
- b. Commingle the fish or fish eggs with fish or fish eggs that may be used for any other purpose.
- c. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment, or restaurant at which the entity first receives them.
- d. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.
- e. Dispose of any dead fish, dead fish eggs, or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

3. Ship live fish or fish eggs to a specific location for direct sale to consumers as food provided that all of the following requirements are met:

- a. Records are kept in compliance with sub. (10).
- b. No fish leave the event alive, except to return to the farm of origin or directly to slaughter.
- c. Fish are held in a self--contained enclosure.
- d. Fish are not commingled with fish from any other source.
- e. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

Note: A fish farm registration holder may change the registration type during a registration year only pursuant to the process in sub. (6m).

(g) A fish farm operator may not register, as a type 1 or type 2 fish farm, a fish farm that was previously registered as a type 3 fish farm unless one of the following conditions is met:

1. The fish farm operator first removes all fish and fish eggs from the fish farm and disinfects the fish farm.
2. A qualified fish health inspector issues a fish health certificate under s. ATCP 10.65 that covers all of the fish and fish eggs on the fish farm. The fish health certificate shall further certify that all fish or fish eggs received onto the fish farm from a wild source in the immediately preceding 12 months were accompanied by a fish health certificate that included all of the certifications required under s. ATCP 10.65 (4) (b).

(4) ANNUAL EXPIRATION DATE. An annual fish farm registration certificate under sub. (1) expires on March 31 of each year.

(5m) REGISTERING 2 OR MORE FISH FARMS AT A SINGLE LOCATION.

(a) A person may obtain separate registration certificates for 2 or more fish farms located on the same or contiguous land parcels. The fish farms shall be medically separated if at least one of the fish farms is a type 3 fish farm. Fish farms are considered to be medically separated if all of the following apply:

1. Fish and fish eggs in each fish farm are effectively separated from fish and fish eggs in every other fish farm.
2. Bio--security procedures, including procedures to prevent the commingling of fish, fish eggs, or water that may bear disease organisms, effectively prevent disease transmission between the fish farms.
3. The department finds that the fish farms comply with subds. 1. and 2., based on an inspection under par. (c).

(b) Each registered fish farm under par. (a) is considered a separate fish farm for purposes of disease control and movement. Except as provided under s. ATCP 10.64 (3) (a), fish and fish eggs, from species the department has identified as being susceptible to viral hemorrhagic septicemia (VHS), that are moved from a type 3 fish farm to any location in the state shall be accompanied by a valid health certificate under s. ATCP 10.65. The fish farm operator shall keep a record, under sub. (10) (a), related to each movement of fish or fish eggs between any of the registered fish farms.

(c) Before the department issues separate registration certificates under par. (a) for fish farms located on the same land parcel or contiguous land parcels that include at least one type 3 fish farm, the department shall inspect the fish farms for compliance with par. (b). The fish farm operator shall pay a nonrefundable fee specified under s. ATCP 10.025. A single fee covers all of the inspected fish farms.

Wis. Admin. Code ATCP § 10.62, Fish imports

(1) IMPORT PERMIT REQUIRED.

(a) Except as provided in sub. (2), no person may import live fish or fish eggs into this state for any of the following purposes without a written import permit from the department that covers all of the imported fish or fish eggs:

1. Introducing the fish or fish eggs into waters of the state.
2. Using the fish or fish eggs as bait.
3. Holding or rearing the fish, or hatching the fish eggs, at a fish farm for which a registration certificate is required under s. ATCP 10.61 (1) if the imported fish or fish eggs are harvested from the wild.
4. Selling or distributing the fish or fish eggs for any of the purposes listed under subds. 1. or 2.

(b) An import permit under par. (a) expires on the next October 31, unless the department specifies an earlier expiration date in the permit. A permit is not transferable between importers. A permit does not authorize any of the following:

1. An import shipment that violates the terms of the permit.
2. An import shipment that is not covered by a valid health certificate under s. ATCP 10.65.

(c) An import permit under par. (a) shall include all of the information required under sub. (3).

(d) A complete copy of the import permit, and one or more valid health certificates under s. ATCP 10.65 that cover all of the listed species of fish or fish eggs imported in the shipment, shall accompany every import shipment under par.

(a). A health certificate does not cover an import shipment that occurs after the health certificate expires.

(e) A single import permit under par. (a) may authorize imports from multiple sources.

Note: If a single import permit covers 2 or more import shipments, a copy of the permit must accompany each shipment. If a person wishes to import from additional sources not listed on the import permit, the person must apply for additional import permits. A person importing any of the following must also obtain an import permit from the Wisconsin department of natural resources (DNR):

1. Live fish or fish eggs of species not native to Wisconsin. See s. 29.735 (1), Stats.
2. Live rough fish or rough fish eggs, except goldfish, dace, and suckers. See s. 29.407 (4), Stats.

An application for an import permit under this section also serves as an application for a DNR import permit. The department will forward the permit application to DNR if DNR permit requirements apply.

Under s. 29.736, Stats., no person may use imported fish or fish eggs to stock waters of the state without a stocking permit from DNR (unless the stocking is subject to an exemption under s. 29.736, Stats.). An import permit application under this section does not serve as an application for a DNR stocking permit.

(2) EXEMPTIONS. No permit is required under sub. (1) to import any of the following:

(a) Live ornamental fish or the eggs of ornamental fish, unless the ornamental fish or fish eggs are commingled with non--ornamental fish or fish eggs, or are reared for bait, human food, or animal feed.

(b) Live fish or fish eggs that will be held for the remainder of their lives in fully enclosed buildings solely for purposes of display, education, or research, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.
2. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.
3. All of the dead fish and offal from the buildings are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Live fish or fish eggs imported directly to a food processing plant, retail food establishment, or restaurant, where they will be held for not more than 30 days pending slaughter or sale to consumers at that facility, provided that all of the following apply:

1. The fish or fish eggs are not commingled with fish or fish eggs that are held or used for other purposes.
2. The receiving facility does not discharge to waters of the state any untreated water used to hold or process the fish or fish eggs.

3. All of the dead fish and offal from the receiving facility are disposed of by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(d) Live fish or fish eggs that are directly imported by the Wisconsin department of natural resources from a fish farm in another state to a fish farm in Wisconsin.

(e) Live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the department, imported directly for personal use as bait, in amounts not exceeding 600 fish or fish eggs per shipment, and in compliance with s. NR 20.08.

Note: Species that the department has found to be susceptible to viral hemorrhagic septicemia are listed at:

<https://datcp.wi.gov/Pages/Homepage.aspx>.

(f) Live fish or fish eggs imported to a Wisconsin fish farm from an out of state fish farm if the shipment is accompanied by one or more valid fish health certificates under s. ATCP 10.65 covering all of the listed species of fish or fish eggs in the shipment. A fish health certificate does not cover an import shipment that occurs after the fish health certificate expires.

(3) **IMPORT PERMIT; CONTENTS.** An import permit under sub. (1) shall include all of the following:

(a) The name, address, and telephone number of the importer to whom the permit is issued.

Note: The importer may or may not be the import recipient, or the operator of the import source. The importer is the person who owns the imported fish or fish eggs when the import shipment enters this state.

(b) Identification of the fish farm or wild source from which the importer may import live fish or fish eggs under the permit. Identification of a fish farm source shall include all of the following:

1. The name and address of the fish farm operator.
2. The address of the fish farm.

(c) A description of the fish or fish eggs that the permit holder may import from the source identified under par. (b). The description shall include the listed species of fish or fish eggs, and the size of fish of each listed species.

(4) **APPLYING FOR A PERMIT.**

(a) Except as specified under par. (b), a person shall apply for an import permit under sub. (1) on a form provided by the department. The application shall include all of the following:

1. Permit information required under sub. (3), other than permit information added by the department.
2. A nonrefundable fee of \$90.

Note: You may obtain an import permit application form by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and
Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911

Phone: (608) 224-4872

Email: datcpfishfarms@wisconsin.gov

(b) An individual who is eligible for the veteran's fee waiver program under s. 45.44, Stats., is exempt from the fee under par. (a) 2.

(5) ACTION ON PERMIT APPLICATION. The department shall grant or deny an application under sub. (4) within 30 days after the department receives a complete application. If the department denies the application, the department shall issue the denial notice in writing and shall state the reasons for the denial.

Note: A permit applicant may request a hearing on a denial notice, pursuant to s. 227.42, Stats., and ch. ATCP 1.

(6) IMPORT RECIPIENTS. A person may import live fish or fish eggs to the following persons, and no others, pursuant to an import permit under sub. (1):

(a) A person holding a current fish farm registration certificate, under s. ATCP 10.61, which authorizes that person to hold live fish or fish eggs of the type imported.

(b) The state of Wisconsin department of natural resources.

(c) A person holding a current fish stocking permit, under s. 29.736, Stats., which authorizes that person to stock live fish or fish eggs of the type imported.

(d) A person holding a current bait dealer license under s. 29.509, Stats., which authorizes that person to hold live fish or fish eggs of the type imported.

(e) A person hosting a temporary public fishing event meeting the requirements of s. ATCP 10.61 (2) (g).

(f) Other persons identified by the department in the permit.

(7) IMPORT RECORDS REQUIRED. Notwithstanding sub. (2), a person shall keep all of the following records related to an import shipment of fish or fish eggs, and shall make those records available to the department upon request:

(a) The import permit under sub. (1), if required.

(b) The date of the import shipment.

(c) Identification of the fish farm or wild source from which the person imported the fish or fish eggs. Fish farm identification shall include all of the following:

1. The name and address of the fish farm operator.
2. The address of the fish farm.

(d) The listed species, quantity, and size or class of fish or fish eggs included in the import shipment.

(e) The following information related to the person who received the import shipment in this state:

1. The recipient's name and address.
2. The address of the premises in this state at which the recipient took delivery of the import shipment.
3. The recipient's fish farm registration number under s. ATCP 10.61, stocking permit number under s. 29.736, Stats., or a bait dealer license number under s. 29.509, Stats., if relevant to the recipient's qualification under sub. (6).

(f) The name and address of the fish hauler, if different from the importer.

Note: An importer must keep records under sub. (7), regardless of whether the importer is located in this state or another state. The department may

deny, suspend, or revoke an import permit under sub. (1) if the importer fails to keep records, or fails to make them available to the department for inspection and copying upon request.

(g) The fish health certificates that cover all of the listed species of fish or fish eggs imported under the permit.

(8) **IMPORT RECORDS; RETENTION AND AVAILABILITY.** A person who is required to keep import records under sub. (7) shall retain those records for at least 5 years, and shall make them available to the department for inspection and copying upon request.

(9) **IMPORTING DISEASED FISH.** No person may import any live fish or fish eggs into this state if that person knows, or has reason to know, that those fish or fish eggs are infected or show clinical signs of any reportable disease under s. ATCP 10.66.

(10) **SUSPENDING OR REVOKING AN IMPORT PERMIT.**

(a) The department may by written notice, without prior notice or hearing, suspend or revoke an import permit under sub. (1) for cause, including any of the following:

1. Filing an incomplete or fraudulent permit application, or misrepresenting any information on a permit application.
2. Violating applicable provisions of ch. 95, Stats., or this chapter.
3. Violating the terms of the import permit, or exceeding the import authorization granted by the permit.

(b) The state veterinarian may issue a notice under par. (a) on behalf of the department. A notice under par. (a) shall state the reasons for the suspension or revocation.

Note: A permit holder may request a hearing on the suspension or revocation of an import permit, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary suspension or revocation under par. (a).

Wis. Admin. Code ATCP § 10.63, Fish introduced to waters of the state

(1) **VALID HEALTH CERTIFICATE REQUIRED.**

(a) Except as provided under par. (b), no person may introduce any fish or fish eggs into waters of the state unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover an introduction that occurs after the health certificate expires.

Note: See also fish stocking regulations under s. 29.736, Stats.

(b) A health certificate is not required for live fish or fish eggs of species that are not susceptible to viral hemorrhagic septicemia, as determined by the department, imported directly for personal use as bait in amounts not exceeding 600 fish or fish eggs per shipment and in compliance with s. NR 20.08.

Note: Species that the department has found to be susceptible to viral hemorrhagic septicemia are listed at:

<https://datcp.wi.gov/Pages/Homepage.aspx>.

(2) **DISEASED FISH.** No person may introduce live fish or fish eggs into waters of the state, or distribute live fish or fish eggs for sale as bait, if that person knows, or has reason to

know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

Wis. Admin. Code ATCP § 10.64, Fish moved within the state

(1) VALID HEALTH CERTIFICATE REQUIRED. Except as provided in sub. (3), no person may move any live fish or fish eggs of a species that the department has identified as being susceptible to viral hemorrhagic septicemia (VHS) from a type 3 fish farm to any other location in this state, unless those fish or fish eggs are covered by a valid health certificate under s. ATCP 10.65. A qualified fish health inspector shall issue the health certificate based on an inspection of the fish or fish eggs, or of the farm from which they originate. A health certificate does not cover a movement that occurs after the health certificate expires.

Note: Species that the department has found to be susceptible to viral hemorrhagic septicemia are listed at: <https://datcp.wi.gov/Pages/Homepage.aspx>.

(2) DISEASED FISH. No person may move any live fish or fish eggs between fish farms in this state, or from a fish farm to any other location in this state, if that person knows, or has reason to know, that those fish or fish eggs are infected with or show clinical signs of any reportable disease under s. ATCP 10.66.

(3) EXEMPTIONS. Subsection (1) does not apply to any of the following:

(a) Live fish or fish eggs moved between type 3 fish farms registered under s. ATCP 10.61, if the operator keeps a complete record of the movement under s. ATCP 10.61 (10).

(b) Fish or fish eggs moved to a food processing plant, retail food establishment, or restaurant, for processing or direct sale to consumers, provided that the receiving entity does not do any of the following:

1. Hold any of the fish or fish eggs for more than 30 days prior to slaughter or direct sale to consumers.
2. Commingle the live fish or fish eggs with fish or fish eggs that may be used for any other purpose.
3. Sell or distribute unprocessed fish or fish eggs to consumers at any place other than the food processing plant, retail food establishment, or restaurant at which the entity first receives them.
4. Discharge to waters of the state any untreated water used to hold or process any of the fish or fish eggs.
5. Dispose of any dead fish, dead fish eggs or fish offal except by rendering, composting, municipal solid waste disposal, or other means approved by the department.

(c) Live fish or fish eggs shipped to a specific location for direct sale to consumers as food, provided that all of the following requirements are met:

1. Records are kept in compliance with s. ATCP 10.61 (10).
2. No fish leave the event live, except to return to the farm of origin or directly to slaughter.
3. Fish are held in a self--contained enclosure.
4. Fish are not commingled with fish from any other source.
5. No untreated water used to hold the fish or fish eggs is discharged to waters of the state.

Wis. Admin. Code ATCP § 10.645, Bait fish from wild sources

No bait dealer who is required to hold a license under s. 29.509, Stats., may distribute for use as bait any of the following fish or fish eggs, of a species that the department has identified as being susceptible to viral hemorrhagic septicemia (VHS), unless the fish or fish eggs are covered by a valid fish health certificate that complies with s. ATCP 10.65:

(1) Fish or fish eggs collected from a wild source within the 12 month period immediately preceding the distribution date.

(2) Fish or fish eggs from a type 3 fish farm.

Note: A “wild source” under s. ATCP 10.645 includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the department has found to be susceptible to viral hemorrhagic septicemia are listed at: <https://datcp.wi.gov/Pages/Homepage.aspx>. Section ATCP 10.645 applies to additional species if and when the department finds that those species are susceptible.

Wis. Admin. Code ATCP § 10.65, Fish Health Certificate

(1) GENERAL. A fish health certificate under s. ATCP 10.61 (3) (g) 2. and (5m) (b), 10.62 (1) (d) and (2) (f), 10.63 (1), 10.64 (1), or 10.645 shall comply with this section.

(2) ISSUING A HEALTH CERTIFICATE. A qualified fish health inspector shall issue a fish health certificate on a form provided by the department, or on a form approved by the department, and shall file a copy of the health certificate with the department within 7 days after issuing the health certificate.

Note: To obtain a health certificate form, contact the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Email: datcpfishfarms@wisconsin.gov

(3) INSPECTION REQUIRED. A qualified fish health inspector shall issue a fish health certificate based on his or her personal inspection of one of the following, using appropriate inspection, sampling, and diagnostic methods specified in the certificate form:

(a) An individual shipment of live fish or fish eggs. The health certificate shall clearly identify the source and contents of the individual shipment. The description shall include the species of live fish or fish eggs, the quantity of live fish or fish eggs of each species, and the size of live fish of each species.

(b) A fish farm. The fish health certificate shall include the name and address of the fish farm operator, the name and address of the fish farm, and the fish farm's livestock premises code if any.

Note: A certificate form that specifies inspection, sampling, and diagnostic requirements under sub. (3) constitutes an order under s. 93.07 (10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1, unless the department adopts those requirements by rule. If a fish health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

(4) CERTIFICATE CONTENTS.

(a) A fish health certificate under s. ATCP 10.62 (1) (d) or (2) (f) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Infectious hematopoietic necrosis, viral hemorrhagic septicemia (VHS), and whirling disease (*Myxobolus cerebralis*) if an import shipment covered by the health certificate includes salmonids.
3. White sturgeon iridovirus if an import shipment covered by the health certificate includes sturgeon.
4. Viral hemorrhagic septicemia (VHS) if an import shipment covered by the health certificate includes fish or fish eggs of a species that the department has identified as being susceptible to viral hemorrhagic septicemia and the fish or fish eggs are from a state or province where that disease is known to occur.
5. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease--free certification is required.

(b) A fish health certificate issued under s. ATCP 10.61 (3) (g) 2. or 10.63 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Whirling disease (*Myxobolus cerebralis*) if a fish farm or shipment covered by the health certificate includes salmonids.
3. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of a species that the department has identified as being susceptible to viral hemorrhagic septicemia (VHS) and the fish or fish eggs are from a wild source or a type 3 fish farm.

Note: A "wild source" under subd. 3. includes a wild source in this state or outside this state. Fish and fish eggs imported from other states (including bait fish and fish eggs) must also comply with import requirements under s. ATCP 10.62. Species that the department has found to be susceptible to viral hemorrhagic septicemia are listed at:

<https://datcp.wi.gov/Pages/Homepage.aspx>. Subdivision 3. applies to additional species if and when the department finds that those species are susceptible.

4. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease--free certification is required.

(c) A fish health certificate issued under s. ATCP 10.61 (5m) (b) or 10.64 (1) shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Viral hemorrhagic septicemia (VHS) if the health certificate covers fish or fish eggs of species that the department has identified as being susceptible to viral hemorrhagic septicemia (VHS).

Note: A health certificate under s. ATCP 10.64 (1) is for species of fish or fish eggs that the department has identified as being susceptible to viral hemorrhagic septicemia (VHS) and are being moved from a type 3 fish farm.

3. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease--free certification is required.

(d) A fish health certificate issued under s. ATCP 10.645 shall certify that the listed species of fish and fish eggs in the inspected shipment, or at the inspected fish farm, are free of all of the following:

1. Visible signs of contagious or infectious disease.
2. Viral hemorrhagic septicemia (VHS).
3. Other diseases, if any, specified on the certificate form. The certificate form shall identify the species for which, and circumstances under which, the disease--free certification is required.

Note: A fish health certificate is required under s. ATCP 10.645 whenever a bait dealer distributes as bait any of the following fish or fish eggs of a species that the department has identified as being susceptible to VHS:

- Fish or fish eggs collected from a wild source (in Wisconsin or elsewhere) within the 12 month period immediately preceding the distribution date.
- Fish or fish eggs from a type 3 fish farm.

(e) A fish health certificate shall include test results from a qualified laboratory to confirm the statements under pars. (a) to (d) if those test results are required by the certificate form.

(f) Fish egg inspection under this subsection may be based on brood stock inspection or an egg disinfection method approved by the federal bureau and listed on the certificate form. If testing is required by the certificate form, testing of the brood stock shall also be performed.

Note: A certificate form that includes requirements under par. (a) 5., (b) 4., (c) 3., (d) 3., (e), or (f) constitutes an order under s. 93.07 (10), Stats., which is subject to review in a contested case hearing under ch. 227, Stats., and ch. ATCP 1, unless the department adopts those requirements by rule. If a health certificate does not comply with instructions on the certificate form, the health certificate is invalid.

(4m) EXPIRATION DATE.

(a) Except as provided in par. (b):

1. A health certificate based on an inspection under sub. (3) (a) expires 30 days after it is issued unless the department by written notice specifies a different expiration date.
2. A health certificate based on an inspection under sub. (3) (b) expires one year after it is issued unless the department by written notice specifies a different expiration date.

(b) A health certificate covering a fish farm, or covering a shipment of fish or fish eggs, is automatically voided if any fish or fish eggs not covered by a valid health certificate are added to that fish farm or shipment.

Note: A shipment of fish or fish eggs that is covered by more than one fish health certificate must be delivered prior to the expiration of ANY of the fish health certificates covering fish or fish eggs in that shipment.

(5) DEPARTMENT ACTION.

(a) The department may, for cause, do any of the following by issuing written notice to the person who issued a fish health certificate:

1. Invalidate the health certificate.
2. Change the expiration date of the health certificate.
3. Impose conditions or limitations on the health certificate.

Note: In addition to giving the required notice under par. (a), the department will also attempt to notify other persons identified on the health certificate.

(b) Cause under par. (a) may include any of the following:

1. An apparent violation of this section.
2. Reasonable grounds to suspect that the health certificate may be inaccurate or unreliable.
3. New disease concerns that are not adequately addressed by the health certificate.
4. Special disease concerns that are not adequately addressed by the health certificate. These may include special disease concerns related to the species of fish or fish eggs, or the source from which the fish or fish eggs originate.

Wis. Admin. Code ATCP § 10.66, Fish diseases; reporting

(1) REPORT REQUIRED. Except as provided in sub. (2), a person who tests for or obtains credible diagnostic evidence of any of the following diseases in this state shall report that diagnosis or evidence to the department in writing, by mail, e-mail, or fax, within 10 days after making the diagnosis or obtaining the evidence:

- (a) Any aquatic animal disease that is foreign or exotic to Wisconsin.
- (b) Any fish disease identified in ch. ATCP 10 Appendix B.

(2) EXEMPTIONS.

(a) Subsection (1) does not require a person to report a diagnosis made by, or a diagnostic evidence received from, the department, the Wisconsin veterinary diagnostic laboratory, or the Wisconsin department of health services.

(b) A person is not required to make a report under sub. (1) if another person reports the same information under sub. (1) or (2).

Note: For example, if a qualified fish health inspector submits a test sample to a laboratory and receives a positive test result for a disease identified under sub. (1), the inspector is not required to report the test result to the department if the laboratory does so.

(3) NOTICE TO THE DEPARTMENT OF NATURAL RESOURCES. If the department determines that a disease reported under sub. (1) may present a threat to fish or other aquatic animals in waters of the state, the department shall notify the department of natural resources of the report contents.

Wis. Admin. Code § ATCP 10.67 Fish health inspectors and laboratories.

(1) QUALIFIED FISH HEALTH INSPECTORS.

(a) The following individuals are qualified fish health inspectors, for purposes of this subchapter, unless disqualified under par. (b):

1. A Wisconsin certified veterinarian who has completed a fish health inspection training program approved by the department.
2. For purposes of an action taken under this chapter outside this state, any accredited veterinarian.
3. An individual who is currently certified by the American fisheries society as a fish health inspector or fish pathologist, and who has completed fish health inspection training approved by the department.
4. An individual who is currently authorized by a state to conduct official fish health inspections in that state, and who has completed a fish health inspection training program approved by the department.

(b) The department may for cause, by written notice and without prior notice or hearing, disqualify an individual from acting as a qualified fish health inspector under this subchapter. Cause may include a violation of this subchapter, or the issuance of unreliable health certificates under this subchapter. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for which it is issued.

Note: An individual disqualified under sub. (1) (b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(2) QUALIFIED LABORATORIES.

(a) The following laboratories are qualified laboratories, for purposes of this subchapter, unless disqualified under par. (c):

1. A laboratory approved by the federal bureau for purposes of disease testing related to interstate movement of fish or fish eggs.
2. A laboratory approved by the department for purposes of disease testing related to compliance with this subchapter, including imports of fish or fish eggs.
3. A federal or state veterinary diagnostic laboratory.

Note: You may obtain information related to qualified laboratories by contacting the department at the following address:

Wisconsin Department of Agriculture, Trade and Consumer Protection
Division of Animal Health
P.O. Box 8911
Madison, WI 53708-8911
Phone: (608) 224-4872
Email: datcpfishfarms@wisconsin.gov

(b) A laboratory operator may request department approval under par. (a) 2. The department may require documentation to show that the laboratory is qualified to test fish and fish eggs for relevant diseases. The department shall approve or disapprove a laboratory within 30 days after the department receives the approval request or, if the department requests documentation under this paragraph, within 30 days after the department receives all of the requested documentation.

(c) The department may for cause, by written notice and without prior notice or hearing, disqualify a laboratory from acting as a qualified laboratory under this subchapter. Cause

may include a violation of this subchapter, a record of incorrect test results under this subchapter, or other material evidence that the laboratory is not qualified. The state veterinarian may issue a disqualification notice on behalf of the department. The notice shall specify the cause for disqualification.

Note: The operator of a laboratory disqualified under sub. (1) (b) may request a hearing on the disqualification, pursuant to s. 227.42, Stats., and ch. ATCP 1. A request for hearing does not automatically stay a summary disqualification.

(3) MISREPRESENTATION. No person may misrepresent any of the following, directly or by implication:

- (a) That an individual is a qualified fish health inspector.
- (b) That a laboratory is a qualified laboratory.
- (c) Any relevant matters related to a fish health inspection or laboratory test under this subchapter.

Additional Resources:

Chapter ATCP 10 Appendix B contains the list of animal diseases to be reported within 10 days, including diseases of fish.

Wisconsin Legislature: Chapter ATCP 10 Appendix B

Wis. Admin. Code NR § 19.05, Release, importation and transportation of fish

(1) No person, persons, firm or corporation may bring into the state to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters any fish or the eggs or spawn thereof, without first applying for in writing and receiving a written permit from the department or its duly authorized agents. The permit shall be granted only after the department or its agents investigates and inspects the fish or the eggs or spawn thereof as it deems necessary to determine that the introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state. Inspection may include removal of reasonable samples of fish and eggs for biological examination. The responsibility of licensees holding private fish hatchery licenses is stated in ss. 29.735 and 29.736, Stats.

(2) Permits to import fish or eggs of the family Salmonidae (trout, char, salmon) shall be issued at no charge to a person who has applied on a special form furnished by the department. Such permit will be issued only if the immediate source of fish or eggs is certified free of infectious hematopoietic necrosis, viral hemorrhagic septicaemia, whirling disease, enteric redmouth and *Ceratomyxa shasta*, except that eggs from wild stocks do not have to be certified free of whirling disease. Certification shall be made in the state of origin and may be accomplished only by biologists recognized by the department as competent in diagnosis of fish diseases. For informational purposes the source of fish or eggs will also be inspected for infectious pancreatic necrosis, kidney disease and bacterial furunculosis. Inspecting biologists will submit a written inspection report to the department. A copy of the importation permit must accompany each shipment of fish or eggs.

(3) No person may transport live fish or live fish eggs away from any inland or outlying water or its bank or shore, except:

- (a) Live fish or live fish eggs being transported out of state in compliance with the United States Department of Agriculture Animal and Plant Health Inspection Service's regulations and orders.

- (b) Live fish or live fish eggs that have been tested for Viral Hemorrhagic Septicemia using methods approved by the department of agriculture, trade and consumer protection and that were found to be free of the Viral Hemorrhagic Septicemia virus.
- (c) Live fish or live fish eggs being transported with the prior written approval of the department, where the department has determined that the proposed activity will not allow Viral Hemorrhagic Septicemia virus to be transported to other waters.
- (d) Live minnows being transported away from the water where they were taken by a bait dealer who harvested the minnows in compliance with a wild bait harvest permit issued under s. NR 19.057.
- (e) Live minnows that were obtained from a Wisconsin bait dealer and subsequently possessed by the person while on an inland or outlying water, its bank or shore, if the minnows have not been exposed to water or fish from that inland or outlying water.
- (f) Live minnows that were obtained from a Wisconsin bait dealer and subsequently possessed by the person while on an inland or outlying water, its bank or shore, if the minnows will be used for bait only on the same inland or outlying water, its bank or shore.

Wis. Admin. Code NR § 19.057, Bait dealer's wild harvest permit required; criteria; records required

(1) No bait dealer may take minnows for use as bait from any inland or outlying water unless the bait dealer possesses a wild harvest permit issued by the department under this section and the bait dealer complies with all terms and conditions of the wild harvest permit. A bait dealer shall apply for a permit on forms available from the department. Applications may be submitted no earlier than 30 days prior to the proposed starting date of harvesting. The department shall act on a complete permit application within 10 business days after receipt, based on the criteria in sub. (2) Except as provided in sub. (5), permits shall be valid for the dates specified on the permit, not to exceed 30 days, and shall require compliance with all minnow collecting requirements. A complete application shall include the applicant's name, street address, bait dealer's license number if any, the specific water body where bait will be harvested, the town, range and section where bait will be harvested, the species of bait that will be harvested, the maximum quantity of bait expected to be harvested, and any other information required on the application form.

Note: Permit application forms may be obtained at no charge from the Bureau of Fisheries Management, Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921 or on the Internet at http://dnr.wi.gov/topic/fishing/vhs/vhs_wbhpermit.html.

Note: See s. NR 20.14 for general minnow collecting restrictions, s. NR 20.20 for county and statewide restrictions on waters, authorized methods, open seasons, size limits, bag limits and other restrictions, and s. NR 20.39 for permits authorizing the use of non-standard minnow gear on inland waters.

(2) The department shall grant an application for a wild harvest permit under this section if it determines that all of the following criteria are met, but the department may set specific

conditions in permits or deny applications when necessary to ensure compliance with this section and prevent or control the spread of the Viral Hemorrhagic Septicemia virus or other invasive species. By written notice mailed to the permittee's last known address, the department may revoke a permit to ensure compliance with this section or to prevent or control the spread of the Viral Hemorrhagic Septicemia virus or other invasive species.

(a) The applicant is a bait dealer who holds a bait dealer's license or is exempt under s. 29.509 (3), Stats., from the requirement to hold a bait dealer's license.

(b) Minnows may not be taken from Lake Michigan, Green Bay, Lake Superior, the Mississippi River, Lake Winnebago, the Fox River from Lake Winnebago to Green Bay, or any bay, slough or backwater of these waters, or any water connected to these waters, upstream to the first dam or other obstruction impassible to fish, or from any other waters where the department has reason to believe that the Viral Hemorrhagic Septicemia virus may be present, or where other invasive species may be present.

(c) Minnow gear and harvest and transport equipment shall be disinfected after use to prevent the spread of the Viral Hemorrhagic Septicemia virus and other invasive species.

(d) Minnows taken from inland or outlying waters may not be given, sold or bartered to another person unless applicable fish health requirements specified by the department of agriculture, trade and consumer protection in ch. ATCP 10 have been met.

(3) Each permit holder shall maintain a clear, legible daily record in the English language on forms available from the department of all minnows harvested from any inland or outlying water. The record shall include the water body of origin, the town, range and section where harvested, the species harvested, the date of harvest, the quantity or volume harvested, the disposition, except that retail sales to consumers need not be recorded, and any other information required on the record form.

Note: Minnow harvest record forms may be obtained at no charge from the Bureau of Fisheries Management, Department of Natural Resources, PO Box 7921, Madison, WI 53707-7921 or on the Internet at http://dnr.wi.gov/topic/fishing/vhs/vhs_wbpermit.html.

(4) No bait dealer may possess farm-raised fish while engaged in the harvest of wild bait, or while transporting wild harvested bait from the water where it was harvested to the bait dealer's business location or from the water where it was harvested to the point of sale.

(5) Notwithstanding the 30-day limit in sub. (1), the department may issue a wild harvest permit that is valid for the dates specified on the permit, which may exceed 30 days duration, if the permit is for the harvest of minnows from a water of the state stocked with minnows by the applicant pursuant to a stocking permit under s. 29.736, Stats., or for the harvest of minnows from a lake stocked with minnows by the applicant pursuant to a permit for private management under s. 29.737, Stats. The department may issue a wild harvest permit under this section in conjunction with a stocking permit or a permit for private management.

Wis. Adm. Code § NR 19.93, Applicant permit procedures for use of natural bodies of water for fish farms

(1) The deadline for permits reauthorized under s. 29.733 (2) (b), Stats., was January 1, 2003.

(2) For renewal of permits, the applicant shall submit a new application to the department not more than 16 months before the expiration date of the permit granted under this chapter but not less than 2 months from the expiration date of the permit.

(3) Applications for permits under this subchapter shall include documents verifying all of the following:

(a) The land that is riparian to the body of water is owned, leased or controlled by the owners of the fish farm.

(b) None of the owners of the fish farm or of the riparian lands provides access to the body of water to the public by means of an easement or other right-of way or by means of a business open to the public, except that the owners of the fish farm may allow fishing by the public for a fee.

(c) Documentation that the natural body of water may be a freeze-out pond or that the natural body of water is a preexisting fish rearing facility that is barrier equipped.

(d) Copies of any other permits or authorization required by ch. 30 or 31, Stats., the Army corps of engineers and any other federal, state or local laws and zoning ordinances.

(e) All applicants shall identify the water source and quantity used for the fish farm and whether there is any discharge to a water of the state.

(f) Any other information requested by the department to determine whether a permit would or would not be granted by the department.

Note: Permit application forms are available from the Bureau of Fisheries Management, 101 South Webster St., P.O. Box 7921, Madison, WI 53707.

(4) The department may issue a notice of intent to use a natural body of water as a fish hatching or rearing facility that was not being used as of January 1, 1998 by the department. The department shall comply with all provisions of s. NR 19.94 before it may use a natural body of water as a fish hatching or rearing facility.

Wis. Admin. Code § NR 40.02, Definitions.

For purposes of this chapter:

(1) “Algae” means a predominately photosynthetic eukaryotic organism ranging from unicellular to macroscopic forms, lacking true roots, stems, leaves, and embryos.

(2) “Animal” means all vertebrate and invertebrate species, including but not limited to mammals, birds, reptiles, amphibians, fish, mollusks, arthropods, insects, and their eggs, larvae or young, but excluding humans.

(3) “Aquatic animal” means any vertebrate or invertebrate species that lives or grows only in water during any life stage, and includes the eggs, larvae or young of those species.

(3m) “Aquatic invasive species” means any invasive species that dwells in water or wetlands.

(4) “Aquatic plant” means a submergent, emergent, free-floating or floating-leaf plant and includes any part of the plant.

(5) “Attached” means in, on, or physically connected to in any way.

(6) “Boat” means any device capable of being used as a means of transportation on water.

(7) “Category” means a grouping of species designated by administrative rule for which there are specific legal requirements or restrictions.

(7g) “Cave” means any naturally occurring void, cavity, recess or system of interconnected passageways beneath the surface of the earth or in a bluff, cliff or ledge, including pits and sink-holes, but does not include a rock shelter.

(7r) “Commercial cave or mine” means a cave or mine that has more than 1,000 visitors per year and charges a fee.

(8) “Contain” or “containment” means to prevent spread beyond a designated boundary.

(9) “Control” has the meaning given it in s. 23.22 (1) (a), Stats. In addition, “control” includes activities to eliminate or reduce the adverse effects of invasive species including decreasing or eradicating their population or limiting their introduction or spread, and includes destroying the aboveground, and when necessary, the belowground portions of a plant in a manner and at the proper time to prevent the development and distribution of viable seeds or other propagules. For plants that reproduce vegetatively, “control” includes the use of methods that contain or reduce the vegetative spread of the plant.

Note: Section 23.22 (1) (a), Stats., states that “control” means to cut, remove, destroy, suppress, or prevent the introduction or spread of.

(9m) “Crayfish” means any decapod crustacean from the following families: Astacidae, Cambaridae and Parastacidae.

(10) “Cultivate” means, for plants, intentionally maintaining an individual or population of a plant.

(11) “Cyanobacteria” means a predominately photosynthetic prokaryotic organism occurring singly or in colonies.

(12) “DATCP” means the Wisconsin department of agriculture, trade and consumer protection.

(13) “Department” means the Wisconsin department of natural resources.

(14) “Disposal” means the lawful discharge, deposit, dumping or placing of any invasive species into or on any land or water in a manner that prevents the establishment, introduction or spread of the disposed species, or the consumption of the species as food.

(15) “Eradicate” means to remove an entire population of an invasive species and all its propagules from an area of infestation.

(16) “Established” means, for algae and cyanobacteria, plants, terrestrial invertebrates and plant disease-causing micro-organisms, aquatic invertebrates except crayfish, and terrestrial and aquatic vertebrates except fish, present in an area as a self-sustaining population that is dispersed to the extent that eradication is either infeasible or will take a significant effort over a period of several years.

(17) “Established nonnative fish species and established non-native crayfish species” means alewife (*Alosa pseudoharengus*), common carp (*Cyprinus carpio*), eastern mosquitofish (*Gambusia holbrooki*), rainbow smelt (*Osmerus mordax*), round goby (*Neogobius melanostomus*), ruffe (*Gymnocephalus cernuus*), sea lamprey (*Petromyzon marinus*), three-spine stickleback (*Gasterosteus aculeatus*), tubenose goby (*Proterorhinus marmoratus*), white perch (*Morone americana*), rusty crayfish (*Orconectes rusticus*), and western mosquitofish (*Gambusia affinis*).

(18) “Feral” means existing in an untamed or wild, unconfined state, having returned to such a state from domestication.

(19) “Genetically modified” refers to an organism whose genome, chromosomal or extrachromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques, and includes the progeny of any genetically modified organism.

(20) “Identified carrier of an invasive species” means any material identified in a department infestation control designation under s. 26.30 (7), Stats., a DATCP quarantine under s. 94.01, Stats., or a United States Department of Agriculture Animal and Plant Health Inspection Service quarantine declaration under 7 USC section 7714 or 7715 as potentially carrying an invasive species.

(21) “Import” means to bring into Wisconsin or to arrange for another person to bring into Wisconsin.

(22) “Incidental” means something is done inadvertently when performing an otherwise legal activity.

(23) “Introduce” means to stock, plant, release or otherwise put an invasive species into the outdoor environment or use an invasive species in this state anywhere except within an indoor facility which is designed to physically contain the organism, including but not limited to a laboratory, greenhouse, growth chamber or fermenter.

(24) “Invasive species” has the meaning given it in s. 23.22 (1) (c), Stats. In addition, “invasive species” means nonnative species including hybrids, cultivars, subspecific taxa, and genetically modified variants whose introduction causes or is likely to cause economic or environmental harm or harm to human health, and includes individual specimens, eggs, larvae, seeds, propagules, and any other viable life-stages of such species. For fish, “invasive species” includes all nonnative species.

Note: Section 23.22 (1) (c), Stats., states that “invasive species” means nonindigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health. The department does not consider dead specimens or organisms that are dead, not revivable, and no longer capable of living, growing, developing, reproducing, and functioning as “invasive species”.

(25) “Management action” means limiting the spread of established populations or abating harmful ecological, economic, social and public health impacts associated with invasive species introductions.

(25m) “Mine” means any artificial excavation, shaft, underground passageway, slope, tunnel or working from which ore or mineral is or was extracted, but does not include an open pit mine. However, caves or mines may be located adjacent to open pit mines.

(26) “Native duckweed” means any of the following: *Lemna aquinoctialis* (lesser duckweed, three-nerved duckweed), *Lemna minor* (common duckweed), *Lemna obscura* (little duckweed, purple duckweed), *Lemna perpusilla* (least duckweed, minute duckweed), *Lemna trisulca* (forked duckweed, star duckweed), *Lemna turionifera* (perennial duckweed, turion duckweed), *Spirodela polyrrhiza* (giant duckweed), *Wolffia borealis* (northern watermeal), *Wolffia brasiliensis* (Brazilian watermeal), and *Wolffia columbiana* (Columbian watermeal).

(27) “Native species” means a species indigenous to Wisconsin, and includes an individual specimen. For fish, “native species” means those fish species identified as native fish species in Wisconsin Fishes 2000: Status and Distribution, by Lyons, J., P. A. Cochran, and D. Fago, published by University of Wisconsin Sea Grant Institute, and includes an individual specimen, regardless of the specimen’s origin.

(28) “Natural areas” means undeveloped or wild lands and those lands preserved or restored and managed for their natural features, including but not limited to parks, forests, refuges, grasslands, wetlands and shorelines on public and private lands.

(29) “Nonnative” or “nonnative species” means a species not indigenous to Wisconsin, and includes an individual specimen.

(30) “Nonnative fish species in the aquaculture industry” means arctic char (*Salvelinus alpinus*), Atlantic salmon (*Salmo salar*), brown trout (*Salmo trutta*), chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), rainbow trout (*Oncorhynchus mykiss*), pink salmon (*Oncorhynchus gorbuscha*), redear sunfish (*Lepomis microlophus*), tiger trout (a hybrid of *Salvelinus fontinalis* and *Salmo trutta*) and tilapia (*Tilapia* spp).

(31) “Nonnative viable fish species in the aquarium trade” means goldfish (*Carassius auratus*), koi carp (*Cyprinus carpio*), sterlet (*Acipenser ruthenus*), Chinese hi-fin banded shark (*Myxocyprinus asiaticus*), bitterling (*Rhodeus* spp.), ide (*Leuciscus idus*) and weather loach (*Misgurnus anguillicaudatus*).

(32) “Non-reproductive” means, for plants, not capable of reproduction sexually or asexually.

(33) “Nonviable” means, with respect to aquatic vertebrates including fish species, species for which eggs, fry, or adults are not capable of surviving water temperature below 38 degrees Fahrenheit or not capable of surviving in fresh water. “Nonviable” means, with respect to terrestrial vertebrates, species that are not capable of living, growing, developing, and functioning successfully in Wisconsin’s outdoor environment.

(34) “Open pond” means an outdoor pond that is not entirely covered to prevent the escape of fish.

(35) “Order” means an element of the Linnean taxonomic classification system, unless the context indicates otherwise.

(36) “Person” means an individual, partnership, corporation, society, association, firm, unit of government, public agency or public institution, and includes an agent of one of these entities.

(37) “Pet” means an animal raised or kept for companionship and generally kept indoors, in an enclosure or otherwise confined or restrained, and not allowed to roam freely out-of-doors. “Pet” does not include fish and crayfish, or other aquatic invertebrates.

(38) “Plant” means, as a verb, to place entire live plants, plant parts or seeds into the water, the ground or a planter out of doors for the purpose of growing them. “Plant”, as a noun, means any member of the Kingdom Plantae, lichens, algae and cyanobacteria, and any varieties, cultivars, hybrids or genetically modified variants thereof, and includes any plant parts capable of vegetative or sexual reproduction.

(39) “Plant taxa” mean taxonomic categories or units of plant classification, such as family, genus, species, variety and cultivar.

(40) “Possess” means to own, maintain control over, restrain, hold, grow, raise or keep.

(41) “Prohibited invasive species” or “prohibited species” means an invasive species that the department, at the time of listing under s. NR 40.04 (2), has determined is likely to survive and spread if introduced into the state, potentially causing economic or environmental harm or harm to human health, but which is not found in the state or in that region of the state where the species is listed as prohibited in s. NR 40.04 (2), with the exception of isolated individuals, small populations or small pioneer stands of terrestrial species, or in the case of aquatic species, that are isolated to a specific watershed in the state or the Great Lakes, and for which statewide or regional eradication or containment may be feasible.

(42) “Propagules” means specimens or parts of a species that are capable of producing additional specimens through either sexual or asexual reproduction, including but not limited to seeds, roots, stems, rhizomes, tubers and spores.

(43) “Public highway” means every public street, alley, road, highway or thoroughfare of any kind, except waterways, in this state while open to public travel and use, but does not include public boat access sites and associated parking areas.

(44) “Reasonable precautions” means intentional actions that prevent or minimize the transport, introduction, possession or transfer of invasive species. Reasonable precautions include but are not limited to best management practices (BMPs) for invasive species approved by the department, practices recommended by the “Wisconsin Clean Boats, Clean Waters” program and “Stop Aquatic Hitchhikers” campaign, and compliance with DATCP quarantine regulations imposed under s. 94.01, Stats., or a United States Department of Agriculture Animal and Plant Health Inspection Service quarantine declared under 7 USC section 7714 or 7715. For the transfer of aquatic plants, reasonable precautions include verifying that the species transferred is identified correctly and is not listed in s. NR 40.04 or 40.05 as prohibited or restricted, and that there are no other listed invasive species comingled with the species being transferred.

(45) “Recombinant nucleic acid techniques” means laboratory techniques through which genetic material is isolated and manipulated in vitro and then inserted into an organism, resulting in a transgenic organism.

(46) “Restricted invasive species” or “restricted species” means an invasive species that the department, at the time of listing under s. NR 40.05 (2), has determined is already established in the state or in that region of the state where the species is listed as restricted in s. NR 40.05 (2) and that causes or has the potential to cause economic or environmental harm or harm to human health, and for which statewide or regional eradication or containment may not be feasible.

(46m) “Rock shelter” means an overhang or cave-like opening in a bluff, cliff or ledge that is shallow and does not provide an area of substantial daytime darkness.

(47) “Safe facility” means, for fish, an aquarium or container that does not directly drain into a water of the state, is not subject to intermittent or periodic flooding, is not connected to any water of the state, and is not an open pond. For crayfish and other aquatic invertebrates, “safe facility” means an aquarium or container that prevents the escape of the aquatic invertebrates and that does not directly drain into a water of the state.

(48) “Species” means monera, protista, fungi, plantae, animalia, viruses, phytoplasmas, mycoplasma-like organisms and prions and includes seeds, propagules and individual living specimens, eggs, larvae, and any other viable life-stages of such species. “Species” includes genetically modified species, cultivars, hybrids and sub-specific taxa.

(49) “Transfer” means to buy, sell, trade, barter, exchange, give or receive or to offer to buy, sell, trade, barter, exchange, give or receive.

(50) “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.

(51) “Unknowing” means unaware of the presence of a prohibited or restricted invasive species.

(52) “Waters of the state” has the meaning given it in s. 281.01 (18), Stats.

Note: Section 281.01 (18), Stats., provides as follows: “Waters of the state” includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.

(53) “Wild animal” means any mammal, bird, or other creature of a wild nature endowed with sensation and the power of voluntary motion, except fish and crayfish and other aquatic invertebrates.

40.04 Prohibited; 40.05 Restricted not included in compilation.