

AQUATIC INVASIVE SPECIES POSSESSION RULES

312 IAC 9-6-7 Exotic fish

Authority: IC 14-22-2-6

Affected: IC 14-22-2-3

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

- (1) Exotic catfish.
- (2) Bighead carp.
- (3) Black carp.
- (4) Silver carp.
- (5) White perch.
- (6) Snakehead.
- (7) Rudd.
- (8) Ruffe.
- (9) Tubenose goby.
- (10) Round goby.
- (11) Stone moroko.
- (12) Zander.
- (13) Wels catfish.
- (14) A hybrid or genetically altered fish of any of these species.

(b) An individual who takes possession of a fish listed in subsection (a) does not violate this section if the fish listed in subsection (a) is killed immediately upon capture by doing one (1) of the following:

- (1) Remove the head of the fish.
- (2) Remove the gill arches from at least one (1) side of the fish.
- (3) Eviscerate the fish.

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

- (1) The use of a fish by a properly accredited zoological park as defined in 312 IAC 9-5-8(i).
- (2) During the lawful interstate shipment of fish through the state if the fish are not unloaded or do not leave the control of a common carrier.
- (3) A person who lawfully possesses an exotic fish under an aquaculture permit issued under 312 IAC 9-10-17 or a scientific purposes license issued under 312 IAC 9-10-6 for medical, educational, or scientific purposes.

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

(Natural Resources Commission; 312 IAC 9-6-7; filed May 12, 1997, 10:00 a.m.: 20 IR 2716; filed May 28, 1998, 5:14 p.m.: 21 IR 3719; filed Jul 23, 2003, 10:30 a.m.: 26 IR 3868; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; readopted filed May 20, 2014, 9:43a.m.: 20140618-IR-312140017RFA; filed Jun 15, 2015, 3:43 p.m.: 20150715-IR-312140453FRA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR-312190325RFA)

312 IAC 9-9-3 Mussels

Authority: IC 14-10-2-4; IC 14-22-2-6

Affected: IC 14-22-2-4; IC 14-22-17-3

Sec. 3. (a) Except as otherwise provided under this section, an individual must not take mussels and mussel shells from the waters of the state.

(b) An individual must not possess mussels or mussel shells except with a:

- (1) scientific purposes license under 312 IAC 9-10-6; or
- (2) special purpose possession permit for mussel shells obtained from the department for educational purposes only under IC 14-22-2-4.

(c) An individual must not import, possess, or release into public or private waters, a zebra mussel, quagga mussel (*Drissena* sp.), or Asiatic clam (*Corbicula* sp.).

(d) An individual who takes a mussel listed in subsection (c) does not violate this section if the mussel taken is killed immediately upon capture.

(e) An individual may possess a live mussel listed in subsection (d) if the mussel is held under a scientific purposes license issued under 312 IAC 9-10-6.

(f) No license under IC 14-22-17-3(1) or IC 14-22-17-3(3) shall be issued to:

- (1) take;
- (2) possess;
- (3) ship;
- (4) sell;
- (5) buy; or
- (6) export;

mussels or mussel shells.

(Natural Resources Commission; 312 IAC 9-9-3; filed May 12, 1997, 10:00 a.m.: 20 IR 2727; errata filed Jun 2, 1997, 3:20 p.m.: 20 IR 2789; filed May 28, 1998, 5:14 p.m.: 21 IR 3729; readopted filed Jul 28, 2003, 12:00 p.m.: 27 IR 286; readopted filed Nov 24, 2008, 11:08 a.m.: 20081210-IR-312080672RFA; filed Jul 6, 2010, 1:55 p.m.: 20100804-IR-312090616FRA; filed Mar 15, 2013, 2:33 p.m.: 20130410-IR-312120403FRA; errata filed Dec 6, 2013, 11:12 a.m.: 20140101-IR-312130537ACA; readopted filed May 20, 2014, 9:43 a.m.: 20140618-IR-312140017RFA; readopted filed Sep 18, 2019, 1:16 p.m.: 20191016-IR312190325RFA)

312 IAC 18-3-13 Permit to move, plant, or distribute *Rosa multiflora* or *Lythrum* species

Authority: IC 14-10-2-4; IC 14-24-3-1; IC 14-24-3-3

Affected: IC 14-24-5; IC 14-24-7

Sec. 13. (a) This section governs the anthropogenic movement and distribution of *Rosa multiflora* and *Lythrum* species in Indiana.

(b) Except as provided by this section, a person must not plant *Rosa multiflora* in Indiana.

(c) Except as provided in this section, a person must not sell, offer for sale, give away, or otherwise distribute seeds or plants of any species of *Lythrum* (commonly known as purple loosestrife) in Indiana.

(d) A nurseryman whose nursery has been inspected and certified under IC 14-24-5, and who holds a nursery dealer's license issued under IC 14-24-7, may plant *Rosa multiflora* for use as grafting stock in growing roses in the nursery subject to the following conditions:

(1) The nurseryman informs any division inspector who inspects the nursery of the presence of, and every site where, the grafting stock is located.

(2) Except upon written permission by the division director, *Rosa multiflora* is not sown or grown in the field as nongrafted stock. The written permission shall be noted on the nursery certificate at the time the nursery is certified.

(e) Species of *Lythrum* native to Indiana may be sold or distributed for an approved project or activity according to a prior permit issued as follows:

(1) An application must be completed by the permit applicant on a department form and delivered to the division. This application shall include the following:

(A) The scientific name of the species to be sold or distributed.

(B) The character (examples include marsh, upland, dominant shrub habitat, and mixed forest) of the site where the species is to be taken.

(C) A topographic map of the site clearly marked to indicate the specific site to which the plant material is to be taken.

(D) The source of the plants to be distributed.

(E) Certification that the plants are not hybrids of *Lythrum salicaria* or *Lythrum virgatum*. The certification may be verified by a person identified by the division of nature preserves of the department or by gene testing methodologies through qualified laboratories. The applicant is responsible for the cost of certification.

(2) Permits will be considered on an individual site or site and project basis.

(3) Unless otherwise specified, the duration of a permit is ninety (90) days.

(f) The state entomologist may issue a license to a person to obtain and possess *Lythrum* as follows:

(1) The person may lawfully possess the *Lythrum* solely for one (1) or more of the following purposes:

(A) The production of biological control organisms directed to *Lythrum* growing in the wild.

(B) Research into the biology of these biological control organisms.

(C) Related educational programs.

(2) A person issued a license under this subsection must take reasonable precautions to prevent the release of seeds or other viable parts of the *Lythrum* plants to the wild. Disposal of plants shall, if practicable, be performed by incineration. If facilities to incinerate plants are not available, the plants must be disposed at sites already heavily infested with species of *Lythrum* that are not native to Indiana.

(3) The state entomologist may place any conditions on the placement of a license that are determined necessary or appropriate under IC 14-24 or this section. Included among these conditions are the following:

(A) A requirement the applicant act under the auspices of a regional program sponsored by a biological control laboratory.

(B) A requirement the applicant obtain written permission from a landowner before digging or removing plants to be possessed under the license.

(C) A requirement the applicant display a copy of the license at the site where the *Lythrum* plants are being grown.

(4) A license issued under this subsection also authorizes a program coordinator to provide to the license holder *Lythrum* plants that include biological control organisms.

(g) A person is subject to a civil penalty of five hundred dollars (\$500) for each site where *Rosa multiflora* or *Lythrum* is maintained or distributed in violation of this section. Each year that the species is maintained or distributed constitutes a separate offense. In addition, a person may be required to destroy any unlawful plants and to restore and reclaim the site with native or other approved species.

(Natural Resources Commission; 312 IAC 18-3-13; filed Nov 22, 1996, 3:00 p.m.: 20 IR 952; filed Mar 23, 2001, 3:00 p.m.: 24 IR 2403; readopted filed Oct 2, 2002, 9:10 a.m.: 26 IR 546; readopted filed Sep 19, 2008, 10:23 a.m.: 20081008-IR-312080076RFA; readopted filed Jul 17, 2014, 3:48 p.m.: 20140813-IR-312140105RFA; readopted filed Sep 18, 2019, 1:18 p.m.: 20191016-IR-312190373RFA)

312 IAC 18-3-23 Prohibited invasive aquatic plants

Authority: IC 14-10-2-4; IC 14-24-3

Affected: IC 14-24

Sec. 23. (a) The following are prohibited invasive aquatic plants and are declared pests or pathogens regulated under this section:

- (1) *Azolla pinnata* (mosquito fern).
- (2) *Butomus umbellatus* (flowering rush).
- (3) *Caulerpa taxifolia* (caulerpa or Mediterranean killer algae).
- (4) *Egeria densa* (Brazilian elodea, Brazilian waterweed, Anacharis, or Egeria).
- (5) *Eichhornia azurea* (anchored water hyacinth).
- (6) *Hydrilla verticillata* (Hydrilla or water thyme).
- (7) *Hydrocharis morsus-ranae* (European frogbit or common frogbit).
- (8) *Hygrophilia polysperma* (miramar weed, Indian swampweed, or hygro).
- (9) *Ipomoea aquatica* (Chinese waterspinach or swamp morning-glory).
- (10) *Iris pseudacorus* (yellow flag iris or tall yellow iris).
- (11) *Lagarosiphon major* (oxygen weed or African elodea).
- (12) *Limnophila sessiliflora* (Asian marshweed or ambulia).
- (13) *Monochoria hastata* (monochoria, arrowleaf, or false pickerelweed).
- (14) *Monochoria vaginalis* (heartshape or false pickerelweed).
- (15) *Myriophyllum aquaticum* (parrot feather or parrot feather watermilfoil).
- (16) *Myriophyllum spicatum* (Eurasian watermilfoil).
- (17) *Najas minor* (brittle naiad or brittle water nymph).
- (18) *Nitellopsis obtusa* (starry stonewort).
- (19) *Nymphoides peltata* (yellow floating heart).
- (20) *Ottelia alismoides* (duck lettuce).
- (21) *Potamogeton crispus* (curlyleaf pondweed).
- (22) *Sagittaria sagittifolia* (arrowhead).
- (23) *Salvinia auriculata* (giant salvinia).
- (24) *Salvinia biloba* (giant salvinia).
- (25) *Salvinia herzogii* (giant salvinia).
- (26) *Salvinia molesta* (giant salvinia).
- (27) *Sparganium erectum* (exotic bur-reed).
- (28) *Stratiotes aloides* (water soldier).
- (29) *Trapa natans* (water chestnut).
- (30) *Typha angustifolia* (narrow-leaf cattail).

(b) This section applies to any part or life stage of the species identified in subsection (a).

(c) Except as provided in subsection (d), a person must not do the following with respect to any species identified in subsection (a):

- (1) Sell, offer for sale, gift, barter, exchange, or distribute a species.
- (2) Transport a species on or within any:
 - (A) boat;
 - (B) trailer;
 - (C) motor vehicle;
 - (D) bait bucket;
 - (E) fishing gear;
 - (F) creel;
 - (G) tackle;
 - (H) tackle box; or
 - (I) other means.
- (d) Exempted from this section are the following:
 - (1) A person who possesses a species identified in subsection (a) under a permit issued by the state entomologist.
 - (2) A person engaged in a project approved by the state entomologist for the destruction of a species.
- (e) The division may regulate an area infested by a species identified in subsection (a) to prevent its movement.
- (f) A person who discovers a species identified in subsection (a) may do the following:
 - (1) Report the discovery to a department fisheries biologist or to the following address:

Department of Natural Resources
Division of Fish and Wildlife
Aquatic Invasive Species Coordinator
402 West Washington Street, Room W273
Indianapolis, IN 46204
 - (2) Include in the report provided under subdivision (1):
 - (A) The location of the discovery, including the name of the county and the waterway.
 - (B) The date of the discovery.
 - (C) Contact information for the person making the report, including telephone number and address.

(Natural Resources Commission; 312 IAC 18-3-23; filed Aug 1, 2012, 10:57 a.m.: 20120829-IR-312120050FRA; readopted filed Jul 17, 2014, 3:48 p.m.: 20140813-IR-312140105RFA; filed May 9, 2019, 2:25 p.m.: 20190605-IR-312180508FRA; readopted filed Sep 18, 2019, 1:18 p.m.: 20191016-IR-312190373RFA)