

ARKANSAS REGISTER

Proposed Rule Cover Sheet



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Name of Department Arkansas Game and Fish Commission

Agency or Division Name Legal Division

Other Subdivision or Department, If Applicable _____

Previous Agency Name, If Applicable _____

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Name of Rule J1.03 Approved Stocking Species List for Privately Owned Lakes and Ponds

Newspaper Name Arkansas Democrat Gazette

Date of Publishing August 16, 17, 18, 2020 and September 13, 14, 15, 2020

Final Date for Public Comment October 15, 2020

Location and Time of Public Meeting 2 Natural Resources Drive, Little Rock AR 72205, 9:00 a.m.

J1.03 Approved Stocking Species List for Privately Owned Lakes and Ponds

Private landowners may purchase the approved farm-raised species listed below from AGFC permitted sources (Resident/Non-Resident Fish Farmer, Resident/Non-Resident Fish Dealer/ Independent Hauler) for stocking without a permit from AGFC (Code 26.12). No importation of live wild caught fish species for stocking allowed. All imported fish species must meet health certificate requirements set forth by state and federal regulations (See Addendum I1.00). A true bill of lading, invoice, and health certificate (if required) must accompany every shipment of live fish entering or being transported through the State of Arkansas (See Codes 35.03, 35.11, and 35.12).

Class Crustacea

Family Cambaridae

Procambarus acutus (White River crayfish)

Procambarus clarkii (Red Swamp crayfish)

Class Osteichthyes

Family Centrarchidae

Lepomis cyanellus (Green sunfish)

Lepomis macrochirus (Bluegill)

Lepomis microlophus (Redear sunfish)

Micropterus salmoides (Largemouth bass)

Pomoxis annularis (White crappie)

Pomoxis nigromaculatus (Black crappie)

Family Cichlidae- Species must be obtained from a permitted source and species spawned and reared only in the United States.

* *Oreochromis aureus* (Blue tilapia)

* *Oreochromis mossambicus* (Mozambique tilapia)

* *Oreochromis niloticus* (Nile tilapia)

Family Clupeidae

Dorosoma petenense (Threadfin shad)

Dorosoma cepedianum (Gizzard shad)

Family Cyprinidae

* *Carassius auratus* (Goldfish, including ornamentals)

* *Ctenopharyngodon idella* (Grass carp) – USFWS Certified Triploids Only

* *Cyprinus carpio* (**Koi only**- must be obtained from a permitted source and species spawned and reared only in the United States.)

Notemigonus crysoleucas (Golden shiner)

Pimephales promelas (Fathead minnow)

Family Ictaluridae

Ictalurus furcatus (Blue catfish)

Ictalurus punctatus (Channel catfish)

Family Moronidae

Morone chrysops X *Morone saxatilis* (Hybrid Striped bass)

Hybrids:

It is our intent that stocking of any hybrid fish species is permissible if both parent species are included on the Approved Stocking Species List for Privately owned Lakes and Ponds, with the exception of Hybrid Catfish (*Ictalurus furcatus* X *Ictalurus punctatus*).

Salmonid species:

Requires a valid Trout Importation/ Stocking permit and must meet all requirements set forth in AGFC Code 27.07, AGFC Code Chapter 35.00, Addendums I1.00, J1.00, and V1.00.

VHS Fish Farm Health Inspection Permit:

It shall be unlawful for any person to import, transport or otherwise receive into the state of Arkansas live fish and/or fertilized eggs from any VHSV-positive state (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and Ontario and Quebec) without first obtaining appropriate permit (Code 35.01) in addition to a valid Fish Farm Health Inspection Permit issued by the Arkansas Game and Fish Commission and complying with the provisions of said permit. All persons wishing to ship live fish or fish eggs into Arkansas from VHSV-positive states must first obtain the Fish Farm Health Inspection Permit and a copy of the permit must accompany all shipments into the state, even if the fish are transported by a third party. Furthermore, any person hauling live fish through Arkansas from VHS-positive states are prohibited from discharging water from fish-hauling tanks while within the state. All shipments of live fish or eggs coming into Arkansas must be accompanied by an invoice, bill of lading, and appropriate health certificates in compliance with Code 35.03. Additionally, the fish health inspection report must be no more than 60 days old from date of reported test results at time of application for Fish Farm Health Inspection Permit from Commission.

Permission to Import, Rear, or Stock Unlisted Species:

Requests to import, possess, and stock species not listed in this policy will be scientifically evaluated on a case-by-case basis. The burden of proof will rest with the applicant to provide justification as to the need to import and stock the species, justify why currently approved species listed in this policy will not fill the need, and provide information that the requested species will have no significant ecological impact on native species or resources of the state. The stocking of any unlisted aquaculture species shall be conducted in a responsible manner that excludes the possibility of escapement from holding and culture units. Permit holders are required to construct a barrier that prevents escapement of juvenile and adult species from their location and meet all biosecurity, containment, and health certificate requirements set forth by AGFC Fisheries Division scientific review of the species. Additional biosecurity and containment requirements may be required as part of the terms of the permit based on scientific review of the

species. In the event that unlisted aquatic organisms are released or escape from the stocked location, the permittee shall notify the AGFC immediately. Additional screening for aquatic animal health pathogens maybe required for unlisted species due to country of origin, water source, or specific pathogens of concern and will be considered on a case by case basis.

Prohibited Species:

It is unlawful to import for private lake or pond stocking any specimen or hybrid from species commonly known as:

- Alewife *Alosa pseudoharengus*
- Blueback herring *Alosa aestivalis*
- Eurasian ruffe *Gymnocephalus cernua*
- Mexican banded tetra *Astyanax aeneus*
- Orfe *Leuciscus idus*
- Piranha Family *Serrasalminidae*
- Roach fish *Rutilus rutilus*
- Round Goby *Neogobius melanostromus*
- Rudd *Scardinius erthrothalmus*
- Snakehead Family *Channidae*
- Stickleback fish Family *Gasteroseidae*
- Walking catfish *Clarias bacrachus*
- Yellow perch *Perca flavescens*

- Chinese mitten crab *Ericher sinensis*
- Everglades crayfish *Procambarus alleni*
- Redclaw crayfish Family *Cherax*
- Rusty crayfish *Orconectes rusticus*
- Smooth Marron *Cherax cainii*
- Yabby *Cherax destructor*

- Big-Ear radix *Radix auricularia*
- Channeled apple snail *Pomacea canaliculata*
- Chinese mystery snail *Cipangopaludina chinensis*
- Ghost Ramshorn snail *Biomphalaria havanensis*
- New Zealand mud snail *Potamopyrgus antipodarum*
- Quagga mussel *Dreissena bugensis*
- Quilted melania *Tarebia granifera*
- Red-rim melania *Melanoides tuberculata*
- Zebra mussel *Dreissena polymorpha*

Modification of Lists:

Any individual may petition AGFC to add or remove species on the *Approved Stocking Species List for Privately Owned Lakes and Ponds*. The petition must provide thorough documentation of why a species should or should not be included on a list. Petitions should address the biological threat of the species, including native range, habitats utilized, movement patterns, spawning requirements, reproductive rate, food habits, and temperature, pathogens of concern, and

water-quality limitations. They should include documentation of any introductions or escapes outside the species' native range and evaluate the potential impacts to native species through predation, competition, disease transmission, and displacement. Petitions should include copies of all pertinent reference material.

Petitions to add or remove species on the *Approved Stocking Species List for Privately Owned Lakes and Ponds* will be responded to by the Chief of Fisheries after thorough scientific review of the species and a consultation with an advisory board representing Arkansas Game and Fish Commission staff.