

Proposed Regulatory Language

Section 236, Title 14 CCR, is amended as follows:

§ 236. Importation of Live Aquatic Plants and Animals.

The provisions of this section shall apply to the importation of all live aquatic plants and animals.

(a) No person shall import into this state any prohibited species of live aquatic plant or animal listed pursuant to Section 2118 of the Fish and Game Code or Section 671 of these regulations unless specifically authorized by the commission.

(b) Unless specifically prohibited by these regulations, plants and animals within the following groups may be imported without an importation permit from the department:

(1) Mollusks and crustaceans intended to go directly into the seafood market and which will not be placed into the waters of the state nor placed in waters which are discharged to waters of the state.

(2) Live ornamental tropical marine or freshwater plants or animals that are not utilized for human consumption or bait purposes, are maintained in closed systems for personal, pet industry or hobby purposes, and which will not be placed in waters of the state.

(3) Brine shrimp.

(c) With the exception of those importations described in Section 236(a) and (b), live aquatic plants and animals may be imported into this state only in accordance with the following terms and conditions:

(1) A standard importation permit signed by the director or his agent is required, and no shipment into the state may be made prior to the issuance of the permit authorizing the shipment or shipments. The department shall charge a fee of \$25.00 for issuing each permit. Fees charged for inspections shall be independent of the fees charged for issuing permits.

(2) With the exceptions of the live aquatic plants and animals listed in subsection 236(c)(~~6~~7), a permit is required for each lot or load, and each shipment must be accompanied by the original copy of the importation permit. Unless otherwise authorized, the person who is to receive any shipments of aquatic plants and animals shall apply to the department for this importation permit.

(3) Application for a standard importation permit shall be made on a form (Application for Standard Importation Permit, FG 789 (2/91), which is incorporated by reference herein) supplied by the department, as directed in Section 235(d) and shall reach the department's headquarters office at least 10 working days in advance of the probable arrival date of the shipment. A copy of the permit authorized by the director or his agent must accompany each load. If a change in date of shipment becomes necessary after a permit has been issued, the permittee shall notify the Aquaculture Development Section at least 5 days before the new date of shipment. Under special circumstances, the department may waive this 5-day notice requirement.

(4) All live aquatic plants and animals imported into California may be inspected by the department, either at the place of entry into the state or at other locations suitable to the department. The person importing the aquatic plants or animals may be required to provide facilities for inspecting and sorting them, and may be required to pay inspection costs, including salary and travel expenses of the inspector.

(5) Except as otherwise provided in subsection 236(c)(6), Any lot or load of aquatic plants and animals found by the inspector to be diseased, parasitized or to contain species not authorized by the importation permit must be immediately destroyed or transported out of California within a period of time specified by the department. In such cases, the importation permit is automatically revoked.

(6) Notwithstanding subsection 236(c)(5) and Section 245 of these regulations, a registered aquaculturist, solely for research purposes, may import aquatic plants or animals, for which a disease or pathogen has been detected in the shipment prior to importation, subject to written approval and permit conditions specified by the department. At a minimum, the permit shall require the registered aquaculturist to maintain all the aquatic plants or animals identified in the permit in a closed water system as defined in Section 671.7(a)(1) of these regulations. If a disease or pathogen listed in subsection 245(c) of these regulations, not originally detected prior to importation, is identified by a fish pathologist, the registered aquaculturist shall comply with subsection 236(c)(5) and Section 245 of these regulations.

~~(6)~~(7) In lieu of the permits specified in subsection 236(c)(1), long-term permits for the following aquatic plants and animals may be issued by the department for periods of up to one year. Application shall be made on a form (Application for Long-term Permit to Import Animals into California, FG 786 (2/91), which is incorporated by reference herein) supplied by the department. The department shall charge a fee for issuing each permit. See subsection 699(b) of these regulations for the fee for this permit.

(A) Oyster, oyster larvae and oyster seed.

(B) Ghost shrimps (*Callinassa spp.*).

(C) Mud shrimps (*Upogebia spp.*).

(D) Longjaw mudsuckers (*Gillichthys mirabilis*).

(E) Red swamp crayfish (*Procambarus clarkii*).

(F) Orconectes virilis.

(G) Marine Annelid worms (*Phylum Annelida*).

(H) Sacramento blackfish (*Orthodon microlepidotus*).

(I) Other species under conditions which the department determines represent no significant risk to the fish and wildlife resources of the state.

~~(7)~~(8) Importation of Salmonid Eggs. Applications to import eggs of fishes of the family salmonidae (trout, salmon and char) shall be accompanied by a health certificate signed by a person competent in the diagnosis of fish diseases stating that the hatchery or other sources of the eggs to be imported and the eggs themselves are free of the following diseases: infectious

pancreatic necrosis (IPN); bacterial kidney disease (BKD); infectious hematopoietic necrosis (IHN); and viral hemorrhagic septicemia (Egtved).

In questionable cases, the director of the department shall determine whether or not the person making the certification is technically qualified to do so.

~~(8)~~(9) Only those aquatic plants and animals lawfully obtained in another state or country may be imported.

(d) It is unlawful to violate the terms and special conditions of an importation permit issued pursuant to this section.

NOTE: Authority cited: Sections 1050, 2118, 6401, 15004, 15600 and 15601, Fish and Game Code. Reference: Sections 2116-~~2194~~2190, 2270-2272 and 3201-3204, Fish and Game Code.