

**State of California
The Resources Agency
DEPARTMENT OF FISH AND GAME
1416 Ninth Street
Sacramento, California 95814**

Inland Fisheries - Informational Leaflet No. 35

AQUACULTURE IN INLAND WATERS OF CALIFORNIA¹

This leaflet deals with aquaculture in privately-owned waters of California. Information on the culture of marine species in coastal waters, or on leasing of State-owned water bottoms for aquaculture purposes is contained in Marine Resources Informational Leaflet titled: "Regulations Governing Marine Aquaculture", available from the Department of Fish and Game, Marine Resources Region, 20 Lower Ragsdale Drive, Monterey, CA 93940, (831) 649-2870.

Laws and regulations are summarized in this leaflet for your convenience. However, be sure to also read the verbatim laws and regulations, which are attached.

Aquaculture Registration

State law requires that aquaculture facilities owners register their operations annually with the Department of Fish and Game.

The registration fee for a new owner/operator is adjusted annually can be obtained from the Department's License and Revenue Branch at (916) 928-5805. The registration period extends from January 1 (or the date of registration) through December 31. Individual forms must be completed for each aquaculture facility location. Registration must be renewed each year and an annual renewal fee is required for each aquaculture facility location. In addition, the owner of any aquaculture facility that in the preceding calendar year has gross annual revenues of at least \$25,000 from the sale of aquaculture products must pay an additional surcharge at the time of renewal.

Who Must Register

1. Anyone who for commercial purposes rears or maintains live aquatic plants or animals in brackish, marine or fresh water.
2. Anyone who for commercial purposes rears or maintains live aquatic plants or animals for food, bait, or for stocking in waters of the State.

Aquaculture registration is not required for:

1. The rearing or maintenance of koi or goldfish in closed systems for personal, pet, or hobby purposes.
2. The sale or cultivation of brine shrimp.

¹Prepared by Fisheries Branch Staff, July, 2000, Updated June 2011.

3. The sale or cultivation of tropical species or ornamental aquatic plants or animals, not utilized for human consumption or bait purposes, but maintained in closed systems and utilized by the pet industry or hobbyists.

(continued next page)

Fish and Game Offices (and Counties Represented)

NORTHERN REGION
 Del Norte
 Humboldt
 Lassen
 Mendocino
 Modoc
 Shasta
 Siskiyou
 Tehama
 Trinity

*601 Locust Street
 Redding, CA 96001
 (530) 225-2300*

NORTH CENTRAL REGION
 Alpine
 Amador
 Butte
 Calaveras
 Colusa
 El Dorado
 Glenn
 Lake Nevada
 Placer
 Plumas
 Sacramento
 San Joaquin
 Sierra
 Sutter
 Yolo
 Yuba

*1701 Nimbus Road
 Rancho Cordova, CA 95670
 (916) 358-2900*

BAY-DELTA REGION
 Alameda
 Contra Costa
 Marin
 Napa
 Sacramento
 San Mateo
 Santa Clara
 Santa Cruz
 San Francisco
 San Joaquin
 Solano
 Sonoma
 Yolo

*7329 Silverado Road
 Napa, CA 94558
 (707) 944-5500*

SOUTH COAST REGION
 Los Angeles
 Orange
 San Diego
 Santa Barbara
 Ventura

*3883 Ruffin Road
 San Diego, CA 92123
 (858) 467-4201*

MARINE REGION
 California's coastline
 and out 3 miles to sea

*20 Lower Ragsdale Drive
 Suite 100
 Monterey, CA 93940
 (831) 649-2870*

CENTRAL REGION
 Fresno
 Kern
 Kings
 Madera
 Mariposa
 Merced
 Monterey
 San Benito
 San Luis Obispo
 Stanislaus
 Tulare
 Tuolumne

*1234 East Shaw Avenue
 Fresno, CA 93710
 (559) 243-4005*

INLAND DESERTS REGION
 Imperial
 Inyo
 Mono
 Riverside
 San Bernardino

*3602 Inland Empire Blvd., Suite
 C-220
 Ontario, CA 91764
 (909)484-0167*

FISHERIES BRANCH
*830 S Street
 Sacramento, CA 95811
 (916) 445-3597*

**License and Revenue
 Branch**
*1740 N. Market Blvd.
 Sacramento, CA 95834
 (916) 928-5805*

**FISHERIES BRANCH
830 S Street
Sacramento, CA 95811
(916) 445-0826**

How to Register

Applicants must apply for registration on Form FG 750. Blank applications may be obtained by contacting the Department's License and Revenue Branch (see page 3 of this leaflet). Aquaculturists must show on the application the owner's name, the genus and species maintained (see attached list of approved common names on page 6 of this leaflet), and the location(s) of the facilities. Include a drawing showing the orientation of ponds to natural waterways, inlets and outlets of ponds, placement of screens to prevent the movement of plants or animals into and out of the ponds, and the location of the water source. (See Section 235.1 of Title 14 of the California Administrative Code attached to this leaflet.)

Send applications, together with the registration fee (only credit cards, checks or money orders may be accepted) to the Department of Fish and Game, License and Revenue Branch, 1740 N Market Blvd, Sacramento, CA 95834: Telephone: (916) 928-5805. For information specific to your area, contact one of the Department of Fish and Game regional offices listed on page 3.

Predator Control

Be aware that bird predation is a common, often serious, problem for aquaculture operations. You should consider this in the design of your facility. Birds that may cause problems include but are not limited to great blue herons, black-crowned night herons, green herons, mergansers, cormorants, kingfishers, gulls, and ospreys. Mammalian predators such as river otters, mink, and skunks may also cause problems.

If predation becomes a problem on your facility, you may find that overhead wires or netting and "scare tactics" may be ineffective or are effective only in combination with lethal methods of control. Lethal control methods are only legally available to aquaculturists after thorough investigation and justification, and then only under very restricted permit terms. More and more, applications for permits to kill predators are being denied completely.

Many of the predators are protected by specific provisions of federal and State regulations. Penalties for violations can be very severe.

Effective non-lethal methods to discourage predators have proven to be difficult to develop. As a result of these pressures, some aquaculturists are constructing facilities which are completely enclosed to exclude predators. Whether or not this is a solution you choose, it is important that you recognize the magnitude of the problems which predators are capable of causing. Minimizing the predator problem should be included as a major aspect of your planning.

Department Review of Aquaculture Registration Applications

Regional Fish and Game and Fish Health personnel review applications for aquaculture registration to approve species to be maintained and provisions for screening. Regional personnel may inspect the facilities before approving the application. The Department may prohibit any aquaculture operation or the culturing of any species where it is determined that the operation or species would be detrimental to adjacent native wildlife. A list of the species commonly approved for California aquaculture facilities appears on the following page (page 6).

If the Department does not approve the culturing of a particular species at your aquaculture facility, you will receive written notification (usually the notification will be written on your registration certificate).

Addition of Species to Individual Certificates of Registration

You may add certain species to the list of "Approved Species" on your current aquaculture registration after you have received your Certificate of Registration. Send a letter to the Department giving the name(s) of the additional species you wish to cultivate and the name, location, and permanent registration number of the facility where they are to be maintained. Send the request to the Department of Fish and Game, Fisheries Branch, 830 S Street, Sacramento, CA 95811. In most cases, additional species are readily approved. When approval is obtained, the Department will notify you by letter, which constitutes an addendum to your current Certificate of Registration. Be sure to get approval before acquiring the new species, as it is illegal to possess any species not listed on your Certificate of Registration.

Acquiring a Broodstock

You can obtain broodstock from the following sources:

1. Another registered aquaculturist.
2. A licensed commercial fisherman.
3. You may import broodstock (except bullheads or catfish) for aquaculture purposes (see section on importation).

If stocks are not available from a commercial source in California, the Department may issue permits to registered aquaculturists to collect certain wild aquatic plants or animals for use in developing a domestic broodstock. Although the progeny of plants and animals taken under a Wild Broodstock Collection Permit are the property of the permittee, the original stock collected remain property of the State and may not be bartered, traded, or sold. Permit applications and copies of pertinent laws and regulations are available from the Department of Fish and Game, Fisheries Branch, 830 S Street, Sacramento, CA 95811, (916) 445-0826.

APPROVED COMMON NAMES OF FISHES
FOR REGISTERED AQUACULTURE APPLICANTS^{4/}

<u>Common name</u>	<u>Scientific name</u>
Black bullhead	<u>Ictalurus melas</u>
Black crappie	<u>Pomoxis nigromaculatus</u>
Blue catfish	<u>Ictalurus furcatus</u>
Bluegill	<u>Lepomis macrochirus</u>
Brook trout	<u>Salvelinus fontinalis</u>
Brown bullhead	<u>Ictalurus nebulosus</u>
Brown trout	<u>Salmo trutta</u>
Bullfrog	<u>Rana catesbeiana</u>
Channel catfish	<u>Ictalurus punctatus</u>
Chinook salmon	<u>Oncorhynchus tshawytscha</u>
Coho salmon	<u>Oncorhynchus kisutch</u>
Common carp	<u>Cyprinus carpio</u>
Fathead minnow	<u>Pimephales promelas</u>
Freshwater prawn	<u>Macrobrachium rosenbergii</u>
Golden shiner	<u>Notemigonus crysoleucas</u>
Goldfish	<u>Carassius auratus</u>
Green sunfish	<u>Lepomis cyanellus</u>
Hardhead	<u>Mylopharodon conocephalus</u>
Hitch	<u>Lavini exilicauda</u>
Largemouth bass	<u>Micropterus salmoides</u>
Mosquitofish	<u>Gambusia affinis</u>
Rainbow trout (includes steelhead)	<u>Oncorhynchus mykiss</u>
Red shiner	<u>Notropis lutrensis</u>
Red swamp crayfish	<u>Procambarus clarki</u>
Redear sunfish	<u>Lepomis microlophus</u>
Sacramento blackfish	<u>Orthodon microlepidotus</u>
Signal crayfish	<u>Pacifastacus leniusculus</u>
Smallmouth bass	<u>Micropterus dolomieu</u>
Splittail	<u>Pogonichthys macrolepidotus</u>
Striped bass	<u>Morone saxatilis</u>
Tiger prawn	<u>Penaeus monodon</u>
Use scientific name	<u>Tilapia hornorum</u>
Use scientific name	<u>Tilapia mossambica</u>
Use scientific name ^{5/}	<u>Tilapia zillii</u>
Western sucker	<u>Catostomus occidentalis</u>
White catfish	<u>Ictalurus catus</u>
White crappie	<u>Pomoxis annularis</u>
<u>White sturgeon</u>	<u>Acipenser transmontanus</u>

^{4/}Only the listed common names are acceptable. General names such as trout, minnows,

catfish, bass, sunfish, etc., are unacceptable.

^{5/}Tilapia will be approved only in San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial counties. It may be stocked there only in waters approved by the Department of Fish and Game. Only T. mossambica and T. hornorum may be stocked and recipient waters must be approved by the Department. No tilapia may be imported until the genetic integrity of the stock has been certified. This certification may be required for every shipment.

Importation of Live Aquatic Plants and Animals

Live aquatic plants and animals may be imported into California under the terms of two types of importation permits: Standard Importation Permit (Form FG 789) and Long-term Importation Permit (Form FG 786). A Standard Importation Permit allows a single shipment of live aquatic plants or animals to enter California. Shipments of trout, salmon and warm-water game fish will be issued a Standard Importation Permit. A Long-term Importation Permit allows importation of specific live aquatic plants or animals for one year.

Standard Importation Permit (Form FG 789)

The Department of Fish and Game requires a Standard Importation Permit to import most aquatic species. A Standard Importation Permit is valid for one shipment from one supplier. A copy of your approved Importation Permit must accompany the shipment. Applications for a Standard Importation Permit are available on-line at: <http://www.dfg.ca.gov/fish/Administration/Permits/>. Mail completed applications with the appropriate fees to the Department of Fish and Game address at the bottom of the Importation Permit application form. Incomplete or illegible applications will result in delays.

IMPORTANT: Complete Importation Permit applications and appropriate fees must reach the Fisheries Branch at least 10 working days in advance of the shipment date.

A separate Standard Importation Permit must be completed and approved for each shipment of live aquatic plants or animals into the State.

Permit fees are adjusted annually, pursuant to the Consumer Price Index. Contact the Department's Fisheries Branch for the current fee. In addition, Department pathologists may conduct a health inspection. The inspection fee is in addition to the permit fee and varies depending on the location (Appendix C). The Department will invoice the importer for the inspection fee.

If your shipment requires a health inspection, the Department will contact you to arrange a time, date, and place for the health inspection. Your authorized Importation Permit will include the health inspection details. One copy of the approved permit must accompany the shipment. For more information regarding the Importation Permit or inspection fees, contact the Department's Fisheries Branch.

The permit is valid only on the date the inspection takes place. If there is a change in the

shipment date after the Importation Permit has been mailed, you must notify the Fisheries Branch, 830 S Street, Sacramento, CA 95811 or by telephone at (916) 445-0826. Failure to notice may result in the loss of fees or cancellation of permits.

Long-term Importation Permit (Form FG 786)

Certain species importations qualify for a Long-term Importation Permit. A Long-term Importation Permit is intended for repeated importations under the same conditions (same species from the same origin to the same destination). To qualify for this type of permit, the risk of introducing diseases, parasites, or undesirable species with the imported animals must be very low.

Examples are animals which:

1. Normally are taken from the wild outside the State (not aquaculture products) from drainages absent diseases, parasites, or exotic species of concern.
2. Normally will not be maintained alive in the waters of the State.
3. The Department has reason to believe harbour no known new fish diseases or parasites, which might be introduced to the waters of the State.

Examples may be Sacramento blackfish, carp and other fin fish held alive until retailed in food markets, and certain species, including crayfish and other aquatic invertebrates, used as live bait in the waters of the State.

Long-term Importation Permits (Form FG 786) are issued at the discretion of the Department for periods of up to one year from the date of issue.

An administrative fee is charged for issuing each permit and is adjusted annually, pursuant to the Consumer Price Index. You should contact the Department's Fisheries Branch for the current fee.

Applicants for a Long-term Importation Permit must list the sources of the live animals they will be importing, the locations to which they intend to import, and the approximate frequency of importation. If the live aquatic animals are to be distributed to other retailers after importation, the importer must supply a list of retailers to whom live animals will be distributed.

Inspections of live aquatic animals imported under the provisions of a Long-term Importation Permit may be conducted at the discretion of the Department.

Applications for a Long-term Importation Permit are available online at:

<http://www.dfg.ca.gov/fish/Administration/Permits/>. For more information, please contact the Department of Fish and Game, Fisheries Branch, 830 S Street, Sacramento, CA 95811, (916) 445-0826.

Revocation of Importation Permit

Any lot or load of live aquatic plants or animals found by the Department to be diseased, parasitized, or to contain species not authorized by the Importation Permit must be immediately destroyed or transported out of California. In such cases, the Importation Permit is automatically

cancelled.

Catfish and Bullheads

It is unlawful to import any live catfish or bullheads into California due to the danger of introducing channel catfish virus. This includes adults, fingerlings, or eggs.

Prohibited Species

No one may import into this State any species of live aquatic plants or animals listed in Section 671 of Title 14. These species are prohibited in California because they are undesirable; or a menace to native wildlife, to agricultural interests, or to public health and safety.

Exotic Species

A special permit from the Fish and Game Commission is required to import live those species not currently established in California. Any requests to import exotic species must be addressed to the Fish and Game Commission, 1416 Ninth Street, Sacramento, CA 95814. Be sure to include the source of the aquatic plant or animal, a detailed explanation of your proposed operation, the means by which the exotic species is to be confined, and the scientific name of the species.

Disease Control

The spread of harmful fish diseases or parasites poses a serious threat to our fisheries and other aquatic resources. The Department and the Aquaculture Disease Committee developed a list of diseases and parasites of special concern. Regulations describing the diseases, routine monitoring procedures, quarantine, facility clean-up, and compensation for animal destruction are listed at the end of this leaflet (See Fish and Game Code Sections 15500-15514 and Section 245, Title 14, California Administrative Code).

Sales and Transportation

A Registered Aquaculturist may sell and transport live those aquaculture products authorized by his registration to any of the following whose licenses or permits authorize possession of the same species live for commercial purposes:

1. Registered Aquaculturists.
2. Scientific or educational establishments.
3. Aquarium Dealer Permittees.
4. Live Freshwater Bait Fish Licensees.
5. To any other legal purchaser or processor for whom possession is legal.

Shipments must be accompanied by a duplicate of a sales invoice showing the name and

aquaculture registration number of the producer; date of shipment; the species being transported; the weight, volume, or count of each species in the shipment; and the name and address of the consignee. Duplicates of these sales invoices must be retained by the aquaculturist for 1 year following the sale. Except for aquaculture products sold to aquaculturists registered for these species, it is illegal for the products sold to anyone listed above to be stocked in any lake, pond, or stream.

In addition, any dead sturgeon, striped bass, steelhead trout, or dressed hybrid striped bass transported within California must be identified in one of the following ways:

1. Packaged in sealed containers.
2. Tagged with consecutively numbered cinch-up vinyl spaghetti tags (with tag numbers listed on accompanying waybill).
3. Marked using liquid nitrogen and a metal brand (branded).

A copy of the shipping document must be forwarded to the Department's nearest regional office within 30 days of the shipment. Be sure to read Sections 135 and 240 of Title 14 for complete details.

Retail sales of aquaculture products taken from the aquaculture facility by the purchaser need only be accompanied by a sales receipt showing the name and aquaculture registration number of the producer, the item(s) and quantity purchased, and the date of purchase. All products sold retail at an aquaculture facility must be dead at the time of sale unless the purchaser has a license or permit authorizing the possession of those live plants or animals. Exception: An aquaculturist may retail live at his facility those freshwater bait fishes that are legal for sale by licensed Live Freshwater Bait Dealers in the same sport fishing district or portion of sport fishing district in which the aquaculture facility is located.

Stocking

Section 238.5 of Title 14 describes the terms and conditions by which aquaculture products may be stocked in this State. A summary of the section is not practical in this space. However, a copy of Section 238.5 may be found on page 23 of this leaflet. Be sure to read this section carefully.

Except for sales between aquaculturists registered with the Department for the species in question, many aquaculture products stocked in this State require a "Private Stocking Permit" (Form FG 749). Permit applications are available from any Department office. Mail completed forms to the regional office in whose jurisdiction the aquaculture products will be stocked. The addresses and counties of responsibility for each region are listed on page 3 of this leaflet. The Private Stocking Permit (Form FG 749) is not valid until approved and signed by the Department. Fish may not be stocked under this permit until it has been approved.

Any questions regarding stocking may be answered by personnel of one of the Department's regional offices or may be referred to: Department of Fish and Game, Fisheries Branch, 830 S Street, Sacramento, CA 95814, telephone (916) 445-0826.

You may also wish a copy of Informational Leaflet No. 6, "Regulations Governing Private Stocking of Aquaculture Products (Noncommercial)". It is available from the sources listed above.

Aquarium Dealer Permits

Aquarium or pet stores may not maintain or sell any aquaculture products except the following:

1. Tropical species of ornamental marine or freshwater plants or animals not utilized for human consumption or bait purposes.
2. Goldfish.
3. Koi.
4. Albino channel catfish.
5. White sturgeon not longer than 8 inches.
6. Giant freshwater prawn (Macrobrachium rosenbergii).
7. Brine shrimp.
8. Tubifex worms.
9. Amphipods native to California.
10. Mosquitofish, except they may not be sold in Inyo, Mono, San Bernardino, Riverside, or Imperial counties.
11. Abalone, marked as provided in Section 238(e), Title 14, California Administrative Code.

Aquaculture products sold at aquarium or pet stores may not be planted in waters of the State.

White sturgeon may only be sold in an aquarium or pet stores under the authority of an Aquarium Dealer's Permit. Applications (Form 972) are available from the Department of Fish and Game, License and Revenue Branch (see page 2). The completed application should be returned to the License and Revenue Branch.

Aquarium Dealer Permittee's must maintain a log of all sales and shipments of live sturgeon; the name of the individual, company, or organization taking possession; the date of sale; and the number of sturgeon sold.

Technical Advice

You may obtain technical advice pertaining to aquaculture from:

Center for Aquatic
Biology
and Aquaculture
University of California
One Shields Avenue
Davis, CA 95616
(530) 752-7601

USDA NRCS
221 West Court St, Suite 1
Woodland, CA 95695
(530) 792-5656

California Aquaculture
Association
P. O. Box 807
Sacramento, CA 95814
(916) 915-1151

The University of California Agricultural Extension offers advice on aquatic weed control. The extension has offices in most counties.

APPENDIX A

FISH AND GAME CODE SECTIONS PERTAINING TO AQUACULTURE

17. "Aquaculture" means that form of agriculture devoted to the propagation, cultivation, maintenance, and harvesting of aquatic plants and animals in marine, brackish, and fresh water. "Aquaculture" does not include species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes, however, these species continue to be regulated under Chapter 2 (commencing with Section 2116) of Division 3.

Fish, Reptiles, Amphibia, and Aquatic Plants Generally

2270. It is unlawful for any person to receive, bring, or cause to be brought into this state, for the purpose of propagation, any fish, reptile, amphibian, or aquatic plant from any place wherein any infected, diseased, or parasitized fish, reptile, amphibia, or aquatic plants are known to exist.

2271. (a) No live aquatic plant or animal may be imported into this state without the prior written approval of the department pursuant to regulations adopted by the commission. A written application for the importation, submitted in conformance with the procedural requirements established by the commission, is deemed approved where it has not been denied within 60 days.

(b) This section does not apply to the following plants or animals unless the plants or animals are or may be placed in waters of the state.

(1) Mollusks.

(2) Crustaceans.

(3) Ornamental marine or freshwater plants and animals that are not utilized for human consumption or bait purposes and are maintained in closed systems for personal, pet industry, or hobby purposes.

(c) The section does not apply to any live aquatic plant or animal imported by a registered aquaculturist.

2272. Each package containing any live aquatic plant or animal shall bear, in a conspicuous place, a tag on which shall be stated the name and address of the consignor, the name and address of the consignee, and the exact contents of the package.

Fish

5503. It is unlawful to take any fish for the sole purpose of removing its eggs except for the purpose of developing a broodstock for aquaculture purposes under Division 12 (commencing with Section 15000) pursuant to regulations promulgated by the Fish and Game Commission.

The commission shall also determine ownership and regulate distribution of progeny taken from wild broodstock, other than those obtained pursuant to Section 15300.

General Provisions

6400. It is unlawful to place, plant, or cause to be planted, in any of the waters of this state, any

live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the state, without first submitting it for inspection to, and securing the written permission of, the department.

6401. Any person may, under the terms of a permit first obtained from the department, under regulations the commission may prescribe, purchase or receive live fish from any registered aquaculturist, and may stock the fish in a stream or a lake.

Saltwater and Anadromous Fish Generally

8371. Striped bass--sale, etc.

Striped bass, or parts thereof, may be sold under the following conditions:

(a) If the striped bass, or parts thereof, is taken or possessed by, and is the cultured progeny of, an aquaculturist who is registered under Section 15101, that striped bass may be sold or purchased subject to regulations of the commission.

(b) If the striped bass, or parts thereof, is taken legally in another state which permits the sale of that fish and if the fish is lawfully imported under Section 2363, the striped bass, or parts thereof, may be possessed, sold, or purchased.

Freshwater Fish Generally

8435. No catfish may be sold, except catfish imported from without the state or catfish grown pursuant to Division 12 (commencing with Section 15000).

8436. Except as provided in Section 8436.5, fish of the family Centrarchidae (Sacramento perch, crappie, black bass, and sunfish) shall not be taken or possessed for commercial purposes, sold, or purchased, other than fish that are culture pursuant to Division 12 (commencing with Section 15000).

Fines and Penalties

12000. (a) Except as expressly provided otherwise in this code, any violation of this code, or of any rule, regulation, or order made or adopted under this code, is a misdemeanor.

12002. (a) Unless otherwise provided, the punishment for a violation of this code which is a misdemeanor is a fine of not more than one thousand dollars (\$1,000), imprisonment in the county jail for not more than six months, or both the fine and imprisonment.

12007. (2) Notwithstanding Section 12002, the punishment for each violation of Section 2270, 2271, 6400, 6400.5, 15202, 15509, or 15600, or any regulation adopted pursuant to section 15510, is a fine of not more than five thousand dollars (\$5,000) or imprisonment in the county jail for a period not to exceed one year, or both the fine and imprisonment.

12023. (a) Notwithstanding Section 12002, any person who violates Section 6400 through the use of an aquatic nuisance species, as defined in Section 6431, is guilty of a misdemeanor, punishable by all of the following:

(1) Imprisonment in the county jail for not less than six months or more than one year, a fine

of not more than fifty thousand dollars (\$50,000) for each violation, or both that imprisonment and fine.

(2) Revocation of all of the defendant's licenses and permits issued pursuant to this code.

(b) A person who personally or through another violates Section 6400, through the use of an aquatic nuisance species, is liable to the owner of any privately or publicly owned property for any damages to that property caused by the violation. A person who violates Section 6400 through the use of an aquatic nuisance species shall also be liable for all monetary damages directly, indirectly, and proximately caused thereby, including, but not limited to, damages to any commercial fishery, sport fishery, or to the public communities which depend upon those fisheries for a portion of their annual income. The Attorney General may file a civil action on behalf of the fisheries or communities that are damaged as a result of the violation. In addition, a private citizen who suffers damages as a result of the violation may file a civil action against the violator.

(c) A person who allows an aquatic nuisance species to escape from his or her property to the property of another, whether privately or publicly owned, is liable to the owner of the intruded upon property for any damages caused by the species.

(d) This section shall not apply to the placement of any live fish, any fresh or salt water animal, or any aquatic plant from the discharge or exchange of ballast water from any vessel as defined by Section 21 of the Harbors and Navigation Code.

(e) This section does not apply to the placement of an aquatic plant by a person who was unaware that he or she was in possession of the plant. This exception includes circumstances in which a plant becomes unknowingly and temporarily attached or affixed to a boat, boat trailer, or boat motor.

12024. (a) In addition to Section 12023, a person who violates Section 6400 through the use of an aquatic nuisance species is liable for all public and private response, treatment, and remediation efforts resulting from the violation. The cost of these efforts shall constitute a debt of that person, and shall be collectible by the federal, state, county, public agency, or private individual or individuals, incurring those costs in the same manner as in the case of an obligation under a contract, expressed or implied.

(b) Public agencies participating in a response to a violation of Section 6400 through the use of an aquatic nuisance species may designate one or more of the participating agencies to bring an action to recover costs incurred by all of the participating agencies.

(c) The costs relating to an accounting for a violation of Section 6400 through the use of an aquatic nuisance species and the collection of any funds, including, but not limited to, the administrative, legal, and public relations costs of operating a response and remediation program may also be the subject of an action to recover costs which are charged against the responsible person.

12026. Any person whom the department determines has provided evidence or information leading to the arrest and conviction of a person or persons found guilty of violating Section 6400 through the use of an aquatic nuisance species, is eligible to obtain a reward of up to fifty thousand dollars (\$50,000) pursuant to Section 2586.

Aquaculture, General Provisions

15000. The business of aquaculture is governed by this division. Aquaculture and its products are exempt from those provisions of this code dealing with commercial fishing, harvesting, processing and marketing.

15001. The cultured progeny of wild plants and animals lawfully obtained under Section 15300 are the exclusive property of that person who cultured them or that person's successor in interest.

15002. Any person who takes aquaculture products without lawful entitlement is subject to prosecution for theft.

15003. (a) The department may assess a fee on persons growing aquaculture products on public lands and in public waters based on the price per pound of the products sold. The fees, if imposed, shall be set at amounts necessary to defray the costs of the commission and the department in administering this division. However, the fees if any, may not exceed the tax rates as provided in Section 8051.

(b) The price per pound for these taxation purposes shall be based on the whole product weight or its equivalent as taken by the lessee.

(c) The privilege tax imposed by this section shall be paid monthly to the department within 30 days after the close of each month. If not paid within 60 days after the close of the month in which it is due, a 10 percent penalty shall be paid.

15004. (c) Aquaculturists operating under this division shall pay all costs incurred by the department when conducting any inspections of plants, animals, facilities or culture areas required by this division or by regulations made pursuant to it, when requested by aquaculturists.

15005. (a) When necessary for the protection of native wildlife, the commission may regulate the transportation and sale of specific aquaculture products as provided for in this section.

(b) The commission may determine that aquaculture products shall be accompanied by a document containing any of the following information:

(1) The name, address, and registration number of the aquaculture producer.

(2) The species.

(3) The weight, volume, or count within the container.

(4) The date of the shipment.

(5) The name and address of the intended receiver.

(c) The commission may require that certain aquaculture products shall be additionally identified as being aquaculture produced, except for the following:

(1) Trout.

(2) Catfish.

(3) Kelp and aquatic plants.

(4) Frogs and amphibia.

(5) All bivalve mollusks (except little neck clams).

(6) All members of the family Centrarchidae.

(7) Crayfish.

(8) Sea urchins.

(9) Shrimp and fresh water prawns.

(10) Crab.

15006. Nothing in this division applies to authorized species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes that are maintained in closed systems for personal, pet industry, or hobby purposes.

15007. (a) In the waters of the Pacific Ocean that are regulated by this state, it is unlawful to spawn, incubate, or cultivate any species of finfish belonging to the family Salmonidae, transgenic fish species, or any exotic species of finfish.

Aquaculture Development Section

15100. There is within the department an aquaculture coordinator who shall perform all of the following duties:

- (a) Promote understanding of aquaculture among public agencies and the general public.
- (b) Propose methods of reducing the negative impact of public regulation at all levels of government on the aquaculture industry.
- (c) Provide information on all aspects of regulatory compliance to the various sectors of the aquaculture industry.
- (d) Provide such advice to aquaculturists on project siting and facility design that may be needed to comply with regulatory requirements.

15101. (a) The owner of each aquaculture facility shall register all of the following information with the department by March 1 of each year.

- (1) The owner's name.
 - (2) The species grown.
 - (3) The location or locations of each operation or operations.
- (b) The department may provide registration forms for this purpose and may establish a procedure for the review of the information provided to ensure that the operation will not be detrimental to native wildlife, and shall impose a fee of five hundred forty nine dollars (\$549) to recover the cost of new registrations. For renewing registrations, the department shall impose a registration fee of two hundred seventy five dollars (\$275). It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section. The registration fees specified in this section shall be applicable to the 2004 registration year and shall be adjusted annually thereafter pursuant to Section 713.

15103. (a) In addition to the fees specified in Section 15101, a surcharge fee of four hundred twelve dollars (\$412) shall be paid at the time of registration by the owner of an aquaculture facility if the gross annual sales of aquaculture products of the facility during the prior calendar year exceed twenty-five thousand dollars (\$25,000).

(b) Each registered aquaculturist shall maintain sales and production records which shall be made available upon request of the department to assist the department in the administration of this chapter.

(c) Any person who fails to pay the surcharge fee required in this section at the time of registration shall be assessed a delinquency penalty pursuant to Section 15104.

(d) The surcharge imposed pursuant to this section shall be applicable to the 2004 registration year and shall be adjusted annually thereafter pursuant to Section 713.

15104. (a) If any person engages in the business of aquaculture, as regulated under this division, without having paid the registration fee or surcharge fee within one calendar month of the commencement of business, or, for renewal of registration, on or before April 1 of the registration year, the fees are delinquent.

(b) A penalty shall be paid at the time of registration for any fees that are delinquent in the amount of fifty dollars (\$50.00). (c) The penalty imposed pursuant to subdivision (b) shall be applicable to the 2005 registration year and shall be adjusted thereafter pursuant to Section 713.

15105. (a) Notwithstanding Section 13001 or 13002, all moneys collected by the department pursuant to this division shall be deposited in the Fish and Game Preservation Fund and shall be expended solely on the department's aquaculture program pursuant to this division.

(b) Notwithstanding Section 13004, the moneys in the account are available for appropriation by the Legislature in the annual Budget Act, after its yearly review of the funding requirements, for purposes of this division.

Stocking Aquatic Organisms

15200. The commission may regulate the placing of aquatic plants and animals in waters of the state. Movement of live fish between two registered aquaculturists who are registered for those species does not require a permit.

15201. A permit is required to place fish on public or private land or water in any watershed above an established public or private fish hatchery. The department shall deny the permit if there is evidence that water quality and potential disease transfers will be adverse to the established hatchery.

15202. The commission may prohibit the placement of specific species of aquatic plants or animals in designated waters of the state. The prohibition may not include species that are found to be native or that are stocked by the state in a location where prohibition is contemplated.

Broodstock Acquisition

15300. Aquatic plants or animals may be legally obtained for use as broodstock from all of the following sources:

- (a) A holder of a commercial fishing license.
- (b) A registered aquaculturist.
- (c) The department.
- (d) Imported sources authorized by Chapter 7 (commencing with Section 15600).

15301. (a) The department may sell wild aquatic plants or animals, except rare or endangered or fully protected species, for aquaculture use at a price approximating the administrative cost to the department for collection or sale of the plants or animals. The Commission shall set this price.

(b) Aquatic plants and animals may be collected by a registered aquaculturist only with the written approval of the department. The department may specify the time, place, and manner of collection and may collect a fee from the aquaculturist in an amount sufficient to cover the cost of processing the approval.

- (c) The fee for collecting sturgeon or striped bass broodstock shall be five hundred dollars

(\$500).

Disease Control

15500. Upon the recommendation of the department and after consultation with the Aquaculture Disease Committee created pursuant to this chapter, the commission shall compile a list of diseases and parasites and the aquatic plants and animals that are known to infect or parasitize. All government activities relating to aquaculture disease detection, control, and eradication that do not affect human health safety shall be the responsibility of the department.

15501. The department may enter, under an inspection warrant issued pursuant to Title 5 (commencing with Section 1822.50) of Part 3 of the Code of Civil Procedure, at any time, any car, warehouse, depot, ship, or growing area where any fish, amphibia, or aquatic plants are held or stored, for the purpose of making an examination to ascertain whether the fish, amphibia, or aquatic plants are infected, diseased, or parasitized.

15502. The director, in consultation with the Aquaculture Industry Advisory Committee and the Interagency Committee for Aquaculture Development, shall appoint an 11-member Aquaculture Disease Committee consisting of at least six industry producers selected to represent geographic, species, and other diverse aspects of the industry; two to represent the department; one to represent the Department of Food and Agriculture; an academic scientist who is an expert in aquatic diseases; and one representative of the University of California Cooperative Extension. Members of the committee shall serve without compensation, but shall be paid their necessary expenses.

15503. The Aquaculture Disease Committee may recommend regulations to the commission designed to safeguard wild and cultured organisms from the list of harmful organisms compiled pursuant to Section 15500.

15504. Disease regulations recommended under Section 15503 and adopted by the commission may include all of the following:

- (a) Routine monitoring procedures.
- (b) Standardized diagnostic procedures.
- (c) A requirement for the confirmation of the diagnosis by the state through at least one other independent and qualified laboratory.
- (d) Criteria for ordering quarantine, condemnation, or destruction.
- (e) A stated maximum time period between diagnosis and destruction.
- (f) Methods to be employed in animal destruction and facility cleanup.
- (g) Procedures for determining fair and rapid compensation.
- (h) Any other related procedures that the commission may determine are necessary.

15505. If any of the diseases listed pursuant to Section 15500 is found to exist which the director, in consultation with the Aquaculture Disease Committee and consistent with the regulations established under Section 15504, deems to be detrimental to the aquaculture industry or to wild stocks of aquatic plants and animals, the director may do any of the following:

- (a) Establish the area to be quarantined and list the aquatic plants and animals affected by it.
- (b) Post notices describing, as nearly as possible, the boundaries of an area within which specific disease or parasite infestations are found. Notices posted pursuant to this subdivision

shall be published once a week for four successive weeks in a newspaper of general circulation in the county in which the infected area is located. If there is no newspaper of general circulation in that county, then the notice shall be published in a newspaper of general circulation published in an adjoining county.

(c) Hold and impound diseased or parasitized plants and animals.

(d) Forbid, prevent, or restrict the movement of all plants and animals subject to the disease of parasites from or into the area, or from place to place within it, during the existence of the quarantine.

(e) Order the destruction and disposal of diseased or parasitized plants and animals consistent with Section 15504.

15506. Except for those diseases in the list compiled pursuant to Section 15500, infected plants or animals shall not be quarantined or destroyed, unless the director, in consultation with the Aquaculture Disease Committee, finds that an outbreak of aquatic disease among privately cultured plants or animals presents a threat to the aquaculture industry or to fish life or plant life.

15507. If the director, in consultation with the Aquaculture Disease Committee, finds that a disease is present in a nearby government operated facility or in nearby wild stocks, infected plants or animals in a private aquaculture facility shall not be quarantined or destroyed unless similar action is taken with respect to the government facility and wild stocks.

15508. Reports of those diseases compiled pursuant to Section 15500 shall be immediately forwarded by the director to the Aquaculture Disease Committee and shall be promptly investigated by the department.

15509. No person may move, or allow to be moved, any of the aquatic plants or animals which are subject to a quarantine established pursuant to Section 15505 across the quarantine line which is established unless the person has first obtained a permit from the director authorizing the movement.

The director may issue a permit after inspection, if the aquatic plants or animals, premises, transportation vehicles, and equipment which are subject to the quarantine established pursuant to Section 15505 are properly cleaned and disinfected.

15510. If the director determines that any disease designated pursuant to Section 15500 exists among domestic aquatic plants and animals, or that aquatic plants and animals have been exposed, or may have been exposed, to the disease, or to the vectors of the disease, in any other state or territory in the United States or in any foreign country, and the importation of aquatic plants or animals from the state, territory, or foreign country may transmit, carry, or disseminate the disease to domestic plants and animals within this state, the director shall notify the commission which may, after consulting the State Department of Health Services and the Department of Food and Agriculture, issue a regulation restricting or prohibiting the importation of the diseased or infected aquatic plants or animals into this state from any other state, territory, or foreign country.

15512. (a) If aquatic plants or animals are destroyed pursuant to subdivision (e) Section 15505, the owner shall be promptly paid from the General Fund an amount equal to 75 percent of the replacement value of the plants or animals, less the value determined by the department of any replacement stock provided by the department under subdivision (b) if the claim is submitted

pursuant to Section 15513. If the replacement value is not settled between the owner and the department, the replacement value shall be determined by an appraiser appointed by the director and an appraiser appointed by the owner. Appraiser's fees shall be paid by the appointing party. Disputes between these two appraisers shall be submitted to arbitration under the Commercial Arbitration Rules of the American Arbitration Association.

(b) If the department provides replacement stock to an aquaculturist whose plants or animals are destroyed pursuant to subdivision (e) of Section 15505, the amount to be paid to the aquaculturist pursuant to this section shall be reduced by the value of the replacement stock, as determined by the department.

(c) The result of the arbitration or the amount settled between the owner and the department, reduced by the value determined by the department of any replacement stock provided under subdivision (b), may be submitted as a claim by the owner to the Board of Control pursuant to Section 15513.

15513. Claims against the department arising under this chapter may be submitted pursuant to Section 905.2 of the Government Code.

15514. No claim arising under this chapter shall be paid where the director, in consultation with the Aquaculture Disease Committee, finds that the claimant's management practices were negligent or in violation of law, and that the negligence or violation was the proximate cause of the disease or infection prompting the order of destruction or finds the claimant willfully violated any provision of Section 15505.

15516. The owner of an aquaculture product who does not diligently pursue the eradication of a disease from its facility when ordered to do so by the director shall be responsible for paying to the director the full costs of the department for all disease eradication efforts conducted by the department to eradicate the disease. Payment of the costs under this section shall not excuse compliance with the provisions of law, regulations of the commission, and orders of the director, nor be a defense in any criminal or civil proceedings.

Importation of Aquatic Plants and Animals

15600. No live aquatic plant or animal may be imported into this state by a registered aquaculturist without the prior written approval of the department pursuant to the regulations adopted by the commission.

15601. A written application for the importation submitted in conformance with the procedural requirements established by the commission is deemed to be approved where it has not been denied within 60 days.

Aquaculture Industry Advisory Committee

15700. The director shall appoint an Aquaculture Industry Advisory Committee consisting of at least 12 members representing all sectors of the fresh and salt water aquaculture industry.

15701. (a) The term of membership for members other than representatives of public agencies shall be three years.

(b) Members of the committee shall serve without compensation.

15702. (a) The committee shall be advisory to the director on all matters pertaining to aquaculture.

(b) The committee shall assist the director in developing and implementing a state aquaculture plan, identifying the opportunities for regulatory relief, assisting in the developing of research and development priorities, assisting in the development of criteria to assure that publicly financed pilot programs are compatible with industry needs, and identify other opportunities for industrial development.

15703. The committee shall meet on the call of the director, but not less than twice each year.

APPENDIX B

TITLE 14, CALIFORNIA CODE OF REGULATIONS, SECTIONS PERTAINING TO AQUACULTURE

135. Transportation, Possession, and Sale of Imported Sturgeon, Striped Bass, Steelhead Trout and Shad.

All imported sturgeon, striped bass, and steelhead trout shall be imported, transported, possessed, and sold as provided in this section. This section does not apply to those species grown or imported live by registered aquaculturists in this state.

(a) At least 12-hour prior notice by the shipper or consignee of each shipment of such fish shall be provided to the department's regional office nearest the consignee during normal business hours (Monday through Friday, 8:00 a.m. to 5:00 p.m.).

(b) Such fish must be accompanied by a bill of lading, waybill, invoice, or similar accountable document showing the place of origin of the shipment, the name and address of the consignee, and a listing of all fish by species, total weight, and tag number.

(c) The consignee shall retain a copy of the bill of lading or similar accountable document for one year and make it available to the department upon request.

(d) All dead fish or parts thereof, may be imported, transported, or sold within the state in any form but shall be either:

(1) Packaged in sealed containers or boxes. Each container or box shall be clearly labeled showing a description of the contents and an identification of the shipper; or

(2) Tagged with consecutively numbered cinch-up vinyl plastic spaghetti tags with a legend showing the name of the shipper along with the city and state of origin. The tag sequence shall be present on all invoices and waybills. Reusable tags may not be possessed in the State of California. When tags are removed from the fish they must be destroyed by cutting through that portion of the tag which contains the name of the shipper and the tag number; or

(3) Clearly marked, using liquid nitrogen and a metal band, with an "A" 1/2-inch square, posterior to the head, anterior to the dorsal fin and above the lateral line. All fish shall be marked when alive but may be killed prior to transport or sale.

(e) All live fish may be imported, transported, or sold within the state in any form but shall be either tagged or marked as described in subsections (d)(2) or (d)(3).

(f) Fish tagged, marked, and/or packaged under subsections (d) or (e) above may be reprocessed and repackaged or retagged by dealers possessing a Wholesale Fish Dealer's and Processor's License as provided by Section 8040 of the Fish and Game Code as well as a revocable processing permit issued by the Wildlife Protection Branch of the department specifically for striped bass, sturgeon, steelhead trout and shad. The permit shall be issued free of charge on a calendar year basis, or part thereof. When transported for sale such fish or portions of fish shall meet the transportation requirements of subsections (b) and (c).

(g) No such fish may be possessed at a place where fish are sold unless packaged, marked, or tagged in the manner described in subsections (d) or (e) except that operators or employees of retail stores, restaurants, or other eating establishments may remove portions from packaged, marked, or tagged fish when such portions are being displayed or prepared for actual sale to a consumer or for actual consumption on the premises.

(h) The permit issued pursuant to subsection (f) may be cancelled or suspended at any time by the department upon conviction of a violation of these regulations by a court of competent jurisdiction. Cancellation or suspension may be appealed to the commission.

171. Importation of Live Catfish.

No live catfish of the following species; channel catfish (*Ictalurus punctatus*), blue catfish (*Ictalurus furcatus*), white catfish (*Ictalurus catus*), flathead catfish (*Pylodictis olivaris*), brown bullhead (*Ictalurus nebulosus*), black bullhead (*Ictalurus melas*), or yellow bullhead (*Ictalurus natalis*), may be imported into California.

186. Commercial Take and Use of Frogs for Human Consumption.

No person shall for commercial purposes take, possess, sell, transport, or export frogs for human consumption. This section does not apply to frogs raised by registered aquaculturists or frogs imported from without the state. Any person possessing frogs for human consumption, whether imported or purchased from a registered aquaculturist, shall maintain and keep receipts, waybills, or bills of lading dealing with the importation, purchase, or sale of frogs for a period of one year from the date of receipt of the frogs, and shall exhibit these on demand to an official of the department.

227. Sale of Aquaculture Products by Aquarium or Pet Stores.

(a) No live aquaculture products shall be maintained or sold by aquarium or pet stores except the following:

- (1) Tropical species of ornamental marine or freshwater plants and animals not utilized for human consumption or bait purposes;
- (2) Goldfish;
- (3) Koi;
- (4) Albino channel catfish;
- (5) White sturgeon not to exceed 8 inches in total length;
- (6) Giant freshwater prawn (*Macrobrachium rosenbergi*);
- (7) Brine shrimp;
- (8) Worms of the family Tubificidae;
- (9) Crustaceans of the order Amphipoda that are native to California waters;
- (10) Mosquitofish, *Gambusia affinis*, except that mosquitofish may not be sold by aquarium or pet stores in Inyo, Mono, San Bernardino, Riverside, and Imperial counties;
- (11) Abalone.

(b) White sturgeon shall be sold only under an Aquarium Dealer's Permit issued by the department to the owner of the aquarium or pet store. Applications shall be made on a department form available upon request from the Department of Fish and Game, Wildlife Protection Branch, 1416 Ninth Street, Sacramento, California 95814. The permit shall be issued free of charge on a calendar year basis, or part thereof. Aquarium dealer permittees shall maintain a log of all sales and shipments of live sturgeon, the name of the individual, company, or organization taking possession of the product, the date of sale, and the number of sturgeon sold. The log shall be shown upon request by an authorized official.

(c) All abalone sold under an aquarium dealer's permit shall be marked as provided in Section 238(e)(1)(B) of this title.

(d) Under no condition shall any live aquaculture product sold at an aquarium or pet store be planted in any waters of the state.

235. Aquaculture Registration.

(a) Registration Required. Pursuant to the provisions of Section 15101 of the Fish and Game Code, all aquaculture facilities must be registered with the department each year. For purposes of Chapter 9, Part 1, Division 1, Title 14, California Code of Regulations, an aquaculture facility is

one that is devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish or fresh water. This registration does not apply to: the maintenance of koi and goldfish in closed systems for personal, pet or hobby purposes; the sale or cultivation of brine shrimp; and the sale or cultivation of tropical species of ornamental marine or fresh water plants or animals, not utilized for human consumption or bait purposes, but maintained in closed systems for personal, pet industry or hobby purposes.

(1) Who Shall Register. The owner of each aquaculture facility shall register each year on forms provided by the department. Individual forms must be completed for each aquaculture facility location. Application forms and a list of laws and regulations governing aquaculture are available from the department's Aquaculture Development Section, 1416 Ninth Street, Sacramento 95814, and from the department's regional offices in Redding, Yountville, Rancho Cordova, Fresno, Long Beach and Menlo Park, on request.

(2) Cost of Registration. The registration fee for each new registered owner or operator shall be the fee specified in Section 15101(b) of the Fish and Game Code.

(3) Where to Submit Applications. Application forms together with the registration fee shall be submitted to one of the department's regional offices listed in subsection (1) above. Applications will be processed within five working days after approval. Applications shall be made on a form (Application for Aquaculture Registration, FG 750 (2/91), which is incorporated by reference herein) supplied by the department.

(b) Registration Limitation. The applicant must certify that he/she has read, understands and agrees to be bound by the regulations of the commission and the Fish and Game Code sections governing aquaculture and its products.

(c) Duration of Registration. The annual term of registration shall be January 1 to December 31, or if issued after the beginning of such term, for the remainder of that calendar year. Aquaculturists must reregister their facilities by March 1 of each year. Reregistration (renewal) fees shall be the amount specified in Section 15101(b) of the Fish and Game Code. An additional surcharge, specified in Section 15103 of the Fish and Game Code, shall be paid at the time of renewal if the proceeds from sale of aquaculture products of the facility in the preceding year exceed \$25,000. Penalties for late renewal will be assessed in accordance with Section 15104 of the Fish and Game Code. Anyone failing to register or reregister under this section shall be operating unlawfully.

(d) All permits specified in this chapter, in addition to the aquaculture registration issued pursuant to Section 15101 of the Fish and Game Code, shall be issued under the following conditions:

(1) Where Issued. Requests for permits required in Chapter 9, unless specifically directed otherwise, shall be submitted to the Department of Fish and Game, Aquaculture Development Section, 1416 Ninth Street, Sacramento, CA 95814.

(2) Cost of Permit. Except as otherwise provided, see Section 15101 of the Fish and Game Code.

(3) Duration of Permits. Except as otherwise provided, permits will be issued on a calendar year basis, or if issued after January 1, for the remainder thereof.

235.1 Screening Requirements for Aquaculture Facilities.

All bodies of water or private hatcheries registered for aquaculture purposes shall be entirely within the exterior boundaries of the land owned or leased by the owner of the facility. No aquaculture facility shall be built or operated on a natural water course or lake without the prior written approval of the department. Prior written approval is not required for aquaculture facilities constructed below a spring rising on private property.

For purposes of this section, waters existing seasonally or intermittently and not serving as a passageway or nursery area for anadromous fish are not required to be screened.

Except for those facilities using marine water, all artificial inlets and outlets of such bodies of water or private hatcheries used for aquaculture purposes shall be screened to prevent the ingress or egress of aquatic plants or animals. The department may exempt anadromous fish facilities operating under conditions imposed by Section 235.2(i) from all or any portion of this section.

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 for issuing each permit. See subsection 699(b) of these regulations for the fee for this permit. Fees charged for inspections shall be independent of the fees charged for issuing permits.

(2) With the exceptions of the live aquatic animals listed in subsection 236(c)(6), 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) 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) In lieu of the permits specified in Section 236(c)(1), long-term permits for the following aquatic 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 Section 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) 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) Only those aquatic plants and animals lawfully obtained in another state or country may be imported.

238. Sale and Transportation of Aquatic Plants and Animals.

Importation of live aquatic animals is governed by Section 236 of these regulations. Except as provided for by Section 236, aquaculture products may be transported or sold in this state only in accordance with the following general terms and conditions:

(a) All aquaculture products sold or transported under the provisions of this section must have been legally reared or imported by an aquaculturist registered in this state.

(b) The following provisions apply to transactions of aquaculturists involving aquaculture products:

(1) A registered aquaculturist may sell and transport live aquaculture products authorized by that registration to any other aquaculturist authorized to possess the same species.

(2) All shipments of authorized aquaculture products shall be accompanied by a duplicate of a sales invoice or waybill showing the name of the producer, the producer's aquaculture registration number, date of shipment, the species being transported, the weight, volume or count of each species in the shipment, and the name and address of the consignee.

(3) Duplicates of the required sale of shipping documents shall be retained for a period of one year from the date of sale. The records shall be shown upon written demand by the director of the department. The information contained in these documents is confidential except that such

information may be disclosed in accordance with a proper judicial order in cases or actions instituted for enforcement of this section or for prosecution of violations of this section.

(c) A registered aquaculturist may sell and transport live those aquaculture products authorized by that registration to any of the following whose licenses or permits authorize the possession of the same live plants and animals for commercial purposes.

(1) Scientific or educational establishments;

(2) Aquarium Dealer Permittees (See Section 227 of these regulations);

(3) Live Freshwater Bait Fish Licensees (See Sections 200 through 200.31 of these regulations);

(4) To any other legal purchaser or possessor for whom possession is legal.

(d) The following provisions apply to the operator of any commercial establishment where aquaculture products are maintained alive for human consumption:

(1) Under no condition shall these aquaculture products be stocked in any waters of the state.

(2) The operator may transport live aquaculture products between aquaculture facilities, retail stores, and/or wholesale distribution points. Documents as described in Section 238(b)(2) shall accompany each shipment.

(3) the operator shall retain copies of all sales invoices or waybills received with the products. Such invoices or waybills shall be retained by the operator for a period of at least one year following receipt of the aquaculture products listed thereon, and such invoices or waybills shall be produced upon request of an official of the department.

(4) All aquaculture products, except live shellfish, sold and leaving the premises of the operator shall be killed and accompanied by a sales receipt showing the date of purchase and name of business where purchase or be packaged in accordance with Section 240 of these regulations.

(e) Marking and Tagging Requirements.

(1) Abalone.

(A) All abalone produced by an aquaculturist registered pursuant to Section 15101 of the Fish and Game Code may be possessed, harvested, sold, and transported, provided the abalone are identifiable as being cultivated or are packaged in sealed containers as provided for in Section 240 of these regulations.

Such abalone are exempt from the size limits established by Section 8304 of the Fish and Game Code.

(B) Abalone which spend part of their life in marine waters of the state, other than while in an aquaculture facility, must have an identifying mark or tag approved by the department. Such identifying mark must be approved, or a tag attached, prior to the abalone being placed in waters outside the aquaculture facility. For purposes of this section, the term "aquaculture facility" includes a hatchery, rearing facility, pen, cage, or any similar structure or device.

(C) Any person other than a registered aquaculturist processing cultured abalone at the wholesale level must possess a commercial fish business license as provided by Article 7, Chapter 1, Part 3 of the Fish and Game Code as well as a revocable processing permit for cultured abalone, as issued by the department.

(f) Retail Sales of Aquaculture Products at an Aquaculture Facility. All aquaculture products sold at an aquaculture facility shall be dead at the time of sale except for:

(1) Aquaculture products sold under the provisions of Sections 238(c), 238(d)(2) or 238.5 of these regulations. Aquaculture products sold under provisions of Section 238.5 of these regulations may be transported live and stocked as provide for by Section 238.5 of these regulation be retail customers. Documents as described in Section 238(b)(2) shall accompany each shipment, and records as described in Section 238(b)(3) shall be maintained by the aquaculturist and the retail customer.

(2) Striped bass, hybrid striped bass, abalone, steelhead trout, and sturgeon sold pursuant to the provisions of Section 240 of these regulations.

(3) Aquaculture produced shellfish purchased retail and taken from the aquaculture facility by the purchaser need only be accompanied by a sales receipt showing the name and aquaculture registration number of the producer, the item(s) and quantity purchased and the date of purchase. All other shipments of aquaculture products shall be accompanied by a sales invoice or waybill as provided in Section 238(b)(2) of these regulations.

(4) Those freshwater bait fishes that would be legal for sale as live bait by a licensed Live Freshwater Bait Fish Dealer in the same sport fishing district or portion of sport fishing district in which the aquaculture facility is located (see Sections 4.10 through 4.30 and Sections 200.13 through 200.31 for legal live bait fishes).

238.5 Stocking of Aquaculture Products.

Upon stocking, aquaculture products are wild and therefore “fish” as defined by Section 45 of the Fish and Game Code, except when stocked into a registered aquaculture facility. No person shall stock aquaculture products in this state except in accordance with the following general terms and conditions:

(a) All aquaculture products stocked under these provisions must be legally reared or possessed by an aquaculturist registered in this state. No person shall stock aquaculture products which are parasitized, diseased or of an unauthorized species.

(b) Live aquaculture products shipped to Inyo or Mono counties must be certified by the department as disease and parasite-free before being stocked in waters in those counties.

(c) A registered aquaculturist producing or possessing rainbow trout (*Oncorhynchus mykiss*), largemouth bass (*Micropterus salmoides*), bluegill (*Lepomis macrochirus*), redear sunfish (*Lepomis microlophus*), Sacramento perch (*Archoplites interruptus*), channel catfish (*Ictalurus punctatus*), blue catfish (*Ictalurus furcatus*) and white catfish (*Ictalurus catus*), may stock these species under the following terms and conditions.

Only publicly owned lakes covered by a cooperative agreement between the department and the lake operator and privately owned reservoirs, lakes and ponds in the following counties or portions thereof may be stocked without a stocking permit: Alameda, Butte, Colusa, Contra Costa, Glenn, Imperial, Kern, except in the Kern River drainage above Democrat Dam; Kings, Lake except in the Eel River drainage; Los Angeles, Merced, Napa, Orange, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Ventura, Yolo, Yuba; those portions of Amador, Calaveras, El Dorado, Mariposa, Nevada, Placer and Tuolumne west of Highway 49; Fresno west of the Sierra and Sequoia National Forest boundaries; Madera west of the Sierra National Forest boundary; and Tulare west of the Sequoia National Forest and Sequoia National Park boundaries.

(d) Except for those species listed in Section 238.5(c) when planted into those specific areas and waters covered in Section 238.5(c), no person shall stock aquatic plants and animals except as follows:

(1) Each stocking of fish shall require a separate Private Stocking Permit (FG 749) issued by the department. A copy of this permit shall accompany all shipments. However, a copy of the same permit (FG 749) may be used for additional consignments of the same species when stocked in the same water, until cancelled by the department. See subsection 699(b) of these regulations for the fee for this permit.

(2) Application for the private stocking permit shall be made to the regional manager of the Fish and Game region in which the fish are to be stocked. An application will be supplied to each applicant upon request.

(3) No person shall stock any species of fish in any water in which the stocking of such fish is contrary to the fisheries management programs of the department for that water or drainage, or in any water from which such fish might escape to other waters where such fish are not already present. All applicants will be advised upon request of the said departmental fisheries management programs.

(4) Permittee shall notify the regional office of the department not less than 10 days in advance of stocking in order to make arrangements for inspection. Such inspection may be waived at the discretion of the department. If, upon inspection, diseased or parasitized fish or fish of unauthorized species are found by the department to be present, they shall be disposed of by the permittee as directed by the department. The department may require that the expense of any inspection made necessary by the provisions of these regulations be borne by the permittee.

(5) A stocking permit may be cancelled or suspended by the department upon conviction of a violation of these regulations by a court of competent jurisdiction. Cancellation or suspension may be appealed to the commission.

(6) A stocking permit is valid only when signed by the applicant.

(e) A registered aquaculturist selling and transporting aquatic plants and animals for the purpose of stocking in this state shall retain copies of documents required by Section 15005(b) of the Fish and Game Code for a period of three years following stocking of the fish. The documents shall be shown upon written demand by the director of the department. The information contained in the documents is confidential except that such information may be disclosed in accordance with a proper judicial order in cases or actions instituted for enforcement of this section or for prosecution of violations of this section.

(f) Except for Inyo, Mono, San Bernardino, Riverside and Imperial counties, mosquitofish (Gambusia affinis) may be planted for purposes of mosquito control without obtaining a permit otherwise required by these regulations. In Inyo and Mono counties and in public waters of San Bernardino, Riverside and Imperial counties, mosquitofish may not be planted without the written concurrence of the department.

240. Transportation, Possession and Sale of Sturgeon, Striped Bass, Hybrid Striped Bass (Striped Bass Crossed with White Bass), abalone and Steelhead Trout Produced or Imported by Registered Aquaculturists for Aquaculture Purposes.

All sturgeon, striped bass, hybrid striped bass, abalone and steelhead trout produced or imported by registered aquaculturists for aquaculture purposes shall be transported, possessed and sold as provided in this section. For purposes of these regulations, aquaculture products are products of aquaculture as defined by Section 17 of the Fish and Game Code.

(a) Such aquaculture products must be accompanied by a duplicate of a sales invoice or waybill, showing the name and address of the producer, the producer's aquaculture registration number, date of shipment, the species being transported, the weight, volume, or count of each species in the shipment, the name and address of the intended receiver and tag number if subject tag is required.

(b) The consignee shall retain a copy of the bill of lading or similar accountable document for one year and make it available to the department upon request.

(c) Live aquaculture products are not subject to the provisions of subsections (c), (d), and (e). All dead aquaculture products or parts thereof, except hybrid striped bass sold whole or in the round with the head attached, transported or sold within the state pursuant to this section shall be either:

(1) Packaged in sealed containers or boxes. Each container or box shall be clearly labelled showing a description of the contents and an identification of the shipper; or

(2) Tagged with consecutively numbered cinch-up vinyl plastic spaghetti tags with a legend showing the name of the shipper along with the city and state of origin. The tag sequence shall be present on all invoices and waybills. Reusable tags may not be possessed in the State of California. When tags are removed from the aquaculture product they must be destroyed by cutting through that portion of the tag which contains the name of the shipper and the tag number; or

(3) Clearly marked, using liquid nitrogen and a metal band, with an "A", 1/2-inch square, posterior to the head, anterior to the dorsal fin and above the lateral line. All aquaculture products shall be marked when alive but may be killed prior to transport or sale.

(d) No such dead aquaculture product may be possessed at a place where aquaculture products are sold unless packaged, marked or tagged in the manner described in subsection (c) except that operators or employees of retail stores, restaurants or other eating establishments may remove portions from packaged, marked or tagged aquaculture products when such portions are being displayed or prepared for actual sale to a consumer or for actual consumption on the premises.

(e) Aquaculture products tagged, marked and/or packaged under subsection (c) above may be processed and repackaged or retagged by dealers possessing a revocable processing permit issued by the Wildlife Protection Division of the department specifically for striped bass, hybrid striped bass, sturgeon and steelhead trout. The permit shall be issued free of charge on a calendar year basis, or part thereof. When transported for sale such aquaculture products or portions of aquaculture products shall meet the transportation requirements of subsections (a) and (b).

(f) Live aquaculture products may not be imported except in accordance with Section 236, Title 14, California Administrative Code.

(g) Live hybrid striped bass may not be imported or possessed by registered aquaculturists except under the terms of a permit issued by the department, specifying conditions under which these aquaculture products may be reared and transported. Requests for permits shall be submitted to the Department of Fish and Game Aquaculture Development Section, 1416 Ninth Street, Sacramento, California 95814.

(h) Live hybrid striped bass shall only be possessed or sold in Imperial, Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, Ventura, Lassen and Modoc counties.

(i) All aquaculture products held live for retail sale shall be killed at the time of sale and be dead before leaving the retailer's premises, and under no condition may these aquaculture products be stocked in any lake, pond or stream.

243. Take of Aquatic Plants, Invertebrates, Fishes, and Bullfrogs From the Wild for Use as Broodstock for Aquatic Purposes.

Pursuant to sections 5503 and 15300 of the Fish and Game Code, aquatic plants, invertebrates, fishes, and bullfrogs (*Rana catesbeiana*) may be taken from the wild for aquaculture purposes only in accordance with the following regulations:

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

(1) The take of live freshwater fish for sale as bait (see Sections 8460 of the Fish and Game Code and Sections 200 of Title 14, CAC).

(2) The take of aquatic animals by commercial fishermen (see Section 226.7, Title 14, CCR).

(b) Permits. The department may issue a revocable, nontransferable permit to collect aquatic plants, invertebrates, fishes, and bullfrogs from the wild for use in developing a domesticated broodstock for aquaculture purposes. Permits shall not be issued for striped bass or white

sturgeon except by specific commission authorization. The permit shall be valid for one year from the issue date listed on the permit unless the expiration date on the permit specifies a shorter time period. No permits shall be issued for golden trout, steelhead trout, chinook salmon, or coho salmon, or for those animals listed by the state or federal government as endangered, threatened, or fully protected. Permits shall state the name, mailing and business addresses and phone of permittee, permittee's aquaculture registration number, name of the collector(s) if different from permittee, collector(s) phone number, collector(s) driver's license, or DMV identification number, name of assistant(s), assistant(s) phone number, assistant(s) driver's license, or DMV identification number, species to be collected, number or total weight to be collected, collection locations and methods, and collection dates. Any special notifications, requirements and conditions shall be attached to the permit on a separate page.

(1) Who May Obtain Permits. Permits shall be issued only to the owner or operator of an aquaculture facility currently registered pursuant to Section 15101 Fish and Game Code and Section 235 of Title 14, CCR. The aquaculturist must be authorized by said registration to possess the species to be taken. The aquaculturist may designate, on the permit application, a person to collect for him.

(2) Cost of the Permit. An administrative fee of \$500 shall be charged for processing the permit and initial site inspection. The department shall assess an additional fee, equal to the actual costs to the department in salaries, travel expenses and equipment use, if any department personnel are required to assist in the collection or inspection of the wild broodstock.

(3) How to Apply for the Permit. The permit application, FG 794 (Rev. 07/08), is available on request from the Aquaculture Coordinator at the address provided on the application. Completed and signed application forms and the \$25.00 nonrefundable application fee shall be submitted to the Aquaculture Coordinator.

(c) Who May Collect Wild Broodstock. Wild broodstock shall be collected only by those persons listed as collector on the permit. The permittee or one of the collectors designated by the permit shall be present when animals are collected. Collectors shall have the collection permit in their possession while engaged in collection activities and while transporting species collected to the permittee's registered facility. Any person listed on the permit as a collector and who is attempting to take broodstock, shall have a commercial fishing license in their possession. All collectors and assistants must have a driver's license or DMV identification in their possession.

Persons assisting the collector, and under their direct supervision, need not have a broodstock collection permit, but they shall be listed as assistants on the permit. The assistant may only assist in the landing of the broodstock or assist with equipment such as boat operation. The assistant is not allowed to take or collect broodstock independently.

The department may require that an employee of the department be present to monitor collection operations, or that the broodstock be collected by department personnel. All costs to the department for monitoring or collecting shall be borne by the permittee. Any special conditions applied to the collection of wild broodstock shall be stated on the permit or attached page(s).

(d) Collection Methods and Gear. All aquatic plants and animals authorized to be taken by the permit shall be captured only in those waters and only with those types of gear specified in the permit. All species other than those specified in the permit shall be returned immediately in good condition to the water of origin.

The permittee shall comply with department requirements concerning construction and deployment of collection gear. Locations and times of collecting and the amount taken may be restricted by the department to protect the wild populations of authorized species or other species found in the collecting area, or to reduce interference with angling.

No recreational take of any kind may be done by the person(s) listed on the permit while taking the wild plants and animals authorized under the permit.

(e) Notification of Department. Before making any collection, the permittee and/or the other persons listed on the permit shall notify the department's regional office having responsibility for the area where the permittee wishes to collect or any other department office specified in the permit. Unless otherwise specified in the permit, the notification shall reach the regional office or other specified office by letter, telephone, or personal contact at least 48 hours in advance of the collection date(s) and shall include the locality, dates and time(s) during which collection is to be done.

(f) Written Reports and logbooks.

(1) Permittee shall submit a written report to the Aquaculture Coordinator and the department office specified on the permit within six months of the permit's expiration date or prior to application for any additional broodstock collection permits, whichever is earlier. The report shall state the number of plants or animals collected, the location and condition of the wild broodstock, and the number or amount of progeny cultured and provide other information as specified in the permit.

(2) When logbooks are required to be filled out as a condition on the permit, the logbooks shall be in the immediate possession of the permittee and/or the collector working under the authority of the permit. The logbook shall be accurate and complete at all times and shall contain the required information as prescribed by the department.

(g) Disposition of Wild Broodstock and Their Cultured Progeny. Wild plants and animals taken under the authority of this permit remain the property of the state and shall not be sold, bartered, or traded without written permission of the department. Wild broodstock shall be held only at an aquaculture facility registered by the permittee and may be required to be held separate from non-wild broodstock. The department will determine the final disposition of all wild broodstock. Any wild broodstock taken and possessed shall be marked in a manner specified in the permit. The cultured progeny of plants and animals lawfully obtained under the authority of a broodstock collection permit are the exclusive property of that person who cultured them, or that person's successor in interest.

(h) Inspections. Permittees shall allow authorized department employees to inspect any and all wild broodstock authorized by this permit and their holding facilities, vehicles, vessels or other places that the broodstock may be held. Inspections may be made at any time with or without prior notification.

(i) Permit Denial or Revocation. The department may deny or revoke a permit to take wild plants and animals for use in developing a domesticated broodstock for any of the following reasons:

(1) To protect an aquatic resource.

(2) To protect public safety.

(3) A commercial source is available.

(4) The applicant does not have facilities or experience necessary to develop a domesticated broodstock from wild plants or animals.

(5) The applicant or permittee has demonstrated repeated failure to develop a domesticated broodstock from wild plants or animals.

(6) The applicant or permittee, his designated collector, or an employee or assistant has violated the terms of a wild broodstock collection permit issued pursuant to this section, or has been convicted by a court of competent jurisdiction of any violation of the Fish and Game Code or commission regulations as determined by the department.

(7) Any person who currently has a permit under revocation or suspension by the department or

commission.

(j) Violations. All permit requirements and conditions shall be followed. Any violation of any provision of the permit is a violation of the section and may lead to immediate permit revocation or suspension.

(k) Appeal. Any denial, suspension or revocation may be appealed to the commission.

245. Aquaculture Disease Control Regulations.

(a) General Conditions.

(1) All fish inspections and disease examinations shall be conducted in accordance with the 1979 edition of "Procedures for Detection and Identification of Certain Fish Pathogens" published by the Fish and Health Section of the American Fisheries Society (FHS Blue Book). All such inspections and examinations shall be conducted by a fish pathologist.

(2) When a listed disease is identified by a fish pathologist in aquatic plants or animals in an aquaculture facility or in transit to or from such a facility which requires restrictive action by the department, the owner or consignee involved shall be notified by the department immediately. The owner or consignee may accept the original identification or may request that the department seek confirmation of the identification by another fish pathologist.

(3) Upon confirmation, if requested, or acceptance of the identification of any listed disease which requires restrictive action by the department as set forth in subsection (c), a compliance agreement describing the action to be taken may be drawn up between the owner and the director. The department shall commence negotiation of the terms of the compliance agreement within 48 hours after acceptance or confirmation as defined in subsection (b). The agreement must be signed by the owner and the director within 30 days of acceptance or confirmation. If the compliance agreement is not signed within 30 days, a quarantine as specified in Fish and Game Code Section 15505 may be imposed while the owner appeals to the commission. The agreement shall be designed in consultation with the Aquaculture Disease Committee to bring the least amount of economic hardship possible to the affected party while affording maximum protection to other growers and the fishery resources of the State.

(4) If at any time a fish pathologist identifies one or more pathogens listed in this section anywhere within the State of California, he must immediately report the identification to the director of the department.

(5) Methods for disposal of aquatic plants and animals and for disinfection of aquaculture equipment and facilities shall be specified in the compliance agreement in accordance with the disease category and the threat to other aquatic plant or animal life or aquaculture facilities.

(6) Any live aquatic plants, animals, or eggs originating outside the United States shall be certified by a fish pathologist as disease- and parasite-free before a permit for importation is issued.

(7) Anyone interested in conducting research on those diseases designated as catastrophic must submit a written research proposal to the director of the department and obtain written approval from the director before the causative agent is brought to their facility. Anyone denied approval pursuant to this subsection may appeal such denial to the commission.

(8) Upon identification of a disease which presents a threat to the aquaculture industry or aquatic animal or plant life, but which is not listed in this section, the director of the department shall immediately consult, by phone if necessary, with the Aquaculture Disease Committee, impose an immediate holding action, and develop a plan of action.

(b) Definitions.

(1) Compliance Agreement. A written agreement between the director of the department and the owner or consignee of the diseased or parasitized aquaculture product which outlines the

steps for disposal of the diseased or parasitized aquatic plants or animals and the procedures, both chemical and mechanical, for clean up of the facility.

(2) Confirmation. The second identification of a disease agent from the original sample or source by another fish pathologist.

(3) Disposal. The destruction or marketing of animals by methods prescribed in a compliance agreement.

(4) Eradication. The elimination of disease-causing agents.

(5) Fish Pathologist. A department virologist or fish pathologist, or a fish pathologist certified by the Board of Certification of the Fish Health Section of the American Fisheries Society pursuant to their guidelines adopted effective January 1, 1982.

(6) Immediate Holding Action. A prohibition of moving any plant or animal from an aquaculture facility for up to 30 days.

(7) Other Holding Action. Restrictions outlined in the compliance agreement on plant or animal movement to specific markets, watersheds, or geographic areas deemed necessary by the department to protect other aquaculture facilities and the aquatic plants and animals of the State.

(8) Q Diseases. Diseases for which there is so little information they cannot be given a permanent classification.

(c) Disease Categories. The diseases of concern are grouped in four categories as to their seriousness and the specific action to be taken when diagnosed.

(1) Significant Diseases. On identification by a fish pathologist and confirmation, if requested, of any of these diseases, the director shall immediately consult, by phone if necessary, with the Aquaculture Disease Committee and shall impose an immediate holding action, other holding action or no restrictions as the director in consultation with the Aquaculture Disease Committee may deem necessary.

(A) Furunculosis (*Aeromonas salmonicida*).

(B) Enteric Redmouth (ERM) (*Yersinia ruckeri*).

(C) Vibriosis (*Vibrio* sp.).

(D) Copepod (Genera *Lernaea*, *Salmincola*, and *Ergasilus*).

(E) Golden Shiner Virus.

(F) Oyster Fungus Disease (*Labrinthomyxa marina*).

(G) MSX Oyster Disease (*Minchinia nelsoni*).

(H) Ichthyophonous (*Ichthyophonus hoferi*).

(I) South African savellid polychete worm (unnamed parasitic species).

(2) Serious Diseases. On identification by a fish pathologist of any of these diseases, the director shall immediately consult, by phone if necessary, with the Aquaculture Disease Committee and shall impose an immediate holding action until confirmation, if requested, is obtained; then the action will be disposal or other holding action the director in consultation with the Aquaculture Disease Committee may deem necessary, as specified in the compliance agreement.

(A) Infectious Hematopoietic Necrosis (IHN).

(B) Ceratomyxosis (*Ceratomyxa shasta*).

(C) Bacterial Kidney Disease (*Renibacterium salmoninarum*).

(D) *Pleistophora ovariae*.

(E) Proliferative Kidney Disease (PKD).

(F) SSO (*Minchinia costalis*).

(G) Microcell disease of oysters.

(H) Whirling Disease (*Myxosoma cerebralis*).

(3) Catastrophic Diseases. On identification by a fish pathologist of any of these diseases, the

director shall immediately consult, by phone if necessary, with the Aquaculture Disease Committee and shall impose an immediate holding action until confirmation, if requested, is obtained; then other holding action, disposal and eradication shall be required, as specified in the compliance agreement.

(A) Viral Hemorrhagic Septicemia (VHS), Egtved Virus.

(B) Infectious Pancreatic Necrosis (IPN).

(C) Channel Catfish Virus Disease (CCVD).

(4) Q Diseases. On identification by a fish pathologist and confirmation, if requested, of any of these diseases, the director shall immediately consult, by phone if necessary, with the Aquaculture Disease Committee and shall impose an immediate holding action pending determination of a course of action for diseases in this classification.

(A) Viral Erythrocytic Necrosis (VEN).

(B) Herpesvirus salmonis (HPV)

(C) Spring Viremia of Carp (Rhabdovirus carpio).

(D) Edwardsiella ictaluri.

(E) Denman Island Disease of Oysters.

(d) Aquatic Diseases and Host Organisms. Pursuant to Section 15500 of the Fish and Game Code, the commission has compiled a list of diseases and parasites and the aquatic plants and animals they are known to infect or parasitize. Infected plants or animals are considered detrimental to the aquaculture industry and to wild stocks of aquatic plants and animals.

<u>Disease</u>	<u>Host</u>
1. Viral Hemorrhagic Septicemia (VHS)	Rainbow trout
2. Infectious Pancreatic Necrosis (IPN)	Salmonids
3. Channel Catfish Virus (CCVD)	Channel catfish
4. Whirling Disease - <u>Myxosoma cerebralis</u>	Salmonids, tubifex
5. Infectious Hematopoietic Necrosis (IHN)	Salmonids
6. Ceratomyxosis - <u>Ceratomyxa shasta</u>	Salmonids
7. Bacterial Kidney Disease - <u>Renibacterium salmoninarium</u>	Salmonids
8. <u>Pleistophora ovariae</u> fathead minnow	Golden shiner,
9. Proliferative Kidney Disease (PKD)	Salmonids
10. SSO - <u>Minchinia costalis</u>	Oysters
11. Microcell Disease of Oysters	Oysters
12. Furunculosis - <u>Aeromonas salmonicida</u>	All fin fish
13. Enteric Redmouth (ERM) - <u>Yersinia ruckeri</u>	Salmonids
14. Vibriosis - <u>Vibrio</u> sp.	All fin fish
15. Copepod (Genera: <u>Lernaea</u> , <u>Salmincola</u> , and <u>Ergasilus</u>)	Freshwater fin fish
16. Golden Shiner Virus	Golden shiner
17. Oyster Fungus Disease - <u>Labryinthomyxa marina</u>	Oysters
18. MSX Oyster Disease - <u>Minchinia nelsoni</u>	Oysters
19. Ichthyophonosis - <u>Ichthyophonus hoferi</u>	All fin fish
20. Viral Erythrocytic Necrosis (VEN)	Marine and anadromous fin fish
21. <u>Herpesvirus salmonis</u> (HPV)	Rainbow trout

22. Spring Viremia of Carp - <u>Rhabdovirus carpio</u>	Carp
23. <u>Edwardsiella ictaluri</u>	Channel catfish
24. Denman Island Disease of Oysters	Pacific oyster
25. South African sabellid polychete worm (unnamed parasitic species)	Marine gastropods

671. Importation, Transportation, and Possession of Live Restricted Animals.

(a) It shall be unlawful to import, transport, or possess live animals restricted in subsection (c) below except under permit issued by the department. Permits may be issued by the department as specified herein and for purposes designated in Section 671.1 subject to the conditions and restrictions designated by the department. Except for mammals listed in Fish and Game Code 3950 or live aquatic animals requiring a permit pursuant to Fish and Game Code Section 2271, no permit is required by this section for any animal being imported, transported, or possessed pursuant to any other permit issued by the department. **Cities and counties may also prohibit possession or require a permit for these and other species not requiring a state permit.**

(b) The commission has determined the below listed animals are not normally domesticated in this state. Mammals listed to prevent the depletion of wild populations and to provide for animal welfare are termed "**welfare animals**", and are designated by the letter "**W**". Those species listed because they pose a threat to native wildlife, the agriculture interests of the state or to public health or safety are termed "**detrimental animals**" and are designated by the letter "**D**". The department shall include the list of welfare and detrimental wild animals as part of DFG MANUAL NO. 671 (2/25/92) IMPORTATION, TRANSPORTATION AND POSSESSION OF RESTRICTED SPECIES, to be made available to all permittees and other interested individuals.

(5) CLASS OSTEICHTHYES-BONY FISHES

- (A) Family Percichthyidae-Temperate Basses
 - 1. Morone americana (White perch)-(D).
 - 2. Morone chrysops (White bass)-(D).
- (B) Family Clupeidae-Herrings
 - Dorosoma cepedianum (Gizzard shad)-(D).
- (C) Family Sciaenidae-Drums
 - Aplodinotus grunniens (Freshwater drum)-(D).
- (D) Family Characidae-Characins
 - 1. Astyanax fasciatus (Banded tetra)-(D).
 - 2. All species of the genera Serrasalmus, Serrasalmo, Pygocentrus, Taddyaella, Rooseveltiella, and Pygopristis (Piranhas)-(D).
 - 3. Hoplias malabaricus (Tiger fish)-(D)
- (E) Family Salmonidae-Trouts
 - Salmo salar (Atlantic salmon) - Restricted in the Smith River watershed-(D).
- (F) Family Lepisosteidae-Gars

- All species-(D).
- (G) Family Amiidae-Bowfins
All species-(D).
- (H) Family Poeciliidae-Livebearers
Belonesox belizanus (Pike killifish)-(D).
- (I) Family Channidae-Snakeheads
All species-(D).
- (J) Family Cyprinidae-Carps and Minnows
1. Leuciscus idus (ide)-(D).
 2. Ctenopharyngodon idella (Grass carp)-(D), except that permits may be issued to a person, organization or agency for possession of triploid grass carp, under conditions set forth in Section 238.6.
 3. Hypophthalmichthys molitrix (Silver carp)-(D).
 4. Aristichthys nobilis (Bighead carp)-(D).
 5. Hypophthalmichthys harmandi (Largescale silver carp) (D).
 6. Mylopharyngodon piceus (Black carp) (D).
- (K) Family Trichomycteridae (Pygidiidae)-Parasitic Catfishes
All species-(D).
- (L) Family Cetopsidae-Whalelike Catfishes
All species-(D).
- (M) Family Clariidae-Labyrinth Catfishes
All species of the genera Clarias, Dinotopterus, and Heterobranchus-(D).
- (N) Family Heteropneustidae (Saccobranchidae)-Airsac Catfishes
All species-(D).
- (O) Family Cichlidae-Cichlids
1. Tilapia sparrmani (Banded tilapia)-(D).
 2. Tilapia zillii (Redbelly tilapia)-(D), except permits may be issued to a person or an agency for importation, transportation, or possession in the counties of San Bernardino, Los Angeles, Orange, Riverside, San Diego, and Imperial.
 3. Oreochromis aureus (Blue tilapia)-(D).
 4. Oreochromis niloticus (Nile tilapia)-(D).
- (P) Family Anguillidae-Freshwater Eels
All species of genus Anguilla-(D).
- (Q) Family Esocidae-Pikes
All species-(D).
- (R) Family Percidae-Perches

1. Perca flavescens (Yellow perch)-(D).
 2. Sander vitreus (Walleye)-(D).
- (S) Family Catostomidae-Suckers
All members of the genus Ictiobus (Buffalos)-(D).
- (T) Family Cyprinodontidae-Killifishes
Cyprinodon variegatus (Sheepshead minnow)-(D).
- (U) Family Latidae-Lates perches
Lates calcarifer (Barramundi also known as Barramundi perch or Silver barramundi) (D), except permits may be issued to a person or organization for importation, transportation, possession, or sales of barramundi under the following conditions:
1. All live importation, possession, transportation and sales must also adhere to the conditions set forth in Section 671.7.
 2. Live retail sales for human consumption are allowed for barramundi that range from one to three pounds in weight or 300 mm (11.8 inches) to 500 mm (19.6 inches) in total length.
- (6) **CLASS ELASMOBRANCHIOMORPHI-CARTILAGINOUS FISHES**
- (A) Family Carcharhinidae-Requiem Sharks
All species of Genus Carcharhinus (Freshwater sharks)-(D).
- (B) Family Potamotrygonidae-River Stingrays
All species-(D).
- (7) **CLASS REPTILIA-REPTILES**
- (A) Order Crocodylia-Crocodiles, Caimans, Alligators, and Gavials
All species-(D).
- (B) Family Chelyridae-Snapping Turtles
All species-(D).
- (C) Family Elapidae-Cobras, Coral Snakes, Mambas, Kraits, etc.
All species-(D).
- (D) Family Viperidae-Adders and Vipers
All species-(D).
- (E) Family Crotalidae-Pit Vipers
All species-(D), except Crotalus viridis (Western rattlesnake), Crotalus atrox (Western diamondback rattlesnake), Crotalus ruber (Red diamondback rattlesnake), Crotalus scutulatus (Mojave rattlesnake), Crotalus mitchelli (Speckled rattlesnake) and Crotalus cerastes (Sidewinder) not restricted.
- (F) Family Colubridae-Colubrids
1. Dispholidus typus (Boomslang)-(D).
 2. Theoltornis kitlandii (Bird or vine snake)-(D).
 3. All species of the genus Nerodia (watersnakes) (D).
- (G) Family Helodermatidae
1. Heloderma suspectum suspectum (reticulate Gila monster)-(D).

(8) **CLASS CRUSTACEA-CRUSTACEANS**

- (A) All species of Family Cambaridae (Crayfish)-(D), except Procambarus clarkii and Orconectes virilis, not restricted.
- (B) All species of genus Eriocheir-(D).

(9) **CLASS GASTROPODA-SLUGS, SNAILS**

- (A) Potamopyrgus antipodarum (New Zealand mudsnail) (D).
- (B) All nonnative species of slugs and land snails-(D), except:
 - 1. Rumina decollata (decollate snail) in the counties of San Bernardino, Riverside, Imperial, Orange, San Diego, Los Angeles, Ventura, Kern, Fresno, Madera, Tulare and Santa Barbara, not restricted with the concurrence of the appropriate county agricultural commissioners.
 - 2. Helix aspersa (brown garden snail) not prohibited.
- (C) Pomacea canaliculata (Channel Apple Snail) (D).
- (D) All species of genus Haliotis (Abalone) (D), except Haliotis rufescens (Red abalone), Haliotis sorenseni (White abalone), Haliotis corrugata (Pink abalone), Haliotis fulgens (Green abalone), Haliotis cracherodii (Black abalone), Haliotis kamtschatkana (Pinto abalone), Haliotis walallensis (Flat abalone) and Haliotis assimilis (Threaded abalone) are not restricted.

(10) **CLASS BIVALVIA – BIVALVES**

All members of the genus Dreissena (zebra and quagga mussels)-D

(11) **TRANSGENIC AQUATIC ANIMALS.**

Includes freshwater and marine fishes, invertebrates, amphibians, and reptiles –(D)

APPENDIX C

INSPECTION FEE SCHEDULE

The fee schedule for the inspection of live aquatic plants and animals imported into California is based on the actual cost of the inspection to the Department. Effective June 1, 2005, the following inspection fees will be charged:

At all locations more than one hour travel time, one way, from the Department's Fish Health Laboratory at Rancho Cordova, CA a flat fee of \$204.00

At the importer's facility which is more than one hour travel from the Rancho Cordova Fish Health Laboratory \$204.00.

At the importers facility which is less than one hour travel from the Rancho Cordova Fish Health Laboratory \$85.00.

At the Department's Rancho Cordova Fish Health Laboratory \$33.00

Travel time, expenses, and one hour of time for the inspection are included in the above fees. Any additional standby time will be charged to the importer at the rate of \$33.00 per hour.

Importers must include the basic inspection fee along with any application for an Importation Permit. Applications received without the fee cannot be processed. When a shipment is cancelled, fees will be returned or can be credited toward a future inspection if the Department is notified of the cancellation at least five days before the scheduled inspection date.

If you have any questions regarding the revised fee schedule, contact the Department at the Fisheries Branch, 830 S Street, Sacramento, CA 95811, (916) 445-0826.