

**01. Purpose**

The purpose of this chapter is to control the importation, possession, propagation, transport, purchase, sale or introduction into State waters of certain nonnative aquatic organisms that if accidentally or deliberately introduced into or further spread in the waters of the State would alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized aquatic organisms or the productivity of State waters.

**.02 Definitions**

A. A term used in this Chapter and not defined below shall have the meaning given to term in a relevant statute or regulation, or, if not defined in statute or regulation, the meaning attributed in common use.

B. In this Chapter the following terms have the meanings indicated.

(1) "Aquaculture" means the rearing for commercial purposes of a species of fish or aquatic plant as listed in and described in COMAR 08.02.14 and may include the purchase, sale, possession, capture, production, breeding, transportation, and processing of fish or aquatic plants.

(2) "Aquatic organism" means a living organism that spends part of its life in water.

(3) "Historically" means commonly accepted to have been in State waters in the year 1500.

(4) "Hybrid" means the offspring of any species of fish of genetically dissimilar parents or stock.

(5) "Introduction into State waters" means the deliberate or accidental release of an aquatic organism into State waters.

(6) "Native" means having historically lived, grown, and reproduced in State waters.

(7) "Naturalized" means documented as having lived, grown, and reproduced in State waters for more than 10 years without known harm to the ecosystem.

(8) "Nonnative " means any species other than native or naturalized.

(9) "Nuisance organism" means a nonnative aquatic organism that will foreseeably alter and threaten to harm the ecosystem or the abundance and diversity of native or naturalized aquatic organisms.

(10) "State waters" means tidal and nontidal waters located within the boundaries of the State, including that portion of the Atlantic Ocean within the boundaries of the State, the Chesapeake Bay and its tributaries, and all ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the State.

(11) "Transgenic" means an organism into which genetic material from another organism has been experimentally transferred so that the host acquires the genetic traits of the transferred genes.

(12) "Transport" means to move a nonnative aquatic organism from one watershed, as named by Maryland Integrated Watershed Data and Information System to another watershed, as named by Maryland Integrated Watershed Data and Information System.

(13) "Without known harm" means a species has acclimated or adapted to life in Maryland's waters for more than 50 years without diminishing the abundance, diversity, distribution or reproduction of a native species or degrading water quality requirements for a native species.

### **03. Transgenic**

A person may not introduce into State waters, import or possess for the purpose of introduction into State waters, any transgenic aquatic organism.

#### **04. Classification of Nonnative Aquatic Organisms**

A. A person may not import, transport, purchase, possess, propagate, sell, or release into State waters the following nonnative aquatic organisms:

(1) Fish species:

(a) Asian swamp eel (*Monoterus albus*);

(b) Bighead carp (*Hypophthalmichthys nobilis*);

(c) Black carp (*Mylopharyngodon piceus*);

(d) Candiru (*Vandellia cirrhosa*);

(e) Chinese mitten crab (*Eriocheir sinensis*);

(f) Eurasian river ruffe (*Gymnocephalus cernuus*);

(g) Grass carp (*Ctenopharyngodon idella*);

(h) Quagga mussel (*Dreissena bugensis*);

(i) Round goby (*Neogobius melanostomus*);

(j) Silver carp (*Hypophthalmichthys molitrix*);

(k) Walking catfish (*Clarius batrachus*);

(l) Zebra mussel (*Dreissena polymorpha*); and

(2) Aquatic plant species:

(a) Giant salvinia (*Salvinia molesta*); and

(b) Green Caulerpa seaweed (*Caulerpa taxifolia*).

B. A person may not transport the following nonnative aquatic organisms:

(1) Fish species:

- (a) Blue catfish (Ictalurus furcatus);
- (b) Flathead catfish (Pylodictis olivaris);
- (c) Green crab (Carcinus manenas);
- (d) Japanese shore crab (Hemigrapsus sanguineus);
- (e) Red swamp crayfish (Procambarus clarkii)
- (f) Rusty crayfish (Orconectes rusticus);
- (g) Virile crayfish (Orconectes virilis); and

(2) Aquatic plant species:

- (a) Hydrilla (Hydrilla verticillata); and
- (b) Water chestnut (Trapa natans).

C. A person may not import, transport, purchase, possess, propagate or sell a nonnative aquatic organism listed in §A of this regulation or transport a nonnative aquatic organism listed in §B of this regulation, unless the person has been issued a permit by the Department.

(1) A permit may be granted only if satisfactory proof is presented to the Department that the organism is free of a communicable disease.

(2) An application for the permit shall be filed with the Department not less than 60 days before the proposed date of importation.

(3) An application for an activity listed in §C of this regulation that is in progress at the time of adoption of this regulation shall be filed within 60 days after the date of adoption of this regulation.

(4) A permitted nonnative aquatic organism may be held only in a secure facility from which escape into State waters is not possible.

(5) A permit is not required if:

(a) The species is being transported in a sealed container or dead to the Department, or another destination as the Secretary may direct, for purposes of species identification or reporting the presence of the species; or

(b) The specimen has been lawfully acquired dead and, in the case of plant species, all seeds are removed or otherwise secured in a sealed container or is in the form of herbaria or other preserved museum specimens.

## **05. General**

A. A person may not place or attempt to place upon or into State waters a watercraft or associated equipment with attached or contained aquatic plants, zebra mussels or other prohibited species of nonnative organisms.

B. Water taken from waters infested by prohibited nonnative species may not be diverted, appropriated or transported on public roads except in the following circumstances:

(1) In an emergency declared by appropriate local or state authorities such as a fire emergency;

(2) As specified in water appropriation or public waters work permits; or

(3) Under a permit issued by the Secretary.

*08.02.19.01 – April 10, 2006*

### **[.01 Prohibitions.] .06 Snakehead Prohibitions**

A. Except as authorized by 50 CFR Part 16, a person may not import, transport, or introduce into the State any live fish or viable eggs of snakehead fish of the Family Channidae, including but not limited to:

[(1) *Channa amphibeus*—chel snakehead;

(2) *Channa argus*—northern snakehead;

(3) *Channa asiatica*—chinese snakehead;

(4) *Channa aurantimaculata*—orangespotted snakehead;

(5) *Channa bankanensis*—bangka snakehead;

- (6) *Channa baramensis*—baram snakehead;
  - (7) *Channa barca*—barca snakehead;
  - (8) *Channa bleheri*—rainbow snakehead;
  - (9) *Channa burmanica*—burmese snakehead;
  - (10) *Channa cyanospilos*—bluespotted snakehead;
  - (11) *Channa gachua*—dwarf snakehead;
  - (12) *Channa harcourtbutleri*—inle snakehead;
  - (13) *Channa lucius*—splendid snakehead;
  - (14) *Channa maculata*—blotched snakehead;
  - (15) *Channa marulius*—bullseye snakehead;
  - (16) *Channa maruloides*—emperor snakehead;
  - (17) *Channa melanoptera*—blackfinned snakehead;
  - (18) *Channa melasoma*—black snakehead;
  - (19) *Channa micropeltes*—giant snakehead;
  - (20) *Channa nox*—night snakehead;
  - (21) *Channa orientalis*—ceylon snakehead;
  - (22) *Channa panaw*—panaw snakehead;
  - (23) *Channa pleurophthalmus*—ocellated snakehead;
  - (24) *Channa punctata*—spotted snakehead;
  - (25) *Channa stewartii*—golden snakehead;
  - (26) *Channa striata*—chevron snakehead;
  - (27) *Parachanna africana*—niger snakehead;
  - (28) *Parachanna insignis*—congo snakehead; and
  - (29) *Parachanna obscura*—african snakehead. ]
- (1) African snakehead (*parachanna obscura*);
  - (2) Bangka snakehead (*channa bankanensis*);
  - (3) Baram snakehead (*channa baramensis*);
  - (4) Barca snakehead (*channa barca*);
  - (5) Black snakehead (*channa melasoma*);
  - (6) Blackfinned snakehead (*channa melanoptera*);
  - (7) Blotched snakehead (*channa maculata*);
  - (8) Bluespotted snakehead (*channa cyanospilos*);
  - (9) Bullseye snakehead (*channa marulius*);
  - (10) Burmese snakehead (*channa burmanica*);
  - (11) Ceylon snakehead (*channa orientalis*);
  - (12) Chel snakehead (*channa amphibeus*);
  - (13) Chevron snakehead (*channa striata*);
  - (14) Chinese snakehead (*channa asiatica*);
  - (15) Congo snakehead (*parachanna insignis*);
  - (16) Dwarf snakehead (*channa gachua*);
  - (17) Emperor snakehead (*channa maruloides*);
  - (18) Giant snakehead (*channa micropeltes*);
  - (19) Golden snakehead (*channa stewartii*);
  - (20) Inle snakehead (*channa harcourtbutleri*);
  - (21) Niger snakehead (*parachanna africana*);
  - (22) Night snakehead (*channa nox*);

- (23) Northern snakehead (channa argus);
- (24) Ocellated snakehead (channa pleurophthalmus);
- (25) Orangespotted snakehead (channa aurantimaculata);
- (26) Panaw snakehead (channa panaw);
- (27) Rainbow snakehead (channa bleheri);
- (28) Splendid snakehead (channa lucius); and
- (29) Spotted snakehead (channa punctata);

B. A person may not sell or breed live snakehead fish of the Family Channidae in the State.

C. Except as provided in §D of this regulation, a person may not possess the viable eggs

or live snakehead fish of the species:

- (1) Blotched snakehead (channa maculata); and
- (2) Northern snakehead (channa argus).

D. The Department may issue a permit for the possession of a live snakehead fish for scientific purposes to a properly accredited person of known scientific attainment.

*08.02.19.02 (April 10, 2006)*

**[.02 Possession.**

A. Except as provided in §B of this regulation, a person may not possess the viable eggs or live snakehead fish of the species:

- (1) Channa argus (northern snakehead); and
- (2) Channa maculata (blotched snakehead).

B. The Department may issue a permit for the possession of a live snakehead fish for scientific purposes to a properly accredited person of known scientific attainment. ]

C. RONALD FRANKS

Secretary of Natural Resources