

Summary of New York State Laws and Regulations Associated with ANS

Following is a summary of the laws and regulations currently in place that directly relate to the prevention and control of ANS in New York State.

I. LAWS:

ECL¹ §3-0301(2): To further assist in carrying out the policy of this state as provided in section 1-0101 of the chapter the department, by and through the commissioner, shall be authorized to:

w. Shall prepare and submit to the federally appointed "Aquatic Nuisance Species Task Force" two comprehensive management plans, after notice and opportunity for public comment, for funding of New York state activities under the Federal Non-indigenous Aquatic Nuisance Prevention and Control Act of 1990, Public Law 101-646, by January 1, 1992. One such plan shall identify those areas or activities within the state, other than those related to public facilities, where technical and financial assistance is needed within the state to eliminate or reduce environmental, public health and safety risks and to mitigate the financial impact upon the state associated with non-indigenous aquatic species, particularly zebra mussels. The other plan shall be a "public facility management plan" which is limited solely to identifying those public facilities within the state for which technical and financial assistance is needed to reduce infestations of zebra mussels. Each plan shall identify the management practices and measures that will be undertaken to reduce infestations of aquatic nuisance species, especially zebra mussels, and include the following: (1) a description of the state and local programs for environmentally sound prevention and control of the target species; (2) a description of federal activities that may be needed for environmentally sound prevention and control of aquatic nuisance species and a description of the manner in which those activities should be coordinated with state and local government activities; and (3) a schedule for implementing the plan, including a schedule of annual objectives. In developing and implementing these management plans, the department shall, to the maximum extent practicable, involve local governments, regional entities and public and private organizations that have expertise in the control of aquatic nuisance species. Copies of these plans shall also be submitted to the temporary president of the senate and the speaker of the assembly, and the department shall annually, on or before January first, submit to the temporary president of the senate and speaker of the assembly a report

¹ECL = Environmental Conservation Law

on the activities of the department under these plans.

ECL § 11-0507. Liberation of fish, shellfish and wildlife.

1. Fish or fish eggs shall not be placed in any waters of the state unless a permit is first obtained from the department; but no permit shall be required to place fish or fish eggs in an aquarium.

2. No person shall liberate or import or cause to be imported for the purpose of liberation within the state any European hare (*Lepus europaeus*), European or San Juan rabbit (*Oryctolagus cuniculus*), Texas or jack rabbit (*Lepus californicus*), gray fox (*Urocyon cinereoargenteus*), including captive bred gray fox, red fox (*Vulpes vulpes*), including captive bred red fox or nutria (*Myocastor coypus*), whether taken from within or without the state. Nutria may be imported only by permit of the department for scientific, exhibition or for breeding purposes.

3. No person shall willfully liberate within the state any wildlife except under permit from the department. The department may issue such permit in its discretion, fix the terms thereof and revoke it at pleasure. These provisions do not apply to migratory game birds, importation of which is governed by regulation of the department.

4. No person shall intentionally liberate zebra mussels (*Dreissena polymorpha*) into any waters of the state. No person shall buy, sell, or offer to buy or sell, or intentionally possess or transport zebra mussels except under a license or permit issued pursuant to section 11-0515. Zebra mussels, except those lawfully held pursuant to a license or permit, may be destroyed by any person at any time.

ECL §11-0509. Water chestnut.

No person shall plant, transport, transplant or traffic in plants of the water chestnut or the seeds or nuts thereof nor in any manner cause the spread or growth of such plants.

II. REGULATIONS

Title 6 (Environmental Conservation) of New York's Official Compilation of Codes, Rules and Regulations (6NYCRR)

Part 10, paragraph 10.1(c)(3): no person when fishing in the waters of the state shall use or possess as bait round goby, *Neogobius melanostomus*.

Part 44, paragraph 44.8: Chinese Mitten Crabs (*Eriocheir sinensis*).

- (a) No person shall liberate Chinese Mitten Crabs (*Eriocheir sinensis*) into the waters of the state.
- (b) No person shall possess, import, transport, buy, sell or offer to buy or sell Chinese mitten crabs, whether alive or dead, in New York State.
- (c) Chinese mitten crabs, except those lawfully held pursuant to a license or permit issued under section 11-0515, shall be destroyed.

Part 180, paragraph 180.9 Fish Dangerous to Indigenous Fish Populations.

(a) Purpose. The purpose of this section is to list species of native or non-native fish that present a danger to the health or welfare of indigenous fish populations, and to the health or welfare of people of the state.

(b) Prohibitions.

(1) Except as provided in subdivisions c and d of this section, no person shall buy, sell or offer for sale, possess, transport, import or export, or cause to be transported, imported or exported live individuals or viable eggs of the following species of fish, which the Department of Environmental Conservation (department) has determined present a danger to indigenous fish populations:

(i) Silver carp (*Hypophthalmichthys molitrix*)

(ii) Bighead carp (*Hypophthalmichthys nobilis*)

(iii) Black carp (*Mylopharyngodon piceus*)

(iv) Snakehead fish of the genera *Channa* and *Parachanna* (or the generic synonyms of *Bostrychoides*, *Opicephalus*, *Ophiocephalus*, and *Parophiocephalus*) of the Family *Channidae*, including but not limited to:

(a) *Channa amphibeus* (Chel or Borna snakehead)

(b) *Channa argus* (Northern or Amur snakehead)

(c) *Channa asiatica* (Chinese or Northern Green snakehead)

- (d) *Channa aurantimaculata*
- (e) *Channa bankanensis* (Bangka snakehead)
- (f) *Channa baramensis* (Baram snakehead)
- (g) *Channa barca* (barca or tiger snakehead)
- (h) *Channa bleheri* (rainbow or jewel snakehead)
- (i) *Channa cyanospilos* (bluespotted snakehead)
- (j) *Channa gachua* (dwarf, gaucha, or frog snakehead)
- (k) *Channa harcourtbutleri* (Inle snakehead)
- (l) *Channa lucius* (shiny or splendid snakehead)
- (m) *Channa maculata* (blotched snakehead)
- (n) *Channa marulius* (bullseye, murrel, Indian, great, or cobra snakehead)
- (o) *Channa maruloides* (emperor snakehead)
- (p) *Channa melanoptera*
- (q) *Channa melasoma* (black snakehead)
- (r) *Channa micropeltes* (giant, red or redline snakehead)
- (s) *Channa nox*
- (t) *Channa orientalis* (Ceylon or Ceylonese Green snakehead)
- (u) *Channa panaw*
- (v) *Channa pleurophthalmus* (ocellated, spotted, or eyespot snakehead)
- (w) *Channa punctata* (dotted or spotted snakehead)

(x) *Channa stewartii* (golden snakehead)

(y) *Channa striata* (chevron or striped snakehead)

(z) *Parachanna africana* (Niger or African snakehead)

(aa) *Parachanna insignis* (Congo, square-spotted African, or light African snakehead)

(bb) *Parachanna obscura* (dark African, dusky or square-spotted snakehead)

(2) No person shall liberate to the wild any species listed in this section, cause such species to be liberated to the wild or allow such species to exist in a state or condition where it is likely to escape into the wild.

(c) Exceptions. Notwithstanding the prohibitions contained in this section, Bighead carp may be sold, possessed, transported, imported and exported in the five boroughs of the City of New York (Manhattan, Bronx, Queens, Brooklyn, and Staten Island) and the Westchester County Towns of Rye, Harrison, and Mamaronek and all the incorporated cities or villages located therein. Bighead carp offered for sale in any retail establishment shall be killed by the seller before the purchaser takes possession of said fish.

(d) Permits. The department may issue permits, the term of which shall not exceed one year, to possess, transport, import or export species of live fish listed in this section only for educational, exhibition or scientific purposes, as defined in section 175.2 of this chapter. Permits issued pursuant to this section may contain terms, conditions and standards designed to prevent escapement while fish species listed in the permit are held in captivity, and to ensure safe disposition of those species following expiration of the permit or cessation of the permitted activity. The permit fee shall be \$500, except that the fee may be waived for bona fide employees, representatives or affiliates of accredited colleges or universities, research institutions, government agencies, or public museums or aquariums.

(e) Seizure. Environmental conservation officers, forest rangers and members of the state police may seize species of fish listed in this section that are possessed without a permit. No action for damages shall lie for such seizure, and disposition of seized animals shall be at the discretion of the department.