

**Regulation 4VAC15-30.  
Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals**

**Section 4VAC15-30-40. Importation requirements, possession  
and sale of nonnative (exotic) animals.**

**SUMMARY:**

The proposal is to allow anglers to legally harvest grass carp from public waters of the Commonwealth, except from department-owned or department-controlled lakes, provided that anglers ensure that harvested grass carp are dead.

**PROPOSED LANGUAGE OF AMENDMENT:**

**4VAC15-30-40. Definitions and Miscellaneous: Importation, Possession, Sale, Etc., of Animals. Importation requirements, possession and sale of nonnative (exotic) animals.**

A. Permit required. A special permit is required and may be issued by the department, if consistent with the department's fish and wildlife management program, to import, possess, or sell those nonnative (exotic) animals listed below and in 4VAC15-20-210 that the board finds and declares to be predatory or undesirable within the meaning and intent of § 29.1-542 of the Code of Virginia, in that their introduction into the Commonwealth will be detrimental to the native fish and wildlife resources of Virginia.

B.

FISH				
Order	Family	Genus/Species	Common Name	
Cypriniformes	Catostomidae	Catostomus microps	Modoc sucker	
		Catostomus santaanae	Santa Ana sucker	
		Catostomus warnerensis	Warner sucker	
		Ictiobus bubalus	Smallmouth* buffalo	
		I. cyprinellus	Bigmouth* buffalo	
		I. niger	Black buffalo*	
	Characidae	Pygoprictis spp. Pygocentrus spp. Rooseveltiella spp. Serrasalmo spp. Serrasalmus spp. Taddyella spp.		Piranhas
		Cobitidae	Misgurnus anguillicaudatus	Oriental weatherfish
		Cyprinidae	Aristichthys nobilis	Bighead carp*
			Chrosomus saylora	Laurel dace

Ctenopharyngodon idella	Grass carp or white amur
Cyprinella caerulea	Blue shiner
Cyprinella formosa	Beautiful shiner
Cyprinella lutrensis	Red shiner
Hypophthalmichthys molitrix	Silver carp*
Mylopharyngodon piceus	Black carp*
Notropis albizonatus	Palezone shiner
Notropis cahabae	Cahaba shiner
Notropis girardi	Arkansas River shiner
Notropis mekistocholas	Cape Fear shiner
Notropis simus pecosensis	Pecos bluntnose shiner
Notropis topeka (= tristis)	Topeka shiner
Phoxinus cumberlandensis	Blackside dace
Rhinichthys osculus lethoporus	Independence Valley speckled dace
Rhinichthys osculus nevadensis	Ash Meadows speckled dace
Rhinichthys osculus oligoporus	Clover Valley speckled dace
Rhinichthys osculus ssp.	Foskett speckled dace
Rhinichthys osculus thermalis	Kendall Warm Springs dace
Scardinius erythrophthalmus	Rudd
Tinca tinca	Tench

B. Temporary possession permit for certain animals. Notwithstanding the permitting requirements of subsection A of this section, a person, company or corporation possessing any nonnative (exotic) animal, designated with an asterisk (\*) in subsection A of this section, prior to July 1, 1992, must declare such possession in writing to the department by January 1, 1993. This written declaration shall serve as a permit for possession only, is not transferable, and must be renewed every five years. This written declaration must include species name, common name, number of individuals, date or dates acquired, sex (if possible), estimated age, height or length, and other characteristics such as bands and band numbers, tattoos, registration numbers, coloration, and specific markings. Possession transfer will require a new permit according to the requirements of this subsection.

C. Exception for certain monk parakeets. A permit is not required for monk parakeets (quakers) that have been captive bred and are closed-banded with a seamless band.

D. Exception for parts or products. A permit is not required for parts or products of those nonnative (exotic) animals listed in subsection A of this section that may be used for personal use, in the manufacture of products, or used in scientific research, provided that such parts or products be packaged outside the Commonwealth by any person, company, or corporation duly licensed by the state in which the parts originate. Such packages may be transported into the Commonwealth, consistent with other state laws and regulations, so long as the original package remains unbroken, unopened and intact until its point of destination is reached. Documentation concerning the type and cost of the animal parts ordered, the purpose and date of the order, point and date of shipping, and date of receiving shall be kept by the person, business or institution ordering such nonnative (exotic) animal parts. Such documentation shall be open to inspection by a representative of the Department of Game and Inland Fisheries.

E. Exception for prairie dogs. The effective date of listing of prairie dogs under subsection A of this section shall be January 1, 1998. Prairie dogs possessed in captivity in Virginia on December 31, 1997, may be maintained in captivity until the animals' deaths, but they may not be sold on or after January 1, 1998, without a permit.

F. Exception for snakehead fish. Anglers may legally harvest snakehead fish of the family Channidae, provided that they immediately kill such fish and that they notify the department, as soon as practicable, of such actions.

G. Exception for feral hogs. Anyone may legally trap feral hogs with written permission of the landowner, provided that any trapped hogs are not removed from the trap site alive and are killed immediately.

H. Exception for grass carp. Anglers may legally harvest grass carp of the family Cyprinidae from public waters of the Commonwealth, except from department-owned or department-controlled lakes, provided that anglers ensure that harvested grass carp are dead.

H I. All other nonnative (exotic) animals. All other nonnative (exotic) animals not listed in subsection A of this section may be possessed, purchased, and sold; provided, that such animals shall be subject to all applicable local, state, and federal laws and regulations, including those that apply to threatened/endangered species, and further provided, that such animals shall not be liberated within the Commonwealth.

#### **RATIONALE:**

Grass carp are actively stocked by the VDGIF in department-owned or department-controlled lakes to manage aquatic vegetation. However, in some systems, grass carp may move out of an impounded section and into the free-flowing section of a river where they may have a negative impact on desired aquatic vegetation. Currently anglers (including bow anglers) are not permitted to harvest grass carp from any waters of the Commonwealth or to have grass carp in possession without a permit. Allowing anglers to harvest grass carp from waters where grass carp are not actively stocked or desired by the VDGIF will help to control this species in waters where the animals may have a negative impact on desired aquatic vegetation.

This proposed change also results in proposed language changes to 4VAC15-350-70 and 4VAC15-360-10.