

Texas AIS Regulations

Compiled 10/15/15

Texas Admin. Code, Tit. 31, Ch. 57, Subch. A (Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants)

§ 57.111. Definitions

The following words and terms, when used in this subchapter, shall have the following meanings, unless the context clearly indicates otherwise.

- (1) Aquaculture or fish farming--The business of producing and selling cultured species raised in private facilities.
- (2) Aquaculturist or fish farmer--Any person engaged in aquaculture.
- (3) Aquaculture facility--The property, including all drainage ditches and private facilities where cultured species are produced, held, propagated, transported or sold.
- (4) Aquaculture complex--A group of two or more separately owned aquaculture facilities located at a common site and sharing privately owned water diversion or drainage structures.
- (5) Beheaded--The complete detachment of the head (that portion of the fish from the gills to the nose; that portion of the shrimp called the carapace) from the body.
- (6) Certified Inspector--An employee of the Texas Parks and Wildlife Department who has satisfactorily completed a department approved course in clinical analysis of shellfish.
- (7) Cultured species--Aquatic plants, fish, or shellfish raised under conditions where at least a portion of their life cycle is controlled by an aquaculturist.
- (8) Clinical Analysis Checklist--A TPWD form specifying sampling protocols and listing certain characteristics which may constitute manifestations of disease.
- (9) Department--The Texas Parks and Wildlife Department or a designated employee of the department.
- (10) Director--The executive director of the Texas Parks and Wildlife Department.
- (11) Disease--Contagious pathogens or injurious parasites which may be a threat to the health of natural populations of aquatic organisms.
- (12) Disease-Free--A status, based on the results of an examination conducted by a department approved shellfish disease specialist that certifies a group of aquatic organisms as being free of disease.

(13) Exotic species--A nonindigenous aquatic plant, fish, or shellfish not normally found in public water of this state.

(14) Gutted--The complete removal of all internal organs and entrails.

(15) Harmful or potentially harmful exotic fish-

(A) Lampreys: Family Petromyzontidae--all species except *Ichthyomyzon castaneus* and *I. gagei*;

(B) Freshwater Stingrays: Family Potamotrygonidae--all species;

(C) Arapaima: Family Arapaimidae--*Arapaima gigas*;

(D) South American Pike Characoids: Family Acestrorhynchidae--all species of genus *Acestrorhynchus*;

(E) African Tiger Fishes: Family Alestidae--all species of genus *Hydrocynus*;

(F) Piranhas: Family Characidae (Subfamily Serrasalminae)--all species of the genera *Catopryon*, *Pristobrycon*, *Pygocentrus*, *Pygopristis*, and *Serrasalmus*;

(G) Dogtooth characins (Payara and vampire tetras): Family Cynodontidae--all species of genera *Hydrolycus*, *Rhaphiodon*, and *Cynodon*;

(H) Dourados: Family Characidae (Subfamily Salmininae)--all species of genus *Salminus*;

(I) South American Tiger Fishes: Family Erythrinidae--all species;

(J) South American Pike Characids: Family Ctenoluciidae--all species of genera *Ctenolucius* and *Boulengerella*;

(K) African Pike and Lute Fishes: Families Hepsetidae and Citharinidae--all species;

(L) Electric Eels: Family Gymnotidae--*Electrophorus electricus*;

(M) Carps and Minnows: Family Cyprinidae--all species and hybrids of species of genera:

Aspius, *Pseudaspius*, and *Aspiolucius* (*Asps*); *Abramis*, *Blicca*, *Megalobrama*, and

Parabramis (Old World Breams); *Hypophthalmichthys* (Bighead and Silver Carp);

Mylopharyngodon (Black Carp); *Ctenopharyngodon* (Grass Carp); *Cirrhinus*; *Thynnichthys*;

Gibelion (Catla); *Leuciscus* (Eurasian Daces); *Tor*, and *Neolissochilus hexagonolepis*

(Barbs and Mahseers); *Rutilus* (Roaches); *Scardinius* (Rudds); *Elopichthys* (Yellowcheek);

Catlocarpio (Giant Barb); all species of the genus *Labeo* except *Labeo chrysophekadion*

(Black Sharkminnow);

(N) Walking Catfishes: Family Clariidae--all species;

(O) Electric Catfishes: Family Malapteruridae--all species;

(P) South American Parasitic Candiru Catfishes: Family Trichomycteridae--all species;

(Q) Pike Killifish: Family Poeciliidae--*Belonesox belizanus*;

(R) Marine Stonefishes: Family Synanceiidae--all species;

(S) Tilapia: Family Cichlidae--all species of genera *Tilapia*, *Oreochromis*, and *Sarotherodon*;

(T) Asian Pikeheads: Family Osphronemidae--all species of the genus *Luciocephalus*;

(U) Snakeheads: Family Channidae--all species;

(V) Perch: Family Percidae--all species of the genus *Sander* except *Sander canadensis* and *S. vitreus* and hybrids between these two species and all species of genus *Gymnocephalus*;

(W) Nile Perch: Family Latidae--all species of genus *Lates*;

(X) Seatrouts and Corvinas: Family Sciaenidae--all species of genus *Cynoscion* except *Cynoscion arenarius*, *C. nebulosus*, and *C. nothus*;

- (Y) Whale Catfishes: Family Cetopsidae--all species;
- (Z) Airsac Catfishes: Family Heteropneustidae--all species;
- (AA) Swamp Eels, Rice Eels, or One-Gilled Eels: Family Synbranchidae--all species;
- (BB) Freshwater Eels: Family Anguillidae--all species except *Anguilla rostrata*;
- (CC) Round Gobies: Family Gobiidae--all species of genus *Neogobius*;
- (DD) Temperate Basses: Family Moronidae--all species except *Morone chrysops*, *M. mississippiensis*, and *M. saxatilis* and hybrids of these species; and
- (EE) Temperate Perches: Family Percichthyidae--all species.

(16) Harmful or potentially harmful exotic shellfish-

- (A) Crayfishes: Family Parastacidae--all species;
- (B) Mitten Crabs: Family Varunidae--all species of genus *Eriocheir*;
- (C) Zebra Mussels: Family Dreissenidae--all species of genus *Dreissena*;
- (D) Penaeid Shrimp: Family Penaeidae--all species of genera *Penaeus*, *Litopenaeus*, *Farfantepenaeus*, *Fenneropenaeus*, *Marsupenaeus*, and *Melicertus* except *Litopenaeus setiferus*, *Farfantepenaeus aztecus*, and *F. duorarum*;
- (E) Oysters: Family Ostreidae--all species except *Crassostrea virginica* and *Ostrea equestris*; and
- (F) Applesnails and Giant Rams-Horn Snails: Family Ampullariidae--all species of the genera *Marisa* and *Pomacea* except *Pomacea bridgesi* (spiketop applesnail).

(17) Harmful or potentially harmful exotic plants-

- (A) Dotted Duckweed: Family Araceae--*Landoltia punctata*;
- (B) Salvinia: Family Salviniaceae--all species of genus *Salvinia*;
- (C) Water hyacinth: Family Pontederiaceae--*Eichhornia crassipes* (floating water hyacinth) and *E. azurea* (rooted water hyacinth);
- (D) Waterlettuce: Family Araceae--*Pistia stratiotes*;
- (E) Hydrilla: Family Hydrocharitaceae--*Hydrilla verticillata*;
- (F) Lagarosiphon: Family Hydrocharitaceae--*Lagarosiphon major*;
- (G) Eurasian Watermilfoil: Family Haloragaceae--*Myriophyllum spicatum*;
- (H) Alligatorweed: Family Amaranthaceae--*Alternanthera philoxeroides*;
- (I) Paperbark: Family Myrtaceae--*Melaleuca quinquenervia*;
- (J) Torpedograss: Family Poaceae--*Panicum repens*;
- (K) Water spinach (also called ong choy, rau mong and kangkong): Family Convolvulaceae--*Ipomoea aquatica*.
- (L) Ambulia (Asian marshweed): Family Scrophulariaceae--*Limnophila sessiliflora*;
- (M) Arrowleaf False Pickerelweed: Family Pontederiaceae--*Monochoria hastate*;
- (N) Heartshaped False Pickerelweed: Family Pontederiaceae--*Monochoria vaginalis*;
- (O) Duck-lettuce: Family Hydrocharitaceae--*Ottelia alismoides*;
- (P) Wetland Nightshade: Family Solanaceae--*Solanum tampicense*;
- (Q) Exotic Bur-reed: Family Sparganiaceae--*Sparganium erectum*;
- (R) Brazilian Peppertree: Family Anacardiaceae--*Schinus terebinthifolius*; and
- (S) Purple Loosestrife: Family Lythraceae--*Lythrum salicaria*.

- (18) Harmful or potentially harmful exotic species exclusion zone--That part of the state that is both south of SH 21 and east of I-35, but not including Brazos County.
- (19) Immediately--Without delay; with no intervening span of time.
- (20) Manifestations of disease--Manifestations of disease include, but are not limited to, one or more of the following: heavy or unusual predator activity, empty guts, emaciation, rostral deformity, digestive gland atrophy or necrosis, gross pathology of shell or underlying skin typical of viral infection, fragile or atypically soft shell, gill fouling, or gill discoloration.
- (21) Nauplius or nauplii--A larval crustacean having no trunk segmentation and only three pairs of appendages.
- (22) Operator--The person responsible for the overall operation of a wastewater treatment facility.
- (23) Place of business--A permanent structure on land where aquatic products or orders for aquatic products are received or where aquatic products are sold or purchased.
- (24) Post-larvae--A juvenile crustacean having acquired a full complement of functional appendages.
- (25) Private facility--A pond, tank, cage, or other structure capable of holding cultured species in confinement wholly within or on private land or water, or within or on permitted public land or water.
- (26) Private facility effluent--Any and all water which has been used in aquaculture activities.
- (27) Private pond--A pond, tank, lake, or other structure capable of holding cultured species in confinement wholly within or on private land.
- (28) Public aquarium--An American Association of Zoological Parks and Aquariums accredited facility for the care and exhibition of aquatic plants and animals.
- (29) Public waters--Bays, estuaries, and water of the Gulf of Mexico within the jurisdiction of the state, and the rivers, streams, creeks, bayous, reservoirs, lakes, and portions of those waters where public access is available without discrimination.
- (30) Quarantine condition--Confinement of exotic shellfish such that neither the shellfish nor the water in which they are or were maintained comes into contact with water in the state and with other fish and/or shellfish.
- (31) Shellfish disease specialist--A person with a degree in veterinary medicine or a Ph.D. who specializes in disease of shellfish.

(32) Triploid grass or black carp--A grass carp (*Ctenopharyngodon idella*) or black carp (*Mylopharyngodon piceus*) that has been certified by the United States Fish and Wildlife Service as having 72 chromosomes and as being functionally sterile.

(33) Waste--Waste shall have the same meaning as in Chapter 26, § 26.001(6) of the Texas Water Code.

(34) Water in the state--Water in the state shall have the same meaning as in Chapter 26, § 26.001(5) of the Texas Water Code.

(35) Wastewater treatment facility--All contiguous land and fixtures, structures or appurtenances used for treating wastewater pursuant to a valid permit issued by the Texas Commission on Environmental Quality.

Texas Admin. Code, Tit. 31, Ch. 57, Div. 4 (Special Provisions to Prevent the Spread of Exotic Aquatic Species)

§ 57.1000. Prohibited Transport of Live Nongame Fish

No person may leave a body of water listed in this section while in possession of a live nongame fish:

(1) the Red River below Lake Texoma downstream to the Texas/Arkansas border;

(2) Big Cypress Bayou downstream of Ferrell's Bridge Dam on Lake O' the Pines, including the Texas waters of Caddo Lake; and

(3) the Sulphur River downstream of the Lake Wright Patman dam to the Texas/Arkansas border.

§ 57.1001. Draining of Water from Vessels Leaving or Approaching Public Fresh Water

For the purposes of this section, “vessel” has the meaning assigned by Parks and Wildlife Code, § 31.003, and “boat ramp” means a boat ramp, launch area, or any other access point that can be used to access public water, and includes parking areas, parking overflow areas, and any other area in the immediate vicinity of the ramp, launch, or access point where a vehicle, trailer, or vessel may be parked while waiting to launch or retrieve a vessel.

(1) General Provisions. Except as provided in paragraph (2) of this section, no person may use any public roadway other than a boat ramp to transport a vessel to or from a public water body to which the provisions of paragraph (3) of this section apply unless all bilges, live wells, and other similar receptacles and systems holding or capable of holding water on board the vessel as a result of immersion in or transfer from the public water body have been drained.

(2) Exceptions.

(A) The provisions of paragraph (1) of this section do not apply to:

(i) a person travelling on a public roadway via the most direct route to another access point located on the same body of water, provided the beginning and ending of the travel occur within a single 24-hour period;

(ii) water contained in marine sanitary systems;

(iii) a person in possession of a receptacle containing water and live bait purchased from a commercial bait dealer, provided:

(I) the person also possesses a dated receipt, bill of sale, or other written evidence that identifies the name and commercial location of the dealer; and

(II) the live bait, if it has come into contact with public water to which the provisions of paragraph (3) of this section apply, is used only on the water body from which the public water was obtained;

(iv) government employees or persons under contract to a governmental entity in the performance of official duties that involve the use of a vessel in an emergency response to a threat to human health or safety, or property; or

(v) a person who is a participant in a fishing tournament (as defined by Parks and Wildlife Code, § 66.023), provided:

(I) the tournament fishing activities are restricted to a single public water body on any given day;

(II) the weigh-in site is not located on the body of water on which the tournament is held;

(III) all water other than water in a live well has been drained from the vessel as required by this section;

(IV) the live well is being transported by the most direct route to an official weigh-in location designated by the tournament;

(V) the water in the live well is drained or properly disposed of before the vessel leaves the weigh-in location; and

(VI) the person in possession of the water in the live well also possesses documentation provided by a fishing tournament representative that bears the participant's name, the date, water body name, tournament name, location and time of the weigh-in, and the name and phone number of a tournament representative.

(B) A government employee or persons under contract to a governmental entity may remove water for purposes of testing or analysis from a public water body to which the provisions of paragraph (3) of this section apply; however, the water must be in closed, portable container and all bilges, live wells, motors, and other similar receptacles and systems holding or capable of holding water on board the vessel as a result of immersion in or transfer from the public water body must be drained.

(3) This section applies to all public fresh water in Texas.