

**COMMONWEALTH OF PENNSYLVANIA**  
**DEPARTMENT OF AGRICULTURE**  
Bureau of Animal Health and Diagnostic Services  
2301 North Cameron Street  
Harrisburg PA 17110-9408  
PH: 717-772-2852 FAX: 717-787-1868

**APPLICATION FOR DEALERS OF LIVE FISH, LIVE BAITFISH, LIVE FISH BAIT, REPTILES, AMPHIBIANS, AND  
OTHER AQUATIC ORGANISMS**

INITIAL APPLICATION

RENEWAL APPLICATION OF AQUACULTURE CERTIFICATION # \_\_\_\_\_

REGISTRATION FEE: \$50.00 for 5 YEARS

CHECK OR MONEY ORDER PAYABLE TO: **COMMONWEALTH OF PENNSYLVANIA**

1. Name of Business \_\_\_\_\_

2. Business Mailing Address (Street or Post Office) \_\_\_\_\_

(\* Physical location of fish/animals) \_\_\_\_\_

2a If PA Resident (County) \_\_\_\_\_ Township/Municipality \_\_\_\_\_

3. Telephone Number \_\_\_\_\_ Fax \_\_\_\_\_

4. Email Address \_\_\_\_\_

5. Printed Name of Owner/Applicant \_\_\_\_\_

6. Home Address of Owner/ Applicant (Street or Post Office) \_\_\_\_\_

\_\_\_\_\_

7. Business 911 street address or business GPS coordinates - **REQUIRED**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

8. Complete the following for all licensed dealers, licensed propagators and all other persons or businesses from whom you are purchasing your live fish, live baitfish, live fish bait, reptiles, amphibians

and/or other aquatic animal species or organisms. If you need more space than that provided, please attach additional pages as needed.

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_  
\_\_\_\_\_

Phone number(s) \_\_\_\_\_  
\_\_\_\_\_

Species Purchased from business: **include scientific name** (example: *Oncorhynchus mykiss*) of each species purchased except for worms – required by PA Fish and Boat Commission.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List Location and List Source (Wild Caught or Purchased) \_\_\_\_\_

\_\_\_\_\_

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Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_  
\_\_\_\_\_

Phone number(s) \_\_\_\_\_  
\_\_\_\_\_

Species Purchased from business: **include scientific name** (example: *Oncorhynchus mykiss*) of each species purchased except for worms – required by PA Fish and Boat Commission.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List Location and List Source (Wild Caught or Purchased) \_\_\_\_\_

\_\_\_\_\_

9. Do you receive live fish, live aquatic animal species or organisms, or live baitfish from any Great Lake States (Illinois, Indiana, Michigan, Minnesota, New York, Ohio or Wisconsin) or the Pennsylvania counties of Crawford, Erie or Potter)?

If yes, please state from where: \_\_\_\_\_

If yes, do you have a completed Aquaculture Verification Certificate and proof of negative VHS status for each lot of fish received? \_\_\_\_Yes \_\_\_\_No

**If yes, please submit with application.**

10. Do you receive any species of fish from a source outside of the Commonwealth?

\_\_\_\_\_Yes \_\_\_\_\_No

If yes, list all such **fish species and their scientific names** below: (All species of fish transported into the Commonwealth shall be species whose health inspection reports have been approved by the Department). **Scientific names required by PA Fish and Boat Commission.**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. Are any of your facilities recirculating systems with no direct connection to any local waterways, i.e., closed systems (See attachment '71.3 Closed System Propagation Description')? \_\_\_\_Yes \_\_\_\_No

If **YES**, what is the ultimate disposal method of the recycled water? \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

If **YES**, what features and precautions ensure no organisms escape from the facility

\_\_\_\_\_  
\_\_\_\_\_

If **NO**, which Pennsylvania Watershed(s) does your discharge water flow into? \_\_\_\_\_

\_\_\_\_\_

12. What are your Gross Annual Sales? \_\_\_\_\_

13. List all of the species and their scientific names (example: *Oncorhynchus mykiss*) you deal in within the Commonwealth of Pennsylvania, except for worms – required by PA Fish and Boat Commission. Species not appearing on the approved species list may not be sold for any use within Pennsylvania.

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I MAKE THE FOREGOING REPRESENTATIONS SUBJECT TO THE PENALTIES OF 18 PA.C.S.A. SECTIONS 4904(RELATING TO UNSWORN FALSIFICATION TO AUTHORITIES)

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(Date of Application)

(Signature of Applicant)

**\*NOTE: All non-Pennsylvania sources of live fish, live bait fish, and live fish bait must be approved as to the source for disease transmission prevention by the Pennsylvania Department of Agriculture. Send a copy of each source facility's current fish health inspection report to the Department along with your application. Sources may be approved for a calendar year period.**

### **Applicant Verification, Certification and Acknowledgment**

**(All Applicants Previously Listed Must Sign Below)**

The applicant(s) verifies, certifies, represents, affirms and warrants to the Commonwealth of Pennsylvania, Department of Agriculture, Bureau of Animal Health and Diagnostic Services, that it meets all eligibility requirements set forth in the Act, the Regulations and this License Application and that:

The information contained herein and in all attachments and supporting material is true and correct, the filing of the License Application has been duly authorized by the applicant(s), and the Board of Directors thereof if a corporation, and the undersigned(s) has/have authority to execute this License Application on behalf of the applicant(s). The applicant(s) affirm(s) the information set forth in this License Application Form is true and correct and makes these statements subject to the penalties of 18 PA.C.S.A. § 4904, relating to unsworn falsification to authorities. That crime carries a jail term of up to 5 years, and a fine of between \$1,000 and \$5,000. Being aware of the possibility of criminal prosecution relating to false statements, the applicant(s) hereby verifies all information provided in this document is true and correct.

**Signature instructions:** Please sign below in the space provided applicable to your status as an applicant. All persons with an ownership interest in the business to be licensed are applicants and must sign. If applicant is one of several persons with an ownership interest, look for the listing below for the type of entity in which applicant possesses an ownership interest and sign there.

<p><b>Sole Proprietor:</b></p> <hr/> <p>Signature</p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Date</p>	<p><b>Partnership:</b></p> <hr/> <p>Signature – General Partner</p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Date</p>	<hr/> <p>Signature – General Partner</p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Date</p>
<p><b>Corporation:</b></p> <hr/> <p>Name of Corporation</p> <hr/> <p>Signature of President / VP <i>(circle which)</i> <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name</p> <hr/> <p>Signature of Secretary / Treasurer <i>(circle which)</i> <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name</p>		
<p><b>Limited Liability Company (LLC):</b></p> <hr/> <p>Name of Corporation</p> <hr/> <p>Signature – Member <span style="float: right;">Date</span>      Signature – Member <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name <span style="float: right;">Legibly Print Name</span></p> <hr/> <p>Signature – Member <span style="float: right;">Date</span>      Signature – Member <span style="float: right;">Date</span></p> <hr/> <p>Legibly Print Name <span style="float: right;">Legibly Print Name</span></p>		

**§ 63.19. Sale and purchase of fish.**

(a) Except as otherwise provided in subsection (d), it is unlawful for a person to sell, purchase, offer for sale or exchange or export for consideration, trade or barter any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish caught or taken from the waters of this Commonwealth.

(b) Except as otherwise provided in subsection (d), it is unlawful for a person to take, catch, kill or possess any fish, whether dead or live, in whole or in part, including eggs and any lifestage of the fish, for the purpose of selling the fish or offering it for sale.

(c) In prosecutions for violation of this section, there shall be a rebuttable presumption that a species of fish that occurs within the waters of this Commonwealth was taken or caught from Commonwealth waters. A receipt or other document showing the lawful origin of the fish from waters in a state other than this Commonwealth or from an artificial propagator or dealer in live aquatic organisms registered in this Commonwealth, shall be sufficient to rebut the presumption created in this subsection.

(d) This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish propagated by or from a propagator or dealer of live aquatic animals registered under 3 Pa.C.S. Chapter 42 (relating to aquacultural development), if the fish are lawfully propagated or acquired by means other than fishing from the waters of this Commonwealth in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale, purchase, offer for sale, trade or barter of any fish by or from the holder of a commercial fishing license issued under Chapter 29 of the code (relating to special licenses and permits), if the fish are lawfully caught or taken in accordance with the requirements of applicable laws and regulations. This section does not prohibit the sale of mounted fish.

**Source**

The provisions of this § 63.19 adopted March 2, 1990, effective March 3, 1990, 20 Pa.B. 1287; amended June 25, 1999, effective June 26, 1999, 29 Pa.B. 3211. Immediately preceding text appears at serial page (222093).

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## Endangered Fish

Atlantic sturgeon, *Acipenser oxyrhynchus*.  
Banded sunfish, *Enneacanthus obesus*.  
Bigmouth buffalo, *Ictiobus cyprinellus*.  
Black bullhead, *Amerius melas*.  
Blackchin shiner, *Notropis heterodon*.  
Bridle shiner, *Notropis bifrenatus*.  
Burbot, *Lota lota* (inland populations only).  
Cisco, *Coregonus artedi*.  
Eastern sand darter, *Etheostoma pellucida*.  
Ghost shiner, *Notropis buchmanii*.  
Gravel chub, *Erimystax x-punctatus*.  
Hickory shad, *Alosa mediocris*.  
Iowa darter, *Etheostoma exile*.  
Ironcolor shiner, *Notropis chalybaeus*.  
Lake sturgeon, *Acipenser fulvescens*.  
Longear sunfish, *Lepomis megalotis*.  
Longnose sucker, *Catostomus catostomus*.  
Mountain madtom, *Noturus eleutherus*.  
Northern brook lamprey, *Ichthyomyzon fossor*.  
Northern madtom, *Noturus stigmosus*.  
Northern redbelly dace, *Phoxinus eos*.  
Redfin shiner, *Lythrurus umbratilis*.  
River shiner, *Notropis blennioides*.  
Shortnose sturgeon, *Acipenser brevirostrum*.  
Spotted gar, *Lepisosteus oculatus*.  
Tadpole madtom, *Noturus gyrinus*.  
Threespine stickleback, *Gasterosteus aculeatus*.  
Warmouth, *Lepomis gulosus*.

## Endangered Inverts.

\*Clubshell mussel, *Pleurobema clava*.  
\*Dwarf wedgemussel, *Alasmidonta heterodon*.  
Eastern Pearlshell mussel  
\*Northern riffleshell mussel, *Epioblasma torulosa rangiana*.  
Pistolgrip mussel, *Quadrula verrucosa*  
Rabbitsfoot - *Quadrula cylindrica cylindrical*  
Rayed bean mussel, *Villosa fabalis*  
Round hickorynut mussel, *Obovaria subrotunda*  
Salamander mussel - *Simpsonia ambigua*  
Snuffbox - *Epioblasma triquetra*

- \* has federal endangered status
- \*\* has federal threatened status
- \*\*\* has federal candidate status

## Endangered Amphib. and Reptiles

Blue-spotted Salamander, *Ambystoma laterale*.  
\*\*Bog Turtle, *Glyptemys muhlenbergii*.  
Eastern Mud Salamander, *Pseudotrion m. montanus*.  
Kirtland's Snake, *Clonophis kirtlandii*.  
\*\*\*Massasauga Rattlesnake, *Sistrurus catenatus*.  
New Jersey Chorus Frog, *Pseudacris kalmi*.  
Northern Cricket Frog, *Acris crepitans*.  
Rough Green Snake, *Opheodryx aestivus*.  
Southern Leopard Frog, *Lithobates sphenoccephalus utricularius*.

## Threatened Fish

Bigmouth shiner, *Notropis dorsalis*.  
Brindled madtom, *Noturus miurus*.  
Chesapeake Logperch, *Percina bimaculata*  
Mountain brook lamprey, *Ichthyomyzon greeleyi*.  
Southern redbelly dace, *Phoxinus erythrogaster*.  
Spotted sucker, *Minytrema melanops*.

## Threatened Amphibs. and Reptiles

Green Salamander, *Aneides aeneus*.  
Eastern Redbelly Turtle, *Pseudemys rubriventris*. Eastern  
Eastern Spadefoot Toad, *Scaphiopus holbrookii*.

## Threatened Inverts.

Sheepnose mussel - *Plethobasus cyphus*

## Candidate Fish

American brook lamprey, *Lampetra appendix*.  
Bowfin, *Amia calva*.  
Brook stickleback, *Culaea inconstans*.  
Central mudminnow, *Umbra limi*.  
Least brook lamprey, *Lampetra aepyptera*.  
Eastern mudminnow, *Umbra pygmaea*.  
Hornyhead chub, *Nocomis biguttatus*.  
Ohio lamprey, *Ichthyomyzon bdellium*.

## Candidate Amphib. and Reptiles

Blandings Turtle, *Emys blandingii*.  
Broadhead Skink, *Eumeces laticeps*.  
Timber Rattlesnake, *Crotalus horridus*.



## Pennsylvania Native Reptile & Amphibian Species

Links below lead to NatureServe.org (NS). Scientific names used by NS are not always consistent with the Commission's (PFBC) naming conventions of PA native herptiles. NatureServe links are provided for informational purposes (natural history, distribution, threats information). Always reference the PFBC names as these are tied to our fishing & boating regulations.

While the PFBC contributes to NS data, note that NatureServe.org is NOT part of the Commission's web site and therefore is not under the management or control of the Commission and is not governed by the privacy or security policies of the Commonwealth of Pennsylvania.

### AMPHIBIANS

#### SALAMANDERS – Order Caudata

##### Giant Salamanders - Family Cryptobranchidae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Hellbender	<i>Cryptobranchus alleganiensis alleganiensis</i>	S

##### Mudpuppy Salamanders - Family Proteidae

Mudpuppy	<i>Necturus maculosus</i>	S
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##### Mole Salamanders - Family Ambystomatidae

Jefferson Salamander	<i>Ambystoma jeffersonianum</i>	S
Blue-spotted Salamander	<i>Ambystoma laterale</i>	E
Spotted Salamander	<i>Ambystoma maculatum</i>	A
Marbled Salamander	<i>Ambystoma opacum</i>	S

##### Newts - Family Salamandridae

Eastern Red-Spotted Newt	<i>Notophthalmus viridescens viridescens</i>	A
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##### Lungless Salamanders - Family Plethodontidae

Green Salamander	<i>Aneides aeneus</i>	T
Northern Dusky Salamander	<i>Desmognathus fuscus</i>	A
Seal Salamander	<i>Desmognathus monticola</i>	A
Allegheny Mountain Dusky Salamander	<i>Desmognathus ochrophaeus</i>	A
Northern Two-lined Salamander	<i>Eurycea bislineata</i>	A
Longtail Salamander	<i>Eurycea longicauda longicauda</i>	A
Northern Spring Salamander	<i>Gyrinophilus porphyriticus porphyriticus</i>	A
Four-toed Salamander	<i>Hemidactylium scutatum</i>	A
Eastern Redback Salamander	<i>Plethodon cinereus</i>	A
Northern Slimy Salamander	<i>Plethodon glutinosus</i>	A
Valley and Ridge Salamander	<i>Plethodon hoffmani</i>	S
Wehrle's Salamander	<i>Plethodon wehrlei</i>	A



Northern Ravine Salamander	<i>Plethodon electromorphus</i>	S
Eastern Mud Salamander	<i>Pseudotriton montanus montanus</i>	E
Northern Red Salamander	<i>Pseudotriton ruber ruber</i>	A
<b>FROGS AND TOADS – Order Salientia</b>		
<b>Spadefoots - Family Pelobatidae</b>		
<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Spadefoot	<i>Scaphiopus holbrookii</i>	E
<b>Toads - Family Bufonidae</b>		
Eastern American Toad	<i>Anaxyrus americanus americanus</i> –PFBC <i>Bufo americanus americanus</i> –NS	A
Fowler's Toad	<i>Anaxyrus fowleri</i> –PFBC <i>Bufo fowleri</i> –NS	S
<b>Treefrogs - Family Hylidae</b>		
Northern Cricket Frog	<i>Acris crepitans</i>	E
Eastern Gray Treefrog	<i>Hyla versicolor</i>	A
Mountain Chorus Frog	<i>Pseudacris brachyphona</i>	S
Spring Peeper	<i>Pseudacris crucifer</i>	A
Upland Chorus Frog	<i>Pseudacris feriarum</i>	S
New Jersey Chorus Frog	<i>Pseudacris kalmi</i>	E
Western Chorus Frog	<i>Pseudacris triseriata</i>	S
<b>True Frogs - Family Ranidae</b>		
Bullfrog	<i>Lithobates catesbeianus</i> –PFBC <i>Rana catesbeiana</i> –NS	A
Northern Green Frog	<i>Lithobates clamitans melanota</i> –PFBC <i>Rana clamitans</i> –NS	A
Pickerel Frog	<i>Lithobates palustris</i> –PFBC <i>Rana palustris</i> –NS	A
Northern Leopard Frog	<i>Lithobates pipiens</i> –PFBC <i>Rana pipiens</i> –NS	S
Wood Frog	<i>Lithobates sylvaticus</i> –PFBC <i>Rana sylvatica</i> –NS	A
Southern Leopard Frog	<i>Lithobates sphenoccephalus utricularius</i> – PFBC <i>Rana sphenoccephala</i> –NS	E

## REPTILES

### TURTLES – Order Testudines

#### Snapping Turtles - Family Chelydridae

<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Snapping Turtle	<i>Chelydra serpentina</i>	A

#### Musk and Mud Turtles - Family Kinosternidae

Eastern Mud Turtle	<i>Kinosternon subrubrum subrubrum</i>	S
Eastern Musk Turtle	<i>Stemotherus odoratus</i>	A

#### Pond, Marsh and Box Turtles - Family Emydidae

Midland Painted Turtle	<i>Chrysemys picta marginata</i>	A
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Eastern Painted Turtle	<i>Chrysemys picta picta</i>	A
Spotted Turtle	<i>Clemmys guttata</i>	S
Wood Turtle	<i>Glyptemys insculpta</i>	S
Bog Turtle	<i>Glyptemys muhlenbergii</i>	E
Blanding's Turtle	<i>Emydoidea blandingii</i>	C
Map Turtle	<i>Graptemys geographica</i>	A
Eastern Redbelly Turtle	<i>Pseudemys rubriventris</i>	T
Eastern Box Turtle	<i>Terrapene carolina carolina</i>	S
<b>Softshell Turtles - Family Trionychidae</b>		
Eastern Spiny Softshell	<i>Apalone spinifera spinifera</i>	A
<b>LIZARDS – Order Squamata</b>		
<b>Lizards - Family Phrynosomatidae</b>		
<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Fence Lizard	<i>Sceloporus undulatus</i>	S
<b>Skinks - Family Scincidae</b>		
Northern Coal Skink	<i>Plestiodon anthracinus anthracinus</i>	S
Five-lined Skink	<i>Plestiodon fasciatus</i>	A
Broadhead Skink	<i>Plestiodon laticeps</i>	C
<b>SNAKES – Order Squamata</b>		
<b>Colubrid Snakes - Family Colubridae</b>		
<i>Common Name</i>	<i>Scientific Name</i>	<i>PA Status</i>
Eastern Worm Snake	<i>Carphophis amoenus amoenus</i> –PFBC <i>Carphophis amoenus</i> –NS	S
Kirtland's Snake	<i>Clonophis kirtlandii</i>	E
Northern Black Racer	<i>Coluber constrictor constrictor</i>	A
Northern Ringneck Snake	<i>Diadophis punctatus edwardsii</i>	A
Eastern Ratsnake	<i>Pantherophis alleghaniensis</i> –PFBC <i>Elaphe obsoleta</i> –NS	A
Eastern Hognose Snake	<i>Heterodon platirhinos</i>	S
Eastern Milksnake	<i>Lampropeltis triangulum triangulum</i>	A
Northern Water Snake	<i>Nerodia sipedon sipedon</i>	A
Rough Green Snake	<i>Opheodrys aestivus</i>	E
Queen Snake	<i>Regina septemvittata</i>	S
Northern Brown Snake	<i>Storeria dekayi dekayi</i>	A
Northern Redbelly Snake	<i>Storeria occipitomaculata occipitomaculata</i>	A
Shorthead Garter Snake	<i>Thamnophis brachystoma</i>	S
Eastern Ribbon Snake	<i>Thamnophis sauritus</i>	S
Eastern Garter Snake	<i>Thamnophis sirtalis sirtalis</i>	A
Eastern Smooth Earth Snake	<i>Virginia valeriae valeriae</i> –PFBC <i>Virginia valeriae</i> –NS	S
Mountain Earth Snake	<i>Virginia pulchra</i> –PFBC <i>Virginia valeriae pulchra</i> –NS	S
Smooth Green Snake	<i>Liochlorophis vernalis</i>	S
<b>Pit Vipers - Family Viperidae</b>		
Copperhead	<i>Agkistrodon contortrix</i>	S

Timber Rattlesnake	<i>Crotalus horridus</i>	C
Eastern Massasauga	<i>Sistrurus catenatus catenatus</i>	E

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**Legend**

A=Abundant

C=Candidate Species

E=Endangered Species

S=Species of special concern, rare, not common due to one or more of the following factors:

range restriction,  
population decline,  
limited distribution,  
direct threats from habitat alteration,  
collection

T=Threatened Species

NS=Nature Serve

PFBC=Pennsylvania Fish &amp; Boat Commission

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### **§ 73.3. Transportation and importation of VHS-susceptible species of fish.**

(a) *Definitions.* For purposes of this section, the following terms have the following meanings:

(1) Species of fish that are susceptible to viral hemorrhagic septicemia (VHS) are those species that the Animal and Plant Health Inspection Service of the United States Department of Agriculture (APHIS) designates by order or the Commission defines by notice in the *Pennsylvania Bulletin*.

(i) The term “VHS-susceptible species” includes fish that are dead or alive, preserved or unpreserved, and the parts thereof.

(ii) The term “VHS-susceptible species” does not include the eggs of these species.

(2) A VHS-affected or VHS-at risk state includes Illinois, Indiana, Michigan, Minnesota, New York, Ohio and Wisconsin or other state that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(3) A VHS-affected or VHS-at risk region includes the Canadian provinces of Ontario and Quebec or other region that APHIS later designates by order or the Commission later defines by notice in the *Pennsylvania Bulletin* as being VHS-affected or VHS-at risk.

(b) *Intrastate transportation.* It is unlawful to transport or cause the transportation of VHS-susceptible species of fish out of the portion of the Lake Erie watershed in this Commonwealth into other watersheds of this Commonwealth except in accordance with § 69.3(b) (relating to transportation, introduction and sale of VHS-susceptible species of fish out of the Lake Erie watershed).

(c) *Interstate transportation.* It is unlawful to transport or cause the transportation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk state, except when one of the following conditions is met:

(1) The fish are from a group of fish certified as having tested negative for VHS or are from an artificial propagation facility certified as having tested negative for VHS in accordance with the testing protocols adopted by the Pennsylvania Department of Agriculture (Department) and approved by the Commission. Persons transporting these fish shall have in their possession, and present upon the request of an officer authorized to enforce the code, a copy of the fish health certification reports for all VHS-susceptible fish being transported or a copy of the fish health certification report for the artificial propagation facility if the fish are from a facility that has been certified as having tested negative for VHS.

(2) The fish are being transported through this Commonwealth and the shipping container (tank, trailer, holding vessel or other container) remains biosecure in transit and the fish are accompanied in transit by documentation stating the point of origin of the fish and the location outside of this Commonwealth to which they are to be delivered.

(3) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes and the persons transporting the fish have taken adequate measures to prevent escape and to disinfect discharged water and equipment used in the transportation of the fish and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for testing or scientific purposes.

(4) The fish are being transported to a slaughter facility, processing plant or restaurant within this Commonwealth and the fish are accompanied in transit by documentation stating the point of origin of the fish and the destination to which they are to be delivered for slaughter, processing or consumption.

(5) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption.

(d) *International movement.* It is unlawful to import or cause the importation of VHS-susceptible species of fish into this Commonwealth from a VHS-affected or VHS-at risk region, except as follows: VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

#### **Authority**

The provisions of this § 73.3 adopted under the authority of the Fish and Boat Code, 30 Pa.C.S. § 2102(a); amended under the Fish and Boat Code, 30 Pa.C.S. § 2102(c).

#### **Source**

The provisions of this § 73.3 adopted December 12, 2008, effective January 1, 2009, 38 Pa.B. 6742; amended January 8, 2010, effective January 9, 2010, 40 Pa.B. 257. Immediately preceding text appears at serial pages (340050) to (340052).

#### **Cross References**

This section cited in 58 Pa. Code § 63.51 (relating to sale of vhs-susceptible species of fish); and 58 Pa. Code § 71.8 (relating to introduction of vhs-susceptible species of fish).

## SPECIES BY WATERSHED APPROVED FOR OPEN SYSTEM (FLOW THROUGH)

## PROPAGATION AND INTRODUCTIONS

Footnotes (Page 4) show exceptions and limitations

450 Robinson Lane, Bellefonte, PA 16823 814-359-5129

2017

FISH <sup>1</sup>	OHIO	ERIE and GENESEE	SUSQUE.	POTOMAC	DELAWARE
Brook Trout <i>Salvelinus fontinalis</i>	Yes	Yes	Yes	Yes	Yes
Brown Trout <i>Salmo trutta</i>	Yes	Yes	Yes	Yes	Yes
Rainbow Trout, Steelhead, Kamloops <i>Oncorhynchus mykiss</i>	Yes	Yes	Yes	Yes	Yes
Golden Rainbow Trout <i>Oncorhynchus mykiss</i>	Yes	Yes	Yes	Yes	Yes
Tiger Trout <i>Salmo trutta x Salvelinus fontinalis</i>	Yes	Yes	Yes	Yes	Yes
Albino Trout All species	Yes	Yes	Yes	Yes	Yes
Coho Salmon <i>Oncorhynchus kisutch</i>	No <sup>2</sup>	Yes	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Atlantic Salmon <i>Salmo salar</i>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Common Carp <i>Cyprinus carpio</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Koi <i>Cyprinus carpio</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Goldfish <i>Carassius auratus</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Comets <i>Carassius auratus</i>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>	Yes <sup>3</sup>
Golden Shiner <i>Notemigonus chrysoleucas</i>	Yes	Yes	Yes	Yes	Yes
Fathead Minnow (includes "rosy reds") <i>Pimephales promelas</i>	Yes	Yes	Yes	Yes	Yes
Bluntnose Minnow <i>Pimephales notatus</i>	Yes	Yes	Yes	Yes	Yes

SPECIES BY WATERSHED APPROVED FOR OPEN SYSTEM (FLOW THROUGH)

PROPAGATION AND INTRODUCTIONS

Footnotes (Page 4) show exceptions and limitations

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Creek Chub <i>Semotilus atromaculatus</i>	Yes	Yes	Yes	Yes	Yes
Emerald Shiner <i>Notropis atherinoides</i>	Yes <sup>6</sup>	Yes	No	No	No
White Sucker <i>Catostomous commersoni</i>	Yes	Yes	Yes	Yes	Yes
Yellow Bullhead <i>Ameiurus natalis</i>	Yes	Yes	Yes	Yes	Yes
Brown Bullhead <i>Ameiurus nebulosus</i>	Yes	Yes	Yes	Yes	Yes
White Catfish <i>Ameiurus catus</i>	No	No	Yes	Yes	Yes
<b>FISH<sup>1</sup></b>	OHIO	ERIE and GENESEE	SUSQUE.	POTOMAC	DELAWARE
Channel Catfish <i>Ictalurus punctatus</i>	Yes	Yes	Yes	Yes	Yes
Stonecat <i>Noturus flavus</i>	Yes	Yes	No	No	No
Margined Madtom <i>Noturus insignis</i>	No	No	Yes	Yes	Yes
American Eel <sup>5</sup> <i>Anguilla rostrata</i>	No	No	Yes <sup>4</sup>	Yes <sup>4</sup>	Yes <sup>4</sup>
Banded Killifish <i>Fundulus diaphanous</i>	Yes	Yes	Yes	Yes	Yes
Mummichog <i>Fundulus heteroclitus</i>	No	No	No	No	Yes
Striped Bass <i>Morone saxatilis</i>	Yes	No	Yes	Yes	Yes
Striped Bass hybrid <i>Morone chrysops x M. saxatilis</i>	Yes	No	Yes	Yes	Yes
Rock Bass <i>Ambloplites rupestris</i>	Yes	Yes	Yes	Yes	Yes
Redbreast Sunfish <i>Lepomis auritus</i>	No	No	Yes	Yes	Yes

## SPECIES BY WATERSHED APPROVED FOR OPEN SYSTEM (FLOW THROUGH)

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Pumpkinseed <i>Lepomis gibbosus</i>	Yes	Yes	Yes	Yes	Yes
Bluegill <i>Lepomis macrochirus</i>	Yes	Yes	Yes	Yes	Yes
Sunfish hybrid <i>Lepomis cyanellus x L. macrochirus</i>	Yes	Yes	Yes	Yes	Yes
<b>FISH<sup>1</sup></b>	OHIO	ERIE and GENESEE	SUSQUE.	POTOMAC	DELAWARE
Northern Pike <i>Esox lucius</i>	Yes	Yes	Yes	Yes	Yes
Northern Green Frog (adults & tadpoles) <i>Rana clamitans melanota</i>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Bullfrog (adults & tadpoles) <i>Rana catesbeiana</i>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>	No <sup>2</sup>
Hellgrammites <i>Dobsonfly larvae</i>	Yes	Yes	Yes	Yes	Yes
Mud Bugs <i>Dragonfly larvae</i>	Yes	Yes	Yes	Yes	Yes
Smallmouth Bass <i>Micropterus dolomieu</i>	Yes	Yes	Yes	Yes	Yes
Largemouth Bass <i>Micropterus salmoides</i>	Yes	Yes	Yes	Yes	Yes
White Crappie <i>Pomoxis annularis</i>	Yes	Yes	Yes	Yes	Yes
Black Crappie <i>Pomoxis nigromaculatus</i>	Yes	Yes	Yes	Yes	Yes
Yellow Perch <i>Perca flavescens</i>	Yes	Yes	Yes	Yes	Yes
Walleye <i>Sander vitreus</i>	Yes	Yes	Yes	Yes	Yes
Chain Pickerel <i>Esox niger</i>	No	No	Yes	Yes	Yes
Muskellunge <i>Esox masquinongy</i>	Yes	Yes	Yes	Yes	Yes



SPECIES BY WATERSHED APPROVED FOR OPEN SYSTEM (FLOW THROUGH)  
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**2017**

- 1 For fish species (except those listed as threatened and endangered) not listed on this table and fish species restricted to certain watersheds, closed system artificial propagation may be permitted with the approval of the Department of Agriculture.
- 2 Open system artificial propagation permitted; however, introduction into Commonwealth waters only with the written permission of the Executive Director of the PA Fish and Boat Commission.
- 3 Cannot be used or sold as bait.
- 4 Minimum length limit of 9 inches applies for bait introductions.
- 5 Dealers must report purchase and sale of all American eels to PFBC, per Atlantic State Marine Fisheries Commission reporting requirements. Forms provided by PFBC.
- 6 Emerald shiners may be propagated or introduced into the Ohio River Basin only if certified to be VHS free as described in 58 Pa. Code §69.3. (see Note 1)

NOTE : There are additional restrictions on the introduction and transportation of VHS susceptible species. Consult Pennsylvania Fish and Boat Commission and Pennsylvania Department of Agriculture regulations for more information. Lists of susceptible fish species can be found at:

[http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture/downloads/vhs\\_regulated\\_spp.pdf](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture/downloads/vhs_regulated_spp.pdf)

and other information pertaining to federal VHS regulations can be found at:

[http://www.aphis.usda.gov/animal\\_health/animal\\_dis\\_spec/aquaculture/](http://www.aphis.usda.gov/animal_health/animal_dis_spec/aquaculture/)

## Order Adopting Amendments

### COMMONWEALTH OF PENNSYLVANIA PENNSYLVANIA FISH AND BOAT COMMISSION

#### Title 58. Recreation Part II. Fish and Boat Commission Chapters 61, 63, 69, 71 and 73 Fishing

## Preamble

The Fish and Boat Commission (Commission) amends Chapters 61, 63, 69, 71 and 73 (relating to seasons, sizes and creel limits; general fishing regulations; fishing in Lake Erie and boundary lakes; propagation and introduction of fish into Commonwealth waters; and transportation of live fish into this Commonwealth). The Commission is publishing this final-form rulemaking under the authority of 30 Pa. C.S. (relating to the Fish and Boat Code) (code).

A. *Effective Date*

The final-form rulemaking will go into effect on January 1, 2015.

B. *Contact Person*

For further information on the final-form rulemaking, contact Laurie E. Shepler, Esq., P.O. Box 67000, Harrisburg, PA 17106-7000, (717) 705-7810. This final-form rulemaking is available on the Commission's website at [www.fish.state.pa.us](http://www.fish.state.pa.us).

C. *Statutory Authority*

The amendments to § 61.1 (relating to Commonwealth inland waters), § 61.2 (relating to Delaware River, West Branch Delaware River and River Estuary), §61.3 (relating to Pymatuning

Reservoir), § 61.4 (relating to Conowingo Reservoir), § 63.46 (relating to sale, purchase or barter of injurious, nonnative species), § 69.12 (relating to the seasons, sizes and creel limits – Lake Erie, Lake Erie tributaries and Presque Isle Bay including peninsula waters), §71.6 (relating to prohibited acts) and § 73.1 (relating to transportation) are published under the statutory authority of section 2102 of the code (relating to rules and regulations).

D. *Purpose and Background*

The specific purpose and background of the amendments are described in more detail under the summary of changes.

E. *Summary of Changes*

Crayfish are one of the most conspicuous and ecologically important components of aquatic communities in this Commonwealth and across the globe. They are an important forage item for fishes, mammals, birds, reptiles and amphibians and facilitate the transfer of nutrients up through the food chain to higher trophic levels. About half of North America's crayfish fauna is imperiled, and native crayfishes across the continent and in this Commonwealth are rapidly being replaced by introduced (exotic) crayfishes.

The replacement of native crayfish by introduced crayfish represents a significant threat to aquatic communities. Introduced crayfish attain densities that are exceedingly high (sometimes in excess of 200 individuals/m<sup>2</sup>), often eliminate aquatic macrophytes and suppress benthic invertebrate communities. They can have strong negative effects on amphibians, mussels and fishes.

Stopping the spread of introduced crayfish is difficult once they become widespread. Since the distributions of most introduced crayfishes in this Commonwealth are still limited, there is still time to stop the spread of exotic crayfishes and preserve the native stocks that remain.

Exotic crayfishes occur in a number of water bodies in this Commonwealth and are available from bait shops, biological warehouses, pet stores, live food vendors and aquaculture facilities. In

order to help prevent additional introductions of crayfish in this Commonwealth, stringent regulations and their enforcement is warranted.

The invasive rusty crayfish (*Orconectes rusticus*) has been tightly regulated in this Commonwealth since 2005, and live individuals cannot be possessed, sold, transported or cultured within this Commonwealth. However, there are five other introduced crayfishes that occur in the Commonwealth that are currently unregulated. These exotic crayfishes can be purchased from commercial dealers or collected from invaded water bodies and released legally into the state's waters with potentially devastating effects on native communities. Additionally, although the invasive red swamp crayfish (*Procambarus clarkii*) cannot be propagated in flow-through systems or introduced into Commonwealth waters, the species can be possessed, sold, and transported legally within this Commonwealth.

Extending the *Orconectes rusticus* ban to other exotic crayfish species would be impossible to enforce because most natural resource managers and conservation officers have difficulty identifying crayfish species. For this reason, the Commission restricted the sale, possession, introduction, transportation and culture of all live native and nonnative crayfishes in the Commonwealth. Similar restrictions have been passed elsewhere (e.g., Wisconsin and parts of Maryland and Canada) with broad public support.

With these amendments, licensed anglers will still be allowed to harvest up to 50 crayfish per day. However, the head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the water from which they were taken. When crayfish are used as bait in the water from which they were taken, the head does not have to be removed. When crayfish are transported from the water from which they were collected, the head must be removed behind the eyes. The amendments also restrict the sale of all live native and nonnative crayfishes in the Commonwealth except when they are sold for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied

by documentation stating the point of origin and the destination to which they are to be delivered. Last, the amendments restrict possession, introduction and transportation of all live native and nonnative crayfishes except (i) when they are possessed and used as bait on, in or about the water from which taken or (ii) when they are possessed or imported for testing and scientific purposes or restaurant consumption, adequate measures have been taken to prevent their escape, and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Except when they are used as bait as described above, the introduction of any live crayfish into Commonwealth waters will be strictly prohibited.

Although propagation is not specifically addressed by this final-form rulemaking, Commission staff worked with the Department of Agriculture (DOA) and registered propagators to address issues pertaining to crayfish culture. Section 71.2 of the Commission's regulations provides that the Bureau of Fisheries will maintain a list of species by watershed for which DOA may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The section further provides that the Bureau may update or modify the list of authorized species by adding species to or deleting species from the list as necessary to provide for the protection and management of fish in this Commonwealth. Therefore, concurrent with this rulemaking, the Commission will remove all crayfish species from the list of species approved for open-system propagation and introduction in the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems.

The Commission amends §§61.1 – 61.4, 63.46, 69.12, 71.6 and 73.1 to restrict the sale, possession, introduction and transportation of all crayfish species in this Commonwealth to read as set forth in the notice of proposed rulemaking.

F. *Paperwork*

The final-form rulemaking will not increase paperwork and will not create new paperwork requirements.

G. *Fiscal Impact*

The final-form rulemaking will have no adverse fiscal impact on the Commonwealth or its political subdivisions. The final-form rulemaking will impose no new costs on the private sector or the general public. Any fiscal impact to the private sector is expected to be nominal. Some businesses sell crayfish as pets or bait, but the revenue generated is typically a very minor component of total sales. Other commercial uses include testing and scientific purposes and restaurant consumption. However, under the amendments, the sale, possession and transportation of live crayfish is permitted for those purposes when adequate measures have been taken to prevent their escape and they are accompanied by documentation stating the point of origin and the destination to which they are to be delivered. Therefore, laboratories, research facilities and restaurants will not be significantly affected by the changes.

H. *Public Involvement*

A notice of proposed rulemaking containing the amendments was published at 44 Pa. B. 901 (February 15, 2014). The Commission solicited public comments for a period of 60 days. The Commission received a total of 30 comments generally supporting the proposal and summarized in a Comment/Response Document. Copies of all public comments and the Comment/Response Document were provided to the Commissioners.

**FINDINGS**

The Commission finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P.L. 769, No. 240) (45 P.S. §§1201, 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided, and the public comments that were received were considered.

(3) The adoption of the amendments of the Commission in the manner provided in this order is necessary and appropriate for administration and enforcement of the authorizing statutes.

### **ORDER**

The Commission, acting under the authorizing statutes, orders that:

(A) The regulations of the Commission, 58 Pa. Code Chapters 61, 63, 69, 71 and 73, are amended by amending §§ 61.1 – 61.4, 63.46, 69.12, 71.6 and 73.1 to read as set forth at 44 Pa. B. 901.

(B) The Executive Director will submit this order and 44 Pa. B. 901 to the Office of Attorney General for approval as to legality and form as required by law.

(C) The Executive Director shall certify this order and 44 Pa. B. 901 and deposit them with the Legislative Reference Bureau as required by law.

(D) This order shall take effect on January 1, 2015.

For the Pennsylvania Fish and Boat Commission

John A. Arway  
Executive Director

Pennsylvania Aquaculture Advisory Committee  
c/o PennAg Industries Association  
2215 Forest Hills Drive, Suite 39  
Harrisburg, PA 17112-1099  
Telephone: (717) 651-5920

Date: October 1, 2014

To: All registered propagators and bait dealers

From: Jennifer Reed-Harry, Aquaculture Coordinator

RE: Overview of the PA Fish & Boat Commission on Crayfish

Effective January 1, 2015, the Pennsylvania Fish and Boat Commission has ruled:

1. No crayfish species shall be approved for open-system propagation and introduction into the waters of the Commonwealth. The culture and propagation of crayfish will still be permitted in closed systems, if the participant is registered for artificial propagation with the Bureau of Animal Health and Diagnostic Services.
2. There is a restriction on the sale of all live native and non-native crayfish in this Commonwealth, except when they are sold for testing and scientific purposes, or restaurant consumption. The point of origin and destination must be documented with every delivery. It will be illegal to sell live crayfish in pet stores and bait shops.
3. Licensed anglers may still harvest 50 crayfish/day. The crayfish head must be immediately removed behind the eyes upon capture unless the crayfish are used as bait in the waters from where they were taken. If an angler wishes to transport the crayfish from the waters from which they were collected, the angler must remove the head from behind the eyes.

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To learn more about this rule, visit the PA Fish and Boat Commission website at [www.fish.state.pa.us](http://www.fish.state.pa.us) or contact the Ms. Laurie Shepler, Esq. at the PA Fish and Boat Commission at (717) 705-7810.