

CHAPTER 71a. PROPAGATION AND INTRODUCTION OF FISH INTO COMMONWEALTH WATERS

Subchap.
A. SCOPE AND ADMINISTRATIVE PROVISIONS.....71a.1
B. PROPAGATION OF FISH IN THIS COMMONWEALTH.....71a.3
C. FISH INTRODUCTION AND HEALTH MANDATES.....71a.5
D. PROHIBITED SPECIES, AQUATIC INVASIVE SPECIES AND VECTOR PREVENTION 71a.11

Authority

The provisions of this Chapter 71a added under the authority of 30 Pa.C.S. § 2102(a) and (c), unless otherwise noted.

Source

The provisions of this Chapter 71a added September 22, 2023, effective January 1, 2024, 53 Pa.B. 5914, unless otherwise noted.

Subchapter A. SCOPE AND ADMINISTRATIVE PROVISIONS

- Sec.**
71a.1. Authority and definitions.
71a.2. General.

§ 71a.1. Authority and definitions.

(a) *Authority.* Under section 2102 of the code (relating to rules and regulations), the Commission may promulgate rules and regulations to preserve, protect and enhance the fishery interests of the Commonwealth.

(b) *Definitions.* The following words, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise.

Department—The Department of Agriculture of this Commonwealth.

Diploid—Having two haploid sets of homologous chromosomes.

Genetically modified—An organism whose genome, chromosomal or extra-chromosomal, is modified permanently and heritably, using recombinant nucleic acid techniques and includes the progeny of any genetically modified organism derived therefrom.

Grass carp—*Ctenophryngodon idella*, also known as white amur.

Ornamental pond—An outdoor pond constructed as an aesthetic landscape feature that has a closed system of water circulation with no risk of contacting the surface waters of this Commonwealth; this does not include aquaculture facilities, ponds constructed to provide fishing opportunity, or ponds used for the confinement or production of baitfish.

Triploid—Having three haploid sets of homologous chromosomes.

§ 71a.2. General.

No species of fish may be introduced into waters of this Commonwealth, unless baited on a hook for angling purposes, without prior submission of a Notice of Stocking to the Commission on a form prescribed by the Commission. For the purposes of this subsection, “waters of this Commonwealth” does not include waters contained within a property or premise of a propagation or dealer facility licensed under 3 Pa.C.S. §§ 4201—4223 (relating to Aquaculture Development Law). Fish health certification requirements provided in § 71a.6 (relating to fish health certificate requirements) shall be adhered to, when applicable.

Subchapter B. PROPAGATION OF FISH IN THIS COMMONWEALTH

Sec.

71a.3. Fish propagation and introduction list.

71a.4. Closed system propagation.

§ 71a.3. Fish propagation and introduction list.

(a) *General.* The Bureau of Fisheries will maintain a list of species by watershed for which the Department may issue registrations for artificial propagation and registrations for dealers of live aquatic animals. The Director of the Bureau of Fisheries 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 and fishing in this Commonwealth. The Commission will provide the list to the Department on or before January 31 each year and whenever the Commission updates or modifies the list. Copies of the list of authorized species are available upon request from the Fish and Boat Commission, Bureau of Fisheries, 595 East Rolling Ridge Drive, Bellefonte, Pennsylvania 16823.

(b) *Grass carp.*

(1) It is unlawful to propagate grass carp, diploid or triploid, in this Commonwealth.

(2) The introduction or importation of grass carp into this Commonwealth or waters of this Commonwealth is prohibited, except that triploid grass carp may be introduced as provided in § 71a.10 (relating to triploid grass carp).

(c) *Genetically modified fish.* A genetically modified fish may not be propagated and introduced into waters of this Commonwealth, without prior written approval from the Commission.

§ 71a.4. Closed system propagation.

(a) *Closed (no discharge) system.*

(1) A propagating system may be designated as a closed system only if all of the following criteria are met:

- (i) There will be 100% recycling water as normal operations.
 - (ii) The system will be housed indoors in a structure enclosed by solid walls, floor and roof. For purposes of this subsection, a wall, floor or roof will be considered solid if it is constructed and maintained to prevent unauthorized human or animal intrusions into the closed system facility and to prevent release or escape of aquatic organisms from the closed system.
 - (iii) Water can be added to the system only for making up evaporative loss, cleaning and fish harvesting or to reduce toxic ammonia/nitrates by diluting.
 - (iv) The system does not discharge water into waters of this Commonwealth.
 - (v) No live fish or live fish eggs may be allowed to escape with water discharges. Accidental spillage of live fish or live fish eggs, including truck loading, and the like, will be contained within the facility in a manner that will prevent fish and fish eggs from escaping into the waters of this Commonwealth.
 - (vi) The system operator is registered with the Department.
- (2) The Department will notify the Commission when it receives an application to register a proposed closed system, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed in a manner to prevent escapement of live fish or live fish eggs into the waters of this Commonwealth. Closed systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with the requirements of this section and the Commission may issue an order to suspend operations of any closed system when an inspection discloses that it is not in compliance.
- (3) The Commission will invite the Department's Aquaculture Advisory Committee or a subcommittee thereof to draft and periodically update construction guidelines for closed system propagators to help them ensure enclosed facilities prevent escape of aquatic organisms into the waters of this Commonwealth. These guidelines will assist registered propagators in the design, construction and maintenance of closed systems and will assist the Commission in inspecting these systems.
- (b) *Systems with discharges rendered incapable of containing living organisms.* A system whose discharge of water is rendered incapable of containing self-perpetuating living organisms shall be registered with the Department. The Department will notify the Commission when it receives an application to register a proposed system under this subsection, and the Commission may, within 30 days of receipt of the notice, inspect the system to ensure that it is designed and constructed so that its discharge is rendered incapable of containing live fish or live fish eggs. Systems registered under this subsection shall, in addition to an initial inspection, be subject to inspection at any time to ensure compliance with this section and the Commission may issue an order to suspend operations of any

system when an inspection discloses that it is not in compliance. The registration of this system may include any species of fish with the approval of the Department.

(c) *Escape of fish into waters of this Commonwealth.* It is unlawful for an operator of any system registered under subsection (a) or subsection (b) to allow fish to escape into the waters of this Commonwealth.

(d) *Written plans for discharge.* An operator of any system registered under subsection (a) or subsection (b) shall develop, maintain and make available for immediate inspection by the Commission and the Department upon request a written plan for containing or treating discharge in the event of a discharge system failure.

(e) *Notification in event of discharge.* An operator of any system registered under subsection (a) or subsection (b) shall notify both the Commission's Director of the Bureau of Fisheries and the Department's Aquaculture Coordinator immediately in the event of a discharge system failure that is likely to contain viable living organisms.

Subchapter C. FISH INTRODUCTION AND HEALTH MANDATES

Sec.

- 71a.5. Notice of Stocking to the Commission.
- 71a.6. Fish health certificate requirements.
- 71a.7. Introduction or transportation of VHS-susceptible species of fish.
- 71a.8. Stocking of designated waters.
- 71a.9. Improper stocking of Commission fish.
- 71a.10. Triploid grass carp.

§ 71a.5. Notice of Stocking to the Commission.

(a) *General*

(1) No person may introduce any species of fish into waters of this Commonwealth (except baited on a hook for angling purposes) without prior submission of a Notice of Stocking to the Commission. For the purposes of this subsection, "waters of this Commonwealth" does not include waters contained within a property or premise of a propagation or dealer facility licensed under 3 Pa.C.S. §§ 4201—4223 (relating to Aquacultural Development Law). Persons who notify the Commission of an intent to stock fish through a Notice of Stocking should also ensure that fish intending to be stocked are limited to those listed on the Notice of Stocking and the Commission's Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions list. An electronic or hard copy of the Notice of Stocking shall be present at the location during the time fish are stocked. In the event the person(s) who

filed a Notice of Stocking is not present during the time of stocking, an entity stocking fish on behalf of the authorized person shall possess a copy of the Notice of Stocking.

(2) In addition to the Notice of Stocking requirement set forth in paragraph (1), species of fish may not be transported into this Commonwealth from another state, province or country and liberated in a watershed of this Commonwealth without previous written permission from the Commission, nor may a species of fish be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species is not always present without prior written consent from the Commission. Inspection for species composition or presence of disease, or both, will be required at the discretion of the Commission on all lots of fish transported into this Commonwealth. Written permission from the Commission may be obtained by sending a request to the Executive Director, P.O. Box 67000, Harrisburg, Pennsylvania 17106.

(3) The following apply:

(i) The following do not require submission of a Notice of Stocking:

(A) Fish not on a Commission prohibited species list and raised and sold for the intended uses of indoor aquaria.

(B) Fee fishing operations located on the same property as a propagation facility licensed under 3 Pa.C.S. §§ 4201—4223.

(C) Outdoor ornamental ponds not discharging into a water of this Commonwealth.

(ii) Species obtained through or originating from pet stores or tropical and ornamental fish dealers may not be released into waters of this Commonwealth.

(4) Submission of a Notice of Stocking does not authorize individuals or organizations to stock waters that are prohibited from stocking as defined in §§ 57.8a (relating to Class A wild trout streams) and 71a.8 (relating to stocking of designated waters).

(b) *Notice of Stocking Form.* A Notice of Stocking shall be made on a form prescribed by the Commission. In addition to the information required under 1 Pa. Code § 35.2 (relating to contents of applications), persons notifying the Commission of intent to stock must provide other information as may be required by the Commission to fully describe the details of the planned stocking.

(c) *Exceptions.* Exceptions from a Notice of Stocking submission will require prior written approval from the Executive Director or their designee.

(d) *Effective Date.* Beginning on January 1, 2024, the provisions of § 71a.5(a)—(c) shall be effective.

§ 71a.6. Fish health certificate requirements.

(a) A fish health certificate may be required, as specified in subsection (b), for fish being imported into this Commonwealth and shall certify fish intending to be introduced, placed or stocked in waters of this Commonwealth are free of

specific diseases, pathogens or parasites determined by the Commission to be of a risk to the fishery interests of the Commonwealth. The Commission will consult with the Department for potential testing of dangerous transmissible diseases of fish.

(b) The Commission shall develop a Fish Health Inspection Protocol for Importation into the Commonwealth and Introduction into Waters of this Commonwealth (protocol). The Commission shall determine which diseases, pathogens or parasites are required for testing for species of fish intending to be introduced into waters of this Commonwealth. The Commission will consult with the Department for potential testing of dangerous transmissible diseases of fish. Fish health certification requirements and procedures shall be modified or updated by the Commission, as necessary. When updates to the protocol occur, the Commission shall publish the protocol as a notice in the *Pennsylvania Bulletin* and notify the Department of the changes.

(c) The Commission may require testing for intrastate introduction, placement or stocking of fish, as specified in subsection (b), to prevent the introduction or spread of specific diseases, pathogens or parasites that pose a risk to the fishery interests of the Commonwealth. The Commission will consult with the Department for potential testing of dangerous transmissible diseases of fish.

(d) The following fish health requirements apply to the importation of fish into this Commonwealth:

(1) Fish and fish eggs imported into this Commonwealth must originate from sources with a copy of the fish health certification report for all applicable fish being stocked as indicated in the protocol, 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 all applicable fish pathogens, unless the fish meet one of the following requirements:

(i) The fish are being transported through this Commonwealth, the shipping container remains bio-secure in transit, and the fish are accompanied by documentation stating the point of origin of the fish and the location outside of this Commonwealth where they are to be delivered.

(ii) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes, 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 where they are to be delivered for testing or scientific purposes.

(iii) 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 where they are to be delivered for slaughter, processing or consumption.

- (iv) The fish are dead, recreationally caught fish that are being transported solely for the purpose of human consumption or taxidermy.
- (2) Specific testing requirements may vary depending on the species of fish, geographical location of the shipping facility or source, and the final designated end use of the fish being imported into this Commonwealth. The Commission's protocol shall specify these requirements.
- (3) Documentation of testing results shall remain with the fish during transport and produced upon request.
- (e) The following fish health requirements apply to the introduction of fish into waters of this Commonwealth:
- (1) Fish being introduced into waters of this Commonwealth must originate from sources that comply with the fish health inspection process described in the Commission's protocol.
- (2) Specific testing requirements may vary depending on the species, origin and final location of where the fish are being introduced into waters of this Commonwealth. The Commission's protocol shall specify these requirements.
- (3) When applicable, persons who have filed a Notice of Stocking with the Commission or their agent shall have in their possession, and present upon the request of an officer authorized to enforce the code:
- (i) a copy of the fish health certification report for all applicable fish being stocked as indicated in the protocol and the Notice of Stocking; or
- (ii) the Notice of Stocking and 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 all applicable fish pathogens as indicated in the protocol and Notice of Stocking.
- (f) The Commission grants a grace period for full implementation of the protocol through December 31, 2025. Beginning on January 1, 2026, the provisions of this section and the protocol shall be effective.

Cross References

This section cited in 58 Pa. Code § 71a.2 (relating to general); 58 Pa. Code § 71a.10 (relating to triploid grass carp); and 58 Pa. Code § 71a.13 (relating to bait fish importation and use).

§ 71a.7. Introduction or transportation of VHS-susceptible species of fish.

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

(b) *Interstate transportation.* It is unlawful to introduce, transport or cause the transportation into the waters of this Commonwealth VHS-susceptible species of fish from a VHS-affected or VHS-at risk region or VHS-affected or VHS-at risk state unless the fish meet the requirements one of the following requirements:

(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 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 including a tank, trailer, holding vessel or other container remains bio-secure 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) All of the following apply:

(i) The fish are being transported to facilities located within this Commonwealth for testing and scientific purposes.

(ii) 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.

(iii) 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.

(c) *International movement.*

(1) Except as provided in paragraph (2), 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.

(2) VHS-susceptible species of dead fish may be imported into the United States if the fish are recreationally caught and are for human consumption.

(d) *Definitions.* The following terms, when used in this section, have the following meanings, unless the context clearly indicates otherwise:

VHS-affected or VHS-at risk region—Includes the Canadian provinces of Ontario and Quebec or other region that the Animal and Plant Inspection Ser-

vices of the United States Department of Agriculture (APHIS) later designates by order, or the Commission later defines by notice in the *Pennsylvania Bulletin* as being a VHS-affected region or VHS-at risk region.

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 a VHS-affected state or VHS-at risk state.

VHS-susceptible species—Those listed as a susceptible host species by the World Organization for Animal Health's Aquatic Manual and listed on the Commission's Species by Watershed Approved for Open System (Flow Through) Propagation and Introductions list or as the Commission defines by notice in the *Pennsylvania Bulletin*. The term:

- (1) Includes fish that are dead or alive, preserved or unpreserved, and the parts of the fish.
- (2) Does not include the eggs of these species.

Cross References

This section cited in 58 Pa. Code § 63.51 (relating to sale of VHS-susceptible species of fish); and 58 Pa. Code § 71a.13 (relating to bait fish importation and use).

§ 71a.8. Stocking of designated waters.

It is unlawful to introduce, place or stock fish in waters that have been designated by the Commission as catch and release, wilderness trout or wild trout management waters except with the express written consent of the Executive Director or their designee. This section does not prohibit a person from returning fish unharmed to the waters from which they were caught or taken.

Cross References

This section cited in 58 Pa. Code § 57.8a (relating to Class A wild trout streams); and 58 Pa. Code § 71a.5 (relating to Notice of Stocking to the Commission).

§ 71a.9. Improper stocking of Commission fish.

When stocking fish reared or salvaged by the Commission or a cooperative nursery recognized by the Commission, the following acts are prohibited:

- (1) Failure to stock fish in waters designated by Commission personnel.
- (2) Diversion of fish to be stocked to waters not open or accessible to free public fishing.
- (3) Mishandling or misuse of fish being stocked in a manner so as to damage or destroy the fish.

§ 71a.10. Triploid grass carp.

(a) *Policy.* As a limited exception to the prohibition of grass carp in this Commonwealth, it is the policy of the Commission to permit triploid grass carp, certified by the United States Fish and Wildlife Service (USFWS) and procured

from a producer participating in the USFWS certification program, to be introduced into Commonwealth waters and imported and transported into this Commonwealth in accordance with this section.

(b) *Status.* The triploid grass carp is not a game fish.

(c) *Permit required.*

(1) The Commission finds, under section 2904 of the code (relating to permits for protection and management of particular fish), that permits shall be required for possessing triploid grass carp or introducing them into Commonwealth waters and for importing or transporting triploid grass carp into this Commonwealth to provide for proper protection and management of these fish and other fish in the waters of this Commonwealth. A pond owner, landowner or other person who wishes to possess triploid grass carp and introduce them into a pond or waters located on property owned, leased or otherwise controlled by the person shall, before placing triploid grass carp in the waters, obtain from the Commission a triploid grass carp possession/introduction permit, for a fee of \$85. A person who wishes to import triploid grass carp into this Commonwealth shall, before doing so, obtain from the Commission a triploid grass carp importation/transportation permit, for a fee of \$85. Permits shall be applied for on forms supplied by the Commission. Live triploid grass carp imported and intended for introduction into waters of this Commonwealth shall be in compliance with § 71a.6 (relating to fish health certificate requirements).

(2) A person aggrieved by a Commission staff action on a permit application may appeal under Chapter 51, Subchapter E (relating to permit procedures) and 1 Pa. Code Part II (relating to the General Rules of Administrative Practice and Procedure).

(d) *Dealers and importers.* In addition to the triploid grass carp permit required by subsection (c), dealers and importers shall obtain and maintain all licenses, permits and registrations required by the Department for the sale or transportation of fish.

(e) *Restrictions on introduction of triploid grass carp.*

(1) The Commission will not approve the stocking or release of triploid grass carp into a water body wholly or partially in this Commonwealth that is currently known to be inhabited by a species of animal or plant currently listed as status endangered, threatened, candidate or other special concern status, by a state or Federal agency with jurisdiction for the species, without prior written approval for the stocking or release by the agency or agencies which classified the species as endangered, threatened, candidate or of special concern.

(2) The Commission will not approve stocking or release of triploid grass carp into wetlands under Federal or state jurisdiction except in compliance with applicable Federal or state regulations including, when required, the written approval for the stocking or release by the involved agency or agencies.

(3) The Commission will not approve stocking or release of triploid grass carp into a body of water more than 5 acres in surface area until the applicant

submits an environmental inspection report prepared by a biologist, fisheries scientist or environmental scientist acceptable to the Commission. The environmental inspection report shall include all of the following:

(i) A certification that the preparer has personally inspected the pond or body of water and that the stocking of triploid grass carp will have no adverse environmental impacts on the waters where stocked or waters upstream or downstream of the waters.

(ii) A description of the measures taken by the applicant to prevent the escape of the grass carp into waters upstream or downstream of the stocked waters.

(iii) Additional information as the Commission may require.

(4) The Commission may require an applicant for a permit to stock triploid grass carp in a pond or body of water of 5 or less acres in surface area to submit an environmental inspection report in the format described in paragraph (3) when the staff's review of the application indicates that further inspection or review of the proposed stocking is appropriate under the circumstances.

(5) The issuance of permits under this section will be subject to the public notice and comment provisions of Chapter 51, Subchapter E.

(f) *Prohibited acts.*

(1) It is unlawful to transport, import, possess or introduce triploid grass carp in this Commonwealth unless the person possessing, transporting, importing or introducing the grass carp obtains and maintains required permits, possesses a valid bill of sale or bill of origin from a producer participating in the USFWS triploid grass carp certification program and the grass carp are certified by the USFWS to be triploid grass carp. Permits shall be displayed upon request to an officer authorized to enforce the code or this part. The certification of triploid status shall be obtained from the producer at the time of purchase.

(2) Persons, organizations or companies are prohibited from giving, trading or exchanging triploid grass carp except to persons holding valid triploid grass carp possession/introduction permits.

(g) *Revocation or suspension of permits.* Failure to abide by regulations, permits and permit conditions pertinent to triploid grass carp possession, transportation and introduction may result in suspension or revocation of the applicable permits in accordance with Chapter 51, Subchapter C (relating to suspension, denial or revocation of licenses, permits, registrations or privileges). Revocation or suspension shall be in addition to other applicable penalties provided by law or regulation.

Cross References

This section cited in 58 Pa. Code § 71a.3 (relating to fish propagation and introduction list).

**Subchapter D. PROHIBITED SPECIES, AQUATIC INVASIVE SPECIES
AND VECTOR PREVENTION**

Sec.

- 71a.11. Prohibited species.
71a.12. Watercraft requirements and prohibitions.
71a.13. Bait fish importation and use.

§ 71a.11. Prohibited species.

(a) It is unlawful to introduce, import, possess or transport in or through this Commonwealth, or the waters of this Commonwealth, the following species:

- (1) Snakeheads (all species).
- (2) Black carp (*Mylopharyngodon piceus*).
- (3) Bighead carp (*Hypophthalmichthys nobilis*).
- (4) Silver carp (*Hypophthalmichthys molitrix*).
- (5) Zebra mussel (*Dreissena polymorpha*).
- (6) Quagga mussel (*Dreissena rostriformis bugensis*).
- (7) Round goby (*Neogobius melanostomus*).
- (8) Freshwater tubenose goby (*Proterorhinus semilunaris*).
- (9) European rudd (*Scardinius erythrophthalmus*).
- (10) Crayfish (all live species), except when any of the following apply:
 - (i) Possessed and used as bait on, in or about the water from which taken.
 - (ii) 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.
 - (iii) Dead with the head removed or salted and dried for angling purposes.
- (11) Ruffe (*Gymnocephalus cernua*).

(b) *Exceptions.* Species in subsection (a)(1)—(4) may be possessed in this Commonwealth for the purposes of consumption or slaughter only. Other exceptions for species in subsection (a) shall require prior written approval from the Commission's Executive Director.

Cross References

This section cited in 58 Pa. Code § 71a.12 (relating to watercraft requirements and prohibitions).

§ 71a.12. Watercraft requirements and prohibitions.

(a) *General.* No person may intentionally place or attempt to place a watercraft, trailer or water-related equipment into waters of this Commonwealth, including aquatic plant harvesting or control equipment, that has aquatic plants or prohibited species attached, in whole or in part, except as provided in this section.

(b) *Removal and confinement.*

(1) A waterways conservation officer may order the following:

(i) The removal of aquatic plants or prohibited species listed in § 71a.11(a) (relating to prohibited species) from a watercraft, trailer or water-related equipment before being transported or before it is placed into waters of this Commonwealth.

(ii) Confinement of the watercraft at a mooring, dock or other location until the related equipment is removed from the water.

(iii) Removal of watercraft from a water of this Commonwealth to remove prohibited invasive species if the water has not been listed by the Commission as being infected with that species.

(iv) A prohibition on placing a watercraft into a water of this Commonwealth when the watercraft has aquatic plants or prohibited invasive species attached in violation of subsection (a) or when water has not been drained or the drain plug has not been removed in violation of subsection (c).

(v) Decontamination of a watercraft, if possible, on site.

(2) An order for removal of prohibited invasive species under paragraph (1)(i) or decontamination of a watercraft under paragraph (1)(v) may include issuing a notice that specifies a time frame for completing the removal or decontamination, and re-inspection of the watercraft.

(c) *Persons transporting watercraft.*

(1) When leaving a water of this Commonwealth, a person must drain a watercraft holding water (including those without plugs) and live wells and bilges by removing the drain plug before transporting the watercraft. Transporting includes moving the watercraft over land between connected or unconnected waterbodies but does not include moving watercraft within the immediate area required for loading and preparing the watercraft for transport over land. A person transporting game fish as a result of a tournament for weigh-in purposes is not subject to this subsection.

(2) Drain plugs, bailers, valves or other devices used to control the draining of water from ballast tanks, bilges and live wells must be removed or opened while transporting watercraft.

(3) A person shall ensure the watercraft, trailer, motor, boating gear and conveyance used to transport the watercraft and trailer are free of aquatic organisms, including vegetation.

§ 71a.13. Bait fish importation and use.

(a) A person may not release or dispose live bait fish into any water of this Commonwealth, except live bait fish baited on a hook for angling purposes, without prior submission of a Notice of Stocking to the Commission. A person may collect live bait fish for angling. A species of bait fish collected for use as bait may not be transferred from waters in this Commonwealth into another drainage of this Commonwealth where this particular species does not already

exist. This subsection does not apply to the Commission, or a propagation facility licensed by the Department under 3 Pa.C.S. §§ 4201—4223 (relating to Aquaculture Development Law) for the purpose of releasing bait fish into waters of this Commonwealth as food for aquaculture or fisheries management purposes.

(b) Live bait fish imported and intended for introduction into waters of this Commonwealth shall be in compliance with § 71a.6 (relating to fish health certificate requirements).

(c) This subsection does not apply to dead bait fish (salted or frozen) sold for angling purposes outside the Lake Erie watershed. The provisions of § 71a.7 (relating to introduction or transportation of VHS-susceptible species of fish) shall be adhered to for purposes of this section.

[Next page is 73-1.]