

# Selling Aquatic Plants or Fish: Protect the Environment & Obey the Law

**A**quatic invasive species (AIS) are non-native plants and animals that have been introduced into the environment and have adapted to their adopted habitats. The Great Lakes has had the highest rate of invasion of any freshwater ecosystem, with over 180 non-native species now established in the Great Lakes Basin.

Introduction of AIS can have devastating effects on the environment, as AIS may cause changes in the native habitat by competing with or preying on existing organisms. AIS can also have a negative economic impact, as they can be costly to control or manage and environmental changes may cause a decline in recreational or other activities. For example, zebra mussels have caused changes in the Great Lakes ecosystem, eliminating native mussels and causing toxic algae blooms. Great Lakes water users have spent more than \$30 million annually to monitor and control zebra mussels.

Preventing the introduction of new AIS is the best way to protect the Great Lakes, as eradication of invasive species is nearly impossible once populations become established. As a vendor of aquatic plants and fish, it is important to take an active role in the prevention of the introduction or spread of invasive species through educating customers and offering solutions for unwanted species. In addition to protecting the environment, this will also reduce your risk of violating state and federal laws regarding invasive species.

## Before You Sell

- ✓ Check legality of possession
- ✓ Obtain permit if required
- ✓ Educate consumers about proper disposal

## Restrictions on Possession, Sale, and Transport

Before purchasing or offering a non-native plant or animal species for sale, make certain the possession, transport, and sale of the species is authorized by the law. Under Michigan law it is illegal to possess or transport species designated as “prohibited” or “restricted.” Federal law also prohibits interstate transport and importation of “injurious species” listed under the Lacey Act (below).

### Injurious Species under the Lacey Act

Walking catfish family, mitten crabs, zebra mussels, snakehead, silver carp, largescale silver carp, black carp, bighead carp, salmon and trout family (due to disease risk).

### Species Prohibited by State Law

African oxygen weed, Brazilian elodea, cylindro, European frogbit, fanwort, giant hogweed, giant salvinia, hydrilla, Japanese knotweed, parrot’s feather, starry stonewort, water chestnut, yellow floating heart, rusty crayfish, bighead carp, bitterling, black carp, Eurasian ruffe, grass carp, ide, Japanese weatherfish, round goby, rudd, silver carp, snakehead, tench, tubenose goby, New Zealand mudsnail.

### Species Restricted by State Law (higher penalties)

Curly leaf pondweed, Eurasian watermilfoil, flowering rush, phragmites or common reed, purple loosestrife, quagga mussel, zebra mussel.

Photograph of a rusty crayfish, courtesy of the Wisconsin Department of Natural Resources.



Under Michigan law, the following instances are not considered “possession”: if the organism is on land or waters owned by you, unless you knowingly introduce the organism, you possess one of these organisms at

the location where the organism was obtained, or, if you possess one of these organisms for the purpose of immediately destroying the organism. Possession is also allowed if you intend to present the specimen for identification or similar purposes to an environmental, agricultural, or natural resources agency, a higher education institute, or a certified applicator.

**Need a Permit? Contact These Agencies:**

**Michigan Department of Natural Resources** for possession of prohibited or restricted fish, mollusks, or crustaceans for education or research purposes; or when importing certain fish or viable eggs, including live fish or viable eggs of salmon, trout, grayling, northern pike, muskellunge, white bass, striped bass, bass, bluegill, crappie, perch, walleye, sturgeon, catfish, cisco, whitefish, Japanese weatherfish, grass carp, ide, rudd, bitterling, and tench.

**Michigan Department of Agriculture** for prohibited or restricted plants or insects.

**U.S. Fish and Wildlife Service** for transporting prohibited or restricted species across state lines.

In addition to banning interstate transport and importation of injurious species, the Lacey Act makes it unlawful “to import, export, transport, sell, receive, acquire, or purchase any fish or wildlife or plant taken, possessed, transported, or sold” in violation of state law. This means that importing grass carp (which is prohibited in Michigan but not listed as injurious under the Lacey Act) would constitute both a state and federal violation. For example, if you possess a grass carp in violation of state law which you’ve imported from outside Michigan and then resell that grass carp to another consumer in Michigan, you would be in violation of both federal and state law.

### Special Considerations for Bait Fish

To prevent the spread of viral hemorrhagic septicemia (VHS), a deadly fish disease, Michigan has regulations regarding the use, transport, and release of VHS-susceptible species. If purchasing or otherwise obtaining bait fish, please visit <http://www.eregulations.com/michigan/fishing/viral-hemorrhagic-septicemia-virus-regulations/>.

### Approved Species for Aquaculture

Michigan has an approved aquatic species list, which informs what species are allowed for aquaculture purposes. If using these species for aquaculture purposes, please see <http://www.ncrac.org/node/383> for more information. Generally, retail ornamental fish facilities and those using privately controlled waters for noncommercial purposes are exempt from this list.

#### Restricted Species

Possession is restricted under Michigan law.

#### Prohibited Species

Possession is restricted under Michigan law, violations carry heavy penalties.

#### Injurious Species

Interstate transport and importing restricted under federal law.

#### VHS-Susceptible Species

Michigan regulations limit movement of these fish due to disease concerns.

### Educate Consumers, Offer Solutions

It is illegal to release prohibited and restricted species into state waters without a permit from the appropriate state agency. Permits may be obtained from the Department of Agriculture for aquatic plant species and from the DNR for fish or other species. Take the opportunity at the point of sale to educate your customers about these restrictions.

To further reduce the risk of release, offer to accept unwanted species from customers and, if necessary,

provide customers with information on the humane disposal of animals and safe disposal methods for aquatic plants.



Photograph of a pair of grass carp, courtesy of Phil's 1stPix Photography.

#### For More Information

##### Michigan Department of Natural Resources

[http://www.michigan.gov/dnr/0,4570,7-153-1037\\_0\\_59996---,00.html](http://www.michigan.gov/dnr/0,4570,7-153-1037_0_59996---,00.html)

##### Michigan Department of Environmental Quality

[http://www.michigan.gov/deq/0,4561,7-135-3313\\_8314---,00.html](http://www.michigan.gov/deq/0,4561,7-135-3313_8314---,00.html)

##### Michigan Department of Agriculture & Rural Development

<http://www.michigan.gov/mdard>

##### Illinois-Indiana Sea Grant, Organisms in Trade

<http://www.inhs.illinois.edu/resources/iisg/organisms-in-trade>

##### U.S. Fish and Wildlife Service

<http://www.fws.gov/>

##### Habitattitude

<http://www.habitattitude.net/>