

Texas AIS Regulations

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) Active partner--A governmental, quasi-governmental, or non-governmental organization or other entity that is currently engaged in department-coordinated efforts to monitor and/or manage controlled exotic species in Texas as authorized by a letter of approval from the Director of the Inland Fisheries Division or Coastal Fisheries Division (or their designee) of the Texas Parks and Wildlife Department, as appropriate.
- (2) Agent--A person designated to conduct activities on behalf of any person or permit holder who is authorized by a controlled exotic species permit or other provision of this subchapter to conduct those activities. For the purposes of this subchapter, the term 'permit holder' includes their agent.
- (3) Aquaculture--As defined by Agriculture Code, §134.001(4).
- (4) 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.
- (5) Biological control agent--a natural enemy or predator of a plant or animal that can be used to control the growth, spread, or deleterious impact of that plant or animal.
- (6) Clinical Analysis Checklist--A department-approved form specifying sampling protocols and listing certain characteristics that may constitute manifestations of shrimp disease.
- (7) Commercial aquaculture facility--As defined in §134.001(7) of the Texas Agriculture Code.
- (8) Common carrier--A person or entity that is:
 - (A) in the business of shipping goods or products; and
 - (B) not a party to a transaction under a permit issued under this subchapter.
- (9) Controlled exotic species--Any species listed in §57.112 of this title (relating to Exotic Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants).
- (10) Controlled exotic species permit--Any permit issued under this subchapter that authorizes the import, export, propagation, possession, purchase, sale, and/or transport of a controlled exotic species.
- (11) Conveyance--Any means of transporting persons, goods, or equipment on the water.

- (12) Department--The Texas Parks and Wildlife Department or a designated employee of the department.
- (13) Director--The executive director of the Texas Parks and Wildlife Department.
- (14) Disease--Contagious pathogens or injurious parasites that may be a threat to the health of natural populations of aquatic organisms.
- (15) 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.
- (16) Disease inspector--An employee of the department who is trained to perform clinical analysis of shrimp disease.
- (17) Disease specialist--A third-party person approved by the department that possesses the education and experience to identify shellfish disease, such as a degree in veterinary medicine or a Ph.D. specializing in shellfish disease.
- (18) Dock or pier--a structure built over and/or floating on water that is used to provide access to water and/or for the mooring of boats.
- (19) Emergency--A situation or event beyond the control of any person, including but not limited to a natural disaster, power outage, or fire.
- (20) Exotic shrimp exclusion zone--That part of the state that is both south of SH 21 and east of I-35, but not including Brazos County.
- (21) Exotic species--Any aquatic plant, fish, or shellfish not indigenous to this state.
- (22) Facility--Infrastructure including drainage structures at a location where controlled exotic species are possessed, propagated, cultured, or sold under a controlled exotic species permit excluding private waters permitted for triploid Grass Carp stocking in accordance with §57.116 of this title (relating to Special Provisions--Triploid Grass Carp).
- (23) Facility complex--A group of two or more facilities located at a common site and sharing water diversion or drainage structures.
- (24) Gill-cutting--Cutting through the base of the gills on the underside of the fish.
- (25) 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.

- (26) Nauplius (nauplii, if plural)--A larval crustacean (phylum Arthropoda, subphylum Crustacea) having no trunk segmentation and only three pairs of appendages.
- (27) Post-larva (post-larvae, if plural)--A juvenile crustacean (phylum Arthropoda, subphylum Crustacea) having acquired a full complement of functional appendages.
- (28) Private pond--A pond or lake capable of holding exotic species of tilapia and/or triploid grass carp in confinement wholly within private land for non-commercial purposes.
- (29) Public water--As defined by Parks and Wildlife Code, §66.015, the 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) Recirculating aquaculture system--A system for culturing fish that treats or reuses all or a major portion of the water and is designed for no direct offsite discharge of water.
- (31) Quarantine condition--Separation of exotic shellfish from other stocks of shellfish within a facility such that neither the shellfish nor the water in which they are or were maintained comes into contact with water in the state or with other fish and/or shellfish.
- (32) Tilapia and triploid grass carp regulatory zones--Geographic conservation priority zones identified by the department where special provisions apply. Zone designations by county are as follows:
 - (A) Conservation zone. The conservation zone shall include the following counties: Andrews, Archer, Armstrong, Bailey, Bandera, Baylor, Bell, Bexar, Blanco, Borden, Brewster, Briscoe, Brown, Burnet, Callahan, Carson, Castro, Childress, Clay, Cochran, Coke, Coleman, Collingsworth, Comal, Concho, Cottle, Crane, Crockett, Crosby, Culberson, Dallam, Dawson, Deaf Smith, Dickens, Donley, Ector, Edwards, El Paso, Fisher, Floyd, Foard, Gaines, Garza, Gillespie, Glasscock, Gray, Hale, Hall, Hansford, Hardeman, Hartley, Haskell, Hays, Hemphill, Hockley, Howard, Hudspeth, Hutchinson, Irion, Jeff Davis, Jones, Kendall, Kent, Kerr, Kimble, King, Kinney, Knox, Lamb, Lampasas, Lipscomb, Llano, Loving, Lubbock, Lynn, Martin, Mason, Maverick, McCulloch, Medina, Menard, Midland, Mills, Mitchell, Moore, Motley, Nolan, Ochiltree, Oldham, Parmer, Pecos, Potter, Presidio, Randall, Reagan, Real, Reeves, Roberts, Runnels, San Saba, Schleicher, Scurry, Shackelford, Sherman, Stephens, Sterling, Stonewall, Sutton, Swisher, Taylor, Terrell, Terry, Throckmorton, Tom Green, Travis, Upton, Uvalde, Val Verde, Ward, Wheeler, Wichita, Wilbarger, Williamson, Winkler, Yoakum, Young, and Zavala.
 - (B) Stocking zone. The stocking zone shall include the following counties: Anderson, Angelina, Aransas, Atascosa, Austin, Bastrop, Bee, Bosque, Bowie, Brazoria, Brazos, Brooks, Burlison, Caldwell, Calhoun, Cameron, Camp, Cass, Chambers, Cherokee, Collin, Colorado, Comanche, Cooke, Coryell, Dallas, Delta, Denton, DeWitt, Dimmit, Duval, Eastland, Ellis, Erath, Falls, Fannin, Fayette, Fort Bend, Franklin, Freestone, Frio, Galveston, Goliad, Gonzales, Grayson, Gregg, Grimes,

Guadalupe, Hamilton, Hardin, Harris, Harrison, Henderson, Hidalgo, Hill, Hood, Hopkins, Houston, Hunt, Jack, Jackson, Jasper, Jefferson, Jim Hogg, Jim Wells, Johnson, Karnes, Kaufman, Kenedy, Kleberg, La Salle, Lamar, Lavaca, Lee, Leon, Liberty, Limestone, Live Oak, Madison, Marion, Matagorda, McLennan, McMullen, Milam, Montague, Montgomery, Morris, Nacogdoches, Navarro, Newton, Nueces, Orange, Palo Pinto, Panola, Parker, Polk, Rains, Red River, Refugio, Robertson, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, San Patricio, Shelby, Smith, Somervell, Starr, Tarrant, Titus, Trinity, Tyler, Upshur, Van Zandt, Victoria, Walker, Waller, Washington, Webb, Wharton, Willacy, Wilson, Wise, Wood, and Zapata.

- (33) Triploid grass carp--A grass carp (*Ctenopharyngodon idella*) that has been certified by the United States Fish and Wildlife Service as having 72 chromosomes and as being functionally sterile.
- (34) Waste--As defined in Water Code, §26.001(6).
- (35) Water in the state--As defined in Water Code, §26.001(5).
- (36) Wastewater treatment facility--All contiguous land and fixtures, structures, and associated infrastructure, including drainage structures used for treating wastewater pursuant to a valid permit issued by the Texas Commission on Environmental Quality.

§ 57.112. Exotic Harmful or Potentially Harmful Fish, Shellfish, and Aquatic Plants

- (a) The exotic species listed in this section are designated as harmful or potentially harmful, including any hybrid of a species, subspecies, eggs, juveniles, seeds, or reproductive or regenerative parts of any species.
- (b) Scientific reclassification or change in nomenclature of taxa at any level in taxonomic hierarchy will not, in and of itself, result in removal from the list of exotic harmful or potentially harmful species in this section.
- (c) The following are harmful or potentially harmful exotic species, listed alphabetically and by family:
 - (1) Fishes.
 - (A) Family Acestrorhynchidae (South American pike characoids)--all species of genus *Acestrorhynchus*;
 - (B) Family Alestiidae (African tiger fishes)--all species of genus *Hydrocynus*;
 - (C) Family Anguillidae (freshwater eels)--all species of this family except *Anguilla rostrata* (American eel);
 - (D) Family Centropomidae (Nile perch)--all species of genus *Lates*;
 - (E) Family Cetopsidae (whale catfishes)--all species of this family;
 - (F) Family Characidae (dourados and piranhas):
 - (i) Dourados--all species of genus *Salminus*; and

- (ii) Piranhas--all species of genera *Catoprion*, *Pristobrycon*, *Pygocentrus*, *Pygopristis*, and *Serrasalmus*;
- (G) Family Channidae (snakeheads)--all species of this family;
- (H) Family Cichlidae (tilapia)--all species of genera *Coelotilapia*, *Coptodon*, *Heterotilapia*, *Oreochromis*, *Pelmatolapia*, *Sarotherodon*, and *Tilapia*;
- (I) Family Citharinidae, subfamily Distichodontinae (African lute fishes)--all species of genera *Belonophago*, *Euganthichthys*, *Ichthyborus*, *Mesoborus*, *Phago*, and *Paraphago*;
- (J) Family Clariidae (walking catfishes)--all species of this family;
- (K) Family Ctenoluciidae (South American pike characids)--all species of genera *Ctenolucius* and *Boulengerella*;
- (L) Family Cynodontidae (dogtooth characins: payara and vampire tetras)--all species of genera *Cynodon*, *Hydrolycus*, and *Rhaphiodon*;
- (M) Family Cyprinidae (carps and minnows):
 - (i) Asps--all species of genera *Aspius*, *Aspiolucius*, and *Pseudaspius*;
 - (ii) Old World breams--all species of genera *Abramis*, *Blicca*, *Megalobrama*, and *Parabramis*;
 - (iii) Bighead, silver, and largescale carp--all species of genus *Hypophthalmichthys*;
 - (iv) Black carp--all species of genus *Mylopharyngodon*;
 - (v) Grass carp--all species of genus *Ctenopharyngodon*;
 - (vi) Catla--all species of genera *Cirrhinus*, *Thynnichthys*, and *Gibelion*;
 - (vii) European daces--all species of genus *Leuciscus*;
 - (viii) Barbs and mahseers--all species of genera *Tor* and *Neolissochilus*;
 - (ix) Roaches--all species of genus *Rutilus*;
 - (x) Rudds--all species of genus *Scardinius*;
 - (xi) Yellowcheek--all species of genus *Elopichthys*;
 - (xii) Giant barb--all species of genus *Catlocarpio*;
 - (xiii) Sharkminnows--all species of genus *Labeo* except *L. chrysophekadion* (black sharkminnow); and
 - (xiv) Stone moroko--*Pseudorasbora parva*;
- (N) Family Electrophoridae (electric eels)--*Electrophorus electricus* (electric eel);
- (O) Family Erythrinidae (trahiras)--all species of this family;
- (P) Family Gobiidae (round gobies)--all species of genus *Neogobius*;
- (Q) Family Hepsetidae (African pike fishes)--all species of this family;
- (R) Family Heteropneustidae (airsac catfishes)--all species of this family;
- (S) Family Malapteruridae (electric catfishes)--all species of this family;
- (T) Family Moronidae (temperate basses)--all species of this family except *Morone chrysops* (white bass), *M. mississippiensis* (yellow bass), and *M. saxatilis* (striped bass), and hybrids of these species;
- (U) Family Odontobutidae (freshwater sleepers)--*Percottus glenii* (Amur sleeper);
- (V) Family Osphronemidae (Asian pikeheads)--all species of genus *Luciocephalus*;
- (W) Family Osteoglossidae (arapaima)--all species of genus *Arapaima*;
- (X) Family Percichthyidae (temperate perches)--all species of this family;
- (Y) Family Percidae (perch):
 - (i) Pikeperches--all species of genus *Sander* except *S. canadensis* and *S. vitreus* (sauger and walleye) and hybrids of these species;

- (ii) European ruffes--all species of genus *Gymnocephalus*;
- (iii) European perch (also called redfin)--*Perca fluviatilis*;
- (Z) Family Petromyzontidae (lampreys)--all species of this family except *Ichthyomyzon castaneus* (chestnut lamprey) and *I. gagei* (Southern brook lamprey);
- (AA) Family Poeciliidae (Pike Killifish)--*Belonesox belizanus*;
- (BB) Family Potamotrygonidae (freshwater stingrays)--all species of this family;
- (CC) Family Sciaenidae (seatrouts and corvinas)--all species of genus *Cynoscion* except *C. arenarius* (sand seatrout), *C. nebulosus* (spotted seatrout), and *C. nothus* (silver seatrout);
- (DD) Family Scorpaenidae (marine stonefishes)--all species of genera *Choridactylus*, *Dampierosa*, *Erosa*, *Inimicus*, *Leptosynanceia*, *Minous*, *Pseudosynanceia*, *Synanceia*, and *Trachicephalus*;
- (EE) Family Siluridae (European and Asian catfishes)--*Silurus glanis* (Wels catfish);
- (FF) Family Synbranchidae (swamp eels, rice eels, or one-gilled eels)--all species of this family; and
- (GG) Family Trichomycteridae (South American parasitic Candiru catfishes)--all species of this family.

(2) Shellfish.

- (A) Family Ampullariidae (applesnails):
 - (i) Applesnails--all species of genus *Pomacea* except *P. bridgesi* (sometimes also known as *P. diffusa*; spiketop applesnail); and
 - (ii) Giant rams-horn snails--all species of genus *Marisa*;
- (B) Family Dreissenidae (zebra and quagga mussels)--all species of genus *Dreissena*;
- (C) Family Hydrobiidae (mud snails)--all species of this family;
- (D) Family Mytilidae (mussels)--*Limnoperna fortunei* (golden mussel);
- (E) Family Ostreidae (oysters)--all species of this family except *Crassostrea rhizophorae* (mangrove oyster), *C. virginica* (Eastern oyster), *Dendostrea frons* (frond oyster), *Ostrea stentina* (dwarf oyster), and *O. permollis* (sponge oyster);
- (F) Family Parastacidae (Southern hemisphere freshwater crayfishes, including redclaw crayfish)--all species of this family;
- (G) Family Penaeidae (penaeid shrimps)--all species of genera *Farfantepenaeus*, *Fenneropenaeus*, *Litopenaeus*, *Marsupenaeus*, *Melicertus*, and *Penaeus*, except *Litopenaeus setiferus* (white shrimp), *Farfantepenaeus aztecus* (brown shrimp), and *F. duorarum* (pink shrimp); and
- (H) Family Varunidae (mitten crabs)--all species of genus *Eriocheir*

(3) Aquatic Plants.

- (A) Family Amaranthaceae (alligatorweed)--*Alternanthera philoxeroides*;
- (B) Family Anacardiaceae (Brazilian peppertree)--*Schinus terebinthifolius*;
- (C) Family Araceae
 - (i) Dotted duckweed--*Landoltia punctata*;
 - (ii) Waterlettuce--*Pistia stratiotes*;
- (D) Family Convolvulaceae (water spinach; also called ong choy, rau mong, and kangkong)--*Ipomoea aquatica*;
- (E) Family Haloragaceae (Eurasian watermilfoil)--*Myriophyllum spicatum*;

- (F) Family Hydrocharitaceae
 - (i) Hydrilla--*Hydrilla verticillata*;
 - (ii) African elodea (also called *Lagarosiphon*)--*Lagarosiphon major*; and
 - (iii) Duck-lettuce--*Ottelia alismoides*;
- (G) Family Lythraceae (purple loosestrife)--*Lythrum salicaria*;
- (H) Family Menyanthaceae (floating hearts)--*Nymphoides cristata* (crested floating heart) and *N. peltata* (yellow floating heart);
- (I) Family Myrtaceae (paperbark, also called *Melaleuca*)--*Melaleuca quinquenervia*;
- (J) Family Plantaginaceae (ambulia, also called Asian marshweed)--*Limnophila sessiliflora*;
- (K) Family Poaceae (torpedograss)--*Panicum repens*;
- (L) Family Pontederiaceae
 - (i) Water hyacinths--*Eichhornia crassipes* (floating water hyacinth) and *E. azurea* (rooted water hyacinth); and
 - (ii) False pickerelweeds--all species of genus *Monochoria*;
- (M) Family Salviniaceae (salvinias)--all species of genus *Salvinia*;
- (N) Family Solanaceae (wetland nightshade, also called aquatic soda apple)--*Solanum tampicense*; and
- (O) Family Typhaceae (exotic bur-reed)--*Sparganium erectum*

§ 57.113. General Provisions and Exceptions

- (a) Nothing in this subchapter shall be construed to relieve any person of the obligation to comply with any applicable provision of local, state, or federal law.
- (b) Except as provided by Parks and Wildlife Code or this subchapter, no person shall:
 - (1) introduce into public water, possess, import, export, sell, purchase, transport, propagate, or culture any species, hybrid of a species, subspecies, eggs, seeds, or any part of any species defined as a controlled exotic species; or
 - (2) take or possess a live grass carp from public water where grass carp have been introduced under a permit issued by the department, unless the department has specifically authorized removal or the permit is no longer in effect.
- (c) An active partner may be exempted from the requirement to obtain a controlled exotic species permit under this subchapter, provided they coordinate with the department to seek authorization by a letter of approval of active partner status, and provide a description of proposed engagement in department-coordinated efforts to monitor and/or manage controlled exotic species in Texas and measures to be taken to prevent introduction of controlled exotic species into public water.
- (d) An employee of the department in the performance of official duties is exempt from the permit requirements of this subchapter.

- (e) Any person may possess, import, export, sell, purchase, or transport controlled exotic species of fish or shellfish other than mussels or oysters without a permit provided they are:
 - (1) killed by gutting, beheading, gill-cutting, or using another means;
 - (2) frozen; or
 - (3) packaged on ice.

- (f) Any person may possess, import, export, sell, purchase, or transport controlled exotic species of oysters without a permit provided they are shucked or otherwise removed from their shells.

- (g) No person may possess or transport live or dead controlled exotic species of mussels that are attached to or contained within any vessel, conveyance, or dock or pier except that mussels attached to or contained within a vessel may be possessed and transported if the vessel is traveling directly to a service provider for the purposes of removal of the mussels or vessel maintenance or repair after first notifying the department in writing that the vessel will be transported. Notification shall be provided at least 72 hours in advance and shall consist of:
 - (1) expected date of transport;
 - (2) contact information of person or entity transporting the vessel;
 - (3) vessel registration number;
 - (4) water body of origin;
 - (5) service provider location and contact information; and
 - (6) water body where the vessel will return after service.

- (h) A licensed retail or wholesale fish dealer is not required to have a controlled exotic species permit to purchase or possess in the licensed place of business:
 - (1) live triploid grass carp (*Ctenopharyngodon idella*) or blue tilapia (*Oreochromis aureus*), Mozambique tilapia (*O. mossambicus*), Nile tilapia (*O. niloticus*), Wami tilapia (*O. hornorum*), or hybrids of these tilapia species provided that the fish dealer:
 - (A) obtains the species from a permit holder;
 - (B) retains a copy of each properly executed transport invoice provided by the permit holder for a period of one year following the invoice date;
 - (C) does not propagate or culture the species; and
 - (D) does not sell or transfer possession of the species to another person or entity unless the fish have been gutted, beheaded, gill-cut, killed using another means, packaged on ice, or frozen.

 - (2) live Pacific blue shrimp (*Litopenaeus stylirostris*) or Pacific white shrimp (*L. vannamei*), provided that:
 - (A) the place of business is not located within the exotic shrimp exclusion zone described in §57.111 of this title (relating to Definitions);
 - (B) the species were obtained from a permit holder;
 - (C) the fish dealer retains a copy of each properly executed transport invoice provided by the permit holder for a period of one year following the invoice date; and
 - (D) the fish dealer does not sell or transfer possession of these species to another person or entity unless the shrimp are dead and packaged on ice or frozen.

- (i) The holder of a controlled exotic species permit may not place into public water, possess, import, export, sell, purchase, transport, propagate, or culture controlled exotic species unless authorized by permit conditions.
- (j) The owner or manager of a property or their agent, except as provided in subsection (k) of this section, may without a permit possess and transport for the purpose of disposal controlled exotic species of plants, mussels of the genus *Dreissena*, or applesnails, provided:
 - (1) the species are physically removed from a private pond, public water adjacent to the property, or the shorelines, docks, or other waterfront infrastructure associated with the property;
 - (2) mussels or applesnails removed are securely contained in black plastic bags prior to disposal;
 - (3) plants removed are dried fully or securely contained in black plastic bags prior to disposal; and
 - (4) plants are physically removed from public water under a current, approved treatment proposal in accordance with Subchapter L of this chapter (relating to Aquatic Vegetation Management).
- (k) A person operating a mechanical plant harvester or who otherwise physically removes controlled exotic species of plants from public water in exchange for money or anything of value must be the holder of or be listed as an authorized person on a controlled exotic species permit. Removal and disposal of controlled exotic species of plants from public water or private ponds may only be done by means authorized in the permit.
- (l) Governmental or quasi-governmental agencies; operators of power generation, water control or water supply facilities, or private water intakes; entities removing garbage from public water bodies; or contractors working on their behalf may without a permit, possess and transport for the purpose of disposal controlled exotic species removed during standard operations, maintenance, or testing provided they are in compliance with best management practices published by the department.
- (m) Any person may purchase, possess, or transport controlled exotic species of plants as hosts for biological control agents without a permit for the purpose of introduction for management of nuisance aquatic vegetation, provided that:
 - (1) the identity of the plant species to be managed is confirmed by the department; and
 - (2) controlled exotic species of plants are:
 - (A) obtained from the department, a biological control facility permitted under this subchapter, or an active partner, as described in §57.111 of this title (relating to Definitions);
 - (B) possessed and transported with a properly executed transport invoice provided by the biological control agent supplier in accordance with §57.121 of this title (relating to Transport of Live Controlled Exotic Species); and
 - (C) for public water a permit for introduction of aquatic plants into public water for nuisance aquatic vegetation management must be obtained in accordance with Subchapter C of this chapter (relating to Introduction of Fish, Shellfish and

Aquatic Plants) and Subchapter L of this title (relating to Aquatic Vegetation Management).

- (n) Specimens of controlled exotic species of mussels or plants may be possessed for educational purposes without a permit if prepared in the following manner:
 - (1) mussels--fully dried or placed into alcohol, formalin, or other preservative; or
 - (2) plants--dried and pressed as herbarium specimens or encased in plastic resin.

- (o) At the request of any department employee in the performance of official duties, any person, including but not limited to controlled exotic species permit holders, who is in possession of a controlled exotic species shall:
 - (1) allow the take of or provide samples of any controlled exotic species held in possession for purposes of taxonomic or genetic identification and analysis;
 - (2) furnish any documentation necessary to confirm controlled exotic species identity, the source of controlled exotic species, and eligibility to possess controlled species;
 - (3) make available for inspection during normal business hours any records required by this subchapter and any retention location, facility, private pond, recirculating aquaculture system, or transportation vehicle or trailer used to conduct activities authorized under this subchapter; and
 - (4) demonstrate that activities are conducted in compliance with the requirements of this subchapter and in such a way as to prevent escape, release, or discharge of controlled exotic species.

- (p) Disposition Protocols.
 - (1) The department may prescribe, on a case by case basis, a disposition protocol for destruction, disposal, or transfer of controlled exotic species held by a person who:
 - (A) is in possession of controlled exotic species in violation of any provision of this subchapter;
 - (B) is refused permit renewal under the provisions of §57.124 of this title (relating to Refusal to Issue; Review of Agency Decision to Refuse Issuance); or
 - (C) ceases or discontinues permitted or otherwise authorized activities for any other reason.

 - (2) If the disposition protocol is not implemented within 14 days of notification by the department, the department may implement a prescribed disposition protocol.

 - (3) In the event that a disposition protocol is implemented by the department, the person is responsible for all costs associated with the destruction, disposal, or transfer of controlled exotic species held in the facility.

§ 57.114. Controlled Exotic Species Permits

- (a) Water spinach Culture. Controlled exotic species facility permits may be issued for culture, transport, and sale of water spinach, in accordance with the provisions of this subchapter and §57.118 of this title (relating to Special Provisions--Water Spinach).

(b) Commercial Aquaculture Facility Permits.

- (1) Controlled exotic species facility permits may be issued for commercial aquaculture, in accordance with the provisions of this subchapter, only for the following species:
 - (A) Triploid grass carp (*Ctenopharyngodon idella*) in compliance with the provisions of §57.116 of this title (relating to Special Provisions--Triploid Grass Carp);
 - (B) Blue tilapia (*Oreochromis aureus*), Mozambique tilapia (*O. mossambicus*), Nile tilapia (*O. niloticus*), Wami tilapia (*O. hornorum*), or hybrids of these species in compliance with the provisions of §57.115 of this title (relating to Special Provisions--Tilapia); and
 - (C) Pacific white shrimp (*Litopenaeus vannamei*) or Pacific blue shrimp (*L. stylirostris*) in compliance with the provisions of §57.117 of this title (relating to Special Provisions--Shrimp Aquaculture and Health Certification).
- (2) No person may participate in commercial aquaculture activity for which a permit under this subchapter is required unless they are an authorized person on the permit or supervised by an authorized person on the permit.

(c) Research. Controlled exotic species facility permits may be issued for research that benefits indigenous species or ecosystems and/or provides insight on ecology, risks, impacts, or management approaches for controlled exotic species. The sale of controlled exotic species under a research permit is prohibited unless authorized by written approval of the Director of the Coastal Fisheries Division or Inland Fisheries Division (or their designee), as applicable.

(d) Biological Control Production. Controlled exotic species facility permits may be issued for purposes of production of biological control agents for management of controlled exotic species of plants.

(e) Zoological Display. Permits may be issued for zoological display in accordance with the provisions of this subchapter. The sale or intentional propagation of controlled exotic species under this permit is prohibited.

(f) Limited Special Purpose Permits. Permits may be issued for:

- (1) sale (for purposes of private pond stocking) of live triploid grass carp or tilapia purchased from a commercial aquaculture facility permit holder or lawful out-of-state source or sale by a lawful out-of-state supplier. Holding in a facility in Texas for more than 72 hours, holding in a facility that discharges, and aquaculture of these species is prohibited under this permit;
- (2) introduction into public water or private pond stocking of live triploid grass carp, in accordance with the provisions of this subchapter and §57.116 of this title (relating to Special Provisions--Triploid Grass Carp);
- (3) interstate transit of controlled exotic species;

- (4) possession and disposal of controlled exotic species of plants from public or private waters;
- (5) possession of controlled exotic species of plants for wastewater treatment by a wastewater treatment facility; and
- (6) possession, transport, and disposal activities not otherwise authorized by the provisions of §57.113 of this title (relating to General Provisions and Exceptions).

§ 57.115. Special Provisions--Tilapia

- (a) Except as provided in this section or the provisions of §57.113 of this title (relating to General Provisions and Exceptions), no person may possess, import, export, sell, purchase, transport, propagate, or culture, or offer to import, export, sell, purchase, or transport tilapia unless the person is the holder of a valid controlled exotic species permit and is in compliance with the terms of the permit.
- (b) Private ponds stocked with tilapia shall be designed and maintained such that escape, release, or discharge of tilapia from the pond into public water is not likely to occur.
- (c) Non-commercial aquaculture. No permit is required under this subchapter to purchase, possess, transport, or propagate blue tilapia (*O. aureus*), Mozambique tilapia (*O. mossambicus*), Nile tilapia (*O. niloticus*), Wami tilapia (*O. hornorum*), and hybrids between these species for non-commercial (i.e., no sale) aquaculture purposes provided that:
 - (4) Live tilapia purchased in accordance with the provisions of this subchapter are transported to the aquaculture location in accordance with §57.121 of this title (relating to Transport of Live Controlled Exotic Species);
 - (5) Tilapia are not sold, offered for sale, or exchanged for money or anything of value;
 - (6) Tilapia are possessed solely in a recirculating aquaculture system constructed such that:
 - (A) escape, release, or discharge of tilapia into public water is not likely to occur; and
 - (B) no discharge of wastewater or waste into or adjacent to water in the state is likely to occur;
 - (7) Adequate security measures are in place to prevent unauthorized removal of tilapia; and
 - (8) Tilapia are killed in accordance with the provisions of §57.113(e) of this title prior to being transferred to another person or disposed.
- (d) Stocking in private ponds.
 - (1) No person holding tilapia in a private pond may sell, offer for sale, or exchange tilapia for money or anything of value.

- (2) Upon reclassification of any county in the stocking zone to conservation zone, the conservation zone provisions shall apply to all future stockings in that county.
- (3) Conservation zone provisions. Prior to stocking tilapia into a private pond in the conservation zone, the landowner or their agent must obtain written approval from the department.
 - (A) Approval shall be requested by completing and submitting a department form at least 30 days prior to the intended stocking. The request shall contain the following information, legibly written:
 - (i) the name, address, and phone number of the person requesting approval;
 - (ii) the specific address or coordinates of the location of the private pond;
 - (iii) a map of the location with the pond clearly marked; and
 - (iv) the proposed date and purpose of introduction.
 - (B) The department may provide approval for stocking of blue tilapia (*O. aureus*), Mozambique tilapia (*O. mossambicus*), Nile tilapia (*O. niloticus*), Wami tilapia (*O. hornorum*), or hybrids between these species into a private pond in the conservation zone upon finding that the private pond is compliant with the provisions of subsection (b) of this section and does not pose a significant risk to species designated as endangered, threatened, or a Species of Greatest Conservation Need.
 - (C) Written approval provided by the department for stocking of tilapia into a private pond in the conservation zone is specific to the pond for which approval was granted and is transferrable with the sale of the property. Written approval shall not expire or require renewal provided that the pond is not modified in any way that could result in increased risk of escape, release, or discharge of controlled exotic species into public water.
- (4) Stocking zone provisions. In the stocking zone no authorization or permit is required under this subchapter to purchase, possess, transport, or stock into a private pond blue tilapia (*O. aureus*), Mozambique tilapia (*O. mossambicus*), Nile tilapia (*O. niloticus*), Wami tilapia (*O. hornorum*), or hybrids between these species provided that the private pond is compliant with the provisions of subsection (b) of this section.
- (5) Tilapia stocked in a private pond must be killed in accordance with the provisions of §57.113(e) of this title prior to being transported or transferred to another person.
- (6) A person in possession of live tilapia stocked in a private pond must possess and retain an exotic species transport invoice provided by the seller as described in §57.121 of this title for a period of one year from the date the tilapia were obtained or as long as the tilapia are in the water, whichever is longer.
- (e) Commercial sale of tilapia for pond stocking. No tilapia may be stocked in or provided for the purpose of stocking into private ponds within the conservation zone without the landowner or their agent first obtaining written approval from the department as described in subsection (d) of this section.

§ 57.116. Special Provisions--Tripliod Grass Carp

- (a) The department may issue a permit for introduction of triploid grass carp into public water after finding that the introduction is not likely to affect threatened or endangered species or interfere with specific management objectives for other important species or habitats.
- (b) The department may issue a permit for stocking of triploid grass carp in a private pond after finding that the triploid grass carp are not likely to escape from the pond into public waters in violation of Parks and Wildlife Code, §66.015, and that the stocking is not likely to affect threatened or endangered species or interfere with specific management objectives for other important species or habitats.
- (c) An applicant for a triploid grass carp permit for private pond stocking shall, upon request, allow inspection of their ponds or lakes by an employee of the department during normal business hours for the purposes of evaluating whether the private pond meets the criteria for permit issuance.
- (d) Except as otherwise approved by the department, the triploid grass carp stocking rate authorized by a permit shall be determined by consideration of the surface area of the water body to be stocked and the extent of the aquatic vegetation to be managed.
- (e) Triploid grass carp may be purchased or obtained only from:
 - (1) the holder of a valid controlled exotic species permit that authorizes the sale of triploid grass carp; or
 - (2) directly from any lawful out-of-state source.
- (f) The department is authorized to introduce triploid grass carp into public water in situations where the department has determined that there is a management need, and when stocking will not affect threatened or endangered species or other important species or habitats.
- (g) Stocking in private ponds.
 - (1) Private ponds stocked with triploid grass carp shall be designed and maintained such that escape, release, or discharge of triploid grass carp from the private pond into public water is not likely to occur.
 - (2) Prior to stocking of triploid grass carp into a private pond, the landowner or their agent must obtain a permit for stocking of live triploid grass carp.
 - (3) Permits for stocking of triploid grass carp into private ponds are specific to the ponds on a property, transferrable with the sale of the property, and shall not expire or require renewal provided that the pond is not modified in any way that could result in increased risk of escape, release, or discharge of controlled exotic species into public water.

- (4) No person holding triploid grass carp in a private pond may sell, offer for sale, or exchange triploid grass carp for money or anything of value.
- (5) Upon reclassification of any county in the conservation zone to stocking zone, the stocking zone provisions shall apply to all future stockings in that county. Zones are as defined in §57.111 of this title (relating to Definitions).
- (6) Within the stocking zone, permit applications requesting ten or fewer triploid grass carp require administrative review only. The application shall be submitted at least 14 days prior to the intended stocking.
- (7) A person in possession of live triploid grass carp stocked in a private pond must possess and retain for a period of one year from the date the grass carp were obtained or as long as the grass carp are in the water, whichever is longer:
 - (A) an exotic species transport invoice as described in §57.121 of this title (relating to Transport of Live Controlled Exotic Species) or an aquatic product transport invoice from a lawful out-of-state source in compliance with Parks and Wildlife Code, §47.0181; and
 - (B) documentation that the grass carp have been certified as triploid by the Grass Carp Inspection and Certification Inspection Program operated by the U.S. Fish and Wildlife Service.
- (8) Triploid grass carp stocked in a private pond must be killed in accordance with the provisions of §57.113 of this title (relating to General Provisions and Exceptions) prior to being transported or transferred to another person.

§ 57.117. Special Provisions--Shrimp Aquaculture and Health Certification

- (a) Any facility containing controlled exotic species of shrimp shall be capable of placing stocks into quarantine condition.
- (b) A facility containing live Pacific blue shrimp (*Litopenaeus stylirostris*) must be located outside the exotic shrimp exclusion zone.
- (c) All disease-free certification of controlled exotic species of shrimp must be conducted by a disease specialist.
- (d) Any person importing live controlled exotic species of shrimp must, prior to importation:
 - (1) provide documentation to the department that the controlled exotic species of shrimp to be imported have been certified as disease-free; and
 - (2) receive written acknowledgment from the department that the requirements of for demonstrating disease-free status have been met.

- (e) Any person in possession of controlled exotic species of shrimp for the purpose of production of post-larvae must provide to the department monthly documentation that nauplii and post-larvae have been examined and are certified to be disease-free. If monthly certification cannot be provided, the shrimp must be maintained in quarantine condition until the department acknowledges in writing that the requirements for demonstrating stock is disease-free or conditions specified in writing by the department under which the quarantine condition can be removed have been met.
- (f) Any person who possesses controlled exotic species of shrimp in a facility regulated under this subchapter who observes one or more of the manifestations of diseases of concern listed on the clinical analysis checklist provided by the department shall place the entire facility under quarantine condition immediately, notify the department, and:
 - (1) request an inspection from a disease inspector; or
 - (2) submit samples of the affected shrimp to a disease specialist for analysis and forward results of such analyses to the department upon receipt.
- (g) No more than 14 days prior to harvesting ponds or discharging any waste into or adjacent to water in the state, the permit holder shall:
 - (1) request an inspection from a disease inspector; or
 - (2) submit samples of the shrimp from each pond or other structure containing such shrimp to a disease specialist for analysis and submit the results of such analyses to the department upon receipt, using the clinical analysis checklist.
- (h) Upon receiving a request for an inspection from a permit holder, a disease inspector may visit the facility, examine samples of shrimp from each pond or other structure from which waste will be discharged or harvest will occur, complete the clinical analysis checklist provided by the department, sample shrimp from or inspect any pond or structure the disease inspector determines requires further investigation, and provide a copy of the clinical analysis checklist and any other inspection reports to the permit holder.
- (i) If the results of an inspection performed by a disease inspector indicate the presence of one or more manifestations of disease, the permit holder shall immediately place or continue to maintain the entire facility under quarantine condition and submit samples of the controlled exotic species of shrimp from the affected portion(s) of the facility to a disease specialist for analysis. Results of such analyses shall be forwarded to the department upon receipt.
- (j) If the results of analyses performed by a disease specialist under subsection (g)(2) of this section indicate the presence of disease, the permit holder shall immediately place the entire facility under quarantine condition.
- (k) If the results of inspections or analyses of controlled exotic species of shrimp from a facility placed under quarantine condition indicate the presence of disease, the facility shall remain

under quarantine condition until the department removes the quarantine condition in writing or authorizes in writing other actions deemed appropriate by the department based on the required analyses.

- (l) If the results of inspections or analyses performed under subsection (g) of this section indicate the absence of any manifestations of disease, the permit holder may begin discharging from the facility.

§ 57.118. Special Provisions--Water Spinach

- (a) Except as authorized by a permit issued under this section, or otherwise provided by this section, no person may:
 - (1) culture water spinach; or
 - (2) possess or transport water spinach in exchange for or with the intent to exchange for money or anything of value.
- (b) No permit issued under this section is required to purchase or possess water spinach for personal consumption, provided the water spinach was lawfully purchased or obtained and is not propagated or cultured.
- (c) No permit issued under this section is required to purchase or obtain water spinach for sale or re-sale, provided:
 - (1) the water spinach is purchased or obtained from a controlled exotic species permit holder authorized for culture and sale of water spinach or a lawful out-of-state source;
 - (2) copies of all invoices and receipts are retained for a period of one year following the date of purchase or receipt;
 - (3) the water spinach is sold or transferred directly to a consumer (defined as a person purchasing or obtaining water spinach for personal consumption); and
 - (4) water spinach that is not sold, transferred or consumed is disposed of in such a manner as to prevent the dispersal of water spinach beyond the establishment or location where it is sold or stored.
- (d) For a facility where water spinach is cultured:
 - (1) culture shall take place only in enclosed greenhouses;
 - (2) a copy of the permit shall be prominently displayed at the facility for which it was issued;
 - (3) all water spinach plants within the facility must be free of flowers and seeds at all times;

- (4) propagation shall be by cuttings only and propagation using seeds is prohibited;
 - (5) water spinach shall be grown in only in moist soil and culture in aqueous media is prohibited;
 - (6) all equipment used in the cultivation of water spinach must be cleaned of all vegetation prior to being removed from a facility.
 - (7) a buffer area void of all plants, with the exception of mature woody vegetation, shall be created and maintained around the perimeter of all areas where water spinach is cultured, handled, packed, processed, stored, shipped, or disposed. The width of the buffer area shall be at least 10 feet unless the department grants a modification of buffer width based on the location of greenhouses;
 - (8) the greenhouse shall be maintained at all times in such a way as to prevent escape or release of water spinach and the department shall be notified if facility repairs are necessary; and
 - (9) satisfactorily demonstrate to the department, during annual facility inspections that activities authorized under this subchapter are conducted in compliance with the requirements of this subchapter and the facility is maintained in such a way as to prevent escape or release of water spinach.
- (e) Packaging. All water spinach transported from a facility including water spinach transported under an interstate transport authorization shall be:
- (1) packaged in a closed or sealed container having a volume no greater than three cubic feet and may not be mixed or commingled with any other material or substance; and
 - (2) identified such that each container of water spinach shall have a label placed on the outside of the container. The label must be clearly visible and shall bear the legend "Water Spinach" in English.
- (f) Processing. All handling and packaging of water spinach must be done at the permitted facility within the buffer area. All water spinach fragments must be collected and disposed as described in subsection (k) of this section.
- (g) Transport invoice. The permit holder shall generate a transport invoice for each sale or transfer of water spinach. Except as provided by subsection (h) of this section, no person may remove water spinach from a permitted facility unless the water spinach is accompanied by a separate transport invoice for each receiver. The transport invoice required by this section shall contain the following information, legibly written:
- (1) a unique transport invoice number;
 - (2) the date of shipment;
 - (3) the name, address and phone number of the permit holder;

- (4) the name, address, and phone number of the common carrier, if a common carrier is used to transport the water spinach;
 - (5) the name, address and phone number of the person receiving the water spinach; and
 - (6) the controlled exotic species permit number of the permit holder and receiver, as applicable.
- (h) Transport log. A permit holder may transport water spinach to and from a permitted facility for the purposes of sale without first generating individual transport invoices provided the permit holder:
- (1) generates a water spinach transport invoice for each receiver at the time the water spinach is delivered; and
 - (2) maintains and possesses a current and accurate daily transport log at all times during transport. The water spinach transport log required by this section shall be on a department form and shall contain the following information, legibly written, for each sale:
 - (A) the date and time of shipment;
 - (B) the name, address, phone number, and exotic species permit number of the permit holder;
 - (C) the number of boxes of water spinach in possession at the time transport is commenced from the facility;
 - (D) for each delivery or acquisition of water spinach:
 - (i) the water spinach transport invoice number for each transfer of water spinach to or from the permit holder;
 - (ii) receiver/supplier's name, address, and phone number;
 - (iii) type of transfer-delivery or receipt; and
 - (iv) the number of boxes of water spinach transferred; and.
 - (E) the number of boxes of water spinach in possession upon return to the facility.
- (i) Recordkeeping. A copy of each daily transport log, if applicable, or transport invoice must be retained for a period of one year following the date of purchase or receipt. If water spinach is purchased or obtained from a lawful source outside the state, a copy of the receipt and documentation of lawful sale, if applicable, must be retained for a period of one year following the date of purchase or receipt. All records required by this section shall promptly be provided upon request during normal business hours to any department employee acting within the scope of official duties.
- (j) Reporting. A person permitted under this section to grow water spinach shall submit quarterly reports to the department on a form supplied by the department. The quarterly reports required by this subsection shall be submitted by March 15, June 15, September 15, and December 15 of each year and must be submitted even if no sales occurred during the quarter.
- (k) Escape or release prevention, notification, and emergency plan implementation.

- (1) The permit holder shall not allow water spinach to escape from a facility or be released or spread outside the facility during cultivation, handling, packaging, processing, storage, shipping, or disposal.
 - (2) The use of water spinach to feed animals is prohibited.
 - (3) Water spinach that is not sold, transferred, or consumed and all fragments of water spinach not growing in soil or packaged must be placed into a secure container until packaged or transported to a secure waste or compost bin and composted, dried fully, or placed into black plastic bags prior to disposal.
 - (4) The holder of a permit issued under this subchapter shall notify the department within 72 hours of discovering the escape or release of water spinach from their facility or during transport.
 - (5) In the event that a facility subject to a permit issued under this section appears to be in imminent danger of flooding or other circumstance that could result in the escape or release of water spinach, the permit holder shall:
 - (A) immediately begin implementation of emergency measures to prevent the escape or release of water spinach; and
 - (B) notify the department of implementation of emergency measures in accordance with permit provisions.
 - (6) In the event that water spinach escapes or is released from a greenhouse or a facility, the facility permit holder is responsible for all costs associated with the detection, control, and eradication of free-growing water spinach resulting from such escape or release and subsequent dispersal. Water spinach growing outside a greenhouse is considered to be escaped.
- (l) Disposition of water spinach cultured without a permit. In the event that any facility is found to be culturing water spinach without a permit or following a decision by the department to refuse issuance or renewal of a permit, the department may prescribe a disposition protocol in accordance with §57.113 of this title (relating to General Provisions and Exceptions).

§ 57.119. Minimum Facility Requirements

(a) General facility requirements.

- (1) Unless specifically provided otherwise under this subchapter or the conditions of a permit issued under this subchapter, a facility operating under a controlled exotic species permit shall:
 - (A) prominently display a copy of the permit at the facility for which it was issued;
 - (B) be maintained in compliance with the standards set forth in this section at all times unless the department has been notified that facility repairs are necessary;
 - (C) satisfactorily demonstrate to the department at intervals of no more than five years, unless longer intervals are approved by the department based on systematic

risk analysis, that activities authorized under this subchapter are conducted in compliance with the requirements of this subchapter and the facility is maintained in such a way as to prevent escape, release, or discharge of controlled exotic species; and

- (D) train staff on permit conditions and requirements and ensure staff are prepared to implement the facility's department-approved emergency plan to prevent escape, release, or discharge of controlled exotic species into public water during a natural disaster such as a hurricane or flood.
- (2) For limited special purpose permit holders who purchase, transport, and sell controlled exotic species for stocking in private ponds, a facility is not required. Required records shall be made available to department staff for inspection during normal business hours within 72 hours following a request by the department.
 - (3) Any facility containing controlled exotic species shall have security measures in place to minimize to the extent practicable the risk of unauthorized removal of controlled exotic species.
 - (4) The department may prescribe additional security measures as a condition of a permit upon determining that the facility requirements described in this section are not feasible or may not be sufficient to minimize risk of escape, release, or discharge or impacts to native species and ecosystems.
- (b) Water spinach culture facility requirements. Water spinach culture facility requirements are described in §57.118 of this title (relating to Special Provisions--Water Spinach).
 - (c) Commercial aquaculture facility requirements.
 - (1) A facility holding controlled exotic species shall be designed to prevent escape, release, or discharge of controlled exotic species or unauthorized discharge of wastewater by means of appropriately designed and constructed screens, barriers, filters, recirculating aquaculture systems, or other methods that are approved by the department. All screens, barriers, or other approved devices intended to prevent escape, release, or discharge as required under this section shall be specified in the conditions of the permit and must be properly maintained at all times.
 - (2) If the facility employs screens to comply with the provisions of this section:
 - (A) screens must have a mesh size that is capable of preventing the passage of controlled exotic species at the smallest life stage present in the facility at the time of discharge;
 - (B) screens must be redundant or otherwise designed and constructed such that the level of protection against escape, release, or discharge of controlled exotic species is not reduced if a screen is damaged or must be removed to accomplish cleaning, repair, or other maintenance; and

- (C) wastewater discharged from the facility must be routed through all screens in accordance with department approval prior to the point where wastewater leaves the facility.
- (3) In addition to any other requirements of this subchapter, any portion of a facility that is to contain controlled exotic species and is located within the 100-year flood plain (referred to as Zone A on the National Flood Insurance Program Flood Insurance Rate Map) must be elevated above the 100-year floodplain or enclosed within an earthen or concrete dike or levee constructed in such a manner as to exclude all flood waters. No section of the crest of the dike or levee or building foundation, as applicable, may be less than one foot above the 100-year flood elevation. Dike and levee design and construction must be approved by the department.
- (4) Facility Complex. For a facility that is part of a facility complex, the following additional facility standards apply:
 - (A) For a facility complex with a common drainage, each permit holder shall:
 - (i) maintain at least one screen or barrier capable of preventing the escape, release, or discharge of controlled exotic species into a common drainage; and
 - (ii) have authority to stop the discharge of wastewater from the entire complex in the event of escape, release, or discharge of controlled exotic species from the permit holder's facility.
 - (B) In addition to any other requirements of this subchapter, a permit holder whose facility is part of a facility complex shall ensure the installation of signage that clearly identifies each pond or other component of the permit holder's facility. Signage required by this section must:
 - (i) be legible;
 - (ii) bear the name and permit number of the permit holder;
 - (iii) be within 10 feet of the authorized pond or other facility component; and
 - (iv) correspond to the location of the pond or other facility component as indicated on the map provided to the department as required by §57.122 of this title (relating to Permit Application, Issuance, and Period of Validity).

§ 57.120. Wastewater Discharge Authority

- (a) An applicant for an initial exotic species permit must provide the following:
 - (1) written documentation demonstrating that the applicant possesses the appropriate valid wastewater discharge authorization or has received an exemption from the Texas Commission on Environmental Quality; or
 - (2) adequate documentation to demonstrate that the facility is designed and will be operated in a manner such that no discharge of waste into or adjacent to water in the state will, or is likely to occur.

- (b) If the facility or facility complex is designed such that a discharge of waste into or adjacent to water in the state will, or is likely to occur, an applicant for an amendment or a renewal of an exotic species permit must provide written documentation demonstrating that the applicant possesses or has timely applied for and is pursuing the appropriate wastewater discharge authorization or exemption from the TCEQ in accordance with the Texas Pollutant Discharge Elimination System (TPDES) General Permit for concentrated aquatic animal production facilities TXG 130000.
- (c) An exotic species permittee whose wastewater discharge authorization or exemption is revoked, suspended or annulled by the TCEQ will be treated as an applicant for an initial permit under subsection (a) of this section.
- (d) An applicant for a permit for controlled exotic species of plants is not required to obtain a permit from the TCEQ for the purposes of this section.

§ 57.121. Transport of Live Controlled Exotic Species

- (a) Except as provided in §57.113 of this title (relating to General Provisions and Exceptions), no person may transport live controlled exotic species, except for:
 - (1) a person who is a controlled exotic species permit holder, an employee of the permit holder, or a common carrier acting on their behalf and in possession of:
 - (A) for permit holders or their employees, a copy of a valid permit issued under this subchapter; and
 - (B) a properly executed transport invoice; and
 - (C) for triploid grass carp, documentation that the grass carp have been certified as triploid by the Grass Carp Inspection and Certification Inspection Program operated by the U.S. Fish and Wildlife Service.
 - (2) private pond owners transporting tilapia or triploid grass carp to a private pond for stocking purposes in possession of:
 - (A) a properly executed transport invoice if obtained from a permit holder; or
 - (B) an aquatic product transport invoice in compliance with Parks and Wildlife Code, §47.0181 if obtained from a lawful out-of-state source; and
 - (C) for triploid grass carp, a copy of the permit for stocking triploid grass carp.
 - (3) a common carrier, provided that the shipment is:
 - (A) transported by aircraft from a point outside the state of Texas to a destination outside of the state of Texas;
 - (B) is not moved overland within the state of Texas; and
 - (C) is accompanied at all times by documentation of compliance with all applicable local source and destination, federal, and international regulations and statutes.
 - (4) a common carrier, provided the shipment is accompanied at all times by:
 - (A) a properly executed transport invoice generated by a controlled exotic species permit holder as described in subsection (c) of this section; or

- (B) for triploid grass carp obtained from a lawful out-of-state source transported to a private pond for the purpose of stocking under a permit issued in accordance with §57.116 of this title (relating to Special Provisions--Triploid Grass Carp):
 - (i) a copy of the permit for stocking of triploid grass carp;
 - (ii) an aquatic product transport invoice in compliance with Parks and Wildlife Code, §47.0181; and
 - (iii) documentation that the grass carp have been certified as triploid by the Grass Carp Inspection and Certification Inspection Program operated by the U.S. Fish and Wildlife Service.
- (b) Water spinach transport. Water spinach transport requirements are described in §57.118 of this title (relating to Special Provisions--Water Spinach).
- (c) Transport invoice.
 - (a) A separate transport invoice shall be generated by the controlled exotic species permit holder for each delivery location in advance of transport except as provided in §57.118 of this title and shall accompany the controlled exotic species during transit.
 - (b) A transport invoice shall contain the following information, legibly written:
 - (A) date of shipment;
 - (B) for the controlled exotic species permit holder from whom the controlled exotic species was obtained:
 - (i) name;
 - (ii) facility address;
 - (iii) phone number; and
 - (iv) controlled exotic species permit number, if applicable;
 - (C) for the person or entity to whom the controlled exotic species is being transported:
 - (i) name;
 - (ii) physical address including county where the controlled exotic species will be possessed if different from the mailing address (not a post office box);
 - (iii) phone number; and
 - (iv) controlled exotic species permit number, if applicable;
 - (D) species being transported--for each species listed on the transport invoice, provide:
 - (i) the common and scientific names as they appear on the controlled exotic species permit; and
 - (ii) the number or weight, by size class; and
 - (E) type of transport--import, export, or intrastate (within Texas)
- (d) Interstate transit.
 - (1) The holder of a controlled exotic species special purpose permit for interstate transit may transport live or viable controlled exotic species from a point outside of Texas via a route through Texas to another point outside of Texas in accordance with this subsection.

- (2) The department may issue a transit permit that is valid for a single use or for a period of one year. Permits issued for one year shall expire on December 31.
- (3) An annual or single-use transit permit may be obtained by completing and submitting an application on a department form and payment of the fee as specified in §53.15 of this title (relating to Miscellaneous Fisheries and Wildlife Licenses and Permits). The initial application for a transit permit shall be submitted at least 30 days prior to any intended transit activity.
- (4) A person transporting controlled exotic species under the provisions of this subsection shall physically possess a copy of the transit permit at all times during transit and be able to provide documentation accounting for all controlled exotic species being transported.
- (5) A person transporting controlled exotic species under a transit permit shall ensure that:
 - (A) controlled exotic species are securely contained at all times;
 - (B) controlled exotic species are not offloaded or transferred; and
 - (C) the department is notified immediately following any incident resulting in inadvertent escape, release, or discharge of controlled exotic species from containment, in accordance with permit provisions.
- (6) For each intended transit, a notice shall be submitted on a department form. The completed notice form shall be submitted with the initial application for a single-use transit permit and at least 24 hours prior to any each intended transit under an annual transit permit. All notices must include:
 - (A) the dates and times that the permit holder expects to enter and depart the state of Texas while in possession of controlled exotic species;
 - (B) the common and scientific names of each controlled exotic species to be transported;
 - (C) the quantity (volumetric, number, weight, or other measurement convention) of each controlled exotic species being transported;
 - (D) the specific points of origin and destination of each controlled exotic species being transported;
 - (E) the specific route the transport will follow, including the locations where the transporter will enter and depart the state of Texas;
 - (F) a description of the make, model, and color of the vehicle, trailer, or other conveyance to be employed in transport and license plate numbers; and
 - (G) the name, driver's license number, and contact numbers of the driver or contact information for the commercial shipper transporting the controlled exotic species through the state of Texas.

§ 57.122. Permit Application, Issuance, and Period of Validity

- (a) Interstate transit permits. Interstate transit permit application, issuance, and period of validity are described in §57.121 of this title (relating to Transport of Live Controlled Exotic Species).

(b) Permit application.

- (1) Submission deadline. An initial application for any permit under this subchapter shall be submitted at least 30 days prior to any prospective activity involving controlled exotic species.
- (2) General requirements. An applicant for any permit under this subchapter shall submit:
 - (A) Application--a completed and signed application for the appropriate permit on a form supplied by the department;
 - (B) Applicant information--Texas driver's license or identification number, Social Security number, and date of birth for the applicant and each manager or other person who is to supervise permitted activities;
 - (C) Additional required documentation--as described in subsection (3) of this section or otherwise specified by this subchapter; and
 - (D) Fees--the appropriate fee specified in §53.15 of this title (relating to Miscellaneous Fisheries and Wildlife Licenses and Permits), except that fees shall be waived for:
 - (i) public school educational programs meeting the conditions in Parks and Wildlife Code, §66.007(c-1) provided that the applicant submits a written request for a fee waiver, including course descriptions or curriculum demonstrating controlled exotic species will be part of an educational program that includes tilapia aquaculture and hydroponics.
 - (ii) physical removal of controlled exotic species of plants from public water in accordance with an approved treatment proposal in accordance with §57.932 of this title (relating to State Aquatic Vegetation Plan).
 - (iii) stocking triploid grass carp in public water.
- (3) Additional documentation requirements.
 - (A) Required licenses. Applicants for commercial aquaculture facility permits or limited special purpose permits for private pond stocking shall submit a copy of the appropriate, valid aquaculture license or fish farm vehicle license issued by the Texas Department of Agriculture under Agriculture Code, Chapter 134.
 - (B) Wastewater discharge authorization. Applicants for commercial aquaculture facility permits shall submit documentation required by §57.120 of this title (relating to Facility Wastewater Discharge Requirements).
 - (C) Nuisance Aquatic Vegetation treatment proposal. Applicants for a permit to possess, transport, and dispose controlled exotic species of plants shall also submit a treatment proposal on a department form in accordance with §57.932 of this title that includes maps showing the location where plant removal and/or disposal is to occur and routes from the removal location to the location for disposal of controlled exotic species of plants.
 - (D) Facility map. Applicants for commercial aquaculture facility permits, biological control production permits, zoological display or research permits with outdoor holding facilities, or limited special purpose permits for wastewater treatment shall submit an accurate map or aerial photograph of the facility location with the initial application. For facilities located within the 100-year flood plain, a

professionally surveyed map may be required by the department. Maps shall be clearly labeled to indicate, at a minimum, the location of:

- (i) any facility ponds, greenhouses, recirculating aquaculture systems or other infrastructure used to possess, propagate, culture, or transport controlled exotic species;
 - (ii) all drainage routes and structures, including adjacent ditches or natural drainage features;
 - (iii) all points at which water, wastewater, or waste is capable of being discharged or else noting that the facility does not discharge; and
 - (iv) all screens, barriers, or other structures that are intended or serve to prevent escape, release, discharge, or unauthorized removal of controlled exotic species.
- (E) Emergency plan. Applicants for commercial aquaculture facility permits, water spinach culture facility permits, research permits (when live controlled exotic species are possessed), zoological display permits, and biological control production permits shall submit a written emergency plan, on the appropriate department form, demonstrating that the applicant has identified measures sufficient to prevent escape, release, or discharge of controlled exotic species into public water during a natural event such as a hurricane or flood. Approved emergency plan shall be posted and maintained on file at the facility.
- (F) Research proposal and researcher qualifications. An applicant for a permit to conduct scientific research involving controlled exotic species shall also submit a research proposal and documentation of applicant qualifications to conduct controlled exotic species research.
- (G) Biological control production plan. An applicant for a permit to culture controlled exotic species of plants as hosts for the purposes of production of biological control agents shall also submit a written production plan statement to include, at a minimum:
- (i) the proposed number of biological control agents, if any, to be collected from public waters each year;
 - (ii) the expected production of the controlled exotic species of plants in acres or square feet; and
 - (iii) the intended use of the biological control agents including water bodies where the biological control agents may be introduced.
- (c) Permit issuance. The department will not issue a permit under this subchapter for any purpose until:
- (1) the application and additional documentation required by this section are determined to be adequate and complete;
 - (2) fees have been submitted, if applicable;
 - (3) facility has been inspected and approved in accordance with the requirements of §57.119 of this title (relating to Minimum Facility Requirements), if applicable; and

- (4) the department has determined that the prospective activity is consistent with the department's management policies and goals and will not detrimentally affect threatened or endangered species or their habitat or affect existing biological ecosystems.
- (d) Period of validity. Unless otherwise provided in this subchapter, a controlled exotic species permit issued under this subchapter is valid from the date of issuance until December 31 of the year of issuance, except that a permit to physically remove controlled exotic plants from public water in accordance with an approved vegetation treatment proposal shall have the same period of validity as the vegetation treatment proposal, as specified in the guidance document required by §57.932 of this title.

§ 57.123. Permit Amendment and Renewal

- (a) A permit issued under this subchapter for a specific facility is valid only for the site named on the permit and may not be amended to authorize any other facility.
- (b) A permit must be amended and the permit holder must receive the amended permit prior to any of the following actions on the part of the permit holder:
 - (1) obtaining species or subspecies of controlled exotic species requested for addition to the amended permit;
 - (2) transferring managerial or supervisory responsibilities to a person other than the current permit holder;
 - (3) changing methods of preventing discharge of wastewater; or
 - (4) changing methods of preventing escape, discharge, or release of controlled exotic species.
- (c) A permit issued under this subchapter may be amended or renewed upon a finding by the department that the applicant has:
 - (1) submitted a written request for permit amendment or renewal application on a department form prior to the expiration date of the current permit at least 7 days prior to transfer of managerial or supervisory responsibilities to a new person;
 - (2) submitted the appropriate fee if required by the department, including inspection fee for facility modifications as specified in §53.15 of this title (relating to Miscellaneous Fisheries and Wildlife Licenses and Permits);
 - (3) has complied with all permit provisions; and
 - (4) met the requirements of §57.119 of this title (relating to Minimum Facility Requirements), if applicable, and/or demonstrate that the facility and demonstrated that the facility is operated and maintained in a manner such that no escape, release, or

discharge of controlled exotic species into public water or into facility ponds or drainage structures not meeting minimum facility requirements will or is likely to occur.

- (d) A Commercial aquaculture facility permit issued under this subchapter may be renewed for a period at the request of the permit holder of:
- (1) one permit year upon a finding by the department that the applicant and facility have complied with all provisions of this subchapter for a period of at least an entire permit year;
 - (2) three permit years upon a finding by the department that the applicant and facility have complied with all provisions of this subchapter and maintained a permit for a period of at least three entire consecutive permit years; or
 - (3) five permit years upon a finding that the applicant and the facility have complied with all provisions of this subchapter for a period of at least five entire consecutive permit years.

§ 57.124. Refusal to Issue; Review of Agency Decision to Refuse Issuance

(a) Refusal to issue.

- (1) The department may refuse issuance or renewal, as applicable, of a permit to any person or for any facility if the department determines that a prospective activity constitutes a threat to native species, habitats, or ecosystems or is inconsistent with department management goals and objectives.
- (2) The department may refuse issuance, amendment, or renewal, as applicable, of a permit to any person:
 - (A) who has been convicted of, pleaded guilty or nolo contendere to, received deferred adjudication or pre-trial diversion for, or been assessed an administrative or civil penalty for a violation of:
 - (i) this subchapter;
 - (ii) Parks and Wildlife Code, §§66.007, 66.0072, or 66.015;
 - (iii) Parks and Wildlife Code that is a Class B misdemeanor, a Class A misdemeanor, or felony;
 - (iv) Penal Code, §37.10;
 - (v) Lacey Act, 16 U.S.C. §§3371-3378; or
 - (vi) a provision of federal law applicable to grass carp.
 - (B) if another person employed, authorized, or otherwise utilized to perform permitted activities by the applicant has been convicted of, pleaded guilty or nolo contendere to, or received deferred adjudication or pre-trial diversion for an offense listed in subsection (a)(2)(A) of this section.

- (3) The department may refuse to issue a permit to any person the department has evidence is acting on behalf of or as a surrogate for another person who is not eligible for a permit under the provisions of this subchapter.
- (4) The department may refuse to renew the permit of any person who is not in compliance with applicable reporting or recordkeeping requirements.
- (5) The duration of the denial period may be:
 - (A) determined by the department based upon the severity and relevance of the conviction and the applicant's conviction and permit compliance history; and
 - (B) up to a period of five calendar years.

(b) Review of agency decision to refuse issuance.

- (1) An applicant for a permit or permit renewal may request a review of a decision of the department to refuse issuance of a permit or permit renewal (as applicable).
- (2) An applicant seeking review of a decision of the department must submit a written request for review within 10 working days of being notified by the department that the application for a permit or permit renewal has been denied.
- (3) Within 10 working days of receiving a request for review under this section, the department shall establish a date and time for the review.
- (4) The department shall seek to conduct the review within 30 days of receipt of the request required by paragraph (2) of this subsection unless another date is established in writing by mutual agreement between the department and the requestor.
- (5) The request for review shall be presented to a review panel. The review panel shall consist of three department managers with knowledge of relevant resources or programs, appointed or approved by the executive director or designee.
- (6) The decision of the review panel is final.

§ 57.125. Reporting, Recordkeeping, and Notification Requirements

- (a) Reporting, recordkeeping, and notification requirements for holders of water spinach culture facility permits are described in §57.118 of this title (relating to Special Provisions--Water Spinach).
- (b) Reporting requirements.
 - (1) All reports will be submitted on department forms or in a format prescribed by the department, as applicable.

- (2) All annual reports for permits other than for water spinach shall be due by January 31 of the year following the calendar year for which the permit was issued.
- (3) Commercial aquaculture facility.
 - (A) The holder of a commercial aquaculture facility permit authorizing aquaculture and sale of controlled exotic species of shrimp or triploid grass carp shall submit to the department an annual report that accounts for the total quantity or weight of controlled exotic species of shrimp or triploid grass carp for all instances of purchase, transfer, sale, importation, exportation, or other disposition of any controlled exotic species during the permit period.
 - (B) The holder of a commercial aquaculture facility permit authorizing aquaculture and sale of tilapia is not required to submit an annual report for the tilapia.
- (4) Biological control production. The holder of a permit for biological control production shall submit to the department a report of host plant production, biological control agent production, number and locations of collections and introductions, and number of sales if applicable.
- (5) Research. The holder of a permit for controlled exotic species research shall submit to the department a report describing the research activities conducted on all species listed on the permit.
- (6) Zoological display. The holder of a permit for zoological display shall submit a report accounting for all controlled species in possession, obtained, transferred, or dispatched during the permit year.
- (7) Limited special purpose permits.
 - (A) The holder of a limited special purpose permit for tilapia and triploid grass carp sale for private pond stocking issued under §57.114(f)(2) of this title (relating to Controlled Exotic Species Permits) shall submit to the department an annual report that accounts for total quantity or weight of triploid grass carp for all instances of purchase, transfer, sale, importation, exportation, or other disposition during the permit period.
 - (B) Holders of limited special purpose permits for possession, transport, and disposal activities not otherwise authorized by the provisions of proposed §57.113 (relating to General Provisions and Exceptions) may be required to submit a report to the department in accordance with permit conditions.
 - (C) Reports are not required for other limited special purpose permits.
- (c) Recordkeeping requirements for permits. The holder of a permit issued under this subchapter shall maintain at the facility or record-keeping location, and upon the request of any department employee acting within the scope of official duties during normal business hours, promptly make available for inspection:
 - (1) copies of transport invoices for the previous one year, generated in accordance with §57.121 of this title (relating to Transport of Live Controlled Exotic Species);

- (2) any other permit or records required by this subchapter; and
 - (3) documentation of current permits or authorizations required as a prerequisite for any permits issued under this subchapter and issued under the authority of:
 - (A) Water Code, Chapter 26; and
 - (B) Agriculture Code, Chapter 134.
- (d) Notification requirements for permits.
- (1) Notification requirements for limited special purpose permits for interstate transit are described in §57.121(d) of this title.
 - (2) The holder of a permit issued under this subchapter shall notify the department within 24 hours of discovering the escape, release, or discharge of controlled exotic species from their facility or during transport.
 - (3) In the event that a facility or facility complex subject to a permit issued under this subchapter appears to be in imminent danger of overflow, flooding, or other circumstance that could result in the escape, release, or discharge of controlled exotic species into public water, the permit holder shall immediately:
 - (A) begin implementation of the emergency plan approved by the department to prevent the escape, release, or discharge of controlled exotic species into public water; and
 - (B) notify the department in accordance with permit provisions.
 - (4) Except in case of an emergency, the holder of a controlled exotic species permit authorizing possession of controlled exotic species of shrimp must notify the department at least 72 hours prior to, but not more than 14 days prior to any harvesting of permitted shrimp. In an emergency, notification of harvest must be made as early as practicable prior to beginning of harvest operations.
 - (5) The holder of a commercial aquaculture facility permit must notify the department not less than 72 hours prior to any instance of the import or export of triploid grass carp. The notification must include:
 - (A) number of grass carp being purchased;
 - (B) source of grass carp;
 - (C) ploidy level of grass carp;
 - (D) final destination of grass carp;
 - (E) name of certifying authority who conducted triploid grass carp certification; and
 - (F) name, address, and exotic species permit number and aquaculture license number (as applicable) of both the transporter and the receiver.
 - (6) The holders of permits for commercial aquaculture facilities, zoological display or research facilities when live controlled exotic species are possessed, and biological control production facilities shall:

- (A) notify the department at least 14 days prior to making modifications:
 - (i) to the methods of preventing escape, release, or discharge of controlled exotic species approved under the current permit provisions;
 - (ii) affecting the discharge of water, wastewater, or waste from a facility; or
 - (iii) to the required facility infrastructure set forth under the permit provisions or §57.119 of this title (relating to Minimum Facility Requirements).
- (B) The permit holder must furnish to the department photographs and revised maps of modifications. The department may conduct an onsite inspection upon a determination that the nature of a prospective modification requires further investigation.

§ 57.126. Discontinuation of Permitted Activities; Sale or Transfer of Permitted Facility

- (a) The department may order a permit holder in writing to cease possession, importation, exportation, sale, purchase, transportation, propagation, or culture of controlled exotic species until such time as clearly stated conditions are met and prescribe a disposition protocol in accordance with §57.113(m) of this title (relating to General Provisions and Exceptions), if:
 - (1) the department determines that there is a threat of escape, release, or discharge of controlled exotic species and/or potential threat to native species or ecosystems; or
 - (2) the permit holder's permit, license, authorization, or exemption is revoked or suspended by:
 - (A) the Texas Commission on Environmental Quality (TCEQ); or
 - (B) the Texas Department of Agriculture (TDA); or
 - (3) the permit holder fails to renew a permit, license, authorization, or exemption issued by:
 - (A) the TCEQ; or
 - (B) the TDA.
- (b) If a permit holder chooses to discontinue permitted activities involving controlled exotic species, the permit holder shall:
 - (1) notify the department at least 14 days prior to permit expiration or expected date permitted activities will be discontinued;
 - (2) lawfully sell, transfer, or destroy all remaining inventory of the species in possession prior to permit expiration or expected date upon which permitted activities will be discontinued; and
 - (3) provide a final report to the department, if applicable, within 30 days following discontinuation of activities and in accordance with the provisions of §57.125 of this title (relating to Reporting, Recordkeeping, and Notification Requirements).

- (c) If a permit holder intends to sell a facility containing controlled exotic species along with remaining inventory of the species in possession, the permit holder shall inform in the department in writing of intent to sell at least 14 days in advance of expected closing date and notify the department within 72 hours of finalizing the sale of the facility and provide the name, address, and phone number of the purchaser.
- (d) Transitional Operation. A permitted facility may continue to operate under the permit in effect for the facility following a change in ownership provided:
 - (1) the facility is in compliance with the provisions of this subchapter;
 - (2) the new owner submits an application for a controlled exotic species permit to the department in accordance with §57.122 of this title (relating to Permit Application, Issuance, and Period of Validity); and
 - (3) the new owner provides proof to the department that the necessary permits from the TCEQ and TDA as identified in §57.122 of this title have been obtained or applications submitted and complies with all applicable regulations from those agencies; and
 - (4) the department provides written approval of transitional operation until such time as the necessary wastewater and aquaculture permits are:
 - (A) issued by the regulatory authority and the controlled exotic species permit is issued by the department; or
 - (B) denied by the regulatory authority.

§ 57.127. Memorandum of Understanding between the Texas Parks and Wildlife Department, the Texas Commission on Environmental Quality, and the Texas Department of Agriculture

The provisions of 30 TAC §7.103 (relating to Memorandum of Understanding (MOU) between the Texas Commission on Environmental Quality (Commission), the Texas Parks and Wildlife Department (TPWD), and the Texas Department of Agriculture (TDA), which were adopted by the Commission to take effect January 9, 2001, are adopted by reference.

Texas Admin. Code, Tit. 31, Ch. 57, Subch. C (Introduction of Fish, Shellfish, and Aquatic Plants)

§57.252. General Provisions

- (a) An offshore aquaculture permit under this subchapter may be issued to an individual, corporation, company, or other entity that meets all requirements of Texas law for transacting business in this state and the requirements of this subchapter applicable to offshore aquaculture permits.
- (b) A permit under this subchapter other than for an offshore aquaculture facility may be issued to a named individual only and not to a corporation, partnership, or other entity.

- (c) A permit issued under this subchapter shall not be sold or transferred except with the approval of the department.
- (d) Except as provided by the terms and conditions of the permit, a one-time introduction permit, for releases other than those made into an offshore aquaculture facility, is valid for 60 days from the date of issuance or until the permitted introduction has been completed, whichever comes first.
- (e) For offshore aquaculture facilities:
 - (1) An offshore aquaculture permit authorizes permitted activities in a designated area within the offshore aquaculture zone.
 - (2) The offshore aquaculture permit shall be issued only for the cultivation of native species. Upon request the permittee shall provide the form and type of evidence requested by the department that the individuals are:
 - (A) obtained from the Gulf of Mexico; or
 - (B) descended solely from individuals obtained from the Gulf of Mexico.
 - (3) An offshore aquaculture permit shall be valid from the date of issuance until the date of expiration, but for no longer than 5 years after the issuance date.
 - (4) The department may inspect:
 - (A) any enclosure or infrastructure used to engage in offshore aquaculture; or
 - (B) vessel used to transport stock and equipment to and from an offshore aquaculture facility.
 - (5) In the event that a single enclosure suffers a mortality rate of five percent or more within seven days, the permittee shall, within 48 hours of suffering the five percent mortality rate, submit samples to a department-approved aquatic veterinarian to determine whether a disease condition exists.
 - (6) The department may order the removal of all stock from an enclosure or take other appropriate action upon:
 - (A) a determination that a disease condition exists; or
 - (B) an enforcement action by a federal or state agency resulting in the suspension or revocation of a clearance, permit, or authorization that is required under §57.253 of this title (relating to Permit Application).
 - (7) The department may sample stock to determine genetic lineage.
- (f) A holder of an offshore aquaculture permit must:
 - (1) notify the department at least three calendar days prior to the placing of any fish, shellfish, or aquatic plant into public water;

- (2) notify the department at least three calendar days prior to removing any fish, shellfish, or aquatic plant from an offshore aquaculture facility;
- (3) notify the department immediately upon discovering that a disease condition exists within an offshore aquaculture facility;
- (4) notify the department immediately upon determining that an offshore aquaculture facility has been damaged and the threat of the unintentional release of stock exists; and
- (5) remove all enclosures and associated infrastructure from public waters within (60) calendar days of permit expiration or revocation.

(g) A permit is not required for any person, while fishing, to place goldfish (*Carassius auratus*), common carp (*Cyprinus carpio*), native shrimp, crabs, crawfish and nongame fish into public waters or to immediately release any fish that does not comply with size and bag limits for that species.

(h) An employee of the department acting at the direction of the executive director is exempt from the permit requirements specified by these sections.

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.