



**NORTH DAKOTA AQUATIC NUISANCE SPECIES –
CLASSIFICATION SYSTEM AND ASSOCIATED PERMITTING
NORTH DAKOTA GAME AND FISH DEPARTMENT
MARCH, 2013**

- GENERAL -

North Dakota's aquatic nuisance species (ANS) are classified for permitting purposes. The permitting system is based on the need to control movement into or within North Dakota while allowing for traditional, educational, and/or beneficial uses of select aquatic species.

Class I: Prohibited Aquatic Nuisance Species – Class I species are not known to be present in North Dakota, but have a high potential to invade. There are no known management strategies to control expansion if a species on this list becomes established, and any attempt to eliminate will impact nontarget species and desirable or native species. It is unlawful to possess, import, purchase, trade, or to propagate these species. Penalty is a Class B misdemeanor. Regulations have been developed to control importation, to prevent sale or use in trade, and to prevent introduction or escapement into the wild.

Class II: Regulated Aquatic Nuisance Species – Class II species have either become established in North Dakota or have been used in a limited manner in commercial enterprises. These species have a high potential to spread unless preventative actions are taken. There are limited management strategies to control expansion if these species become established, and management actions may have a negative impact on non-target species including desirable and/or native species. A special permit from the Director is required for possessing a regulated species in special facilities in addition to permits which may already be in place. In general, only approved research will be permitted. Penalty may vary but could include a Class B misdemeanor.

Class III: Listed Aquatic Nuisance Species – Class III species are established in North Dakota, are common in many areas, and have a history of use in North Dakota in commercial and permitted activities. Nonetheless, the possibility of negative impacts to native biota exists. Management strategies are available and commonly used. The need to control is based on impacts to recreational fisheries, funding sources, and impacts to nontarget species. Trade and movement may be covered under existing permits or regulations propagated by the North Dakota Game and Fish Department. Penalty may vary but could include a Class B misdemeanor.

Additional, detailed information can be found in the following pages:

Class I: Prohibited Aquatic Nuisance Species

1. Threats

- *Have a high potential to be moved into North Dakota and to become established.*
- *Establishment will cause ecological and/or economic harm and negative impacts to native and desirable aquatic flora and fauna.*
- *No management strategies are known or acceptable for use in North Dakota waters.*
- *Concerns include:*
 - *Extreme impacts to nontarget species which includes desirable species or native species*
 - *Cost of any treatment is unacceptably high*
 - *Effectiveness of any proposed control method is unknown*

2. Penalty

- Class B misdemeanor
 - Fine up to \$1,000.
 - 30 days in jail.
 - Confiscation of equipment..

Class II. Regulated Aquatic Nuisance Species

1. Threats

- *Have a high probability of spread.*
- *Establishment or additional expansion will cause ecological harm and negative impacts to native and desirable aquatic flora and fauna.*
- *Limited or no known management strategies.*
- *Concerns include:*
 - *Effectiveness of any treatment is not known or is not long lasting.*
 - *Control methods are expensive and unreliable.*
 - *Impacts to nontarget species.*

2. Permitting

- The Director may issue a permit allowing for the importation and use of a Class II ANS after thorough review of a formal/written request and appropriate information and documentation for a species. Issuance of a permit will be based in part on determination that the request is for a reasonable purpose that benefits the state's resources.
- Permit requirements/restrictions may include:
 - Use only in approved education or research. Live specimens or gametes are allowed for use in educational, research, or for medical purposes.
 - Must be held in a controlled environment or secure facility.
 - Restrictions for use and sale in fish propagation or culture, bait industry (there may be requirements for permitting already in place, but an additional permit may be required), pet trade, landscaping, plant nursery industry, and propagation, rearing, or culture of aquatic flora and fauna.
 - Live use as an intended food item or for cultural purposes.

- Disposal of individuals, gametes, wastes, and waste waters in a manner to prevent escapement or contamination of the state's waters, and release or escapement into the wild is prohibited.

3. Penalty

- Any person, corporation or organization which knowingly, recklessly, or intentionally violates this chapter is guilty of a Class B misdemeanor and subject to fines, court costs, and seizure/forfeiting as prescribed in the Department code. Other violations for these regulations will be deemed infraction(s) and warning(s) may be issued.

Class III. Listed Aquatic Nuisance Species

1. Threats

- *More likely to be moved into and/or throughout the state.*
- *Expansion of current populations will cause ecological harm and negative impacts to native and/or desirable aquatic flora and fauna.*
- *Management strategies are available.*
 - *Reliable control methods exist and are commonly used.*
 - *Control methods are effective.*
 - *Control costs are justifiable.*
 - *Impacts to nontarget species can be mitigated.*

2. Permitting

- Restrictions may be in place from other regulations and permits dealing with culture, rearing, propagation or sale as bait or as a food item. If the species is not covered under existing permitting programs or regulated by other agencies, the Director may issue a special permit for possession of these species after reviewing an application and finding the importation/use is for a reasonable purpose and benefits the state's resources.
- Permit requirements/restrictions may include:
 - Fish culture or rearing or propagation, bait industry, pet trade, plant nursery industry, landscaping, food items, cultural purposes.
 - Allowed only where live species or gametes will not be released into the wild; wastes are controlled and processed in proper treatment facility.

3. Penalty

- Any person, corporation or organization which knowingly, recklessly, or intentionally violates this chapter is guilty of a Class B misdemeanor and subject to fines, court costs, and seizure/forfeiting as prescribed in the Department code. Other violations for these regulations will be deemed infraction(s) and warning(s) may be issued.