

The Vermont Statutes Online

Title 10 Appendix: Vermont Fish and Wildlife Regulations

Chapter 2: FISH

10 V.S.A. App. § 121. Rule establishing a list for prohibited, restricted and unrestricted fish species

§ 121. Rule establishing a list for prohibited, restricted and unrestricted fish species

1.0 Authority

1.1 This rule is adopted pursuant to 10 V.S.A § 4081(a) which provides that the protection, propagation, control, management, and conservation of fish, wildlife, and furbearing animals in this state is in the interest of the public welfare and that the safeguarding of these valuable resources for the people of the state requires a constant and continual vigilance, and in accordance with

1.2 10 V.S.A. § 4605(c) provides that the commissioner may, by rule, adopt a list of fish which, if introduced into Vermont waters, have the potential to cause harm to the fish population of the state.

2.0 Purpose

2.1 It is the purpose of this regulation to carry out the mandate of the Vermont General Assembly to control through a permit program the importation and possession of fish species as provided in 10 V.S.A. § 4605 (c) to guard the health of Vermont's fish populations by preventing the introduction of fish species that could have the potential to cause harm to fish populations of the state.

3.0 Definitions

3.1 "Fish" means all live fresh- and salt-water fish species including viable fish ovum and viable fish semen.

3.2 "Transgenic Fish" means any fish that possesses a novel combination of genetic material obtained through the use of modern biotechnology. This definition does not include diploid, triploid, or hybrid-crossed fish.

3.3 "Department" means Vermont fish and wildlife department.

3.4 "Commissioner" means fish and wildlife department commissioner.

3.5 "Person" means an individual, association, corporation, partnership, or municipality, or other entity.

3.6 "State" means state of Vermont.

4.0 Importation and Possession of Live Fish

4.1 This rule establishes a list by which the importation and possession of fish shall be regulated.

4.1.1 Prohibited Fish Species Section: Fish species for which importation into or possession within Vermont shall be prohibited except through a commissioner's Prohibited Fish Species Permit. This section of the list primarily includes species not native to the state that are known to pose a threat to Vermont's fish populations and/or aquatic ecosystems.

4.1.2 Restricted Fish Species Section: This section of the list primarily includes native and certain naturalized fish species which although they may not require a commissioner's Prohibited Fish Species Permit as set out in 4.1.1 above, may be regulated through other department permits including but not limited to 10 V.S.A. § 4605 (b) Importation of Fish; 10 V.S.A. § 5403, Protection of Endangered and Threatened Species; and 10 V.S.A. Appen. § 122, Fish Regulations.

4.1.3 Unrestricted Fish Species Section: This section of the list primarily includes species commonly imported into the state for the pet or aquarium trade and are currently considered to pose minimal or no risk to Vermont fish populations. A commissioner's Prohibited Fish Species Permit is not required to import or possess these species. Additionally, any species not on the Unrestricted, Restricted and Prohibited lists and which natural global distribution range occurs entirely within the bounds of the 30 north latitude and the 30 south latitude may be imported or possessed in Vermont without prior review and approval of the commissioner. Notwithstanding the foregoing, an importation permit is required for any fish brought into the state which are intended to be introduced into waters of the state as per 10 V.S.A. § 4605(b), and no fish shall be introduced into any waters except private ponds lacking access to other waters of the state as per 10 V.S.A. § 4605(a).

4.2 All fish species not included in the sections of the list covered by 4.1.2 (Restricted Fish Species Section) and 4.1.3 (Unrestricted Fish Species Section) shall also be considered to be Prohibited Fish Species.

4.3 The importation and/or possession of transgenic fishes shall be prohibited unless explicitly included in the Unrestricted Fish Species section.

5.0 Review, Revision & Maintenance of List

5.1 The commissioner may review and revise the species contained within the list. The public may submit any species of fish for consideration of inclusion in this list by submitting a written request with relevant documentation.

5.2 The department shall maintain an up-to-date list of prohibited, restricted, and unrestricted fish species and shall make this list available on the department's website, from the department's headquarters and from the department's district offices.

6.0 Permits

6.1 Prohibited Fish Species Permits. The commissioner may issue a commissioner's Prohibited Fish Species Permit allowing importation and possession of a fish on the Prohibited Fish Species section of the list.

6.1.1 In issuing a permit, the commissioner shall consider:

- (a) How the fish are being kept in a controlled environment including but not limited to artificial tanks without inflow or outflow, and; without connection to waters of the state;
- (b) Whether the purpose is for research;
- (c) Whether the purpose is for education;
- (d) Whether it is for public purpose;
- (e) Whether there are available alternatives;
- (f) The health of native or naturalized fish species.

6.1.2 A permit issued under this subsection shall include conditions that ensure the health and safety of Vermont's fish population.

6.2 Restricted Fish Species Permits. Fish in the Restricted Fish Species section do not require a commissioner's Prohibited Fish Species Permit. However, as noted in paragraph 4.1.2 above, other department permits may be required to import and/or possess fish listed in the Restricted Fish Species section.

7.0 Permit Applications

7.1 Applications for commissioner's Prohibited Fish Species Permits shall be complete and submitted to the department on an application form to be provided by the department. For an application to be considered complete, it shall be legible, shall contain all information requested by the department, shall contain no false statements, shall bear the applicant's official signature and shall be accompanied by the required application fee.

7.2 With regard to all fish, the applicant shall present to the department, as a requirement of the permit, written fish health inspection reports as the department may specify, and invoices clearly indicating the source of the fish to be imported. Fish health inspection reports shall be made by a qualified fish health inspector acceptable to the department.

8.0 Inspections

8.1 Persons holding a commissioner's Prohibited Fish Species Permit shall allow inspection at reasonable times of their premises, facilities, records, and fish by the commissioner or the commissioner's designee(s).

8.2 The issued permit shall be available for inspection by the Commissioner or the commissioner's designee(s).

9.0 Quarantine, Destruction or Sterilization Where Disease and/or Harmful Species are Present

9.1 The department may require a period of quarantine and treatment, the destruction of fish, and/or order remedial action if necessary, if a harmful fish species and/or fish pathogen is confirmed. This shall occur at the expense of the owner.

List of Prohibited, Restricted, and Unrestricted Fish Species

Prohibited Fish Species List

Designation	Scientific name (genus & species)	Common name(s)
Prohibited	<i>Alosa pseudoharengus</i>	Alewife
Prohibited	<i>Aristichytys nobilis</i>	Bighead carp
Prohibited	<i>Common carassius</i>	Crucian carp
Prohibited	<i>Carassius gibelio</i>	Prussian carp
Prohibited	<i>Carassius cuvieri</i>	Japanese (white (crucian carp))
Prohibited	<i>Channa spp.</i>	Asian snakehead
Prohibited	<i>Clarias batrachus</i>	Walking catfish
Prohibited	<i>Ctenopharyngodon idella</i>	Grass carp
Prohibited	<i>Dorosoma cepedianum</i>	Gizzard shad
Prohibited	<i>Gambusia spp.</i>	Mosquito fish
Prohibited	<i>Gymnocephalus ceruus</i>	Ruffle
Prohibited	<i>Hypophthalmichthys harmandi</i>	Large scale silver carp
Prohibited	<i>Hypophthalmichthys molitrix</i>	Silver carp
Prohibited	<i>Leuciscus idus</i>	Ide, orfe
Prohibited	<i>Misgurnus anguillicaudatus</i>	Oriental weather loach
Prohibited	<i>Monopterus albus</i>	Asian swamp eel
Prohibited	<i>Mylopharyngodon piceus</i>	Black carp
Prohibited	<i>Neogobius melanostomus</i>	Round goby
Prohibited	<i>Parachanna spp.</i>	African snakehead
Prohibited	<i>Proterorhinus marmoratus</i>	Tubenose goby
Prohibited	<i>Rhodeus sericeus</i>	Bitterling
Prohibited	<i>Sander lucioperca</i>	Zander
Prohibited	<i>Scardinius erythrophthalmus</i>	Rudd
Prohibited	<i>Tinca tinca</i>	Tench

Restricted Fish Species List

Designation	Scientific name (genus & species)	Common name(s)
Restricted	<i>Acipenser fulvescens</i> ¹	Lake sturgeon ¹
Restricted	<i>Alosa aestivalis</i>	Blueback herring
Restricted	<i>Alosa sapidissima</i>	American shad
Restricted	<i>Ambloplites rupestris</i>	Rock bass
Restricted	<i>Ameiurus natalis</i>	Yellow bullhead
Restricted	<i>Ameiurus nebulosus</i>	Brown bullhead
Restricted	<i>Amia calva</i>	Bowfin
Restricted	<i>Ammocrypta pellucida</i> ¹	Eastern sand darter ¹
Restricted	<i>Anguilla rostrata</i>	American eel
Restricted	<i>Aplodinotus grunniens</i>	Freshwater drum
Restricted	<i>Carpiodes cyprinus</i>	Quillback
Restricted	<i>Catostomus catostomus</i> ²	Longnose sucker ²
Restricted	<i>Catostomus commersoni</i>	White sucker
Restricted	<i>Coregonus artedi</i>	Cisco or lake herring
Restricted	<i>Coregonus clupeaformis</i>	Lake whitefish
Restricted	<i>Cottus bairdi</i>	Mottled sculpin
Restricted	<i>Cottus cognatus</i>	Slimy sculpin
Restricted	<i>Couesius plumbeus</i>	Lake chub
Restricted	<i>Culeas inconstans</i>	Brook stickleback
Restricted	<i>Cyprinella spiloptera</i>	Spotfin shiner
Restricted	<i>Cyprinus carpio</i>	Common carp, mirror carp, koi
Restricted	<i>Esox americanus americanus</i>	Redfin pickerel
Restricted	<i>Esox lucius</i>	Northern pike
Restricted	<i>Esox masquinongy</i>	Muskellunge
Restricted	<i>Esox niger</i>	Chain pickerel
Restricted	<i>Etheostoma flabellare</i>	Fantail darter
Restricted	<i>Etheostoma olmstedii</i>	Tessellated darter
Restricted	<i>Exoglossum maxillingua</i>	Cutlips minnow
Restricted	<i>Fundulus diaphinus</i>	Banded killifish
Restricted	<i>Hiodon tergisus</i>	Mooneye
Restricted	<i>Hybognathus hankinsoni</i>	Brassy minnow
Restricted	<i>Hybognathus regius</i> ²	Eastern silvery minnow ²
Restricted	<i>Ichthyomyzon fossor</i> ¹	Northern brook lamprey ¹
Restricted	<i>Ichthyomyzon unicuspis</i>	Silver lamprey
Restricted	<i>Ictalurus punctatus</i>	Channel catfish
Restricted	<i>Labidesthes sicculus</i>	Brook silverside

Restricted	<i>Lampetra appendix</i> ¹	American brook lamprey ¹
Restricted	<i>Lepisosteus osseus</i>	Longnose gar
Restricted	<i>Lepomis auritus</i>	Redbreast sunfish
Restricted	<i>Lepomis gibbosus</i>	Pumpkinseed
Restricted	<i>Lepomis macrochirus</i>	Bluegill
Restricted	<i>Lepomis microlophus</i>	Redear sunfish
Restricted	<i>Lota lota</i>	Burbot
Restricted	<i>Luxilus cornutus</i> ²	Common shiner ²
Restricted	<i>Margariscus margarita</i>	Pearl dace
Restricted	<i>Micropterus dolomieu</i>	Smallmouth bass
Restricted	<i>Micropterus salmoides</i>	Largemouth bass
Restricted	<i>Morone Americana</i>	White perch
Restricted	<i>Morone saxatilis</i>	Striped bass
Restricted	<i>Moxostoma anisurum</i>	Silver redhorse
Restricted	<i>Moxostoma macrolepidotum</i>	Shorthead redhorse
Restricted	<i>Moxostoma valenciennesi</i>	Greater redhorse
Restricted	<i>Notemigonus crysoleucas</i> ²	Golden shiner ²
Restricted	<i>Notropis atherinoides</i> ²	Emerald shiner ²
Restricted	<i>Notropis bifrenatus</i>	Bridle shiner
Restricted	<i>Notropis heterodon</i>	Blackchip shiner
Restricted	<i>Notropis heterolepis</i>	Blacknose shiner
Restricted	<i>Notropis hudsonius</i> ²	Spottail shiner ²
Restricted	<i>Notropis rubellus</i>	Rosyface shiner
Restricted	<i>Notropis stramineus</i>	Sand shiner
Restricted	<i>Notropis volucellus</i> ²	Mimic shiner ²
Restricted	<i>Noturus flavus</i> ¹	Stonecat ¹
Restricted	<i>Oncorhynchus mykiss</i>	Rainbow trout
Restricted	<i>Oreochromis spp.</i>	Tilapia spp.
Restricted	<i>Osmerus mordax</i> ²	Rainbow smelt ²
Restricted	<i>Perca flavescens</i> ²	Yellow perch ²
Restricted	<i>Percina copelandi</i> ¹	Channel darter ¹
Restricted	<i>Percina caprodes</i>	Logperch
Restricted	<i>Percopsis omiscomayas</i>	Trout-perch
Restricted	<i>Petromyzon marinus</i>	Sea lamprey
Restricted	<i>Phoxinus eos</i> ²	Northern redbelly dace ²
Restricted	<i>Phoxinus neogaeus</i>	Finescale dace
Restricted	<i>Pimephales notatus</i> ²	Bluntnose minnow ²
Restricted	<i>Pimaphales promelas</i> ²	Fathead minnow ²

Restricted	<i>Pomoxis annularis</i>	White crappie
Restricted	<i>Pomoxis nigromaculatus</i>	Black crappie
Restricted	<i>Prosopium cylindraceum</i>	Round whitefish
Restricted	<i>Rhinichthys atratulus</i> ²	Blacknose dace ²
Restricted	<i>Rhinichthys cataractae</i> ²	Longnose dace ²
Restricted	<i>Salmo salar</i>	Atlantic salmon
Restricted	<i>Salmo trutta</i>	Brown trout
Restricted	<i>Salvelinus fontinalis</i>	Brook trout
Restricted	<i>Salvelinus namaycush</i>	Lake trout
Restricted	<i>Sander canadense</i>	Sauger
Restricted	<i>Sander vitreum</i>	Walleye
Restricted	<i>Semotilus atromaculatus</i> ²	Creek chub ²
Restricted	<i>Semotilus corporalis</i> ²	Fallfish ²
Restricted	<i>Sarotheradon spp.</i>	Tilapia spp.
Restricted	<i>Tilapia spp.</i>	Tilapia spp.
Restricted	<i>Unbra limi</i>	Central mudminnow

1 Species subject to 10 V.S.A. § 5402, Endangered and Threatened Species Lists

2 Species subject to 10 V.S.A. § 122, Section 5.0 Rule governing the taking, possessing, transporting, use and selling of baitfish.

Unrestricted Fish Species Section.

Families notes with an asterisk indicate the global distribution of some species may lie outside the unrestricted zone.

(30_ North latitude-30_ South latitude). Such species will be considered prohibited as per 4.1.1 of this rule.

Family	Genera
Ancestrorhynchidae Smallscale pike characins	<i>Ancestrorhynchus</i>
Achiridae American soles	<i>Trinectes</i>
Alestidae African tetras	<i>Penacogrammus</i>
Ambassidae Loach catfishes	<i>Phractura</i>
Anabantidae Climbing gouramies	<i>Ctenopoma, Microctenopoma</i>
Anablepidae Four-eyed fishes, one-sided livebearers, white-eye	<i>Anableps</i>
Anostomidae Headstanders	<i>Abramites, Anostomus, Lawmolyta, Leporinus, Pseudanos</i>

Aplocheilidae* Rivulines	<i>Aplocheilus</i>
Ariidae Sea catfishes	<i>Arius</i>
Aspredinidae Banjo catfishes	<i>Bunocephalus</i>
Auchenipteridae Driftwood catfishes	<i>Auchenipterichthys</i> , <i>Liosomadoras</i>
Badidae Blue Perch, Dwarf Chameleon Fish	<i>Badis</i>
Bagridae Bagrid catfishes	<i>Bagrichthys</i> , <i>Horabagrus</i> , <i>Mystus</i> , <i>Pseudomystus</i>
Balitoridae River loaches	<i>Beaufortia</i> , <i>Gastromyzon</i> , <i>Schistura</i>
Bedotiidae Madagascar rainbowfishes	<i>Bedotia</i>
Belonidae Needlefishes	<i>Xenentodon</i>
Callichthyidae Callichthyd armored catfishes	<i>Brochis</i> , <i>Callichthys</i> , <i>Corydoras</i> , <i>Dianema</i> , <i>Hoplosternum</i> , <i>Megalechis</i>
Chacidae Squarehead or angler catfish	<i>Chaca</i>
Characidae Characins	<i>Aphyocharax</i> , <i>Astyanax</i> , <i>Boehlkea</i> , <i>Boulengerella</i> , <i>Chalceus</i> , <i>Charax</i> , <i>Gymnocorymbus</i> , <i>Hasemania</i> , <i>Hemigrammus</i> , <i>Hyphessobrycon</i> , <i>Impaichthys</i> , <i>Megalampodus</i> , <i>Metynnis</i> , <i>Moenkhausia</i> , <i>Myleus</i> , <i>Mylossoma</i> , <i>nematobrycon</i> , <i>Paracheirodon</i> , <i>Piaractus</i> , <i>Prionobrama</i> , <i>Pristella</i> , <i>Thayeria</i> , <i>Triportheus</i>
Chilodontidae	<i>Chilodus</i>
Cichlidae Cichlids	<i>Aequidens</i> , <i>Altalamprologus</i> , <i>Amphilophus</i> , <i>Apistogramma</i> , <i>Archocentrus</i> , <i>Astronotus</i> , <i>Aulonocara</i> , <i>Cichla</i> , <i>Cichlasoma</i> , <i>Cleithracara</i> , <i>Crenicichla</i> , <i>Cyathopharynx</i> , <i>Cyphotilapia</i> , <i>Cyrtocara</i> , <i>Dimidiochromis</i> , <i>Etroplus</i> , <i>Geophagus</i> , <i>Gymnogeophagus</i> , <i>Heplochromis</i> , <i>Hemichormis</i> , <i>Herichthys</i> , <i>Heros</i> , <i>Herotilapia</i> , <i>Hypselecara</i> , <i>Iodotropheus</i> , <i>Julidochromis</i> , <i>Labeotropheus</i> , <i>Labidochromis</i> , <i>Laetacara</i> , <i>Lamprologus</i> , <i>Lepidolamprologus</i> ,

	<i>Limnochromis, Loboichilotes, Maylandia, Melanochromis, Mesonauta, Mikrogeophagus, Nannacara, Neolamprologus, Nimbochromis, Parachromis, Pelvicachromis, Placidochromis, Protomelas, Pseudocrenilabrus, Pseudotropheus, Pterophyllum, Rhamphochromis, Satanoperca, Sciaenochromis, Steatocranus, Symphysodon, Telmatochromis, Thorichthys, Tematochromis, Variabilichromis, Vieja</i>
Citharinidae Lutefishes	<i>Distichodus</i>
Cobitidae* Loaches	<i>Botia, Lepidocephalichthys, Lepidocephalus, Pangio, Syncrossus, Yasuhikotakia</i>
Ctenoluciidae Pike-characids	<i>Ctenolucius</i>
Cyprinidae* Minnows & carps	<i>Balantiocheilos, Barbichthys, Barbonymus, Borasas, Carassius auratus, Crossocheilus, Cyclocheilichthys, Danio, Epalzeorhynchus, Esomus, Hampala, Labeo, Leptobarbus, Luciosoma, Oreichthys, Puntius, Puntioplites, Rasbora, Tanichthys, Trigostigma</i>
Cyprinidae Minnows & carps	<i>Danio rerio (GloFish®)</i>
Cyprinodontidae* Pupfishes	<i>Jordanella floridae</i>
Datnioididae	<i>Datnioides</i>
Doradidae Thorny catfishes	<i>Acanthodoras, Agamyxis, Amblydoras, Platydoras</i>
Eleotridae Sleepers	<i>Butis, Oxyleotris</i>
Erethistidae South Asian river catfishes	<i>Horas</i>
Erythrinidae Trahiras	<i>Hoplias</i>
Gasteropelecidae Freshwater hatchetfishes	<i>Carnegiella, Gasteropelecus, Thoracocharax</i>
Gobiidae* Gobies	<i>Brachygobius, Gnatholepis, Gobioides, Stigmatogobius</i>
Gymnarchidae	<i>Gymnarchus</i>
Gyrinocheilidae Algae eaters	<i>Gyrinocheilus</i>
Helostomatidae Kissing gourami	<i>Helostoma</i>
Hemiodontidae	<i>Hemiodus</i>
Hemiramphidae Halfbeaks	<i>Dermogenys</i>

Hypopomidae Bluntnose knifefishes	<i>Hypopygus, Steatogenys</i>
Lebiasinidae Pencillfishes	<i>Nannostomus</i>
Lepidosirenidae Aestivating lungfishes	<i>Lepidosiren</i>
Loricariidae Armored catfishes	<i>Ancistrus, Baryancistrus, Cephalosilurus, Chaetostoma, Dekeyseria, Farlowella, Glyptoperichthys, Hemiancistrus, Hypancistrus, Hypstomus, Lasiancistrus, Leporacanthicus, Otocinclus, Panaque, Peckoltia, Pseudacanthicus, Pseudolithoxus, Pterosturisoma, Pterygoplichthys, Rineloricaria, Sturisoma</i>
Mastacembelidae Spiny eels	<i>Macragnathus, Mastacembelus</i>
Melanotaeniidae Rainbowfishes, blue eyes	<i>Chilathernia, Iriathernia, Melanotaenia</i>
Mochokidae Squeakers of upside-down Catfishes	<i>Synodontis</i>
Monodactylidae Moonyfishes of fingerfishes	<i>Monodactylus</i>
Mormyridae Elephantfishes	<i>Campylomormyrus, Gnathonemus, Mormyrops, Pollimyrus</i>
Muraenidae Moray eels	<i>Gymnothorax</i>
Nandidae Asian leaffishes	<i>Polycentropsis</i>
Nothobranchiidae African rivulines	<i>Aphyosemion, Epiplatys, Nothobranchius</i>
Notopteridae Featherbacks or knifefishes	<i>Chitala, Xenomystus</i>
Osphronemidae Gouramies	<i>Betta, Colisa, Spaerichthys, Trichogaster, Trichopsis</i>
Osteoglossidae Arowanas	<i>Osteoglossum</i>
Pangasiidae Shark catfishes	<i>Pangasius</i>
Pantodontidae Freshwater butterflyfish	<i>Pantodon</i>
Pimelodidae Long-whiskered catfishes	<i>Leiarius, Phractocephalus, Pimelodella, Pimelodus, Sorubim</i>
Poeciliidae* Poeciliids	<i>Poecilia, Xiphophorus</i>
Polycentridae Leafishes	<i>Monocirrhus, Polycentrus</i>
Polynemidae Threadfins	<i>Polynemus</i>
Polypteridae Bichirs	<i>Erpetoichthys, Polypterus</i>
Potamotrygonidae River stingrays	<i>Potamotrygon</i>
Prochilodontidae Flannel-mouth characiformes	<i>Semaprochilodus</i>

Pseudomugilidae Blue eyes	<i>Pseudomulgil</i>
Pseudopimelodide Bumblebee catfishes, dwarf marble catfishes	<i>Microglanis</i>
Rhamphichthyidae Sand knifefishes	<i>Rhamphichthys</i>
Scatophagidae Scats	<i>Scatophagus</i>
Schilbeidae Schilbid catfishes	<i>Eutropiellus, Paraila, Schilbe</i>
Siluridae Sheatfishes	<i>Kryptopterus, Ompok</i>
Sternopygidae Glass knifefishes	<i>Eigenmannia</i>
Synbranchidae Swamp-eels	<i>Synbranchus</i>
Syngnathidae Pipefishes, seahorses	<i>Microphis</i>
Telmatherinidae Sailfin silversides	<i>Marosatherina</i>
Tetraodontidae Puffers	<i>Carinotetraodon, Tetraodon</i>
Teraponitidae Grunters or tigerperches	<i>Terapon</i>
Toxootidae Archerfishes	<i>Toxotes</i>

Added 2009, Fish and Wildlife Board Reg., eff. January 10, 2010.
