NEBRASKA ADMINISTRATIVE CODE

LAST ISSUE DATE: ~~January 25, 2008~~ February 2, 2009

Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

005 Aquaculture Regulations. The following regulations are prescribed by the Nebraska Game and Parks Commission, State of Nebraska, in accordance with Neb. Rev. Stat. §§ 37-301, 37-304, 37-314, 37-465, 37-466, 37-468, 37-469, 37-470, 37-471, 37-475, ~~and~~ 37-476, and 37-547 to 37-550. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 203-241 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

005.01 Aquaculture permits shall be issued to applicants who raise and propagate aquatic organisms to be sold commercially, in accordance with section 37-468 R.R.S., 1998 which added the specific requirement that such permits could be issued only to an applicant who qualifies as an aquaculturist.

005.02 On aquaculture facilities that have natural inlets and outlets to other waters on other lands permanent screens shall be installed so that no aquatic organisms may enter from the natural stream or from flood waters or leave the hatchery waters. Screens must be approved by the Fisheries Division, Nebraska Game and Parks Commission and shall be made of one-half inch mesh screen or smaller. Permits shall not be issued unless screens can effectively keep aquatic organisms in or out of the aquaculture facility pond.

005.03 It shall be unlawful to raise or import for commercial purposes within the state aquatic organisms without a current aquaculture permit from the Fisheries Division of the Nebraska Game and Parks Commission. Only those species listed in 005.03C and 005.03D may be raised, imported, possessed or sold under the authority of an aquaculture permit.

005.03A There shall be no stocking into public or private waters without prior written authorization from the Fisheries Division of the Nebraska Game and Parks Commission of salmonids infected with *Renibacterium salmoninarum* (Bacterial Kidney Disease - BKD), *Yersinia ruckeri* (Enteric Redmouth Disease - ERM), or *Aeromonas salmonicida* (Furunculosis). There shall be no stocking of fish infected with Viral Hemorrhagic Septicemia (VHS), Infectious Pancreatic Necrosis (IPN), Infectious Hematopoietic Necrosis (IHN), Epizootic Epitheliotropic Disease (EED), Virus Disease of *Oncorhynchus masau* (OMV), Spring Viremia of Carp (SVCV), *Myxobolus (Myxosoma) cerebralis* (Whirling Disease - WHD), or Hetersporis. There shall be no transport between culture facilities of any fish exhibiting clinical symptoms or mortality caused by the diseases listed in this Section.

005.03B It shall be unlawful to release into public waters any aquatic organism without prior written authorization from the Fisheries Division, Nebraska Game and Parks Commission. Any request to stock public waters must include a current disease inspection report with a three year disease history of the facility supplying the organisms.

005.03C It shall be unlawful for aquaculture facilities to sell *Gambusia affinis* (mosquitofish) that would be stocked into Nebraska waters.

005.03~~C~~.D The following list of aquatic organisms are approved for importation under an aquaculture permit.

Family	**Scientific Name**	**Common Name**
FISH		
Paddlefish	*Polyodon spathula*	paddlefish

Catfish	*Ictalurus furcatus*	blue catfish
	Ictalurus punctatus	channel catfish
	Pylodictis olivaris	flathead catfish
	Ameiurus melas	black bullhead
	Ameiurus natalis	yellow bullhead
Pike	*Esox americanus*	grass pickerel
	Esox lucius	northern pike
	Esox masquinongy	muskellunge
Trout*	*Oncorhynchus clarki*	cutthroat trout
*(Eggs only)	*Oncorhynchus mykiss*	rainbow trout
	Oncorhynchus tshawtshca	chinook salmon
	Salmo trutta	brown trout
	Salvelinus fontinalis	brook trout
Temperate bass	*Morone chrysops*	white bass
	Morone saxatilis	striped bass
Sunfish	*Ambloplites rupestris*	rock bass
	Lepomis cyanellus	green sunfish
	Lepomis gibbosus	pumpkinseed
	Lepomis humilis	orangespotted sunfish
	Lepomis macrochirus	bluegill
	Lepomis microlophus	redear sunfish
	Micropterus dolomieu	smallmouth bass
	Micropterus punctulatus	spotted bass
	Micropterus salmoides	largemouth bass
	Pomoxis annularis	white crappie
	Pomoxis nigromaculatus	black crappie
Perch	*Sander vitreus*	walleye
	Sander canadensis	sauger
	Perca flavescens	yellow perch
Minnow	*Semotilus atromaculatus*	creek chub
	Cyprinella lutrensis	red shiner
	Notemigonus crysoleucas	golden shiner
	Notropis atherinoides	emerald shiner
	Notropis blennius	river shiner
	Notropis stramineus	sand shiner
	Notropis dorsalis	bigmouth shiner
	Pimephales promelas	fathead minnow
	Carassius auratus	goldfish

	Campostoma anomalum	stoneroller
	Hybognathus hankinsoni	brassy minnow
	Phenacobius mirabilis	suckermouth minnow
	Rhinichthyes cataractae	longnose dace
	Cyprinus carpio	common carp
	Cyprinus carpio	koi
Sucker	*Catostomus commersoni*	white sucker
Topminnow	*Fundulus zebrinus*	plains killifish
Herring	*Dorosoma cepedianum*	gizzard shad
	Alsoa pseudoharengus	alewife

NOTE: This includes all hybrids of the above species.

CRUSTACEANS

Crayfish	*Orconectes neglectus*	ringed crayfish
	Orconectes immunis	papershell crayfish
	Orconectes virilis	northern crayfish
	Cambarus diogenes	devil crayfish

AMPHIBIANS

Frogs	~~*Rana blairi*~~	~~plains leopard frog~~
	~~*Rana pipiens*~~	~~northern leopard frog~~
	Lithobates catesbeianus	american bullfrog
Salamander	*Ambystoma tigrinum*	tiger salamander

MOLLUSKS

Freshwater mussels	*Actinonaias ligamentina*	mucket
	Anodontoides ferussancianus	cylindrical papershell
	Arcidens confragosus	rock pocketbook
	Fusconaia flava	Wabash pigtoe
	Lasmigona complanata	white heelsplitter
	Lasmigona compressa	creek heelsplitter
	Leptodea fragilis	fragile papershell
	Ligumia recta	black sandshell
	Obovaria olivaria	hickorynut
	Potamilus alatus	pink heelsplitter
	Potamilus ohioensis	pink papershell
	Potamilus purpuratus	bleufer
	Pyganodon grandis	giant floater
	Quadrula quadrula	mapleleaf
	Strophitus undulatus	creeper

Toxolasma parvus	lilliput
Truncilla donaciformis	fawnsfoot
Truncilla truncata	deertoe
Unionomerus tetralasmus	pondhorn
Utterbackia imbecillis	paper pondshell

005.03~~D~~ E Persons possessing a valid aquaculture permit may import, propagate, possess and sell additional aquatic species under special circumstances with written authorization from the Fisheries Division of the Nebraska Game and Parks Commission.

005.04 Operators of aquaculture facilities shall secure all their stock from licensed aquaculture facilities or dealers in the state, or from lawful sources outside the state. Commission approval of an application for importation is required for all species of fish.

005.04A An "Application for Importation" form for fertilized eggs, gametes of live fish, plus a current (within previous 12 months) disease inspection report of the supplying facility and its fish shall be submitted to the Fisheries Division, Nebraska Game and Parks Commission not less than 10 days prior to each importation. Importation of live fish of the salmonid family is not allowed.

005.04A1 Legal bait fish as listed in Section 009 may be imported into this State for use as bait provided the facility from which they are being imported meets the following criteria. 1) Licensed facility must provide a fish health inspection report with a disease free status to the Fisheries Division of the Nebraska Game and Parks Commission. 2) Testing shall be conducted for Viral Hemorrhagic Septicemia (VHS) and Spring Viremia of Carp (SVCV). 3) An "Application for Importation of Bait" form shall be submitted prior to any importation to the Fisheries Division of the Nebraska Game and Parks Commission. An approval for importation will be granted for a specified period of time up to six months. 4) Approval and a copy of the latest fish health inspection report shall be carried on the transport vehicle during any importations into the state.

Importations may be subject to random inspections by employees of the Nebraska Game & Parks Commission. An adequate sample shall be surrendered for testing if requested.

005.04B All facilities from which fertilized eggs, gametes or live fish are imported into the state shall have been inspected and found free of Viral Hemorrhagic Septicemia (VHS) and Spring Viremia of Carp (SVCV). Largemouth bass shall also be inspected and found free of LMBV (largemouth bass virus) or yellow perch shall also be inspected and found free of Hetersporis.

005.04C All facilities and broodstocks from which fertilized eggs or gametes of the salmonid family are imported into the state shall have been inspected for *(VHS), (IPN), (IHN), (SVCV) Renibacterium salmoninarum* (Bacterial Kidney Disease - BKD), *Yersinia ruckeri* (Enteric Redmouth Disease - ERM), *Aeromonas salmonicida* (Furunculosis), and *Myxobolus (Myxosoma) cerebralis* (Whirling Disease - WHD) prior to said importation. These facilities and broodstocks and their eggs and gametes shall be found free of VHS, IPN, IHN, SVCV, and BKD.

Importation of eggs and gametes from facilities and broodstocks testing positive for ERM, Furunculosis, and WHD will be permitted, when disinfected according to the Nebraska Game and Parks Commission's Fish Health Policy. Verification of proper disinfection is required.

005.05 If the agent or officer finds evidence that one of the listed diseases in Sections 005.04B and 005.04C may be present an adequate sample of fish shall be surrendered for a diagnostic inspection.

005.05A Upon identification of any of the listed diseases, the Director of the Commission shall impose an immediate prohibition of moving any fish for up to 30 days (a holding action). During the prohibition a compliance agreement stating the appropriate procedures for the disposal of the infected fish and the disinfection of the facility shall be determined by the Commission's representative and the owner/operator. The agreement shall be designed to bring the least amount of economic hardship to the affected party while affording maximum protection to other operators, growers, and the fishery resources of the state.

005.05B Upon identification and confirmation of VHS, IPN, IHN, SVCV, or WHD the facility shall be depopulated within 60 days. A facility will not be re-permitted until complete disinfection and modification of the facility is completed.

005.06 Operators of aquaculture facilities may purchase and own seines and dip nets for removing or handling their fish; provided, however, that all seines and dip nets shall be used only on the property covered by the aquaculture permit and shall not be used in any other waters of the State. All nets must be tagged with tags supplied and approved by the Nebraska Game and Parks Commission, if they are to be transported off the facility or between facilities. Hoop nets, trammel nets, gill nets, fyke nets, traps, electrofishing devices, and other type nets shall not be lawful for use under a private fish culture permit without special written approval from the Nebraska Game and Parks Commission.

005.07 Operators of aquaculture facilities may propagate and sell baitfish, amphibians and crustaceans as listed in Section 009 for use as bait and for stocking purposes without a bait dealer permit.

005.08 Applicants for aquaculture permits shall submit with their application detailed drawings showing the present and proposed layout of the aquaculture facility. Drawings shall be drawn to scale and shall be a true representation of actual measurements made on the ground.

The following shall be shown on the drawings:

Boundary of area to be covered by the permit, showing total acreage and connected to land lines and corners.
County, section, township and range.
All present ponds.
All proposed ponds.
All streams and drainages.
Surface area of each present and proposed pond. Depths of each pond, showing maximum depth and average depth.
Source of water supply.
Volume of water.
Outlet works.

005.09 It shall be unlawful for private aquaculturists to fail to provide a written report by January 15th of the year following the permit expiration.

005.09A It shall be unlawful to fail to report the date, species, strain, source of fish, size, number, location stocked, nearest town, and state. All fish and aquatic organisms shall be reported.

005.09B Reports shall be on approved forms furnished by the Fisheries Division, Nebraska Game and Parks Commission. Failure to comply with this regulation will disqualify the permittee for issuance of subsequent permit.