

State of California  
The Resources Agency  
DEPARTMENT OF FISH AND GAME  
1416 Ninth Street  
Sacramento, California 95814

Inland Fisheries - Informational Leaflet No. 45

INSTRUCTIONS FOR OBTAINING PERMITS TO STOCK TRIPLOID GRASS CARP

Triploid grass carp have been demonstrated to have the potential to control aquatic nuisance plants in waters. Chapter 5, Article 4 of the Fish and Game Code provides that the Department of Fish and Game may use its management authority to provide for the long-term health of the ecosystem in the state including the aquatic ecosystem, and in that context, manage grass carp either through control of movement, eradication of populations, acquisition of habitat and any other action that the department finds will maintain the biological diversity and the long term, overall health of the state's environment. The department shall undertake the management of grass carp in a manner that is consistent with provisions of this code and for the purposes of this section the department shall define management as handling, controlling, destroying, or moving species. The Legislature does not intend for this section to provide a right for the use of triploid grass carp if the department finds that use of the species poses an unacceptable risk to the state's existing ecosystem.

HOW TO OBTAIN PERMIT

The department may issue a permit to allow for the use of artificially introduced triploid grass carp. A permit is required for each stocking location (non-contiguous pieces of property). Completed applications (attached) and the required fees (check or money order payable to the Department of Fish and Game) should be submitted to the Department's regional office in whose region the fish will be stocked.

The Department will issue a permit only to those persons, organizations, or agencies that own or have legal controlling authority over the water body proposed to be stocked. A homeowner's association is considered a business organization, for the purposes of this application. A telephone contact number, e-mail address, or FAX number is necessary in order to schedule an initial site inspection.

TRIPLOID GRASS CARP

Triploid grass carp are those triploid grass carp that have been rendered sterile immediately after the eggs have been fertilized. Each individual fish is required to be checked to ensure that a third, triploid, set of chromosomes has been retained, preventing further reproduction by that individual fish. Documented certification of triploidy to ensure sterility is required and each fish must be tagged to identify the fish as the property of the owner.

Providers of triploid grass carp for use under this article shall provide certification acceptable to the department of triploidy and disease-free conditions for all fish introduced.

## APPLICATION CONSIDERATIONS

### Description of the Water(s) to be Stocked

The applicant must indicate on the application the water body ownership status and provide information regarding the watershed, water source, water body type/principal use, and public access. This information is deemed necessary for determining whether the use of grass carp is an appropriate means of aquatic vegetation management or control. The location, size, and use of the water body will be used to determine how many grass carp to stock. The inclusion of water quality data is not mandatory, but may help anticipate and alleviate management problems in the water body.

A hand-drawn or commercially produced map is acceptable. The map should include the following details and information:

- a. Location of the property in relation to nearest major streets or highways
- b. Property boundaries
- c. Nearest river, stream, or other freshwater system
- d. Location of each water body within the property (please label each with name or identification number)
- e. Points where water enters each water body, if any
- f. Points where water leaves each water body, if any
- g. Locations of fish containment barriers, if any

Item a. is required for inspection. In addition, please provide explicit written directions so that the site may be readily found by a person who is unfamiliar with the area.

### Description of the Aquatic Vegetation Problem

The applicant must describe on the application the aquatic vegetation problem in the subject water body, please include the following information, if possible: 1) reason why the vegetation is considered a problem; 2) how long the problem has persisted; 3) vegetation control methods used in the past; 4) any other information which you consider pertinent. Attach additional pages if more space is needed. You may also include photograph showing the extent of vegetation coverage in the subject water body.

List the names of the various types of aquatic vegetation observed in the subject water body, if known. Relative abundance of each plant type should be expressed as the percentage of the water body's surface area covered by that plant, at the height of the growing season (i.e., July or August). In the last column, indicate where each type was primarily found: a) along the shore; b) in the middle of the water body; 3) dispersed

throughout the water body.

#### Processing (Administrative) Fee

Pursuant to Section 6454 of the Fish and Game Code, the department shall charge the following fees to defray costs incurred in the initiation and implementation of the Triploid Grass Carp Program:

An application processing fee for each permit varies each year and is adjusted by a cost of living factor. The processing fee is nonrefundable and for 2005, the application processing fee is \$50.

If the application is approved, a stocking fee of \$15.00 for each fish, plus an annual renewal fee: \$7.50 for each fish will be charged to the permittee.

Note: The stocking fees will be assessed upon initial stocking and at any subsequent time that additional fish are added. Renewal fees are based on the number of fish remaining in the pond. The renewal fee is based on the presumption that no fish have been removed from the pond unless the permittee can provide proof acceptable to the Department that fish have died or have been removed from the pond.

#### Renewal and Expiration

All permits expire on December 31 and permits must be renewed by March 1 of the following year. If permit renewal fees are not received by the department on or before March 1, the department may eradicate all grass carp present in ponds for which permits have lapsed.

#### Record of licensure

Under Section 238.6, Title 14, California Code of Regulations, the Department of Fish and Game is authorized to collect information from applicants to maintain a record of licensure. All information requested on the application is mandatory unless otherwise indicated. An applicant's name and city of residence may be provided to the public if requested. Other personal information submitted on this application may be released for law enforcement purposes, pursuant to court order, or for official natural resources management purposes. An applicant may obtain a copy of his/her license records from the records custodian at the regional office where the permit was issued.

DEPARTMENT OF FISH AND GAME  
Regional Offices

Northern Region- Region 1  
601 Locust Street  
Redding, CA 96001  
(530) 225-2300

Central Region- Region 4  
1234 Shaw Avenue  
Fresno, CA 93710  
(559) 243-4005

Del Norte  
Humboldt  
Lassen  
Modoc  
Shasta  
Siskiyou  
Tehama  
Trinity

Fresno  
Kern  
Kings  
Madera  
Mariposa  
Merced  
Stanislaus  
Tulare  
Tuolumne

Northern Central Region – Region 2  
1701 Nimbus Road  
Rancho Cordova, CA 95670  
(916) 358-2900

South Coast Region – Region 5  
4665 Lampson Avenue  
Los Alamitos, CA 90702  
(858) 467-4201

Alpine  
Amador  
Butte  
Calaveras  
Colusa  
El Dorado  
Glenn  
Placer  
Plumas  
Sacramento  
San Joaquin  
Sierra  
Solano  
Sutter  
Yolo  
Yuba

Los Angeles  
Santa Barbara  
Ventura  
San Diego  
Orange

Central Coast Region  
P.O. Box 47  
Yountville, CA 94599  
(707) 944-5500

Inland Deserts Region  
3602 Inland Empire Boulevard, Suite C220  
Ontario, California 91764  
(909) 484-0167

Mono  
San Bernardino  
Imperial  
Inyo  
Riverside

Alameda  
Contra Costa  
Lake  
Marin  
Mendocino  
Monterey  
Napa  
San Benito  
San Francisco  
San Luis Obispo  
San Mateo  
Santa Clara  
Santa Cruz  
Sonoma

## **Title 14, Fish and Game Code of Regulations regarding the permitting of Triploid Grass Carp**

### **238.6 Triploid Grass Carp Stocking.**

Pursuant to Section 6450 of the Fish and Game Code, the department may issue permits to stock triploid grass carp.

(a) Purpose for Stocking. This section provides for the introduction of triploid grass carp, solely for the purpose of managing and controlling nuisance submerged aquatic plants, only within the counties of Imperial, Riverside, and San Bernardino.

(b) To Whom Issued. Triploid grass carp stocking permits may be issued to a person, organization, or agency, to control or eradicate nuisance submerged aquatic plants, only within those waters under their control.

(1) Triploid grass carp stocking permits are not transferrable to persons, organizations, or agencies other than the permittee, except in the event that ownership of, or legal control over a water body named in the permit is transferred from the permittee to another person, organization, or agency. In this event, the permittee shall notify the department in writing within 10 (ten) days of the transaction. In addition, the permittee shall be responsible for informing the new owner of, or party assuming legal control over that water body, that triploid grass carp have been stocked therein. For the remaining term of the existing permit, said permit shall be transferred to the new owner of, or party assuming legal control over said water body, provided that said party agrees in writing to comply with the terms and conditions specified in this section. After expiration of the existing permit, the party assuming permittee status shall be required to renew the grass carp permit pursuant to subsection 238.6(e)(3)(B).

(2) Grass carp programs approved by the department on or before June 1, 1995 shall be exempt from the provisions of this section. Such programs shall be allowed to continue operations under a Private Stocking Permit (Form FG 749-(revised 5/93)), provided that the permittee furnishes proof of prior approval.

(c) Limitations.

(1) No permits shall be issued to stock grass carp in any major drainage or water having an open freshwater connection to other waters of the state (e.g., streams, rivers, lakes, or reservoirs).

(2) No permit shall be issued for grass carp introductions within the 100-year flood plain, as defined by the Federal Emergency Management Agency (FEMA), or local agency responsible for flood control, with the following exceptions:

(A) Grass carp introductions may be permitted within closed basins, including that of the Salton Sea, subject to the conditions stated in subsections (c)(3) and (4), below.

(B) Along the Colorado River and in basins where the 100-year flood plain zones have not been defined, permit approval shall be based upon department evaluations.

(3) For water bodies open to public angling, or those located within residential-area golf courses, triploid grass carp introductions shall be limited to those waters which have been determined by the department to be secure from removal or escape of grass carp. Until January 1, 1999, the Department shall not issue any permit for use of grass carp in waters located within condominium areas of any residential area which the Department has not determined to be secure from the removing of grass carp to unauthorized waters, except at three locations within the area authorized pursuant to this subdivision. The three locations shall be selected by the department in consultation with the Imperial Irrigation District. The limitation to three locations is necessary to enable monitoring of human-induced movement of grass carp to unauthorized waters and to permit the evaluation of the impact of the experiment. The results of the evaluation shall be reported to the Legislature before the use of grass carp is authorized in other similar waters.

(4) No permit shall be issued for grass carp introductions into waters inhabited by plants or animals designated as threatened, endangered, or species of special concern.

(5) Only those grass carp which have been verified as free of diseases and parasites may be stocked under the provisions of this section. In addition, the Department shall:

(A) restrict grass carp introductions to those grass carp that have been rendered sterile immediately after the eggs have been fertilized,

(B) require individual fish to be checked to ensure that a third, triploid, set of chromosomes has been retained, preventing further reproduction by that individual fish,

(C) limit aquatic plant pest control programs using grass carp to the use of sterile triploid grass carp with documented certification of triploidy to ensure sterility.

(6) Each triploid grass carp shall be implanted with serially-numbered tags provided or approved by the Department.

(7) The department may limit the number and minimum size of triploid grass carp to be stocked in any proposed water. The number of triploid grass carp stocked may not exceed that specified on the permit, unless the permittee has obtained a department approved amendment to said permit.

(8) Security measures acceptable to the department shall be in place before triploid grass carp may be introduced into permitted waters. Such devices may include, but are not limited to, the following: fenced enclosures, locked gates, controlled access, and bird netting.

(9) Wherever barriers or screens are required to contain triploid grass carp within a proposed stocking site, the design for such structures must be approved by the department, and said structures shall be installed by the applicant prior to issuance of the Triploid Grass Carp Stocking Permit.

(10) Prior to stocking, permittee shall post prominent notices at each stocking site declaring the penalties for unauthorized removal of triploid grass carp.

(11) The permittee shall not place triploid grass carp in waters other than those specified in the permit.

(d) Permits.

(1) The term of the permit shall be one calendar year or remaining portion of the year.

(2) An amendment to change permit conditions may be issued by the department at any time during the term of the permit upon written request by the permittee, provided that such changes are consistent with the provisions of this section.

(3) The permittee shall retain a copy of the triploid grass carp stocking permit while grass carp are present in the permitted water. Said permit shall be available for presentation on request of any department employee.

(4) The department shall deny an application to stock triploid grass carp in any water body, if such proposed stocking is inconsistent with the provisions of this section.

(e) Application procedure. Applications shall be submitted on a form (Application for Triploid Grass Carp Stocking Permit for Aquatic Plant Management, FG 749-TGC (12/96), which is incorporated by reference herein) supplied by the department and may be filed with the department at any time. All applications shall be sent to the address indicated on the form and shall be submitted with appropriate application and inspection fees (see subsection (b)(3) below).

(1) Application Requirements. The applicant shall provide the following information, when requesting said permit, as well as when renewing an existing permit:

(A) Name, address, and affiliation of applicant.

(B) Location of the proposed stocking site.

(C) Number and type of water bodies to be stocked, and their sizes, in acres, or in square feet for waters less than one acre.

(D) Source of water supply and locations of water outlets, if applicable.

(E) A description of aquatic plant management problems, including but not limited to:

1. Type(s) of aquatic vegetation present, relative abundance of each, expressed as percentage of surface coverage, at the peak of the growing season.

2. Desired vegetation quantity or coverage.

(F) Number of triploid grass carp requested.

(G) Existing water quality data for the proposed water, if any.

(2) Inspection.

(A) Initial Inspection of Proposed Waters. All waters proposed for triploid grass carp stocking shall be subject to inspection by the department, to verify stocking is consistent with the provisions and limitations of this section, and to determine the number of triploid grass carp to stock.

(B) Periodic Follow-Up Inspections. All waters stocked with triploid grass carp shall be subject to inspection by department employees.

(3) Fees. The application and inspection fees shall be paid to the department at the time the Triploid Grass Carp Stocking Permit application is filed.

(A) Pursuant to Section 6454 of the Fish and Game Code, the department shall charge the following fees to defray costs incurred in the initiation and implementation of the Triploid Grass Carp Program:

1. Stocking fee: \$15.00/fish, and

2. Annual renewal fee: \$7.50/fish

Note: The stocking fees will be assessed upon initial stocking and at any subsequent time that additional fish are added. Renewal fees are based on the number of fish remaining in the pond. The renewal fee is based on the presumption that no fish have been removed from the pond unless the permittee can provide proof acceptable to the Department that fish have died or have been removed from the pond.

(B) All permits expire on December 31. Permits must be renewed by March 1 of the following year. If permit renewal fees are not received by the department on or before March 1, the department may eradicate all grass carp present in ponds for which permits have lapsed.

(f) Annual Reports.

(1) On or before March 1 of each year following the first year after triploid grass carp have been stocked, all permittees shall submit to the department a report documenting the progress of the aquatic vegetation control program in the permitted water. This report shall be submitted on a form furnished by the department (Triploid Grass Carp Stocking Permit Annual Report Form (FG 749-Rep (12/96)), which is incorporated by reference herein.

(2) Pursuant to Fish and Game Code subsection 6453(b), the permittee shall continue to submit annual reports until five

years after the use of grass carp to control aquatic plant pests is terminated, unless acceptable evidence is provided to the department that all grass carp have been removed from the water.

(3) Permit amendments to stock triploid grass carp in excess of the number specified in the original permit shall be denied if the permittee fails to submit such reports.

(g) No live triploid grass carp shall leave the permittee's waters without advance approval in writing from the department.

(h) Permit Revocation.

(1) The department may revoke a Triploid Grass Carp Stocking Permit at any time upon its determination that the permittee has not complied with the terms and conditions of the permit, or if grass carp are used in any manner that is inconsistent with the provisions of this section.

#### FISH AND GAME CODE SECTION 6440-6460

6440. The Legislature finds and declares that triploid grass carp have the potential to control aquatic nuisance plants in non-public waters allowing for reduced chemical control but that the threat that grass carp pose to aquatic habitat may outweigh its benefits. It is the intent of this section to allow the Department of Fish and Game to use its management authority to provide for the long-term health of the ecosystem in the state including the aquatic ecosystem, and in that context, manage grass carp either through control of movement, eradication of populations, acquisition of habitat and any other action that the department finds will maintain the biological diversity and the long term, overall health of the state's environment. The department shall undertake the management of grass carp in a manner that is consistent with provisions of this code and for the purposes of this section the department shall define management as handling, controlling, destroying, or moving species. The Legislature does not intend for this section to provide a right for the use of triploid grass carp if the department finds that use of the species poses an unacceptable risk to the state's existing ecosystem.

6450. The department shall adopt regulations that provide for the control of aquatic plant pests using artificially introduced triploid grass carp under a permit issued by the department. The regulations shall do all of the following:

(a) Restrict triploid grass carp introductions to those triploid grass carp that have been rendered sterile immediately after the eggs have been fertilized.

(b) Require individual fish to be checked to ensure that a third, triploid, set of chromosomes has been retained, preventing further reproduction by that individual fish.

(c) Limit aquatic plant pest control programs using triploid grass carp to the use of sterile triploid grass carp with documented certification of triploidy to ensure sterility.

(d) Require the identification by tagging of individual fish as the property of each owner.

(e) Require the posting of notices at stocked bodies of water declaring the penalties for removing triploid grass carp.

(f) Limit the permits for the use of triploid grass carp in waters on golf courses located in residential areas to those waters that are determined by the department to be secure from the removal of triploid grass carp to unauthorized waters.

(g) Provide for management of the triploid grass carp populations in a manner consistent with the provisions of this code where the department finds that such actions will benefit the long-term health of the state's biodiversity as a whole.

(h) Until January 1, 1999, the regulations shall not authorize the issuance of permits for the use of triploid grass carp in waters located within condominium areas of any residential area for which a permit may not be issued pursuant to subdivision (f) except at three locations within the area authorized pursuant to this subdivision. The three locations shall be selected by the department in consultation with the Imperial Irrigation District. The limitation to three locations is necessary to enable monitoring of human-induced movement of triploid grass carp to unauthorized waters and to permit the evaluation of the impact of the experiment. The results of the evaluation shall be reported to the Legislature before the use of triploid grass carp is authorized in other similar waters.

6451. All providers of triploid grass carp for use under this article shall provide certification acceptable to the department of triploidy and disease-free conditions for all fish introduced.

6452. Prior to receiving a permit from the department to use triploid grass carp, the potential user shall provide to the department all of the information required by the department, including, but not limited to, the following:

(a) The type of waterway to be stocked.

(b) The site has no connections to adjacent fresh water systems.

(c) All aquatic plant management problems, including, but not limited to, the following:

(1) The acres of aquatic plants, by species, at the peak of growing season.

(2) The desired vegetation quantity or coverage.

(3) The number and size of triploid grass carp recommended.

(4) All sensitive plant or animal species within the waterway to be stocked and any connected waterways.

6453. (a) On or before March 1 of each year following the first year after triploid grass carp introduction, the permittee shall provide to the department all of the information required by the department, including, but not limited to, the following:

(1) The number and size of triploid grass carp recommended for the waterway stocked.

(2) The number and size of triploid grass carp stocked in the waterway.

(3) The acres of aquatic plants, by species, at the peak of the growing season in the year prior to introduction of triploid

grass carp in the waterway stocked.

(4) The acres of aquatic plants, by species, at the peak of the current year growing season.

(b) The annual report shall be submitted until five years after the use of triploid grass carp to control aquatic plant pests is terminated, unless evidence acceptable to the department is provided that all triploid grass carp have been removed from the waterway.

(c) On or before June 1 of each year, the department shall report to the appropriate policy and fiscal committees of the Legislature a summary of the use of triploid grass carp use for aquatic plant pest control compiled from information from permittees annual reports received pursuant to subdivision (a).

6454. The department shall establish permit and inspection fees sufficient to recover, but not exceed, the initial and ongoing costs of the program under this article.

6455. The department shall impose conditions in the permit to use triploid grass carp under this article that it finds necessary to prevent escape of the triploid grass carp from the targeted area.

The conditions shall include, but are not limited to, the following:

(a) No permit shall be issued for the use of triploid grass carp in waters with an open fresh water connection to other waters of the state.

(b) Any waters in which triploid grass carp are used under this article shall be under the control of the permittee. In addition, barriers to fish movement acceptable to the department shall be in place before introduction of triploid grass carp under this article. Movement of triploid grass carp to areas outside the control of the permittee is prohibited.

(c) Any waters in which triploid grass carp are used under this article shall have sufficient dissolved oxygen and suitable vegetation for consumption to sustain the introduced triploid grass carp, as determined by the department.

(d) Except within closed basins, including the Salton Sea, no permit shall be issued for the use of triploid grass carp within the 100-year flood plain.

(e) Any person or persons engaging in the introduction of triploid grass carp into any area, or in the transfer of triploid grass carp from one site to another, without a permit from the department shall be punished by a fine of not more than five thousand dollars (\$5,000), by imprisonment in the county jail for not more than one year, or by both that fine and imprisonment.

6456. Nothing in this article shall be construed as restricting grass carp programs approved by the department on or before June 1, 1995.

6457. Because of its experience and continuing involvement with hydrilla control programs, the implementation of Sections 6450 and 6454 shall be carried out in consultation with the Department of Food and Agriculture.

6459. (a) In the report required by subdivision (c) of Section 6453, beginning in 1998, the department shall report to the appropriate policy and fiscal committees of the Legislature its findings with respect to whether the use of triploid grass carp for aquatic pest plant control may be expanded in six more southern California counties or statewide. The finding shall be based on documented and verifiable evidence.

(b) If the department finds in the report required by subdivision (c) of Section 6453 that the use of triploid grass carp may be expanded to six more counties, beginning January 1 of the following year, the department shall authorize the use of triploid grass carp for aquatic pest plant control in the counties of San Diego, Orange, Los Angeles, Kern, Ventura, and Santa Barbara.

(c) If the department finds in the report required by subdivision (c) of Section 6453 that the use of triploid grass carp may be expanded to statewide, beginning January 1 of the following year, the department shall authorize the use of triploid grass carp for aquatic pest plant control statewide.

(d) If the department finds in the report required by subdivision (c) of Section 6453 that the use of triploid grass carp should not be expanded to six more counties or statewide, the department shall reconsider that finding in the next year's report.

(e) If the department's annual report is, for any reason, not submitted on or before June 1 of the year due, it shall be conclusively deemed to be the finding of the department that effective June 1 of that year, the use of triploid grass carp to control aquatic plant pests should be expanded statewide.

(f) Notwithstanding subdivisions (b) and (c), the department may limit permit applications to no more than 150 per fiscal year, and may prioritize the processing of permit applications for purposes of administrative and cost efficiencies.

6460. If the department obtains documented and verifiable evidence of escapements of triploid grass carp permitted under this article into unauthorized waters, the unauthorized use of grass carp, or threats to fish and wildlife and their habitats as the result of this program, it may, upon a written finding by the director to that effect, suspend the permit issuance process authorized by this article. If the situation is local, the suspension may be limited to that area whose waters, habitat, and fish and wildlife resources are threatened. The suspension shall last until the director makes a written finding that the threat has been abated.