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TITLE 312 NATURAL RESOURCES COMMISSION

LSA Document #06-88(E)

DIGEST

Temporarily amends 312 IAC 18-3 to regulate Brazilian elodea (*Egeria densa*) as a pest or pathogen. Effective March 28, 2006.

SECTION 1. (a) Brazilian elodea (*Egeria densa*) is an exotic plant that has infested lakes, rivers, and other waterways in Indiana.

(b) Brazilian elodea is a pest or pathogen regulated under this document. This regulation applies to any life stage of Brazilian elodea.

(c) Except as provided in subsection (e), in Indiana a person must not:

(1) Possess, sell, offer for sale, gift, barter, exchange, or distribute Brazilian elodea as an outdoor water plant.

(2) Allow Brazilian elodea to infest any:

(A) lake;

(B) river;

(C) pond;

(D) outdoor water garden; or

(E) waterway.

(3) Transport Brazilian elodea on or within any:

(A) boat;

(B) trailer;

(C) motor vehicle;

(D) bait bucket;

(E) fishing gear;

(F) creel;

(G) tackle;

(H) tackle box; or

(I) other aquatic appurtenance.

(d) A property owner who has Brazilian elodea in an outdoor environment must take lawful efforts to eliminate the species.

(e) Exempted from this document are the following:

(1) A retail or wholesale business that sells Brazilian elodea for use within an indoor aquarium.

(2) A person who possesses Brazilian elodea within an indoor aquarium.

(3) A person who possesses Brazilian elodea under a permit issued by the state entomologist for scientific research, a contained use, or education.

(4) A person engaged in a project approved by the state entomologist for the destruction of Brazilian elodea.

(f) The state entomologist may issue a permit to a qualified applicant to engage in scientific research, a contained use, or education. If appropriate to the purposes of this document, the state entomologist may issue an order to modify a permit issued under this subsection.

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Filed with Secretary of State: March 28, 2006, 12:40 p.m.