

**To:** David Hoskins, Assistant Director, Fish and Aquatic Conservation

**From:** Craig Martin, Chief, Branch of Aquatic Invasive Species

**Subject:** Intra-Service Informal Section 7 Consultation under the Endangered Species Act of 1973, as amended, for the Injurious Wildlife Listing of Crucian Carp, Eurasian Minnow, Prussian Carp, Roach, Stone Moroko, Nile Perch, Amur Sleeper, European Perch, Zander, and Wels Catfish and the Common Yabby Under the Lacey Act

### **Introduction**

This document transmits our Intra-Service Informal Section 7 Consultation in accordance with section 7 of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*), regarding the Injurious Wildlife listing of the crucian carp (*Carassius carassius*), Eurasian minnow (*Phoxinus phoxinus*), Prussian carp (*Carassius gibelio*), roach (*Rutilus rutilus*), stone moroko (*Pseudorasbora parva*), Nile perch (*Lates niloticus*), Amur sleeper (*Perccottus glenii*), European perch (*Perca fluviatilis*), zander (*Sander lucioperca*), wels catfish (*Silurus glanis*), and common yabby (*Cherax destructor*) under the Lacey Act (18 U.S.C. 42). All are freshwater species; all but the yabby are fish, and the yabby is a crayfish. None of these species is native to North America.

The regulations contained in 50 CFR part 16 implement the Lacey Act (18 U.S.C. 42). Under the terms of the Lacey Act, the Secretary of the Interior is authorized to prescribe by regulation those wild mammals, wild birds, fish, mollusks, crustaceans, amphibians, reptiles, and the offspring or eggs of any of the foregoing that are injurious to human beings, to the interests of agriculture, horticulture, or forestry, or to the wildlife or wildlife resources of the United States. The lists of injurious wildlife species are found at 50 CFR 16.11–16.15.

### **Action**

As of the effective date of the listing of the crucian carp, Eurasian minnow, Prussian carp, roach, stone moroko, Nile perch, Amur sleeper, European perch, zander, wels catfish, and the common yabby as injurious species, both the importation into the United States and transportation between the States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States of the species by any means whatsoever is prohibited (referred to as importation and interstate transport prohibitions), except by permit for zoological, educational, medical, or scientific purposes (in accordance with permit regulations at 50 CFR 16.22), or by Federal agencies without a permit solely for their own use, upon filing a written declaration with the District Director of Customs and the U.S. Fish and Wildlife Service Inspector at the port of entry. This rule does not prohibit intrastate (within State boundaries) transport of the crucian carp, Eurasian minnow, Prussian carp, roach, stone moroko, Nile perch, Amur sleeper, European perch, zander, wels catfish, and the common yabby. Any regulations pertaining to the transport or use of the crucian carp, Eurasian minnow, Prussian carp, roach, stone moroko, Nile perch, Amur sleeper, European perch, zander, wels catfish, and the common yabby within a particular State will continue to be the responsibility of that State. A species that already exists within the United States may be listed as an injurious wildlife species; however, the Lacey Act also allows for listing of species that are not established, currently imported, or

present in the wild in the United States. The objective of such a listing would be to prevent that species' importation, establishment, and spread in the wild, thereby preventing injurious effects consistent with 18 U.S.C. 42.

### **Action Area**

The action area covered in the consultation includes any of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

### **Covered Species**

All ESA-listed species and their critical habitats, if applicable, are included in this consultation. A complete list of these species can be found here: [ecos.fws.gov](https://ecos.fws.gov)

### **Effects on Endangered and Threatened Species**

All 11 of these nonnative species are likely to escape or be released into the wild and are able to survive and establish outside of their native ranges. All are highly likely to survive in the United States.

The crucian carp has a high climate match throughout much of the continental United States, Hawaii, and southern Alaska. If introduced, the crucian carp is likely to establish and spread due to its traits as a habitat generalist, diet generalist, and adaptability to new environments, long life span, and proven invasiveness outside of its native range. The crucian carp is likely to compete with and transmit pathogens to native wildlife, including endangered and threatened species.

The Eurasian minnow prefers a temperate climate and has a current range (native and nonnative) throughout Eurasia. In the United States, the Eurasian minnow has a high climate match to the Great Lakes region, coastal New England, central and high Plains, West Coast, and southern Alaska. If introduced, the Eurasian minnow is likely to establish and spread due to its traits as a habitat generalist, generalist predator, adaptability to new environments, high reproductive potential, long life span, extraordinary mobility, social nature, and proven invasiveness outside of its native range. The Eurasian minnow is likely to compete with, prey on, and transmit pathogens to native wildlife, including endangered and threatened species.

The Prussian carp prefers a temperate climate and has a current range (native and nonnative) that extends throughout Eurasia. In the United States, the Prussian carp has a high climate match to the Great Lakes region, central Plains, western mountain States, and California. This species has a medium climate match to much of the continental United States, southern Alaska, and regions of Hawaii. The Prussian carp has established in southern Canada near the U.S. border, validating the climate match in northern regions. If introduced, the Prussian carp is likely to establish and spread due to its tolerance to poor quality environments, rapid growth rate, ability to reproduce from unfertilized eggs, and proven invasiveness outside of its native range. The Prussian carp is likely to compete with, alter the habitat of, and transmit pathogens to native wildlife, including threatened and endangered species.

The roach has a high climate match to southern and central Alaska, regions of Washington, the Great Lakes region, and western mountain States, and a medium climate match to most of the United States. If introduced, the roach is likely to establish and spread due to its highly adaptive nature toward habitat and diet choice, high reproductive rate, ability to reproduce with other cyprinid species, long life span, mobility, and proven invasiveness outside of its native range. The roach is likely to compete with, prey on, hybridize with, alter the habitat resources of, and transmit pathogens to native wildlife, including endangered and threatened species.

The stone moroko has a high climate match to the southeast United States, Great Lakes region, central Plains, northern Texas, desert Southwest, and West Coast. If introduced, the stone moroko is likely to establish and spread due to its traits as a habitat generalist, diet generalist, rapid growth rate, adaptability to new environments, mobility, high reproductive rate, high genetic variability, and proven invasiveness outside of its native range. The stone moroko is likely to compete with, prey on, transmit pathogens to, and alter the habitat of native wildlife, including threatened and endangered species.

The Nile perch has an overall medium climate match to the United States. However, this fish species has a high climate match to the Southeast, California, Hawaii, Puerto Rico, and the U.S. Virgin Islands. If introduced, the Nile perch is likely to establish and spread due to its traits as a habitat generalist, generalist predator, long life span, quick growth rate, high reproductive rate, mobility, and proven invasiveness outside of its native range. The Nile perch is likely to compete with, prey on, and alter the habitat of native wildlife, including endangered and threatened species.

The Amur sleeper has a high climate match to the Great Lakes region, central and high plains, western mountain States, Maine, northern New Mexico, and southeast to central Alaska. If introduced, the Amur sleeper is likely to establish and spread due to its traits as a habitat generalist, generalist predator, rapid growth rate, high reproductive potential, adaptability to new environments, extraordinary mobility, and history of invasiveness outside of its native range. The Amur sleeper is likely to compete with, prey on, and transmit pathogens to native wildlife, including endangered and threatened species.

The European perch has especially high climate matches in the southeast United States, Great Lakes region, central to southern Texas, western mountain States, and southern to central Alaska. If introduced, the European perch is likely to establish and spread due to its traits as a generalist predator, ability to adapt to new environments, ability to outcompete native species, and proven invasiveness outside of its native range. The European perch is likely to compete with, prey on, and transmit pathogens to native wildlife, including endangered and threatened species.

The zander has a high climate match to the Great Lakes region, northern Plains, western mountain States, and Pacific Northwest. Medium climate matches extend from southern Alaska, western mountain States, central Plains, and mid-Atlantic, and New England regions. If introduced, the zander is likely to establish and spread due to its traits as a generalist predator, ability to hybridize with other fish species, high mobility, long life span, and proven invasive outside of its native range. The zander is likely to compete with, prey on, transmit pathogens to,

and hybridize with native wildlife. Some of these effects may occur to endangered and threatened species.

The wels catfish has a high climate match to much of the United States. Very high climate matches occur in the Great Lakes region, western mountain States, and the West Coast. If introduced, the wels catfish is likely to establish and spread due to its traits as a generalist predator, quick growth rate, long life span, high reproductive rate, adaptability to new environments, and proven invasiveness outside of its native range. The wels catfish is likely to compete with, prey on, transmit pathogens to, and alter the habitat of native wildlife, including endangered and threatened species.

The common yabby has a high climate match to the eastern United States, Texas, regions of Washington, and regions of southern Alaska. If introduced, the common yabby is likely to establish and spread due to its traits as a diet generalist, quick growth rate, high reproductive rate, and proven invasiveness outside of its native range. The common yabby is likely to compete with, prey on, and transmit pathogens to native wildlife (including endangered and threatened species).

The listing of these 11 species as injurious wildlife does not change or modify the current conditions of any endangered or threatened species within the United States and the rest of the action area. The baseline condition, regardless of whether or not any of the 11 injurious species co-occurs with endangered or threatened species, will not change as a result of listing the crucian carp, Eurasian minnow, Prussian carp, roach, stone moroko, Nile perch, Amur sleeper, European perch, zander, wels catfish, and the common yabby as injurious wildlife species.

Listing the zander is intended to reduce the risk of further introduction establishment and spread of this species beyond its current location in one lake into other areas of the United States and insular territories. This regulation will prohibit the zander from being imported and transported across State lines and will reduce the risk of impact to endangered and threatened species. This regulation will reduce the likelihood that this species will be introduced, become established, and spread into new areas in U.S. ecosystems and thus reduce the threats of competition, predation, and spread of pathogens, which could have permanent and lasting negative effects on endangered and threatened species.

Listing the crucian carp, Eurasian minnow, Prussian carp, roach, stone moroko, Nile perch, Amur sleeper, European perch, wels catfish, and the common yabby will prevent these 10 species, currently not found in U.S. ecosystems, from being imported into the United States and transported across State lines and will reduce any potential risk of impact to endangered and threatened species. This listing action will reduce the likelihood that these species will be introduced, become established, and spread in U.S. ecosystems, thereby preventing any negative effects, such as predation, to endangered and threatened species within the United States and insular territories.

**Effects Determination**

Based on the information provided in the injurious wildlife listing rule under the terms of the Lacey Act and the fact that crucian carp, Eurasian minnow, Prussian carp, roach, stone moroko, Nile perch, Amur sleeper, European perch, wels catfish, and the common yabby do not currently occur within the United States or insular territories, and the zander occurs only in one lake in the United States, this listing action under the Lacey Act will have no effect on endangered or threatened species or their critical habitat as listed pursuant to the Endangered Species Act of 1973, as amended.

If you have any questions regarding this action or determination, please contact Susan Jewell, x2416.

/s/David W. Hoskins  
Signed (Assistant Director)

September 7, 2016  
Date