

## CHAPTER 62

### REGULATION FOR AQUATIC INVASIVE SPECIES

**Section 1. Authority.** These regulations are promulgated by authority of Wyoming Statutes § 23-1-102, §§ 23-4-201 through 23-4-205.

**Section 2. Definitions.** Definitions shall be as set forth in Title 23, Wyoming Statutes, Commission regulations, and the Commission also adopts the following definitions:

(a) “Aquatic invasive species” is defined in W.S. § 23-4-201(a) (i). Aquatic invasive species include some species known to be present in Wyoming and species with a high potential to invade, survive and reproduce in Wyoming.

(i) Aquatic invasive species include:

(A) All members of the genus *Dreissena*, including, but not limited to, zebra mussel *D. polymorpha* and quagga mussel *D. rostriformis*;

(B) New Zealand mudsnail - *Potamopyrgus antipodarum*;

(C) Asian clam - *Corbicula fluminea*;

(D) Rusty crayfish - *Orconectes rusticus*;

(E) Brook stickleback - *Culaea inconstans*;

(F) All members of the genus *Hypophthalmichthys*, including, but not limited to, bighead carp *H. nobilis*, silver carp *H. molitrix*, and largescale silver carp *H. harmandi*;

(G) Black carp - *Mylopharyngodon piceus*;

(H) All members of the genera *Channa* and *Parachanna* in the family Channidae (snakeheads);

(I) Hydrilla - *Hydrilla verticillata*;

(J) Eurasian watermilfoil - *Myriophyllum spicatum*; and,

(K) Curly pondweed – *Potamogeton crispus*.

(b) “Authorized inspector” means an authorized aquatic invasive species inspector who has a valid certification from an aquatic invasive species inspection training course that meets the requirements established by the Wyoming Game and Fish Department (Department) to certify inspectors for aquatic invasive species inspections.

(c) “Certified inspection location” means a location or an address where a Department authorized inspector may be available to conduct an inspection.

(d) “Infested water” means a water designated by the Department as having an established population of Dreissenid mussels.

(e) “Mandatory aquatic invasive species check station” means a location established by the Department at Wyoming ports of entry, other Wyoming Department of Transportation facilities that meet established state and national safety and commerce requirements for the traveling public or other appropriate facilities where stopping is mandatory and an authorized inspector may conduct an inspection.

(f) “Positive water” means a water where the presence of any life stage of Dreissenid mussels has been detected in multiple Department sampling events.

(g) “Seal” means a locking device affixed to a conveyance that has been inspected or decontaminated by an authorized inspector.

(h) “Suspect water” means a water where any life stage of Dreissenid mussels has been detected in a single Department sampling event, but not verified by subsequent sampling.

(i) “Seal receipt” means a valid written or electronic document issued by an authorized inspector following an inspection that contains information regarding the conveyance, any action taken by an authorized inspector, and information correlating to an applied seal, if issued.

(j) “Waters of this state” means any waters within the jurisdiction of Wyoming.

### **Section 3. Draining and Cleaning Watercraft and Conveyances.**

(a) Immediately upon removing a watercraft from any waters of this state, the operator shall remove all visible vegetation from the watercraft and trailer and drain all water from the watercraft including, but not limited to, water in the hull, ballast tanks, bilges, live wells and motors.

(i) Containers may be used to transport legally obtained live baitfish or other wildlife by land, but shall not be a part of a watercraft and shall be free of aquatic vegetation.

(b) No live baitfish, mollusks or crustaceans shall be collected from or transported in water taken from any suspect water, positive water or infested water.

(c) All bilge and ballast plugs and other barriers that prevent water drainage from a watercraft shall be removed or remain open while a watercraft is transported by land within the state.

(d) The operator shall drain all water from all conveyances, including construction and commercial equipment, upon leaving any suspect water, positive water or infested water.

#### **Section 4. Inspection and Decontamination.**

(a) Compliance with aquatic invasive species inspection requirements is an express condition of allowing a conveyance to contact any waters of this state.

(i) Any person who refuses to permit inspection of their conveyance or refuses to complete any required removal and disposal of aquatic invasive species shall be prohibited from allowing the conveyance to contact any waters of this state.

(ii) If a person refuses to allow inspection of a conveyance or to complete any required removal and disposal of aquatic invasive species prior to departure from any waters of this state known to contain an aquatic invasive species, the conveyance is subject to impoundment until an aquatic invasive species inspection and decontamination is completed.

(b) All conveyances are subject to inspection upon encountering a mandatory aquatic invasive species check station.

(c) Authorized inspectors may inspect any conveyance. Authorized inspectors shall perform decontaminations at the direction of a peace officer or with the voluntary consent of the person transporting the conveyance.

(d) Inspections shall be conducted by:

(i) any peace officer; or,

(ii) any authorized inspector.

(e) Once a conveyance is inspected or decontaminated, a seal may be affixed to the conveyance by a peace officer or authorized inspector. A copy of the completed seal receipt shall accompany all seals. The person transporting a conveyance sealed by an authorized inspector may remove the seal at their discretion. The Department may recognize a properly affixed seal applied by an authorized inspector from a state or province with a Department approved aquatic invasive species inspection and decontamination program if the seal is accompanied by a valid seal receipt. It shall be a violation of this regulation for any person to attempt to reattach any seal once it is removed from a conveyance.

(f) A seal receipt indicating the type of decontamination procedure performed shall serve as proof of decontamination.

(g) Any person transporting a conveyance into the state by land, shall have the conveyance inspected by an authorized inspector prior to contacting any waters of this state, unless exempted by (i) or (ii) below.

(i) Any person transporting a conveyance from March 1 through November 30 that has not been in contact with a suspect water, positive water or infested water within the past thirty (30) days and who did not encounter a mandatory aquatic invasive species check

station prior to reaching any of the waters of this state may launch without inspection if in possession of a seal receipt. The seal receipt shall be retained while on the water.

(ii) Any person transporting a conveyance from December 1 through the last day of February that has not been in contact with a suspect water, positive water or infested water within the past thirty (30) days and who did not encounter a mandatory aquatic invasive species check station prior to reaching any of the waters of this state may launch without inspection.

(h) As part of all inspections, all compartments, equipment, and containers that may hold water, including, but not limited to, live wells, ballast and bilge areas shall be completely drained as directed by authorized inspectors.

(i) A conveyance suspected to contain an aquatic invasive species shall be decontaminated before said conveyance shall be allowed to contact any waters of this state.

(j) Decontaminations shall be conducted only by those authorized inspectors that have received additional Department training to conduct decontaminations and are specifically authorized to do so.

(k) Any person operating a conveyance may be ordered to remove the conveyance from any of the waters of this state or any conveyance staging area by any peace officer if there is reason to believe the conveyance may contain aquatic invasive species or was not properly inspected prior to contacting the water. Once removed from the water, the conveyance shall be subject to inspection and decontamination for the removal and disposal of aquatic invasive species.

#### **Section 5. Impoundment and Quarantine.**

(a) A peace officer may impound and quarantine a conveyance as provided in W.S. § 23-4-203.

(b) If the person in charge of the conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within ten (10) days of the location of the impounded conveyance. Such notification shall also include contact information for the peace officer ordering the impoundment. If the registered owner is present when the conveyance is ordered impounded, then the same information shall be provided to the registered owner at the time the impound order is issued.

(c) All impounded conveyances shall be held at the risk and expense of the owner. A conveyance held under impound for non-compliance with this regulation shall only be released after a peace officer is satisfied by inspection or quarantine that the conveyance is no longer a threat to the aquatic resources, water supplies, and water infrastructure of the state.

(d) Duration of conveyance quarantine shall be determined by the Department, shall be sufficient to allow decontamination, and shall not exceed thirty (30) days.

(e) An impounded conveyance shall not be released until a Department impound release form is signed and executed by a peace officer. It is the responsibility of the owner to coordinate with the Department for the release of the conveyance.

### **Section 6. Mandatory Reporting of Aquatic Invasive Species.**

(a) Any person who knows that an unreported aquatic invasive species is present at a specific location in Wyoming shall report the aquatic invasive species presence within forty-eight (48) hours to the Commission, the Department, or any peace officer and shall provide the date and time of the detection of the aquatic invasive species, the exact location of sighting (water body and specific location on the water body), the suspected species, and the name and contact information of the reporter.

### **Section 7. Aquatic Invasive Species Program Decal.**

(a) An aquatic invasive species program fee may be assessed as part of the Department's motorized watercraft registration fee. A current, properly affixed combination motorized watercraft registration and Aquatic Invasive Species Program Decal shall be proof of payment of this fee. Proof of combination decal purchase may be used in lieu of a properly affixed decal for up to fifteen (15) days from date of purchase.

(b) All owners or operators of motorized watercraft registered outside of Wyoming, any owners or operators of Wyoming registered watercraft that have not paid the aquatic invasive species program fee as part of their watercraft registration fee and all owners or operators of non-motorized watercraft shall purchase an Aquatic Invasive Species Program Decal valid for the current calendar year prior to contacting any waters of this state. Purchase of this decal shall be evidenced by an Aquatic Invasive Species Program Decal properly affixed to the watercraft. Proof of decal purchase may be used in lieu of a properly affixed decal for up to fifteen (15) days from date of purchase. For the purpose of this Section, all non-motorized inflatable watercraft ten (10) feet in length or less, all solid and inflatable paddleboards regardless of length and all devices defined as water sport toys are exempt from this decal provision.

(c) The price of the decal shall be ten dollars (\$10) for motorized watercraft registered in Wyoming and thirty dollars (\$30) for motorized watercraft registered outside of Wyoming. The price of the decal shall be five dollars (\$5) for non-motorized watercraft owned by a Wyoming resident and fifteen dollars (\$15) for non-motorized watercraft owned by a nonresident.

(i) An Aquatic Invasive Species Program Decal affixed to a motorized watercraft shall be displayed on the starboard (right) side of the bow six (6) inches left of and directly in line with the watercraft registration decal. Decals affixed to non-motorized watercraft shall be displayed on the bow in a manner such that the decal is visible when the watercraft is underway. Only the Aquatic Invasive Species Program Decal which is currently valid shall be displayed.

(ii) In the case of rental watercraft, it shall be the responsibility of the rental watercraft owner to ensure that a valid Aquatic Invasive Species Program Decal is properly displayed on the watercraft.

(d) Owners of multiple non-motorized watercraft may transfer valid decals between their own non-motorized watercraft, however, each non-motorized watercraft shall display a valid decal while contacting any of the waters of this state.

WYOMING GAME AND FISH COMMISSION

David Rael, Vice President

Dated: July 11, 2018