

STATEMENT OF REASONS

WYOMING GAME AND FISH COMMISSION

CHAPTER 62

REGULATION FOR AQUATIC INVASIVE SPECIES

Wyoming Statutes § 23-1-102, §§ 23-4-201 through 23-4-205 and § 41-13-211 empower the Commission to promulgate rules and regulations to establish, operate and maintain aquatic invasive species check stations to inspect conveyances and restrict or prohibit boating access on the waters of this state.

This revised regulation will become effective November 1, 2026, following action by the Commission in July 2026. The current Chapter 62 regulation will remain in effect through October 31, 2026.

Revisions to the Aquatic Invasive Species (AIS) regulation are proposed to address emerging threats and improve the Department's ability to prevent and respond to infestations. Specifically, the changes:

- Add golden mussels to the list of regulated AIS. Golden mussels, an invasive species originating from Asia, pose ecological and economic risks similar to those of dreissenid mussels.
- Establish provisions that enable the Department to respond rapidly to detections of the most harmful AIS (defined in regulation as emergency prohibited AIS) in order to contain and prevent their spread.
- Outline procedures for the Department to close or otherwise regulate the timing, location, and type of watercraft access to infested waters when necessary to prevent use in situations where decontamination is not available or feasible.
- Exempt certain low-risk watercraft from inspection requirements, including non-motorized, inflatable vessels less than 10 feet in length, stand-up paddleboards, and water sport toys. Due to their design and typical patterns of use, these craft present a very low risk of transporting AIS and inspection is complicated by the typical pattern of transport (rolled and stowed) and can divert inspection resources from higher-risk vessels.
- Adjust AIS decal fees for motorized watercraft that have remain unchanged since inception of the program in 2010.
- Add an effective date of November 1, 2026. The date when boaters may begin registering watercraft for 2027.

Multiple organizational and formatting edits have been incorporated into these regulations that do not result in substantive changes in regulation. This includes reorganization of Sections 2-4 and creation of new Section 5; Seals and Seal Receipts.

In addition to the changes noted, minor grammatical edits have been incorporated into this Chapter which do not change the meaning of existing regulations.

Section 1: Authority; Addition of Wyoming Statute § 41-13-211 to support the addition of new Section 7, Watercraft Restrictions and Closures.

Section 2. Definitions;

(a): Removal of the list of species from the definition of AIS and addition of definitions of emergency prohibited, prohibited and regulated aquatic invasive species previously defined in Commission Regulation Chapter 51, Private Fish Hatcheries. Chapter 51 will be opened concurrently and these subcategory definitions removed from that chapter.

(c): Removal of the definition of “certified inspection location,” which is no longer used in this regulation or elsewhere.

New (c): New definition of “decontaminator” to designate personnel qualified to conduct decontaminations.

(d): Addition of the “emergency prohibited aquatic invasive species” definition previously located in Chapter 51.

(d)(i): Addition of the genus *Limnoperna* to the emergency prohibited aquatic invasive species list. Golden mussels (*Limnoperna fortunei*) were detected in California in 2024 and pose a significant threat. Throughout the chapter, references to dreissenid mussels are replaced with “emergency prohibited aquatic invasive species” to reflect the combined group of AIS of highest concern.

(f): New definition of “inspection seal” to identify watercraft that have been cleared to launch in Wyoming and to distinguish them from a “prohibited launch seal”.

(g): New definition of “inspection seal receipt” to differentiate the receipt documenting inspection activities from a “prohibited launch seal receipt,” which indicates required actions before a watercraft may contact waters of the state.

(i): Clarification of the definition of “positive water,” consistent with Western Regional Panel on Aquatic Nuisance Species (WRP) standards.

(j): Addition of the “prohibited aquatic invasive species” definition previously located in Chapter 51.

(k): New definition of “prohibited launch seal” to identify watercraft that have not been cleared to launch in Wyoming without further action and to differentiate them from a “Inspection seal”.

(l): New definition of “prohibited launch seal receipt” to differentiate the receipt describing required actions prior to water contact from an “inspection seal receipt,” which documents completed inspection activities.

(m): Addition of the “regulated aquatic invasive species” definition previously located in Chapter 51.

(o): Clarification of the definition of “suspect water,” consistent with WRP standards.

Section 3. Draining and Cleaning Watercraft and Conveyances;

(c): New rule requiring live baitfish to be killed before leaving a positive or infested waterbody. Allowing water that may contain microscopic larval emergency prohibited AIS to be transported with live baitfish presents a substantial risk to other waters of the state.

Section 4. Inspection and Decontamination;

(a): Clarification of the applicable state statutes for this section.

(b): Addition of an exemption for certain types of low risk watercraft and water sport toys from inspection that are already exempted from purchasing a decal. These craft present minimal risk of transporting AIS, and inspection is complicated by their typical transport method (rolled and stowed), which can divert inspection resources from higher-risk vessels.

(e)(iii): Provision allowing inspections to be required when a watercraft exits a waterbody. This provision prepares for containment actions should an emergency prohibited AIS be detected in a Wyoming water.

(g): Outlining that authorized inspectors, following an inspection, may require a decontamination before contacting any waters of the state.

(g)(i): Clarifying that a decontaminator may perform a decontamination with the voluntary consent of the owner, and that a peace officer may direct that a decontamination occurs.

(h): New rule reducing the likelihood of transmission of emergency prohibited AIS within the state by requiring either sufficient dry time or decontamination following removal of a conveyance from a positive or infested water.

New Section: Section 5. Seals and Seal Receipts; This section was created to separate and expand upon rules regarding seals and seal receipts previously contained in Section 4.

(b): Providing that owners may remove inspection seals at their discretion.

(d)(i): Clarifying that a watercraft owner must possess the most recent inspection seal receipt as proof of inspection and provide it to a peace officer as documentation of compliance.

(d)(ii): Providing when a prohibited launch seal receipt may be discarded.

(e): Clarifying that inspection seals from other states may be accepted if accompanied by a valid inspection seal receipt.

(f): New rule allowing the application of a prohibited launch seal by a decontaminator when a decontamination cannot be performed. This provision addresses situations where decontamination may be warranted but cannot be completed at the time or location for various reasons.

(g): New rule prohibiting a conveyance with an attached prohibited launch seal from contacting waters of the state within 30 days unless it is decontaminated by a decontaminator or cleared for launch following inspection. This provision clarifies when and how a prohibited launch seal may be removed and the watercraft approved for launch.

New Section: Section 7. Watercraft Restriction and Closures; This section establishes rules the Department may implement to enact watercraft restrictions or closures following detection of an emergency prohibited aquatic invasive species.

(a): New rule outlining Department plans to restrict watercraft access following the detection of an emergency prohibited AIS with forty-eight (48) hours' notice. These procedures are critical to providing the Department a reasonable opportunity to locate the personnel and

equipment necessary to contain an emergency prohibited AIS when watercraft exiting a positive or infested water require decontamination.

(a)(i)(A;B;C and D): Description of the types of closures or restrictions that may need to be implemented to prevent the spread of an emergency prohibited AIS.

(a)(ii): Exempts emergency, search and rescue, law enforcement, and Department watercraft from closures or restrictions.

(b): Requires the Department to place informational signs regarding closures or restrictions at parking areas or entry points for affected waters. These signs must explain the closure, be approved by the Director or their designee, and serve as official regulatory signs of the Commission.

Section 9. Aquatic Invasive Species Program Decal;

(c): Changing the annual decal fee structure for motorized watercraft registered in Wyoming from ten (\$10) dollars to twenty (\$20) dollars, and motorized watercraft registered outside Wyoming from thirty (\$30) dollars to fifty (\$50) dollars. This fee increase supports the AIS program, which has not had a fee adjustment since program inception. The proposed increases are forecast to produce approximately \$1 million in annual decal sales for the \$2.9 million dollar (annual) program. Department inflationary costs have increased drastically, but decal fees have not changed since inception of the program in 2010. Department revenue remains flat and there are few other opportunities for revenue increases without legislative action.

New Section: Section 10. Effective Date. New section added to establish the date upon which the revised fees take effect.