

WYOMING GAME AND FISH COMMISSION

CHAPTER 62

REGULATION FOR AQUATIC INVASIVE SPECIES

~~EMERGENCY RULE~~

~~(For the 120 days the emergency rules are in effect, the following rules shall apply)~~

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

Section 2. Regulation. The Wyoming Game and Fish Commission hereby adopts the following regulations governing Aquatic Invasive Species. This regulation shall remain in effect until modified or rescinded by the Commission.

Section 3. Purpose. The purpose of this regulation is to provide for the prevention, management, and control of aquatic invasive species.

Section 4. Definitions. For the purpose of this regulation, definitions shall be as set forth in Title 23, Wyoming Statutes, and the Commission also adopts the following definitions:

(a) “Aquatic invasive species” means exotic or non-native aquatic organisms that pose a significant threat to the aquatic resources, water supplies, or water infrastructure of the state. Priority aquatic invasive species include those not known to be present in Wyoming, but have a high potential to invade and other species determined by the Wyoming Game and Fish Commission to be a significant threat.

(i) Priority aquatic invasive species include:

- (A) Zebra mussel - *Dreissena polymorpha*
- (B) Quagga mussel - *Dreissena rostriformis*
- (C) Rusty crayfish - *Orconectes rusticus*
- (D) Bighead carp - *Hypophthalmichthys nobilis*
- (E) Silver carp - *Hypophthalmichthys molitrix*
- (F) Black carp - *Mylopharyngodon piceus*
- (G) Viral Hemorrhagic Septicemia (VHS)

(H) Hydrilla - *Hydrilla verticillata*

(b) "Authorized Inspector" means a person who meets the requirement established by the Wyoming Game and Fish Department to inspect for aquatic invasive species.

(c) (b)" Conveyance" means a motor vehicle, boat, watercraft, raft, vessel, trailer, or any associated equipment or containers, including but not limited to live wells, ballast tanks, bilge areas, and water hauling equipment that may contain or carry aquatic invasive species.

(d) (e)"Decontaminate" means to wash, drain, dry, or thermally or otherwise treat a conveyance in order to remove or destroy aquatic invasive species.

(e) (d)"Equipment" means an article, tool, implement, or device capable of containing or transporting water or aquatic invasive species.

(f) (e)"Inspect" means to examine a conveyance in order to determine whether an aquatic invasive species is present, and includes examining, draining, or treating water in the conveyance.

(g) "Seal" means a locking device affixed to a conveyance that has been inspected or decontaminated.

(h) (f)"Waters of the State" means all waters ~~in~~**under the jurisdiction of** the state of Wyoming.

Section 5. Inspection.

(a) Compliance with aquatic invasive species inspection requirements is an express condition of operation of a conveyance on waters of the 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 launching or operating the conveyance on any water of the 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 water of the state known to be infected by an aquatic invasive species, the conveyance is subject to impoundment until an aquatic invasive species inspection and decontamination is completed.

(b) ~~Authorized inspectors shall be certified by the Wyoming Game and Fish Department (Department) prior to providing any inspection or decontamination procedures.~~ Authorized inspectors may inspect any conveyance. Authorized inspectors

shall perform decontaminations at the direction of a peace officer or with the voluntary agreement of any person transporting a conveyance.

(c) Inspections shall be conducted by:

(i) any peace officer; or,

(ii) any authorized inspector, ~~who holds a valid certification.~~

(d) All conveyances being transported from a water of the state known to be infested with aquatic invasive species shall be inspected and sealed prior to leaving the infested water. If an authorized check station is not open or otherwise available, the conveyance shall be inspected prior to launch in any other water of the state. All waters of the state determined to be infested shall be posted and a list of infested waters will be available from the **Wyoming Game and Fish Department** (Department).

(e) All persons transporting a conveyance shall go to an authorized aquatic invasive species check station and submit to an inspection prior to launching on any water of the state if within the past thirty (30) days the conveyance has been on a water with a verified aquatic invasive species infestation from any state or province, unless inspected and sealed by a state or province that has a Department approved aquatic invasive species program.

(f) Inspectors shall determine if there is reason to believe that aquatic invasive species are present by interviewing the person transporting the conveyance and using visual and tactile inspection methods. All inspections shall be documented on appropriate forms supplied by the Department.

(g) Conveyances are subject to inspection in accordance with Department procedures prior to launch onto, operation on or departure from any water of the state or conveyance staging areas, or authorized aquatic invasive species check stations. 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.

(h) A conveyance determined to contain an aquatic invasive species shall be decontaminated using Department approved procedures before said conveyance shall be allowed to launch onto or operate on any water of the state.

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

(j) Any authorized inspector who, through the course of an inspection, determines that aquatic invasive species are present shall document the inspection, including but not limited to the type and number of aquatic invasive species suspected or detected and identification of the conveyance, including license plate numbers and hull or vehicle identification numbers, if available. The authorized inspector shall advise the operator that the conveyance shall be required to be decontaminated according to Department procedures as soon as possible. Only peace officers have the authority to order decontamination, impoundment, or quarantine of a conveyance.

(k) Once a conveyance is inspected or decontaminated, a seal may be attached to the conveyance by a peace officer or authorized inspector. A copy of the completed seal receipt shall accompany all seals. Seals shall be attached to a conveyance as specified by the Department. A seal, once properly attached to a conveyance and when accompanied by the proper form, certifies a proper inspection or decontamination procedure. The owner of a watercraft sealed by an authorized inspector may remove the seal at their discretion. The Department shall recognize properly attached and documented aquatic invasive species inspection or decontamination seals from a state or province with a Department approved aquatic invasive species program. It shall be a violation of this regulation for any person to attempt to reattach any seal once it is removed from a watercraft.

Section 6. Decontamination.

(a) The Department shall only recognize decontamination methods described in this Section as proper Department procedures. All treatments shall be completed following all applicable laws, disposal methods, recommended safety precautions, safety equipment, and Department approved procedures.

(b) Decontamination shall be achieved by removal of the conveyance from any water body and eliminating the water from all compartments, equipment, and containers that may hold water, including but not limited to live wells, ballast tanks and bilges for a length of time as determined by the Department not to exceed thirty (30) days.

(c) If decontamination is not achieved by removal of the conveyance from any water body for at least 30 days, the following requirements apply:

(i) Decontamination of water compartments, equipment or containers in a conveyance to address the potential presence of an aquatic invasive species shall be accomplished by rinsing and flushing with water of at least 140 degrees Fahrenheit.

(ii) Decontamination of the exterior of a conveyance shall be accomplished by removing or destroying all aquatic invasive species, mud, plants, and organisms. The entire exterior of the conveyance and all intakes shall be thoroughly

washed with water of at least 140 degrees Fahrenheit. A high pressure (minimum of 2500 psi) water wash or scrubbing will be used as necessary.

(iii) All compartments, equipment and containers that hold water including, but not limited to live wells, ballast and bilge areas, shall be flushed with water of at least 140 degrees Fahrenheit but not at high pressure. If a bilge pump is present, it shall be operated until the bilge appears to be empty. The lower unit of the engine shall be thoroughly flushed with water of at least 140 degrees Fahrenheit.

(iv) After decontamination an authorized inspector or peace officer shall re-inspect the conveyance to ensure complete decontamination has occurred prior to the release of the conveyance.

(v) Proof of decontamination shall consist of a properly affixed seal or a copy of the Department decontamination form. Such forms shall document the identification of the conveyance, including license plate numbers and hull or vehicle identification numbers, reasons for the decontamination, any aquatic invasive species found, date and location of the decontamination, and method(s) of decontamination used. Authorized inspectors or peace officers may also apply a seal to document the decontamination procedure.

Section 7. Impoundment and Quarantine.

(a) All conveyances are subject to impoundment and quarantine by a peace officer if:

(i) the person transporting the conveyance refuses to allow an inspection of the conveyance to be conducted by an authorized inspector or peace officer;

(ii) a peace officer or an authorized inspector finds that an aquatic invasive species is present after conducting an inspection; ~~or,~~

(iii) the person transporting the conveyance refuses to allow a decontamination of the conveyance when decontamination is ordered by a peace officer; ~~or,~~

(iv) a peace officer determines a quarantine is necessary following decontamination.

(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 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 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 8. Mandatory Reporting of Aquatic Invasive Species.

(a) Identification of an aquatic invasive species through sampling and monitoring procedures at a location where that species has not been known to exist shall be reported immediately to the Department.

(b) Any person that becomes aware or suspects an aquatic invasive species being present at a specific location in Wyoming shall report the aquatic invasive species presence within forty-eight (48) hours to the Department or any peace officer. An aquatic invasive species report shall include 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. Samples collected of suspected aquatic invasive species shall be submitted to the Department within forty-eight (48) hours.

Section 9. Aquatic Invasive Species Check Stations.

(a) All persons transporting watercraft shall stop at authorized aquatic invasive species check stations that are established on their route of travel.

(b) Aquatic invasive species check stations shall be signed at boat dock areas, marinas, conveyance staging areas, or roads leading to watercraft launching areas.

(c) Check stations not located at boat dock areas, marinas, or conveyance staging areas shall be signed and established at a point on a highway or road clearly visible at a distance of not less than two hundred (200) yards in either direction. Check stations shall be at a point where flashing lights shall be visible to oncoming traffic for a distance of not less than two hundred (200) yards. The emergency lights on a marked law enforcement vehicle or a yellow flashing light on a marked non-enforcement vehicle shall be in operation.

Section 10. Aquatic Invasive Species Program Decal.

(a) All watercraft **owners or** operators shall purchase and display an Aquatic Invasive Species Program Decal **valid** for the current calendar year on their watercraft prior to launching on **or entering into** any waters of the state. For the purpose of this Section, **all** inflatable watercraft ten (10) feet in length or less are exempt from this decal provision.

(b) Aquatic Invasive Species Program Decals shall not be limited in number and shall be sold through the Electronic Licensing System (ELS), designated license selling agents, and authorized personnel. The price of the decal shall be ten (10) dollars for motorized watercraft registered in Wyoming and thirty (30) dollars for motorized watercraft registered outside of Wyoming. The price of the decal shall be five (5) dollars for non-motorized watercraft owned by a Wyoming resident and fifteen (15) dollars for non-motorized watercraft owned by a nonresident.

(i) Watercraft ~~users~~ **owners or operators** acquiring an Aquatic Invasive Species Program Decal for the purpose of this regulation shall adhere the **decal** on the starboard (right) side of the **bow** watercraft in such a manner that the decal shall be visible when the watercraft is underway. Owners **or operators** of **registered** watercraft ~~in Wyoming~~ shall adhere the decal on the starboard (right) side of the **bow** ~~boat~~ six (6) inches aft and directly in line with the **watercraft** ~~boat~~ registration number. 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.

Section 11. Coordination with the Wyoming State Parks and Cultural Resources Department.

(a) The Department is directed to immediately engage the Wyoming State Parks and Cultural Resources Department (State Parks) for the purpose of entering into a Memorandum of Understanding (MOU) for the administration of the Aquatic Invasive Species Program on State Parks managed lands. Any MOU shall include due consideration of:

(i) the Commission's and State Parks' statutory duties under the Aquatic Invasive Species program (W.S. §23-4-201 through W.S. §23-4-205);

(ii) the primary jurisdictional authority of State Parks over State Parks land; and,

(iii) the Commission's financial and personnel commitments to the remaining critical bodies of water throughout the state.

(b) The Department shall coordinate annually with State Parks to determine complimentary efforts to control the spread of aquatic invasive species in the waters of the state and any necessary amendments to the MOU.

Section 12. Violation of Commission Regulations. Failure to abide by the provisions this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

Section 13. Savings Clause. If any provision of this regulation is held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By: _____
Ed Mignery, President

Dated: ~~March 25, 2010~~ **June 17, 2010**