

**FROM THEORY TO PRACTICE: A COMPARISON OF STATE WATERCRAFT INSPECTION AND
DECONTAMINATION PROGRAMS TO MODEL LEGISLATIVE PROVISIONS**



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This report is a product of the Building Consensus in the West, an initiative of the Western Regional Panel on Aquatic Nuisance Species (WRP). The goal of the WRP initiative is to develop a multi-state vision for watercraft inspection and decontamination (WID) programs. Financial support was provided by the U.S. Fish & Wildlife Service, U.S. Department of Interior through the 100th Meridian Initiative, and the National Oceanic and Atmospheric Administration, U.S. Department of Commerce under award number NA09OAR4170200. The statements, findings, conclusions, and recommendations are those of the authors and do not necessarily reflect the views of FWS, the U.S. Department of Interior, NOAA, or the U.S. Department of Commerce.



100th Meridian Initiative



FROM THEORY TO PRACTICE: A COMPARISON OF STATE WATERCRAFT INSPECTION AND DECONTAMINATION PROGRAMS TO MODEL LEGISLATIVE PROVISIONS

EXECUTIVE SUMMARY

In March 2014, the National Sea Grant Law Center (NSGLC) and the Association of Fish and Wildlife Agencies released “Preventing the Spread of Aquatic Invasive Species by Recreational Boats: Model Legislative Provisions & Guidance to Promote Reciprocity among State Watercraft Inspection and Decontamination Programs” (Model). The guide was a product of “Building Consensus in the West,” an initiative of the Western Regional Panel on Aquatic Nuisance Species (WRP). The goal of the WRP initiative is to develop a multi-state vision for watercraft inspection and decontamination (WID) programs.

These model legislative provisions were developed for two purposes. First, the provisions offer guidance to states with existing WID programs to help build a foundation for multi-state reciprocity. Second, for states without WID programs, the provisions outline a legal framework for the authorization of new WID programs.

To assist state natural resource managers and policy-makers in identifying commonalities, differences, and gaps among states, the NSGLC undertook a review of each state’s WID laws and regulations to see how each state’s program compared to the authorities set forth in the Model. It is important to note that although every state has some statutory and regulatory provisions addressing aquatic invasive species (AIS), especially aquatic plants, this comparison focused solely on analyzing state legal authorities specifically enacted to address transport of AIS by recreational watercraft.

Through this review, the NSGLC found that nineteen states (Alabama, Alaska, Arkansas, Delaware, Georgia, Hawaii, Kentucky, Louisiana, Mississippi, Missouri, New Jersey, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, and West Virginia) had no relevant statutory or regulatory provisions. Interestingly, Alabama specifically exempts the recreational watercraft vector from its aquatic plant prohibitions. Alabama prohibits the introduction and placement of any nonindigenous aquatic plant into waters of the state. However, “the unintentional adherence to a boat or boat trailer of a nonindigenous aquatic plant, and its subsequent unintentional transportation or dispersal in the course of common and ordinary boating activities and practices, does not constitute a violation.” (ALA. CODE ANN. § 9-20-3).

Sixteen states have WID programs. Lake Tahoe, NV and Lake George, NY also have in place a WID program. However, these programs were not included in the comparisons because they are either at the local or regional level, and their implementing authorities are quite different. In addition, another fifteen states have elements in place that provide the foundation for a WID program, such as transport or launching restrictions or state-supported voluntary inspection programs. These thirty-one state programs are summarized below.

States with WID Programs

In its review, the NSGLC first identified the states that currently have a WID program. For these sixteen states, the NSGLC prepare a detailed comparison between the state’s current law and

regulations and the provisions outlined in the Model. These detailed comparisons are presented following the Executive Summary starting on page 13.

To aid in this comparison, the NSGLC outlined the Model’s provisions in nine broad categories. For each state’s individual comparison, the NSGLC prepared a “snapshot” to show how the state’s WID program lined up against the Model. Table 1 shows these categories, as well as how the sixteen states with WID programs compare to the Model and each other.

Table 1. Snapshot Comparison of WID States with the Model

| | Legislative Findings | Definitions | Powers & Duties | Prohibitions | Owner Responsibilities | Inspection | Decontamination | Certification | Penalties |
|---------------|----------------------|-------------|-----------------|--------------|------------------------|------------|-----------------|---------------|-----------|
| Arizona | x | P | ✓ | ✓ | ✓ | P | P | x | ✓ |
| California | x | P | P | P | x | P | P | x | ✓ |
| Colorado | ✓ | ✓ | ✓ | P | P | ✓ | ✓ | ✓ | ✓ |
| Idaho | ✓ | P | ✓ | ✓ | P | ✓ | ✓ | P | ✓ |
| Iowa | x | P | P | ✓ | P | P | x | x | ✓ |
| Minnesota | x | ✓ | ✓ | ✓ | ✓ | ✓ | P | x | ✓ |
| Montana | ✓ | P | ✓ | P | P | P | P | x | ✓ |
| Nebraska | ✓ | P | P | P | ✓ | P | ✓ | x | ✓ |
| Nevada | x | P | ✓ | ✓ | ✓ | ✓ | ✓ | P | ✓ |
| New Mexico | x | P | P | ✓ | x | P | ✓ | x | ✓ |
| North Dakota | x | P | P | P | ✓ | P | x | x | ✓ |
| Oregon | x | P | ✓ | ✓ | x | ✓ | P | ✓ | ✓ |
| Utah | x | P | P | P | P | ✓ | ✓ | x | ✓ |
| Washington | ✓ | P | ✓ | P | ✓ | P | ✓ | P | ✓ |
| Wisconsin | x | P | P | ✓ | ✓ | P | x | x | ✓ |
| Wyoming | x | ✓ | ✓ | ✓ | P | ✓ | ✓ | ✓ | ✓ |
| Totals | 5 | 3 | 9 | 9 | 7 | 7 | 8 | 3 | 16 |

Key: ✓ *State provisions completely or closely matched Model*
 P *State provisions partially match Model*
 x *Authorities not expressly provided for*

As illustrated by Table 1, most of the states with WID programs have many of the broad authorities outlined in the Model. However, many are missing sub-categories of authorities with respect to inspection and decontamination authority. The broad category with the least coverage is Certification, which includes those provisions relating to documentation of conveyance inspection and decontamination and reciprocity among WID programs. This lack of coverage is not surprising as a lack of reciprocity among existing WID programs was a primary motivation for the development of the Model.

Next, the NSGLC broke down these broad categories into the Model’s more specific provisions. Each of these subcategories is represented by the tables below. Following each table, the NSGLC provides brief observations that emerged from its comparison of the subcategory. The only exception to this breakdown is the Legislative Findings provision, which has no subparts, and thus is only represented in Table 1 above.

Table 2. Definitions

| | AIS | Conveyance | Decontamination | Inspection | Person | Waters |
|---------------|-----------|------------|-----------------|------------|-----------|-----------|
| Arizona | ✓ | ✓ | | | ✓ | ✓ |
| California | | ✓ | | | ✓ | ✓ |
| Colorado | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Idaho | ✓ | ✓ | | | ✓ | ✓ |
| Iowa | ✓ | ✓ | | | ✓ | ✓ |
| Minnesota | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Montana | ✓ | ✓ | | | ✓ | |
| Nebraska | ✓ | ✓ | ✓ | | ✓ | ✓ |
| Nevada | ✓ | ✓ | ✓ | | ✓ | ✓ |
| New Mexico | ✓ | ✓ | ✓ | ✓ | | ✓ |
| North Dakota | ✓ | | | | ✓ | ✓ |
| Oregon | ✓ | ✓ | ✓ | | ✓ | ✓ |
| Utah | | ✓ | ✓ | | ✓ | ✓ |
| Washington | ✓ | ✓ | ✓ | | ✓ | ✓ |
| Wisconsin | ✓ | | | | ✓ | ✓ |
| Wyoming | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Totals | 14 | 14 | 9 | 4 | 15 | 15 |

There are a couple of interesting trends emerging from the states' definition provisions. First, very few states define what constitutes an inspection for its WID program, relying instead on the general understanding of the term. Second, not all of the states use the term conveyance, but most use a term or terms that approximate the legal scope of the Model's definition of conveyance. Finally, relevant definitions are not exclusively found in a state's AIS laws, as terms like waters and person are often defined in the larger title or chapter that the AIS provisions reside in, or in administrative rules.

Table 3. Department Powers and Duties

| | Identify AIS | Identify Waters | Possess AIS for Sampling, Testing | Stop, Detain, & Inspect | Decontaminate | Cooperative Agreements |
|---------------|--------------|-----------------|-----------------------------------|-------------------------|---------------|------------------------|
| Arizona | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| California | | ✓ | ✓ | ✓ | ✓ | |
| Colorado | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Idaho | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Iowa | ✓ | ✓ | ✓ | ✓ | | |
| Minnesota | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Montana | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Nebraska | ✓ | ✓ | ✓ | ✓ | ✓ | |
| Nevada | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| New Mexico | ✓ | ✓ | | ✓ | ✓ | ✓ |
| North Dakota | ✓ | ✓ | ✓ | ✓ | | |
| Oregon | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Utah | | ✓ | ✓ | ✓ | ✓ | ✓ |
| Washington | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Wisconsin | ✓ | | ✓ | ✓ | | ✓ |
| Wyoming | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| Totals | 14 | 15 | 15 | 16 | 13 | 11 |

As noted above, most or almost all of the states with WID programs currently have provisions authorizing a state agency to take certain actions concerning AIS that compare to those outlined in the Model's Powers and Duties section.

Table 4. Prohibitions

| | Possession | Out-of-Compliance Conveyance |
|---------------|------------|------------------------------|
| Arizona | ✓ | ✓ |
| California | ✓ | |
| Colorado | ✓ | |
| Idaho | ✓ | ✓ |
| Iowa | ✓ | ✓ |
| Minnesota | ✓ | ✓ |
| Montana | ✓ | |
| Nebraska | ✓ | |
| Nevada | ✓ | ✓ |
| New Mexico | ✓ | |
| North Dakota | ✓ | |
| Oregon | ✓ | ✓ |
| Utah | ✓ | ✓ |
| Washington | ✓ | |
| Wisconsin | ✓ | |
| Wyoming | ✓ | ✓ |
| Totals | 16 | 8 |

Although all of the sixteen states with WID program prohibit the possession of AIS, only half of these states also contain the Model’s prohibition on launching an out-of-compliance conveyance into the state’s waters.

Table 5. Owner Responsibilities

| | Clean, Drain, Dry | Comply with Orders |
|---------------|-------------------|--------------------|
| Arizona | ✓ | ✓ |
| California | | |
| Colorado | | ✓ |
| Idaho | | ✓ |
| Iowa | ✓ | |
| Minnesota | ✓ | ✓ |
| Montana | | ✓ |
| Nebraska | ✓ | ✓ |
| Nevada | ✓ | ✓ |
| New Mexico | | |
| North Dakota | ✓ | ✓ |
| Oregon | | |
| Utah | ✓ | |
| Washington | ✓ | ✓ |
| Wisconsin | ✓ | ✓ |
| Wyoming | | ✓ |
| Totals | 9 | 11 |

Although many states, including those with WID programs, emphasize “Clean, Drain, Dry” to boaters in their educational and outreach materials, only about half of the states include these concepts in their statutory or regulatory language. Further, only nine out of the sixteen programs explicitly state that the owners must comply with orders from the state’s implementing agency pertaining to watercraft inspection and decontamination.

Table 6. Inspection Authority

| | Inspection Stations | Mandatory Inspections | Law Enforcement Stops |
|---------------|---------------------|-----------------------|-----------------------|
| Arizona | | | ✓ |
| California | ✓ | ✓ | |
| Colorado | ✓ | ✓ | ✓ |
| Idaho | ✓ | ✓ | ✓ |
| Iowa | ✓ | | |
| Minnesota | ✓ | ✓ | ✓ |
| Montana | ✓ | ✓ | |
| Nebraska | | ✓ | |
| Nevada | ✓ | ✓ | ✓ |
| New Mexico | ✓ | ✓ | |
| North Dakota | ✓ | | |
| Oregon | ✓ | ✓ | ✓ |
| Utah | ✓ | ✓ | ✓ |
| Washington | ✓ | ✓ | |
| Wisconsin | ✓ | | |
| Wyoming | ✓ | ✓ | ✓ |
| Totals | 14 | 12 | 8 |

While all of the sixteen states completely or partially match up with the Model on the broader snapshot for inspection authority (Table 1), not all of the states contain specific provisions dealing with inspection stations, mandatory inspections, or law enforcement stops. Therefore, while all states with WID programs have an overall inspection authority, not all of the states have provisions providing a level of detail regarding what these inspections will entail at the level the Model suggests.

Table 7. Decontamination Authority

| | Decontaminate | Impound Conveyances | Impose Costs |
|---------------|---------------|---------------------|--------------|
| Arizona | ✓ | | ✓ |
| California | ✓ | ✓ | |
| Colorado | ✓ | ✓ | ✓ |
| Idaho | ✓ | ✓ | |
| Iowa | | | |
| Minnesota | ✓ | | |
| Montana | ✓ | | |
| Nebraska | ✓ | ✓ | ✓ |
| Nevada | ✓ | ✓ | ✓ |
| New Mexico | ✓ | ✓ | ✓ |
| North Dakota | | | |
| Oregon | ✓ | ✓ | |
| Utah | ✓ | ✓ | ✓ |
| Washington | ✓ | ✓ | ✓ |
| Wisconsin | | | |
| Wyoming | ✓ | ✓ | ✓ |
| Totals | 13 | 10 | 8 |

While most of the states with WID programs have at least one provision that references decontamination, not all of the states provide the relevant agency with the authority to impound conveyances that are not in compliance with the law or to impose the cost of decontaminating a conveyance on the conveyance owner.

Table 8. Certification

| | Receipt | Seal | Reciprocity |
|---------------|----------|----------|-------------|
| Arizona | | | |
| California | | | |
| Colorado | ✓ | ✓ | ✓ |
| Idaho | ✓ | ✓ | |
| Iowa | | | |
| Minnesota | | | |
| Montana | | | |
| Nebraska | | | |
| Nevada | ✓ | ✓ | |
| New Mexico | | ✓ | |
| North Dakota | | | |
| Oregon | ✓ | ✓ | ✓ |
| Utah | | | |
| Washington | ✓ | | |
| Wisconsin | | | |
| Wyoming | ✓ | ✓ | ✓ |
| Totals | 6 | 6 | 3 |

Documentation of the inspection and decontamination history of a watercraft is a foundation for reciprocity between states' WID programs, as it is the most efficient means of sharing information between inspectors. Very few of the states with WID programs, however, have provisions currently in place that encourage or require the use of receipts, seals, or other documentation following an inspection or decontamination.

Table 9. Penalties

| | Civil | Criminal |
|---------------|-----------|-----------|
| Arizona | ✓ | ✓ |
| California | ✓ | |
| Colorado | | ✓ |
| Idaho | ✓ | ✓ |
| Iowa | ✓ | |
| Minnesota | ✓ | ✓ |
| Montana | ✓ | ✓ |
| Nebraska | | ✓ |
| Nevada | ✓ | ✓ |
| New Mexico | | ✓ |
| North Dakota | ✓ | ✓ |
| Oregon | ✓ | ✓ |
| Utah | ✓ | ✓ |
| Washington | ✓ | ✓ |
| Wisconsin | ✓ | ✓ |
| Wyoming | ✓ | ✓ |
| Totals | 12 | 14 |

The Model recognizes that penalty provisions are governed by a complex mix of policy considerations, and therefore outlines options for a state to impose civil penalties, criminal penalties, or both for violations of WID laws and regulations. In practice, most states have authorized both.

Table 10. Supplemental Authorities

| | AIS Fund | Closure Authority | Drying Time | Local Government Authority | Forfeiture | Immunity | Reporting |
|---------------|-----------|-------------------|-------------|----------------------------|------------|----------|-----------|
| Arizona | ✓ | | ✓ | | | | |
| California | ✓ | ✓ | | ✓ | | ✓ | ✓ |
| Colorado | ✓ | ✓ | ✓ | ✓ | | ✓ | ✓ |
| Idaho | ✓ | | ✓ | | | ✓ | ✓ |
| Iowa | ✓ | ✓ | | | | | |
| Minnesota | ✓ | ✓ | | ✓ | ✓ | | ✓ |
| Montana | ✓ | | | | | | ✓ |
| Nebraska | | ✓ | ✓ | | | | |
| Nevada | | | ✓ | ✓ | | | |
| New Mexico | | | | | | | |
| North Dakota | | ✓ | | | | | |
| Oregon | ✓ | | | | | | |
| Utah | | ✓ | ✓ | | | | ✓ |
| Washington | ✓ | ✓ | | | ✓ | | |
| Wisconsin | | | ✓ | ✓ | | | |
| Wyoming | ✓ | ✓ | | | | | ✓ |
| Totals | 10 | 9 | 7 | 5 | 2 | 3 | 7 |

In addition to the Core Legislative Package, the Model outlined several Supplemental Authorities that a state might choose to include within its WID law. Although most of these provisions have not been included by most states with WID programs throughout the country, the NSGLC found that at least half of the states have either an AIS fund, provide authority to a state agency to close at risk waters, require drying time, or have some kind of reporting requirement when an AIS is found within the state.

States with Courtesy Boat Inspection Programs

Next along the continuum are three states that prohibit the launching a watercraft with AIS attached and assist with compliance through the establishment and operation of Courtesy Boat Inspection Programs.

Maine

Maine prohibits the transport of any aquatic plant or parts of any aquatic plant on the outside of a vehicle, boat, personal watercraft, boat trailer, or other equipment on a public road. (MAINE REV. STAT. § 419-C(1)(A)). Failure to remove any aquatic plant from the outside of a vehicle, boat, personal watercraft, boat trailer, or other equipment on a public road is also a violation of law. In addition, it is unlawful to place a watercraft that is contaminated with an invasive aquatic plant upon the inland waters of the state. (MAINE REV. STAT. § 13068-A(1)).

In 2001, the Maine Legislature directed the Department of Environmental Protection (DEP) to implement a program to inspect watercraft, trailers, and outboard motors for the presence of invasive species at or near state borders and boat launching sites. (MAINE REV. STAT. § 1862(1)). Inspections in Maine are not mandatory. The DEP therefore provides training, protocols, and funding to various organizations to conduct courtesy boat inspections. According to the DEP, 80,005 courtesy boat inspections were conducted in 2013 with 41,119 inspection hours logged. For more information on Maine’s Courtesy Boat Inspection Program, visit the DEP’s website at <http://www.maine.gov/dep/water/invasives/inspect.html>.

New Hampshire

New Hampshire law prohibits the sale, introduction, importation, and transportation of listed prohibited species of exotic aquatic weeds. (N.H. REV. STAT. § 487:16a). It is also unlawful to possess or import prohibited wildlife, such as zebra mussels. In 2002, the New Hampshire

Lakes Association (NH LAKES), with the support of federal and state grants, developed a comprehensive exotic aquatic plant education and prevention program that includes the staffing of public boat ramps with trained “Lake Hosts.” Lake Hosts educate boaters about AIS; encourage self-inspection according to “Clean, Drain, and Dry;” and conduct courtesy boat and trailer inspections of watercraft entering and leaving public waters. In 2013, according to NH LAKES, 81 organizations participated in the Lake Host Program covering 103 boat ramps and conducting 77,806 inspections. To learn more about the Lake Host Program, visit <http://nhlakes.org/education/lake-host/>.

Vermont

Vermont prohibits the transport of aquatic plants, zebra and quagga mussels, or other aquatic nuisance species to or from state waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment. (VT. STAT. ANN. § 1454(a)). To address the recreational boat vector, the Vermont Department of Environmental Conservation has developed the “Boat Access Greeter Program.” The Department does not have any inspection or decontamination authority, so boat access greeters are limited to offering visual inspections of watercraft and associated equipment, removing any plant material or animals discovered, and educating users on prevention methods and laws. In 2013 the program operated at 23 sites statewide and trained inspectors conducted over 15,000 courtesy inspections. For more information see, <http://www.vtinvases.org/news/vermont-boat-access-greeter-program-2013-summary>.

States with Launching & Transport Restrictions

Seven states without WID programs, in addition to the states discussed above, prohibit the launching and transport of watercraft with AIS or aquatic plants attached. Although this might seem like a minor provision compared to the extensive laws and regulations related to WID programs in other states, watercraft launching and transport restrictions are the legal foundation of WID programs. Watercraft inspection and decontamination programs in most states are established to provide boater education and facilitate compliance with the state’s law regarding transport and possession of AIS.

Illinois

Illinois law, with some exceptions, prohibits any person from placing or operating a vehicle, seaplane, watercraft, or other object of any kind in state waters or taking off on a highway if it has any aquatic plants or aquatic animals attached to the exterior. A law enforcement officer with reason to believe a person is in violation of the law may order the person to: (1) remove plants and animals; (2) remove the vehicle, seaplane, watercraft, or other object from the water or not place it in water; or (3) not take off on a highway. (ILL. COMP. STAT. tit. 625, § 45/5-23).

Maryland

Maryland Department of Natural Resource regulations prohibit a person from placing, or attempting to place, upon state waters a watercraft or associated equipment with attached or contained aquatic plants, zebra mussels, or other prohibited species. (MD. CODE REGS. 08.02.19.05(A)).

Massachusetts

Massachusetts has both launching and decontamination requirements. Massachusetts law prohibits the placement in or upon inland waters any vessel, boat transporter, truck-trailer boat transporter, or associated equipment if it has “growing thereon or attached thereto” an aquatic nuisance species unless it has been clean, decontaminated, or treated to kill or remove the aquatic nuisance species. (MASS. STAT. ANN. ch. 21. § 37B(g)).

Michigan

No person may place a boat, boating equipment, or boat trailer in Michigan waters if it has an aquatic plant attached. Law enforcement officers are authorized to order the owner or operator of a boat, boating equipment, or boat trailer to remove aquatic plants. (MICH. COMP. LAW 324.41325).

New York

Watercraft may not be launched from state boat launching sites, fishing access sites, or other sites under the jurisdiction of the New York State Department of Environmental Conservation (NY DEC) “if any plant or animal, or parts thereof, visible to the human eye, in, on, or attached to any part of” the watercraft, including livewells, bilges, motor, rudder, anchor, or other appurtenants; any equipment or gear; or the trailer or other device used to transport or launch. (N.Y. COMP. CODES R. & REGS tit. 6, §§ 59.4(b) and 190.24(b)). In addition, no person may launch, attempt to launch, or leave from these sites without draining the watercraft.

Legislation passed in 2014 imposes a statewide launching restriction that becomes effective on September 2, 2015. (A. 9619-B, 2014 Sess. Law News of NY). Under the new law, it is unlawful for any person to launch a watercraft “unless it can be demonstrated that reasonable precautions such as removal of any visible plant or animal matter, washing, draining, or drying” have been taken pursuant to forthcoming NY DEC rules. First violations are subject to written warnings with fines increasing for subsequent violations: \$150 for second, \$250 for third, and up to \$1,000 for a fourth or subsequent offense.

Oklahoma

Oklahoma Department of Wildlife Conservation regulations require the removal of all aquatic plants from boats, trailers, or any other gear capable of holding aquatic plants prior to placement in state waters. (OKLA. ADMIN. CODE § 800:20-4-2). In addition, boats, trailers, and boat parts must be cleaned free of live zebra or quagga mussels before launching in any public waters. (OKLA. ADMIN. CODE § 800:20-4-3(b)).

South Dakota

In South Dakota, no person may launch or attempt to launch a boat, motorboat, or boat trailer of any kind into state waters with an aquatic nuisance species attached or onboard. Law enforcement officers are authorized to require the remove of aquatic vegetation from any boat, motor, trailer, or associated equipment. (S.D. ADMIN. R. 41:10:04:03). Pursuant to Department of Game, Fish, and Parks regulations, boats, motorboats, and boat trailers are subject to inspection by a department representative. If an aquatic nuisance species is found, a Department-approved decontamination process is required before launching. (S.D. ADMIN. R. 41:10:04:04).

States with Transport Restrictions Only

The laws in five additional states restrict the transport of AIS on watercraft and trailers, but impose no launching restrictions.

Connecticut

Connecticut law prohibits any person from transporting a vessel or trailer in the state without inspecting the vessel for the presence of vegetation and AIS and properly removing and disposing of “any such vegetation and aquatic invasive species that are visible and identifiable without optical magnification...” (CONN. GEN. STAT. § 15-1801(a)). Violations are subject to a

\$100 fine. To facilitate compliance with the law, Connecticut requires that any safe boating operation course approved by the Department of Energy and Environmental Protection include instruction on the proper means of inspecting vessels and trailers and proper disposal of vegetation and AIS. (CONN. GEN. STAT. § 15-140e(g)).

Florida

Florida prohibits the sale, transport, and possession of certain listed invasive non-native plants. In addition, Florida has a provision authorizing the Florida Fish and Wildlife Conservation Commission to “quarantine or confiscate noxious aquatic plant material incidentally adhering to a boat or boat trailer.” (FLORIDA STAT. ANN. § 369.20(11)). The state, however, does not have any broad transportation restrictions expressly applying to watercraft.

Indiana

An Indiana Department of Natural Resources regulation prohibits the transport of listed invasive aquatic plants on or within any boat, trailer, motor vehicle, bait bucket, fishing gear, or other means. Indiana’s transport restrictions are narrower than other states, however, as a similar provision with respect to aquatic animals was not found.

Kansas

Kansas law prohibits the importation, possession, and release of listed live wildlife species, which includes zebra and quagga mussels. (KAN. STAT. ANN. § 32-859; KAN. ADMIN. REG. § 115-18-10). Pursuant to a Kansas Department of Wildlife, Parks, and Tourism regulation, all vessels being removed from state waters must have livewells and bilges drained and drain plugs removed before transport on any public highway of the state. (KAN. ADMIN. REG. § 115-30-13).

Texas

Texas law requires persons leaving any water of the state to immediately remove and lawfully dispose of any listed prohibited plants that are clinging or attached to the person’s watercraft, trailer, or motor vehicle. (TEX. PARKS & WILDLIFE CODE § 66.0071). In addition, Texas Parks and Wildlife Department (TPWD) regulations prohibit anyone from using a public roadway to transport a vessel to or from a public water body in the state unless all bilges, live wells, motors, and other similar receptacles and systems have been drained.” (TEX. ADMIN. CODE tit. 31, § 57.1001(1)). TPWD employees are authorized to inspect vessels leaving or approaching public water for the presence of water. (TEX. PARKS & WILDLIFE CODE § 66.0073(d)).

ARIZONA

Snapshot: How does Arizona Compare to the Model?

Arizona’s aquatic invasive species law includes about 60% of the core authorities suggested in the Model. Arizona has provisions that completely match 4 out of 9 categories, with another three categories partially addressed. So what’s missing?

| | | |
|---|------------------------|--|
| x | Legislative Findings | |
| P | Definitions | Arizona lacks definitions for decontamination and inspection. |
| ✓ | Powers and Duties | |
| ✓ | Prohibitions | |
| ✓ | Owner Responsibilities | |
| P | Inspection | Arizona does not provide authority for check stations and inspections are not mandatory. |
| P | Decontamination | Arizona does not provide authority to impound conveyances. |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: ARIZ. REV. STAT., Title 17, Chapter 2, Art. 3.1; ARIZ. ADMIN. CODE r. 12-4-1101 and 12-4-1102; and AGFD Director’s Orders 1, 2, and 3.

Core Authorities

Legislative Findings: None

Definitions:

| | |
|--------------------------|--|
| Aquatic Invasive Species | Yes, with slight differences in scope. AIS “means any aquatic species that is not native to the ecosystem under consideration and whose introduction or presence in this state may cause economic or environmental harm or harm to human health.” Statute, however, excludes from definition: (1) nonindigenous species lawfully or historically introduced for sport fishing recreation; and (2) species introduced pursuant to Title 17 (AIS law). |
| Conveyance | No definition in statute. Law refers to “watercraft, vehicle, conveyance, or other equipment.” Arizona Game and Fish Department (AGFD) AIS regulations define the terms “Conveyance” and “Equipment.” <ul style="list-style-type: none"> • Conveyance “means a device designed to carry or transport water. Conveyance includes, but is not limited to, dip buckets, water hauling tanks, and water bladders.” • Equipment “means an item used either in or on water; or to carry water. Equipment includes, but is not limited to, trailers used to launch or retrieve watercraft, rafts, inner tubes, kick |

Comparison of State WID Programs to Model Legislative Provisions

| | |
|-----------------|--|
| | boards, anchors and anchor lines, docks, dock cables and floats, buoys, beacons, wading boots, fishing tackle, bait buckets, skin diving and scuba diving equipment, submersibles, pumps, sea planes, and heavy construction equipment used in aquatic environments.” Combined these terms provide coverage slightly broader than the Model. |
| Decontamination | No |
| Inspection | No |
| Person | No definition in statute. AGFD AIS regulations state that “person” has the same meaning as defined under ARIZ. REV. STAT. § 1-215(28). By regulation, therefore, person “includes a corporation, company, partnership, firm, association or society, as well as a natural person. When the word ‘person’ is used to designate the party whose property may be the subject of a criminal or public offense, the term includes the United States, this state, or any territory, state or country, or any political subdivision of this state that may lawfully own any property, or a public or private corporation, or partnership or association.” |
| Waters | No definition in statute. AGFD AIS regulations define waters as “surface water of all sources, whether perennial or intermittent, in streams, canyons, ravines, drainage systems, canals, springs, lakes, marshes, reservoirs, ponds, and other bodies or accumulations of natural, artificial, public or private waters situated wholly or partly in or bordering this State.” |

Powers and Duties of Department:

| | |
|---|---|
| Identify AIS | Yes. The AGFD Director may establish a list of AIS for the state. |
| Identify waters and locations affected by AIS | Yes. The AGFD Director may establish a list of waters or locations where AIS are present. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | No express authority, but prohibitions section of the AIS law includes the caveat “except as authorized by the Commission.” This provision would allow the AGFD to authorize possession and transport for these purposes. |
| Stop, detain, and inspect a conveyance | Yes. The AGFD may “authorize and establish lawful inspections of watercraft, vehicles, conveyances and other equipment to locate the aquatic invasive species.” |
| Decontaminate or order the decontamination | Yes. The AGFD may order or require the decontamination of watercraft, vehicles, conveyances, and equipment. |

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| Enter into agreements to facilitate cooperation or address management issues | Yes. The AGFD has broad authority to enter into cooperative agreements “with the federal government, with other states or political subdivisions of the state and with private organizations for the construction and operation of facilities and for management studies, measures or procedures for or relating to the preservation and propagation of wildlife and expend funds for carrying out such agreements.” |
|--|--|

Prohibitions:

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| Prohibition on possession, importation, shipment, or transport | Yes. Except as authorized by AGFD, it is unlawful for any person to “possess, import, ship, or transport” an AIS into or within the state. |
| Prohibition on placement of out-of-compliance conveyance in waters | Yes, with slight difference in scope. Prohibition is limited to the placement of equipment, watercraft, vessel, or conveyance “that has been in water or location where AIS are present within the proceeding 30 days without first decontaminating.” |

Owner Responsibilities:

Clean, Drain, and Dry: Owner responsibilities are not listed in statute, but AGFD regulations require any person removing a watercraft, vehicle, conveyance, or equipment from any listed waters to:

- Remove all clinging material such as plants, animals, and mud (Clean);
- Remove any plug or other barrier that prevents water drainage or, where none exists, take reasonable measures to drain or dry all compartments or spaces that hold water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation (Drain and Dry).

Comply with Inspection and Decontamination Protocols and Orders: No express statement in statute, but criminal penalties are authorized for violation of decontamination orders and AGFD regulations require compliance with mandatory decontamination conditions and protocols.

Inspection Authority:

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|--|--|
| Authority to Establish Inspection Stations | No |
| Mandatory Inspections | No. Arizona law permits AGFD to “authorize and establish lawful inspections of watercraft, vehicles, conveyances, or other equipment to locate the aquatic invasive species.” Regulations authorize AGFD employees, certified agents, and Arizona peace officers to conduct inspections, but conveyances are not required to stop and submit to an inspection. |
| Law Enforcement Stops | Not expressly authorized in statute, but regulations authorize Arizona peace officers to conduct inspections. |

Decontamination Authority:

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| Perform or Order Decontamination | AGFD “may order any person with an aquatic invasive species in or on the person’s watercraft, vehicle, conveyance, or other equipment to decontaminate” in a manner prescribed by rule. Mandatory on-site decontamination, however, cannot be required at a location where an on-site cleaning station charges a fee. The AGFD may also “require any person with a watercraft, vehicle, conveyance or other equipment in waters or locations where an aquatic invasive species is present to decontaminate the property before moving it to any other waters in this state or any other location in this state where aquatic invasive species could thrive.” |
| Impound Conveyances | No |
| Impose Costs | Yes, within the penalty provisions (see below). The Legislature directs courts to order a person found to be in violation of a decontamination order to pay all costs, not exceeding \$50, incurred by the state to decontaminate watercraft, vehicle, conveyance, or equipment. |

Certification Authority:

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|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Note: AGFD Director’s Order 3 requires the owner, operator, or transporter of a long term use boat (defined as a watercraft that has been in AIS listed waters for more than five days) to complete and submit an Aquatic Invasive Species Boat Inspection Report to AGFD before transporting the watercraft to any other Arizona waters or out of state. This type of self-reporting, however, does not meet the standard suggested in the Model as it is not a certificate issued by a state-approved inspector.

Penalties:

Arizona law authorizes both civil and criminal penalties for violations of the WID program.

Civil Penalties: All violations are subject to a civil penalty of not more than \$500. Additionally, a person found in violation of a decontamination order issued under § 17-255.01(C)(2) “shall be ordered to pay all costs not exceeding \$50 to decontaminate the conveyance on which aquatic invasive species were present.” Such funds are to be deposited in the Game and Fish Fund.

Criminal Penalties: A person who knowingly releases, places, or plants an AIS (a violation of § 17-255.02(2)) is guilty of a Class 2 misdemeanor, which carries a maximum prison term of 4 months. In such cases, the AGFD may also bring a civil action to recover damages and costs against the violator. Any funds recovered are to be deposited in the Game and Fish Fund.

Supplemental Authorities

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|-------------------------------|---|
| Aquatic Invasive Species Fund | 65% of watercraft titling revenues are deposited in the Watercraft Licensing Fund, which may be used by AGFD to administer its boating program, boater safety education, and AIS program. |
| Closure Authority | No |
| Drying Time | Not in statute, but AGFD Director's Order 3 imposes mandatory drying times for watercraft and equipment leaving certain designated waters. |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | No |

CALIFORNIA

Snapshot: How does California Compare to the Model?

California’s aquatic invasive species law includes about 45% of the core authorities suggested in the Model. California has provisions that completely or closely match 1 out of 9 categories, with another four categories partially addressed. So, what’s missing?

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|---|-------------------------------|---|
| x | Legislative Findings | |
| P | Definitions | California lacks definitions for AIS, decontamination, and inspection. |
| P | Powers and Duties | California law does not include the authority to identify AIS or enter into cooperative agreements. |
| P | Prohibitions | California’s prohibitions are limited to dreissenid mussels and there are no launch restrictions. |
| x | Owner Responsibilities | |
| P | Inspection | California does not provide express authority for law enforcement states. |
| P | Decontamination | California does not include the authority to impose costs. |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: CAL. FISH & GAME CODE §§ 2301 – 2302.

Core Authorities

Legislative Findings: None.

Definitions:

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|--------------------------|--|
| Aquatic Invasive Species | No. Law is directed at individual species, specifically dreissenid mussels, not the broader category of AIS. |
| Conveyance | No definition provided in statute. However, the term conveyance is used in the dreissenid mussel provisions, and includes “vehicles, boats and other watercraft, containers and trailers.” The scope of California’s WID law is therefore similar in scope to the Model. |
| Decontamination | No |
| Inspection | No |
| Person | Person is defined in the general definitions section of the CA Fish & Game Code as “any natural person or any partnership, corporation, limited liability company, trust, or other type of association.” |
| Waters | The CA Fish & Game Code states that “Waters of the state,” “waters of this state,” and “state waters” will have the same meaning as “waters of the state” under the CA Water Code, which is “any surface water or groundwater, including saline waters, within the boundaries of the state.” |

Powers and Duties of Department:

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|---|--|
| Identify AIS | No |
| Identify waters and locations affected by AIS | No express authority. However, the California Department of Fish and Game (CDFG) is authorized to conduct inspections of state waters for the presence of dreissenid mussels and may close or restrict access if detected. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | No express authority, but prohibitions section includes the caveat “except as authorized by the department.” Presumably this would allow the CDFG to authorize possession and transport for these purposes. |
| Stop, detain, and inspect a conveyance | Yes. CDFG may conduct inspections of conveyances. In order to do so, CDFG is authorized to temporarily stop conveyances on any roadway or waterway. |
| Decontaminate or order the decontamination | Yes. CDFG may order a conveyance to be decontaminated. |
| Enter into agreements to facilitate cooperation or address management issues | No |

Prohibitions:

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| Prohibition on possession, importation, shipment, or transport | Yes. However, the California prohibitions are limited to dreissenid mussels and therefore this provision does not meet the standard suggested in the Model. |
| Prohibition on placement of out-of-compliance conveyance in waters | No |

Owner Responsibilities:

Clean, Drain, and Dry: No. California’s outreach and education materials, however, encourage boaters to Clean, Drain, and Dry.

Comply with Inspection and Decontamination Protocols and Orders: No express obligation to comply with inspection and decontamination orders.

Inspection Authority:

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| Authority to Establish Inspection Stations | Yes. California law does not provide express authority to establish check stations. The CDFG does however have the authority to temporarily stop conveyances that may carry or contain dreissenid mussels on any roadway or waterway. This authority would presumably enable the CDFG to set up an inspection station in a particular location. In addition, the California Department of Food and Agriculture has the authority to set up border protection stations at which they may inspect for invasive species. |
| Mandatory Inspections | Yes. The CDFG may require that conveyances removed |

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| | from, or introduced to, affected waters be inspected, quarantined, or disinfected. |
| Law Enforcement Stops | Not expressly authorized in statute. |

Decontamination Authority:

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| Perform or Order Decontamination | Yes. The CDFG has the authority to “[o]rder that areas in a conveyance that contain water be drained, dried or decontaminated pursuant to procedures approved by the department.” |
| Impound Conveyances | Yes. The CDFG may impound or quarantine a conveyance “in locations designated by the department for up to five days or the period of time necessary to ensure that dreissenid mussels can no longer live on or in the conveyance.” |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Penalties:

California law provides for civil penalties.

Civil Penalties: Violations of the dreissenid mussel provisions are subject to a civil fine of up to \$1,000, but only if regulations are adopted specifying the amount of the penalty and procedures for imposing and appealing the penalty.

Criminal Penalties: None.

Supplemental Authorities

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| Aquatic Invasive Species Fund | California imposes a Quagga and Zebra Mussel Infestation Prevention Fee, collected through watercraft registration fees. Revenue from the fee goes into the Harbors and Watercraft Revolving Fund and may be used to cover some CDFG programmatic costs and to provide financial assistance to entities implementing dreissenid mussel infestation prevention plans. |
| Closure Authority | Yes. If the presence of dreissenid mussels is detected, the CDFG may order the affected waters closed to conveyances or otherwise restrict access. |
| Drying Time | No |
| Local Government Authority | Yes. Local governments that manage reservoirs where recreational, boating, or other fishing activities are permitted, are required to develop and implement a program to prevent the introduction of dreissenid mussels. |

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| Forfeiture | No |
| Immunity | Yes. The state's dreissenid mussel law states that "the department and any other state agency exercising authority under this section shall not be liable with regard to any determination or authorization made pursuant to this section." |
| Reporting | Yes. An entity that discovers dreissenid mussels within this state must immediately report the discovery to the CDFG. |

COLORADO

Snapshot: How does Colorado Compare to the Model?

Colorado’s aquatic invasive species law includes about 90% of the core authorities suggested in the Model. Colorado has provisions that completely or closely match 7 out of 9 categories, with another two categories partially addressed. So, what’s missing?

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| ✓ | Legislative Findings | |
| ✓ | Definitions | |
| ✓ | Powers and Duties | |
| P | Prohibitions | Colorado’s launching restrictions are more narrow than the Model. |
| P | Owner Responsibilities | Colorado law imposes no general obligation to clean, drain, and dry. |
| ✓ | Inspection | |
| ✓ | Decontamination | |
| ✓ | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: COLO. REV. STAT. Title 33, Article 10.5; 2 COLO. CODE REGS 2 Chapter 405-8.

Core Authorities

Legislative Findings: Yes. Colorado’s aquatic nuisance species (ANS) law contains a legislative declaration that recognizes the threat of ANS to the state’s environment and economy, as well as the threat posed by the recreational vessel vector.

Definitions:

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| Aquatic Invasive Species | Yes. Colorado uses the term ANS. ANS “means exotic or nonnative aquatic wildlife or any plant species that have been determined by [Colorado Parks and Wildlife (CPW)] to pose a significant threat to the aquatic resources or water infrastructure of the state.” |
| Conveyance | Yes. Conveyance “means a motor vehicle, vessel, trailer, or any associated equipment or containers, including, but not limited to, live wells, ballast tanks, and bilge areas that may contain or carry an aquatic nuisance species.” Scope of the Colorado definition is slightly broader than the Model as it includes motor vehicles. |
| Decontamination | Yes. Decontamination “means to wash, drain, dry, or chemically or thermally treat a conveyance in accordance with rules promulgated by the commission in order to remove or destroy an [ANS].” |
| Inspection | Yes, although term used in the statute is “inspect.” Inspect means “to examine a conveyance pursuant to procedures established by the commission by rule in order to determine whether an [ANS] is present, and includes examining, draining, or chemically treating water in the conveyance.” |

Comparison of State WID Programs to Model Legislative Provisions

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| Person | No definition in the ANS Article. "Person" is defined in the general provisions of the overall Parks and Wildlife Title as "any individual, association, partnership, or public or private corporation, any municipal corporation, county, city, city and county, or other political subdivision of the state or any other public or private organization of any character." |
| Waters | No definition in ANS Article. "Waters" is defined in the general provisions of the overall Parks and Wildlife Title as "any natural streams, reservoirs, and lakes within the territorial limits of the state of Colorado." |

Powers and Duties of Department:

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|---|--|
| Identify AIS | Yes. This authority is not expressly provided for in statute, but it is implied and exercised by CPW. CPW has broad regulatory authority to prevent, control, contain, monitor, and eradicate ANS. CPW defines and identifies specific ANS in its regulations. |
| Identify waters and locations affected by AIS | Yes. CPW may monitor waters of the state for presence of ANS. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. This authority is not expressly provided for in statute. CPW regulations provide that the Division of Parks and Outdoor Recreation and the Division of Wildlife (Divisions) may sample and test. |
| Stop, detain, and inspect a conveyance | Yes. CPW is authorized to establish, operate, and maintain ANS check stations in order to inspect conveyances. |
| Decontaminate or order the decontamination | Yes. CPW may decontaminate a conveyance or require an owner to do so. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. The Divisions have legislative authority to work with specific Colorado state departments/offices to develop a strategic statewide plan to address ANS. In addition, CPW has the general statutory authority to enter into agreements with other state agencies and counterparts in other states. |

Prohibitions:

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| Prohibition on possession, importation, shipment, or transport | Yes. Colorado law makes it unlawful to possess, import, export, ship, or transport an ANS. |
| Prohibition on placement of out-of-compliance conveyance in waters | Yes. CPW regulations state that "it is unlawful for any person to, or to attempt to, launch onto, operate on or remove from any water of the state or vessel staging area any vessel or other floating device without first submitting the same to an inspection for aquatic nuisance species, and completing said inspection, if such an inspection is requested by any qualified peace officer or authorized agent." This launching prohibition, however, does not meet the standard suggested in the Model as it is only triggered by an inspection request. |

Owner Responsibilities:

Clean, Drain, and Dry: Owner responsibilities are not listed in statute or regulations.

Comply with Inspection and Decontamination Protocols and Orders: No general obligation set forth in statute. CPW regulations, however, condition the “operation of any vessel or other floating device on waters of the state” on compliance with ANS inspection and removal and disposal requirements.

Inspection Authority:

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| Authority to Establish Inspection Stations | Yes. CPW is authorized to establish, operate, and maintain ANS check stations at or near state waters in order to inspect conveyances. |
| Mandatory Inspections | Yes. Colorado’s ANS law does not impose mandatory inspections. CPW regulations, however, state that inspections must be performed on conveyances leaving infested waters and prior to launch if the conveyance has been in another state’s waters in the last 30 days. |
| Law Enforcement Stops | Yes. A qualified peace officer can “stop and inspect for the presence of aquatic nuisance species a conveyance: I. Prior to a vessel being launched onto waters of the state; II. Prior to departing from the waters of the state or a vessel staging area; III. That is visibly transporting any aquatic plant material; and IV. Upon a reasonable belief that an aquatic nuisance species may be present.” |

Decontamination Authority:

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| Perform or Order Decontamination | Yes. CPW may decontaminate a conveyance, and peace officers are authorized to order the decontamination of a conveyance. |
| Impound Conveyances | Yes. Peace officers may detain or quarantine a conveyance upon the reasonable belief that an ANS may be present. |
| Impose Costs | Yes. CPW regulations provide that impoundment will be at the expense of the owner. |

Certification Authority:

Certification authority is not set forth in Colorado’s ANS legislation. Procedures for vessel owners to obtain a receipt and seal after an inspection and decontamination are covered in the CPW regulations.

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| Receipt | Yes. A CPW-issued receipt must accompany a seal. According to CPW regulations, “A WID seal, once properly attached to a vessel . . . , and when accompanied by the proper receipt, documents a proper inspection or decontamination procedure.” |
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| Seal | Yes. Upon inspection or decontamination, a WID seal is attached to the conveyance. |
| Reciprocity | Not specifically authorized by statute, but CPW does have the general authority to enter into agreements, including with other states. |

Penalties:

Colorado law provides for criminal penalties.

Civil Penalties: None listed in statute.

Criminal Penalties: Criminal penalties may be imposed for knowingly or willfully violating the following prohibitions: (1) possessing, importing, exporting, shipping, or transporting ANS; (2) releasing, placing, or planting ANS or causing any of these into the waters of the state; or (3) refusing to comply with an order that was issued under the ANS article. The first violation is classified as a Class 2 petty offense, punishable by a maximum \$150 fine and warning of increased fines for subsequent violations. A second violation is a misdemeanor, subject to a \$1,000 fine. Third and subsequent violations are Class 2 misdemeanors subject to punishment ranging from 3 months of imprisonment, \$250, or both (minimum) to 12 months of imprisonment, \$1,000 fine, or both (maximum). Any other violation of Article 10.5 (ANS) or a CPW regulation is classified as a class 2 petty offense punishable by a \$50 fine.

Supplemental Authorities

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|-------------------------------|--|
| Aquatic Invasive Species Fund | Yes. The Colorado Legislature created a Division of Parks and Outdoor Recreation Aquatic Nuisance Species Fund and Division of Wildlife Aquatic Nuisance Species Fund. |
| Closure Authority | Yes. The CPW has the authority to establish and enforce temporary closures of state lands or waters if necessary to, among other things, protect wildlife resources from ANS threats. |
| Drying Time | This authority is not expressly provided for in statute, but according to Colorado sources CPW can and does use its impound authority to impose drying times if deemed necessary. |
| Local Government Authority | This authority is not expressly provided for, but CPW by regulation permits the certification of private inspectors which may be affiliated with local governments. |
| Forfeiture | No |
| Immunity | No specific provisions within ANS Statute, but CPW does receive protection from tort liability under its Government Immunity Act unless the “tortious act” falls within one of the exceptions. CPW will likely be protected from any claims involving decontamination. |
| Reporting | Yes. Colorado’s ANS law requires any person who knows that an ANS is present at a specific location to immediately report such knowledge to CPW. |

IDAHO

Snapshot: How does Idaho Compare to the Model?

Idaho’s aquatic invasive species law includes about 70% of the core authorities suggested in the Model. Idaho has provisions that completely or closely match 6 out of 9 categories, with another three categories partially addressed. So what’s missing?

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| ✓ | Legislative Findings | |
| P | Definitions | Idaho does not have definitions for decontamination or inspection. |
| ✓ | Powers and Duties | |
| ✓ | Prohibitions | |
| P | Owner Responsibilities | Idaho law does not impose a general obligation to clean, drain, and dry. |
| ✓ | Inspection | |
| ✓ | Decontamination | |
| P | Certification | Idaho regulations authorize the issuance of receipts and seals only for decontamination. |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: IDAHO CODE ANN. Title 22, Chapter 19; IDAPA 02.06.09.000 *et seq.*

Core Authorities

Legislative Findings: Yes. The Idaho Invasive Species Act contains legislative findings that recognize, among other things, the threat invasive species pose to the land, water, and other resources of Idaho and that prevention, early detection, rapid response, and eradication are the most effective and least costly strategies.

Definitions:

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| Aquatic Invasive Species | Yes. The Idaho Invasive Species Act applies to the broader category of “invasive species,” which is defined in a manner similar to the Model. Idaho State Department of Agriculture (ISDA) regulations define subcategories of invasive species. ISDA currently identifies 12 species, including quagga and zebra mussels, as “Aquatic Invertebrate Invasive Species” (AIIS). |
| Conveyance | Yes. Conveyance “means a terrestrial or aquatic vehicle or a vehicle part that may carry or contain an invasive species or plant pest. A conveyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a trailer or any other means or method of transportation. ‘Conveyance’ also includes a live well or a bilge area of a watercraft.” Scope of Idaho’s definition is slightly broader than the Model as it includes motor vehicles. |
| Decontamination | No |
| Inspection | No |

Comparison of State WID Programs to Model Legislative Provisions

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|--------|---|
| Person | Yes. The Idaho Invasive Species Act adopts by reference definitions in the Idaho Plant Pest Act, which states that “Person means, but is not limited to, any individual, partnership, corporation, company, firm, society, association, organization, government agency or any other entity.” |
| Waters | No definition provided in statute. ISDA regulations define “water body” as “natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.” |

Powers and Duties of Department:

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|---|--|
| Identify AIS | Yes. The ISDA has the authority to designate a species as invasive. |
| Identify waters and locations affected by AIS | This authority is not expressly provided for in statute. ISDA regulations, however, define “Dreissenia Infested Waterbody” and imply authority for ISDA designation. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. ISDA may issue permits for the transport or possession of invasive species. In addition, Idaho law authorizes the transport of invasive species in sealed containers for the purposes of identification or reporting. |
| Stop, detain, and inspect a conveyance | Yes. ISDA is authorized to establish check stations in order to conduct inspections. |
| Decontaminate or order the decontamination | No express authority in statute, but ISDA does have statutory authority to “seize, decontaminate, and destroy” invasive species. Presumably this provision would cover the decontamination of conveyances. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. ISDA has broad authority to enter into cooperative agreements to “adopt and execute plans to detect and control areas infested with invasive species.” |

Prohibitions:

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|--|---|
| Prohibition on possession, importation, shipment, or transport | Yes. Idaho law prohibits the possession, importation, purchase, sale, distribution, and transport of invasive species into or within the state. |
| Prohibition on placement of out-of-compliance conveyance in waters | There is no general prohibition in statute. ISDA regulations prohibit a person from placing EDRR AIIS-contaminated equipment or conveyances into a water body of the state. |

Owner Responsibilities:

Clean, Drain, and Dry: No

Comply with Inspection and Decontamination Protocols and Orders: No express obligation imposed by statute. Penalty provisions state that failure or refusal to comply with any requirements of the statute or ISDA regulations is a violation of the law.

Inspection Authority:

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|--|--|
| Authority to Establish Inspection Stations | Yes. ISDA may establish check stations at points of entry to the state and other facilities and sites throughout the state. |
| Mandatory Inspections | Yes. Statute states that no person may proceed past or travel through an established inspection station during operating hours. ISDA regulations state that “all persons transporting a conveyance must receive documentation of an inspection prior to launching in any water of the state if the vessel has been in infested water within the last 30 days.” |
| Law Enforcement Stops | Yes. Peace officers upon reasonable suspicion that a conveyance is infested with quagga or zebra mussels may require a driver to stop and submit to an inspection of the exterior of a conveyance. |

Decontamination Authority:

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|----------------------------------|---|
| Perform or Order Decontamination | Statute does not expressly provide authority to perform or order decontaminations. ISDA is provided, however, with the authority to “seize, decontaminate, or destroy any invasive species found in the state.” ISDA regulations require any conveyance found or reasonably believed to contain AIIIS to be decontaminated by Department-approved service providers using ISDA protocols. If a person refuses to submit to decontamination, the conveyance is subject to a hold order. Decontamination and proof of decontamination is necessary for a hold order to be released. |
| Impound Conveyances | Yes. ISDA may issue hold orders when it reasonably believes a conveyance is in violation of the invasive species provisions. Peace officers, upon probable cause to believe that a conveyance is contaminated with mussels, may detain and transfer the conveyance to nearest impound yard. |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|--|
| Receipt | No authority provided in statute, but ISDA regulations state that post-decontamination forms are issued by ISDA after decontamination. |
| Seal | No authority provided in statute, but ISDA regulations state that a tamper-proof seal will be affixed to a conveyance after decontamination. |
| Reciprocity | No |

Note: ISDA regulations currently only provide for the issuance of seals and receipts following decontamination. This is a narrower authority than that set forth in the Model which authorizes the issuance of receipts and seals for both inspection and decontamination.

Penalties:

Idaho law provides for the assessment of both civil and criminal penalties.

Civil Penalties: Any person who violates a provision of the invasive species chapter or rules may be assessed a civil penalty of not more than \$10,000 and shall be liable for attorneys fees. Civil penalties collected are to be deposited in the Invasive Species Fund.

Criminal Penalties: Any person who knowingly violates a provision of the invasive species chapter or rules, fails or refuses to comply with any requirements, or interferes with the ISDA in the execution of its duties is guilty of a misdemeanor, punishable by a \$3,000 fine or 12 months in prison or both.

Supplemental Authorities

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|-------------------------------|---|
| Aquatic Invasive Species Fund | Yes. The Idaho Legislature has established an Invasive Species Fund to support activities related to the prevention, detection, control, and management of invasive species in Idaho. |
| Closure Authority | No |
| Drying Time | Yes. All decontaminations must be performed “in accordance with all applicable laws, disposal methods, recommended safety precautions, and safety equipment and protocols.” According to Idaho sources, drying time is part of ISDA’s written protocol. |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | Yes, Idaho law states that any state or federal agency or contractor, its officers, agents, and employees implementing or enforcing the invasive species laws “shall be held harmless against all claims arising from the good faith enforcement and implementation of the provisions of this chapter and rules.” |
| Reporting | ISDA regulations require anyone who discovers an AIS within the state or has reason to believe it may exist at a specific location to immediately report that discovery to the ISDA. |

IOWA

Snapshot: How does Iowa Compare to the Model?

Iowa's aquatic invasive species law includes about 35% of the core authorities suggested in the Model. Iowa has provisions that completely or closely match 2 out of 9 categories, with an additional four categories partially addressed. So what's missing?

| | | |
|---|------------------------|--|
| x | Legislative Findings | |
| P | Definitions | Iowa does not define inspection or decontamination. |
| P | Powers and Duties | Iowa does not provide authority to decontaminate conveyances. |
| ✓ | Prohibitions | |
| P | Owner Responsibilities | Iowa does not have an express obligation to comply with WID orders. |
| P | Inspection | Inspections in Iowa are not mandatory and there is no express provision for law enforcement stops. |
| x | Decontamination | |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: IOWA CODE ANN. §§ 456A.37 and 805.8B

Core Authorities

Legislative Findings: Iowa's AIS law does not have a separate legislative findings section. An *Issue Review* prepared by the Iowa Legislative Services Agency when legislation was introduced in 2005 to increase boat registration fees to provide funds for AIS and water safety programs provides some background on the AIS issue in the state (*available at* <https://www.legis.iowa.gov/docs/publications/IR/4038.pdf>).

Definitions:

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|--------------------------|---|
| Aquatic Invasive Species | Yes. "Aquatic invasive species means non-native wildlife or plant species that have been determined by the [Iowa Department of Natural Resources (DNR)] to pose a significant threat to the aquatic resources or water infrastructure of the state." |
| Conveyance | Iowa uses the term "water-related equipment" which is defined "as motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or any other associated equipment or container, including but not limited to portable bait containers, live wells, ballast tanks, bilge areas, and water-hauling equipment that is capable of containing or transporting aquatic invasive species, aquatic plants, or water." |
| Decontamination | No |
| Inspection | No |

| | |
|--------|---|
| Person | “Person” is defined in the Natural Resources Title of the Iowa Code as “an individual, partnership, firm, corporation, or association.” |
| Waters | “Waters of the state” under the jurisdiction of the Natural Resource Commission “means any navigable waters within the territorial limits of this state, and the marginal river areas adjacent to this state, exempting only farm ponds and privately owned lakes.” |

Powers and Duties of Department:

| | |
|---|---|
| Identify AIS | Yes. DNR has the authority to identify AIS through rulemaking. |
| Identify waters and locations affected by AIS | Yes. DNR is required by law to identify waters of the state with infestations of AIS. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. State law authorizes possession for the purposes of disposal, sampling and testing, identification, and reporting. |
| Stop, detain, and inspect a conveyance | Yes. Water-related equipment is subject to inspection by DNR representatives. |
| Decontaminate or order the decontamination | No |
| Enter into agreements to facilitate cooperation or address management issues | No |

Prohibitions:

| | |
|--|--|
| Prohibition on possession, importation, shipment, or transport | Yes. It is unlawful, with limited exceptions, to “possess, introduce, import, purchase, sell, barter, propagate, or transport” AIS in any form in the state. In addition, Iowa prohibits the transport on a public road of any water-related equipment that has an AIS or aquatic plant attached to or within the equipment. |
| Prohibition on placement of out-of-compliance conveyance in waters | Not with respect to WID requirements, but state law prohibits any person from placing or attempting to place into waters of the state water-related equipment that has an AIS or aquatic plant attached. |

Owner Responsibilities:

Clean, Drain, and Dry: Iowa’s AIS statutory provisions require operators to clean and drain water-related equipment. Persons operating and transporting water-related equipment are required to inspect the equipment for AIS when the equipment is removed from or before entering state waters. If an AIS is present on or within the equipment, it must be removed immediately. All water must be drained from water-related equipment when leaving the waters of the state and before transporting the equipment off a water access area or riparian property. In addition, all drain plugs and similar devices must be removed or open while transporting the equipment. The statute does not mention drying time.

Comply with Inspection and Decontamination Protocols and Orders: No express obligation to comply with orders. DNR representatives, however, may prohibit a person from launching or operating water-related equipment on state waters if the person refuses to allow an inspection or refuses to remove and dispose of AIS, aquatic plants, or water.

Inspection Authority:

| | |
|--|--|
| Authority to Establish Inspection Stations | Iowa's AIS statute does not expressly authorize check stations. However, water-related equipment is subject to inspection by DNR representatives and the agency has the authority to set up inspection stations at appropriate locations. |
| Mandatory Inspections | No. DNR representatives, however, may prohibit a person from launching or operating water-related equipment on state waters if the person refuses to allow an inspection or refuses to remove and dispose of AIS, aquatic plants, or water. |
| Law Enforcement Stops | Not expressly provided for in statute. According to DNR sources, the Agency can establish stops for the Wildlife Conservation (Chapter 481A) and Fishing and Hunting License (Chapter 483A) sections of the code, but probably do not have the authority for boat checks under Chapter 456A. |

Decontamination Authority:

| | |
|----------------------------------|----|
| Perform or Order Decontamination | No |
| Impound Conveyances | No |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Penalties:

Iowa law authorizes civil penalties for AIS violations.

Civil Penalties: For violations of IOWA CODE ANN. § 456A.37(3)(a) (transport/launching restrictions), the scheduled fine is \$500. For violations of IOWA CODE ANN. § 456A.37(3)(b) (draining requirements), the scheduled fine is \$75. A repeat offense within a 12-month period is punishable by an additional \$500 fine for each violation.

Criminal Penalties: None.

Supplemental Authorities

| | |
|-------------------------------|--|
| Aquatic Invasive Species Fund | There is no designated AIS fund in Iowa. However, the Iowa Legislature mandated that revenue generated by a boat registration fee increase in 2007 be used only for AIS and water safety. According to DNR sources, the increased revenue is split evenly between the two programs (generating about \$500,000 per program). |
| Closure Authority | Yes. The DNR may restrict boating, fishing, swimming, and trapping in designated infested waters. |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | No |

MINNESOTA

Snapshot: How does Minnesota Compare to the Model?

Minnesota’s aquatic invasive species law includes about 70% of the core authorities suggested in the Model. Minnesota has provisions that completely or closely match 6 out of 9 categories, with an additional category partially addressed. So what’s missing?

| | | |
|---|------------------------|---|
| x | Legislative Findings | |
| ✓ | Definitions | |
| ✓ | Powers and Duties | |
| ✓ | Prohibitions | |
| ✓ | Owner Responsibilities | |
| ✓ | Inspection | |
| P | Decontamination | Minnesota lacks authority to impound conveyances or impose costs. |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: MINN. STAT. ANN. Chapter 84D; MINN. RULES Chapter 6216

Core Authorities

Legislative Findings: None

Definitions:

| | |
|--------------------------|---|
| Aquatic Invasive Species | Yes. Minnesota’s law applies to the broader category of “invasive species.” Invasive species “means a nonnative species that: (1) causes or may cause economic or environmental harm or harm to human health; or (2) threatens or may threaten natural resources or the use of natural resources in the state.” |
| Conveyance | Yes. Minnesota uses the term “water-related equipment” which is defined as “a motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or any other associated equipment or container, including but not limited to portable bait containers, live wells, ballast tanks except for those vessels permitted under the Pollution Control Agency vessel discharge program, bilge areas, and water-hauling equipment that is capable of containing or transporting aquatic invasive species, aquatic macrophytes, or water.” Because of the inclusion of motor vehicles, Minnesota’s definition is slightly broader in scope than the Model. |
| Decontamination | Yes. Decontaminate means to “wash, drain, dry, or thermally or otherwise treat water-related equipment in order to remove or destroy aquatic invasive species using the ‘Recommended Uniform Minimum Protocols and Standards for Watercraft Interception Programs for Dreissenid Mussels in the Western United States (September 2009) prepared for the Western Regional Panel on [ANS], or other protocols developed by the commissioner.” |

| | |
|------------|--|
| Inspection | Yes. Inspect means “to examine water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present and includes removal, drainage, decontamination, collection and sampling, or treatment to prevent the transportation and spread of aquatic invasive species, aquatic macrophytes, and water.” |
| Person | Yes. Minnesota Department of Natural Resources (DNR) regulations state that “person” has the meaning given in MINN. STAT. ANN. § 645.44(7), which states that “‘Person’ may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.” |
| Waters | Yes. “Waters of this state” and “state waters” include all boundary and inland waters. |

Powers and Duties of Department:

| | |
|---|---|
| Identify AIS | Yes. DNR is required to classify nonnative species of aquatic plants and wild animals according to the following categories: (1) prohibited invasive species, (2) regulated invasive species, (3) unlisted nonnative species, and (4) unregulated nonnative species. |
| Identify waters and locations affected by AIS | Yes. The DNR may list a state water as an infested water if (1) the water contains a population of AIS that could spread to other waters if use of the water and related activities are not regulated to prevent this; or (2) the water is highly likely to be infested by an AIS because it is connected to a water that contains a population of AIS. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. A person may possess and transport a prohibited invasive species if being transported in a sealed container for the purposes of identifying the species or reporting its presence. DNR may also authorize, by permit, certain types of transportation for disposal. |
| Stop, detain, and inspect a conveyance | Yes. DNR is authorized to establish check stations and conduct inspections of water-related equipment. |
| Decontaminate or order the decontamination | Watercraft inspectors, conservation officers, or other peace officers may order the removal of aquatic macrophytes or prohibited invasive species from water-related equipment before it is placed into waters of the state. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. DNR is authorized to enter into delegation agreements with tribal and local governments. In addition, DNR’s invasive species program must provide for coordination among government entities and private organizations to the extent practicable. DNR is also directed by statute to seek cooperation with other states and Canadian provinces for the purposes of management and control. |

Prohibitions:

| | |
|--|--|
| Prohibition on possession, importation, shipment, or transport | Yes. A person may not possess, import, purchase, sell, propagate, transport or introduce a prohibited invasive species unless authorized by DNR. |
| Prohibition on placement of out-of-compliance conveyance in waters | Yes. Inspectors are authorized to prohibit an individual from launching if the individual refuses to submit to an inspection or refuses to remove and dispose of AIS, aquatic macrophytes, or water. There are also general launching restrictions. No person may place or attempt to place into waters of the state water-related equipment that has aquatic macrophytes or prohibited invasive species attached. |

Owner Responsibilities:

Clean, Drain, and Dry: Yes. There is no explicit reference to Clean, Drain, and Dry in Minnesota’s invasive species legislation or regulations. Minnesota DNR’s educational messaging urges boaters to “Clean, Drain, Dispose.” Various provisions require owners and individuals in control of watercraft and water-related equipment to remove any attached aquatic macrophytes or AIS and drain water. Water-related equipment holding water and live wells and bilges must be drained when leaving state waters. Drain plugs and similar devices must be removed and open while the equipment is being transported. In addition, a boat lift, dock, swim raft, or associated equipment that has been removed from a water body may not be placed in another water body until a minimum of 21 days has passed.

Comply with Inspection and Decontamination Protocols and Orders: Yes. Minnesota law states that compliance with inspection requirements is an express condition of operating or transporting water-related equipment.

Inspection Authority:

| | |
|--|--|
| Authority to Establish Inspection Stations | Yes. DNR conservation officers and other licensed peace officers are authorized to utilize check stations at or near locations where watercraft or other water-related equipment are placed into or removed from waters of the state. |
| Mandatory Inspections | Yes. DNR is authorized to require mandatory inspections before a person places or removes water-related equipment into or out of a water body. |
| Law Enforcement Stops | Yes. Conservation officers and other licensed peace officers may inspect any watercraft or water-related equipment <i>that is stopped</i> at a water access site, any other public location in the state, or a private location where the watercraft or water-related equipment is in plain view, if the officer determines there is reason to believe that AIS, aquatic macrophytes, or water is present. Conservation officers and other licensed peace officers may also stop any conveyance transporting water-related equipment that appears to be transporting aquatic macrophytes or prohibited invasive species. |

Decontamination Authority:

| | |
|----------------------------------|---|
| Perform or Order Decontamination | Yes. There are two levels of watercraft inspector in Minnesota. Level 1 inspectors can inspect a watercraft and order the watercraft operator to remove aquatic macrophytes and prohibited aquatic invasive species from the watercraft prior to launch into Minnesota waters. Level 2 inspectors have the same authority and can also use hot water high-pressure wash stations to decontaminate the watercraft. |
| Impound Conveyances | No. A DNR conservation officer or licensed peace officer, however, can confine water-related equipment at a mooring, dock, or other location until the water-related equipment is removed from the water. |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Penalties:

Minnesota law authorizes both civil and criminal penalties. Individuals convicted of violations under the invasive species chapter involving water-related equipment must successfully complete a training course developed by DNR that addresses identification of AIS and best practices to prevent the spread when moving water-related equipment (effective 7-1-2015).

Civil Penalties: Warnings and citations may be issued to a person who, among other things (1) unlawfully transports prohibited invasive species or aquatic macrophytes; (2) unlawfully places or attempts to place into waters of the state water-related equipment with AIS attached; or (3) fails to remove plugs, open valves, and drain water before leaving state waters or when transporting water-related equipment. The penalty that may be imposed depends on the violation and the species:

- Unlawfully transporting aquatic macrophytes - \$100
- Placing or attempting to place into state waters water-related equipment with aquatic macrophytes attached - \$200
- Unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte - \$500
- Placing or attempting to place water-related equipment with prohibited invasive species attached into waters not listed as infested - \$500
- Failing to remove drain plug or have it removed and open while transporting water-related equipment - \$100
- Transporting infested water off riparian property without a permit - \$200

Fines may be doubled if a civil citation is issued to a person who has one or more prior convictions for violation of Chapter 84D (invasive species). An owner or person in control of a watercraft or trailer who refuses to submit to an inspection or comply with a removal order may be issued a civil citation suspending his or her watercraft license for up to one year.

Criminal Penalties: Violations of the watercraft and water-related equipment requirements and prohibitions are classified as misdemeanors. Misdemeanors are punishable by not more than 90 days imprisonment, a fine of not more than \$1,000, or both. A person who refuses to obey an order to remove prohibited invasive species or aquatic macrophytes is guilty of a gross misdemeanor. The maximum fine which may be imposed for a gross misdemeanor is a \$3,000. A gross misdemeanor is also punishable by up to one year imprisonment.

Supplemental Authorities

| | |
|-------------------------------|---|
| Aquatic Invasive Species Fund | Yes. The Minnesota legislature has created an Invasive Species Account within the Natural Resources Fund. Money received from surcharges on watercraft licenses, civil penalties, and service provider permits are deposited in the Invasive Species Account. Funds are to be used for management of invasive species and implementation of Chapter 84D (invasive species). |
| Closure Authority | Yes. DNR is authorized to include in the statewide invasive species management plan provisions for closing points of access to infested waters if determined necessary. Such closures may not exceed seven days during the open water season for control and eradication. |
| Drying Time | No |
| Local Government Authority | Yes. DNR may enter into delegation agreements with tribal or local governments and authorize them to operate inspection programs. |
| Forfeiture | Yes. DNR may issue a civil citation suspending, for up to one year, the watercraft license of an owner or person in control of a watercraft or trailer who refuses to submit to an inspection or who refuses to comply with a removal order. |
| Immunity | No |
| Reporting | Yes. A person that allows or causes the introduction of an invasive species must notify DNR within 24 hours of learning of the introduction. If the animal is a prohibited invasive species, the person is liable for the actual costs incurred by DNR in capturing and controlling the animal. |

MONTANA

Snapshot: How does Montana Compare to the Model?

Montana’s aquatic invasive species law includes about 55% of the core authorities suggested in the Model. Montana has provisions that completely or closely match 3 out of 9 categories, with an additional five categories partially addressed. So what’s missing?

| | | |
|---|------------------------|---|
| ✓ | Legislative Findings | |
| P | Definitions | Montana lacks definitions for inspection, decontamination, and waters. |
| ✓ | Powers and Duties | |
| P | Prohibitions | Montana does not have launching prohibitions. |
| P | Owner Responsibilities | Montana does not impose cleaning and drying obligations. |
| P | Inspection | Montana does not have provisions expressly authorizing law enforcement stops. |
| P | Decontamination | Montana does not provide authority to impound conveyances or impose costs. |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: MONT. CODE ANN. §§ 80-7-1001 – 80-7-1015; MONT. ADMIN. R. 12.11.341

Core Authorities

Legislative Findings: Yes. The Montana Aquatic Invasive Species Act contains a number of legislative findings that highlight the environmental and economic threat invasive species pose to the state and acknowledge watercraft inspection and decontamination as an important component of the state’s prevention strategy.

Definitions:

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|--------------------------|--|
| Aquatic Invasive Species | Yes. Statute uses the broader term “invasive species,” but the definition limits coverage to “nonnative, aquatic species.” Invasive species means “a nonnative, aquatic species that has caused, is causing, or is likely to cause harm to the economy, environment, recreational opportunities, and human health.” |
| Conveyance | Montana does not use the term conveyance. However, the WID provisions apply to vessels and equipment, which are defined and provide similar coverage to the Model. <ul style="list-style-type: none"> • Vessel “means every description of watercraft, unless otherwise defined by the department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.” • Equipment “means an implement or machinery that has been wholly or partially immersed in surface waters, including but not limited to boat lifts, trailers transporting vessels, floating docks, pilings, dredge pipes, and buoys.” |

| | |
|-----------------|---|
| Decontamination | No |
| Inspection | No |
| Person | Yes. Person “means an individual, partnership, corporation, association, limited partnership, limited liability company, governmental subdivision, agency, or public or private organization of any character.” |
| Waters | No |

Powers and Duties of Department:

| | |
|---|--|
| Identify AIS | Yes. The Departments of Agriculture; Fish, Wildlife, Parks; Natural Resources and Conservation; and Transportation (collectively “the Departments”) are authorized to prepare a list of invasive species. |
| Identify waters and locations affected by AIS | Yes, state departments with jurisdiction over invasive species may designate “invasive species management areas.” |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. The Departments may issue rules for the transportation of an invasive species. In addition, Montana law authorizes the transport of invasive species, as directed by the Departments, in sealed containers for the purposes of containing, identifying, or reporting an invasive species. |
| Stop, detain, and inspect a conveyance | Yes. At designated check stations, the Departments may examine vessels and equipment for the presence of an invasive species and compliance with regulations. |
| Decontaminate or order the decontamination | Yes. Check stations may be used for decontaminations. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. State departments are authorized to enter into cooperative agreements with each other or any person in order to implement, administer, and accomplish the purposes of the invasive species law. |

Prohibitions:

| | |
|--|--|
| Prohibition on possession, importation, shipment, or transport | Yes. It is unlawful, with limited exceptions, to import, purchase, sell, barter, distribute, propagate, transport, introduce, or possess an invasive species in Montana. |
| Prohibition on placement of out-of-compliance conveyance in waters | No |

Owner Responsibilities:

Clean, Drain, and Dry: State law requires that after use in a body of water within an invasive species management area, all vessels and equipment be drained before being transported on land or a public highway. Montana law does not set forth cleaning and drying obligations, and therefore does not completely meet the standard set forth in the Model.

Comply with Inspection and Decontamination Protocols and Orders: Yes, state law requires the owner, operator, or person in possession of a vessel or equipment to comply with the state laws and regulations relating to invasive species management areas, including inspection and decontamination requirements.

Inspection Authority:

| | |
|--|---|
| Authority to Establish Inspection Stations | Yes. State departments are authorized to establish check stations at key entry points to the state and also within or adjacent to designated invasive species management areas. |
| Mandatory Inspections | Yes. The owner, operator, or person in possession of the vessel or equipment is required to stop at check stations. |
| Law Enforcement Stops | Not expressly provided for in statute. |

Decontamination Authority:

| | |
|----------------------------------|---|
| Perform or Order Decontamination | Yes. The Departments are authorized to issue rules setting forth how vessels and equipment are to be cleaned and to utilize check stations to conduct decontaminations. |
| Impound Conveyances | Express authority to impound vessels and equipment is not provided. However, if the presence of invasive species is detected during an inspection, the vessel/equipment may not leave until it is cleaned and decontaminated. |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Penalties:

Montana law provides for both civil and criminal penalties for violations of § 80-7-1010 (invasive species management areas), § 80-7-1011 (check stations), § 80-7-1012 (possession prohibitions), and § 80-7-1015 (statewide invasive species management area).

Civil Penalties: A civil penalty of not more than \$250 may be imposed for violations.

Criminal Penalties: Negligent violations are misdemeanors punishable by a maximum fine of \$500. Purposeful or knowing violations are misdemeanors punishable by a maximum fine of \$1,000. Purposely or knowingly attempting to introduce an invasive species in Montana is a felony punishable by up to two years in prison, a \$5,000 fine, or both. A person convicted of a felony violation may also be required to pay restitution for any cost incurred to mitigate the effect of the violation.

Supplemental Authorities

| | |
|-------------------------------|---|
| Aquatic Invasive Species Fund | Yes. The state legislature has created an invasive species account that is administered by the Department of Fish, Wildlife, and Parks. Money deposited in the account, with the exception of private donations, must be used for projects that prevent or control nonnative, aquatic invasive species. |
| Closure Authority | No |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | A person who learns of the presence of an invasive species on that person's vessel or property must notify the state immediately. If the person complies with Department of Fish, Wildlife, and Parks requirements for treatment, control, and eradication, the person is considered to be in compliance with the law and not subject to penalties. |

NEBRASKA

Snapshot: How does Nebraska Compare to the Model?

Nebraska’s aquatic invasive species law includes about 60% of the core authorities suggested in the Model. Nebraska has provisions that completely or closely match 4 out of 9 categories, with another four categories partially addressed. So what’s missing?

| | | |
|---|------------------------|--|
| ✓ | Legislative Findings | |
| P | Definitions | Nebraska lacks a definition for inspection. |
| P | Powers and Duties | Nebraska does not provide express authority for cooperative agreements. |
| P | Prohibitions | Nebraska’s launching restrictions are narrower than the Model. |
| ✓ | Owner Responsibilities | |
| P | Inspection | Nebraska does not have provisions authorizing check stations or law enforcement stops. |
| ✓ | Decontamination | |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: NEB. REV. STAT. §§ 37-206.01, 37-207.01, 37-215.01, 37-524-524.03, 37-547-548, 37-1401-1406; 163 Neb. ADMIN. CODE Ch. 2 § 012.

Core Authorities

Legislative Findings: Yes. The Nebraska Legislature has stated that it is the intent of the Legislature to prevent the release or importation of AIS into the state, as well to prevent the commercial exploitation or exportation of any AIS. The provisions establishing the Nebraska Invasive Species Council also note the need for cooperation and collaboration.

Definitions:

| | |
|--------------------------|---|
| Aquatic Invasive Species | Yes. AIS means “exotic or nonnative aquatic organisms listed in rules and regulations of the commission which pose a significant threat to the aquatic resources, water supplies, or water infrastructure of the state.” |
| Conveyance | Yes. Conveyance is defined in statute to include motorboats, personal watercraft, vessels, trailers, or “any associated equipment or containers which may contain or carry aquatic invasive species.” Nebraska Game and Parks Commission (NGPC) regulations add motor vehicles to the definition of conveyance. This addition broadens the scope of Nebraska’s WID program compared to the definition set forth in the Model. |
| Decontamination | Yes. The term is not defined in statute, but is defined in NGPC regulations. Decontaminate “means to wash, drain, dry, or thermally or otherwise treat a conveyance in order to remove or destroy aquatic invasive species.” |

| | |
|------------|---|
| Inspection | No |
| Person | Yes. Person is defined in Nebraska’s general game law provisions to include “individuals, partnerships, limited liability companies, associations, corporations, and municipalities.” |
| Waters | Yes. The term is not defined in statute, but NGPC regulations state that “Waters of the State means all waters under the jurisdiction of the State of Nebraska.” |

Powers and Duties of Department:

| | |
|---|--|
| Identify AIS | Yes. Authority is implied within AIS definition and exercised by NGPC. |
| Identify waters and locations affected by AIS | Yes. Authority is not expressly provided by statute, but provisions creating the Nebraska Invasive Species Council require the development of a management plan which is to address, among other things, the inventory and monitoring of invasive species. In addition, NGPC regulations state that waters containing Category 1 or Category 2 AIS may be listed and posted as “Aquatic Invasive Species-Contaminated Waters.” |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. NGPC may authorize the possession and transport of AIS for the purposes of removal and disposal. |
| Stop, detain, and inspect a conveyance | Yes. Authorized inspectors, which include trained personnel and peace officers, may require and conduct inspection of any conveyance that may contain or carry AIS. |
| Decontaminate or order the decontamination | Authority is not expressly stated in statute, but implied. NGPC regulations expressly state that authorized inspectors may order decontamination. |
| Enter into agreements to facilitate cooperation or address management issues | Not specifically with respect to AIS or conveyance inspection. NGPC does have a more narrow authority to enter into “agreements with other states bordering on the Missouri River providing for reciprocal recognition of licenses, permits, and laws of the agreeing states.” |

Prohibitions:

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|--|---|
| Prohibition on possession, importation, shipment, or transport | Yes. It is unlawful, with limited exceptions, to possess, import, export, purchase, sell, or transport AIS in Nebraska. |
|--|---|

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|--|--|
| Prohibition on placement of out-of-compliance conveyance in waters | No express prohibition in statute. NGPC regulations state that it is “unlawful for a conveyance to be launched into waters of the State with Aquatic Invasive plant species attached.” In addition, conservation and peace officers may order the removal of a conveyance from a launch area if there is reason to believe the conveyance was not properly inspected prior to launch. These provisions, however, do not impose a general launching restriction on out-of-compliance conveyances and therefore do not meet the standard suggested in the Model. |
|--|--|

Owner Responsibilities:

Clean, Drain, and Dry: No general obligation imposed in legislation. NGPC regulations, however, do have two requirements that seem to mandate at least the first two elements: cleaning and draining. First, with respect to “drain,” the regulations state that it is “unlawful for a conveyance that has been on a water body to leave a launch area with water still present in any compartments, equipment or container that may hold water, including but not limited to, live wells, ballast and bilge areas.” Second, with respect to “clean,” the regulations state that it is “unlawful for a conveyance to be launched into waters of the State with Aquatic Invasive plant species attached or leave a launch area with any aquatic vegetation from that water body still attached.”

Comply with Inspection and Decontamination Protocols and Orders: Yes. Under Nebraska law a person is subject to a penalty if she “fails or refuses to submit to an inspection of a conveyance requested by an authorized inspector” or “refuses to permit or prevents proper decontamination or treatment of a conveyance.”

Inspection Authority:

| | |
|--|---|
| Authority to Establish Inspection Stations | No. Although Nebraska law requires individuals to submit to inspections of a conveyance, that statute is silent with regard to the authority of the NGPC to establish check stations. |
| Mandatory Inspections | Yes, it is unlawful to refuse to submit to an inspection if requested by an authorized inspector. |
| Law Enforcement Stops | No express authorization. |

Decontamination Authority:

| | |
|----------------------------------|--|
| Perform or Order Decontamination | Yes, per NGPC regulations, authorized inspectors may prescribe decontamination measures following an inspection. |
| Impound Conveyances | Yes. Statute authorizes impoundment if a person refuses to submit to an inspection or permit proper decontamination. NGPC regulations state that conveyances are also subject to impoundment if an authorized inspector, conservation officer, or peace officer determines that quarantine is necessary. |

| | |
|--------------|--|
| Impose Costs | Yes. NGPC regulations state that “all impounded conveyances shall be held at the risk and expense of the owner.” |
|--------------|--|

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Note: NGPC regulations state that an inspector should document an inspection that identifies an AIS, but there are no procedures for issuing receipts or seals.

Penalties:

Nebraska law provides for criminal penalties.

Civil Penalties: None.

Criminal Penalties: Any person who refuses to submit to an inspection or decontamination is guilty of a Class III misdemeanor and if convicted, subject to a fine of at least \$500. The person’s conveyance can also be impounded.

Supplemental Authorities

| | |
|-------------------------------|--|
| Aquatic Invasive Species Fund | No |
| Closure Authority | Yes. NGPC regulations authorize the NGPC to restrict launching boats on waters found to contain certain AIS. |
| Drying Time | Yes. NGPC can order a mandatory drying time for a conveyance (up to 30 days). |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | No |

NEVADA

Snapshot: How does Nevada Compare to the Model?

Nevada’s aquatic invasive species law includes about 80% of the core authorities suggested in the Model. Nevada has provisions that completely or closely match 6 out of 9 categories, with another two partial addressed. So what’s missing?

| | | |
|---|------------------------|---|
| x | Legislative Findings | |
| P | Definitions | Nevada lacks a definition for inspection. |
| ✓ | Powers and Duties | |
| ✓ | Prohibitions | |
| ✓ | Owner Responsibilities | |
| ✓ | Inspection | |
| ✓ | Decontamination | |
| P | Certification | Nevada only issues seals and receipts for full decontamination and does not have an explicit reciprocity provision. |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: NEV. REV. STAT. §§ 488.035, 488.530, and 488.533; NEV. ADMIN. CODE §§ 488.520 – 527 and 503.110.

Core Authorities

Legislative Findings: None

Definitions:

| | |
|--------------------------|--|
| Aquatic Invasive Species | Yes. AIS “means an aquatic species which is exotic or not native to [Nevada] and which the Commission has determined to be detrimental to aquatic life, water resources, or infrastructure for providing waters in [Nevada].” |
| Conveyance | Yes. Nevada’s WID laws apply to vessels and conveyances. <ul style="list-style-type: none"> Conveyance “means a motor vehicle, trailer, or any other equipment used to transport a vessel or containers or devices used to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.” Vessel “means every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.” In combination, these definitions provide coverage slightly broader than the Model. |
| Decontamination | Yes. Decontaminate “means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by the Commission which may include, without limitation, washing the vessel or conveyance, draining the water in the vessel or conveyance, drying the vessel or conveyance, or chemically, thermally, or otherwise treating the vessel or conveyance.” |

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| Inspection | No. Nevada law authorizes the Nevada Department of Wildlife (NDOW) to approve inspection programs. According to Nevada sources, the term “inspection” is defined by each program authorized under NDOW authority. |
| Person | Yes. Person is not defined in Chapter 488. Unless another definition is provided, NEV. REV. STAT. §0.039 states that person “means a natural person, any form of business or social organization and any other nongovernmental legal entity including, but not limited to, a corporation, partnership, association, trust or unincorporated organization. The term does not include a government, governmental agency or political subdivision of a government.” |
| Waters | Yes. Waters “means any waters within the territorial limits of [Nevada].” |

Powers and Duties of Department:

| | |
|---|---|
| Identify AIS | Yes. Authority is implied within AIS definition and exercised by NDOW. NDOW has by regulation designated species in the following categories: aquatic invasive species and injurious aquatic species. In addition, NDOW restricts the importation, transportation, and possession of certain additional listed species. |
| Identify waters and locations affected by AIS | Yes. NDOW has authority to identify an “impaired body of water,” which is any body of water within Nevada or in another state that contains AIS. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. NDOW has statutory authority to approve the otherwise unlawful possession, importation, shipment, and transport of aquatic life and wildlife. NDOW regulations authorize the issuance of scientific permits to facilitate possession and transport for research purposes. |
| Stop, detain, and inspect a conveyance | Yes. NDOW may authorize inspection programs and check stations in order to conduct inspections. |
| Decontaminate or order the decontamination | Yes. Peace officers may order decontamination, and NDOW and others can perform decontaminations through a NDOW-approved inspection program. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. NDOW may enter into cooperative or reciprocal agreements with federal and state agencies, local governments, corporations, and individuals to carry out NDOW policies. |

Prohibitions:

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| Prohibition on possession, importation, shipment, or transport | Yes. Nevada prohibits the importation, transportation, and possession of listed AIS. |
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| Prohibition on placement of out-of-compliance conveyance in waters | Yes. Nevada law makes it unlawful for any person to launch a vessel into a body of water subject to an inspection program without first complying with the program. In addition, it is unlawful to leave an impaired water and launch on another water of the state without first decontaminating the conveyance. |
|--|---|

Owner Responsibilities:

Clean, Drain, and Dry: There is no general obligation imposed on conveyance owners and operators by legislation to Clean, Drain, and Dry. However, all vessels and conveyances leaving an impaired body of water must be decontaminated prior to re-launch in state waters. The required decontamination as set forth by NDOW in regulations is basically a self-decontamination following the Clean, Drain, and Dry guidelines. A person required to decontaminate a vessel or conveyance must either decontaminate at an AIS inspection station or self-decontaminate by following these procedures: (1) inspect all exposed surfaces; (2) remove and kill all visible AIS; (3) remove all visible aquatic plant material and debris; (4) inspect, clean, and dry each item on the vessel or conveyance; (5) drain all water; (6) wash the vessel and conveyance with high-pressure hot water; and (7) dry for the period recommended by the 100th Meridian Initiative’s Drying Time Estimator.

Comply with Inspection and Decontamination Protocols and Orders: Yes. It is unlawful in Nevada to refuse to comply with any requirements of NDOW with respect to the inspection program.

Inspection Authority:

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| Authority to Establish Inspection Stations | Not expressly stated, but authority is implied in provisions requiring the owner, operator, or person in control of a vessel or conveyance to stop at any mandatory inspection station authorized by NDOW. |
| Mandatory Inspections | Yes. The owner, operator, or person in control of a vessel or conveyance must stop at any mandatory inspection station. |
| Law Enforcement Stops | Yes. Peace officers are authorized to stop and inspect a vessel or conveyance for the presence of AIS or proof of a required inspection: (1) before being launched into a water of the state; (2) before departing from a water of the state; (3) if visibly transporting any AIS or aquatic plant material; or (4) upon reasonable belief that an AIS or aquatic plant material is present. |

Decontamination Authority:

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|----------------------------------|--|
| Perform or Order Decontamination | Peace officers may require the owner, operator, or person in control of the conveyance to comply with a NDOW-approved inspection station or decontaminate the conveyance if the officer reasonable believes, based on articulable facts, that an AIS or aquatic plant material may be present. |
|----------------------------------|--|

Comparison of State WID Programs to Model Legislative Provisions

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|---------------------|--|
| Impound Conveyances | Peace officers are authorized to impound or quarantine a vessel or conveyance if an inspection indicates the presence of AIS or aquatic plant material or the owner, operator, or person in control refuses to submit to an inspection or comply with a decontamination order. |
| Impose Costs | Yes. By statute, the owner of a vessel or conveyance that is impounded is responsible for all costs associated with that impoundment. |

Note: NDOW regulations do not require professional decontamination by trained personnel. Decontamination by the owner, operator, or person in possession of the vessel or conveyance, following a set of procedures similar to Clean, Drain, and Dry, is considered sufficient.

Certification Authority:

| | |
|-------------|---|
| Receipt | No express authority in statute. However, according to Nevada sources, under existing NDOW inspection program protocols, inspectors provide a signed receipt (carbon copy to owner) for watercraft that are decontaminated. |
| Seal | No express authority in statute. However, according to Nevada sources, under existing NDOW inspection program protocols, watercraft are sealed upon full decontamination and supplied with a seal number. |
| Reciprocity | No |

Note: Nevada currently only issues seals and receipts following decontamination. This is a narrower authority than that set forth in the Model which authorizes the issuance of seals and receipts for both inspection and decontamination.

Penalties:

Nevada provides for both civil and criminal penalties.

Civil Penalties: A defendant convicted of knowingly or intentionally introducing, causing to be introduced, or attempting to introduce an AIS or injurious aquatic species into state waters is required to pay a civil penalty of at least \$25,000 but not more than \$250,000. The money must be deposited into the Wildlife Fund Account and is to be used by NDOW for eradication and restoration costs.

Criminal Penalties: A person who knowingly or intentionally introduces, causes to be introduced, or attempts to introduce an AIS or injurious aquatic species into state waters is guilty of a misdemeanor. The maximum statutory penalty for a misdemeanor conviction is 6 months imprisonment, a \$1,000 fine, or both. Community service may also be imposed. Subsequent offenses are classified as Category E felonies punishable by one to four years in prison and a \$5,000 fine. In addition, any person who violates any provision of Chapter 488 (Watercraft Chapter) is guilty of a misdemeanor.

Supplemental Authorities

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|-------------------------------|---|
| Aquatic Invasive Species Fund | Nevada does not have a designated AIS fund, but civil penalties imposed for AIS violations must be deposited in the Wildlife Fund Account to defray NDOW eradication and restoration costs. |
| Closure Authority | No |
| Drying Time | Yes. NDOW regulations require a drying time based on the 100th Meridian Initiative's Drying Time Estimator. |
| Local Government Authority | No express authority, but NDOW can provide authority to local governments for inspection programs through its general cooperative agreement authority. |
| Forfeiture | No |
| Immunity | No |
| Reporting | No |

NEW MEXICO

Snapshot: How does New Mexico Compare to the Model?

New Mexico’s aquatic invasive species law includes about 60% of the core authorities suggested in the Model. Nevada has provisions that completely or closely match 4 out of 9 categories, with another two categories partially addressed. So what’s missing?

| | | |
|---|------------------------|--|
| x | Legislative Findings | |
| P | Definitions | New Mexico lacks a definition for person. |
| P | Powers and Duties | New Mexico does not provide express authority to authorize possession and transport for designated purposes. |
| P | Prohibitions | New Mexico’s launching restrictions are more narrow than the Model. |
| x | Owner Responsibilities | |
| P | Inspection | New Mexico has no express authority for law enforcement stops. |
| ✓ | Decontamination | |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: N.M. REV. STAT. § 17-4-35; N.M. ADMIN. CODE 19.30.14

Core Authorities

Legislative Findings: None

Definitions:

| | |
|--------------------------|--|
| Aquatic Invasive Species | Yes. AIS “means quagga mussels and zebra mussels and other exotic or nonnative aquatic animals ... or any plant or animal species whose introduction into an aquatic ecosystem is determined by [the New Mexico Department of Game and Fish (Department) in consultation with other agencies] to cause or be likely to cause harm to the economy, environment, or human health and safety.” |
| Conveyance | Yes. Conveyance “means a motor vehicle, vessel, trailer, or any associated equipment or containers, including, but not limited to, live wells, fish-hauling tanks, ballast tanks, motorized skis and bilge areas that may contain or carry an aquatic invasive species or any other equipment by which aquatic invasive species may be introduced into an aquatic ecosystem.” The scope of this definition is slightly broader than the Model as New Mexico includes motor vehicles. <ul style="list-style-type: none"> • Equipment “means an article, a tool, an implement, a device or a piece of clothing, including boots and waders, that is capable of containing or transporting water.” |

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| Decontamination | Yes. Decontaminate “means to wash, drain, dry, or otherwise treat a conveyance in accordance with guidelines established by the [Department] in order to remove or destroy an aquatic invasive species.” |
| Inspection | Yes, although New Mexico defines the term “inspect.” Inspect “means to examine a conveyance or equipment to determine whether an aquatic invasive species is present.” |
| Person | No |
| Waters | Yes. New Mexico uses the term “water body.” Water body “means a natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, or fountain.” |

Powers and Duties of Department:

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|---|---|
| Identify AIS | Yes. The Department, following consultation with designated state agencies, is authorized to designate AIS. |
| Identify waters and locations affected by AIS | Yes. The Department, following consultation with designated state agencies, is authorized to designate water bodies within the state as infested waters. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | No |
| Stop, detain, and inspect a conveyance | Yes. Trained personnel may establish and operate check stations in order to inspect conveyances. |
| Decontaminate or order the decontamination | Yes. The Department is authorized to designate specific requirements to decontaminate conveyances and equipment. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. The Department may enter into cooperative agreements with any federal, state, county, or municipal authority or private entity that may be in control of a water body potentially affected by AIS. |

Prohibitions:

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|--|--|
| Prohibition on possession, importation, shipment, or transport | Yes. It is unlawful for a person to knowingly possess, import, export, ship, or transport AIS into, within, or from the state. |
| Prohibition on placement of out-of-compliance conveyance in waters | Yes, but only with respect to conveyances and equipment that have warning tags affixed. It is unlawful to launch a tagged conveyance or equipment without first having it decontaminated and certified by the Department. This launching prohibition, however, does not meet the standard suggested in the Model as it is only triggered by the presence of a warning tag. |

Owner Responsibilities:

Clean, Drain, and Dry: New Mexico law does not impose a general obligation on conveyance owners to Clean, Drain, and Dry. The Department’s decontamination guidelines, however, do incorporate the Clean, Drain, and Dry principles.

Comply with Inspection and Decontamination Protocols and Orders: No express obligation to comply.

Inspection Authority:

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| Authority to Establish Inspection Stations | Yes. Trained personnel are authorized to operate and maintain AIS check stations at or adjacent to: (1) the entrance of state water bodies; (2) the entrance of county, municipal, federally, or privately controlled water bodies pursuant to a cooperative agreement; and (3) the exit point of an infested water body. |
| Mandatory Inspections | Warning-tagged conveyances and conveyances that have been in an infested water body in New Mexico or elsewhere are subject to mandatory inspections. Such conveyances must be inspected and certified as free from AIS infestation by trained personnel prior to launch unless the owner can provide proof of decontamination. |
| Law Enforcement Stops | No express authorization in statute. |

Decontamination Authority:

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|----------------------------------|--|
| Perform or Order Decontamination | Not expressly stated, but the authority is implied by express grant of regulatory authority to establish decontamination requirements and decontamination mandates in the statute. |
| Impound Conveyances | Yes. A law enforcement officer may impound a conveyance or equipment if: (1) the person transporting it refuses to submit to an inspection and the officer has reason to believe that an AIS may be present; or (2) the conveyance or equipment has a warning tag affixed and the operator is attempting to enter state waters and cannot provide evidence of decontamination. |
| Impose Costs | Yes. Department regulations state that “it shall be the responsibility of the owner of any impounded conveyance or equipment to pay all costs, including storage fees, decontamination charges and towing associated with the impoundment and to reimburse any agency that incurs expenditures for the impoundment.” |

Certification Authority:

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|-------------|--|
| Receipt | No |
| Seal | Trained personnel are authorized to affix a warning tag to a conveyance or equipment: (1) where the presence of AIS has been found; (2) upon leaving an infested water; or (3) if there is reason to believe it is infested with an AIS based on its point of origin or use. |
| Reciprocity | No |

Note: A “warning tag” is a tag affixed to a conveyance or equipment upon leaving an infested water or upon the determination following an inspection that it requires decontamination. It is not a seal, as contemplated in the Model, which documents proper inspection or decontamination and therefore does not meet the standard set forth in the Model.

Penalties:

New Mexico law provides for criminal penalties.

Civil Penalties: None

Criminal Penalties: Knowing and willful violations of the state’s AIS laws are misdemeanors. A first offense is classified as a petty misdemeanor, punishable by up to 6 months in prison, a \$500 fine, or both. Second or subsequent violations are classified as misdemeanors, punishable by up to one year in prison, a \$1,000 fine, or both.

Supplemental Authorities

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|-------------------------------|---|
| Aquatic Invasive Species Fund | No |
| Closure Authority | No. However, upon the designation of an infested water body, the Department may make recommendations to the person in control of the water body regarding access limitations or other actions to prevent the potential spread of AIS. |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | None in legislation. A regulatory provision, however, requires the owner or person in control of a warning-tagged conveyance to sign a release of liability to be eligible for decontamination by the state. |
| Reporting | No |

NORTH DAKOTA

Snapshot: How does North Dakota Compare to the Model?

North Dakota’s aquatic invasive species law includes about 35% of the core authorities suggested in the Model. North Dakota has provisions that completely or closely match 2 out of 9 categories, with another four categories partially addressed. So what’s missing?

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|---|-------------------------------|--|
| x | Legislative Findings | |
| P | Definitions | North Dakota lacks definitions for conveyance, decontamination, and inspection. |
| P | Powers and Duties | North Dakota has no express authority to decontaminate conveyances or enter into cooperative agreements. |
| P | Prohibitions | North Dakota does not have launching restrictions. |
| ✓ | Owner Responsibilities | |
| P | Inspection | North Dakota does not impose mandatory inspections or have express provisions for law enforcement stops. |
| x | Decontamination | |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: N.D. CENT. CODE §§ 20.1-01-02, 20.1-17-01 to 20.1-17-09; N.D. ADMIN. CODE r. 30-03-06-01 to 30-03-06-07; North Dakota’s Aquatic Nuisance Species List

Core Authorities

Legislative Findings: None

Definitions:

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| Aquatic Invasive Species | Yes. North Dakota uses the term “Aquatic Nuisance Species” (ANS) which “means any nonindigenous, obligate aquatic species of plant or animal which is injurious to native and desirable aquatic species or which has a negative effect on aquatic habitats, environment, or the economy of the state.” |
| Conveyance | No. Inspection provisions apply to “watercraft” and “associated equipment” which are not defined with respect to the WID program. |
| Decontamination | No |
| Inspection | No |
| Person | Yes. Person “includes every partnership, association, corporation, and limited liability company. No violation of this title may be excused because it was done as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged.” |

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| Waters | Yes. North Dakota has different definitions for “Waters,” “Waters of the State,” and “Public Waters.” The inspection provisions speak to “waters of the state,” which include “all waters of this state, including boundary waters. This title extends to and is in force and effect over, upon, and in all such waters.” |
|--------|---|

Powers and Duties of Department:

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|---|--|
| Identify AIS | Yes. The North Dakota Game and Fish Department (Department) must develop, adopt, and annually update a list of ANS. |
| Identify waters and locations affected by AIS | Yes. The Department is authorized to designate infested waters. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. North Dakota law permits a person to transport AIS for the purpose of identification, reporting, or disposal. |
| Stop, detain, and inspect a conveyance | The Department can train and authorize personnel to inspect watercraft and associated equipment before entering or leaving waters of the state during open water season. |
| Decontaminate or order the decontamination | No |
| Enter into agreements to facilitate cooperation or address management issues | No |

Prohibitions:

| | |
|--|--|
| Prohibition on possession, importation, shipment, or transport | Yes. With limited exceptions, it is unlawful to possess, import, purchase, sell, propagate, transport, or introduce prohibited ANS in the state. |
| Prohibition on placement of out-of-compliance conveyance in waters | No |

Owner Responsibilities:

Clean, Drain, and Dry: North Dakota ANS regulations require all watercraft and equipment to be clean and drained. Watercraft and equipment must be free of ANS upon leaving any water body or while in transit. All watercraft and equipment must also be free of aquatic vegetation when out of the water. In addition, “[a]ll water must be drained from all watercraft and recreational, commercial, and construction equipment bilges and confined spaces, to include livewells and baitwells, when out of water or upon entering the state.”

Comply with Inspection and Decontamination Protocols and Orders: No express obligation to comply with orders.

Inspection Authority:

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|--|--|
| Authority to Establish Inspection Stations | No express authority to establish check stations. However, the Department is authorized to “train and authorize personnel to inspect watercraft and associated equipment, including weed harvesters, for aquatic nuisance species before the watercraft and equipment enter or leave waters of the state during the open water season.” In order to exercise such authority, the Department would presumably need to establish operations in particular locations. |
| Mandatory Inspections | No |
| Law Enforcement Stops | No |

Decontamination Authority:

| | |
|----------------------------------|----|
| Perform or Order Decontamination | No |
| Impound Conveyances | No |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Penalties:

North Dakota law provides for both civil and criminal penalties.

Civil Penalties: Any person who violates the ANS regulations “is guilty of a noncriminal offense and shall pay a one hundred dollar fee.”

Criminal Penalties: Any person who violates the ANS provisions in the statute is guilty of a Class B misdemeanor. The maximum penalty for a Class B misdemeanor is 30 days imprisonment, a \$1,500 fine, or both.

Supplemental Authorities

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|-------------------------------|---|
| Aquatic Invasive Species Fund | No |
| Closure Authority | Yes. The Department is required to develop a statewide management plan which must address, among other things, the closure of access points to infested waters if the Department determines closure is necessary. |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | No |

OREGON

Snapshot: How does Oregon Compare to the Model?

Oregon’s aquatic invasive species law includes about 75% of the core authorities suggested in the Model. Oregon has provisions that completely or closely match 5 out of 9 categories, with another two categories partially addressed. So what’s missing?

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| x | Legislative Findings | |
| P | Definitions | Oregon does not provide an explicit definition for inspection. |
| ✓ | Powers and Duties | |
| ✓ | Prohibitions | |
| x | Owner Responsibilities | |
| ✓ | Inspection | |
| P | Decontamination | Oregon does not have express authority to impound conveyances or impose costs. |
| ✓ | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: ORE. REV. STAT. §§ 830.560 to 830.594; 830.998; and 830.999; ORE. ADMIN. CODE §§ 250-010-0660

Core Authorities

Legislative Findings: Oregon’s AIS legislation does not contain a separate legislative findings section. However, ORE. REV. STAT. § 830.589(1) does contain an important legislative finding. It states that “[t]he purpose of the administrative search authorized under this section is to prevent and limit the spread of aquatic invasive species within Oregon.” In addition, the underlying policy reasons for adopting Oregon’s mandatory inspection station law (H.B. 3399 (2001)) were articulated in the Oregon Senate by the bill’s carrier, Sen. Dingfelder, at the time of the bill’s third reading on June 16, 2011 and are part of the legislative history of Oregon’s AIS laws.

Definitions:

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|--------------------------|---|
| Aquatic Invasive Species | Yes. AIS “means any aquatic life or marine life determined by the State Fish and Wildlife Commission by rule to be invasive or any aquatic noxious weed determined by the State Department of Agriculture to be invasive.” |
| Conveyance | Oregon does not use the term conveyance. The Oregon WID program applies to “recreational or commercial watercraft” which is defined as “any boat, any equipment used to transport a boat and any auxiliary equipment for a boat, including but not limited to attached or detached outboard motors.” This definition provides slightly broader coverage than the Model as it includes motor vehicles. |
| Decontamination | No definition provided in statute, but Oregon State Marine Board (Marine Board) regulations define decontamination as “the removal of aquatic invasive species from a watercraft.” |

Comparison of State WID Programs to Model Legislative Provisions

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| Inspection | No definition provided in statute, but Marine Board regulations state that a watercraft inspection “will include the hull, motor, propulsion system, or component, anchor, or other attached apparatus, trailer or other device used to transport the boat, and the bilge, live-well, motor-well and other interior locations that could harbor aquatic plants or animals.” |
| Person | No definition within the AIS legislation, but “person” is defined in Marine Board regulations as “an individual, partnership, firm, corporation, association, or other entity.” |
| Waters | No definition within AIS legislation, but “waters of the state” is defined within the general provisions for the chapter (Chapter 830) as “all waters within the territorial limits of this state, the marginal seas adjacent to this state and the high seas when navigated as part of a journey or ride to or from the shores of this state.” |

Powers and Duties of Department:

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|---|--|
| Identify AIS | Yes, implied in AIS definition. |
| Identify waters and locations affected by AIS | No express authority, but the Marine Board has the authority to adopt rules for the implementation and administration of the AIS program, which presumably would include the identification of affected waters. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | No express authority, but the state’s civil penalty provisions state that a person is not subject to any penalty for transporting AIS if they carry AIS to a designated state agency for purposes of identifying or reporting. |
| Stop, detain, and inspect a conveyance | Yes. The Oregon Department of Fish and Wildlife, Marine Board, and the Oregon Department of Agriculture are authorized to require persons transporting watercraft to stop and conduct inspections. |
| Decontaminate or order the decontamination | Yes. The Oregon Department of Fish and Wildlife, Marine Board, and the Oregon Department of Agriculture are authorized to perform or recommend decontamination of watercraft. |
| Enter into agreements to facilitate cooperation or address management issues | No express statement in AIS legislation, but the Marine Board has broad authority to cooperate with state and federal agencies to promote uniformity of the laws relating to boating and their enforcement, which would presumably include watercraft inspections. |

Prohibitions:

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|--|---|
| Prohibition on possession, importation, shipment, or transport | Yes, it is unlawful to import, possess, sell, purchase, exchange, or transport certain listed prohibited AIS. |
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| Prohibition on placement of out-of-compliance conveyance in waters | Not with respect to watercraft inspection and decontamination. Oregon, however, does have launching restrictions that are possibly more strict than the Model as it is illegal to launch a boat with any aquatic species (native or non-native) attached or on-board. It is unlawful to launch a watercraft on state waters if it: (1) has any visible aquatic species on its exterior hull or attached to the trailer or any apparatus; or (2) has any AIS within its bilge, livewell, motorwell, or other interior location. |
|--|---|

Owner Responsibilities:

Clean, Drain, and Dry: No

Comply with Inspection and Decontamination Protocols and Orders: No. However, state law immunizes a person who stops at a check station for inspection and complies with the decontamination process from criminal sanctions for possessing or transporting AIS. This provision arguably provides a very strong incentive to comply with inspection and decontamination protocols and orders.

Inspection Authority:

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|--|---|
| Authority to Establish Inspection Stations | Yes. The Oregon Department of Fish and Wildlife, Marine Board, and the Oregon Department of Agriculture are authorized to operate check stations to inspect watercraft for the presence of AIS. |
| Mandatory Inspections | Yes. All persons transporting recreational or commercial watercraft are required to stop at check stations when open. |
| Law Enforcement Stops | Oregon's AIS legislation provides for law enforcement stops in the situation where an individual refuses to stop at a check station and submit the watercraft for inspection. In addition, under Oregon's criminal code, an officer who reasonably suspects that a person has committed or is about to commit a crime, such as the crime of unlawful transport of AIS, may stop the person and make a reasonable inquiry. |

Decontamination Authority:

| | |
|----------------------------------|--|
| Perform or Order Decontamination | Yes. The Oregon Department of Fish and Wildlife, Marine Board, and the Oregon Department of Agriculture are authorized to perform or recommend decontamination of watercraft. |
| Impound Conveyances | Oregon's AIS legislation does not expressly provide the authority to impound conveyances. However, the Oregon Department of Fish and Wildlife has the authority to seize and take possession of conveyances for violations of wildlife laws, of which the AIS provisions are a part. |
| Impose Costs | No |

Certification Authority:

| | |
|-------------|--|
| Receipt | Not expressly provided for, but according to Oregon sources this is a matter of routine practice. The Marine Board regulations require watercraft inspectors to complete, submit, and file an inspection certificate to the Oregon Department of Fish and Wildlife for each watercraft inspection conducted. Although there is no express requirement that this certificate be provided to and retained by the watercraft owner or operator, one carbon copy is routinely provided to the boat owner upon completion of an inspection. |
| Seal | Yes. When an inspector determines following an inspection that a watercraft is clean or fully decontaminated, the inspector will attach a seal indicating a completed inspection. In cases where an inspector determines that (1) the watercraft is a severe risk of spreading AIS or (2) is of a design that prevents or inhibits effective on-site decontamination and the watercraft is from a known AIS contaminated waterbody, the inspector will place a seal on the watercraft indicating potential contamination. |
| Reciprocity | Not expressly provided for in AIS provisions. The Marine Board, however, has the authority to cooperate with state and federal agencies to promote uniformity of laws relating to boating and their enforcement. This authority could presumably be interpreted to encompass reciprocity agreements. |

Penalties:

Oregon law provides for both civil and criminal penalties.

Civil Penalties: A person who knowingly transports AIS on or in a recreational or commercial watercraft is subject to a civil penalty of not more than \$6,250. A second or subsequent violation within a 5-year period will result in a civil penalty of not less than \$5,000 and not more than \$15,000.

Criminal Penalties: Failure to stop at a check station and submit to an inspection is classified as a Class D violation, which is subject to a maximum fine of \$250. A person transporting a recreational or commercial watercraft that stops at a check station for inspection and cooperates in the decontamination process is not subject to criminal sanctions for possession or transporting AIS.

Supplemental Authorities

| | |
|-------------------------------|--|
| Aquatic Invasive Species Fund | The Legislature has established an Aquatic Invasive Species Fund to provide funding for administering the AIS permit program and preventing and controlling AIS. |
| Closure Authority | No |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | Not with respect to the discovery of AIS, which is the focus of the Model provision, but a boat operator or owner must provide a six-month history of the boat's whereabouts and previous inspections if AIS is found. |

UTAH

Snapshot: How does Utah Compare to the Model?

Utah’s aquatic invasive species law includes about 60% of the core authorities suggested in the Model. Utah has provisions that completely or closely match 3 out of 9 categories, with another four categories partially addressed. So what’s missing?

| | | |
|---|------------------------|--|
| x | Legislative Findings | |
| P | Definitions | Utah lacks definitions for AIS or inspection. |
| P | Powers and Duties | Utah does not have express authority to identify AIS. |
| P | Prohibitions | Utah’s possession and transport prohibitions are limited to Dreissena mussels. |
| P | Owner Responsibilities | Utah lacks an express obligation to comply with WID protocols. |
| ✓ | Inspection | |
| ✓ | Decontamination | |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: UTAH CODE ANN. §§ 23-24-101 to 23-24-401; UTAH ADMIN. CODE r. 657-60

Core Authorities

Legislative Findings: None.

Definitions:

| | |
|--------------------------|---|
| Aquatic Invasive Species | No definition in statute. Despite law’s title (Aquatic Invasive Species Interdiction Act), scope is limited to Dreissena mussels and therefore narrower than that set forth in the Model. |
| Conveyance | Yes. “Conveyance includes a motor vehicle, a vessel, a motorboat, a sailboat, a personal watercraft, a container, a trailer, a live well, or a bilge area.” Although equipment is not included in the definition of conveyance, equipment is defined separately and subject to WID requirements. Equipment means “an article, tool, implement, or device capable of carrying or containing” water or a Dreissena mussel. In combination, the two definitions provide coverage similar to the Model. |
| Decontamination | Yes, with slightly different language. Decontaminate means to “drain and dry all non-treated water and chemically or thermally treat in accordance with rule.” |
| Inspection | No |

Comparison of State WID Programs to Model Legislative Provisions

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|--------|--|
| Person | No definition within AIS provisions, but Title 23 defines person as “an individual, association, partnership, government agency, corporation, or an agent of the foregoing.” |
| Waters | Yes. Utah uses the term “water body,” which is defined as “natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.” |

Powers and Duties of Department:

| | |
|---|---|
| Identify AIS | No |
| Identify waters and locations affected by AIS | Yes. No express authority provided in statute, but such authority is implied by definition of infested waters. Infested waters “means a geographic region, water body, facility, or water supply system within or outside the state that the [Wildlife Board] identifies in rule as carrying or containing a Dreissena mussel.” |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | No express authority. However, the prohibitions section contains the caveat “Except as authorized in ... a board rule or order.” In addition, Utah Division of Wildlife Resources (Division) regulations state that Dreissena mussels may be imported and possessed within the state with prior written approval. The Division could presumably draw upon these authorities to permit transport for identification, sampling, and disposal. |
| Stop, detain, and inspect a conveyance | Yes. The Division may temporarily stop, detain, and inspect conveyances and conduct administrative checkpoints. |
| Decontaminate or order the decontamination | Yes. The Division may order a person to decontaminate a conveyance. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. The Division has broad authority to enter into cooperative agreements and programs with other state agencies, federal agencies, states, and other entities for purposes of wildlife conservation. |

Prohibitions:

| | |
|--|---|
| Prohibition on possession, importation, shipment, or transport | Yes, but restrictions are limited to Dreissena mussels. Because prohibition doesn’t apply broadly to all AIS, this provision does not meet the standard set forth in the Model. |
| Prohibition on placement of out-of-compliance conveyance in waters | Not in statute. Regulations prohibit placement of conveyance in state waters without decontamination if it has been in an infested water or water subject to a closure order within the previous 30 days. |

Owner Responsibilities:

Clean, Drain, and Dry: Not in statute. Although there is no generally applicable obligation to Clean, Drain, and Dry, Division regulations require that conveyances be immediately inspected

Comparison of State WID Programs to Model Legislative Provisions

by the operator and drained upon removal from an infested water or water subject to a closure order. In addition, the regulatory definition of “decontaminate” includes self-decontamination of a conveyance by removing all plants, fish, mussels, and mud; draining all water; and drying for a required period of time that varies depending on the season.

Comply with Inspection and Decontamination Protocols and Orders: No express statement in statute.

Inspection Authority:

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|--|---|
| Authority to Establish Inspection Stations | Yes. The Division may establish inspection stations at or along highways, ports of entry, and publicly accessible boat ramps and conveyance launch sites. |
| Mandatory Inspections | Yes. A person may not proceed or travel through an inspection station or checkpoint while transporting a conveyance during the station’s operating hours. |
| Law Enforcement Stops | The Division may temporarily stop, detain, and inspect a conveyance that the Division reasonably believes is in violation of the invasive species prohibitions. |

Decontamination Authority:

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|----------------------------------|--|
| Perform or Order Decontamination | Yes. The Division is authorized to order a person to decontaminate a conveyance. |
| Impound Conveyances | Yes. Peace officers may detain or quarantine a conveyance if the officer finds the conveyance contains a Dreissena mussel, reasonably believes the person transporting the conveyance is in violation of the invasive species prohibitions in UTAH CODE ANN. § 23-27-201 or the person refuses to submit to an inspection. |
| Impose Costs | Yes, within the penalty provisions (see below). |

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Note: Utah regulations require the owner, operator, or possessor of a vessel desiring to launch on a water body in Utah to (1) verify that the vessel has not been in an infested water or water subject to a closure order in the previous 30 days; or (2) certify that the vessel has been decontaminated. Certification of decontamination is satisfied by placing a self-decontamination certification form or professional decontamination certificate in the window of the launching vehicle. This type of self-reporting does not meet the standard set forth in the Model as it is not a certificate issued by a state-approved inspector.

Penalties:

Utah law provides for both civil and criminal penalties.

Civil Penalties: A person who violates UTAH CODE ANN. § 23-27-201(1) (prohibitions) is strictly liable, guilty of an infraction, and required to reimburse the state for all costs associated with detaining and decontaminating the conveyance.

Criminal Penalties: A person who knowingly or intentionally violates UTAH CODE ANN. § 23-27-201(1) is guilty of a Class A misdemeanor, punishable by a maximum fine of \$2,500 and up to one year in prison. Failure to stop at an inspection station or checkpoint is a class B misdemeanor, punishable by a maximum fine of \$1,000 and up to 6 months in prison.

Supplemental Authorities

| | |
|-------------------------------|---|
| Aquatic Invasive Species Fund | No |
| Closure Authority | Yes. The Division is authorized to close a water body, facility, or water supply system and restrict conveyance access if the presence of a Dreissena mussel is detected or suspected. |
| Drying Time | Yes. Division regulations impose drying times within the definition of decontaminate. |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | Yes. Utah requires any person who discovers a Dreissena mussel or believes one exists at a specific location to immediately report it to the Division. Violations of the reporting requirements are classified as Class A misdemeanors. |

WASHINGTON

Snapshot: How does Washington Compare to the Model?

Washington’s aquatic invasive species law includes about 75% of the core authorities set forth in the Model. Washington has provisions that completely or closely match 5 out of 9 categories, with another four categories partially addressed. So what’s missing?

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|---|------------------------|--|
| ✓ | Legislative Findings | |
| P | Definitions | Washington does not define inspection. |
| ✓ | Powers and Duties | |
| P | Prohibitions | Washington does not have a general prohibition on launching out-of-compliance conveyances. |
| ✓ | Owner Responsibilities | |
| P | Inspection | Washington does not have express authority for law enforcement stops. |
| ✓ | Decontamination | |
| P | Certification | Washington does not have provisions for seals or reciprocity. |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: WASH. REV. CODE Chapter 77.135; §§ 77.15.070, 77.15.160, 77.15.809; and 77.15.811.

Core Authorities

Legislative Findings: Yes. Washington’s invasive species law contains a number of legislative findings highlighting, among other things, the threat invasive species pose to the state’s environmental and economic resources and the importance of prevention.

Definitions:

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|--------------------------|---|
| Aquatic Invasive Species | <p>Yes. Washington defines both “invasive species” and “aquatic invasive species.”</p> <ul style="list-style-type: none"> • Invasive species “means nonnative species of the animal kingdom that are not naturally occurring in Washington for purposes of breeding, resting, or foraging, and that pose an invasive risk of harming or threatening the state’s environmental, economic or human resources. They may also include genetically modified or cryptogenic species.” • AIS “means an invasive species of the animal kingdom with a life cycle that is at least partially dependent upon fresh, brackish, or marine waters. Examples include nutria, waterfowl, amphibians, fish, and shellfish.” <p>In combination, the law’s scope is similar to that set forth in the Model.</p> |
|--------------------------|---|

Comparison of State WID Programs to Model Legislative Provisions

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| Conveyance | Yes. Aquatic Conveyance “means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment. Aquatic conveyances include but are not limited to watercraft and associated equipment, float planes, construction equipment, fish tanker trucks, hydroelectric and irrigation equipment, personal fishing and hunting gear, and materials used for aquatic habitat mitigation or restoration.” |
| Decontamination | Yes. Decontaminate “means, to the extent technically and measurably possible, the application of a treatment to kill, destroy, remove, or otherwise eliminate all known or suspected invasive species carried on or contained within an aquatic conveyance or structural property by use of physical, chemical, or other methods. Decontamination treatments include drying an aquatic conveyance for a time sufficient to kill aquatic invasive species through desiccation.” |
| Inspection | No |
| Person | Not defined in AIS provisions, but “person” is defined in the general provisions for Chapter 77 as “an individual; a corporation; a public or private entity or organization; a local, state, or federal agency; all business organizations, including corporations and partnerships; or a group of two or more individuals acting with a common purpose whether acting in an individual, representative, or official capacity.” |
| Waters | Yes. Washington uses the term water body, which “means an area that carries or contains a collection of water, regardless of whether the feature carrying or containing the water is natural or non-natural. Examples include basins, bays, coves, streams, rivers, springs, lakes, wetlands, reservoirs, ponds, tanks, irrigation canals, and ditches.” |

Powers and Duties of Department:

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|---|---|
| Identify AIS | Yes. The Washington Department of Fish and Wildlife (WDFW) has the authority to classify and list by rule nonnative aquatic animal species as prohibited level 1, level 2, or level 3. |
| Identify waters and locations affected by AIS | Yes. The WDFW has authority to implement “infested site management actions” when certain species are detected in a water body. The WDFW must publicly list such waters. |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | No express authority, but under the classification provisions the WDFW has the authority to define general possession conditions acceptable under a department permit, which presumably would authorize the WDFW to enable possession for identification and disposal purposes. |
| Stop, detain, and inspect a conveyance | Yes. The WDFW is authorized to establish check stations to inspect conveyances. |
| Decontaminate or order the decontamination | Yes. The WDFW may issue decontamination orders. |

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| Enter into agreements to facilitate cooperation or address management issues | Yes. The WDFW may enter into partnerships, cooperative agreements, and state or interstate compacts as necessary to accomplish the intent of the state's invasive species laws. |
|--|---|

Prohibitions:

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|--|---|
| Prohibition on possession, importation, shipment, or transport | Yes, prohibited level 1, level 2, and level 3 species may not be possessed, or introduced on or into a water body without WDFW authorization. |
| Prohibition on placement of out-of-compliance conveyance in waters | No. There is no general prohibition, although the WDFW may issue a decontamination order that prohibits launching until decontamination is completed and certified. |

Owner Responsibilities:

Clean, Drain, and Dry: Washington law requires conveyances to be clean and drained. A person in possession of an aquatic conveyance must meet clean and drain requirements after the conveyance's use in or on a water body. WDFW officers are authorized to order a person transporting an aquatic conveyance not meeting the clean and drain requirements to: (1) clean and drain the conveyance at the discovery site; or (2) transport the conveyance to a reasonable close location where resources are sufficient to meet the requirements.

Comply with Inspection and Decontamination Protocols and Orders: Yes. A person who encounters a mandatory check station while transporting a conveyance must allow the conveyance to be inspected and follow clean and drain orders and decontamination orders. A person who complies with the WDFW directives is exempt from criminal and civil penalties unless the person has a prior conviction for an invasive species violation within the past five years.

Inspection Authority:

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| Authority to Establish Inspection Stations | Yes. The WDFW may establish mandatory check stations to inspect aquatic conveyances for clean and drain requirements and AIS. |
| Mandatory Inspections | Yes. Registered watercraft, commercial watercraft, and small watercraft must stop at mandatory check stations. In addition, a person in possession of an aquatic conveyance who enters Washington by road, air, or water is required to have a certificate of inspection. |
| Law Enforcement Stops | No express authority for law enforcement stops. |

Decontamination Authority:

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|----------------------------------|---|
| Perform or Order Decontamination | Yes. Upon discovery of an aquatic conveyance that carries or contains an AIS without department authorization, a WDFW officer may issue a decontamination order: (1) requiring decontamination at the discovery site; (2) prohibiting the launch of the conveyance until decontamination is completed and certified; or (3) requiring immediate transport to an approved decontamination station and prohibiting launch until decontamination is completed and certified. |
| Impound Conveyances | Yes. A WDFW officer may issue a decontamination order seizing and transporting the aquatic conveyance to any approved decontamination station until decontamination is completed and certified. |
| Impose Costs | Yes. The person in possession of a conveyance subject to a decontamination order is responsible for any costs for seizure, transportation, and decontamination. |

Certification Authority:

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|-------------|---|
| Receipt | Inspection station staff are required to issue a certificate of inspection when an aquatic conveyance is determined to be free of AIS following an inspection. If a conveyance carries or contains AIS, the inspection staff must require decontamination before issuing a certificate of inspection. The certificate of inspection is valid until the conveyance's next use in a water body. |
| Seal | No |
| Reciprocity | No |

Penalties:

Washington law provides for both civil and criminal penalties.

Civil Penalties: Invasive species management infractions include: (1) entering Washington in possession of an aquatic conveyance that does not meet certificate of inspection requirements; (2) possessing an aquatic conveyance that does not meet clean and drain requirements; (3) failing to obey a clean and drain order; and (4) transporting aquatic plants on any state or public road. Infractions are subject to a monetary penalty of not more than \$500 for each offense.

Criminal Penalties: The following offenses are classified as gross misdemeanors: (1) failure to stop at a mandatory check station or to return to a check station if directed to do so by a WDFW officer; (2) failure to allow an conveyance to be inspected; (3) failure to comply with a decontamination order; and (4) possess or introduce into a water body certain species without WDFW authorization. Gross misdemeanors are punishable by a maximum prison sentence of one year, a \$5,000 fine, or both. Subsequent violations within five years of the date of the previous conviction are classified as class C felonies, which are subject to a maximum sentence of 5 years in prison, a \$10,000 fine, or both.

Supplemental Authorities

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|-------------------------------|--|
| Aquatic Invasive Species Fund | Yes. The Washington legislature has established an Aquatic Invasive Species Prevention Account and an Aquatic Invasive Species Enforcement Account. Expenditures from the Prevention Account may only be used to implement provisions of Chapter 77.135 (invasive species). Funds from the Enforcement Account may be used by the Washington state patrol to inspect aquatic conveyances required to stop at port of entry weigh stations. The WDFW may use these funds to develop an AIS enforcement program and train state patrol employees working at the port of entry stations to inspect conveyances. |
| Closure Authority | Yes. If the WDFW determines it is necessary to protect the environmental, economic, or human health interests of the state from the threat of a prohibited level 1 or level 2 species, the WDFW may declare a quarantine against a water body. The WDFW may prohibit or condition the movement of aquatic conveyances and waters from such water bodies. |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | Yes. WDFW officers may seize without warrant boats, airplanes, vehicles, motorized implements, conveyances, gear, appliances, and other articles they have probable cause to believe have been held with intent to violate or used in violation of Title 77 or a WFDW regulation. Such items may not be seized if it is reasonable to conclude under the circumstances that the violation was inadvertent. WASH. REV. CODE § 77.15.070 sets forth the required procedures for the forfeiture and appeal process. |
| Immunity | No |
| Reporting | No |

WISCONSIN

Snapshot: How does Wisconsin Compare to the Model?

Wisconsin’s aquatic invasive species law includes about 40% of the core authorities suggested in the Model. Wisconsin has provisions that completely or closely match 3 out of 9 categories, with another three categories partially addressed. So what’s missing?

| | | |
|---|-------------------------------|---|
| x | Legislative Findings | |
| P | Definitions | Wisconsin does not define conveyance, inspection, or decontamination. |
| P | Powers and Duties | Wisconsin lacks express authority to identify affected waters or decontaminate conveyances. |
| ✓ | Prohibitions | |
| ✓ | Owner Responsibilities | |
| P | Inspection | Wisconsin does not provide for mandatory inspections or law enforcement stops. |
| x | Decontamination | |
| x | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: WIS. STAT. ANN. §§ 23.22 and 30.07; WIS. ADMIN. CODE Chapter NR 40

Core Authorities

Legislative Findings: None

Definitions:

| | |
|--------------------------|--|
| Aquatic Invasive Species | Yes. Wisconsin’s law applies to the broader category of “invasive species” which is defined in a manner similar to the Model. Invasive species “means nonindigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.” |
| Conveyance | No. The statute refers to “boats, boating equipment, and boat trailers.” |
| Decontamination | No |
| Inspection | No |
| Person | Not in the invasive species statutory provisions. Wisconsin Department of Natural Resources (DNR) regulations define person as “an individual, partnership, corporation, society, association, firm, unit of government, public agency or public institution, and includes an agent of one of these entities.” |

| | |
|--------|--|
| Waters | Not in invasive species statutory provisions. DNR regulations state that “waters of the state” has the meaning given in WIS. STAT. ANN. § 281.01(18). Waters of the state, therefore, “includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses, drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction.” |
|--------|--|

Powers and Duties of Department:

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|---|--|
| Identify AIS | Yes. DNR is authorized to promulgate rules to identify and classify invasive species. |
| Identify waters and locations affected by AIS | No |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Yes. The DNR may authorize, by permit, the transport and possession of invasive species for particular purposes, such as research, identification, display, and disposal. In addition, a person may transport and possess invasive species for the purpose of identification or disposal without a permit, if the person reports the location of origin to the DNR and no individual specimens or propagules are allowed to escape or be introduced. |
| Stop, detain, and inspect a conveyance | Yes. As part of the statewide invasive species management plan, the DNR is authorized to create a watercraft inspection program, under which it may conduct inspections of boats, boating equipment, and boat trailers entering and leaving navigable waters. |
| Decontaminate or order the decontamination | No |
| Enter into agreements to facilitate cooperation or address management issues | State law requires every state agency to cooperate with the DNR in the administration of the invasive species programs and the DNR is authorized to enter into agreements with other agencies, local governments, industries, other states, and other interested parties to carry out the purposes of the invasive species laws. |

Prohibitions:

| | |
|--|---|
| Prohibition on possession, importation, shipment, or transport | Yes. No person may transport, possess, transfer, or introduce a prohibited invasive species. |
| Prohibition on placement of out-of-compliance conveyance in waters | Not with respect to WID program. Wisconsin law, however, does impose launching and transport restrictions. No person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in a navigable water or highway if any aquatic plants or animals are attached to the exterior. |

Owner Responsibilities:

Clean, Drain, and Dry: Not in statute. DNR regulations, however, do require any person who removes a boat, boat trailer, boating equipment, or fishing equipment from state waters to remove all attached aquatic plants and animals and drain all water, including any water in the bilge, ballast tank, bait bucket, live well, or other container. No person may transport over land from another state a boat, boat trailer, boating equipment, or fishing equipment for use in state waters unless the person removes all aquatic plants and animals and drains all water before entering the state. In addition, in DNR regulations relating to navigable waters permits, there are decontamination requirements for vehicles, boats, and associated equipment used during certain projects that include drying times.

Comply with Inspection and Decontamination Protocols and Orders: No general obligation to comply, but no person may refuse to obey the order of a law enforcement officer acting under WIS. STAT. ANN. § 30.07 (transport and launching restrictions).

Inspection Authority:

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|--|---|
| Authority to Establish Inspection Stations | No express authority in statute. DNR is authorized to create a watercraft inspection program under which the DNR shall conduct periodic inspections of boats, boating equipment, and boat trailers entering and leaving navigable waters. |
| Mandatory Inspections | No |
| Law Enforcement Stops | Not specifically for inspections, but a law enforcement officer who has reason to believe a person is in violation of the launching or transport restrictions may order a person to: (1) remove aquatic plants and animals; (2) remove, or not place, the conveyance in waters; or (3) not transport the conveyance on a highway. |

Note: In Wisconsin, watercraft inspections are conducted through DNR’s non-regulatory Clean Boats, Clean Waters program. Trained boat inspectors, which are primarily mobilized through programs run by local governments, lake protection and rehabilitation districts, qualified lake associations, river management organizations, and nonprofit organizations, help perform boat and trailer checks as boats are entering and leaving state waters, disseminate informational brochures, and educate boaters. The University of Wisconsin Extension coordinates these volunteer efforts.

Decontamination Authority:

| | |
|----------------------------------|----|
| Perform or Order Decontamination | No |
| Impound Conveyances | No |
| Impose Costs | No |

Note: To stop the spread of invasive species and viruses from one navigable waterway to another navigable waterway, DNR regulations require that all equipment or portions of equipment used for constructing, operating, or maintaining certain projects in navigable waters,

Comparison of State WID Programs to Model Legislative Provisions

including vehicles and boats, be decontaminated for invasive species and viruses before and after use or prior to use within another navigable waterway. Decontamination activities are to be performed by either following the most recent DNR-approved protocols and best management practices for infested waters or (1) inspecting all equipment and removing all plants, animals, and other mud debris, etc.; (2) draining all water; and (3) disposing of plants and animals in the trash. If the equipment is used in non-frozen navigable waters and the air temperature is above 19 degrees Fahrenheit at the time the decontamination procedures take place, the operator must take one of these additional decontamination actions: (1) Wash equipment at a temperature of not less than 212 degrees Fahrenheit water (steam clean); (2) Wash equipment with soap and water or high pressure water of not less than 2000 pounds per square inch; (3) Allow equipment to dry thoroughly for not less than 5 days; or (4) Disinfect equipment with 200 parts per million (0.5 ounces per gallon) chlorine for not less than 10 minutes contact time.

Certification Authority:

| | |
|-------------|----|
| Receipt | No |
| Seal | No |
| Reciprocity | No |

Note: Clean Boats, Clean Water inspectors complete Watercraft Inspection Forms during watercraft inspections. The forms are not intended to document inspections or decontaminations, but rather are used to collect information about the patterns of boater traffic and boater awareness of invasive species laws and outreach campaigns. According to DNR publications, the data is entered into an online database, called the Surface Water Integrated Monitoring System, to assist DNR and partner organizations with invasive species prevention and control activities.

Penalties:

Wisconsin law authorizes both civil and criminal penalties.

Civil Penalties: Any person who violates a DNR invasive species rule or permit may be assessed a fine of not more than \$200.

Criminal Penalties: Any person who intentionally violates a DNR invasive species rule or permit may be assessed a fine of not less than \$1,000, but not more than \$5,000, six to nine months in prison, or both. Subsequent violations within 5 years are punishable by a fine of not less than \$700, but not more than \$2,000, six to nine months in prison, or both.

Supplemental Authorities

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|-------------------------------|--|
| Aquatic Invasive Species Fund | No |
| Closure Authority | No |
| Drying Time | Yes, for equipment used during certain projects in navigable waters. |

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|----------------------------|--|
| Local Government Authority | Yes, local governments may enact ordinances applicable on state waters within their jurisdictions to preserve natural resources as long as such ordinances are not contrary or inconsistent with state law or DNR regulations. Local governments are also eligible to apply for funding to operate watercraft inspection programs. |
| Forfeiture | No |
| Immunity | No |
| Reporting | No |

WYOMING

Snapshot: How does Wyoming Compare to the Model?

Wyoming’s aquatic invasive species law includes about 90% of the core authorities suggested in the Model. Wyoming has provisions that completely or closely match 6 out of 9 categories, with another two categories partially addressed. So what’s missing?

| | | |
|---|------------------------|--|
| x | Legislative Findings | |
| ✓ | Definitions | |
| ✓ | Powers and Duties | |
| ✓ | Prohibitions | |
| P | Owner Responsibilities | Wyoming does not impose Clean, Drain, and Dry obligations. |
| ✓ | Inspection | |
| ✓ | Decontamination | |
| ✓ | Certification | |
| ✓ | Penalties | |

Detailed Comparison to Model

Sources: WYO. STAT. ANN §§ 23-4-201 to 23-4-206 and 23-1-501; Code of Wyoming Rules, Chapter 62

Core Authorities

Legislative Findings: None

Definitions:

| | |
|--------------------------|--|
| Aquatic Invasive Species | Yes. AIS means “exotic or non-native aquatic organisms that have been determined by the commission to pose a significant threat to the aquatic resources, water supplies, or water infrastructure of the state.” |
| Conveyance | Yes. Conveyance means “a motor vehicle, boat, watercraft, raft vessel, trailer, or associated equipment or containers, including but not limited to live wells, ballast tanks, bilge areas and water hauling equipment that may contain or carry an aquatic invasive species.” Wyoming’s definition is slightly broader in scope than the Model as it includes motor vehicles. |
| Decontamination | Yes. Decontaminate means “to wash, drain, dry, or chemically, thermally, or otherwise treat a conveyance in accordance with rules promulgated by the commission in order to remove or destroy an aquatic invasive species.” |
| Inspection | Yes. Wyoming defines the term “inspect” to mean “to examine a conveyance pursuant to procedures established by the commission in order to determine whether an aquatic invasive species is present, and includes examining, draining, or treating water in the conveyance.” |

| | |
|--------|---|
| Person | No definition in AIS provisions, but person is defined in Title 23 as “an individual, partnership, corporation, company, any other type of association, and any agent or officer of any partnership, corporation, company, or other type of association.” This is a narrower definition than the Model, as it does not include governmental entities. |
| Waters | No definition in statute. Regulations define “water of the state” as “all waters under the jurisdiction of the state of Wyoming.” |

Powers and Duties of Department:

| | |
|---|--|
| Identify AIS | Yes, implied within AIS definition. |
| Identify waters and locations affected by AIS | Not expressly stated, but authority is implied and exercised by Wyoming Game and Fish Department (WGFD). |
| Possess and transport AIS for purposes of identification, sampling, testing, and disposal | Not expressly stated, but possession and transport is allowed “as authorized by Commission.” WGFD does issue sampling permits under this authority. |
| Stop, detain, and inspect a conveyance | Yes. WGFD has the authority to establish, operate, and maintain AIS check stations to inspect conveyances. |
| Decontaminate or order the decontamination | Yes. Inspectors are authorized to decontaminate conveyances with the consent of the owner or at the direction of peace officers. |
| Enter into agreements to facilitate cooperation or address management issues | Yes. Although broad authority to enter into cooperative agreements is not provided in the AIS article, the WGFD is authorized to enter into reciprocal agreements with adjoining states for the purposes of recognizing AIS programs at least as restrictive as Wyoming’s and honoring AIS program fees. |

Prohibitions:

| | |
|--|--|
| Prohibition on possession, importation, shipment, or transport | Yes. Except as authorized by WGFD, it is unlawful to possess, import, export, ship, or transport an AIS in Wyoming. |
| Prohibition on placement of out-of-compliance conveyance in waters | Yes. Wyoming law prohibits the launch of a conveyance into the waters of the state without first complying with the state’s AIS prevention requirements. |

Owner Responsibilities:

Clean, Drain, and Dry: No

Comply with Inspection and Decontamination Protocols and Orders: Yes, Wyoming law states that no person shall “refuse to comply with the inspection requirements or any order.”

Inspection Authority:

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|--|---|
| Authority to Establish Inspection Stations | WGFD has the authority to establish, operate, and maintain AIS check stations to inspect conveyances. Check stations may be located at ports of entry and other Department of Transportation facilities located near borders, WGFD offices, and other authorized locations around the state. |
| Mandatory Inspections | Wyoming law requires every conveyance entering the state by land to stop at authorized mandatory AIS check stations and be inspected by an authorized AIS inspector. |
| Law Enforcement Stops | Peace officers are authorized to stop and inspect a conveyance under the following conditions: <ol style="list-style-type: none"> 1. Immediately prior to a boat, vessel, or watercraft being launched into waters of the state; 2. Prior to departing from the waters of this state or a boat, vessel, or watercraft staging area; 3. That is visibly transporting any aquatic plant material; or 4. Upon a reasonable suspicion that an AIS may be present. |

Decontamination Authority:

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| Perform or Order Decontamination | Yes. Peace officers have the authority to order the decontamination of a conveyance following an inspection upon a determination that an AIS is present or upon probable cause that an AIS may be present. Authorized inspectors may perform decontaminations at the direction of a peace officer or with the voluntary consent of the person transporting the conveyance. |
| Impound Conveyances | Peace officers may impound and quarantine a conveyance if the officer finds that an AIS is present after conducting an inspection, the person transporting the conveyance refuses to submit to an inspection, or the person transporting the conveyance refuses to comply with a decontamination order. The impoundment and quarantine may continue for “the reasonable period necessary to inspect and decontaminate the conveyance and to ensure that the AIS have been completely eradicated from the conveyance or is no longer living.” |
| Impose Costs | Yes. In Wyoming, pursuant to WGFD regulations, impounded conveyances are held at the “risk and expense of the owner.” Conveyances held for non-compliance may only be released after a peace officer is satisfied by inspection or quarantine that the conveyance is no longer a threat. |

Certification Authority:

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| Receipt | Yes, completed seal receipts must accompany all seals affixed to conveyances. |
| Seal | Wyoming affixes seals to conveyances following an inspection or decontamination to certify a proper inspection or decontamination procedure. |
| Reciprocity | The WGFD may recognize a properly affixed seal applied by an authorized inspector from a state or province with a WGFD-approved program if the seal is accompanied by a valid seal receipt. |

Penalties:

Wyoming law provides for both criminal and civil penalties.

Civil Penalties: Civil penalties may be assessed for violations in an amount not to exceed the costs incurred by the WGFD and the Department of State Parks and Cultural Resources in enforcing the provisions of the AIS article but shall not include costs associated with the eradication of an AIS introduced into the waters of this state.

Criminal Penalties: Any person who violates the provisions of the AIS article or any order issued under those provisions is guilty of a high misdemeanor. The statutory maximum penalty for high misdemeanors is \$10,000.00, to which may be added a prison sentence of up to one year.

Supplemental Authorities

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| Aquatic Invasive Species Fund | Yes. There is an annual fee assessed on watercraft (AIS decal) that is deposited in a dedicated account within the Game and Fish Fund for costs associated with the AIS program. |
| Closure Authority | Yes, the WGFD, in consultation with the Department of State Parks and Cultural Resources, may restrict watercraft usage on waters of the state upon a finding that an AIS has been introduced or there is a threat of imminent introduction. |
| Drying Time | No |
| Local Government Authority | No |
| Forfeiture | No |
| Immunity | No |
| Reporting | Yes, state law requires any “person who knows that an unreported aquatic invasive species is present at a specific location” to report that knowledge to the WGFD or a peace officer. WGFD regulations require reports to be filed within 48 hours. |