

**FROM THEORY TO PRACTICE: A COMPARISON OF STATE WATERCRAFT
INSPECTION AND DECONTAMINATION PROGRAMS TO THE MODEL LEGAL
FRAMEWORK**



Stephanie Showalter Otts, J.D., M.S.E.L.

National Sea Grant Law Center
University of Mississippi School of Law

April 2017
Revised and Updated December 2018

NSGLC-17-05-02, Revision 3

TABLE OF CONTENTS

Introduction..... 2

State Efforts To Address The Recreational Watercraft Vector 3

Snapshot Comparisons Of State Wid Programs To Model Legal Framework 8

Arizona..... 18

California..... 24

Colorado 29

Idaho 36

Iowa..... 42

Minnesota..... 47

Montana..... 55

Nebraska 62

Nevada 68

New Mexico..... 74

New York 80

North Dakota..... 87

Oregon 92

South Dakota 98

Utah..... 103

Vermont 110

Washington..... 116

Wisconsin 123

Wyoming..... 129

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 under grant award F14AP00353, and the National Oceanic and Atmospheric Administration, U.S. Department of Commerce under award number NA14OAR4170065. 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



INTRODUCTION

In March 2014, the National Sea Grant Law Center (NSGLC) and the Association of Fish and Wildlife Agencies (AFWA) 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 Legislative Provisions). 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.

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 Legislative Provisions. This companion report, “From Theory to Practice: A Comparison of State Watercraft Inspection and Decontamination Programs to Model Legislative Provisions,” was released in October 2014.

In December 2016, the NSGLC and AFWA finalized the “Model Regulation for State Watercraft and Inspection Programs,” (Model Regulation) which outlines a model regulatory framework to implement a package of recommended approaches for state WID programs as identified by the WRP Building Consensus Committee. It serves as a bridge between the Model Legislative Provisions and model agency protocols developed through the Building Consensus process. The Model Regulation is designed to facilitate regional cooperation and coordination by laying the foundation for the adoption of reciprocal agreements among states adhering to these recommended approaches.

Following the release of the Model Regulation, the NSGLC revised and updated the 2014 companion report to reflect changes in state law and regulations since 2014 and incorporate new authorities identified in the Model Regulation. The scope of the revised report is broader, as it addresses several new topics, such as drain plug removal, certification of personnel, authorization of third parties, and local boater programs that were not discussed in the Model Legislative Provisions.

STATE EFFORTS TO ADDRESS THE RECREATIONAL WATERCRAFT VECTOR

State efforts to address the recreational watercraft vector fall along a continuum ranging from prohibiting the transport of aquatic plants or aquatic invasive species (AIS) on watercraft to mandatory WID programs. Nineteen states have no relevant statutory or regulatory provisions.¹ It is important to note that although every state has some statutory and regulatory provisions addressing AIS, especially aquatic plants, this comparison focused solely on analyzing state legal authorities specifically enacted to address transport of AIS by recreational watercraft.

States with Transport Restrictions Only

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

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...”² 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.³

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.”⁴ The state, however, does not have any broad transportation restrictions expressly applying to watercraft.

Indiana

An Indiana Department of Natural Resources rule prohibits the transport of listed invasive aquatic plants on or within any boat, trailer, motor vehicle, bait bucket, fishing gear, or other

¹ 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. 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).

² CONN. GEN. STAT. § 15-180(a).

³ *Id.* § 15-140e(h).

⁴ FLA. STAT. § 369.20(11).

means.⁵ 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.⁶ Pursuant to a Kansas Department of Wildlife, Parks, and Tourism rule, 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.⁷ This rule is designed to prevent the transport of water that may contain AIS.

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.⁸ 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.⁹ TPWD employees are authorized to inspect vessels leaving or approaching public water for the presence of water.¹⁰

States with Launching & Transport Restrictions

Five states prohibit transport of watercraft with AIS or aquatic plants attached and go one step further by prohibiting the launching of watercraft with AIS or aquatic plants attached. Watercraft launching and transport restrictions are the legal foundation of WID programs. WID programs in most states are established to provide boater education and facilitate compliance with state 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.¹¹

⁵ 312 IND. ADMIN. CODE 18-3-23(c)(2).

⁶ KAN. STAT. ANN. § 32-859; KAN. ADMIN. REG. § 115-18-10.

⁷ KAN. ADMIN. REG. § 115-30-13.

⁸ TEX. PARKS & WILDLIFE CODE § 66.0071.

⁹ TEX. ADMIN. CODE tit. 31, § 57.1001(1).

¹⁰ TEX. PARKS & WILDLIFE CODE § 66.0073(d).

¹¹ ILL. COMP. STAT. tit. 625, § 45/5-23.

Maryland

Maryland Department of Natural Resource regulations prohibit a person from placing, or attempting to place, a watercraft or associated equipment upon state waters with attached or contained aquatic plants, zebra mussels, or other prohibited species.¹²

Massachusetts

Massachusetts has both launching and decontamination requirements. Massachusetts law prohibits the placement in or upon inland waters of 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 cleaned, decontaminated, or treated to kill or remove the aquatic nuisance species.¹³

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.¹⁴

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.¹⁵ In addition, boats, trailers, and boat parts must be cleaned free of live zebra or quagga mussels before launching in any public waters.¹⁶

States with Courtesy Boat Inspection Programs

Next along the continuum are two states that prohibit the launching a watercraft with AIS attached and that 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.¹⁷ 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.¹⁸

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

¹² MD. CODE REGS. 08.02.19.05(A).

¹³ MASS. STAT. ANN. ch. 21. § 37B(g).

¹⁴ MICH. COMP. LAW § 324.41325.

¹⁵ OKLA. ADMIN. CODE § 800:20-4-2.

¹⁶ *Id.* § 800:20-4-3(b).

¹⁷ MAINE REV. STAT. § 419-C(1)(A).

¹⁸ *Id.* § 13068-A(1).

invasive species at or near state borders and boat launching sites.¹⁹ 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, 87,413 courtesy boat inspections were conducted in 2015 with 43,591 inspection hours logged. Through a permit condition, the Maine Department of Inland Fisheries and Wildlife requires bass clubs participating in club tournaments to conduct inspections. In 2015, 42 bass clubs conducted 5,400 inspections at club tournaments. 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.²⁰ It is also unlawful to possess or import prohibited wildlife, such as zebra mussels. With respect to watercraft, New Hampshire law also states that “no person shall negligently transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft as defined in [N.H. REV. STAT. § 270:73], trailer, or other equipment.”²¹ Boats and other water-related equipment that hold water must be drained when leaving waters of the state.²² Drain plugs, bailers, valves, or other devices are to be removed or remain opened while transporting boats and other water-related equipment.²³

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 2016, according to NH LAKES, 82 organizations participated in the Lake Host Program covering 104 boat ramps and conducting 89,367 inspections. To learn more about the Lake Host Program, visit <http://nhlakes.org/education/lake-host/>.

States with WID Programs

Nineteen states have developed watercraft inspection and decontamination (WID) programs. The Tahoe Regional Planning Agency also implements a WID program to protect Lake Tahoe. WID programs seek to reduce the risk of aquatic invasive species spread through the mandatory inspection and decontamination of recreational boats and associated equipment by trained personnel. For the nineteen states, the NSGLC prepared a detailed comparison between the state’s current law and regulations and the provisions outlined in the Model Legislative Provisions and Model Regulation (referred to collectively as “model legal framework”). These detailed comparisons are presented following the summary comparison tables starting on page 18.

¹⁹ *Id.* § 1862(1).

²⁰ N.H. REV. STAT. § 487:16a.

²¹ *Id.* § 487:16-c.

²² *Id.* § 487:16-d(I).

²³ *Id.* § 487:16-d(II).

To aid in this comparison, the NSGLC outlined the model legal framework’s provisions in eleven 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 legal framework. The Snapshot Comparison tables in the next section show these categories, as well as how the eighteen states with WID programs compare to the model legal framework and each other.

SNAPSHOT COMPARISONS OF STATE WID PROGRAMS TO MODEL LEGAL FRAMEWORK

Western States

	Findings/ Purpose	Definitions	Powers and Duties	Responsibilities & Restrictions	Conveyance Inspections	Conveyance Decontamination	Documentation	Certification of Personnel	Authorization of Third Parties	“Local Boater” Programs	Penalties
Arizona	X	P	✓	✓	P	P	X	✓	✓	X	✓
California	X	X	P	P	✓	P	X	X	X	✓	✓
Colorado	✓	P	✓	✓	✓	✓	P	✓	✓	X	✓
Idaho	✓	P	✓	P	✓	P	P	✓	✓	X	✓
Montana	✓	P	✓	P	✓	P	X	X	✓	X	✓
Nebraska	✓	P	✓	P	P	✓	X	✓	X	X	✓
Nevada	X	P	✓	✓	✓	✓	P	X	X	X	✓
New Mexico	X	P	✓	P	✓	✓	P	X	X	X	✓
North Dakota	X	P	P	P	P	X	X	X	X	X	✓
Oregon	X	P	✓	P	✓	P	P	✓	X	X	✓
South Dakota	X	X	P	P	X	P	X	X	X	✓	✓
Utah	X	P	P	✓	✓	✓	P	X	X	✓	✓
Washington	✓	P	✓	P	✓	✓	P	X	X	X	✓
Wyoming	X	P	✓	✓	✓	✓	P	✓	X	X	✓
Total	5	0	10	5	10	7	0	6	4	3	14

Eastern States

	Findings/ Purpose	Definitions	Powers and Duties	Responsibilities & Restrictions	Conveyance Inspections	Conveyance Decontamination	Documentation	Certification of Personnel	Authorization of Third Parties	“Local Boater” Programs	Penalties
Iowa	X	P	P	P	P	X	X	X	X	X	✓
Minnesota	✓	P	✓	✓	✓	P	X	✓	✓	X	✓
New York	✓	P	P	P	X	X	X	✓	✓	✓	✓
Vermont	✓	P	P	P	P	X	X	✓	✓	X	✓
Wisconsin	✓	P	P	P	P	X	X	X	X	X	✓
Total	4	0	1	1	1	0	0	3	3	1	5

Key:

- ✓ State provisions completely or closely matched model
- P State provisions partially match model
- X Authorities not expressly provided for

As illustrated by the above tables, most of the states with WID programs have many of the broad authorities outlined in the model legal framework. However, many are missing sub-categories of authorities with respect to documentation, certification of personnel, authorization of third parties, and “local boater” programs. The lack of coverage for these categories is not surprising as these are emerging best practices from the Building Consensus process that the states have not yet had time to incorporate into regulatory programs.

Next, the NSGLC broke down these broad categories into the model legal framework’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 are the Findings/Purpose Statement, Certification of Personnel, Authorization of Third Parties, and “Local Boater” Program provisions, which have no subparts, and thus are only represented in the tables above.

Definitions

Western States

	Aquatic Invasive Species	Certified Personnel	Conveyance	Decontamination	Drain Plug	Infested Water	Inspection	Person	Positive Water	Receipt	Seal	Suspect Water	Waters
Arizona	✓	✓	✓					✓					✓
California			✓					✓					✓
Colorado	✓	✓	✓	✓	✓		✓	✓		✓	✓		✓
Idaho	✓		✓			✓		✓					✓
Montana	✓		✓					✓					
Nebraska	✓	✓	✓	✓				✓					✓
Nevada	✓		✓	✓				✓					✓
New Mexico	✓	✓	✓	✓		✓	✓			✓	✓		✓
North Dakota	✓							✓					✓
Oregon	✓	✓	✓	✓				✓		✓	✓		✓
South Dakota													✓
Utah			✓	✓		✓		✓	✓			✓	✓
Washington	✓		✓	✓				✓		✓			✓
Wyoming	✓	✓	✓	✓		✓	✓	✓	✓	✓	✓	✓	✓
Total	11	6	12	8	1	4	3	13	2	5	4	2	13

Eastern States

	Aquatic Invasive Species	Certified Personnel	Conveyance	Decontamination	Drain Plug	Infested Water	Inspection	Person	Positive Water	Receipt	Seal	Suspect Water	Waters
Iowa	✓							✓					✓
Minnesota	✓	✓	✓	✓		✓	✓	✓					✓
New York	✓		✓					✓					✓
Vermont	✓		✓	✓									✓
Wisconsin	✓							✓					✓
Total	5	1	3	2	0	1	1	4	0	0	0	0	5

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, very few states have definitions for the terms used to classify waters, as consensus protocols for sampling and monitoring are still under development through the Building Consensus process.

Powers and Duties

Western States

	Identify AIS	Identify waters and locations affected by AIS	Possess and transport AIS for purposes of identification, sampling, testing and disposal	Stop, detain, and inspect a conveyance	Decontamination or order the decontamination	Enter into agreements to facilitate cooperation and address management issues
Arizona	✓	✓	✓	✓	✓	✓
California	✓	✓	✓	✓	✓	
Colorado	✓	✓	✓	✓	✓	✓
Idaho	✓	✓	✓	✓	✓	✓
Montana	✓	✓	✓	✓	✓	✓
Nebraska	✓	✓	✓	✓	✓	✓
Nevada	✓	✓	✓	✓	✓	✓
New Mexico	✓	✓	✓	✓	✓	✓
North Dakota	✓	✓	✓	✓		
Oregon	✓			✓	✓	✓
South Dakota	✓	✓	✓	✓	✓	
Utah		✓	✓	✓	✓	✓
Washington	✓	✓	✓	✓	✓	✓
Wyoming	✓	✓	✓	✓	✓	✓
Total	13	13	13	14	13	11

Eastern States

	Identify AIS	Identify waters and locations affected by AIS	Possess and transport AIS for purposes of identification, sampling, testing and disposal	Stop, detain, and inspect a conveyance	Decontamination or order the decontamination	Enter into agreements to facilitate cooperation and address management issues
Iowa	✓	✓	✓	✓		
Minnesota	✓	✓	✓	✓	✓	✓
New York	✓		✓			
Vermont	✓		✓			
Wisconsin	✓		✓		✓	✓
Total	5	2	5	2	2	2

Most or almost all of the states with WID programs currently have provisions authorizing a state agency to take certain actions concerning AIS that are comparable to those outlined in the model legal framework’s provisions relating to agency powers and duties.

Owner Responsibilities & Conveyance Restrictions

Western States

	Prohibition on possession, importation, shipment, or transport	Prohibition on placement of out-of-compliance conveyance in waters	Requirement to Clean, Drain, and Dry	Requirement to Remove Drain Plug During Transport	Prohibition on transport of conveyance with aquatic vegetation attached	Comply with inspection and decontamination protocols and orders
Arizona	✓	✓	✓	✓	✓	✓
California	✓					
Colorado	✓	✓	✓	✓	✓	✓
Idaho	✓	✓				✓
Montana	✓		✓		✓	✓
Nebraska	✓		✓		✓	✓
Nevada	✓	✓	✓	✓	✓	✓
New Mexico	✓	✓	✓	✓		
North Dakota	✓		✓	✓	✓	
Oregon	✓					
South Dakota	✓			✓		
Utah	✓	✓	✓	✓	✓	
Washington	✓		✓		✓	✓
Wyoming	✓	✓	✓	✓	✓	✓
Total	14	7	10	8	9	8

Eastern States

	Prohibition on possession, importation, shipment, or transport	Prohibition on placement of out-of-compliance conveyance in waters	Requirement to Clean, Drain, and Dry	Requirement to Remove Drain Plug During Transport	Prohibition on transport of conveyance with aquatic vegetation attached	Comply with inspection and decontamination protocols and orders
Iowa	✓		✓	✓	✓	
Minnesota	✓	✓	✓	✓	✓	✓
New York	✓		✓		✓	
Vermont	✓		✓	✓	✓	✓
Wisconsin	✓		✓		✓	
Total	5	1	5	3	5	2

Many states, including those without WID programs, emphasize “Clean, Drain, Dry” to boaters in their educational and outreach materials. Fifteen include these concepts in their statutory or regulatory language. Less than half the states restrict the launching of an out-of-compliance conveyance into the state’s waters, require the removal of drain plugs during transport, or prohibit the transport of a conveyance with attached aquatic vegetation. Further, only eight out of the nineteen states explicitly require owners to comply with WID orders.

Conveyance Inspections

Western States

	Authority to Establish Inspection Stations	Mandatory Inspections	Law Enforcement Stops
Arizona	✓		✓
California	✓	✓	✓
Colorado	✓	✓	✓
Idaho	✓	✓	✓
Montana	✓	✓	✓
Nebraska		✓	✓
Nevada	✓	✓	✓
New Mexico	✓	✓	✓
North Dakota	✓		✓
Oregon	✓	✓	✓
South Dakota			
Utah	✓	✓	✓
Washington	✓	✓	✓
Wyoming	✓	✓	✓
Total	12	11	13

Eastern States

	Authority to Establish Inspection Stations	Mandatory Inspections	Law Enforcement Stops
Iowa	✓		
Minnesota	✓	✓	✓
New York			
Vermont	✓	✓	
Wisconsin			✓
Total	3	2	2

While seventeen states completely or partially match up with the model legal framework on the broader snapshot for overall inspection authority, few states address all three inspection elements: inspection stations, mandatory inspections, and law enforcement stops. State laws and regulations, therefore, may not provide the level of detail regarding what these inspections will entail as the model legal framework suggests.

Conveyance Decontamination

Western States

	Perform or order decontamination	Impound conveyances	Impose Costs
Arizona	✓		✓
California	✓	✓	
Colorado	✓	✓	✓
Idaho	✓	✓	
Montana	✓	✓	
Nebraska	✓	✓	✓
Nevada	✓	✓	✓
New Mexico	✓	✓	✓
North Dakota			
Oregon	✓	✓	
South Dakota	✓		
Utah	✓	✓	✓
Washington	✓	✓	✓
Wyoming	✓	✓	✓
Total	13	11	8

Eastern States

	Perform or order decontamination	Impound conveyances	Impose Costs
Iowa			
Minnesota	✓		
New York			
Vermont	✓		
Wisconsin			
Total	2	0	0

Just over half of the states with WID programs have at least one provision that references decontamination. However, fewer states also 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.

Documentation

Western States

	Receipt	Seal	Record retention requirements	Prohibition on Tampering with seals	Reciprocity
Arizona		✓		✓	
California					
Colorado	✓	✓			✓
Idaho	✓	✓			
Montana	✓		✓		
Nebraska					
Nevada	✓	✓			
New Mexico	✓	✓			
North Dakota					
Oregon	✓	✓			
South Dakota					
Utah	✓		✓		
Washington	✓		✓		
Wyoming	✓	✓	✓		✓
Total	9	7	4	1	2

Eastern States

	Receipt	Seal	Record retention requirements	Prohibition on Tampering with seals	Reciprocity
Iowa					
Minnesota					
New York					
Vermont					
Wisconsin					
Total	0	0	0	0	0

Documentation of the inspection and decontamination history of a watercraft is a foundation for reciprocity between state 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. Almost no states have provisions in their laws or regulations authorizing interstate reciprocal agreements with respect to WID activities.

Penalties

Western States

	Civil	Criminal
Arizona	✓	✓
California	✓	
Colorado		✓
Idaho	✓	✓
Montana	✓	✓
Nebraska		✓
Nevada	✓	✓
New Mexico		✓
North Dakota	✓	✓
Oregon	✓	✓
South Dakota		✓
Utah	✓	✓
Washington	✓	✓
Wyoming	✓	✓
Total	10	13

Eastern States

	Civil	Criminal
Iowa	✓	
Minnesota	✓	✓
New York	✓	
Vermont	✓	
Wisconsin	✓	✓
Total	5	2

The model legal framework 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. Most states have authorized both.

Supplemental Authorities

In addition to the Core Legislative Package, the Model Legislative Provisions outlined several Supplemental Authorities that a state might choose to include within its WID program. Although most of these provisions have not been adopted by states with WID programs, almost 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.

Western States

	Aquatic Invasive Species Fund	Closure Authority	Drying Time	Local Government Authority	Forfeiture	Immunity	Reporting
Arizona	✓						
California	✓	✓		✓		✓	✓
Colorado	✓	✓		✓			✓
Idaho	✓		✓			✓	✓
Montana	✓		✓	✓			✓
Nebraska		✓	✓				
Nevada	✓		✓	✓			
New Mexico						✓	
North Dakota		✓					
Oregon	✓						
South Dakota							
Utah		✓	✓				✓
Washington	✓	✓		✓	✓		
Wyoming	✓	✓					✓
Total	9	7	5	5	1	3	6

Eastern States

	Aquatic Invasive Species Fund	Closure Authority	Drying Time	Local Government Authority	Forfeiture	Immunity	Reporting
Iowa	✓	✓					
Minnesota	✓	✓	✓	✓	✓		✓
New York			✓	✓			
Vermont	✓	✓		✓			
Wisconsin			✓	✓			
Total	3	3	3	4	1	0	1

ARIZONA

Snapshot: How does Arizona Compare to the Model Legal Framework?

Arizona’s aquatic invasive species provisions contain about 60% of the core authorities set forth in the model legal framework. Arizona has provisions that completely match 4 out of 11 categories, with another four categories partially addressed. So what’s missing?

✗	Findings/Purpose Statement	
P	Definitions	Arizona lacks definitions for many key terms.
✓	Powers and Duties	
✓	Owners Responsibilities and Conveyance Restrictions	
P	Conveyance Inspections	Arizona authorizes conveyance inspections, but does not currently provide for mandatory inspections.
P	Decontamination	Arizona does not provide authority to impound conveyances.
✗	Documentation (Seals/Receipts)	
✓	Certification of Personnel	
✓	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: ARIZ. REV. STAT., Title 17, Chapter 2, Art. 3.1; ARIZ. ADMIN. CODE r. 12-4-901 and 12-4-902; and AGFD Director’s Orders 1, 2, and 3.

Core Authorities

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	Yes, with slight differences in scope. Aquatic invasive species are defined in statute as “any 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.” This definition, however, excludes (1) nonindigenous species lawfully or historically introduced for sport fishing recreation; and (2) species introduced pursuant to Title 17 (“AIS law”).
--------------------------	--

Certified Personnel	Yes. AGFD regulations define “Certified Agent” as “a person who meets Department standards to conduct inspections authorized under ARIZ. REV. STAT. § 17-255.01(C)(1).”
Conveyance	Yes. The term is not defined in the statute, which simply refers to “watercraft, vehicle, conveyance, or other equipment.” AGFD regulations implementing the AIS law 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 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.”
Decontamination	No
Drain Plug	No. AGFD regulations contain an implied definition of drain plug, in that they require the removal of “any plug or other barrier that prevents water drainage.”
Infested Water	No
Inspection	No
Person	Yes. AGFD 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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
Waters	Yes. AGFD 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. Director’s Order 1 sets forth the listing of AIS for Arizona.
Identify waters and locations affected by AIS	Yes. The AGFD Director may establish a list of waters or locations where AIS are present. Director’s Order 2 sets forth the list of waters or locations where listed AIS are suspected or known to be present.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. No express authority, but the statutory prohibitions section 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.
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.”

Owner Responsibilities and Conveyance Restrictions:

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.”

Requirement to Clean, Drain, and Dry	<p>Yes. AGFD regulations require any person removing a watercraft, vehicle, conveyance, or equipment from any listed waters to:</p> <ul style="list-style-type: none"> • Remove all clinging material such as plants, animals, and mud (Clean); • Remove all plugs and other valves or devices that prevent water drainage from all compartments that may retain water, such as ballast tanks, ballast bags, bilges, and ensure plugs or devices remain removed or open during transport (Drain); and • If no plugs or barriers exist, take reasonable measures to drain or dry all compartments or spaces that may retain water. Reasonable measures include, but are not limited to, emptying bilges, application of absorbents, or ventilation (Drain and Dry).
Requirement to remove drain plug during transport	<p>Yes. AGFD regulations require that all plugs and other valves and devices remain removed or open during transport.</p>
Prohibition on transport of conveyance with aquatic vegetation attached.	<p>Yes. There is no express prohibition on the transport of conveyances with aquatic vegetation attached. AGFD regulations, however, require the removal of all clinging material such as plants, animals, and mud, upon removal of watercraft from listed waters. This provision implies that it is illegal to transport a watercraft with attached aquatic vegetation.</p>
Comply with Inspection and Decontamination Protocols and Orders	<p>Yes. 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.</p>

Conveyance Inspections:

Authority to Establish Inspection Stations	<p>Yes. Although state law does not explicitly refer to inspection stations, the AGFD may “authorize and establish lawful inspections of watercraft, vehicles, conveyances, or other equipment to locate the aquatic invasive species.” This authority is presumably broad enough to enable the AGFD to establish inspection stations at specific locations.</p>
Mandatory Inspections	<p>No. Arizona law authorizes AGFD employees, certified agents, and Arizona peace officers to conduct inspections, but conveyances are not explicitly required to stop and submit to an inspection.</p>

Law Enforcement Stops	Yes. Not expressly authorized in statute, but regulations authorize Arizona peace officers to conduct inspections.
-----------------------	--

Conveyance Decontamination:

Perform or Order Decontamination	Yes. 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 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. The state may recover damages and costs against a person who violates ARIZ. REV. STAT. § 17-255.02(2) (knowingly release, place, or plant an aquatic invasive species). Up to \$50 in costs can also be recovered from a person in violation of decontamination order issued under § ARIZ. REV. STAT. § 17-255.01(C)(2).

Documentation:

Receipt	No
Seal	No
Record Retention Requirements	No
Prohibition on Tampering with Seals	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 set forth in the model legal framework as it is not a receipt or other documentation issued by certified personnel.

Certification of Personnel:

Arizona law provides for the certification of personnel to conduct inspections. Pursuant to AGFD regulations, “Certified Agents” are authorized to inspect conveyances for the purposes of determining compliance with AIS laws and regulations. Certified agent “means a person who meets Department standards to conduct inspections authorized under [ARIZ. REV. STAT.] § 17-

255.01(C)(1).” There are no explicit references to the certification of personnel to provide decontamination services. However, according to AGFD sources, an AGFD AIS specialist does perform decontaminations at Lake Havasu. The AGFD regulations do not provide for quality assurance checks.

Authorization of Third Parties:

There is no express provision in Arizona’s laws or regulations providing for the authorization of third parties to provide WID services. The AGFD, however, does have broad authority to enter into agreements with private organizations (*see, e.g.*, ARIZ. REV. STAT. § 17-231(B)(7)). A private entity operating pursuant to an AGFD contract provides decontamination services in the Lake Pleasant/Phoenix area.

“Local Boater” Programs: None

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 ARIZ. REV. STAT. § 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 aquatic invasive species (a violation of ARIZ. REV. STAT. § 17-255.02(2)) is guilty of Class 2 misdemeanor, which carries a maximum fine of \$750 and maximum prison term of 4 months. In such cases, the ADFG 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

Aquatic Invasive Species Fund	Yes. 65% of watercraft titling revenues are deposited in 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	AGFD Director’s Order 3 imposes mandatory drying times for watercraft and equipment leaving designated waters.
Local Government Authority	No
Forfeiture	No
Immunity	No
Reporting	No

CALIFORNIA

Snapshot: How does California Compare to the Model Legal Framework?

California’s aquatic invasive species law and implementing regulations include about 43% of the core authorities set forth in the model legal framework. California has provisions that completely or closely match 3 out of 11 categories, with another three partially addressed. So, what’s missing?

X	Findings/Purpose Statement	
X	Definitions	
P	Powers and Duties	California law does not have an express provision authorizing cooperative agreements.
P	Owner Responsibilities & Conveyance Restrictions	California does not have “Clean, Drain, Dry” and drain plug provisions or launch restrictions.
✓	Conveyance Inspections	
P	Conveyance Decontamination	California does not have the authority to impose costs.
X	Documentation	
X	Certification of Personnel	
X	Authorization of Third Parties	
✓	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: CAL. FISH & GAME CODE §§ 2301 – 2302; CAL. CODE OF REGS, Tit. 14, §§ 672 – 672.1

Core Authorities

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	No. California’s Watercraft Inspection and Decontamination (WID) program is limited in scope by statute to dreissenid mussels.
Certified Personnel	No
Conveyance	Yes. California Department of Fish and Wildlife (CDFW) regulations define conveyance as “any item that may contain or carry adult or veliger dreissenid mussels including, but not limited to, vehicles, watercraft, containers, and trailers. Conveyance does not include water supply systems, facilities, and infrastructure.”
Decontamination	No

Drain Plug	No
Infested Water	No
Inspection	No
Person	Yes. Person is defined in the general definitions section of the California Fish & Game Code as “any natural person or any partnership, corporation, limited liability company, trust, or other type of association.”
Positive Water	No
Receipt	No
Seal	No definition in state law or regulations, but seals are used throughout California. California refers to seals as watercraft bands. (<i>see Documentation section below</i>).
Suspect Water	No
Waters	Yes. The California 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 California Water Code, which is “any surface water or groundwater, including saline waters, within the boundaries of the state.”

Powers and Duties of Department:

Identify AIS	Yes. The California Legislature has designated several invasive fish and crustaceans as “restricted live wild animals” by statute. CDFW has the authority to list additional species by regulation. The CDFW has exercised this authority to list zebra and quagga mussels as restricted animals.
Identify waters and locations affected by AIS	Yes. California law does not provide express authority. However, the CDFW is authorized to conduct inspections of state waters for the presence of dreissenid mussels and may close or restrict access if presence detected.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. No express authority, but prohibitions section includes the caveat “except as authorized by the department.” This provision would allow the CDFW to authorize possession and transport for these purposes.
Stop, detain, and inspect a conveyance	Yes. CDFW may conduct inspections of conveyances. In order to do so, CDFW is authorized to temporarily stop conveyances on any roadway or waterway.
Decontaminate or order the decontamination	Yes. CDFW may order a conveyance to be decontaminated.
Enter into agreements to facilitate cooperation or address management issues	No

Owner Responsibilities and Conveyance Restrictions

Prohibition on possession, importation, shipment, or transport	Yes. It is unlawful in California to import, transport, or possess restricted live wild animals. It is also unlawful to “possess, import, ship, or transport in the state, or place, plant, or cause to be placed or planted in any water within the state, dreissenid mussels.”
Prohibition on placement of out-of-compliance conveyance in waters	No
Requirement to Clean, Drain, and Dry	No. California’s outreach and education materials encourage boaters to Clean, Drain, and Dry.
Requirement to remove drain plug during transport	No
Prohibition on transport of conveyance with aquatic vegetation attached.	No
Comply with Inspection and Decontamination Protocols and Orders	No express obligation to comply with inspection and decontamination orders.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. California law does not provide express authority to establish check stations. The CDFW 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 CDFW to set up an inspection station in a particular location. In addition, the California Department of Food and Agriculture has the authority under the California Food & Agriculture Code to set up border protection stations at which they may inspect for invasive species.
Mandatory Inspections	Yes. The CDFW may require that conveyances removed from, or introduced to, affected waters be inspected, quarantined, or disinfected.
Law Enforcement Stops	Yes

Conveyance Decontamination:

Perform or Order Decontamination	Yes. The CDFW 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 CDFW 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

Documentation:

Receipt	No. The issuance of receipts is not required by state law. Receipts or other documentation may be issued by WID inspectors at some locations based on local policies or procedures.
Seal	Although the use of seals is not required by state law or regulations, watercraft bands are used throughout California for a variety of purposes. Bands may be attached to a watercraft that (1) has been quarantined per CAL. FISH & GAME CODE § 2031, (2) failed an inspection, (3) is required to undergo a drying period, or (4) passed an exit inspection.
Record Retention Requirements	No
Prohibition on Tampering with Seals	Yes. CDFW regulations state that “Tags, stickers, or other methods used to identify a conveyance as quarantined shall not be tampered with or destroyed prior to the conveyance being released from quarantine by the [CDFW].”
Reciprocity	Not on the state level. There are reciprocal agreements among some local WID programs.

Certification of Personnel: None

Authorization of Third Parties:

California law does not expressly authorize third parties to provide inspection and decontamination services. State law requires owners and managers of reservoirs where recreation, boating, or fishing activities are permitted to assess the vulnerability of the reservoir for introduction of dreissenid mussels and implement a program to prevent the introduction of mussels. At a minimum, the program must include public education, monitoring, and the management of the permitted recreational, boating, or fishing activities. Management options may include conveyance inspection and decontamination. In addition, if mussels are detected or may be present within waters of the state, the CDFW is authorized to order that conveyances entering or exiting those waters be inspected, quarantined, or disinfected. A variety of federal, state, regional, and local agencies operate watercraft inspection programs at 80 lakes and reservoirs in the state. The CDFW, however, does not have direct oversight over these programs.

California law, therefore, does not conform to the model legal framework which recommends direct state authorization of third party providers.

“Local Boater” Programs:

Yes. Some watercraft inspection programs in California have alternative inspection and decontamination protocols for local boaters.

Penalties:

California law provides for civil penalties.

Civil Penalties: Any person who violates the CAL. FISH AND GAME CODE § 2301 (dreissenid mussel provision) and related CDFW regulations is subject to a maximum penalty of \$1,000, which is to be imposed administratively by the CDFW. The minimum penalty is \$100. The owner of a conveyance involved in the violation of a quarantine may be held responsible for the violation, impoundment, and quarantine. CDFW regulations also set forth the administrative penalty and appeal procedures.

Criminal Penalties: None.

Supplemental Authorities

Aquatic Invasive Species Fund	Yes. 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 CDFW 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 CDFW 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.
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 CDFW.

COLORADO

Snapshot: How does Colorado Compare to the Model Legal Framework?

Colorado’s aquatic invasive species law includes about 83% of the authorities suggested in the model legal framework. Colorado has provisions that completely or closely match 8 out of 11 categories, with another 2 categories partially addressed. So, what’s missing?

✓	Findings/Purpose Statement	
P	Definition	Colorado does not defined the terms suspect, positive, or infested waters.
✓	Powers and Duties	
✓	Owner Responsibilities & Conveyance Restrictions	
✓	Conveyance Inspection	
✓	Conveyance Decontamination	
P	Documentation	Colorado does not have provisions addressing WID receipt retention or tampering with seals.
✓	Certification of Personnel	
✓	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

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

Definitions:

Aquatic Invasive Species	Yes. Although term used in the statute is “Aquatic Nuisance Species,” scope of the definition is the same as the model legal framework. Aquatic Nuisance Species “means an exotic or nonnative aquatic wildlife or any plant species that have been determined by the commission to pose a significant threat to the aquatic resources or water infrastructure of the state.”
--------------------------	---

Certified Personnel	Yes. Although term used is “Authorized Agent,” scope of the definition is same as the model legal framework. “Authorized Agent” as defined by statute means “any person, employee, or representative of local, state, or federal government or any subdivision of the government that is authorized by the government or governmental subdivision to temporarily stop, detain, and inspect a conveyance for aquatic nuisance species.” The Colorado Parks and Wildlife (CPW) definition is more specific and also addresses decontamination. As defined in regulation, Authorized Agent “means a person who has passed the Division’s watercraft inspection and decontamination training course and is otherwise authorized by statute and regulation to perform inspections and decontaminations at authorized locations in Colorado, and is employed by or, as evidenced by written authorization, is otherwise acting on behalf and at the direction of a local, state or federal government or subdivision of government.”
Conveyance	Yes. Conveyance is defined in statute to mean “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.” The scope is broader than that suggested by the model legal framework as the Colorado definition of conveyance includes motor vehicle.
Decontamination	Yes. Decontamination is defined in statute to mean “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].”
Drain Plug	Yes. CPW regulations define “water drain plug” as “a valve or device on or in a vessel or other floating device which is used to control the drainage of water from a compartment designed to hold water, including but not limited to, a bilge, well, compartment, locker, or ballast system.”
Infested Water	No
Inspection	Yes, although term used in the statute is “inspect.” Inspect “mean 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.”
Person	Yes. “Person” is defined in statute 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.”
Positive Water	No

Receipt	Yes. “WID Seal Receipt” is defined in CPW regulations as “the written or electronic documentation required to verify a WID seal is valid.”
Seal	Yes. “WID Seals” are defined in CPW regulations as “tamper proof devices or markers that temporarily lock the vessel or other floating device to the trailer to indicate the vessel or other floating device has not launched since the last inspection or decontamination as documented on the accompanying WID seal receipt.”
Suspect Water	No. Colorado uses the term “Detected Water.” Detected water “means a water body in which an aquatic nuisance species has been detected per [2 COLO. CODE REGS § 405-8:806(D)].” Section 405-8:806(D) outlines standards based on a single sampling event. While this definition is similar to the model legal framework’s definition of suspect water, it is unclear whether this is the only waterbody classification captured.
Waters	Yes. “Waters” is defined in statute 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:

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 aquatic nuisance species. CPW defines and identifies specific ANS in its regulations. The Parks and Wildlife Commission may also temporarily designate a species as ANS.
Identify waters and locations affected by AIS	Yes. The 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 possess and transport live or dead ANS samples for purposes as authorized by statute.
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.
--	---

Owner Responsibilities and Conveyance Restrictions:

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 legal framework as it is only triggered by an inspection request. Statute also provides that no person shall release, place, plant or cause to be released, placed, or planted into the waters of the state an aquatic nuisance species
Clean, Drain, and Dry	Yes. CPW regulations state that “it is the responsibility of the vessel or other floating device operator to clean, drain water from all compartments and motors/engines in between launches and dry the vessel or other floating device between launches.”
Remove drain plug during transport	Yes. CPW regulations require operators to remove water drain plugs upon removal of a vessel or other floating device from waters of the state, and before leaving the boat launch or parking area. CPW also prohibit the transport of a vessel or other floating device over land with drain plugs in place.
Prohibition on transport of conveyance with aquatic vegetation attached	Yes. CPW regulations require operators to remove aquatic plants from a vessel or other floating device upon removal from waters of the state, and before leaving the boat launch or parking area. CPW also prohibit the transport of a vessel or other floating device over land with aquatic plants.
Comply with inspection and decontamination protocols and orders	Yes. 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 aquatic nuisance species inspection and removal and disposal requirements.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes, CPW is authorized to establish, operate, and maintain aquatic nuisance species check stations at or near state waters in order to inspect conveyances.
Mandatory Inspections	Yes. Colorado’s ANS statute 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: prior to a vessel being launched onto waters of the state; prior to departing from the waters of the state or a vessel staging area; that is visibly transporting any aquatic plant material; and upon a reasonable belief that an aquatic nuisance species may be present.

Conveyance Decontamination:

Perform or Order Decontamination	Yes. CPW may decontaminate a conveyance and peace officers are authorized to order the decontamination of a conveyance. CPW regulations also provide that certified private inspectors and decontaminators (non-government persons) may inspect or decontaminate in accordance with WID procedures if voluntarily requested to do so.
Impound Conveyances	Yes. Peace officers may impound or quarantine a conveyance if (1) the officer finds or reasonably believes that an ANS may be present; (2) the person transporting the conveyance refuses to submit to inspection for the presence of ANS; or (3) the person transporting conveyance refuses to comply with an order to decontaminate. According to state law, “The impoundment and quarantine of a conveyance may continue for the reasonable period necessary to inspect and decontaminate the conveyance and ensure that the aquatic nuisance species has been completely removed from the conveyance and is no longer living.” CPW regulations also authorize impoundment if the vessel is unable to be fully decontaminated or have ANS completely removed.
Impose Costs	Yes. When a conveyance has been impounded and quarantined, the CPW may charge the owner of the conveyance for costs incurred by the CPW or a contractor in storing and decontaminating the conveyance.

Documentation:

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.”
Seal	Yes. Pursuant to CPW regulations, a WID seal is attached to the conveyance following an inspection or decontamination.
Record Retention Requirements	None
Tamper Prohibitions	None
Reciprocity	Yes. Not specifically authorized by statute, but CPW does have the general authority to enter into agreements including other states.

Certification of Personnel:

Authorized agents must be certified by the CPW before providing inspection or decontamination services. Training and certification requirements are set forth in various CPW guidance and training documents. Upon successful completion of the CPW’s training course and receipt of written authorization from the CPW, authorized agents may stop, detain, inspect, and decontaminate conveyances. Authorized agents may only perform decontaminations with the permission of the vessel owner or at the direction of a qualified peace officer, as they do not have independent authority to order decontaminations or impound conveyances. Authorized agents must maintain active certification and comply with CPW’s quality assurance requirements.

Authorization of Third Parties:

Colorado does not have an express provision authorizing third parties to operate inspection stations or provide WID services. Third party authorization is accomplished through the certification of personnel (see above). Authorized agents include personnel employed by or acting at the direction of local and federal governments. In addition, the CPW has established a certification process for individuals employed by private businesses. “Private inspectors and/or decontaminators” may be certified by CPW to provide inspection and decontamination services to persons transporting conveyances who voluntarily request their services. As with authorized agents, private inspectors and decontaminators must complete the CPW’s training course, maintain active certification, and comply with all quality assurance requirements. Private inspectors and decontaminators do not have the authority to stop, detain, or impound conveyances.

“Local Boater” Programs: None

Penalties:

Colorado law provides for criminal penalties.

Civil Penalties: None

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 \$500 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 ranges from 3 months of imprisonment, \$250, or both (minimum) to 12 months of imprisonment, \$1,000 fine, or both (maximum). A person who fails or refuses to comply with an inspection request, launches a vessel without obtaining an inspection, or fails or refuses to purchase an aquatic nuisance species stamp is guilty of a class 2 petty offense punishable by a \$100 fine. 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

Aquatic Invasive Species Fund	Yes. The Colorado Legislature has created an Aquatic Nuisance Species Fund. The fund consists of money transferred from a variety of sources, including revenue generated from severance taxes, fines and penalties, and the sale of aquatic nuisance species stamps, as well as charges assessed on owners for decontamination and impoundment. Beginning in 2019, a \$25 aquatic nuisance species stamp must be purchased for any motorboat or sailboat registered in Colorado. For motorboats or sailboats exempt from registration, the cost is \$50 for non-residents and \$25 for residents.
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	No
Local Government Authority	Yes. This authority is not expressly provided for, but local government personnel can operate stations and provide WID services as authorized agents.
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 statute 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 Legal Framework?

Idaho’s aquatic invasive species law and implementing regulations include about 60% of the core authorities suggested in the model legal framework. Idaho has provisions that completely or closely match 6 out of 11 categories, with four other categories partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Idaho lacks definitions for many key terms.
✓	Powers and Duties	
P	Owner Responsibilities and Conveyance Restrictions	Idaho does not impose a general obligation to clean, drain, and dry. Idaho does not have transport restrictions with respect to drain plugs or attached aquatic vegetation.
✓	Conveyance Inspection	
P	Conveyance Decontamination	Idaho law does not provide authority to impose costs.
P	Documentation	Idaho does not have provisions addressing WID receipt retention or tampering with seals.
✓	Certification of Personnel	
✓	Authorization of Third Parties	
X	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: IDAHO CODE ANN. Title 22, Chapter 19; IDAHO ADMIN CODE r. 02.06.09 and 26.01.34

Core Authorities

Findings/Purpose Statement: 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:

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 legal framework. Idaho State Department of Agriculture (ISDA) regulations define subcategories of invasive species. The ISDA currently identifies 12 species, including quagga and zebra mussels, as “Aquatic Invertebrate Invasive Species.”
Certified Personnel	No. Idaho uses the terms “Qualified Inspectors” and “Department-approved service providers.” No formal definition for either term is provided.
Conveyance	Yes. Conveyance is defined in statute to mean “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.” The scope is broader than that suggested by the model legal framework as the Idaho definition of conveyance includes motor vehicles.
Decontamination	No
Drain Plug	No
Infested Water	Yes, although the scope is limited to dreissenid mussels. A “Dreissenia Infested Waterbody” is a body of water designated by the U.S. Geological Survey or the ISDA as having a population of any life stage of dreissenid mussels.
Inspection	No
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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
Waters	Yes. 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:

Identify AIS	Yes. The ISDA has the authority to designate a species as invasive.
Identify waters and locations affected by AIS	Yes. 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. The ISDA is authorized to establish check stations in order to conduct inspections.
Decontaminate or order the decontamination	Yes. 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. The ISDA has broad authority to enter into cooperative agreements to “adopt and execute plans to detect and control areas infested with invasive species.”

Owner Responsibilities and Conveyance Restrictions:

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	Yes. There is no general prohibition in statute. ISDA regulations prohibit a person from placing mussel-contaminated equipment or conveyance into a water body of the state.
Clean, Drain, and Dry	No
Remove drain plugs during transport	No
Prohibition on transport of conveyance with attached aquatic vegetation	No. Idaho law does not have a specific transport prohibition for attached aquatic vegetation. IDAHO CODE § 22-1905 does generally prohibit the transport of an invasive species into or through the state. This provision does not meet the standard of the model legal framework as it does not prohibit all aquatic vegetation, regardless of invasive status. However, sixteen species of aquatic plants are designated as noxious weeds under state law. The transport of a conveyance with those listed plants attached would be prohibited.
Comply with inspection and decontamination protocols	Yes. 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.

Conveyance Inspections:

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. Upon reasonable suspicion that a conveyance is infested with quagga or zebra mussels, peace officers may require a driver to stop and submit to an inspection of the exterior of a conveyance.

Conveyance Decontamination:

Perform or Order Decontamination	Yes. 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 mussels to be decontaminated by Department-approved service providers using ISDA protocol. 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 to nearest impound yard.
Impose Costs	No

Documentation:

Receipt	Yes. No authority provided in statute, but ISDA regulations state that post-decontamination forms are issued by ISDA after a decontamination. In addition, the issuance of inspection receipts is implied by ISDA regulations that require persons transporting conveyances that have been in infested waters to “receive documentation of an inspection prior to launch.”
---------	--

Seal	Yes. No authority provided in statute, but ISDA regulations state that a tamper-proof seal will be affixed to a conveyance after a decontamination.
Record Retention Requirements	No
Tamper Prohibitions	No
Reciprocity	No

Certification of Personnel:

Yes. Pursuant to ISDA regulations, only Qualified Inspectors may conduct inspections. Qualified inspectors are “any authorized agent, private inspector or peace officer qualified and trained in accordance with the Department’s requirements.” All conveyance decontaminations must be accomplished by Department-approved service providers. ISDA regulations do not define this term or provide details regarding the approval process.

Authorization of Third Parties:

Idaho does not authorize third parties to operate inspection stations. All decontaminations, however, must be accomplished by Department-approved service providers. ISDA regulations do not define this term or provide details regarding the approval process.

“Local Boater” Programs: None

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

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. The invasive species fund is funded through a combination of sources, including appropriations from the state legislature, permit fees, and invasive species sticker fees. All motorized and non-motorized vessels operating in Idaho are required to display an Invasive Species Fund sticker. Stickers are issued annually
-------------------------------	--

	upon payment an invasive species fee of \$7 for non-motorized vessels, \$10 for motorized vessels registered in Idaho, and \$30 for motorized vessels registered out of state.
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	Yes. ISDA regulations require anyone who discovers a zebra or quagga mussel within the state or has reason to believe it may exist at a specific location to immediately report discovery to the ISDA.

IOWA

Snapshot: How does Iowa Compare to the Model Legal Framework?

Iowa’s aquatic invasive species law and implementing regulations include about 30% of the core authorities suggested in the model legal framework. Iowa has provisions that completely or closely match 1 out of 11 categories, with an additional four categories partially addressed. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	Iowa does not define several key terms.
P	Powers and Duties	Iowa does not provide authority to decontaminate conveyances.
P	Owner Responsibilities & Conveyance Restrictions	Iowa does not prohibit the launch of non-compliance conveyances or have an express obligation to comply with WID orders.
P	Conveyance Inspections	Inspections in Iowa are not mandatory and there is no express provision for law enforcement stops.
X	Conveyance Decontamination	
X	Documentation	
X	Certification of Personnel	
X	Authorization of Third Parties	
X	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

Findings/Purpose Statement: 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:

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.”
Certified Personnel	No
Conveyance	Yes. 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
Drain Plug	No
Infested Water	No. The DNR does designate infested waters of the state, which it publishes annually in the agency’s fishing regulations brochure. DNR regulations do not set forth designation criteria.
Inspection	No
Person	Yes. “Person” is defined in the Natural Resources Title of the Iowa Code as “an individual, partnership, firm, corporation, or association.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
Waters	Yes. “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. The DNR has the authority to identify AIS through rulemaking.
Identify waters and locations affected by AIS	Yes. The 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
--	----

Owner Responsibilities & Conveyance Restrictions:

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.
Prohibition on placement of out-of-compliance conveyance in waters	No, not with respect to WID requirements. State law, however, does prohibit any person from placing or attempting to place into waters of the state water-related equipment that has an AIS or aquatic plant attached.
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. The statute does not mention drying time.
Remove drain plugs during transport	Yes. Drain plugs, bailers, valves, or other devices used to control the drainage of water from ballast tanks, bilges, and live wells must be removed or open while transporting water-related equipment.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. 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.
Comply with inspection and decontamination protocols	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.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. Iowa law 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. According to DNR sources, the DNR can establish stops for the Wildlife Conservation (Chapter 481A) and Fishing and Hunting License (Chapter 483A) sections of the code, but probably does not have the authority for boat checks under Chapter 456A.

Conveyance Decontamination:

Perform or Order Decontamination	No
Impound Conveyances	No
Impose Costs	No

Certification Authority:

Receipt	No
Seal	No
Record Retention Requirements	No
Tamper Prohibitions	No
Reciprocity	No

Certification of Personnel: No

Authorization of Third Parties: No

“Local Boater” Programs: 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 annually).
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 Legal Framework?

Minnesota’s aquatic invasive species law and implementing regulations include about 70% of the core authorities suggested in the model legal framework. Minnesota has provisions that completely or closely match 7 out of 11 categories, with another two categories partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Minnesota does not define several key terms.
✓	Powers and Duties	
✓	Owner Responsibilities and Conveyance Restrictions	
✓	Conveyance Inspections	
P	Conveyance Decontamination	Minnesota lacks authority to impound conveyances or impose costs.
✗	Documentation	
✓	Certification of Personnel	
✓	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

Findings/Purpose Statement: Minnesota’s aquatic invasive species law does not include legislative findings. Minnesota Department of Natural Resources (DNR) regulations state that the purpose of the invasive species chapter is “to prevent the spread of invasive species, including prohibited and regulated invasive aquatic plants and wild animals, into and within the state..., while allowing flexibility for conditional possession of invasive species.” The DNR regulations also provided a public process for listing of infested waters and classification and listing of nonnative species.

Definitions:

Aquatic Invasive Species	Yes. Minnesota’s law applies to the broader category of “invasive species” which is defined in a manner similar to the model legal framework.
--------------------------	---

Certified Personnel	Yes. Minnesota uses the term “inspector” which “means (1) an individual trained and authorized by the [DNR] to inspect water-related equipment under [MINN. STAT. § 84D.105 Subd. 2(a)]; or (2) a conservation officer or licensed peace officer.”
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 legal framework.
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 Aquatic Nuisance Species, or other protocols developed by the [DNR].”
Drain Plug	No
Infested Water	Yes. Infested water “means waters of the state listed by the [DNR under MINN. STAT. §§ 84D.03 Subd. 1 and 84D.12].” Section 84D.03 Subd. 1(a) directs the DNR to list a water of the state as infested if “(1) the water contains a population of an aquatic invasive species 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 aquatic invasive species because it is connected to a water that contains a population of an aquatic invasive species.”
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. DNR rules state that “person” has the meaning given in MINN. STAT. § 645.44 subd. 7, which states that “‘Person’ may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations.”
Positive Water	No
Receipt	No
Seal	No

Suspect Water	No
Waters	Yes. “Waters of this state” and “state waters” include most boundary and inland waters.

Powers and Duties of Department:

Identify AIS	Yes. The 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 when being transported in a sealed container for the purposes of identifying the species or reporting its presence. The DNR may also authorize, by permit, possession and transportation for disposal, decontamination, control, research, or education.
Stop, detain, and inspect a conveyance	Yes. The DNR is authorized to establish check stations and conduct inspections of water-related equipment.
Decontaminate or order the decontamination	Yes. Watercraft inspectors, conservation officers, or other peace officers may order the removal of invasive species or decontamination of water-related equipment when available on site. Inspectors and officers may also order decontamination within a specified time period.
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, the DNR’s invasive species program must provide for coordination among government entities and private organizations to the extent practicable. The DNR is also directed by statute to seek cooperation with other states and Canadian provinces for the purposes of management and control.

Owner Responsibilities & Conveyance Restrictions:

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 permitted by the DNR. A person may not transport water or aquatic plants or macrophytes under most circumstances.
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, or if water has not been drained or the drain plug has not been removed.
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. 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.
Remove drain plugs during transport	Yes. Drain plugs and similar devices must be removed and open while the equipment is being transported.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. MINN. STAT. § 84D.09 Subd. 1 prohibits the transport of aquatic macrophytes, with some exceptions. Due to the broad scope of this prohibition, the transport of water-related equipment is not expressly referenced. However, the transport of water-related equipment with aquatic macrophytes attached would be prohibited by this provision.
Comply with inspection and decontamination protocols	Yes. Minnesota law states that compliance with inspection requirements is an express condition of operating or transporting water-related equipment.

Conveyance Inspections:

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 is 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 that is stopped 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 aquatic invasive species.

Conveyance Decontamination:

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

Documentation:

Receipt	No
Seal	Minnesota law does not discuss the use of seals to provide proof of inspection or decontamination. Tags, however,

	may be used in the enforcement of decontamination orders. Pursuant to MINN. STAT. § 84D.10 Subd. 3(b), a decontamination order may include tagging of water-related equipment and issuance of a notice that specifies a time-frame for completing decontamination and reinspection.
Record Retention Requirements	No
Tamper Prohibition	No
Reciprocity	No

Certification of Personnel:

Yes. MINN. STAT. § 84D.105 requires DNR to train and authorize individuals to inspect water-related equipment for aquatic macrophytes, aquatic invasive species, and water. DNR rules do not provide details on the approval process.

Authorization of Third Parties:

Yes. Minnesota has a permitting process for service providers. A service provider is an individual or entity that “(1) decontaminates, installs, or removes water-related equipment or structures into or from waters of the state for hire or as a service provided as a benefit of membership in a yacht club, boat club, marina, or similar organization; or (2) rents or leases water-related equipment that will be used in, placed into, or removed from waters of the state.” Service providers must obtain a permit from DNR before providing any services. To qualify for a permit, service providers must complete DNR invasive species training and pass an examination. Service provider permits are valid for three years. Persons working for a permittee must satisfactorily complete aquatic invasive species-related training, unless the water-related equipment remains on the riparian property owned or controlled by the permittee and is only removed from and placed into the same water.

“Local Boater” Programs: 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 the DNR that addresses identification of AIS and best practices to prevent the spread when moving water-related equipment.

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 issued to a person who has one or more prior convictions for violation of MINN. STAT. 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 the watercraft license for up to a 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 1 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 MINN. STAT. Chapter 84D (invasive species).
Closure Authority	Yes. The 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	Yes, for certain water-related equipment. A boat lift, dock, swim raft, or associated equipment that has been removed from any water body may not be placed in another water body until a minimum of 21 days have passed.
Local Government Authority	Yes. The DNR may enter into delegation agreements with tribal or local governments and authorize them to operate inspection programs.
Forfeiture	Yes. The 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, with respect to escapes. A person that allows or causes the introduction of an invasive species must notify the 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 the DNR in capturing and controlling the animal.

MONTANA

Snapshot: How does Montana Compare to the Model Legal Framework?

Montana’s aquatic invasive species law includes about 60% of the core authorities suggested in the model legal framework. Montana has provisions that completely or closely match 5 out of 11 categories, with an additional three partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Montana lacks definitions for several key terms.
✓	Powers and Duties	
P	Owner Responsibilities and Conveyance Restrictions	Montana does not have launching prohibitions. Montana does not require drain plugs to remain open during transport or expressly prohibit the transport of a conveyance with aquatic vegetation attached.
✓	Conveyance Inspection	
P	Conveyance Decontamination	Montana does not provide authority to impound conveyances or impose costs.
✗	Documentation	
✗	Certification of Personnel	
✓	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

Findings/Purpose Statement: 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:

Aquatic Invasive Species	Yes. Although the statute uses the broader term “invasive species,” the definition limits coverage to “nonnative, aquatic species.” Invasive species “means, upon the mutual agreement of the directors
--------------------------	--

	of the departments [of agriculture; fish, wildlife, and parks; natural resources and conservation; and transportation], a nonnative, aquatic species that has caused, is causing, or is likely to cause harm to the economy, environment, recreational opportunities, or human health.”
Certified Personnel	No
Conveyance	Yes. Montana does not use the term conveyance. However, the WID provisions apply to vessels and equipment, which are defined. <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.” In combination, the two definitions provide coverage a bit broader than the model legal framework.
Decontamination	No
Drain Plug	No
Infested Water	No. The term “infested water” is not expressly defined, but the term is used in Montana Fish, Wildlife, & Parks (MFWP) regulations. MFWP regulations require vessels that have been in an infested water in the last 30 days to be decontaminated. Infested waters are identified on a map titled “Mussel-Infested States and Waterbodies” and available on the MFWP website.
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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
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.” Due to the detection of mussels in Canyon Ferry and Tiber Reservoirs, the Department of Fish, Wildlife, and Parks has by regulation identified those reservoirs and all other areas in the state of Montana as an invasive species management area.
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.

Owner Responsibilities and Conveyance Restrictions:

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
Clean, Drain, and Dry	Yes. 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. MFWP regulations require the removal of all aquatic vegetation from the vessel, trailer, and equipment upon removal of the vessel from any surface water. MFWP regulations also require that “reasonable measures” be taken to dry or drain all compartments or spaces that hold water.
Remove drain plugs during transport	No. State law requires vessels to be drained before transport and MFWP regulations prohibit the transport of surface water. The state, however, does not have a requirement that drain plugs remain open during transport.

Prohibition on transport of conveyance with attached aquatic vegetation	Yes. There is no express prohibition on the transport of conveyances with aquatic vegetation attached. MFWP regulations, however, require the removal of all aquatic vegetation from the vessel, trailer, and equipment upon removal from surface waters and before leaving the associated boat launch or parking area. This provision implies that it is illegal to transport a watercraft with attached aquatic vegetation.
Comply with inspection and decontamination protocols	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.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. The 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. MFWP regulations require all vessels and equipment approaching a department inspection station to stop for inspection. Vessels and equipment entering the state that do not approach a department inspection station must be inspected prior to launch in any Montana waterbody. In addition, all vessels and equipment launched in Canyon Ferry Reservoir or Tiber Reservoir must be inspected prior to leaving the reservoir.
Law Enforcement Stops	Yes. Peace officers are authorized to stop the driver of a vehicle transporting a vessel or equipment and require the driver to submit to an inspection upon particularized suspicion that the vessel or equipment is infested with an invasive species. Peace officers may conduct mandatory inspections of any interior portion of the vessel or equipment only if (1) the officer obtains a search warrant or (2) the vessel or equipment is located within the boundaries of an invasive species management area and the use of mandatory inspections has been included in established quarantine procedures. Peace officers are also authorized to stop the driver of a vehicle transporting a vessel or equipment for failure to stop at a check station.

Conveyance Decontamination:

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. Pursuant to MFWP regulations, decontamination is required for any vessel at an inspection station found with invasive species, or any vessel containing residual water that has been in infested water in the last 30 days.
Impound Conveyances	Yes. 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 the check station without authorization until it is cleaned and decontaminated. In addition, MFWP regulations provide a mechanism for restricting the movement of a vessel to ensure completion of a drying period. If a decontamination order is issued that requires a drying period, the MFWP may lock the vessel to the trailer to prevent launching.
Impose Costs	No

Documentation:

Receipt	Yes. MFWP regulations state that proof of compliance will be provided upon inspection or decontamination.
Seal	No
Record Retention Requirements	Yes. Proof of compliance must be provided upon request.
Tamper Prohibitions	No
Reciprocity	No

Certification of Personnel: None

Authorization of Third Parties: Yes, Montana’s invasive species legislation states that the MFWP shall authorize a request by another entity to operate a check station if the entity agrees to the conditions of an agreement established by all parties, any cooperative funding requirements, and MFWP invasive species rules. MFWP retains oversight authority over the operation of the check station.

“Local Boater” Program: Yes. MFWP regulations establish a local boater program for recreational boaters using Canyon Ferry or Tiber Reservoirs. All vessels and equipment leaving these reservoirs must be inspected and, unless approved for local travel only through the local boater program, decontaminated. Boaters can register vessels in the local boater program and obtain a local boater decal by completing an educational training program and signing an agreement. Vessels approved for local travel through the local boater program do not have to be decontaminated upon departure from the reservoirs. Boaters that plan to launch vessels approved

for local travel on other waters in the state must have those vessels decontaminated prior to launch. Local boaters approaching inspection stations must stop for inspection.

Penalties:

Montana law provides for both civil and criminal penalties for violations of MONT. CODE ANN. § 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 MFWP. The account is funded through a variety of sources, including legislative appropriations and permit fees. In 2017, the state passed legislation to generate additional funding for the account. To be eligible to fish in Montana, a person must purchase an aquatic invasive species previous pass. Passes must be purchased each year at a cost of \$2 for residents and \$15 for nonresidents. The authorization for the prevention passes terminates on February 29, 2020. In addition, quarterly invasive species fees are assessed on hydroelectric facilities and hydroelectric-dependent utilities in the state. The authorization for those fees expires on June 30, 2019. Money deposited in the account, with the exception of private donations, must be used for projects that prevent or control nonnative, aquatic invasive species. The Montana legislature has also established an invasive species trust fund. The interest and income from the investment of the fund, as well as any principle in excess of \$100 million, must be deposited in the invasive species account.
Closure Authority	No
Drying Time	Yes, pursuant to MFWP regulations, decontamination methods may include drying times.
Local Government Authority	Yes. Counties located within the Columbia river basin may adopted ordinances and resolutions regarding the prevention and control of invasive species within in the county. If an Indian reservation is within the boundaries of the county, the board of

	county commissioners is to consult with the tribal governing body before adoption of an ordinance. Local governments are also eligible to apply for grants and contracts to support invasive species management activities.
Forfeiture	No
Immunity	No
Reporting	Yes. 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 MWFP 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 Legal Framework?

Nebraska’s aquatic invasive species law and implementing regulations include about 55% of the core authorities suggested in the model legal framework. Nebraska has provisions that completely or closely match 5 out of 11 categories, with another three partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Nebraska does not define several key terms.
✓	Powers and Duties	
P	Owner Responsibilities and Conveyance Restrictions	Nebraska does not require removal of drain plugs.
P	Conveyance Inspection	Nebraska does not have provisions authorizing check stations.
✓	Conveyance Decontamination	
✗	Documentation	
✓	Certification of Personnel	
✗	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	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

Findings/Purpose Statement: 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 (unless allowed by other regulations such as the commercial harvest of Asian Carp). The provisions establishing a 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 [Nebraska Game and Parks Commission (NGPC)] which pose a significant threat to the
--------------------------	---

	aquatic resources, water supplies, or water infrastructure of the state.”
Certified Personnel	Yes. Nebraska uses the term “authorized inspector.” Authorized inspector is defined in legislation as “a person who meets the requirements established in rules and regulations of the [NGPC] to inspect for aquatic invasive species and includes, but is not limited to, a conservation officer and a peace officer...” NGPC regulations state that an authorized inspector means a person who has completed “Aquatic Invasive Species Level 1 training,” or a conservation or peace officer.
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.” NGPC regulations add motor vehicles to the definition of conveyance. This addition broadens the scope of Nebraska’s WID program beyond that set forth in the model legal framework.
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.”
Drain Plug	No
Infested Water	No. NGPC regulations use the term “Aquatic Invasive Species-Contaminated Waters,” which are waters of the state found to contain a Category 1 or 2 AIS.
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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
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 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, the 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	Yes. Authority is not expressly stated in statute, but implied. 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. The Commission 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.”

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. It is unlawful, with limited exceptions, to possess, import, export, purchase, sell, or transport AIS. Possession of Asian Carp, for example, is allowed under both Nebraska’s fishing and commercial harvest regulations.
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 set forth in the model legal framework.
Clean, Drain, and Dry	Yes. No general obligation imposed in legislation. NGPC regulations, however, do have two requirements that seem to require 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.”
Remove drain plugs during transport	No
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. There is no express prohibition on the transport of conveyances with aquatic vegetation attached. NGPC regulations, however, state that it is unlawful to leave a launch area with any aquatic vegetation from the water body still attached. This provision implies that it is illegal to transport a watercraft with attached aquatic vegetation.
Comply with inspection and decontamination protocols	Yes, under Nebraska law a person is subject to a penalty if that person “fails or refuses to submit to an inspection of a conveyance requested by and authorized inspector” or “refuses to permit or prevents proper decontamination or treatment of a conveyance.”

Conveyance Inspections:

Authority to Establish Inspection Stations	No. Although Nebraska law requires individuals to submit to inspections of conveyance, that statute is silent with regard to the authority of the NGPC to establish inspection stations.
Mandatory Inspections	Yes, it is unlawful to refuse to submit to an inspection if requested by an authorized inspector.
Law Enforcement Stops	Yes. Nebraska does not have an express provision for law enforcement stops. However, peace officers are included in the definition of authorized inspectors and therefore have the authority to require and conduct inspections of conveyances. Peace officers are also authorized to order the removal of a conveyance from a water or a launch area if they have reason to believe the conveyance was not properly inspected prior to launch.

Conveyance Decontamination:

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. The 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 it is the responsibility of conveyance owner to cover any costs related to decontamination. In addition, “all impounded conveyances shall be held at the risk and expense of the owner.”

Documentation:

Receipt	No
Seal	No
Record Retention Requirements	No
Tamper Prohibitions	No
Reciprocity	No

Note: NGPC regulations state that an inspector should document an inspection that identifies an AIS, but there are no provisions addressing the issuance of receipts or seals.

Certification of Personnel: Nebraska law does not clearly set forth the criteria for the certification of authorized inspectors. The authority of the NGPC to establish such criteria is implied in the definition of the term, as an authorized inspector is “a person who meets the requirements established in rules and regulations of the Commission.” NGPC regulations require the completion of “Aquatic Invasive Species Level 1 training” for a person to qualify as an authorized inspector, but no additional detail is provided.

Authorization of Third Parties: None

“Local Boater” Programs: None

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 the launching of 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 Legal Framework?

Nevada’s aquatic invasive species law includes about 65% of the core authorities suggested in the model legal framework. Nevada has provisions that completely or closely match 5 out of 11 categories, with another two partially addressed. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	Nevada does not define several key terms.
✓	Powers and Duties	
✓	Owner Responsibilities and Conveyance Restrictions	
✓	Conveyance Inspection	
✓	Conveyance Decontamination	
P	Documentation	Nevada does not have provisions related to the retention of receipts or a prohibition on tampering with seals.
X	Certification of Personnel	
X	Authorization of Third Parties	
X	“Local Boater” Programs	
✓	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

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	Yes. AIS “means an aquatic species which is exotic or not native to [Nevada] and which the [Nevada Department of Wildlife (NDOW)] has determined to be detrimental to aquatic life, water resources, or infrastructure for providing waters in [Nevada].”
Certified Personnel	No
Conveyance	Yes. Conveyance is defined in statute as “a motor vehicle, trailer, or other equipment used to transport a vessel or

	containers or devices to haul water on a vessel that may contain or carry an aquatic invasive species or aquatic plant material.” Nevada’s definition of conveyance is slightly different than the model legal framework, as it refers to motor vehicles, trailers, and other equipment used to transport a vessel. In combination with the definition of vessel, however, the law’s scope is slightly broader than the model legal framework.
Decontamination	Yes. Decontaminate “means eliminate any aquatic invasive species on a vessel or conveyance in a manner specified by [NDOW] 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.”
Drain Plug	No
Infested Water	No. Nevada uses the term “impaired body of water”, which means “any body of water in [Nevada] or any other state which [NDOW] or another government entity has identified as containing an aquatic invasive species.”
Inspection	No. Nevada law authorizes 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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
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 an 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.

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. Nevada prohibits the importation, transportation, and possession of listed aquatic invasive species.
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.
Clean, Drain, and Dry	Yes. There is no general obligation imposed on conveyance owners and operators 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 the 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.
Remove drain plugs during transport	Yes. All drain plugs, drain valves, and other devices used to control the draining of water from the vessel or conveyance, and from any equipment on the vessel or conveyance, must be removed or opened while transporting the vessel or conveyance on public roads.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. There is no express prohibition on the transport of conveyances with aquatic vegetation attached. NDOW regulations, however, require persons required to decontaminate a conveyance to remove all aquatic plant material and any other visible debris. This provision implies that it is illegal to transport a watercraft with attached aquatic vegetation.
Comply with inspection and decontamination protocols	Yes, it is unlawful in Nevada to refuse to comply with any requirements of the NDOW with respect to the inspection program.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. 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 the 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.

Conveyance Decontamination:

Perform or Order Decontamination	Yes. 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.
Impound Conveyances	Yes. 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 which is impounded is responsible for all costs associated with that impoundment.

Note: Nevada Department of Wildlife 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.

Documentation:

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. Receipts may also be provided following an inspection if the watercraft is being transported out of state.
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. Watercraft may also be sealed following an inspection if the watercraft is being transported out of state.
Record Retention Requirements	None
Tamper Prohibitions	None
Reciprocity	No

Certification of Personnel: No express provisions regarding the certification of personnel in statute or regulation.

Authorization of Third Parties: No

“Local Boater” Programs: No

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 in prison, 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

Aquatic Invasive Species Fund	Yes. Nevada does not have a designated AIS fund. Revenue to support the AIS program is generated through an AIS decal program. It is unlawful to operate a vessel on state waters without an AIS decal attached. AIS decals are issued by NDOW on an annual basis following the payment of an AIS fee. The AIS fee for a motorboat is \$12. For vessels, other than motorboats, the fee is \$5. The fees are deposited in the Wildlife Account and are used by the NDOW for enforcement of the AIS provisions and for education about and management of AIS. In addition, civil penalties imposed for AIS violations must be deposited in the Wildlife 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	Yes. 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 Legal Framework?

New Mexico’s aquatic invasive species law includes about 65% of the core authorities suggested in the model legal framework. New Mexico has provisions that completely or closely match 4 out of 11 categories, and another three are partially addressed. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	New Mexico does not define several key terms.
✓	Powers and Duties	
P	Owner Responsibilities & Conveyance Restrictions	New Mexico does not restrict the transport of conveyance with attached aquatic vegetation.
✓	Conveyance Inspections	
✓	Conveyance Decontamination	
P	Documentation	New Mexico does not have provisions addressing record retention or tampering with seals.
X	Certification of Personnel	
X	Authorization of Third Parties	
X	Local Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

Findings/Purpose Statement: 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 economic, environment, or human health and safety.”
Certified Personnel	Yes. New Mexico uses the term “trained personnel.” Trained personnel are “individuals who have successfully completed the

	[Pacific State Marine Fisheries Commission’s] aquatic invasive species watercraft inspection and decontamination training, level I or level II, or an equivalent training recognized by the [Department].”
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 legal framework 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.”
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.”
Drain Plug	No
Infested Water	Yes. An infested water “means a geographic region, water body or water supply system or facility within the state that the director, after consulting with the secretary of energy, minerals, and natural resources and with the concurrence of the director of the New Mexico department of agriculture, identifies as carrying or containing an aquatic invasive species or a water body outside the state that has been identified as carrying or containing 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
Positive Water	No
Receipt	No. The term receipt is not defined. There is a definition for a related term - “proof of decontamination.” Proof of decontamination means “verifiable documentary proof, official marking or tag affixed to the conveyance or equipment, or otherwise provide to the owner or person in control of a conveyance or equipment [by] trained personnel to effect decontamination of the conveyance or equipment, or otherwise demonstrate compliance with the decontamination requirements established by the director.”
Seal	Yes. A “watercraft inspection and decontamination seal” is defined as “a device issued by trained personnel that attaches the conveyance or equipment to the trailer to indicate that the

	conveyance or equipment has not been launched since it was last inspected or decontaminated, and is accompanied by a receipt.”
Suspect Water	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:

Identify AIS	Yes. The Department, following consultation with designated state agencies, is authorized to designate aquatic invasive species.
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	Yes. No express provision, but the state’s possession and transport prohibitions do not apply to state, local, tribal, or federal agencies and their respective agents, employees and contractors while performing their duties or contractual obligations specific to management and control of an AIS.
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.

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. It is unlawful to for a person to knowingly possess, import, export, ship, or transport an AIS into, within, or from the state.
Prohibition on placement of out-of-compliance conveyance in waters	Yes, 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.
Clean, Drain, and Dry	Yes. The owner or operator of any conveyance or equipment transported in New Mexico must drain bilge lines, ballast tanks and live wells and take reasonable measures to decontaminate all equipment, compartments, or spaces that are wet, hold water, or

	could transfer aquatic invasive species. “Decontaminate,” as defined by Department regulations, means “to clean, drain, dry or otherwise treat a conveyance” in accordance with Department guidelines.
Remove drain plugs during transport	Yes. Conveyances or equipment transported on a public road in New Mexico may not have any plug or other barrier in place that prevents water drainage.
Prohibition on transport of conveyance with attached aquatic vegetation	No.
Comply with inspection and decontamination protocols	No express obligation to comply.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. Department regulations authorize trained personnel to establish check stations to inspect all conveyances or equipment prior to entering, being launched onto or being directly exposed to any waterbody of the state. Department regulations state that it is unlawful for an owner or person in control of a conveyance to knowingly avoid an established check station.
Mandatory Inspections	Yes, for out of state registered watercraft and watercraft entering the state. The owner or person in control of conveyances and equipment transported into New Mexico or registered in a state other than New Mexico must receive an inspection by trained personnel before launching within New Mexico waters. Proof of decontamination may be used in lieu of inspection at the discretion of trained personnel.
Law Enforcement Stops	Yes. There is no express authority for law enforcement stops to conduct inspections. Law enforcement officers, however, are authorized “to take action to prevent equipment or conveyances believed or known to contain an aquatic invasive species and warning-tagged equipment or conveyances from entering a state water body.”

Conveyance Decontamination:

Perform or Order Decontamination	Yes. 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.”

Documentation:

Receipt	Yes. There is no express provision related to receipts. The issuance of receipts is implied in the definition of watercraft inspection and decontamination seals. A seal is a device that is issued by trained personnel that attaches to a conveyance “and is accompanied by a receipt.”
Seal	Yes. Trained personnel are authorized to affix a watercraft inspection and decontamination seal to a conveyance or equipment to serve as proof of inspection or decontamination.
Record Retention Requirements	No
Tamper Prohibitions	No
Reciprocity	No

Note: New Mexico also uses “warning tags” in addition to watercraft inspection and decontamination seals. Trained personnel are authorized by legislation 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. Warning tags may not be removed except by trained personnel and only if the trained personnel have inspected the conveyance or equipment and are satisfied that proper decontamination or elimination of AIS has occurred.

Certification of Personnel: No

Authorization of Third Parties: No

“Local Boater” Programs: No

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

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	Yes. A Department rule 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

NEW YORK

Snapshot: How does New York Compare to the Model Legal Framework?

New York’s aquatic invasive species law and implementing regulations include about 33% of the core authorities suggested in the model legal framework. New York has provisions that completely or closely match 5 out of 11 categories, and another three are partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	New York does not define several key terms.
P	Powers and Duties	New York does not provide authority to list infested waters or statewide authority to require inspection or decontamination of conveyances.
P	Owner Responsibilities & Conveyance Restrictions	New York does not require the removal of drain plugs during transport.
X	Conveyance Inspections	Inspections are voluntary, with the exception of Lake George Park.
X	Conveyance Decontamination	Decontaminations are voluntary, with the exception of Lake George Park.
X	Documentation	
✓	Certification of Personnel	
✓	Authorization of Third Parties	
✓	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: N.Y. ENVTL. CONSERV. LAW § 9-1701 to § 9-1710; N.Y. COMP. CODES R. & REGS. tit. 6, parts 575 and 576; N.Y. COMP. CODES R. & REGS. tit. 6, subpart 646-9.

Core Authorities

Legislative Findings: Yes. New York’s invasive species legislation contains legislative findings that recognize, among other things, the risk invasive species pose to the state’s environment and economy. New York State Department of Environmental Conservation (DEC) regulations on aquatic invasive species spread prevention state that the purpose is “to establish reasonable precautions ... to prevent the spread of aquatic invasive species.”

Definitions:

Aquatic Invasive Species	Yes. New York’s law applies to the broader category of “invasive species” which is defined in a manner similar to the model legal framework. Invasive species means “a species that is: (a) nonnative to the ecosystem under consideration; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. For the purposes of this paragraph, the harm must significantly outweigh any benefits.”
Certified Personnel	No, not with respect to the statewide program. The Lake George Park Commission utilizes “Vessel inspection technicians” or “VIT.” A VIT is defined as “a person who is certified by the Commission to provide services in the form of inspections only, or both inspections and decontaminations.”
Conveyance	Yes. New York does not use the term conveyance. The law refers to “watercraft” which is defined as “every motorized or non-motorized boat or vehicle capable of being used or operated as a means of transportation or recreation in or on water.” This definition is more narrow than that set forth in the model legal framework as it does not include equipment or trailers. The Lake George Park Commission WID regulations apply to watercraft and floating docks, which are defined as “a removable buoyant platform supported by floating devices or suspended over the surface of a waterbody by anchors or other devices.”
Decontamination	No, not with respect to the statewide program. The Lake George Park Commission regulations define decontamination as “High Pressure Hot Water (HPHW) wash of a vessel and/or trailer, or other method determined to be as effective by the Commission, to eliminate any threat of introduction of AIS to the waters of Lake George Park.”
Drain Plug	No
Infested Water	No
Inspection	No
Person	Yes. Person is defined in DEC regulations as “any individual, firm, co-partnership, association, or corporation, other than the state or a public corporation, as the latter is defined in Article 2A section 66 of the General Construction Law.”
Positive Water	No
Receipt	No
Seal	No, not with respect to the statewide program. The Lake George Park Commission regulations refer to a “vessel inspection control seal (VICS).” A VICS is “a plunger seal which is certified by the Commission and applied by a VIT or authorized launch operator and which connects a vessel to its trailer, or other device determined by the Commission to be equally as effective, to

	verify that vessels have met the requirements of [N.Y. COMP. CODES R. & REGS. tit. 6, Subpart 646-9].”
Suspect Water	No
Waters	Yes. The statewide launch restrictions apply to public waterbodies. A public waterbody is defined as “lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic Ocean within the territorial limits of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface waters), which are wholly or partially within or bordering the state or within its jurisdiction.”

Powers and Duties of Department:

Identify AIS	Yes. The DEC is authorized to develop a list of prohibited and regulated invasive species, which it has done through agency rulemaking.
Identify waters and locations affected by AIS	No
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. DEC regulations state that the invasive species regulations do not apply to “a person who possesses or transports a prohibited invasive species or regulated invasive species for the purpose of identification or disposal.” The DEC can also authorize possession and transport of invasive species by permit.
Stop, detain, and inspect a conveyance	No, the DEC does not have statewide authority to stop, detain, and inspect a conveyance. New York’s Boat Stewardship Program consists of voluntary inspections conducted by trained boat stewards at inspection stations throughout the state that are funded through state agencies, state grants, and local/regional contributions. The Lake George Park Commission has enacted regulations authorizing mandatory inspections at Lake George Park.
Decontaminate or order the decontamination	No, the DEC does not have statewide authority to decontaminate or order the decontamination of conveyances. The Lake George Park Commission has enacted regulations authorizing decontaminations at Lake George Park.
Enter into agreements to facilitate cooperation or address management issues	No express authority within invasive species chapter or implementing regulations. The Lake George Park Commission regulations state that the Commission may entered into written agreements

	with public launch owners and operators to implement the trailered vessel inspection program.
--	---

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. It is unlawful in New York, with limited exceptions, to sell, import, purchase, transport, introduce or propagate any listed prohibited invasive species. Regulated invasive species may not be introduced “into a free-living state,” but are legal to possess, sell, buy, propagate, and transport.
Prohibition on placement of out-of-compliance conveyance in waters	No, not with respect to watercraft inspections. New York law, however, does impose launching restrictions. “No person shall launch a watercraft or floating dock unless it can be demonstrated that reasonable precautions such as removal of any visible plant or animal matter, washing, draining or drying as defined by the [DEC] pursuant to rules and regulations, have been taken.” In addition, it is unlawful to launch a trailered vessel into the waters of Lake George Park during the boating season without an intact “vessel inspection control seal” or a vessel inspection completed by a vessel inspection technician at the time and location of the launch.
Clean, Drain, and Dry	Yes. DEC regulations state that no person may launch a watercraft or floating dock into a public waterbody unless the “reasonable precautions of (a) cleaning, (b) draining, and (c) treating have been taken.” Treating must include at least one of the following methods: (1) drying for a designated period of time, (2) rinsing with high pressure hot water, or (3) painting (applicable to coastal and marine waters only).
Remove drain plugs during transport	No
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. There is no express prohibition on the transport of conveyances with aquatic vegetation attached. DEC regulations, however, prohibit any person from leaving a state boat launching site, a fishing access site, or any other site from which a watercraft may be launched with visible plants attached, with limited exceptions. This provision implies that it is illegal to transport a watercraft with attached aquatic vegetation.
Comply with inspection and decontamination protocols	No.

Conveyance Inspections:

Authority to Establish Inspection Stations	No, the DEC does not have the authority to establish inspection stations on a statewide basis. Inspection stations are established throughout the state by a variety of state, local, and non-governmental partners.
Mandatory Inspections	No. New York’s statewide program involves voluntary inspections. However, inspections are mandatory at Lake George Park. All trailered vessels must be inspected by a vessel inspection technician (VIT) prior to launch in the waters of Lake George Park during the boating season.
Law Enforcement Stops	No

Conveyance Decontamination:

Perform or Order Decontamination	No, the DEC does not have the authority to order decontaminations. According to DEC sources, boat stewards often recommend decontamination to watercraft owners based on knowledge of watercraft traffic movement. All vessels inspected at Lake George Park are subject to decontamination if a VIT determines the vessel does not meet the cleaned, drained, and dry standard.
Impound Conveyances	No
Impose Costs	No

Documentation:

Receipt	No. VITs at Lake George do not issue receipts.
Seal	Not on a statewide basis. Vessels inspected and decontaminated at Lake George Park receive a “vessel inspection control seal” (VICS) In addition, the Adirondack Watershed Institute, which administers the boat steward program that covers many of the waterbodies in the Adirondack Park, is piloting a seal component for their program.
Record Retention Requirements	No. No record retention requirements are imposed on vessel owners or operators at Lake George. Launch operators at Lake George Park are required to “keep true and accurate records during the boating season” that include (1) the boat registration numbers of each trailered vessel launched into or retrieved from the waters of Lake George Park, (2) the VICS inventory maintained by the operator, (3) the VICS removed prior to launch, and (4) the VICS applied upon retrieval. These records must be maintained on a daily basis and retained for a minimum of 3 years.

Tamper Prohibitions	No, not with respect to the statewide program. It is unlawful to alter or modify a VICS. It is also unlawful to use, or attempt to secure a vessel to its trailer, with an unauthorized VICS.
Reciprocity	No

Certification of Personnel: The DEC has developed standardized training for the boat steward program. Boat stewards receive training from one of several organizations that are DEC-designated trainers that is consistent with the “New York State Watershed Inspection Steward Program Handbook.” In addition, the Lake George Park Commission trains and certifies VITs annually. The Commission determines the type and hours of training to be completed by VITs on an annual basis.

Authorization of Third Parties:

The DEC and its grantees may enter into agreements with municipalities and other entities to implement boat steward programs at public launches. For example, the DEC currently has an agreement with the City of Plattsburgh to provide this service. In addition, the Lake George Park Commission may enter into written agreements with public launch owners and operators to implement the trailered vessel inspection program on public launch sites.

“Local Boater” Programs:

As set forth in the 2016 Final Report of the Lake George Park Commission Boat Inspection Program, the Commission organizes programs that allow “local boaters” – boaters who store their vessels locally for used only on Lake George – to forego the inspection process. Local marine services professionals, for example, are authorized to launch their registered vessels without inspection, provided the hauler can certify the subject vessel has not be launched into any other waterbodies. Owners of residential and Homeowner Association (HOA) launches must register the launches with the Commission. As a condition of the registration process, the owner must specify the boats owned by the landowner or HOA and certify that these boats are not trailered to other waterbodies. Boats certified through this registration process can be launched without inspection as long as the boat is not trailered to another waterbody. If a boat travels to another waterbody, it must be inspected before re-launch into Lake George.

According to DEC sources, local repeat boaters in the Adirondacks may be permitted to forego the inspection and interview process in some cases.

Penalties:

New York law provides for civil penalties.

Civil Penalties: A person who violates N.Y. ENVTL. CONSERV. § 9-1710 (watercraft launch restrictions) is guilty of a violation punishable by a civil penalty. For any first violation, a written warning must be issued by the DEC in lieu of a penalty. A person is subject to a fine of up to

\$150 for a second offense, \$250 for a third offense, and no less than \$250 nor more than \$1,000 for a fourth or subsequent offense.

Criminal Penalties: None

Supplemental Authorities

Aquatic Invasive Species Fund	No
Closure Authority	No
Drying Time	Yes. The DEC does not have the authority to impose drying times. However, DEC regulations include drying times in the regulatory list of “reasonable precautions.” Reasonable precautions include cleaning, draining, and treating watercraft and floating docks. One acceptable method of treating is the drying method. Treatment by drying must include one of the following steps: (1) “removing any boat cover and air dry watercraft, trailer, or floating dock out of the water and in an area exposed to the sun or in a heated building for a minimum of five days”; (2) “storing watercraft and trailer or floating dock in subfreezing temperatures for a minimum of three days”; or (3) if the above methods and the rinsing method (high pressure hot water spray/flush) are not available prior to launching, “towel dry portions of the watercraft hull, engine, trailer, and associated equipment that have been in contact with the waterbody prior to launching in another waterbody.”
Local Government Authority	Yes. Municipalities may participate in the New York Boat Steward Program.
Forfeiture	No
Immunity	No
Reporting	No

NORTH DAKOTA

Snapshot: How does North Dakota Compare to the Model Legal Framework?

North Dakota’s aquatic invasive species law and implementing regulations include about 35% of the core authorities set forth in the model legal framework. North Dakota has provisions that partially address 4 out of 11 categories. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	North Dakota does not define most key terms.
P	Powers and Duties	North Dakota has no express authority to decontaminate conveyances or enter into cooperative agreements.
P	Owner Responsibilities & Conveyance Restrictions	North Dakota does not have launching restrictions.
P	Conveyance Inspections	North Dakota does not have mandatory inspections.
X	Conveyance Decontamination	
X	Documentation	
X	Certification of Personnel	
X	Authorization of Third Parties	
X	Local Programs	
✓	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

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	Yes. North Dakota uses the term “Aquatic Nuisance Species” 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.”
Certified Personnel	No

Conveyance	No. Inspection provisions apply to “watercraft” and “associated equipment” which are not defined with respect to the WID program.
Decontamination	No
Drain Plug	No
Infested Water	No. The North Dakota Game and Fish Department (Department) has the authority to designate a water of the state as an infested water if the director determines that the water contains a population of aquatic nuisance species that may spread to other waters if use of the water and related activities is not regulated. The term is not defined. Listing criteria provided by legislation include (1) extent of species distribution in the state, (2) vector of spread, and (3) whether rules will effectively reduce the spread. The Department maintains a list of infested waters on its website.
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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
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:

Identify AIS	Yes. The 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	Yes. 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
--	----

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. With limited exceptions, it is unlawful to possess, import, purchase, sell, propagate, transport, or introduced prohibited ANS in the state.
Prohibition on placement of out-of-compliance conveyance in waters	No
Clean, Drain, and Dry	Yes. 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.”
Remove drain plugs during transport	Yes. North Dakota ANS regulations require that all drain plugs be removed and water draining devices be open during any out-of-water transport of watercraft or equipment.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. North Dakota ANS regulations prohibit the transport of aquatic vegetation to or from any water of the state without Department approval. Transport of aquatic vegetation into the state is also prohibited. In addition, no aquatic vegetation may be in or on watercraft or equipment when out of the water. All built in structures to boats, including livewells and bait compartments must be free of aquatic vegetation.
Comply with inspection and decontamination protocols	No express obligation to comply with orders.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. No express authority to establish inspection 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.” This authority is presumably broad enough to
--	--

	enable the Department to establish inspection stations at specific locations.
Mandatory Inspections	No
Law Enforcement Stops	Yes. North Dakota law does not provide express authority for law enforcement stops of watercraft. Law enforcement personnel, however, would have the authority to stop watercraft that are in violation of state law (i.e., have vegetation attached). The Department also has broad police power authority to enforce state laws and rules related to wildlife. Game wardens have been granted the power of a peace officer to enforce state laws and rules on “any game refuge, game management area, or other land or water owned, leased, or managed by the department and on sovereign lands.” Sovereign lands are those areas lying within the ordinary high water mark of navigable lakes and streams.

Conveyance Decontamination:

Perform or Order Decontamination	No
Impound Conveyances	No
Impose Costs	No

Documentation:

Receipt	No
Seal	No
Record Retention Requirements	No
Tamper Prohibitions	No
Reciprocity	No

Certification of Personnel: 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.” Department regulations do not further address the certification of personnel.

Authorization of Third Parties: No

“Local Boater” Programs: No

Penalties:

North Dakota law provides for both civil and criminal penalties.

Civil Penalties: Any person who violates the Aquatic Nuisance Species regulations, with the exception of N.D. ADMIN. CODE § 30-03-06-05(3) (transport of water from waters designated with class I prohibited ANS), “is guilty of a noncriminal offense and shall pay a one hundred dollar fee.”

Criminal Penalties: Any person who violates the Aquatic Nuisance Species provisions in the statute is guilty of a Class B misdemeanor. Any person who violates N.D. ADMIN. CODE § 30-03-06-05(3) 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

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 Legal Framework?

Oregon’s aquatic invasive species law includes about 60% of the core authorities suggested in the model legal framework. Oregon has provisions that completely or closely match 4 out of 11 categories, with an additional four partially addressed. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	Oregon does not define several key terms.
✓	Powers and Duties	
P	Owner Responsibilities & Conveyance Restrictions	Oregon does not have express provisions regarding “Clean, Drain, Dry.” Oregon also does not require that drain plugs remain open during transport or prohibit the transport of conveyances with attached aquatic vegetation.
✓	Conveyance Inspection	
P	Conveyance Decontamination	Oregon does not have express authority to impound conveyances or impose costs.
P	Documentation	Oregon does not have record retention requirements.
✓	Certification of Personnel	
X	Authorization of Third Parties	
X	“Local Boater” Programs	
✓	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

Findings/Purpose Statement: Oregon’s Aquatic Invasive Species 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 “The 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:

Aquatic Invasive Species	Yes. Aquatic Invasive Species “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.”
Certified Personnel	Yes. Oregon uses the term “inspector” which means “an individual certified and authorized by the Oregon Department of Fish and Wildlife to conduct boat inspections for aquatic invasive species.”
Conveyance	Yes. Oregon uses the term watercraft. Oregon State Marine Board regulations defined watercraft as “recreational or commercial, motorized and non-motorized boats, including canoes, kayaks, and rafts, as provided in [ORE. REV. STAT. §] 830.005, and any equipment used to transport a boat and any auxiliary equipment, as provided in [ORE. REV. STAT. §] 570.850.”
Decontamination	Yes. Oregon State Marine Board regulations define decontamination as “the removal of aquatic invasive species from a watercraft.”
Drain Plug	No
Infested Water	No
Inspection	No express definition provided. Oregon State 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	Yes. “Person” is defined in Oregon State Marine Board regulations as “an individual, partnership, firm, corporation, association, or other entity.”
Positive Water	No
Receipt	Yes. Oregon issues inspection certificates. An inspection certificate is defined in Oregon State Marine Board regulations as “a form used by the inspector to conduct and record watercraft inspection information.”
Seal	Yes. Seal is defined in Oregon State Marine Board regulations as “a plastic zip tie or cable with a unique number that is affix to the trailer or other device to carry or convey the watercraft.”
Suspect Water	No
Waters	Yes. “Waters of the state” is defined in statute for purposes of the Small Watercraft chapter (Ch. 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:

Identify AIS	Yes. This authority is implied by the statutory definition of aquatic invasive species. AIS “means any aquatic life or marine life determined by the State Fish and Wildlife Commission by rule.”
Identify waters and locations affected by AIS	No express authority, but the State 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 an AIS.
Stop, detain, and inspect a conveyance	Yes. The Oregon Department of Fish and Wildlife, State Marine Board, and the Oregon Department of Agriculture are authorized to require persons transporting watercraft to stop to conduct inspections.
Decontaminate or order the decontamination	Yes. The Oregon Department of Fish and Wildlife, State 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 provisions, but the Oregon State 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.

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes, it is unlawful to import, possess, sell, purchase, exchange, or transport certain listed prohibited AIS.
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 stricter than the model legal framework as it is illegal to launch a boat with <i>any</i> 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.
Clean, Drain, and Dry	No
Remove drain plugs during transport	No
Prohibition on transport of conveyance with attached aquatic vegetation	No
Comply with inspection and decontamination protocols	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 aquatic invasive species. This provision arguably provides a very strong incentive to comply with inspection and decontamination protocols and orders.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. The Oregon Department of Fish and Wildlife, State 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	Yes. Oregon’s AIS laws provide 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.

Conveyance Decontamination:

Perform or Order Decontamination	Yes. The Oregon Department of Fish and Wildlife, State Marine Board, and the Oregon Department of Agriculture are authorized to perform or recommend decontamination of watercraft.
Impound Conveyances	Yes. Oregon’s AIS laws do 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
--------------	----

Documentation:

Receipt	Not expressly provided for, but according to Oregon sources this is a matter of routine practice. The State 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.
Record Retention Requirements	No
Tamper Prohibitions	Oregon does not have a provision that makes it unlawful to tamper with a seal. Oregon State Marine Board regulations state that tampered, broken, or removed seals are void, however, and no longer valid for purposes of the WID program.
Reciprocity	Not expressly provided for in AIS provisions. But, as stated above, Oregon has provided the State Marine Board with 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.

Certification of Personnel: Mandatory watercraft inspections in Oregon are conducted by “Watercraft Inspection Teams.” Oregon State Marine Board regulations defined watercraft inspection teams as “one or more inspectors authorized to inspect for aquatic invasive species on all types of watercraft being transported over roads.” Individual inspectors are certified and authorized by the Oregon Department of Fish and Wildlife (ODFW). The ODFW has not issued regulations addressing the certification of watercraft inspectors.

Authorization of Third Parties: No

“Local Boater” Programs: No

Penalties:

Oregon law provides for both civil and criminal penalties.

Civil Penalties: A person who knowingly transports aquatic invasive species 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	Yes. The Legislature has established an Aquatic Invasive Species Fund to provide funding for administering the aquatic invasive species permit program and preventing and controlling aquatic invasive species.
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 legal framework, but a boat operator or owner must provide a six-month history of the boat's whereabouts and previous inspections if AIS is found.

SOUTH DAKOTA

Snapshot: How does South Dakota Compare to the Model Legal Framework?

South Dakota’s aquatic invasive species law and implementing regulations include about 26% of the core authorities suggested in the model legal framework. South Dakota has provisions that address 2 out of 11 categories, with another three partially addressed. So what’s missing?

X	Findings/Purpose Statement	
X	Definitions	
P	Powers and Duties	South Dakota does not provide express authority to enter into cooperative agreements
P	Owner Responsibilities & Conveyance Restrictions	South Dakota does not require conveyances to be “Clean, Drain, and Dry” or prohibit the transport of conveyances with attached aquatic vegetation.
X	Conveyance Inspection	
P	Conveyance Decontamination	South Dakota does not have authority to impound conveyances or impose costs.
X	Documentation	
X	Certification of Personnel	
X	Authorization of Third Parties	
✓	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: S. D. CODIFIED LAWS § 41-2-18; S.D. ADMIN. R. 41:10:04:01 – 41:10:04:05

Core Authorities

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	No. The term “aquatic invasive species” is not defined in statute or regulation. South Dakota Game, Fish, and Parks (GFP) regulations include a list of species classified as aquatic invasive species in the state.
Certified Personnel	No

Conveyance	No
Decontamination	No
Drain Plug	No
Infested Water	No
Inspection	No
Person	No
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
Waters	Yes. "Waters of the state" is defined as "all the boundary waters of the state, and the provisions of this title are deemed to extend to and be in force and effect over and upon and in all thereof, unless otherwise expressly provided."

Powers and Duties of Department:

Identify AIS	Yes. No express authority in statute, but the GFP has promulgated regulations identifying and classifying aquatic invasive species in the state.
Identify waters and locations affected by AIS	Yes. No express authority in statute, but the GFP has promulgated regulation designating waters as containment waters for the purposes of controlling the spread of aquatic invasive species.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. No express authority provided in statute, but GFP regulations exempt individuals possessing a valid scientific collectors permit issued by the GFP from the AIS possession and transport restrictions.
Stop, detain, and inspect a conveyance	Yes. No express authority provided in statute, but GFP regulations provide that "any boat or boat trailer may be inspected by a department representative."
Decontaminate or order the decontamination	Yes. No express authority provided in statute, but GFP regulations state that a department representative may require the removal of aquatic vegetation or AIS from any boat, motor, trailer and associated equipment. In addition, if an AIS is found during an inspection, a "department-approved decontamination process" is required before launching or transport of the boat to another water of the state. Decontamination is also required for certain watercraft leaving containment waters.
Enter into agreements to facilitate cooperation or address management issues	No

Owner Responsibilities and Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. GFP regulations make it unlawful for any person to possess, transport, sell, purchase, or propagate an aquatic invasive species except in limited circumstances. This provision, however, does not apply to “a person in the process of removing an aquatic invasive species from a boat, motorboat, or equipment and returning it to the water from which it came.”
Prohibition on placement of out-of-compliance conveyance in waters	No
Clean, Drain, and Dry	No express reference to “Clean, Drain, and Dry” procedures. GFP outreach programs do encourage recreational boaters to inspect and clean boats, and allow them to completely dry between trips. In addition, no person may launch or attempt to launch a boat or boat trailer into the waters of the state with an aquatic invasive species attached.
Remove drain plugs during transport	Yes. GFP regulations require drain plugs, bailers, valves or other devices used to control the drainage of water be opened or removed on all trailered boats, except while in a boat ramp parking area or while being launched or loaded.
Prohibition on transport of conveyance with attached aquatic vegetation	No. South Dakota law does not have a specific transport prohibition for attached aquatic vegetation. S.D. ADMIN. R. 41:10:04:02 does prohibit the transport of aquatic invasive species. This provision does not meet the standard of the model legal framework as it does not prohibit all aquatic vegetation, regardless of invasive status. However, the state’s AIS list includes seven plant species. The transport of a conveyance with these species attached would therefore be prohibited.
Comply with inspection and decontamination protocols	No

Conveyance Inspections:

Authority to Establish Inspection Stations	South Dakota law does not provide express authority to establish inspection stations.
Mandatory Inspections	No. The language used in GFP regulations with respect to inspections is permissive, not mandatory. “Any boat or boat trailer may be inspected by a department representative.”
Law Enforcement Stops	No

Conveyance Decontamination:

Perform or Order Decontamination	Yes. If an AIS is found during an inspection, a “department-approved decontamination process” is required before launching or transport of the boat to another water of the state. In addition, GFP regulations state that a department representative may require the removal of aquatic vegetation or AIS from any boat, motor, trailer and associated equipment. Decontamination is also required for any watercraft removed from a containment water that retains one gallon or more of water after all drain plugs, bailers, valves, and other devices used to control the drainage of water have been opened or removed. Watercraft that have been moored on a containment water or have any part continuously in a containment water for three or more consecutive days must be decontaminated prior to a subsequent launch. Boats registered in a local boat registry are exempt from these decontamination requirements if the owner or operator abides by the provisions of the registry.
Impound Conveyances	No
Impose Costs	No

Documentation:

Receipt	No
Seal	No
Record Retention Requirements	No
Tamper Prohibitions	No
Reciprocity	No

Certification of Personnel: None

Authorization of Third Parties: None

“Local Boater” Programs: Yes. GFP regulations authorize the creation of local boat registries for containment waters. Such programs may include specific requirements for registration, documentation, possession and display of special permits issued, use, transportation, storage, and decontamination of registered boats.

Penalties:

South Dakota law provides for criminal penalties.

Civil Penalties: None

Criminal Penalties: A violation of the substantive provision of any GFP rule is a Class 2 misdemeanor, punishable by 30 days imprisonment in a county jail or \$500 fine, or both.

Supplemental Authorities

Aquatic Invasive Species Fund	No
Closure Authority	No
Drying Time	No
Local Government Authority	No
Forfeiture	No
Immunity	No
Reporting	No

UTAH

Snapshot: How does Utah Compare to the Model Legal Framework?

Utah’s aquatic invasive species law and implementing regulations include about 67% of the core authorities suggested in the model legal framework. Utah has provisions that completely or closely match 5 out of 11 categories, with another 3 partially addressed. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	Utah does not define several key terms.
P	Powers and Duties	Utah does not have express authority to identify AIS.
✓	Owner Responsibilities & Conveyance Restrictions	
✓	Conveyance Inspection	
✓	Conveyance Decontamination	
P	Documentation	Utah does not have express provisions for seals.
X	Certification of Personnel	
X	Authorization of Third Parties	
✓	Local Boater Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	No. The scope of Utah’s Aquatic Invasive Species Interdiction Act is limited to Dreissena mussels, which are defined as “a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel, and Conrad’s false mussel.” The scope of Utah’s law is therefore narrower than that set forth in the model legal framework.
Certified Personnel	No
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 model legal framework.
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.” The regulatory definition of “decontaminate” promulgated by the Division of Wildlife Resources (Division) outlines acceptable decontamination methods.
Drain Plug	No
Infested Water	Yes. “Infested Water” is defined in statute as “a geographic region, water body, facility, or water supply system within or outside the state that the board identifies in rule as carrying or containing a Dreissena mussel.” The Division has further defined infested water by regulation to incorporate sampling criteria. The Division defines infested water as “a water body, facility, water supply system, or geographic region where the presence of multiple age classes of attached Dreissena mussel is indicated in two or more consecutive sampling events using visual detection or microscopy and the results of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.”
Inspection	No
Person	Yes. No definition within AIS provisions, but Title 23 defines person as “an individual, association, partnership, government agency, corporation, or an agent of the foregoing.”
Positive Water	Yes. Utah uses the term “detected water.” A detected water “means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated in two consecutive sampling events using visual identification or microscopy and the results of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.”
Receipt	No
Seal	No
Suspect Water	Yes. A “suspected water” is “a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated through a single sampling event using visual identification or microscopy and the result of that sampling event is confirmed in two independent polymerase chain reaction tests, each conducted at independent laboratories.”
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.” Utah’s WID program also applies to water supply systems which are defined as “a system that treats, conveys or distributes water for irrigation, industrial,

	wastewater treatment, or culinary use, including a pump, canal, ditch, or pipeline.”
--	--

Powers and Duties of Department:

Identify AIS	No. The scope of Utah’s AIS legislation is limited to Dreissena mussels and the Division has no express authority to identify additional species as AIS.
Identify waters and locations affected by AIS	Yes, implied by the statutory 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.” By regulation, the Division identifies waters in three categories – suspect, detected, and infested.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. No express authority with respect to these purposes. However, possession is prohibited “Except as authorized in ... a board rule or order.” In addition, Division regulations state that Dreissena mussels may be imported and possessed within the state with prior written approval. The Division, for example, issues transport authorizations for boaters with encrusted boats to travel to areas for hot water decontaminations. The Division could 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.

Owner Responsibilities & Conveyance Restrictions

Prohibition on possession, importation, shipment, or transport	Yes, but law’s scope is limited to Dreissena mussels.
--	---

Prohibition on placement of out-of-compliance conveyance in waters	Yes. Division 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.
Clean, Drain, and Dry	Yes. Division regulations require that conveyances be immediately inspected 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, and mud; draining all water; and drying for a required period of time that varies depending on the season.
Remove drain plugs during transport	Yes. A conveyance owner, operator, or possessor must immediately remove the drain plug upon leaving an infested water. To the extent feasible, drain plugs shall remain open during transport and storage of a conveyance.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. There is no general prohibition on the transport of conveyances with aquatic vegetation attached. However, there is a transport restriction with respect to conveyances leaving infested waters or water subject to closure order. Division regulations require that conveyances be immediately inspected upon removal from infested waters or water subject to closure order. If that inspection reveals the conveyance “has attached mussels or shelled organisms, fish, plants, or mud, ... the conveyance shall not be moved from the take out site until the division is contacted and written or electronic authorization received to move the equipment or conveyance to a designated location for professional decontamination.”
Comply with inspection and decontamination protocols	No express statement in statute.

Conveyance Inspections:

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	Yes. The Division may temporarily stop, detain, and inspect a conveyance that the Division reasonably believes is in violation of the invasive species prohibitions in UTAH CODE

	ANN. § 23-27-201. The Division can also establish law enforcement checkpoints with magistrate order.
--	--

Conveyance Decontamination:

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 or 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. A person who violates UTAH CODE ANN. § 23-27-201(1) (prohibitions section) is required by law to reimburse the state for all costs associated with detaining and decontaminating the conveyance.

Documentation:

Receipt	Yes. The Division provides certificates of inspection and decontamination at inspection stations following the completion of an inspection or decontamination.
Seal	No
Record Retention Requirements	Yes. Division regulations require an individual who receives a certification of inspection to retain the certification until (1) the operator returns to the same body of water and receives a new certification upon exit; (2) operator completes a certificate of decontamination; or (3) the operator receives a professional decontamination certificate.
Tamper Restrictions	Not with respect to seals. Division regulations do state that it is unlawful to falsify a decontamination certificate or to alter or destroy a certificate of inspection prior to completing a decontamination certificate form.
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 can be satisfied by placing a self-decontamination certification form or professional decontamination certificate in the window of launching vehicle. This type of self-reporting does not meet the standard set forth in the model legal framework with respect to receipts as it is not a certificate issued by a state-approved inspector.

Certification of Personnel: No express provision. Decontamination services, however, can only be provided with Division approval.

Authorization of Third Parties: No express provision. Division regulations reference “division approved professional decontamination service,” but do not provide details regarding the approval process.

“Local Boater” Programs:

Yes. Decontamination is not required when the conveyance is returned to the same water body and launched at the same take out site, provided the conveyance was (1) inspected and drained at the take out site upon removal and free from attached mussels, shelled organisms, fish, plants, and mud and (2) not launched on any other Utah water body in the interim without first being decontaminated.

Residents of Page, AZ, may apply to Utah’s Local Boater Program at Lake Powell, allowing them to bypass the required inspection lanes upon exit at southern Lake Powell boat ramps, but requiring professional decontamination at all other Utah waterbodies.

To obtain a permit to launch or retrieve a boat on Bear Lake, a person must complete the Division’s online Mussel-Aware Boater Program and receive a multiple use Decontamination Certificate Form from the Division.

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 definition of decontaminate.

Local Government Authority	No
Forfeiture	No express provision related to WID provisions. Utah's Forfeiture and Disposition of Property Act may allow forfeiture proceedings in some situations.
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.

VERMONT

Snapshot: How does Vermont Compare to the Model Legal Framework?

Vermont’s aquatic invasive species law and implementing regulations include about 40% of the core authorities suggested in the model legal framework. Vermont has provisions that completely or closely match 4 out of 11 categories, with an additional four partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Vermont does not define several key terms.
P	Powers and Duties	Vermont does not provide express authority to classify waters; stop, detain, and inspect vessels or order their decontamination; or enter into cooperative agreements.
P	Owner Responsibilities & Conveyance Restrictions	Vermont does not have a general launch prohibition.
P	Conveyance Inspections	Vermont does not provide for law enforcement stops.
X	Conveyance Decontamination	
X	Documentation	
✓	Certification of Personnel	
✓	Authorization of Third Parties	
X	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: VERMONT STAT. ANN. tit. 10, Ch. 50; 16-5 VT. CODE. R. § 102:4

Core Authorities

Findings/Purpose Statement: Yes. Vermont’s legislation relating to aquatic nuisance control contains a number of legislative findings. The findings section states that it is the policy of the state to protect the water resources of the state and prevent the infestation and proliferation of invasive species that result in negative environmental impacts and impacts to the public health and safety. The findings section also states that early detection and rapid response efforts are critical to minimize impacts and reduce future management costs.

Definitions:

Aquatic Invasive Species	Yes. Vermont uses the term “aquatic nuisance.” An aquatic nuisance means “means undesirable or excessive substances or populations that interfere with the recreational potential or aquatic habitat of a body of water, including rooted aquatic plants and animal and algal populations. Aquatic nuisances include zebra mussels (<i>Dreissena polymorpha</i>), quagga mussels (<i>Dreissena bugensis</i>), Asian clam (<i>Corbicula fluminea</i>), fishhook waterflea (<i>Cercopagis pengoi</i>), rusty crayfish (<i>Orconectes rusticus</i>), spiny waterflea (<i>Bythotrephes longimanus</i>), or other species identified by the Secretary by rule.” Vermont uses the term nuisance species, instead of invasive species, intentionally so that native species can also be included. The term “invasive” was considered to imply only to exotic species.
Certified Personnel	No.
Conveyance	Yes. Vermont does not use the term conveyance. However, Vermont’s inspection provisions apply to vessels, motor vehicles, trailers, and other equipment. Vessels and motor vehicles are defined. <ul style="list-style-type: none"> • Motor vehicle means “any vehicle propelled or drawn by power other than muscular power, including a snowmobile, motorcycle, all-terrain vehicle, farm tractor, or tracked vehicle.” Vessel means “every description of watercraft used or capable of being used as a means of transportation on water, including personal watercraft.”
Decontamination	Yes. Vermont defines the term “decontaminate.” Decontaminate means “a process used to kill, destroy, or remove aquatic nuisance species and other organic material that may be present in or on a vessel, motor vehicle transporting the vessel, trailer, or other equipment. Decontamination may include washing a vessel, motor vehicle transporting the vessel, trailer, or other equipment with water at a sufficiently high temperature to kill or remove aquatic nuisance species.”
Drain Plug	No.
Infested Water	No.
Inspection	No.
Person	No.
Positive Water	No.
Receipt	No.
Seal	No. Because inspections and decontaminations are only mandatory if an inspection station is passed, the state does not deem receipts and seals as necessary at this time.
Suspect Water	No.
Waters	Yes. Waters “means all rivers, streams, creeks, brooks, reservoirs, ponds, lakes, and springs and all bodies of surface

	waters, artificial or natural, that are contained within, flow through, or border upon the State or any portion of it.”
--	---

Powers and Duties of Department:

Identify AIS	Yes. Authority is implied within AIS definition (“... or other species identified by the Secretary [of Natural Resources] by rule.”)
Identify waters and locations affected by AIS	No.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. Vermont’s transport restrictions do not restrict the proper collection of water samples for the purposes of water quality monitoring. In addition, the Agency of Natural Resources may allow the transport of aquatic plants and aquatic nuisance species for scientific, educational, and other purposes. A letter from the Agency authorizing the transport must accompany the specimens during transport.
Stop, detain, and inspect a conveyance	No. There is no express authority to stop, detain, and inspect a conveyance for the purposes of watercraft inspection and decontamination. Law enforcement officials, however, do have the authority to stop a vehicle/vessel if it is transporting AIS (e.g., plants hanging off the trailer).
Decontaminate or order the decontamination	No. The Agency does not have express authority to order decontamination of vessels. It is unlawful, however, for a person transporting a vessel not to have the vessel decontaminated if an inspection station operator identifies the vessel for decontamination.
Enter into agreements to facilitate cooperation or address management issues	No.

Owner Responsibilities & Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. The transport of an aquatic plant, aquatic plant part, or aquatic nuisance species to or from any Vermont water is prohibited.
Prohibition on placement of out-of-compliance conveyance in waters	No.

Clean, Drain, and Dry	Yes. A person transporting a vessel to or from a water must, prior to launch or upon removal from the water, inspect and removal any aquatic plants, aquatic plant parts, and aquatic nuisance species from the vessel, the motor vehicle transporting the vessels, the trailer, and other equipment (“Clean”). Vessels must also be drained when leaving a water of the state (“Drain”). Vermont does not have specific directives regarding drying.
Remove drain plugs during transport	Yes. Drain plugs, bailers, valves, and other devices that are used to control the drainage of water are to be removed or open when a person transports a vessel.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. The transport of an aquatic plant, aquatic plant part, or aquatic nuisance species to or from any Vermont water is prohibited. This broad prohibition covers the transport of conveyances with attached aquatic vegetation. Vermont, therefore, does not have a separate provision for this.
Comply with inspection and decontamination protocols	Yes. It is unlawful for a person transporting a vessel to or from a water to not have the vessel, the motor vehicle transporting the vessel, the trailer, and other equipment inspected and decontaminated at an approved aquatic nuisance species inspection station if (1) a station is maintained at the area where the vessel is leaving or entering the water, (2) the station is open, and (3) the station operator identifies the vessel for inspection or decontamination.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. The Secretary of the Agency may authorize a lake association, municipality, or the Commissioner of Environmental Conservation to establish an aquatic nuisance species inspection station for the purposes of vessel inspection and decontamination.
Mandatory Inspections	Yes. A person transporting a vessel to or from a water must have the vessel inspected and decontaminated at an approved aquatic nuisance species inspection station prior to launch or upon leaving a water if (1) a station is maintained at the area where the vessel is leaving or entering the water, (2) the station is open, and (3) the station operator identifies the vessel for inspection or decontamination.
Law Enforcement Stops	No.

The Vermont Department of Environmental Conservation (DEC) also supports the “Vermont Public Access Greeter Program” to educate lake visitors about invasive species, provide

courtesy watercraft inspections and stop introductions. Boat access greeters offer visual inspections of watercraft and associated equipment, remove any plant material or animals discovered, collect and report data, and educate users on prevention methods and laws. Twenty-seven waterbodies were covered by public access greeter programs in 2016.

Conveyance Decontamination:

Perform or Order Decontamination	Yes. There is no express authority of the Agency to order decontamination. However, it is unlawful for a person to not to have a vessel decontaminated if a station operator identified the vessel for decontamination. Operators of approved inspection stations may perform decontaminations with the consent of the owners.
Impound Conveyances	No.
Impose Costs	No.

Documentation:

Receipt	No.
Seal	No.
Record Retention Requirements	No.
Tamper Prohibitions	No.
Reciprocity	No.

Certification of Personnel: Yes. Legislation enacted in 2017 requires the Agency to establish a training program regarding how to conduct inspections and decontaminations of vessels, motor vehicles, trailers, and other equipment. Lake associations and municipalities seeking to operate an aquatic nuisance species inspection station must designate a representative to complete these training programs. Lake associations and municipalities approved to operate stations must provide operators of these stations with state training materials. The Agency is authorized to adopt rules to implement the training requirements. The Agency anticipates the training program to be in place in 2018.

Authorization of Third Parties: Yes. The Agency may authorize lake associations, municipalities, and the Commissioner of Environmental Conservation to establish aquatic nuisance species inspection stations.

“Local Boater” Programs: None.

Penalties:

Vermont law provides for civil penalties.

Civil Penalties: A person who violates the requirements of § 1454 regarding the transport of aquatic plants and aquatic nuisance species is subject to enforcement through an Agency administrative order or a civil fine, not to exceed \$1,000 for each violation.

Criminal Penalties: None.

Supplemental Authorities

Aquatic Invasive Species Fund	Yes. Seventeen percent of motorboat registration fees collected and deposited in the Motorboat Registration Fund are allocated to the Vermont DEC for the purposes of aquatic nuisance control. An additional 20 percent are allocated to the Vermont DEC for the purpose of the Aquatic Nuisance Control Grant Program.
Closure Authority	Yes. The agency may temporarily close areas of public waters to all persons or vessels to prevent, control, or contain the spread of aquatic nuisance infestations, subject to certain conditions.
Drying Time	No.
Local Government Authority	Yes. Municipalities may apply for approval to operate aquatic nuisance species inspection stations. In addition, a Grant-in-aid Program provides financial assistance to municipalities and agencies of the state for aquatic invasive and nuisance species management programs.
Forfeiture	No.
Immunity	No.
Reporting	No.

WASHINGTON

Snapshot: How does Washington Compare to the Model Legal Framework?

Washington’s aquatic invasive species law and implementing regulations include about 67% of the core authorities set forth in the model legal framework. Washington has provisions that completely or closely match 5 out of 11 categories, with another three partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Washington lacks definitions for several key terms.
✓	Powers and Duties	
P	Owner Responsibilities & Conveyance Restrictions	Washington does not require drain plugs to be removed during transport.
✓	Conveyance Inspection	
✓	Conveyance Decontamination	
P	Documentation	Washington does not have provisions for seals.
✗	Certification of Personnel	
✗	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	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; WASH. ADMIN. CODE §§ 220-640-010 through 220-640-130.

Core Authorities

Findings/Purpose Statement: 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:

Aquatic Invasive Species	Yes. Washington defines both “invasive species” and “aquatic invasive species.” <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
--------------------------	---

	<p>environmental, economic or human resources. They may also include genetically modified or cryptogenic species.”</p> <ul style="list-style-type: none"> • 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 legal framework.</p>
Certified Personnel	No
Conveyance	Yes. Aquatic Conveyance “means transportable personal property having the potential to move an aquatic invasive species from one aquatic environment to another. 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.”
Drain Plug	No
Infested Water	No. Washington uses the term “infested water” but does not provide an express definition.
Inspection	No
Person	Yes. 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.”
Positive Water	No
Receipt	Yes. Washington uses the term “Certificate of Inspection” which means “a department-approved document that declares, to the extent technically or measurably possible, that an aquatic conveyance does not carry or contain an invasive species. Certification may be in the form of a decal, label, rubber stamp imprint, tag, permit, locking seal, or written statement.”
Seal	No
Suspect Water	No

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:

Identify AIS	Yes. The 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	Yes. WDFW regulations state that the director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess, and destroy prohibited species if certain conditions are met.
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.
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.

Owner Responsibilities & Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes, prohibited level 1, level 2, and level 3 species may not be possessed, 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.
Clean, Drain, and Dry	Yes. 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. Washington does not have specific directives regarding drying.

Remove drain plugs during transport	No
Prohibition on transport of conveyance with attached aquatic vegetation	No express prohibition. However, 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. This implies a prohibition on the transport of conveyances with attached aquatic plants.
Comply with inspection and decontamination protocols	Yes. A person who encounters a mandatory check stations 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.

Conveyance Inspections:

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	Yes. Fish and wildlife officers may temporarily stop a person and inspect a conveyance based upon reasonable suspicion that the person possesses an aquatic conveyance that (1) has not been cleaned or drained or (2) carries or contains aquatic invasive species in violation of state law.

Conveyance Decontamination:

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 conveyance subject to a decontamination order is responsible for any costs for seizure, transportation, and decontamination.

Documentation

Receipt	Yes. 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
Record Retention Requirements	Yes. Although there is no express provisions requiring individuals to retain receipts, a person in possession of an aquatic conveyance who enters the state of Washington must have a certificate of inspection. This certificate must be provided to the WDFW upon request. To be able to fulfill this request, the person would need to retain the certificate with the conveyance.
Tamper Prohibitions	No
Reciprocity	Not with respect to WID documentation, but the WDFW is authorized to adopt by rule a regional reciprocity process to exempt aquatic conveyances from the aquatic invasive species prevention permit requirements. A reciprocity system may be implemented only where the participating state or country does not require a Washington resident to purchase an equivalent permit.

Certification of Personnel: None

Authorization of Third Parties: None

“Local Boater” Programs: None

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: A range of criminal penalties may be imposed in Washington for violations of state aquatic invasive species laws.

- **Infractions:** The following acts are classified as invasive species management infractions: (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) possessing an aquatic conveyance and failing to obey a clean and drain order; and (4) failing to possess a valid aquatic invasive species prevention permit. A person found to have committed an infraction may be assessed a monetary penalty of no more than \$500 for each offense.
- **Gross Misdemeanors:** The following offenses, among others, 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 a conveyance to be inspected; (3) failure to comply with a decontamination order; (4) possess or introduce into a water body certain species without WFDW authorization; and (5) knowingly violate a quarantine declaration. 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. A person who complies with WDFW directives given at a mandatory check station is exempt from criminal penalties, unless the person has a prior conviction within the past five years.

Supplemental Authorities

<p>Aquatic Invasive Species Fund</p>	<p>Yes. The Washington legislature has created an aquatic species management account. The account is funded with revenue generated from the sale of aquatic invasive species permits, along with legislative appropriations, fees, and penalties received for aquatic invasive species management. A person must obtain a permit before placing or operating a nonresident registered vessel or seaplane on a Washington water body. Permits must also be obtained, with limited exceptions, before a vessel or seaplane is commercially transported into or through the state. Permits cost \$20 and are valid for one year. Expenditures account may only be used to implement provisions of Chapter 77.135 (invasive species). Funds may also be used by the Washington state patrol for aquatic invasive</p>
--------------------------------------	--

	species training and the inspection of conveyances required to stop at port of entry weigh stations.
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	Yes. WDFW is authorized to use money in the Aquatic Invasive Species Management Account to establish an aquatic invasive species local management grant program. If established, cities and counties, along with other eligible entities such as state agencies, tribes, academic institutions, and nonprofits, would be eligible to apply for grants to manage aquatic invasive species, develop cooperative agreements for management, and conduct innovative applied research.
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 forfeiture and appeal process.
Immunity	No
Reporting	No

WISCONSIN

Snapshot: How does Wisconsin Compare to the Model Legal Framework?

Wisconsin’s aquatic invasive species law and regulations include about 33% of the core authorities suggested in the model legal framework. Wisconsin has provisions that completely or closely match 2 out of 11 categories, with another four categories partially addressed. So what’s missing?

✓	Findings/Purpose Statement	
P	Definitions	Wisconsin does not define several key terms.
P	Powers and Duties	Wisconsin lacks express authority to identify affected waters or decontaminate conveyances.
P	Owner Responsibilities & Conveyance Restrictions	Wisconsin does not require the removal of drain plugs during transport.
P	Conveyance Inspections	Wisconsin does not provide express authority for check stations and inspections are not mandatory.
✗	Conveyance Decontamination	
✗	Documentation	
✗	Certification of Personnel	
✗	Authorization of Third Parties	
✗	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

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

Core Authorities

Findings/Purpose Statement: Wisconsin’s statutory provisions do not include legislative findings. The Wisconsin Department of Natural Resources’ (DNR) invasive species regulations do contain a purpose section which states that “the purpose of the chapter is to identify, classify and control invasive species in Wisconsin as part of the Department’s statewide program required by [WIS. STAT. § 23.22(2)(a)].”

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 legal framework. DNR regulations define aquatic invasive species as “any invasive species that dwells in water or wetlands.”
Certified Personnel	No
Conveyance	No. The statute refers to “boats, boating equipment, and boat trailers.”
Decontamination	No
Drain Plug	No
Infested Water	No
Inspection	No
Person	Yes. DNR regulations defined 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.”
Positive Water	No
Receipt	No
Seal	No
Suspect Water	No
Waters	Yes. DNR regulations state that “waters of the state” has the meaning given in WIS. STAT. § 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:

Identify AIS	Yes. The 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	Yes. State law requires every state agency to cooperate with the DNR in the administration of the invasive species program 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.

Owner Responsibilities & Conveyance Restrictions:

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	No. 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.
Clean, Drain, and Dry	Yes. DNR regulations 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.
Remove drain plugs during transport	No

Prohibition on transport of conveyance with attached aquatic vegetation	Yes. No express prohibition on the transport of conveyances with aquatic vegetation attached. DNR regulations, however, do require the removal of all attached vegetation upon removal of the conveyance from the water. All attached aquatic plants must also be removed prior to transport over land from another state. These provisions imply that it is illegal to transport a conveyance with attached aquatic vegetation.
Comply with inspection and decontamination protocols	No general obligation to comply, but no person may refuse to obey the order of a law enforcement officer acting under WIS. STAT. § 30.07 (transport and launching restrictions).

Conveyance Inspections:

Authority to Establish Inspection Stations	No express authority in statute. The 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. The statute is silent with regard to the authority of the DNR to establish check stations.
Mandatory Inspections	No
Law Enforcement Stops	Yes. 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 the 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, and 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, 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
Record Retention Requirements	No
Tamper Prohibitions	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.

Certification of Personnel: None

Authorization of Third Parties: None

“Local Boater” Programs: None

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, 6 to 9 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, 6 to 9 months in prison, or both.

Supplemental Authorities

Aquatic Invasive Species Fund	No
Closure Authority	No
Drying Time	Yes, for equipment used during certain projects in navigable waters.
Local Government Authority	Yes, local governments may enact ordinances applicable on state waters within its jurisdiction to preserve natural resources as long as the ordinance is 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 Legal Framework?

Wyoming’s aquatic invasive species law and implementing regulations include about 88% of the core authorities suggested in the model legal framework. Wyoming has provisions that completely or closely match 6 out of 11 categories, with an additional two partially addressed. So what’s missing?

X	Findings/Purpose Statement	
P	Definitions	Wyoming does not define drain plugs.
✓	Powers and Duties	
✓	Owner Responsibilities & Conveyance Restrictions	
✓	Conveyance Inspections	
✓	Conveyance Decontamination	
P	Documentation	Wyoming does not have a provision addressing tampering with seals.
✓	Certification of Personnel	
X	Authorization of Third Parties	
X	“Local Boater” Programs	
✓	Penalties	

Detailed Comparison to Model

Sources: WYO. STAT. ANN §§ 23-4-201 to 23-4-206 and 23-1-501; CODE OF WYO. R. Chapter 62

Core Authorities

Findings/Purpose Statement: None

Definitions:

Aquatic Invasive Species	Yes. AIS means “exotic or non-native aquatic organisms that have been determined by the [Wyoming Game and Fish Department (Department)] 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 legal framework as it includes motor vehicles.
Certified Personnel	Yes. Wyoming uses the term “Authorized Inspector” which means “an authorized aquatic invasive species inspector who has a valid certification from an aquatic invasive species training course that meets the requirements established by the Department to certify inspectors for aquatic invasive species inspections and decontaminations.”
Decontamination	Yes. Decontaminate means “to wash, drain, dry, or chemically, thermally, or otherwise treat a conveyance in accordance with rules promulgated by the [Department] in order to remove or destroy an aquatic invasive species.”
Drain Plug	No
Infested Water	Yes. Infested water means “a water designated by the Department as having an established population of Dreissenid mussels.”
Inspection	Yes. Wyoming defines the term “inspect” to mean “to examine a conveyance pursuant to procedures established by the [Department] in order to determine whether an aquatic invasive species is present, and includes examining, draining, or treating water in the conveyance.”
Person	Yes. 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 legal framework, as it does not include governmental entities.
Positive Water	Yes. Positive water means “a water where the presence of any life stage of Dreissenid mussels has been detected in multiple Department sampling events.”
Receipt	Yes. A “valid seal receipt” means a written document issued by an authorized inspector in conjunction with a seal that contains a number matching the number on the seal and information regarding the conveyance.”
Seal	Yes. A seal “means a locking device affixed to a conveyance that has been inspected or decontaminated.”
Suspect Water	Yes. Suspect water means “a water where any life stage of Dreissenid mussels have been detected in a single Department sampling event, but not verified by subsequent sampling.”
Waters	Yes. 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	Yes. Not expressly stated, but authority is implied and exercised by the Department.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. Not expressly stated, but possession and transport is allowed as authorized by the Department. The Department does issue sampling permits.
Stop, detain, and inspect a conveyance	Yes. The Department 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. The Department 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.

Owner Responsibilities & Conveyance Restrictions:

Prohibition on possession, importation, shipment, or transport	Yes. Except as authorized by the Department, 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. In addition, Department regulations state that compliance with AIS inspection requirements is an express condition of allowing a conveyance to contact Wyoming waters.
Clean, Drain, and Dry	Yes. Upon removal from the water, operators are required to remove all visible aquatic vegetation from the watercraft and trailer ("clean") and drain all water ("drain"). Operator are also required to drain all water from conveyances, including construction and commercial equipment, upon leaving any suspect, positive, or infested water. No standard is provided for "dry."
Remove drain plugs during transport	Yes. All bilge and ballast plugs and other barriers that prevent water drainage from a watercraft must be removed and remain open while a watercraft is transported by land within the state.
Prohibition on transport of conveyance with attached aquatic vegetation	Yes. Wyoming does not have an express transport prohibition for attached aquatic vegetation. However, operators are required to remove all visible vegetation

	from the watercraft and trailer upon removal from the water. This provision implies that it is unlawful to transport a watercraft with attached aquatic vegetation.
Comply with inspection and decontamination protocols	Yes, Wyoming’s AIS statute states that no person shall “refuse to comply with the inspection requirements or any order.” Department regulations state that a person who refuses to permit inspection of a conveyance or refuses to complete any required removal and disposal of AIS is prohibiting from launching. Conveyances are subject to impoundment if a person refuses to comply prior to departure from any water.

Conveyance Inspections:

Authority to Establish Inspection Stations	Yes. The Department 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; Department offices, and other authorized locations around the state.
Mandatory Inspections	Yes. All conveyances are subject to inspection upon encountering a mandatory AIS check station. Inspections may be conducted by a peace officer or an authorized AIS inspector. Any person transporting a conveyance into Wyoming by land must have the conveyance inspected prior to contacting any water of the state, with limited exceptions. Persons transporting conveyances into the state from March 1 through November 30 may launch without inspection if (1) the conveyance has not been in contact with a suspect, positive, or infested water within the past 30 days, (2) they did not encounter a mandatory AIS check station prior to reaching the water, and (3) are in possession of a seal receipt. Persons transporting conveyances into the state from December 1 through last day of February may launch without an inspection if (1) the conveyance has not been in contact with a suspect, positive, or infested water within the past 30 days and (2) they did not encounter a mandatory AIS check station prior to reaching the water. Conveyances suspected to contain an aquatic invasive species must be decontaminated before coming into contact with state waters.
Law Enforcement Stops	Yes. Peace officers are authorized to stop and inspect a conveyance under the following conditions: 1. Immediately prior to a boat, vessel or watercraft being launched into waters of the state;

	<ol style="list-style-type: none"> 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 aquatic invasive species may be present.
--	--

Conveyance Decontamination:

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 person transporting the conveyance.
Impound Conveyances	Yes. 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. Pursuant to Department 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.

Documentation:

Receipt	Yes, authorized inspectors issue written documentation in conjunction with seals. A seal receipt indicating the type of decontamination procedure performed serves as proof of decontamination.
Seal	Yes. Wyoming affixes seals to conveyances following an inspection or decontamination to certify a proper inspection or decontamination procedure.
Record Retention Requirements	Yes, completed seal receipts must accompany all seals affixed to conveyances.
Tamper Prohibitions	None, although it is unlawful to attempt to reattach a seal once it is removed from a conveyance.

Reciprocity	Yes. The Department may recognize a properly affixed seal applied by an authorized inspector from a state or province with a Department-approved program if the seal is accompanied by a valid seal receipt.
-------------	--

Certification of Personnel: Yes. Every conveyance entering Wyoming shall be inspected by an “authorized aquatic invasive species inspector.” As set forth in the regulatory definition of the term, authorized inspectors must have a valid certification from an aquatic invasive species training course that meets the requirements established by the Department. Decontaminations may only be performed by authorized inspectors who have received additional training to conduct decontaminations and are specifically authorized to do so by the Department. Department regulations do not provide details regarding the approval process.

Authorization of Third Parties: None

“Local Boater” Programs: None

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 Department 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 this 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 imprisonment up to one year.

Supplemental Authorities

Aquatic Invasive Species Fund	Yes. There is an annual fee assessed on watercraft (AIS decal) that is deposited in dedicated account within game and fish fund for costs associated with AIS program.
Closure Authority	Yes, the Department, 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 Department or a peace officer. Department regulations require reports to be filed within 48 hours.
--	--