



Certification Page Regular and Emergency Rules

<u>1. General Information</u>		
a. Agency/Board Name <i>See attached list for references</i> Wyoming Game and Fish Department		
b. Agency/Board Address 528 S. Adams Street	c. Agency/Board City Laramie	d. Agency/Board Zip Code 82070
e. Name of Contact Person David Zafft	f. Contact Telephone Number 307-745-5180 ext. 235	
g. Contact Email Address david.zafft@wyo.gov	h. Adoption Date: November 15, 2012	
i. Program(s) <i>See attached list for references</i> Game and Fish Commission - Fish		
<u>2. Rule Type and Information</u>		
a. These rules are: <input type="checkbox"/> Emergency Rules <i>(After completing all of Section 2, proceed to Section 5 below)</i> <input type="checkbox"/> Regular Rules		
b. Choose all that apply: <input checked="" type="checkbox"/> New Rules* <input checked="" type="checkbox"/> Amended Rules <input type="checkbox"/> Repealed Rules <i>* "New" rules means the first set of regular rules to be promulgated by the Agency after the Legislature adopted a new statutory provision or significantly amended an existing statute.</i>		
If "New," provide the Enrolled Act number and year enacted: SEA No. 0053 - 2012		
c. Provide the Chapter Number, and Short Title of Each Chapter being Created/Amended/Repealed <i>(if more than 5 chapters are being created/amended/repealed, please use the Additional Rule Information form and attach it to this certification)</i>		
Chapter Number: 62	Short Title: Regulation for Aquatic Invasive Species	
Chapter Number:	Short Title:	
Chapter Number:	Short Title:	
Chapter Number:	Short Title:	
Chapter Number:	Short Title:	
d. <input checked="" type="checkbox"/> The Statement of Reasons is attached to this certification.		
e. If applicable, describe the emergency which requires promulgation of these rules without providing notice or an opportunity for a public hearing: 		
<u>3. State Government Notice of Intended Rulemaking</u>		
a. Date on which the Notice of Intent containing all of the information required by W.S. 16-3-103(a) was filed with the Secretary of State: August 29, 2012		
b. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Legislative Service Office: August 29, 2012		
c. Date on which the Notice of Intent and proposed rules in strike and underscore format were provided to the Attorney General: August 29, 2012		

4. Public Notice of Intended Rulemaking

a. Notice was mailed 45 days in advance to all persons who made a timely request for advance notice. Yes No N/A

b. A public hearing was held on the proposed rules. Yes No

If "Yes:"	Date:	Time:	City:	Location:
	Sept. 25, 2012	7:00 p.m.	Green River	WGF Regional Office
	Sept. 26, 2012	7:00 p.m.	Alpine	Alpine Civic Center
	Sept. 27, 2012	7:00 p.m.	Cheyenne	WGF Headquarters

5. Final Filing of Rules


a. Date on which the Certification Page with original signatures and final rules were sent to the Attorney General's Office for the Governor's signature: November 16, 2012

b. Date on which final rules were sent to the Legislative Service Office: November 16, 2012

c. Date on which a PDF of the final rules was electronically sent to the Secretary of State: November 16, 2012

6. Agency/Board Certification

The undersigned certifies that the foregoing information is correct.

Signature of Authorized Individual	
Printed Name of Signatory	Aaron Clark
Signatory Title	President, Wyoming Game and Fish Commission
Date of Signature	November 15, 2012

7. Governor's Certification

I have reviewed these rules and determined that they:

1. Are within the scope of the statutory authority delegated to the adopting agency;
2. Appear to be within the scope of the legislative purpose of the statutory authority; and, if emergency rules,
3. Are necessary and that I concur in the finding that they are an emergency.

Therefore, I approve the same.

Governor's Signature	
Date of Signature	

Distribution List:**Attorney General**

1. Statement of Reasons;
2. Original Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore; and
5. Memo to Governor documenting emergency (emergency rules).

LSO

1. Statement of Reasons;
2. Copy of Certification Page;
3. Summary of Comments (regular rules);
4. Hard copy of rules: clean and strike/underscore;
5. Electronic copy of rules: clean and strike/underscore; and
6. Memo to Governor documenting emergency (emergency rules).

SOS

1. PDF of clean copy of rules; and
2. Hard copy of Certification Page as delivered by the AG.

STATEMENT OF REASON
WYOMING GAME AND FISH COMMISSION
CHAPTER 62
REGULATION FOR AQUATIC INVASIVE SPECIES

The 2012 Wyoming Legislature approved revisions to W.S. §23-4-203. Those changes require all conveyances entering the state to be inspected in accordance with rules established by the Commission. It authorizes the Commission, in coordination with the Department of Transportation (DOT), State Parks, and Department of Agriculture to establish mandatory check stations at ports of entry and other DOT facilities.

These changes to Chapter 62 were made to implement the new statute and update other sections based on Department experience implementing the regulation the last 2 years.

Section 4. Definitions.

- Added language to the first paragraph (a) to clarify that the definition of Aquatic invasive species (AIS) includes some species that are known to be present in Wyoming, as well as species that are not present, but pose a significant risk.
- Updated the list of AIS. Added New Zealand mudsnail, Asian clam, brook stickleback, snakeheads, and Eurasian milfoil. Broadened the definition of Asian carp to include all species in the genus *Hypophthalmichthys*. These species were added to facilitate AIS education; improve continuity between the AIS regulation, the Wyoming AIS Management Plan, and the watercraft inspection and decontamination manual; and to enable inspectors to require removal and disposal of these species, allow for decontamination of any conveyance or equipment transporting them, and require mandatory reporting per Chapter 62. New Zealand mudsnail, Asian clam and brook stickleback are already present in Wyoming, but efforts will be focused on reducing the spread of these species. VHS was removed (and whirling disease was not added) because inspecting for these diseases and others is very difficult and that the spread of disease by conveyances can be effectively prevented by focusing efforts on potential vectors, including fish and water.
- Clarified definition of “Authorized inspector” to distinguish an authorized aquatic invasive species inspector from definitions of authorized inspector that are used in other statutes.
- Added definitions of “certified inspection location” and “mandatory aquatic invasive species check station”. A mandatory AIS check station is a location established by the Department where watercraft encountering this check station on their route of travel are required to stop. This will include many ports of entry in the future. A certified inspection location is another location where AIS inspections/decontaminations may be performed by a Department certified AIS inspector, but is not a location where stopping is mandatory. Examples of a certified inspection location would be a Department regional office, private boat marina, other state agency office, etc.
- Added the word “chemically” to the definition of “Decontaminate” to allow the use of chemicals for decontamination. Effective chemicals have not yet been developed for the safe treatment of watercraft and other conveyances, but ongoing research is likely to lead

to effective chemical decontamination techniques.

- “High risk infested water” was established to allow us to treat waters infested with zebra and quagga mussels differently than waters infested with other AIS. Specified where this list of waters could be found.
- Edited the definition of “Inspect” to explain that inspections are done to determine if AIS “may be” present. When inspecting a conveyance, inspectors are not always able to definitively identify an AIS, but they assess whether or not there is a risk that an AIS may be present.
- “Interstate water” was added to define the meaning of the term as used in Section 5 (f) (ii). The definition includes three reservoirs and a portion of the Snake River below Palisades Dam in Idaho, commonly referred to as the “South Fork”.
- Added a definition of “valid seal receipt” to specify a written receipt issue by an authorized inspector.
- “Watercraft” definition was added since it is used in the regulation and we have had a lot of questions. This definition combines the watercraft definition in Chapter 22 with the water sport toy definition included in W.S. §23-4-201. Because water sport toy is not used in Chapter 62 we opted for a single definition.

Section 5. Inspection.

- Changed throughout from “operation of a conveyance on the waters of the state” and “launching or entering a water of the state” to “contact or enter a water of the state” to better describe what a water hauling truck might do since they really would not “launch” or “operate on”. It still covers watercraft operation and is consistent with statutory language.
- Section a (ii) – Changed “be infected by an aquatic invasive species” to “contain an aquatic invasive species” to clarify that this section is intended to refer to any known presence of AIS.
- Section b – Changed “agreement” to “consent” and clarified that “the person” transporting “the” conveyance was the person that must provide consent, not just “any person” transport “a” conveyance.
- Section d – Added to clarify that there are three types of locations where an AIS inspection can be done.
- Section e – Mandates that any conveyance used on a water infested with zebra/quagga mussels in the last 30 days report for an inspection prior to entering a Wyoming water. Moved this language from where it was previously in Chapter 62 to this section so that regardless of time of year, this mandate applies. Used all caps to make it clear that we intended to use “HAS BEEN” in this section and “HAS NOT BEEN” in the following section.
- Section f – As provided in revisions to W.S. §23-4-203, mandates that all conveyances entering the state by land receive an AIS inspection prior to contacting/entering a Wyoming water and that the commission will establish the dates when such inspections are required. These mandatory inspections would be required from March 1 through November 30. During the time period not included here, conveyances used on an infested water within 30 days would still need to undergo an inspection before entering a Wyoming water. A time period for this mandatory inspection requirement is included to allow enforcing statute revisions to be feasible as crews are not available year-round to

conduct mandatory inspections. The number of conveyances entering the state with the intent to contact a water from December-February is likely to be very low. Weather conditions during these winter months are likely inhospitable to the prolonged survival of zebra/quagga mussels and, therefore, conveyances entering the state during these months present a substantially lower risk. Three exemptions were added to deal with various issues.

- Subsection i – Allows a watercraft to be inspected and sealed in another state with a program recognized by the Department and for this inspection to serve as their required mandatory inspection needed when entering the state. However, if a sealed watercraft encounters an open mandatory AIS check station, it must still stop at the check station for a brief inspection. The Department AIS budget is insufficient to staff ports of entry during all daylight hours on every day of the week. This exemption will allow boaters to utilize inspectors in partner states to meet the intent of W.S. §23-4-203 and abide by Chapter 62 regulation when planning to enter the state on days or during times when the Department will not be able to staff ports of entry. We use “watercraft” rather than “conveyance” because there is currently no means of effectively sealing other types of conveyances.
- Subsection ii – Allows a WY resident that has boated only on Wyoming waters or interstate waters during the past 30 days, to travel out of state while en route to a Wyoming water and launch without inspection if they did not encounter a check station. This was added to primarily to accommodate residents of Evanston, Lyman, Mountain View and surrounding communities that last boated on Flaming Gorge Reservoir, to return to Flaming Gorge without inspection. Many of these boaters will travel into UT on Hwy 43 and back into Wyoming to launch watercraft on Flaming Gorge Reservoir and will not encounter a mandatory AIS check station en route. However, without this exception, those launching would be in violation Section (e) above. We would prefer to treat these resident anglers that fish Flaming Gorge, no differently than residents of Green River or Rock Springs, WY.

This exception, would also apply to Wyoming boaters that briefly enter Colorado (state highways 125/127) en route from eastern Wyoming to the upper North Platte River from mandatory inspection. WY boaters that briefly enter Idaho and/or Utah en route to the Salt River would also be exempted.

This subsection would also enable a Wyoming resident that last boated on the Snake River below Palisades Dam (referred to as the South Fork) in Idaho to launch in Wyoming without inspection. Many Wyoming residents and outfitters routinely move between a number of popular Wyoming Rivers (Green, Salt, Snake and New Fork) and the Snake downstream of Palisades Dam. Since the Snake River below Palisades is fed by water from the reservoir, we do not view this segment of river in Idaho as a significant AIS threat and would prefer to avoid regularly inconveniencing these boaters (and their clients) by requiring mandatory inspection upon their return to Wyoming, even when the Alpine, WY port of entry is not being staffed with an AIS inspector.

- Subsection iii – Was added to deal with residents of Manilla and Dutch John, UT

that fish almost exclusively on Flaming Gorge Reservoir. We could establish check stations at the UT/WY border on highways 530 and 191, but watercraft launching in the Utah portion of Flaming Gorge would not encounter either Department check station. We believe it would be a more effective use of limited resources to work with employees of the Utah Division of Wildlife Resources to staff a single AIS check station south of the UT/WY border on highway 191 that would intercept all boaters headed to Flaming Gorge Reservoir from the south. We hope to staff this check station seven days a week during daylight hours. This approach would effectively address the threat of boaters coming from high risk infested waters in Utah, including Red Fleet Reservoir, and avoid regularly inconveniencing boaters from these two small Utah communities that rarely boat elsewhere.

- Section g – Added this section to clarify that conveyances that enter the state during the months that we do not intend to staff our port of entry locations do not require inspection as long as they were not in contact with a high risk infested water within the past 30 days. AIS are also very unlikely to survive transport during these cold winter months.
- Section h – Reliance here on established department procedures. We’re going to be working those out with the Wyoming DOT.
- Section i – Wording from multiple sections of the current regulation was combined.
- Section j – Changed “determined” to “suspected” for same reason as Section 4(h) change above.
- Section k – Clarified that conveyances that may contain AIS are subject to inspection and decontamination.
- Section l – Deleted “hull or vehicle identification numbers” because inspectors record license plate numbers and watercraft registration numbers. Not all watercraft, as defined in this regulation, have hull identification numbers.
- Section m – Changed “attached” to “affixed” to be consistent with language elsewhere in the regulation. Added “valid” to “seal receipt” to be consistent with the definition in Section 4 (l). Clarified that a seal must be accompanied by a valid seal receipt.

Section 6. Decontamination.

- Section a – Changed “treatments” to “decontaminations”, a term that is defined in Section 4.
- Section c (i and iii) - Changed the minimum temperature to 120 degrees Fahrenheit to agree with current decontamination protocols.
- Removed specifics for the forms and receipts from regulation.

Section 7. Impoundment and Quarantine.

- Section d – Added language to clarify that decontamination will be part of quarantine.

Section 8. Mandatory Reporting of Aquatic Invasive Species.

- Section b – Changed language so that reported or known AIS occurrences in Wyoming need not be reported.

Section 9. Aquatic Invasive Species Check Stations.

- Changed from watercraft to conveyance to be consistent with statute.
- Distinguished between mandatory and certified inspection locations.
- Removed details about check stations that are along highways and will put those in procedures. Anticipate additional procedures to operate at ports of entry and want to keep them all in procedures rather than regulation.
- Section d – Clarified that lists of mandatory and certified AIS check stations will be provided on the Department website.

Section 10. Aquatic Invasive Species Program Decal.

- Allowed for AIS fee to be paid as part of boat registration but still allow for a transition period for those who have 3 year watercraft registrations.
- Added “non-motorized” to the explanation of the type of watercraft that are exempt from the decal provision. W.S. §41-13-102 and W.S. §41-13-103 require that all motorized watercraft be registered. This change provides consistency so that watercraft that require a registration, also require an AIS decal.

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

- Removed this section since the MOU is in place and this is no longer relevant.

WYOMING GAME AND FISH COMMISSION

CHAPTER 62

REGULATION FOR AQUATIC INVASIVE SPECIES

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

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

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

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

(a) "Aquatic invasive species" means exotic or non-native aquatic organisms that have been determined by the Commission to pose a significant threat to the aquatic resources, water supplies, or water infrastructure of the state. Aquatic invasive species include some species known to be present in Wyoming and species with a high potential to invade, survive and reproduce.

(i) Aquatic invasive species include:

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

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

(C) Asian clam - *Corbicula fluminea*;

(D) Rusty crayfish - *Orconectes rusticus*;

(E) Brook stickleback - *Culaea inconstans*;

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

(G) Black carp - *Mylopharyngodon piceus*;

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

(I) Hydrilla - *Hydrilla verticillata*;

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

(K) Curly pondweed – *Potamogeton crispus*.

(b) "Authorized inspector" means an authorized aquatic invasive species inspector who has a valid certification from an aquatic invasive species inspection training course that meets the requirements

established by the Wyoming Game and Fish Department (Department) to certify inspectors for aquatic invasive species inspections and decontaminations.

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

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

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

(f) “Equipment” means an article, tool, implement, or device capable of containing or transporting water or aquatic invasive species.

(g) “High risk infested water” means a water in any state or province known or suspected to contain Dreissenid mussels. A list of all high risk infested waters will be available on the Department website.

(h) “Inspect” means to examine a conveyance in order to determine whether an aquatic invasive species may be present, and includes examining and draining water in the conveyance.

(i) “Interstate water” means Big Horn Lake downstream from the causeway (Highway 14A) in Bighorn County, Flaming Gorge Reservoir in Sweetwater County, and Palisades Reservoir and the Snake River (South Fork Snake River) between the Greys River in Lincoln County and the Heise Bridge crossing in Bonneville County, Idaho.

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

(k) “Seal” means a locking device affixed to a conveyance that has been inspected or decontaminated.

(l) “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.

(m) “Watercraft” for the purpose of this regulation means any contrivance used or designed primarily for navigation on the water that is designed to be propelled by paddles, oars, sails or motors, except for sailboards, float tubes, kite boards or any aid to swimming or fishing that is not designed primarily for navigation. Amphibious vehicles designed for travel over land and water with propeller or jet propulsion systems shall be considered watercraft for the purpose of this regulation.

(n) “Water of the state” means all waters under the jurisdiction of the state of Wyoming.

Section 5. Inspection.

(a) Compliance with aquatic invasive species inspection requirements is an express condition of allowing a conveyance to contact or enter any water of the state.

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

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

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

(c) Inspections shall be conducted by:

(i) any peace officer; or,

(ii) any authorized inspector.

(d) Inspections shall be conducted in accordance with Department procedures at:

(i) a mandatory aquatic invasive species check station; or,

(ii) a certified inspection location; or,

(iii) another location where an authorized inspector is available to conduct an inspection.

(e) Any person transporting a conveyance that within the past thirty (30) days HAS BEEN in contact with a high risk infested water in any state or province, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state.

(f) Any person transporting a conveyance into the state by land from March 1 through November 30, that HAS NOT BEEN in contact with a high risk infested water within the past thirty (30) days, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state, unless exempted by (i), (ii) or (iii) below.

(i) Any person transporting a watercraft who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state may launch without inspection if the watercraft bears a properly affixed seal applied by an authorized inspector and is accompanied by a valid seal receipt during transit. The person transporting the watercraft may remove the seal immediately prior to launching on the destination water and must retain the seal and valid seal receipt while on the water.

(ii) Any Wyoming resident transporting a watercraft that was only used in Wyoming or on an interstate water during the past thirty (30) days, who enters another state en route to a Wyoming water or returning from an interstate water and does not encounter a mandatory aquatic invasive species check station, may launch in the state of Wyoming without inspection.

(iii) Any Utah resident living within 10 miles of Flaming Gorge Reservoir, transporting a watercraft that was only used on Flaming Gorge Reservoir within the past thirty (30) days who does not encounter a mandatory aquatic invasive species check station when returning to Flaming Gorge Reservoir, may launch in the Wyoming portion of the reservoir without inspection.

(g) Any person transporting a conveyance into the state by land from December 1 through the last day of February that has not been in contact with a high risk infested water within the past thirty (30) days and did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the

state, is exempted from mandatory inspection.

(h) All conveyances are subject to inspection in accordance with Department procedures upon encountering a mandatory aquatic invasive species check station.

(i) Authorized inspectors shall determine if there is reason to believe that aquatic invasive species are present by interviewing the person transporting the conveyance or using visual and tactile inspection methods. As part of all inspections, all compartments, equipment, and containers that may hold water, including, but not limited to, live wells, ballast and bilge areas shall be completely drained as directed by authorized inspectors.

(j) A conveyance suspected to contain an aquatic invasive species shall be decontaminated using Department approved procedures before said conveyance shall be allowed to contact or enter any water of the state.

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

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

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

Section 6. Decontamination.

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

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

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

(i) Decontamination of water compartments, equipment or containers in a conveyance to

address the potential presence of an aquatic invasive species shall be accomplished by rinsing and flushing with water of at least 120 degrees Fahrenheit.

(ii) Decontamination of the exterior of a conveyance shall be accomplished by removing or destroying all aquatic invasive species, mud, plants, and organisms. The entire exterior of the conveyance and all intakes shall be thoroughly washed with water of at least 140 degrees Fahrenheit. A high pressure (minimum of 2500 psi) water wash or scrubbing will be used as necessary.

(iii) All compartments, equipment and containers that hold water including, but not limited to live wells, ballast and bilge areas, shall be flushed with water of at least 120 degrees Fahrenheit but not at high pressure. If a bilge pump is present, it shall be operated until the bilge appears to be empty. The lower unit of the engine shall be thoroughly flushed with water of at least 140 degrees Fahrenheit.

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

(v) Proof of decontamination shall consist of a properly affixed seal and valid seal receipt or a copy of the Department decontamination form if no seal was applied.

Section 7. Impoundment and Quarantine.

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

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

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

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

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

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

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

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

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

Section 8. Mandatory Reporting of Aquatic Invasive Species.

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

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

Section 9. Aquatic Invasive Species Check Stations.

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

(b) All mandatory aquatic invasive species check stations shall be signed.

(c) Check stations shall be operated in accordance with Department procedures.

(d) Lists of mandatory aquatic invasive species check stations and certified inspection locations shall be provided on the Department website.

Section 10. Aquatic Invasive Species Program Decal.

(a) An aquatic invasive species program fee may be assessed as part of the Department's motorized watercraft registration fee. A current, properly affixed motorized watercraft registration decal shall be proof of payment of this fee.

(b) All owners or operators of motorized watercraft registered outside of Wyoming, any owners or operators of Wyoming registered watercraft that have not paid the aquatic invasive species program fee as part of their watercraft registration fee and all owners or operators of non-motorized watercraft shall purchase and display an Aquatic Invasive Species Program Decal valid for the current calendar year on their watercraft prior to contacting or entering any water of the state. For the purpose of this Section, all non-motorized inflatable watercraft ten (10) feet in length or less are exempt from this decal provision.

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

(i) Owners or operators of motorized watercraft required to purchase an Aquatic Invasive Species Program Decal shall display the decal on the starboard (right) side of the bow six (6) inches left of and directly in line with the watercraft registration decal. Non-motorized watercraft owners or operators shall display the decal on the bow in such a manner that the decal shall be visible when the watercraft is underway. Only the Aquatic Invasive Species Program Decal which is currently valid shall be displayed.

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

Section 11. Violation of Commission Regulations. Failure to abide by the provisions this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

Section 12. Savings Clause. If any provision of this regulation shall be held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION

By: 

Aaron Clark, President

Dated: November 15, 2012

WYOMING GAME AND FISH COMMISSION

CHAPTER 62

REGULATION FOR AQUATIC INVASIVE SPECIES

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

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

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

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

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

(i) ~~Priority a~~**A**quatic invasive species include:

~~(A) Zebra mussel - *Dreissena polymorpha*;~~

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

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

(C) Asian clam - *Corbicula fluminea*;

~~(D) Rusty crayfish - *Orconectes rusticus*;~~

~~(E) Bighead carp - *Hypophthalmichthys nobilis*;~~ **Brook stickleback - *Culaea inconstans*;**

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

~~(F)~~ **Black carp - *Mylopharyngodon piceus*;**

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

~~(G)~~ **Viral Hemorrhagic Septicemia (VHS);**

~~(H)~~ **Hydrilla - *Hydrilla verticillata*; and,**

(J) Eurasian watermilfoil - *Myriophyllum spicatum*;

(K) Curly pondweed – *Potamogeton crispus*.

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

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

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

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

~~(f)~~ (e) “Equipment” means an article, tool, implement, or device capable of containing or transporting water or aquatic invasive species.

(g) “High risk infested water” means a water in any state or province known or suspected to contain Dreissenid mussels. A list of all high risk infested waters will be available on the Department website.

~~(h)~~ (f) “Inspect” means to examine a conveyance in order to determine whether an aquatic invasive species **may be** is present, and includes examining, **and** draining, ~~or~~ treating water in the conveyance.

(i) “Interstate water” means Big Horn Lake downstream from the

causeway (Highway 14A) in Bighorn County, Flaming Gorge Reservoir in Sweetwater County, and Palisades Reservoir and the Snake River (South Fork Snake River) between the Greys River in Lincoln County and the Heise Bridge crossing in Bonneville County, Idaho.

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

(gk) “Seal” means a locking device affixed to a conveyance that has been inspected or decontaminated.

(l) “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.

(m) “Watercraft” for the purpose of this regulation means any contrivance used or designed primarily for navigation on the water that is designed to be propelled by paddles, oars, sails or motors, except for sailboards, float tubes, kite boards or any aid to swimming or fishing that is not designed primarily for navigation. Amphibious vehicles designed for travel over land and water with propeller or jet propulsion systems shall be considered watercraft for the purpose of this regulation.

(hn) “Waters of the State” means all waters under the jurisdiction of the state of Wyoming.

Section 5. Inspection.

(a) Compliance with aquatic invasive species inspection requirements is an express condition of operation of allowing a conveyance ~~on~~ to contact or enter any waters of the state.

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

(ii) If a person refuses to allow inspection of a conveyance or to complete any required removal and disposal of aquatic invasive species prior to departure from any water of the state known to be infected contain by an aquatic invasive species, the conveyance is subject to impoundment until an aquatic invasive species inspection and

decontamination is completed.

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

(c) Inspections shall be conducted by:

(i) any peace officer; or,

(ii) any authorized inspector.

(d) Inspections shall be conducted in accordance with Department procedures at:

(i) a mandatory aquatic invasive species check station; or,

(ii) a certified inspection location; or,

(iii) another location where an authorized inspector is available to conduct an inspection.

(e) Any person transporting a conveyance that within the past thirty (30) days HAS BEEN in contact with a high risk infested water in any state or province, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state.

(f) Any person transporting a conveyance into the state by land from March 1 through November 30, that HAS NOT BEEN in contact with a high risk infested water within the past thirty (30) days, shall have the conveyance inspected by an authorized inspector prior to contacting or entering any water of the state, unless exempted by (i), (ii) or (iii) below.

(i) Any person transporting a watercraft who did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state may launch without inspection if the watercraft bears a properly affixed seal applied by an authorized inspector and is accompanied by a valid seal receipt during transit. The person transporting the watercraft may remove the seal immediately prior to launching on the destination water and must retain the seal and valid seal receipt while on the water.

(ii) Any Wyoming resident transporting a watercraft that was only used in Wyoming or on an interstate water during the past thirty (30) days, who enters another state en route to a Wyoming water or returning from an interstate water and does not encounter a mandatory aquatic invasive species check station,

may launch in the state of Wyoming without inspection.

(iii) Any Utah resident living within 10 miles of Flaming Gorge Reservoir, transporting a watercraft that was only used on Flaming Gorge Reservoir within the past thirty (30) days who does not encounter a mandatory aquatic invasive species check station when returning to Flaming Gorge Reservoir, may launch in the Wyoming portion of the reservoir without inspection.

(g) Any person transporting a conveyance into the state by land from December 1 through the last day of February that has not been in contact with a high risk infested water within the past thirty (30) days and did not encounter a mandatory aquatic invasive species check station prior to reaching a water of the state, is exempted from mandatory inspection.

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

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

(fh) All conveyances are subject to inspection in accordance with Department procedures upon encountering a mandatory aquatic invasive species check station. ~~Inspectors shall determine if there is reason to believe that aquatic invasive species are present by interviewing the person transporting the conveyance and using visual and tactile inspection methods. All inspections shall be documented on appropriate forms supplied by the Department.~~

~~(gi) Conveyances are subject to inspection in accordance with Department procedures prior to launch onto, operation on or departure from any water of the state or conveyance staging areas, or authorized aquatic invasive species check stations.~~
Authorized inspectors shall determine if there is reason to believe that aquatic invasive species are present by interviewing the person transporting the conveyance or using visual and tactile inspection methods. As part of all inspections, all compartments, equipment, and containers that may hold water, including, but not limited to, live wells, ballast and bilge areas shall be completely drained as directed by authorized inspectors.

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

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

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

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

Section 6. Decontamination.

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

(b) Decontamination shall be achieved by removal of the conveyance from any

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

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

(i) Decontamination of water compartments, equipment or containers in a conveyance to address the potential presence of an aquatic invasive species shall be accomplished by rinsing and flushing with water of at least ~~140~~-120 degrees Fahrenheit.

(ii) Decontamination of the exterior of a conveyance shall be accomplished by removing or destroying all aquatic invasive species, mud, plants, and organisms. The entire exterior of the conveyance and all intakes shall be thoroughly washed with water of at least 140 degrees Fahrenheit. A high pressure (minimum of 2500 psi) water wash or scrubbing will be used as necessary.

(iii) All compartments, equipment and containers that hold water including, but not limited to live wells, ballast and bilge areas, shall be flushed with water of at least ~~140~~-120 degrees Fahrenheit but not at high pressure. If a bilge pump is present, it shall be operated until the bilge appears to be empty. The lower unit of the engine shall be thoroughly flushed with water of at least 140 degrees Fahrenheit.

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

(v) Proof of decontamination shall consist of a properly affixed seal **and valid seal receipt** or a copy of the Department decontamination form **if no seal was applied**. ~~Such forms shall document the identification of the conveyance, including license plate numbers and hull or vehicle identification numbers, reasons for the decontamination, any aquatic invasive species found, date and location of the decontamination, and method(s) of decontamination used. Authorized inspectors or peace officers may also apply a seal to document the decontamination procedure.~~

Section 7. Impoundment and Quarantine.

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

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

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

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

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

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

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

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

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

Section 8. Mandatory Reporting of Aquatic Invasive Species.

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

(b) Any person **who knows** that **an unreported** ~~becomes aware or suspects an~~ aquatic invasive species ~~being is~~ present at a specific location in Wyoming shall report the aquatic invasive species presence within forty-eight (48) hours to the **Commission, the Department,** or any peace officer. An aquatic invasive species report shall include the date and time of the detection of the aquatic invasive species, the exact location of sighting (water body and specific location on the water body), the suspected species, and the name and contact information of the reporter. Samples collected of suspected aquatic invasive species shall be submitted to the Department within forty-eight (48) hours.

Section 9. Aquatic Invasive Species Check Stations.

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

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

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

(d) Lists of mandatory aquatic invasive species check stations and certified inspection locations shall be provided on the Department website.

Section 10. Aquatic Invasive Species Program Decal.

(a) An aquatic invasive species program fee may be assessed as part of the Department's motorized watercraft registration fee. A current, properly affixed motorized watercraft registration decal shall be proof of payment of this fee.

(a) All ~~watercraft~~ owners or operators of motorized watercraft registered outside of Wyoming, any owners or operators of Wyoming registered watercraft that have not paid the aquatic invasive species program fee as part of their watercraft registration fee and all owners or operators of non-motorized watercraft shall purchase and display an Aquatic Invasive Species Program Decal valid for the current calendar year on their watercraft prior to ~~launching~~ contacting or entering ~~into~~ any waters of the state. For the purpose of this Section, all non-motorized inflatable watercraft ten (10) feet in length or less are exempt from this decal provision.

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

(i) Owners or operators of motorized watercraft required to purchase an Aquatic Invasive Species Program Decal shall display the decal on the starboard

(right) side of the bow six (6) inches left of and directly in line with the watercraft registration decal. Non-motorized ~~W~~watercraft owners or operators acquiring an Aquatic Invasive Species Program Decal for the purpose of this regulation shall adhere **display** the decal on the starboard (right) side of the bow in such a manner that the decal shall be visible when the watercraft is underway. ~~Owners or operators of registered watercraft shall adhere the decal on the starboard (right) side of the bow six (6) inches aft and directly in line with the watercraft registration number.~~ Only the Aquatic Invasive Species Program Decal which is currently valid shall be displayed.

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

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

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

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

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

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

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

~~Section 12~~**11.** Violation of Commission Regulations. Failure to abide by the provisions this regulation shall be punishable as provided by Wyoming statutes for violation of Commission regulations.

~~Section 13~~**12.** Savings Clause. If any provision of this regulation is **shall be** held to be illegal or unconstitutional, such a ruling shall not affect other provisions of this regulation which can be given effect without the illegal or unconstitutional provision; and, to this end, the provisions of this regulation are severable.

WYOMING GAME AND FISH COMMISSION By:

~~Ed Mignery~~ Aaron Clark, President

Dated: ~~June 17, 2010~~ November 14, 2012