

NEBRASKA ADMINISTRATIVE CODE

Last Approved Date: April 21, 2015

Title 163 - Nebraska Game and Parks Commission

Chapter 2 - Fisheries Regulations

012 AQUATIC INVASIVE SPECIES REGULATIONS

The following regulations are prescribed by the Nebraska Game and Parks Commission, State of Nebraska, in addition to State Statutes in accordance with Neb. Rev. Stat. 37-215.01, 37-301, 37-304, 37-309, 37-355, 37-524, 37-524.02, 37-524.03, 37-547, 37-548, and 37-1206. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 201-234 of the Game Law, are used.

012.01 DEFINITIONS

012.01A Aquatic Invasive Species are any exotic or non-native aquatic organisms that pose a significant threat to the aquatic resources, water supplies, or water infrastructure of this State. Since the current status and level of threat can be different for each species, four different categories are established:

Category 1 - Potential Aquatic Invasive Species;

Category 2 - Priority Aquatic Invasive Species;

Category 3 - Established Aquatic Invasive Species;

Category 4 - Aquatic Invasive Plant Species Listed as Noxious in Nebraska.

Category 1 – Potential Aquatic Invasive Species are those species that have not yet been sampled in Nebraska and are considered a high threat. Those organisms are as follows

Common Name	Scientific Name
Round Goby	<i>Apollonia melanostoma</i>
Snakehead	<i>Chana sp</i>
Black Carp	<i>Mylopharyngodon piceus</i>
Quagga Mussel	<i>Dreissena rostriformis bugensis</i>
New Zealand Mudsail	<i>Potamopyrgus antipodarum</i>
Giant Reed	<i>Arundo donax</i>

Brazilian Waterweed, Elodea	<i>Egeria densa</i>
Hydrilla	<i>Hydrilla verticillata</i>
Didymo, Rock Snot	<i>Didymosphenia geminate</i>

Category 2 – Priority Aquatic Invasive Species are those species that are currently present in Nebraska but with limited distribution. They are considered highly unwanted species and all efforts should be taken to prevent the expansion of their populations. Those species include:

Common Name	Scientific Name
Silver Carp	<i>Hyopophthamichthys molitrix</i>
Bighead Carp	<i>Hyopophthamichthys nobilis</i>
White Perch	<i>Morone americana</i>
Yellow Bass	<i>Roccus mississippiensis</i>
Zebra Mussel	<i>Dreissena polymorpha</i>
Waterflea	<i>Daphnia lumholtzii</i>
Rusty Crayfish	<i>Orconectes rusticus</i>
Curly-leaf Pondweed	<i>Potamogeton crispus</i>
Flowering Rush	<i>Butomus umbellatus</i>
Eurasian Watermilfoil	<i>Myriophyllum spicatum</i>
Yellow Floating Heart	<i>Nymphoides peltata</i>
Creeping Water Primrose	<i>Ludwigia peploides</i>
Brittle Naiad	<i>Najas minor</i>
White River Crayfish	<i>Procambarus acutus</i>
Red Swamp Crayfish	<i>Procambarus clarkua</i>

Category 3 – Established Aquatic Invasive Species are those species that are well established in Nebraska and total elimination is impossible. Local removal and control is the best that can be expected and protocols established in sub-sections 012.02 to 012.04 below do not apply to the species on this list, which includes:

Common Name	Scientific Name
Common Carp	<i>Cyprinus carpio</i>
European Rudd	<i>Scardinius erythrophthalmus</i>
Chinese Mystery Snail	<i>Cipangopaludina chinensis</i>
Japanese Mystery Snail	<i>Cipangopaludina japonica</i>
Asian Clam	<i>Corbicula fluminea</i>
Common Watercress	<i>Nasturium officinale</i>
Reed Canary Grass	<i>Phalaris arundinacea</i>
Narrow-leaf Cattail	<i>Typha angustifolia and hybrids</i>
Western Mosquitofish	<i>Gambusia affinis</i>

Category 4 – Aquatic Invasive Species Listed as Noxious in Nebraska are regulated by the Nebraska Department of Agriculture as noxious plant species. Those species include:

Common Name	Scientific Name
Eurasian Common Reed	<i>Phragmites australis</i>
Saltcedar	<i>Tamarix ramosissima and hybrids</i>
Purple Loosestrife	<i>Lythrum salicaria</i>

012.01B An authorized inspector means a person who has completed Aquatic Invasive Species Level 1 training, or Conservation Officer or peace officer.

012.01C It shall be unlawful to possess or transport any category 1 or 2 invasive species.

012.01D It shall be unlawful to neglect or fail to prevent the possible possession, transfer or transport of any aquatic invasive species by:

012.01D1 Not removing the drain plug prior to leaving any water body launch area or potential launch area.

012.01D2 Arriving at, attempting to enter or leave any water body with equipment that contains any plant material.

012.01D3 Arriving at, attempting to enter or leave any water body posted as being infested with either Zebra or Quagga mussels with equipment holding live fish, live baitfish or any water other than from a domestic source that has not been used for holding fish.

012.01D4 Using any felt sole boots or waders in waters owned or operated by the Commission.

012.01E Decontaminate means to remove or destroy Aquatic Invasive Species from a conveyance.

012.01F Equipment means an article, tool, implement, or device capable of containing or transporting water or Aquatic Invasive Species.

012.01G Launch area means any ground along the shoreline of a water body where a conveyance may be launched into the water or loaded out of the water for transport, including but not limited to boat ramps.

## 012.02 INSPECTIONS

012.02A An authorized inspector has the authority and is approved by the Commission to require and conduct inspection of any conveyance that may contain or carry an Aquatic Invasive Species.

012.02B It shall be unlawful to fail or refuse to submit to an inspection of a conveyance upon request of an authorized inspector, pursuant to the Aquatic Invasive Species Act.

012.02C It shall be unlawful to refuse to permit or prevent proper decontamination of a conveyance as prescribed by an authorized inspector. It is the responsibility of the owner of the conveyance to reimburse any costs related to the decontamination procedure.

012.02D Any person operating a conveyance may be ordered to remove the conveyance from any water of the State or any conveyance launch area by any Conservation Officer or peace officer if there is a reason to believe the conveyance was not properly inspected prior to launch or may otherwise contain Aquatic Invasive Species. Once removed from the water or launch area, the conveyance

shall be subject to inspection for the removal and disposal of Aquatic Invasive Species.

012.02E Any authorized inspector who 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 number and hull or vehicle identification number, if available. The authorized inspector shall advise the operator that the conveyance shall be required to be decontaminated according to Commission procedures as soon as possible.

012.02F It shall be unlawful to arrive at or leave any water body owned or operated by the Commission with water other than from a domestic source (e.g., water supply system, well, or bottled) except for fire-fighting purposes.

### 012.03 DECONTAMINATION

012.03A Decontamination of the exterior of a conveyance shall be accomplished by removing or destroying all Aquatic Invasive Species, soil, plants, and organisms. The entire exterior of the conveyance and all intakes shall be thoroughly washed with a high pressure power washer using water of at least 140 degrees Fahrenheit and a minimum pressure of five (5) gallons/minute with 3,000 pounds per square inch or psi. A high pressure water wash or scrubbing will be used as necessary.

012.03A1 All compartments, equipment and containers in a conveyance that hold water including, but not limited to live wells, ballast and bilge areas, shall be flushed with water of at least 130 degrees Fahrenheit but not at high pressure with contact time of 130 seconds. 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 degree Fahrenheit.

012.03A2 After decontamination, an authorized inspector, Conservation Officer or peace officer shall re-inspect the conveyance to ensure complete decontamination has occurred prior to the release of the conveyance.

012.03B If decontamination with a high pressure power wash is not achieved, then removal of the conveyance from any water body or launch area is authorized for a length of time not to exceed thirty (30) days as determined by the Commission to allow for successful decontamination.

#### 012.04 IMPOUNDMENT AND QUARANTINE

012.04A All conveyances are subject to impoundment and quarantine by a Conservation Officer or peace officer if:

012.04A1 The person transporting the conveyance refuses to allow an inspection of the conveyance by an authorized inspector;

012.04A2 An authorized inspector has reasonable suspicion to believe an Aquatic Invasive Species is present after conducting an inspection;

012.04A3 The person transporting the conveyance refuses to allow a decontamination of the conveyance when decontamination is ordered by an authorized inspector, or

012.04A4 An authorized inspector determines that a quarantine is necessary following decontamination.

012.04B If the person responsible for an impounded conveyance is not the registered owner, the registered owner shall be notified by mail, return receipt requested, within ten (10) days of the conveyance being impounded. Such notification shall also include contact information for the Conservation Officer or 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.

012.04C All impounded conveyances shall be held at the risk and expense of the owner. A conveyance held under impound for non-compliance with these regulations shall only be released after an authorized inspector 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.

012.04D Duration of conveyance quarantine shall be determined by the Commission and shall not exceed thirty (30) days.

012.04E An impounded conveyance shall not be released until a Commission impound release form is signed and executed by a Conservation Officer. It is the responsibility of the owner to coordinate with the Commission for the release of the conveyance.

#### 012.05 RESTRICTIONS

012.05A Waters of the State found to contain Category 1 or Category 2 Aquatic Invasive Species may be listed and posted by the Commission as Aquatic Invasive Species Infested Waters. The Commission may then establish site-specific protocols for such waters that could include inspection and decontamination. The Commission may require additional restrictions on launching and loading conveyances and restrictions on live baitfish leaving the area.