

# NEBRASKA ADMINISTRATIVE CODE

**LAST ISSUE DATE:** New Segment

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. 37-301, 37-304, 37-524, 37-547 and 37-548. For purposes of these regulations, unless context otherwise requires, the definitions found in Chapter 37, sections 201-234 of the Game Law, are used. These regulations are effective following enactment by the Commission, approval by the Attorney General and Governor, and when five days have elapsed since filing with the Secretary of State.

## 012.01 DEFINITIONS

012.01A Aquatic Invasive Species are defined as 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; and 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:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Apollonia melanostoma</i>	Round Goby
<i>Chana sp.</i>	Snakehead
<i>Mylopharyngodon piceus</i>	Black Carp
<i>Dreissena rostriformis bugensis</i>	Quagga Mussel

<i>Potamopyrgus antipodarum</i>	New Zealand Mudsnaill
<i>Arundo donax</i>	Giant Reed
<i>Egeria densa</i>	Brazilian Waterweed, Elodea
<i>Eichhornia sp.</i>	Water Hyacinth
<i>Hydrilla verticillata</i>	Hydrilla
<i>Myriophyllum aquaticum</i>	Parrot Feather
<i>Najas minor</i>	Brittle Niad
<i>Salvinia molesta</i>	Giant Salvinia
<i>Didymosphenia geminate</i>	Didymo, Rock Snot

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 are as follows:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Hypophthalmichthys molitrix</i>	Silver Carp
<i>Hypophthalmichthys nobilis</i>	Bighead Carp
<i>Morone americana</i>	White Perch
<i>Roccus mississippiensis</i>	Yellow Bass
<i>Corbicula fluminea</i>	Asian Clam
<i>Dreissena polymorpha</i>	Zebra Mussel
<i>Daphnia lumholtzii</i>	Waterflea
<i>Orconectes rusticus</i>	Rusty Crayfish
<i>Potamogeton crispus</i>	Curly-leaf Pondweed
<i>Butomus umbellatus</i>	Flowering Rush
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Nymphoides peltata</i>	Yellow Floating Heart

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 sections 12.02 to 12.05 below do not apply to the species on this list, which are as follows:

<b>Scientific Name</b>	<b>Common Name</b>
<i>Cyprinus carpio</i>	Common Carp

<i>Scardinius erythrophthalmus</i>	European Ruud
<i>Cipangopaludina chinensis</i>	Chinese Mystery Snail
<i>Cipangopaludina japonica</i>	Japanese Mystery Snail
<i>Nasturium officinale</i>	Common Watercress
<i>Phalaris arundinacea</i>	Reed Canary Grass
<i>Typha angustifolia and hybrids</i>	Narrow-leaf Cattail

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

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

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 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.

012.01D Decontaminate means to wash, drain, dry, or thermally or otherwise treat a conveyance in order to remove or destroy Aquatic Invasive Species.

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

012.01F Waters of the State means all waters under the jurisdiction of the State of Nebraska.

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 It shall be unlawful for any person to possess, import, export, purchase, sell, transport or release into the waters of the State any Aquatic Invasive Species except when Commission personnel or the owner of a conveyance, or a person authorized by such owner, is removing an Aquatic Invasive Species from a conveyance to be killed or immediately disposed of in a manner as determined by the Commission or allowed to possess, sell or transport by regulations listed in Chapter 2, Sections 003 and 006.

### 012.03 INSPECTIONS

012.03A An authorized inspector has the authority to require and conduct inspection of any conveyance that may contain or carry an Aquatic Invasive Species.

012.03B It shall be unlawful to fail or refuse to submit to an inspection of a conveyance upon request of an authorized inspector, Conservation Officer or peace officer.

012.03C If a person refuses to allow inspection of a conveyance or to complete any required removal and disposal of Aquatic Invasive Species prior to departure from any water of the State known to be infected by an Aquatic Invasive Species, the conveyance is subject to impoundment until an Aquatic Invasive Species inspection and decontamination is completed.

012.03D 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 cover any costs related to the decontamination procedure.

012.03E 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 reason to believe the conveyance was not properly inspected prior to launch or may otherwise contain Aquatic Invasive Species. Once removed from the water, the conveyance shall be subject to inspection for the removal and disposal of Aquatic Invasive Species.

012.03F 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 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.

012.03G It shall be 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.

012.03H It shall be 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.

012.03I It shall be unlawful to use felt sole boots or waders in waters of the State.

## 012.04 DECONTAMINATION

012.04A 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 Commission not to exceed thirty (30) days.

012.04B If decontamination is not achieved by removal of the conveyance from any water body for at least 30 days, the following requirements apply:

012.04B1 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 water of at least 140 degrees Fahrenheit. A high pressure (minimum of 2,500 pounds per square inch or psi) water wash or scrubbing will be used as necessary.

012.04B2 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 140 degrees Fahrenheit but not at high pressure. If a bilge pump is present, it shall be operated until the bilge appears to be empty. The lower unit of the engine shall be thoroughly flushed with water of at least 140 degree Fahrenheit.

012.04B3 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.

#### 012.05 IMPOUNDMENT AND QUARANTINE

012.05A All conveyances are subject to impoundment and quarantine by a Conservation Officer or peace officer if:

012.05A1 the person transporting the conveyance refuses to allow an inspection of the conveyance by an authorized inspector, Conservation Officer or peace officer;

012.05A2 an authorized inspector, Conservation Officer or peace officer has probable cause to believe an Aquatic Invasive Species is present after conducting an inspection;

012.05A3 the person transporting the conveyance refuses to allow a decontamination of the conveyance when decontamination is ordered by an authorized inspector, Conservation Officer, or peace officer; or

012.05A4 an authorized inspector, Conservation Officer, or peace officer determines that a quarantine is necessary following decontamination.

012.05B If the person in charge of an impounded 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 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.

012.05C 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 an authorized inspector or Conservation 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.

012.05D Duration of conveyance quarantine shall be determined by the Department and shall not exceed thirty (30) days.

012.05E 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.

012.06 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-Contaminated Waters. The Commission may then establish site-specific protocols for such waters that could include inspection, decontamination, and restrictions on launching and loading conveyances.