

**GAME, FISH AND PARKS COMMISSION ACTION
PROPOSAL**

**AQUATIC INVASIVE SPECIES
Chapter 41:10:04**

Commission Meeting Dates:	Proposal	July 16 – 17, 2020	Ft. Pierre
	Public Hearing	September 2, 2020	Rapid City
	Finalization	September 2 – 3, 2020	Rapid City

DEPARTMENT RECOMMENDATION

With the creation of **41-13A** during the 2020 Legislative Session and the discovery of zebra mussels in Pickerel Lake, the following changes to Aquatic Invasive Species (AIS) administrative rules are recommended:

1. Remove the prohibition on possessing, transporting, selling, purchasing, or propagating AIS from administrative rule.
2. Create an additional exemption for possession of AIS to allow an owner or agent of the owner of a conveyance to transport the conveyance for decontamination using a department approved process.
3. Remove prohibitions in administrative rule on launching a boat or boat trailer into the waters of the state with AIS attached.
4. Repeal the rule allowing for the creation of local boat registries.
5. Remove the exemption to the decontamination requirement for boats in a local boat registry in association with repealing the rule allowing the creation of registries.
6. Create a new rule to define the department-approved decontamination protocol.
7. Update the list of containment waters to include Pickerel Lake and Waubay Lake.

SUPPORTIVE INFORMATION

1. Codified law 41-13A-2 contains prohibitions on possessing, importing, shipping, and transporting AIS, so prohibitions no longer need to be listed in administrative rule.
2. The addition of an exemption to allow for possession of AIS while transferring a conveyance for decontamination will facilitate decontaminations.
3. Codified law 41-13A-3 contains prohibitions on launching a boat or boat trailer into the waters of the state with AIS attached or onboard, so prohibitions no longer need to be listed in administrative rule. Language remaining in the rule describes specifically when boat plugs and valves that control the drainage of water must be removed or open. This information is not included in statute
4. The expansion in the distribution of zebra mussels makes utilization of local boat registries impractical, resulting in the recommended repeal of this rule. The suggested addition to 41:10:04:02 that allows transport of infested boats for decontamination provides boatowners with a mechanism to transport boats for decontamination, in the absence of a local boat registry.
5. Removing exemptions to decontamination requirements for boats in a local boat registry coincides with repeal of the rule allowing for the creation of the registries.

APPROVE

MODIFY

REJECT

NO ACTION

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6. The Pacific States Marine Fisheries Commission publishes a document titled "Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for Dreissenid Mussels in the Western United States" (UMPS). The document is currently in its third edition and is the basis for inspection and decontamination protocols used by the department. Department-approved protocols for decontamination of conveyances are those contained in UMPS, 3rd edition, or subsequent versions of the document. Current protocols for conveyance decontamination involve hot water (140°F or 120°F at the point of contact) pressure washing and flushing of equipment, or a specified drying time, based on air temperature.
7. Adult zebra mussels were documented in Pickerel Lake in northeastern South Dakota on July 10, 2020. Waubay Lake is the lake directly downstream of Pickerel Lake and the lake most likely to develop a zebra mussel population as a result of the infestation of Pickerel Lake. Watercraft that have been in a containment water for three or more days or that retain one gallon or more of water after all drain plugs, bailers, valves, or other devices used to control the drainage of water have been opened or removed must be decontaminated prior to a subsequent launch.

RESIDENT/NONRESIDENT CRITERIA

Not Applicable.

RECRUITMENT, RETENTION, REACTIVATION (R#) CRITERIA

1. Does the regulation or fee inhibit a user's ability to participate?

No.

2. Does the regulation increase the opportunity for new and existing users?

No. There is no change in opportunity

3. How does the regulation impact the next generation of hunters, anglers, trappers and outdoor recreationists?

There is no impact other than the likelihood of fewer waters being infested with AIS in the future.

4. Does the regulation enhance the quality of life for current and future generations by getting families outdoors?

Yes. Reducing the spread of AIS will positively contribute to the quality of water-based recreation in the future.