

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

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

Commission Meeting Dates:	Proposal	July 8 – 9, 2021	Virtual
	Public Hearing	September 1, 2021	Virtual
	Finalization	September 1 – 2, 2021	Virtual

DEPARTMENT RECOMMENDATION

The following changes to Aquatic Invasive Species (AIS) administrative rules are recommended:

1. Create an exemption to the prohibition on possessing and transporting AIS for a shoreline property owner to transport aquatic invasive species for disposal, in a manner that minimizes possible introduction to new waters.
2. Create an exemption to prohibitions for launching a boat, dock, or boat lift into waters within the state that is not clean, drained, and dried or that is not cleaned, drained, and dried, following removal from waters for:
 - a. An owner or agent of the owner of a boat, dock, or boat lift with dreissenid mussels attached that is subsequently launched directly into the infested water from which it was removed, if the boat, dock, or boat lift was stored on the riparian property of the owner or at a marina business property, prior to launch.
 - b. An owner or agent of the owner of a boat with a shooting or observational blind constructed of aquatic macrophytes cut above the water line, attached to or in boat.
3. Repeal current administrative rules requiring decontamination of boats that have used infested waters and were in the water for three or more days or have one gallon or more of water remaining after draining.

SUPPORTIVE INFORMATION

1. Codified law contains prohibitions on possessing and transporting AIS. Providing an exemption to this statute for lakeshore or riparian property owners removing AIS plants or mussels from the beach or stream bank in front of their residence allows them to continue this practice without being in violation of this statute. Requiring disposal in a location that minimizes likelihood of introduction to new waters limits the risk associated with the exemption.
2.
 - a. Zebra mussels are expected to spread to new waters throughout South Dakota. The incidence of adult mussels on day-use watercraft on infested lakes is low. Conveyances, including boat docks, lifts and watercraft stored in marinas or at private boat docks, on infested waters, are the most likely to have adult zebra mussels attached when they are pulled from the water. Conveyances owned by lakeshore property owners and watercraft stored at marinas are typically launched into the same water in the spring from which they were removed the previous fall, minimizing the risk of introducing mussels to new waters. The addition of an exemption to clean, drain, and dry requirements upon removal and for launching these conveyances directly back into the water from which removed the next spring, removes a regulatory burden without increasing the risk of new introductions of AIS.
 - b. Waterfowl hunters routinely use emergent aquatic vegetation to camouflage their watercraft or blinds used for waterfowl hunting. Having vegetation attached to these conveyances is in violation of launching, removal, and transportation restrictions for aquatic vegetation associated with cleaning, draining, and drying boats. Exempting owners of duck boats and blinds from current prohibitions allows this common practice of using vegetation as camouflage for hunting to continue. Requiring the cutting of vegetation above the water line means rhizomes or roots, which are often the source of spread, are not being transported.

APPROVE

MODIFY

REJECT

NO ACTION

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3. Current administrative rules require boats using an infested water that retain a gallon or more of water after all plugs have been removed, drains opened, and pumps run or that have been stored for three or more days in an infested water to be decontaminated before a subsequent launch. These rules are aimed at reducing transport and introduction of veligers and newly attached, juvenile mussels, called settlers, to new waters. With the increase in the number of zebra-mussel-infested waters, the number of boats that would require a full decontamination before their next launch, and the available infrastructure to perform decontaminations, the public cannot realistically comply with these decontamination requirements.

While transport of any water by boats among waters has the potential to introduce AIS to new locations, a recent study (2018) demonstrated survival of veligers in water remaining in ballast tanks is lower than previously believed. During the study, over 95% of zebra mussel veligers remaining in watercraft ballast tanks died within 48 hours. Settlers are very susceptible to desiccation, meaning mortality of settlers on external watercraft surface is high during summer temperatures.

It is currently believed that new infestations of zebra mussels are largely due to adult mussel transport between waters. Therefore, focusing regulatory efforts on boats being clean, drained, and dried, with no adult mussels attached, is the best approach to reduce the spread of mussels and other AIS to new waters. With the volume of watercraft using infested waters increasing, cleaning, draining and drying, including draining ballast tanks of as much water as possible by running pumps, is the best approach to reducing the spread of zebra mussels and other AIS.

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.