

Utah AIS Regulations

Utah. Admin. Code R657-3. (Collection, Importation, Transportation, and Possession of Animals)

R657-3-22. Classification and Specific Rules for Crustaceans and Mollusks.

(1) Crustaceans are classified as follows:

- (a) Asiatic (Mitten) Crab, family Grapsidae (Eriocheir, All species) are prohibited for collection, importation and possession;
- (b) Brine shrimp, family Mysidae (All species) are classified as controlled for collection, and noncontrolled for importation and possession;
- (c) Crayfish, families Astacidae, Cambaridae and Parastacidae (All species except *Cherax quadricarinatus*) are prohibited for collection, importation and possession;
- (d) Pilose crayfish, (*Pacificastacus gambelii*) is prohibited for collection, importation, and possession;
- (e) Daphnia, family Daphnidae (*Daphnia lumholtzi*) is prohibited for collection, importation and possession;
- (f) Fishhook water flea, family Cercopagidae (*Cercopagis pengoi*) is prohibited for collection, importation and possession; and
- (g) Spiny water flea, family Cercopagidae (*Bythotrephes cederstroemii*) is prohibited for collection, importation and possession.
- (h) *Stygobromus utahensis*, family Crangonnyctidae is prohibited for collection, importation and possession.

(2) Mollusks are classified as follows:

- (a) Family Achatinidae (All species) is prohibited for collection, importation and possession;
- (b) Brian Head mountainsnail, family Oreohelicidae (*Oreohelix parawanensis*) is controlled for collection, importation and possession;
- (c) Dark falsemussel, (*Mytilopsis leucophaeta*) family Dreissenidae is controlled for collection, importation and possession;
- (d) Desert mountainsnail, family Oreohelicidae (*Oreohelix peripherica*) is controlled for collection, importation and possession;
- (e) Desert springsnail, (*Pyrgulopsis deserta*) family Hydrobiidae is controlled for collection, importation and possession;
- (f) Desert valvata, (*Valvata utahensis*) family Valvatidae is prohibited for collection, importation and possession;
- (g) Eureka mountainsnail, (*Oreohelix eurekaensis*) family Oreohelicidae is controlled for collection, importation and possession;
- (h) Fat-whorled pondsnail, (*Stagnicola bonnevillensis*) family Lymnaeidae is controlled for collection, importation and possession;
- (i) Fish Lake physa, (*Physella microstriata*) family Physidae is controlled for collection, importation and possession;
- (j) Fish Springs marshsnail, (*Stagnicola pilsbryi*) family Lymnaeidae is prohibited for collection, importation and possession;

- (k) Floater, (*Anodonta* spp. All species) family Anodontidae is controlled for collection, importation and possession;
- (l) Glossy valvata, (*Valvata humeralis*) family Valvatidae is controlled for collection, importation and possession;
- (m) Kanab ambersnail, (*Oxyloma kanabense*) family Succineidae is prohibited for collection, importation and possession;
- (n) Lyrate mountainsnail, (*Oreohelix haydeni*) family Oreohelicidae is controlled for collection, importation and possession;
- (o) New Zealand mudsnail, (*Potamopyrgus antipodarum*) family Hydrobiidae is prohibited for collection, importation and possession;
- (p) Quagga mussel, (*Dreissena bugenses*) family Dreissenidae is prohibited for collection, importation and possession;
- (q) Red-rimmed melania, (*Melanoides tuberculatus*) family Thiaridae is prohibited for collection, importation and possession;
- (r) Springsnails or pyrgs (*Prygulopsis* spp.,. All species) family Hydrobiidae are controlled for collection, importation and possession.
- (s) Southern tightcoil, (*Ogaridiscus subrupicola*) family Zonitidae is controlled for collection, importation and possession;
- (t) Spruce snail, (*Microphysula ingersolli*) family Thysanophoridae is controlled for collection, importation and possession;
- (u) Thickshell pondsnail, (*Stagnicola utahensis*) family Lymnaeidae is prohibited for collection, importation and possession;
- (v) Utah physa, (*Physella utahensis*) family Physidae is controlled for collection, importation and possession;
- (w) Western pearlshell, (*Margaritifera falcata*) family Margaritiferidae is prohibited for collection, importation and possession;
- (x) Wet-rock physa, (*Physella zionis*) family Physidae is controlled for collection, importation and possession;
- (y) Yavapai mountainsnail, (*Oreohelix yavapai*) family Oreohelicidae is controlled for collection, importation and possession; and
- (z) Zebra mussel, (*Dreissena polymorpha*) family Dreissenidae is prohibited for collection, importation and possession.

(3) All native species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2), excluding ornamental aquatic animal species, are classified as controlled for collection, importation and possession.

(4) All nonnative species and subspecies of crustaceans and mollusks not listed in Subsection (1) and (2), excluding ornamental aquatic animal species, are classified as prohibited for collection, importation and possession.

Utah. Admin. Code R657-58. (Fishing Contests and Clinics)

R657-58-3. Certificate of Registration (COR) and General Requirements.

(1) Regardless of the size or type of contest, each boat operator must complete the Mussel Aware Boater Program online training provided at <https://dwrapps.utah.gov/wex/dbconnection.jsp?examnbr=504688>, and display the completed “decontamination certification form” on the dashboard of the boat transport vehicle for the duration of the fishing contest.

(2) Regardless of the size or type of contest, the contest sponsor shall verify and confirm that each boat operator participating in the fishing contest possess a completed Mussel Aware Boater Program “decontamination certification form.”

(3) A COR is required for each certified fishing contest. The requirements are listed in Sections R657-58-4 through R657-58-5.

(4) A COR is valid for only one fishing tournament on one water.

(5) The division may request public comment before issuing a COR if, in the opinion of the division, the proposed contest has potential impacts to the public or could substantially impact a public fishery.

(6) (a) A COR may be denied for:

- (i) failure to comply with the fishing guidebook and rule;
- (ii) potential for resource damage;
- (iii) location;
- (iv) occurrence on a legal holiday or Free Fishing Day;
- (v) public safety issues;
- (vi) conflicts with the public;
- (vii) failure to adequately protect state waters from invasive species;
- (viii) problems with the applicant's prior performance record; and
- (ix) failure to comply with other state laws, including those applying to raffles and lotteries in Utah.

(b) The reason for denial will be identified and reported to the applicant in a timely manner. The division may impose conditions on the issuance of the Certification of Registration in order to achieve a management objective or adequately protect a fishery. Any conditions will be listed on the COR.

(8) (a) COR applications are available online at the division’s website.

(b) Applications must be received by the division at least 45 days prior to the contest. In some cases a public comment process may alter the 45-day COR review period.

(c) Variances to the COR review period may only be granted by the director.

(9) A COR application must include:

- (a) a complete schedule of entry fees, cash awards and prize values;

(b) documentation of the number of participants; and

(c) information regarding the use of live weigh-in.

(10) Anyone conducting a certified fishing contest who fails to obtain a COR or to follow the rules set by the division may be prohibited from conducting any fishing contests, and may be subject to other penalties.

Utah. Admin. Code R657-60. (Aquatic Invasive Species Interdiction)

R657-60-1. Purpose and Authority.

(1) The purpose of this rule is to define procedures and regulations designed to prevent and control the spread of aquatic invasive species within Utah.

(2) This rule is promulgated pursuant to authority granted to the Wildlife Board in Sections 23-27-401, 23-14-18, and 23-14-19.

R657-60-2. Definitions.

(1) Terms used in this rule are defined in Sections 23-13-2 and 23-27-102.

(2) In addition:

(a) “Conveyance” means a terrestrial or aquatic vehicle, including a vessel, or a vehicle part that may carry or contain a *Dreissena* mussel.

(b) “Decontaminate” or “Decontaminated” means to comply with one of the following methods:

(i) if no adult mussels are attached to the conveyance after exiting the water body, an owner or operator may self-decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) removing all plants, fish, and mud from the equipment or conveyance;

(B) draining all water from the equipment or conveyance, including water held in ballast tanks, bilges, livewells, and motors; and

(C) drying the equipment or conveyance for no less than seven days in June, July and August; 18 days in September, October, November, March, April and May; 30 days in December, January and February; or expose the equipment or conveyance to sub-freezing temperatures for 72 consecutive hours; or

(D) if all water cannot be drained from the conveyance, or the conveyance has a complex water or mechanical system that the division determines poses a significant risk that *Dreissena* mussels could remain on the conveyance after the dry time identified in Subsection (C), fulfilling the requirements of Subsection (A) and (B) to the extent practicable and drying the conveyance for no less than 30 days;

(ii) professionally decontaminate equipment or a conveyance that has been in an infested water in the previous 30 days by:

(A) using a professional decontamination service approved by the division to flush any areas where water is held, including ballast tanks, bilges, livewells, and motors, and to apply scalding water to all conveyance and equipment surfaces at the temperature and immersion time necessary for 100 percent mussel mortality as provided in the Uniform Minimum Protocols and Standards for Watercraft Inspection and Decontamination Programs for Dreissenid Mussels in the Western United States; and

(B) complete a mandatory 30 day dry time after the scalding water wash is completed if the division determines that, due to the complexity of water or mechanical systems on the conveyance, a significant risk that Dreissena mussels remain present on the conveyance regardless of receiving a scalding water wash described in Subsection (A); or

(iii) complying with all protocols identified in a certificate of registration.

(c) “Detected Water” or “Detected” means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated in two consecutive sampling events using visual identification or microscopy and the results of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.

(d) “Dreissena mussel” means a mussel of the genus Dreissena at any life stage, including a zebra mussel, a quagga mussel and a Conrad's false mussel.

(e) “Controlling entity” means the owner, operator, or manager of a water body, facility, or a water supply system.

(f) “Equipment” means an article, tool, implement, or device capable of carrying or containing water or Dreissena mussel.

(g) “Facility” means a structure that is located within or adjacent to a water body.

(h) “Highway” has the same meaning as Subsection 72-1-102(7).

(i) “Infested Water” or “Infested” means a water body, facility, water supply system, or geographic region where the presence of multiple age classes of attached Dreissena mussels is indicated in two or more consecutive sampling events using visual detection or microscopy and the result of each sampling event is confirmed in two polymerase chain reaction tests, each conducted at independent laboratories.

(j) “Juvenile or adult Dreissena mussel” means a macroscopic Dreissena mussel that is not a veliger.

(k) “Quarantine” means imposing a required minimum period of time where a conveyance must stay at a predetermined location in order to minimize the risk that Dreissena mussels are spread.

(l) “Suspected Water” or “Suspected” means a water body, facility, or water supply system where the presence of a Dreissena mussel is indicated through a single sampling event using visual identification or microscopy and the result of that sampling event is confirmed in two independent polymerase chain reaction tests, each conducted at independent laboratories.

(m) “Veliger” means a microscopic, planktonic larva of Dreissena mussel.

(n) “Vessel” has the same meaning as Subsection 73-18-2(19).

(o) “Water body” means natural or impounded surface water, including a stream, river, spring, lake, reservoir, pond, wetland, tank, and fountain.

(p) “Water supply system” means a system that treats, conveys, or distributes water for irrigation, industrial, wastewater treatment, or culinary use, including a pump, canal, ditch or, pipeline.

(q) “Water supply system” does not include a water body.

R657-60-3. Possession of Dreissena Mussels.

(1) Except as provided in Subsections R657-60-3(2) and R657-60-5(2), a person may not possess, import, ship, or transport any Dreissena mussel.

(2) Dreissena mussels may be imported into and possessed within the state of Utah with prior written approval of the Director of the Division of Wildlife Resources or a designee.

R657-60-4. Reporting of Invasive Species Required.

(1) A person who discovers a Dreissena mussel within this state or has reason to believe a Dreissena mussel may exist at a specific location shall immediately report the discovery to the division.

(2) The report shall include the following information:

(a) location of the Dreissena mussels;

(b) date of discovery;

(c) identification of any conveyance or equipment in which mussels may be held or attached;
and

(d) identification of the reporting party with their contact information.

(3) The report shall be made in person or in writing:

(a) at any division regional or headquarters office or;

(b) to the division's toll free hotline at 1-800-662-3337; or

(c) on the division's website at www.wildlife.utah.gov/law/hsp/pf.php.

- (4) Reporting requirements under this Section do not apply to:
- (a) Dreissena mussels found in an Infested waterbody;
 - (b) a conveyance or equipment that is subject to a quarantine or mandatory dry time and has been documented by the division; or
 - (c) a person lawfully in possession of a Dreissena mussel pursuant to Section R657-60-3.

R657-60-5. Requirements for Transportation and Launching of Equipment and Conveyances.

(1) Before transporting a conveyance on a highway, as defined in Section 72-1-102, in the state, a person shall:

- (a) remove all drain plugs and similar devices that prevent drainage of raw water systems on the conveyance; and
- (b) to the extent feasible, drain all water from live wells, bilges, ballast tanks, and similar compartments on the conveyance.

(2) (a) Before launching a conveyance in a Utah waterbody, a nonresident vessel owner shall:

- (i) pay the annual aquatic invasive species fee;
- (ii) successfully complete the aquatic invasive species education course; and
- (iii) provide proof of compliance with this Subsection to the vessel operator.

(b) The vessel operator is responsible for verifying compliance with this Section while recreating on a Utah waterbody.

(c) Except as provided in Subsection (6), a person must satisfy all decontamination requirements before launching or placing equipment or a conveyance in a waterbody if that equipment or conveyance has been in a waterbody or water supply system subject to decontamination requirements in the previous 30 days.

(3) The owner, operator, or possessor of any equipment or conveyance that has been in a waterbody subject to decontamination requirements shall inspect the interior and exterior of the equipment or conveyance for the presence of Dreissena mussels immediately upon exiting the waterbody and prior to leaving the take out site.

(4) (a) If all water in the equipment or conveyance is drained and the inspection undertaken pursuant to Subsection (3) reveals the equipment and conveyance are free from mussels or shelled organisms, fish, plants and mud, the equipment and conveyance may be transported in or through the state directly from the take out site to the location where it will be:

- (i) decontaminated; or
- (ii) temporarily stored and subsequently returned to the same water body and take out site as provided in Subsection (6).

(b) All drain plugs and similar devices that prevent drainage of raw water systems on the conveyance shall be removed during the transport and storage of a conveyance.

(5) Equipment and conveyances may not be moved from a take out site of an infested, suspected, or detected water body, or a water body subject to a closure order or control plan requiring decontamination, unless:

(a) the operator satisfies the requirements of Subsection (4); or

(b) the operator receives prior written authorization to move the equipment or conveyance to a designated location to complete decontamination requirements.

(6) Decontamination is not required when a conveyance or equipment is removed from an infested water or other water body subject to decontamination requirements, provided the conveyance and equipment is:

(a) inspected and drained at the take out site, and is free from attached mussels, shelled organisms, fish, plants, and mud as required in Subsections (1) and (2);

(b) returned to the same water body and launched at the same take out site; and

(c) not placed in or on any other Utah water body in the interim without first being decontaminated.

(7) (a) Division personnel may provide the operator of a vessel leaving an infested water, or any water subject to a closure order under Section R657-60-8 or control plan under Section R657-60-9, with an inspection certification indicating the date that vessel left the water body.

(b) An individual who receives a certification of inspection from the division must retain that certification of inspection until:

(i) the operator returns to the same body of water and receives a new certification of inspection upon leaving the water body;

(ii) the operator completes a certification of decontamination; or

(iii) the operator receives a professional decontamination certificate.

R657-60-6. Certification of Inspection; Certification of Decontamination; Certificate of Registration to Perform Decontamination.

(1) The owner, operator or possessor of a vessel desiring to launch on a water body in Utah must:

(a) present an inspection certificate to division personnel if required; and

(b) verify the vessel and any launching device, in the previous 30 days, have not been in an infested water or in any other water subject to closure order under Section R657-60-8 or control plan under Section R657-60-9 that requires decontamination of conveyances and equipment upon leaving the water; or

(c) certify the vessel and launching device have been decontaminated.

(2) Certification of decontamination is satisfied by:

(a) previously completing self-decontamination since the vessel and launching device were last in a water described in Subsection (1)(b) and completely filling out and dating a decontamination certification form which can be obtained from the division; or

(b) providing a signed and dated certificate by a division approved professional decontamination service verifying the vessel and launching device were professionally decontaminated since the vessel and launching device were last in a water described in Subsection (1)(b); or

(c) complying with the terms identified in a certificate of registration issued for alternative decontamination measures.

(3) A certificate of registration to complete alternate forms of decontamination may be issued to an individual who:

(a) operates conveyances as a part of their business;

(b) whose conveyances cannot be decontaminated using self decontamination or professional decontamination as defined in Subsections R657-60-2(b)(i) and R657-60-2(b)(ii).

(4) Both the decontamination certification form and the professional decontamination certificate, where applicable, must be signed and placed in open view in the window of the launching vehicle prior to launching or placing the vessel in a body of water.

(5) (a) It is unlawful under Section 76-8-504 to knowingly falsify a decontamination certification form.

(b) It is unlawful under Subsection 23-13-11(2) to alter or destroy a certificate of inspection or other official indicator verifying inspection prior to completing a decontamination certification form.

(c) The division may suspend, revoke, or terminate a certificate of registration if the business entity or an employee thereof has violated a term of this rule, the Wildlife Resources Code, or a certificate of registration.

R657-60-7. Wildlife Board Designations of Infested Waters.

(1) The Wildlife Board may designate a geographic area, water body, facility, or water supply system as Infested with Dreissena mussels pursuant to Sections 23-27-102 and 23-27-401 without taking the proposal to or receiving recommendations from the regional advisory councils.

- (2) The Wildlife Board may designate a particular water body, facility, or water supply system within the state as Infested with Dreissena mussels when sampling indicates the water body, facility, or water supply system meets the minimum criteria for an Infested Water as defined in this rule.
- (3) The Wildlife Board may designate a particular water body, facility, or water supply system outside the state as Infested with Dreissena mussels when it has credible evidence suggesting the presence of a Dreissena mussel in that water body, facility, or water supply system.
- (4) Where the number of Infested Waters in a particular area is numerous or growing, or where surveillance activities or infestation containment actions are deficient, the Wildlife Board may designate geographic areas as Infested with Dreissena mussels.
- (5) The following water bodies and geographic areas are classified as infested:
 - (a) all coastal and inland waters in:
 - (i) California;
 - (ii) Nevada;
 - (iii) Arizona;
 - (iv) all states east of Montana, Wyoming, Colorado, and New Mexico;
 - (v) the provinces of Ontario and Quebec Canada; and
 - (vi) Mexico;
 - (b) Lake Powell and that portion of the:
 - (i) Colorado River within the boundaries of Glen Canyon National Recreation Area;
 - (ii) Escalante River between Lake Powell and the Coyote Creek confluence;
 - (iii) Dirty Devil River between Lake Powell and the Highway 95 bridge; and
 - (iv) San Juan River between Lake Powell and Clay Hills Crossing; and
 - (c) other waters established by the Wildlife Board and published on the DWR website.
- (6) The Wildlife Board may remove an infested classification if:
 - (a) the division samples the affected water body for seven (7) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a “suspected” classification, as defined in this rule; or
 - (b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies in writing that Dreissena mussels are no longer present.

R657-60-8. Closure Order for a Water Body, Facility, or Water Supply System.

- (1) (a) The division may classify a water body, facility, or water supply system as suspected or detected if it meets the minimum criteria for suspected or detected, as defined in this rule.

- (b) If the division classifies a water body, facility, or water supply system as either suspected or detected, the division director or designee may, with the concurrence of the executive director, issue an order closing the water body, facility, or water supply system to the introduction or removal of conveyances or equipment.
 - (c) The director shall consult with the controlling entity of the water body, facility, or water supply system when determining the scope, duration, level and type of closure that will be imposed in order to avoid or minimize disruption of economic and recreational activities.
 - (d) A closure order may;
 - (i) close the water entirely to conveyances and equipment;
 - (ii) authorize the introduction and removal of conveyances and equipment subject to the decontamination requirements in Subsection R657-60-2(2)(b) and Section R657-60-5; or
 - (iii) impose any other condition or restriction necessary to prevent the movement of *Dreissena* mussels into or out of the subject water.
 - (iv) a closure order may not restrict the flow of water without the approval of the controlling entity.
- (2) (a) A closure order issued pursuant to Subsection (1) shall be in writing and identify the:
- (i) water body, facility, or water supply system subject to the closure order;
 - (ii) nature and scope of the closure or restrictions;
 - (iii) reasons for the closure or restrictions;
 - (iv) conditions upon which the order may be terminated or modified; and
 - (v) sources for receiving updated information on the presence of *Dreissena* mussels and closure order.
- (b) The closure order shall be mailed, electronically transmitted, or hand delivered to:
- (i) the controlling entity of the water body, facility, or water supply system;
 - and
 - (ii) any governmental agency or private entity known to have economic, political, or recreational interests significantly impacted by the closure order; and
 - (iii) any person or entity requesting a copy of the order.
- (c) The closure order or its substance shall further be:
- (i) posted on the division's web page; and
 - (ii) published in a newspaper of general circulation in the state of Utah or the affected area.
- (3) (a) If a closure order lasts longer than seven days, the division shall provide the controlling entity and post on its web page a written update every ten days on its efforts to address the *Dreissena* mussel infestation.
- (b) The ten day update notice cycle will continue for the duration of the closure order.

(4) (a) Notwithstanding the closure authority in Subsection (1), the division may not unilaterally close or restrict a suspected or detected water supply system where the controlling entity has prepared and implemented a control plan in cooperation with the division that effectively controls the spread of Dreissena mussels from the water supply system.

(b) The control plan shall comply with the requirements in Section R657-60-9.

(5) Except as authorized by the Division in writing, a person may not violate any provision of a closure order.

(6) A closure order or control plan shall remain effective so long as the water body, water supply system, or facility remains classified as suspected or detected.

(7) The director or his designee may remove a Suspected classification if:

(a) the division samples the affected water body for three (3) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a “suspected” classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.

(8) The director or his designee may remove a detected classification if:

(a) the division samples the affected water body for five (5) consecutive years without a single sampling event producing evidence sufficient to satisfy the criteria for a “suspected” classification, as defined in this rule; or

(b) the controlling entity eradicates all Dreissena mussels at the water body, facility, or water supply system through chemical or biological treatments, desiccation, or freezing, and the division verifies that Dreissena mussels are no longer present.

R657-60-9. Control Plan Required.

(1) The controlling entity of a water body, facility, or water supply system may develop and implement a control plan in cooperation with the division prior to infestation designed to:

(a) avoid the infestation of Dreissena mussels; and

(b) control or eradicate an infestation of Dreissena mussels that might occur in the future.

(2) A pre-infestation control plan developed consistent with the requirements in Subsection (3) and approved by the division will eliminate or minimize the duration and impact of a closure order issued pursuant to Sections 23-27-303 and R657-60-8.

(3) If a water body, facility, or water supply system within the state is classified as infested, detected, or suspected, and it does not have an approved control plan, the controlling entity shall cooperate with the division in developing and implementing a control plan to address the:

- (a) scope and extent of the presence of Dreissena mussels;
- (b) actions proposed to control the pathways of spread of Dreissena mussels;
- (c) actions proposed to control the spread or eradicate the presence of Dreissena mussels;
- (d) methods to decontaminate the water body, facility, or water supply system, if possible;
- (e) actions required to systematically monitor the presence of Dreissena mussels; and
- (f) requirements and methods to update and revise the plan with scientific advances.

(4) All control plans prepared pursuant to Subsection (3) shall be approved by the Division before implementation.

(5) A control plan prepared pursuant to this Section may require that all conveyances and equipment entering or leaving the subject water to comply with the decontamination requirements in Subsection R657-60-2(2)(b) and Section R657-60-5.

(6) Except as authorized by the Division and the controlling entity in writing, a person may not violate any provision of a control plan.

R657-60-10. Procedure for Establishing a Memorandum of Understanding with the Utah Department of Transportation.

(1) The division director or designee shall negotiate an agreement with the Utah Department of Transportation for use of ports of entry for detection and interdiction of Dreissena Mussels illegally transported into and within the state. Both the Division of Wildlife Resources and the Department of Transportation must agree upon all aspects of Dreissena Mussel interdiction at ports of entry.

(2) The Memorandum shall include the following:

- (a) methods and protocols for reimbursing the department for costs associated with Dreissena Mussel interdiction;
- (b) identification of ports of entry suitable for interdiction operations;
- (c) identification of locations at a specific port of entry suitable for interdiction operations;
- (d) methods and protocols for disposing of wastewater associated with decontamination of equipment and conveyances;

- (e) dates and time periods suitable for interdiction efforts at specific ports of entry;
- (f) signage notifying motorists of the vehicles that must stop at the port of entry for inspection;
- (g) priorities of use during congested periods between the department's port responsibilities and the division's interdiction activities;
- (h) methods for determining the length, location and dates of interdiction;
- (i) training responsibilities for personnel involved in interdiction activities; and
- (j) methods for division regional personnel to establish interdiction efforts at ports within each region.

R657-60-11. Conveyance or Equipment Detainment.

- (1) To eradicate and prevent the infestation of a Dreissena mussel, the division may:
 - (a) temporarily stop, detain, inspect, quarantine, and impound a conveyance or equipment that the division reasonably believes is in violation of Sections 23-27-201, 23-27-306, or R657-60-5;
 - (b) order a person to decontaminate a conveyance or equipment that the division reasonably believes is in violation of Sections 23-27-201, 23-27-306, or R657-60-5.
- (2) The division, a port-of-entry agent or a peace officer may detain, quarantine, or impound a conveyance or equipment if:
 - (a) the division, agent, or peace officer reasonably believes that the person transporting the conveyance or equipment is in violation of Sections 23-27-201, 23-27-306, or R657-60-5.
- (3) The detainment, quarantine, or impoundment authorized by Subsection (2) may continue for:
 - (a) up to five days; or
 - (b) the period of time necessary to:
 - (i) decontaminate the conveyance or equipment; and
 - (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

R657-60-12. Penalty for Violation.

- (1) Except as provided in Section 23-27-306, a violation of any provision of this rule is punishable as provided in Section 23-13-11.

(2) A violation of any provision of a closure order issued under Section R657-60-8 or a control plan created under Section R657-60-9 is punishable as a criminal infraction as provided in Section 23-13-11.

R657-60-13. Inspection Stations.

(1) Inspection stations may be established for administrative purposes to interdict the spread of Dreissena mussels consistent with Title 23, Chapter 27, Aquatic Invasive Species Act, and Rule R657-60.

(2) The Division may establish inspection stations at locations authorized under Section 23-27-301 where:

(a) there is a high probability of intercepting conveyances or equipment transporting Dreissena mussels;

(b) there is typically a high level of boat and trailer traffic; or

(c) inspection of conveyances or equipment will provide increased protection against the introduction of Dreissena mussels into a water body that is not classified as infested, suspected, or detected under Section R657-60-2.

(3) Inspection stations shall have adequate space for conveyances or equipment to be stopped, inspected, and if necessary, decontaminated, without interfering with the public's use of highways or presenting a safety risk to the public.

(4) Inspection stations shall have adequate signage providing the public:

(a) notice that the inspection station is open and operational;

(b) notice that all persons transporting conveyances or equipment must stop at the inspection station and submit their conveyance and equipment for inspection; and

(c) an adequate opportunity to safely stop at the inspection station.

(5) Any person transporting a conveyance or equipment is required to stop at an inspection station during its hours of operation and submit that conveyance or equipment to the Division for inspection.

(6) The Division shall conduct an inspection of a conveyance or equipment that is stopped at an inspection station as follows:

(a) Division personnel will determine whether the conveyance or equipment has been in an infested, suspected, or detected water body within the past 30 days.

(b) If the conveyance or equipment has not been in an infested, suspected, or detected water body within the past 30 days, the Division will:

- (i) conduct a brief visual inspection of the conveyance or equipment to ensure that there are no visible *Dreissena* mussels;
- (ii) provide educational materials regarding aquatic invasive species risks and regulations in Utah; and
- (iii) provide a certificate of inspection to the person in possession of the conveyance or equipment.

(c) If the conveyance or equipment has been in an infested, suspected, or detected water body within the past 30 days, the Division will:

- (i) verify all water is drained from the conveyance or equipment, including water held in ballast tanks, bilges, livewells, motors, and other areas of containment;
- (ii) verify that the surface of the conveyance or equipment is free of *Dreissena* mussels, shelled organisms, fish, plants, and mud; and
- (iii) verify that the conveyance or equipment has been or will be decontaminated as defined in Subsection R657-60-2(b) before launching in a Utah water body.

(d) The Division may require professional decontamination of conveyances or equipment that have been in an infested, suspected, or detected water within the past 30 days and failed to comply with the draining and cleaning requirements established in Subsection R657-60-5(3).

(7) The Division may issue a certification of inspection and decontamination to persons who complete inspections and any applicable decontamination at an inspection station.

(8) Inspection stations shall be operated in a manner that minimizes the length of time of an inspection while ensuring that conveyances are free from the presence of *Dreissena* mussels.

Utah. Admin. Code R652-70 (Sovereign Lands)

R652-70-2300. Management of Bear Lake Sovereign Lands.

** AIS-relevant provision: R652-70-2300(9)*

(1) Lands lying below the ordinary high water mark of Bear Lake as of the date of statehood are owned by the state of Utah and shall be administered by the division as sovereign lands.

(2) Upon application for a specific use of state lands near the boundary of Bear Lake, or in the event of a dispute as to the ownership of the sovereign character of the lands near the boundary of Bear Lake, the division may evaluate all relevant historical evidence of the lake elevation, the water erosion along the shoreline, the topography of the land, and other relevant information to determine the relationship of the land in question to the ordinary high water mark.

(3) In the absence of evidence establishing the ordinary high water mark as of the date of statehood, the division shall administer all the lands within the bed of Bear Lake and lying below

the level of 5,923.65 feet above mean sea level, Utah Power and Light datum, as being sovereign lands.

(4) The division, after notice to affected state agencies and any person with an ownership in the land, may enter into agreements to establish boundaries with owners of land adjoining the bed of Bear Lake; provided that the agreements shall not set a boundary for sovereign lands below the level of 5,923.65 feet above mean sea level.

(5) The established speed limit is 10 miles per hour.

(6) Camping and use of motorized vehicles are prohibited between the hours of 10 p.m. and 7 a.m.

(7) No campfires or fireworks are allowed.

(8) The use and operation of motor vehicles on sovereign land at Bear Lake shall be governed by Utah Code 65A-3-1 and division plans.

(9) Pursuant to 65A-2-6(2), to obtain a permit to launch or retrieve a motorboat on states lands surrounding Bear Lake, a person shall:

(a) Complete the online Mussel-Aware Boater Program and receive a multiple use Decontamination Certification Form valid through the end of the calendar year as required and provided by the Utah Division of Wildlife Resources as part of the Aquatic Invasive Species Program.

(10) A person may only purchase one (1) beach launching permit annually.

(a) The permit is valid for the calendar year within which the permit is issued.

(b) The permit does not authorize launching or retrieving a motorboat or parking or operating a motor vehicle in an area designated as closed to motorized use.

(c) Lost or stolen permits may be replaced at the established fee.

(11) The division may enter into an agreement with a local governmental entity or state agency to issue the beach launching permits in compliance with the requirements listed above.

(a) The agreement will allow the entity or agency to establish a minimal administrative fee not to exceed \$25 for issuing the beach launching permit.

(12) The division or the entity or agency with an agreement to issue the beach launching permit may revoke a permit or deny an applicant a permit to launch under the following circumstances:

(a) The applicant fails to comply with the beach launching permit requirements and stipulations listed above (R652-70-2300(9)(a-b) and R652-70-2300(10)(a-c))

(b) the applicant fails to acquire a lease or permit for structures placed on sovereign lands that may include but is not limited to buoys, piers, docks (with the associated anchors/weights) or boat ramps as required in R652-70-300.

(13) Persons found in violation of 65A-3-1(1-3) are subject to the criminal penalties set forth in 76-3-204 and 76-3-301 as determined by the court as well as civil damages set forth in 65A-3-1(3).