MAILING 08/08/2025

FINAL REGULATIONS - CHAPTER P-8 - AQUATIC NUISANCE SPECIES (ANS)

Note: Amendments to the Rules are added in red text and deletions are in red text with strikethrough.

ARTICLE 1 - GENERAL PROVISIONS

#800 - Definitions

Also see 33-10.5-102, C.R.S, for other applicable definitions.

A. Aquatic Nuisance Species (ANS)

1. Aquatic nuisance species means exotic or nonnative aquatic wildlife or any plant species that have been determined by the Commission to pose a significant threat to the aquatic resources or water infrastructure of the state, including, but not limited to the following:

Animals:

Common Name	**Scientific Name**
Crayfish, rusty	~~Orconectes~~ Faxonius rusticus
Mussel, golden	Limnoperna fortunei
Mussel, quagga	Dreissena bugensis
Mussel, zebra	Dreissena polymorpha
New Zealand mudsnail	Potamopyrgus antipodarum
Waterflea, fishhook	Cercopagis pengoi
Waterflea, spiny	Bythotrephes longimanus (also known as Bythotrephes cederstroemi)

Plants:

Common Name	**Scientific Name**
African elodea	Lagarosiphon major
Brazilian elodea	Egeria densa
Eurasian watermilfoil	Myriophyllum spicatum
Giant salvinia	Salvinia molesta
Hyacinth, water	Eichornia crassipes
Hydrilla	Hydrilla verticillata
Parrotfeather	Myriophyllum aquaticum

Yellow floating heart	Nymphoides peltata

2. In addition to these species, the Director may jointly and temporarily designate a species as an aquatic nuisance species for a period not to exceed nine months when they determine that a species not listed herein poses a significant threat to Colorado's aquatic resources. Whenever such species are so designated, public notice shall be given, including posting at all watercraft inspection and decontamination facilities and the posting of any lands or waters where the designated species is known by the Divisions to be present.

B. "Aquatic Plant" means a vascular plant (floating leafed, floating, submerged, or emergent vegetation) that naturally grows in water or saturated soils.

C. "Authorized Agent" means a person that has passed the Division's watercraft inspection and decontamination training course and is otherwise authorized by statute and regulation to perform inspections and decontaminations at authorized locations in Colorado, and is employed by or, as evidenced by written authorization, is otherwise acting on behalf and at the direction of a local, state or federal government or subdivision of government.

D. "Authorized location" means a location or an address where watercraft inspection and decontamination (WID) procedures are authorized and certified by the Division, and inspections are mandatory prior to launching or exiting, including, but not limited to, Division offices, government field stations, or non- governmental facilities as designated by the Division.

E. "Clean" means a vessel or other floating device that does not show visible ANS or attached vegetation, debris or surface deposits. This includes mussel shells or residue on the watercraft, trailer, outdrive, or equipment that could mask the presence of attached mussels or other ANS.

F. "Detected water" means a water body in which an aquatic nuisance species has been detected per #806D.

G. "Director" means the Director of the Division of Parks and Wildlife.

H. "Drain" means to the extent practical, all water is drained from all water holding compartments including live-well, bait-well, storage compartment, equipment lockers, bilge area, engine compartment, deck, ballast tanks or bags, water storage and delivery system, cooler or any other water storage area on the vessel or other floating device.

I. "Dry" means no visible sign of standing water, or wetness on or in the vessel or other floating device. Watercraft that has been out of the water long enough for attached mussels to desiccate.

J. "Private inspector and/or decontaminator" means a person employed by a business who is certified by the Division to provide services in the form of inspections only or both inspections and decontaminations, at sites other than authorized locations.

K. "Vessel or other floating device" means any watercraft described in section 33-10-102(27), C.R.S., including associated motors, engines, trailers, compartments, and other equipment or containers that reasonably could be expected to contain or have come into contact with water.

L. "Water Drain Plug" means a valve or device on or in a vessel or other floating device which is used to control the drainage of water from a compartment designed to hold water, including but not limited to, a bilge, well, compartment, locker, or ballast system.

M. “WID procedures” means Watercraft Inspection and Decontamination procedures, as set forth in these chapter 8 regulations and documented in the State Watercraft Inspection and Decontamination Training Curriculum.

N. “WID seals” means Watercraft Inspection and Decontamination device or marker, including any attaching wire that temporarily locks the vessel or other floating device to the trailer to indicate the vessel or other floating device has not launched since the last inspection or decontamination as documented on the accompanying WID seal receipt.

O. "WID Seal Receipt" means the written or electronic documentation required to verify a WID seal is valid.

#806 - Monitoring and Identification

A. All aquatic nuisance species sampling and monitoring will be coordinated with the Division.

B. Aquatic nuisance species sampling equipment, vessels or other floating devices, and gear will be decontaminated at the conclusion of each sampling event in compliance with WID procedures prior to launching on another water of the state.

C. Aquatic nuisance species sampling and specimen collection for plankton tows, substrate sampling, or shoreline surveys will be conducted using standards and procedures approved in writing by the Division in advance of sampling occurring.

D. To initially identify detected waters, the following standards will be applied before notifying the public of the existence of these aquatic nuisance species:

1. Zebra, ~~and~~ quagga, and golden mussel veligers. A multi-phase testing process involving both visual and molecular identification methods on the same sample will be completed in accordance with the State ANS Sampling and Monitoring Manual available from the Division.

2. Zebra, ~~and~~ quagga, and golden mussel adults or New Zealand mudsnails. Concurring identification by two or more mollusk identification experts.

3. Non-native crayfish and other crustaceans. Concurring identification by two or more crustacean identification experts.

4. Aquatic nuisance species plants. Concurring identification by two or more aquatic botanical experts.

Basis and Purpose:

The golden mussel (Limnoperna fortunei) has recently been detected in the State of California. By adding golden mussels (Limnoperna fortunei) to the Aquatic Nuisance Species list, Colorado Parks and Wildlife will have the necessary authority to manage this species as it does other species with high potential for causing impacts to the state's aquatic resources. Research has shown that the potential ecological impacts associated with golden mussels are greater than zebra and quagga mussels. A broader taxonomic listing of the genus Limnoperna was explored. In researching this genus, it was determined that the other species are either marine species or have not been identified outside of their native ranges and, as a result, do not pose a significant risk to the state's aquatic resources.

In addition, the rusty crayfish, which is already listed as a prohibited species has gone through a taxonomic reclassification from the genus Orconectes to Faxonius.

The statutory authority for these amendments includes section 33-10.5-107, C.R.S.

The statements of basis and purpose for these regulations can be obtained from the Colorado Division of Parks and Wildlife, Office of the Regulations Manager by emailing dnr_cpw_planning@state.co.us or by visiting the Division of Parks and Wildlife headquarters at 6060 Broadway, Denver, CO, 80216.

The primary statutory authority for these regulations can be found in § 24-4-103, C.R.S., and the state Parks Act, §§ 33-10-101 to 33-33-113, C.R.S., and specifically including, but not limited to: §§ 33-10-106, C.R.S.

EFFECTIVE DATE – THE REGULATIONS HEREIN SHALL BECOME EFFECTIVE OCTOBER 1, 2025 AND SHALL REMAIN IN FULL FORCE AND EFFECT UNTIL REPEALED, AMENDED OR SUPERSEDED.

APPROVED AND ADOPTED BY THE PARKS AND WILDLIFE COMMISSION OF THE STATE OF COLORADO THIS 21ST DAY OF AUGUST, 2025.

APPROVED:
Richard Reading
Chair

ATTEST:
Eden Vardy
Secretary