

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

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 rusticus
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. "Vessels or other floating device" means watercraft of any and all kinds including their motors or engines, trailers, compartments, and any other associated equipment or containers that routinely or reasonably could be expected to contain or have come into contact with water. The term does not include hand-launched and hand-powered rafts, kayaks, belly boats, float tubes, canoes, windsurfer boards, sail-boards, paddle boards, rowing shells, or inner tubes or foldable plastic boats.~~
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- 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.

AS APPROVED - 1/12/2022
Basis and Purpose
Chapter 8 - Aquatic Nuisance Species (ANS)

Basis and Purpose:

Removing the exclusion for “paddleboards” from the definition of “vessels or other floating device” in #800.K

In 2020, the General Assembly amended the statutory definition of “vessel” in § 33-10-102(27), CRS, to specifically include “all types of stand-up paddleboards.” See HB20-1087. The purpose of this rulemaking is to update CPW’s definition of “vessel or other floating device” in rule #800.K in light of the passage of HB20-1087.

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 MARCH 2, 2022 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 12TH DAY OF JANUARY, 2022.

APPROVED:
Carrie Besnette Hauser
Chair

ATTEST:
Luke B. Schafer
Secretary

Philip J. Weiser
Attorney General

Natalie Hanlon Leh
Chief Deputy Attorney General

Eric R. Olson
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Office of the Attorney General

Tracking Number: **2021-00761**

**OPINION OF THE ATTORNEY GENERAL RENDERED IN
CONNECTION WITH THE RULES ADOPTED BY THE
Colorado Parks and Wildlife (405 Series, Parks)
ON 01/12/2022**

**2 CCR 405-8
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The above-referenced rules were submitted to this office on 01/19/2022 as required by section 24-4-103, C.R.S. This office has reviewed them and finds no apparent constitutional or legal deficiency in their form or substance.

January 28, 2022 16:50:41 MST

A handwritten signature in blue ink, appearing to read "P. J. Weiser".

Philip J. Weiser
Attorney General
by Eric R. Olson
Solicitor General