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Elizabeth Brown
Invasive Species Coordinator, Colorado Parks and Wildlife
6060 Broadway
Denver, CO 80216

Re: Update of State “Clean, Drain, Dry” Provisions and Related Requirements (NSGLC-17-04-03)

Dear Elizabeth,

In preparation for the upcoming annual conference of the Western Association of Fish & Wildlife Agencies (WAFWA), you requested an update regarding state progress following the passage of the WAFWA resolution on drain plugs and vegetation removal in July 2016.

Three states have enacted or proposed regulatory action to implement the resolution. Colorado revised state regulations to include an express “Clean, Drain, and Dry” requirement and to add new provisions requiring the removal of drain plugs and prohibiting the transport of aquatic vegetation. Nevada amended state regulations to require the removal of drain plugs. On May 11, 2017, Wyoming issued a notice of intent for a regulatory change to require drain plugs be removed and open during transport.

One state took action that could be perceived as inconsistent with the resolution. Montana revised state regulations to eliminate the requirement that drain plugs remain open during transport. State law, however, still requires vessels to be drained before transport and state regulations prohibit the transport of surface water.

Six western states now require boaters to “Clean, Drain, and Dry,” seven require boaters to remove drain plugs, and five prohibit the overland transport of aquatic vegetation. An updated version of the inventory of state provisions is attached. If you have follow-up questions or would like additional information, please let me know.

Sincerely,

Stephanie Otts
Director

State “Clean, Drain, and Dry” Provisions and Related Requirements

As of June 19, 2017

Requirements that Boaters “Clean, Drain and Dry”:

“Clean, Drain, and Dry” (6 Western, 2 Eastern):

- **Arizona:** Upon removing a watercraft from a listed water, a person is required to (1) “remove all clinging materials such as plants, animals, and mud”; and (2) “remove any plug or other barrier that prevents water drainage or, where none exists, take all reasonable measures to drain and dry all spaces that hold water.” (ARIZ. ADMIN. CODE R12-4-1102(B)). Arizona Game and Fish Department Director’s Order 3 (eff. May 1, 2016) sets forth the agency’s clean, drain, and dry protocols.
- **Colorado:** Colorado Parks and Wildlife regulations require watercraft operators “to clean, drain water from all compartments and motors/engines in between launches and dry the vessel or other floating device between launches.” (2 COLO. CODE REGS 405-8:803(G)).
- **Massachusetts:** Owners and operators of vessel must (1) remove all plants and animals upon leaving an inland water and dispose of them on land, (2) drain all water, and (3) dry all equipment before its use on another inland water. (302 MASS. CODE REGS. § 18.04(2)).
- **Montana:** Upon removing a vessel and before leaving the boat launch or parking area, (1) all aquatic vegetation must be removed from the vessel, trailer, and equipment; and (2) drain plugs must be removed. If the vessel doesn’t have a drain plug, reasonable measures must be taken to dry or drain all compartments or spaces that hold water. (MONT. ADMIN. R. 12.11.342).
- **New Mexico:** Owners and operators of conveyances or equipment transported in New Mexico are required to “remove any plug or other barrier that prevents water drainage, drain bilge lines, ballast tanks and live wells and take reasonable measures to decontaminate all equipment, compartments or spaces that are wet or hold water.” (N.M. CODE R. § 19.30.14.12(F)). “Decontaminate,” as defined by New Mexico Department of Fish and Game regulations, means “to clean, drain, dry or otherwise treat a conveyance” in accordance with Department guidelines.
- **New York:** No person may launch a watercraft unless it can be demonstrated that reasonable precautions have been taken to prevent the spread of aquatic invasive species, including removal of any visible plant or animal matter, washing, draining, or drying as defined by regulation. (N.Y. ENVTL. CONSERV. LAW § 9-1710).
- **Nevada:** It is unlawful for a person to leave an impaired body of water and launch on other body of water of the state without first decontaminating the conveyance (NEV. REV. STAT. § 488.530(1)(c)). Decontaminate means to eliminate any aquatic invasive species in a manner specified by NDOW, including cleaning, draining and drying. (NEV. REV. STAT. § 488.035).

NEV. ADMIN. CODE § 488.520 requires the removal of visible aquatic invasive species and plant material, draining of water, and a drying period based on the 100th Meridian Initiatives' Drying Time Indicator.

- **Utah:** Conveyances that have been in infested water shall be, upon leaving the water, immediately drained of all water and inspected for the presence of mussels. (Utah Admin. Code R657-60-5(1)). Conveyances that have been in infested waters must be decontaminated before launching in another water. Utah's definition of decontaminate includes clean, drain, and dry. (UTAH ADMIN. CODE R657-60-2(2)(b)(i)).

Clean and Drain (3 Western, 2 Eastern):

- **Iowa:** Persons operating and transporting water-related equipment are required to inspect the equipment for the presence of aquatic invasive species upon removal from the water and before launching. Any species found are to be removed immediately. (IOWA CODE § 456A.37(4)). All water must be drained from water-related equipment when leaving the waters of the state and before transporting off a water access area. (IOWA CODE § 456A.37(3)(b)).
- **North Dakota:** No aquatic vegetation shall be on watercraft or equipment when out of the water. (N.D. ADMIN. CODE § 30-03-06-03). All water must be drained from watercraft and compartments such as bilges and livewells. (N.D. ADMIN. CODE § 30-03-05-05).
- **Texas:** Upon leaving a water of the state, any exotic aquatic plant that is clinging to a vessel or trailer must be removed. (TEX. PARKS & WILD. CODE § 66.0071). Vessels must be drained before transport on a public roadway. (TEX. ADMIN. CODE § 57.1001).
- **Washington:** Washington prohibits the possession of a conveyance that does not meet the state's clean and drain requirements. (WASH. REV. CODE § 77.15.0160(4)(a)(ii)). "Clean and drain" means to remove the following from areas on or within an aquatic conveyance to the extent technically and measurably possible: (a) Visible native and nonnative aquatic animals, plants, or other organisms; and (b) Raw water." (WASH. REV. CODE § 77.135.010(5)).
- **Wisconsin:** Any person who removes a boat, boat trailer, boating equipment or fishing equipment from a water must immediately remove all attached aquatic plants and animals before leaving the launch area. (WIS. ADMIN CODE NR 40.07). All water, including water in any bilge, ballast tank, bait bucket, live well or other container, must be drained immediately after removing a boat from the water. (WIS. ADMIN. CODE NR § 19.055(1)).

Drain only (1 Western, 2 Eastern):

- **Kansas:** Kansas AIS regulations require livewells and bilges to "be drained and the drain plugs removed from all vessels being removed from the waters of the state before transport on any public highway of the state." KAN. ADMIN. REG. § 115-30-13.

- **Minnesota:** When leaving waters of the state, a person must drain all water-related equipment holding water and livewells and bilges by removing the drain plug before transport off the water access site. (MINN STAT. § 84D.10(4)).
- **New Hampshire:** Effective January 1, 2017, persons leaving waters of the state, must drain boats and other water-related equipment that holds water, including live wells and bilges. (N.H. Rev. Stat. § 487:16-d).

Clean only (1 Western, 1 Eastern):

- **Oklahoma:** All aquatic plants must be removed from a boat, trailer, or other gear before placement in waters of the state. (OKLA. ADMIN. CODE § 800:20-4-2).
- **Maine:** Maine law requires the removal of aquatic plants and plant parts from a vessel’s exterior before transporting on a public road. (ME. REV. STAT. tit. 38, § 419-C(1)(D)).

Drain Plug Removal Requirements:

Western States (7):

- **Arizona:** Boaters must “remove any plug” upon removing a watercraft, vehicle, or equipment from listed waters. (ARIZ. ADMIN. CODE § 12-4-1102). Some additional detail regarding which plugs should be removed is provided in Director’s Order 3 (eff. May 1, 2016), which requires boaters to “remove the plug (when so equipped) and drain the water from the bilge, live-well, and any other compartments that may hold water.”
- **Colorado:** Colorado Parks and Wildlife regulations require watercraft operators to remove water drain plugs upon removal of a vessel or other floating device from waters of the state, and before leaving the boat launch or parking area. The state also prohibits the transport of a vessel or other floating device over land with drain plugs in place. (2 COLO. CODE REGS 405-8:803(H)).
- **Kansas:** Kansas AIS regulations require livewells and bilges to “be drained and the drain plugs removed from all vessels being removed from the waters of the state before transport on any public highway of the state.” (KAN. ADMIN. REG. § 115-30-13).
- **Nevada:** Nevada Department of Wildlife regulations require all drain plugs be removed or opened while transporting the vessel or conveyance on public roads. (NEV. ADMIN. CODE 488, sec 1).
- **New Mexico:** Owners and operators of conveyances or equipment transported in New Mexico are required to “remove any plug or other barrier that prevents water drainage, drain bilge lines, ballast tanks and live wells and take reasonable measures to decontaminate all equipment, compartments or spaces that are wet or hold water.” (N.M. CODE R. § 19.30.14.12(F)).

- **North Dakota:** All drain plugs that may hold back water must be removed, and water draining devices must be open, on all watercraft and recreational, commercial, and construction equipment bilges and confined species, during any out of water transport. (N.D. ADMIN. CODE § 30-03-06-05(4)).
- **South Dakota:** Drain plugs, bailers, valves or other devices used to control the drainage of water must be opened or removed on all trailered boats, except while in a boat ramp parking area or while being launched or loaded. S.D. ADMIN. R. 41:10:04:03.

Eastern States (3):

- **Iowa:** Drain plugs, bailers, valves, or other devices used to control the drainage of water from ballast tanks, bilges, and live wells must be removed and opened while transporting water-related equipment. (IOWA CODE § 456A.37(3)(b)).
- **Minnesota:** When leaving waters of the state, a person must drain all water-related equipment holding water and livewells and bilges by removing the drain plug before transport off the water access site. Drain plugs must be removed and open during transport. (MINN STAT. § 84D.10(4)).
- **New Hampshire:** Effective January 1, 2017, drain plugs, bailers, valves, or other devices used to control the draining of water from ballast tanks, bilges, and live wells shall be removed or opened while transporting boats and other water-related equipment, if the vessel is so equipped. (N.H. REV. STAT. § 487:16-d).

Prohibitions on the Overland Transport of Plants:

Western States (5):

- **Colorado:** Colorado Parks and Wildlife regulations require operators to remove aquatic plants from a vessel or other floating device upon removal from waters of the state, and before leaving the boat launch or parking area. The state also prohibits the transport of a vessel or other floating device over land with aquatic plants. (2 COLO. CODE REGS 405-8:803(H)).
- **Nebraska:** It is unlawful for a conveyance to leave a launch area with any aquatic vegetation still attached. (NEB. ADMIN. R. & REGS TIT. 163, § 012.03H).
- **North Dakota:** No person may transport any aquatic vegetation to or from any waters of the state without approval (N.D. ADMIN. CODE § 30-03-06.04).
- **Oklahoma:** No person may transport aquatic plants between waters of the state. (OKLA. ADMIN. CODE § 800:20-4.2).
- **Washington:** Transporting aquatic plants on any state or public road is prohibited (WASH. REV. CODE § 77.15.0160(4)(a)(iv)).

Eastern States (9):

- **Connecticut:** No person may transport a vessel or trailer without first inspecting it for the presence of vegetation and AIS, and properly removing and disposing of such visible vegetation and AIS. (CONN. GEN. STAT. § 15-180).
- **Illinois:** No person may transport a watercraft on a highway with aquatic plants or aquatic animals attached to the exterior. (625 ILL. COMP. STAT. Act 45/§ 5-23).
- **Indiana:** A person may not transport a prohibited invasive aquatic plant on or within a boat, trailer, or related fishing gear. (312 IND. ADMIN. CODE 18-2-23(c)(2)).
- **Iowa:** A person may not transport on a public road any water-related equipment that has an aquatic invasive species or aquatic plant attached to it. (IOWA CODE § 456A.37(3)(a)).
- **Maine:** Maine law prohibits the transport of aquatic plants and plant parts on the outside of a vessel, trailer, or other equipment on a public road. (ME. REV. STAT. tit. 38, § 419-C(1)(A)).
- **Massachusetts:** The Massachusetts Department of Conservation and Recreation regulations state that a person may not transport any aquatic species, including fragments and parts, on a boat or other equipment that might come into contact with the water. (302 CODE OF MASS. REG. § 12.07(16)). The regulations for the state's aquatic nuisance control program also prohibit the transport of a vessel with any plants or animals growing on or attached to. (302 CODE OF MASS. REG. § 18.03(3)).
- **New Hampshire:** State law prohibits any person from negligently transport any aquatic plants or plant parts or exotic aquatic weed or weed parts to or from any New Hampshire waters on the outside of a vehicle, boat, ski craft, trailer, or other equipment. (N.H. REV. STAT. § 487:16-c).
- **Vermont:** No person shall transport an aquatic plant or aquatic plant part, zebra or quagga mussel, or other aquatic nuisance species to or from any Vermont waters on the outside of a vehicle, boat, personal watercraft, trailer, or other equipment. (VT. STAT. ANN. tit. 10, § 1454(a)).
- **Wisconsin:** No person may transport a watercraft on a highway with aquatic plants or aquatic animals attached to the exterior. (WISC. STAT. ANN. § 30.07).