

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 14 AQUATIC INVASIVE SPECIES

19.30.14.1 ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.14.1 NMAC - Rp, 19.30.14.1 NMAC, 7-11-2017]

19.30.14.2 SCOPE: Providing for the control and prevention of the spread of aquatic invasive species in New Mexico.
[19.30.14.2 NMAC - Rp, 19.30.14.2 NMAC, 7-11-2017]

19.30.14.3 STATUTORY AUTHORITY: Chapter 17, including 17-1-14 and 17-1-26 NMSA 1978 provide that the New Mexico state game commission has the authority to establish rules and regulations that it may deem necessary to carry out the purpose of Chapter 17 NMSA 1978 and all other acts pertaining to aquatic invasive species.
[19.30.14.3 NMAC - Rp, 19.30.14.3 NMAC, 7-11-2017]

19.30.14.4 DURATION: Permanent.
[19.30.14.4 NMAC - Rp, 19.30.14.4 NMAC, 7-11-2017]

19.30.14.5 EFFECTIVE DATE: July 11, 2017, unless a later date is cited at the end of a section.
[19.30.14.5 NMAC - Rp, 19.30.14.5 NMAC, 7-11-2017]

19.30.14.6 OBJECTIVE: To establish and define the procedures and restrictions for controlling or preventing aquatic invasive species.
[19.30.14.6 NMAC - Rp, 19.30.14.6 NMAC, 7-11-2017]

19.30.14.7 DEFINITIONS:

- A. “Department”** shall mean the New Mexico department of game and fish.
- B. “Director”** shall mean the director of the New Mexico department of game and fish.
- C. “Warning tag”** as used herein, shall mean a document or tag issued by the department or other state or federal agency and affixed to a conveyance or equipment that prohibits a conveyance or equipment from entering into a water body until being properly decontaminated or otherwise approved for re-entry.
- D. “Impound”** shall mean to detain or subject to temporary control of the state other than detention for purposes of inspection a conveyance or equipment until the owner or person in control thereof shall meet all conditions for release of such conveyance or equipment.
- E. “Decontaminate”** shall mean to clean, drain, dry or otherwise treat a conveyance in accordance with guidelines established by the director, including minimum standards as described in the uniform minimum protocols and standards for watercraft inspection program for dreissenid mussels in the western United States (2012) or versions thereafter in order to remove or destroy an aquatic invasive species.
- F. “Proof of decontamination”** shall mean verifiable documentary proof, official marking or tag affixed to the conveyance or equipment, or otherwise provided to the owner or person in control of a conveyance or equipment trained personnel to effect decontamination of the conveyance or equipment, or otherwise demonstrate compliance with the decontamination requirement established by the director; such certification shall be valid only until the conveyance or equipment re-enters a water body.
- G. “Trained personnel”** means individuals who have successfully completed the United States fish and wildlife service’s aquatic invasive species watercraft inspection and decontamination training, level I, level II or an equivalent training recognized by the director.
- H. “Watercraft inspection and decontamination seal”** shall mean a device issued by trained personnel that attaches the conveyance or equipment to the trailer to indicate that the conveyance or equipment has not been launched since it was last inspected or decontaminated, and is accompanied by a receipt.
[19.30.14.7 NMAC - Rp, 19.30.14.7 NMAC, 7-11-2017]

19.30.14.8 WARNING TAG: The director shall prescribe and procure the printing of warning tags to be used for the state to identify any conveyance or equipment known or believed to contain an aquatic invasive species or a conveyance or equipment leaving an infested water body without being decontaminated.

A. Trained personnel may affix a warning tag to any conveyance or equipment known or believed to contain aquatic invasive species, based upon its point of origin or exposure to infested water, unless the person in control of such equipment or conveyance has proof of decontamination, or can otherwise demonstrate that the equipment or conveyance is not infested.

B. Trained personnel may affix a warning tag to a conveyance or equipment if they have reason to believe aquatic invasive species may be present and the person operating or in control of such conveyance or equipment refuses inspection.

C. Each warning tag shall be affixed on boats and other similar vessels within 12 inches of the boat number on the port (left) side, to the windshield of the conveyance or equipment, or in the case where a transport company is transferring the conveyance or equipment, via United States mail, electronic mail or hand delivery to both owner and transport company. In cases where no boat number is found the warning tag shall still be affixed in the same general location.

D. Each warning tag shall be individually affixed to all other conveyances and equipment in the most visible manner possible.

E. No warning tag may be removed except by trained personnel or a person or entity certified by the director and only if the respective personnel, person or entity is acting in their official capacity and has inspected the conveyance or equipment, satisfied that proper decontamination or elimination of aquatic invasive species has occurred.

[19.30.14.8 NMAC - Rp, 19.30.14.8 NMAC, 7-11-2017]

19.30.14.9 IMPOUNDMENT OF CONVEYANCE OR EQUIPMENT:

A. Any law enforcement officer may impound any conveyance or equipment if warning tagged and the conveyance or equipment is currently in or entering a water body.

B. Any law enforcement officer may impound any conveyance or equipment known or believed to contain aquatic invasive species if such conveyance or equipment is currently in a water body or the person operating or in control of such conveyance or equipment fails to follow the enforcement officer's command to immediately prevent such from entering or remaining in a water body.

C. A warning tag shall be immediately affixed to any conveyance or equipment impounded pursuant to Subsection B above.

D. Any impounded conveyance or equipment shall only be released from impoundment:

(1) upon receipt of satisfactory proof that decontamination requirements as prescribed by the director have been met; or

(2) upon receipt of a conditional release from the director wherein the owner or person responsible for the conveyance or equipment agrees to the specific terms and conditions that require immediate decontamination followed by an inspection to verify decontamination has occurred.

E. It shall be the responsibility of the owner of any impounded conveyance or equipment to pay all costs, including storage fees, decontamination charges and towing associated with the impoundment and to reimburse any agency that incurs expenditures for the impoundment.

[19.30.14.9 NMAC - Rp, 19.30.14.9 NMAC, 7-11-2017]

19.30.14.10 LIMITED TRANSPORT: The department's employees, agents or designees, or employees of other state or federal agencies while acting in their official capacity may authorize an owner or person in control of a warning tagged conveyance or equipment to transport the conveyance or equipment to a location approved by the department or their designee.

[19.30.14.10 NMAC - Rp, 19.30.14.10 NMAC, 7-11-2017]

19.30.14.11 WAIVER AND RELEASE OF LIABILITY: Prior to being eligible for decontamination by the state or its designee the owner or person in control of a warning tagged conveyance or equipment shall sign and deliver to the department a release of liability in a form approved by the director.

[19.30.14.11 NMAC - Rp, 19.30.14.11 NMAC, 7-11-2017]

19.30.14.12 INSPECTION AND DECONTAMINATION PROGRAM:

A. Trained personnel may establish check stations to inspect all conveyances or equipment prior to entering, being launched onto or being directly exposed to any water body of the state. It shall be unlawful for an owner or person in control of a conveyance(s) or equipment to knowingly avoid an established check station.

B. It shall be unlawful for an owner or person in control of conveyances or equipment transported into New Mexico or registered in a state other than New Mexico to knowingly introduce, launch or directly expose a conveyance(s) or equipment to any water body of the state without first receiving an inspection and/or decontamination by trained personnel. Proof of decontamination may be used in lieu of an inspection at the discretion of trained personnel.

C. The owner of a conveyance or equipment that is greater than or equal to 26 feet in length and will be transported into or within New Mexico shall notify the department aquatic invasive species program coordinator at least 14 days prior to the anticipated date of transport.

D. Upon completion of any conveyance or equipment inspection, trained personnel may require decontamination, re-inspection and additional drying time prior to the conveyance or equipment entering any water body of the state.

E. Trained personnel may affix a watercraft inspection and decontamination seal to a conveyance or equipment to serve as proof of decontamination or inspection. Conveyances or equipment with an intact watercraft inspection and decontamination seal with accompanying receipt may be allowed to enter a water body of the state without further inspection or decontamination upon verification by trained personnel.

F. It shall be unlawful for the owner or person in control of a conveyance(s) or equipment transported on a public road in New Mexico to have any plug or other barrier in place that prevents water drainage from bilge lines, ballast tanks, motor cooling systems, live wells, compartments and equipment.

G. It shall be unlawful for the owner or person in control of a conveyance(s) or equipment to fail to take reasonable measures upon exiting a waterbody to decontaminate all equipment, compartments or spaces that are wet, hold water or could transfer AIS, including aquatic vegetation.

H. Trained personnel may not self-inspect, decontaminate or attach a seal to their own conveyance or equipment.

[19.30.14.12 NMAC – Rp, 19.30.14.12 NMAC, 7-11-2017]

HISTORY OF 19.30.14 NMAC:

History of Repealed Material:

19.30.14 NMAC, Aquatic Invasive Species, filed 5/29/2009, repealed effective 7/11/2017.