

CHAPTER 90
AQUATIC INVASIVE SPECIES

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

571—90.1(456A) Definitions. As used in this chapter:

“*Commission*” means the natural resource commission.

“*Department*” means the department of natural resources.

“*Director*” means the director of the department of natural resources.

“*Introduce*” means to release a species into waters of the state. “Introduce” does not include the immediate return of a nonnative species to waters of the state from which it was removed.

“*Transport*” means to cause a species to be moved into or within the state, and includes accepting or receiving the species for transportation or shipment. “Transport” does not include the unintentional transport of a species within a water of the state or to a connected water of the state where the species being transported is already present.

“*Watercraft*” means a device used or designed for navigation on water.

571—90.2(456A) Aquatic invasive species. For the purposes of this rule, the following species and any hybrids, cultivars, or varieties of the species are designated as aquatic invasive species.

90.2(1) *Aquatic invasive plants.*

Brittle naiad	Najas minor
Curlyleaf pondweed	Potamogeton crispus
Eurasian watermilfoil	Myriophyllum spicatum
Flowering rush	Butomus umbellatus
Purple loosestrife	Lythrum salicaria, Lythrum virgatum
Salt cedar	Tamarix spp.

90.2(2) *Aquatic invasive fish.*

Bighead carp	Hypophthalmichthys nobilis
Black carp	Mylopharyngodon piceus
Round goby	Neogobius melanostomus
Rudd	Scardinius erythrophthalmus
Ruffe	Gymnocephalus cernuus
Silver carp	Hypophthalmichthys molitrix
White perch	Morone americana

90.2(3) *Aquatic invasive invertebrates.*

Fishhook waterflea	Cercopagis pengoi
New Zealand mudsnail	Potamopyrgus antipodarum
Quagga mussel	Dreissena bugensis
Rusty crayfish	Orconectes rusticus
Spiny waterflea	Bythotrephes cederstroemi
Zebra mussel	Dreissena polymorpha

90.2(4) *Federal noxious weed list.* For purposes of this rule, the aquatic plants listed in Code of Federal Regulations, Title 7, Section 360.200, are also designated as aquatic invasive species.

90.2(5) *Injurious wildlife species.* For purposes of this rule, aquatic species listed in Code of Federal Regulations, Title 50, Section 16.11 through 16.15, are also designated as aquatic invasive species.

571—90.3(456A) Restrictions.

90.3(1) A person shall not possess, introduce, import, purchase, sell, barter, propagate, or transport aquatic invasive species in any form in this state, except:

- a. By written permission of the director;
- b. For disposal as part of a harvest or control activity;
- c. When a species is being transported to the department, or to another destination as directed by the department, in a sealed container for purposes of identifying the species or reporting the presence of the species;
- d. When the specimen has been lawfully acquired dead and, in the case of plant species, when all seeds are removed or are otherwise secured in a sealed container;
- e. In the form of herbaria or other preserved specimens;
- f. When a species is being removed from watercraft and equipment, or when a species is caught by an angler and immediately returned to the water from which it came; or
- g. When an individual angler possesses a species that has been caught and immediately killed.

90.3(2) A conservation officer, other licensed peace officer, or employee of the department may seize or dispose of all specimens of aquatic invasive species unlawfully possessed, introduced, imported, purchased, sold, bartered, propagated, or transported in the state.

571—90.4(456A) Infested waters.

90.4(1) *Designation of infested waters.* The department shall designate infested waters of the state. The department shall publish the names of infested waters in the fishing regulations brochure each year and provide notice through other available means where practical. At any time, the department may designate additional waters or remove from designation those waters that are no longer infested.

90.4(2) *Restricted activities on infested waters.* The department may restrict boating, fishing, swimming, and trapping in infested waters of the state. When determining when to restrict activities in infested waters, the department shall consider:

- a. The extent of a species' distribution within the state;
- b. The likely means of spread for a new species; and
- c. Whether restrictions specific to infested waters containing a specific species will effectively reduce that species' spread.

These rules are intended to implement Iowa Code section 456A.37 as amended by 2004 Iowa Acts, House File 2357.

[Filed 11/17/04, Notice 9/1/04—published 12/8/04, effective 1/12/05]