

### Part 3 Enforcement

#### **23-27-301 Division's power to prevent invasive species infestation.**

To eradicate and prevent the infestation of a Dreissena mussel, the division may:

- (1)
  - (a) establish inspection stations located at or along:
    - (i) highways, as defined in Section 72-1-102;
    - (ii) ports of entry, if the Department of Transportation authorizes the division to use the port of entry; and
    - (iii) publicly accessible:
      - (A) boat ramps; and
      - (B) conveyance launch sites; and
  - (b) temporarily stop, detain, and inspect a conveyance or equipment that:
    - (i) the division reasonably believes is in violation of Section 23-27-201;
    - (ii) is stopped at an inspection station; or
    - (iii) is stopped at an administrative checkpoint;
- (2) conduct an administrative checkpoint in accordance with Section 77-23-104;
- (3) detain and quarantine a conveyance or equipment as provided in Section 23-27-302;
- (4) order a person to decontaminate a conveyance or equipment; and
- (5) inspect the following that may contain a Dreissena mussel:
  - (a) a water body;
  - (b) a facility; and
  - (c) a water supply system.

Amended by Chapter 274, 2014 General Session

#### **23-27-302 Conveyance or equipment detainment or quarantine.**

- (1) The division, a port-of-entry agent, or a peace officer may detain or quarantine a conveyance or equipment if:
  - (a) the division, agent, or peace officer:
    - (i) finds the conveyance or equipment contains a Dreissena mussel; or
    - (ii) reasonably believes that the person transporting the conveyance or equipment is in violation of Section 23-27-201; or
  - (b) the person transporting the conveyance or equipment refuses to submit to an inspection authorized by Section 23-27-301.
- (2) The detainment or quarantine authorized by Subsection (1) may continue for:
  - (a) up to five days; or
  - (b) the period of time necessary to:
    - (i) decontaminate the conveyance or equipment; and
    - (ii) ensure that a Dreissena mussel is not living on or in the conveyance or equipment.

Enacted by Chapter 284, 2008 General Session

#### **23-27-303 Closing a water body, facility, or water supply system.**

- (1) Except as provided by Subsection (6), if the division detects or suspects a Dreissena mussel is present in a water body, a facility, or a water supply system, the director or the director's designee may, with the concurrence of the executive director, order:
  - (a) the water body, facility, or water supply system closed to a conveyance or equipment;
  - (b) restricted access by a conveyance or equipment to a water body, facility, or water supply system; or
  - (c) a conveyance or equipment that is removed from or introduced to the water body, facility, or water supply system to be inspected, quarantined, or decontaminated in a manner and for a duration necessary to detect and prevent the infestation of a Dreissena mussel.
- (2) If a closure authorized by Subsection (1) lasts longer than seven days, the division shall:
  - (a) provide a written update to the operator of the water body, facility, or water supply system every 10 days on the division's effort to address the Dreissena infestation; and
  - (b) post the update on the division's website.
- (3)
  - (a) The board shall develop procedures to ensure proper notification of a state, federal, or local agency that is affected by a Dreissena mussel infestation.
  - (b) The notification shall include:
    - (i) the reasons for the closure, quarantine, or restriction; and
    - (ii) methods for providing updated information to the agency.
- (4) When deciding the scope, duration, level, and type of restriction or a quarantine or closure location, the director shall consult with the person with the jurisdiction, control, or management responsibility over the water body, facility, or water supply system to avoid or minimize disruption of economic and recreational activity.
- (5)
  - (a) A person that operates a water supply system shall cooperate with the division to implement a measure to:
    - (i) avoid infestation by a Dreissena mussel; and
    - (ii) control or eradicate a Dreissena mussel infestation that may occur in a water supply system.
  - (b)
    - (i) If a Dreissena mussel is detected, the water supply system's operator, in cooperation with the division, shall prepare and implement a plan to control or eradicate a Dreissena mussel within the water supply system.
    - (ii) A plan required by Subsection (5)(b)(i) shall include a:
      - (A) method for determining the scope and extent of the infestation;
      - (B) method to control or eradicate the Dreissena mussel;
      - (C) method to decontaminate the water supply system containing the Dreissena mussel;
      - (D) systematic monitoring program to determine a change in the infestation; and
      - (E) requirement to update or revise the plan in conformity with a scientific advance in the method of controlling or eradicating a Dreissena mussel.
- (6)
  - (a) The division may not close or quarantine a water supply system if the operator has prepared and implemented a plan to control or eradicate a Dreissena mussel in accordance with Subsection (5).
  - (b)
    - (i) The division may require the operator to update a plan.
    - (ii) If the operator fails to update or revise a plan, the division may close or quarantine the water supply system in accordance with this section.

Enacted by Chapter 284, 2008 General Session