

Montana AIS Laws and Regulations

Mont. Admin. R. Tit. 12, Ch. 5, Subch. 7 (Aquatic Invasive Species Management Area Restrictions) and 12.6.2215 List Of Prohibited Species

12.5.701 IDENTIFIED CONTAMINATED BODIES OF WATER FOR EURASIAN WATERMILFOIL

- (1) The department will identify bodies of water within any Department of Agriculture designated Eurasian watermilfoil management area as contaminated with Eurasian watermilfoil.
- (2) The department has identified the following bodies of water as contaminated with Eurasian watermilfoil:
 - (a) Fort Peck Reservoir;
 - (b) Fort Peck Dredge Cut Ponds;
 - (c) Jefferson River;
 - (d) Missouri River:
 - (i) from Fort Peck Dam to the mouth of the Milk River;
 - (ii) from the confluence of the three forks of the Missouri River to the headwaters of Canyon Ferry Reservoir; and
 - (e) Toston Reservoir.

12.5.702 RESTRICTIONS WITHIN IDENTIFIED CONTAMINATED BODIES OF WATER FOR EURASIAN WATERMILFOIL

- (1) The prohibitions of [80-7-1010](#), MCA apply to the bodies of water identified as contaminated in ARM [12.5.701](#) except:
 - (a) possession of bait animals, dead or alive, is approved when allowed per fishing regulations;
 - (b) transportation of aquatic bait animals is approved from contaminated bodies of water in water from a noncontaminated source when allowed per fishing regulations; and
 - (c) transportation of live fish is approved from contaminated bodies of water in water from a noncontaminated source, when allowed per fishing regulations.
- (2) Upon departure of a contaminated body of water all vessels and equipment, including bait buckets, must be free of Eurasian watermilfoil.

12.5.706 IDENTIFIED AREAS THREATENED WITH AQUATIC INVASIVE SPECIES AND APPLICABLE QUARANTINE MEASURES

- (1) Because of the known existence of aquatic invasive mussels in the areas defined in ARM [12.5.707](#), the department has identified all other areas of the State of Montana as an invasive species management area because of the threat of infestation of aquatic invasive mussels.
- (2) The department has determined the following quarantine measures are necessary to prevent the spread of aquatic invasive mussels:
 - (a) vessels and equipment approaching a department inspection station must stop for inspection as directed;
 - (b) vessels and equipment entering the state that do not approach a department inspection station must be inspected for aquatic invasive species prior to

- launching in any Montana water body, unless previously approved by the department for local use only;
- (c) vessels and equipment traveling across the Continental Divide into the Columbia River Basin that have been used on waters outside of the Columbia River Basin must be inspected at a department inspection station prior to launching within the Columbia River Basin. The department will post approved inspection stations and operating hours at fwp.mt.gov;
 - (d) upon removing a vessel from any surface waters and before leaving the associated boat launch or parking area, all aquatic vegetation must be removed from the vessel, trailer, and equipment;
 - (e) transport of surface water is prohibited unless authorized by the department;
 - (f) live aquatic bait and fish must be transported in clean non-surface water where allowed in current public fishing regulations;
 - (g) reasonable measures must be taken to dry or drain all compartments or spaces that hold water, including emptying bilges, applying absorbents, and ventilation; and
 - (h) areas subject to inspection include but are not limited to:
 - (i) the exterior of the vessel;
 - (ii) livewells;
 - (iii) bait buckets;
 - (iv) ballast tanks;
 - (v) bilge areas; and
 - (vi) trailer transporting vessel.
- (3) Any vessel at an inspection station found with invasive species, or any vessel containing residual water that has been in infested water in the last 30 days, will be decontaminated by AIS staff as arranged by the department. Infested waters that contain microscopic AIS species are identified on the map titled "Mussel-Infested States and Waterbodies" available at fwp.mt.gov. AIS staff shall refer to the map or to the most current known information.
- (4) Decontamination methods on vessels subject to (3) may include hot water washing, hot water flushing, and drying time, including interior portions of complex engine systems and pumps. A decontamination order may be issued that requires a drying period as directed by the department. The drying time will depend on weather conditions. During the drying period, the department may lock the vessel to the trailer to prevent launching. The department will be responsible for arranging the time and location to unlock the vessel when the drying time is complete. It is prohibited for anyone other than authorized department staff to remove the lock during the drying time. If a vessel requires a drying period as part of the decontamination process, then the vessel must pass a second inspection prior to launching in Montana waters in order to be considered decontaminated.
- (5) Upon inspection and/or decontamination, proof of compliance on any requirements will be provided and must be shown upon request.
- (6) Emergency response vehicles and equipment engaging in emergency response activities are exempt.
- (7) Violation of this rule is subject to penalty under [80-7-1014](#), MCA.

12.5.707 IDENTIFIED BODIES OF WATER CONFIRMED OR SUSPECTED FOR AQUATIC INVASIVE MUSSELS

- (1) The department has identified the following bodies of water as invasive species management areas because they are infested with confirmed or suspected aquatic invasive mussels:
- (a) Canyon Ferry Reservoir; and

- (b) Tiber Reservoir (Lake Elwell).
- (2) The department has determined the following quarantine measures are necessary to prevent further spread of the species from these bodies of water:
 - (a) all vessels and equipment launched or having otherwise entered the water bodies listed in (1) must be inspected and, if directed by the department, decontaminated at a department decontamination station as required in ARM [12.5.706](#) prior to leaving the water body. The following are exempt:
 - (i) vessels approved by the department for local travel only (vessels approaching a department inspection station must still stop as directed pursuant to ARM [12.5.706](#));
 - (ii) emergency response vehicles and equipment engaged in emergency response activities.
 - (b) when an approved or decontaminated vessel leaves the water bodies listed in (1), all aquatic bait and fish must be transported without water.
- (3) Any rules or regulations for boat ramps or boat launching on the water bodies listed in (1) operated by the Bureau of Reclamation are considered rules adopted pursuant to the authority of the department for enforcement of these sites.
- (4) Upon inspection and/or decontamination, proof of compliance on any requirements will be provided and must be shown upon request.
- (5) Violation of this rule is subject to penalty under [80-7-1014](#), MCA.

12.5.709 PILOT PROGRAM FOR FLATHEAD BASIN

- (1) Vessels and equipment traveling into the Flathead Basin that have been used on waters outside of the Flathead Basin must be inspected at a department inspection station prior to launching within the Flathead Basin.
- (2) Emergency response vehicles and equipment engaging in emergency response activities are exempt.
- (3) Violation of this rule is subject to penalty under [80-7-1014](#), MCA.
- (4) This rule expires June 30, 2019, pursuant to [80-7-1027](#), MCA.

12.6.2215 LIST OF PROHIBITED SPECIES

- (1) The following amphibians are classified as prohibited species:
 - (a) African clawed frog – *Xenopus laevis*; and
 - (b) North American bullfrog – *Rana catesbeiana*.
- (2) The following crustaceans are classified as prohibited species:
 - (a) Rusty crayfish – *Orconectes rusticus*.
- (3) The following fish are classified as prohibited species:
 - (a) Bighead carp – *Hypophthalmichthys nobilis*;
 - (b) Black carp – *Mylopharyngodon piceus*;
 - (c) Eurasian Ruffe – *Gymnocephalus cernuus*;
 - (d) Grass carp – *Ctenopharyngodon idella*;
 - (e) Round goby – *Neogobius melanostomus*;
 - (f) Silver carp – *Hypophthalmichthys molitrix*;
 - (g) Snakehead fish – genera *Channa* and *Parachanna* (29 species);
 - (h) Walking catfish – *Clarias batrachus*;
 - (i) White perch – *Morone Americana*; and
 - (j) Zander (European pikeperch) – *Sander lucioperca*.
- (4) The following mammals are classified as prohibited species:
 - (a) African Soft Fur Rat/Natal Rat – *Mastomys natalensis*/Natal multimammate mouse;
 - (b) Aotidae Family (Night and Owl Monkeys);

- (c) Argali Sheep – *Ovis ammon*;
 - (d) Atelidae Family (Howlers and Spider Monkeys);
 - (e) Brush-tailed possum – *Trichosurus vulpecula*;
 - (f) Callitrichidae Family (Marmosets and Tamarins);
 - (g) Cebidae family (new world primates);
 - (h) Cercopithecidae family (old world monkeys);
 - (i) Hyaenidae family (hyenas);
 - (j) Hylobatidae family (gibbons);
 - (k) Natal Rat/African Soft Fur Rat – Natal multimammate mouse/*Mastomys natalensis*;
 - (l) Nutria – *Myocastor coypus*;
 - (m) Pitheciidae Family (Titis and Saki Monkeys);
 - (n) Pongidae family (apes);
 - (o) Short-tailed opossum – *Monodelphis domestica*;
 - (p) Small spotted genet – *Genetta genetta*;
 - (q) Southern flying squirrel – *Glaucomys volans*;
 - (r) Transcasian urial sheep – *Ovis aries vignei*; and
 - (s) Virginia opossum – *Didelphis virginiana*.
- (5) The following mollusks are classified as prohibited species:
- (a) New Zealand mudsnail – *Potamopyrgus antipodarum*;
 - (b) Quagga mussel – *Dreissena bugensis*; and
 - (c) Zebra mussel – *Dreissena polymorpha*.
- (6) The following reptiles are classified as prohibited:
- (a) African rock python – *Python sebae*;
 - (b) Alligatoridae family;
 - (c) Amethystine python – *Morelia amethystina*;
 - (d) Boomslang – *Dispholidus typus*;
 - (e) Burrowing asps (all species in family Atractaspididae);
 - (f) Coral snakes (all species in family Elapidae);
 - (g) Cobras (all species in family Elapidae);
 - (h) Crocodylidae family;
 - (i) Green Anaconda – *Eunectes marinus*;
 - (j) Indian python (including the Burmese python) – *Python molurus*;
 - (k) Kraits (all species in family Elapidae);
 - (l) Mambas (all species in family Elapidae);
 - (m) Pit vipers and true vipers (all species in family Viperidae except species indigenous to Montana);
 - (n) Red-eared slider – *Trachemys scripta elegans*; and
 - (o) Reticulated python – *Python reticulatus*.
- (7) The following birds are classified as prohibited:
- (a) California quail – *Callipepla californica*; and
 - (b) Gambel's quail – *Callipepla gambelii*.