

Final Rule

LSA Document #07-186(F)

DIGEST

Adds [312 IAC 18-3-21](#), under the article pertaining to entomology and plant pathology, to regulate Hydrilla (*Hydrilla verticillata*) as a pest or pathogen, to prohibit the possession of Hydrilla, including the transport of Hydrilla on aquatic equipment, and to give the Department of Natural Resources authority to regulate an infested body of water to prevent the movement of Hydrilla to other waters. Effective 30 days after filing with the Publisher.

[312 IAC 18-3-21](#)

SECTION 1. [312 IAC 18-3-21](#) IS ADDED TO READ AS FOLLOWS:

[312 IAC 18-3-21](#) Control of hydrilla (*Hydrilla verticillata*)

Authority: [IC 14-10-2-4](#); [IC 14-24-3](#)

Affected: [IC 14-24](#)

Sec. 21. (a) Hydrilla (*Hydrilla verticillata*) is a pest or pathogen. This section:

- (1) governs the standards for the control of Hydrilla; and**
- (2) applies to any part or life stage of Hydrilla.**

(b) Except as provided in subsection (d), a person must not do the following:

(1) Possess, sell, offer for sale, gift, barter, exchange, or distribute Hydrilla.

(2) Allow Hydrilla to infest any:

- (A) lake;**
- (B) river;**
- (C) pond;**
- (D) outdoor water garden;**
- (E) waterway; or**
- (F) aquarium.**

(3) Transport Hydrilla on or within any:

- (A) boat;**
- (B) trailer;**
- (C) motor vehicle;**
- (D) bait bucket;**
- (E) fishing gear;**
- (F) creel;**
- (G) tackle;**
- (H) tackle box; or**
- (I) other aquatic appurtenance.**

(c) A person who owns property that is infested with Hydrilla must take lawful efforts to eliminate the species.

(d) Exempted from this section are the following:

(1) A person who possesses Hydrilla under a permit issued by the state entomologist for:

- (A) scientific research;**
- (B) a contained use; or**
- (C) education.**

(2) A person engaged in a project approved by the state entomologist for the destruction of Hydrilla.

(e) Any lake, river, or other waterway in which Hydrilla is located is regulated to prevent the dissemination of Hydrilla to other waterways.

(f) A person who discovers Hydrilla in a lake, river, or other waterway must report the discovery to a department fisheries biologist or at the following address:

**Department of Natural Resources
Division of Fish and Wildlife
Aquatic Nuisance Species Coordinator
402 West Washington Street, Room W273
Indianapolis, IN 46204**

(g) The report required under subsection (f) must include each of the following:

- (1) The location of the discovery, including the name of the county and the waterway.**
- (2) The date of the discovery.**
- (3) Contact information for the person making the report, including the telephone number and address.**

(h) After preliminary review of a report submitted under subsection (g), the department may consult with an expert identifier for confirmation.

(i) The state entomologist or his or her designee may issue a compliance agreement to establish the means by which a person achieves compliance with this section.

(j) The state entomologist may issue a permit to a qualified applicant to engage in:

- (1) scientific research;**
- (2) a contained use; or**
- (3) education.**

If appropriate to the purposes of this section, the state entomologist may issue an order to modify a permit issued under this subsection.

(Natural Resources Commission; [312 IAC 18-3-21](#); filed Nov 16, 2007, 1:44 p.m.: [20071212-IR-312070186FRA](#))

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Notice of Intent: [20070328-IR-312070186NIA](#)

Proposed Rule: [20070606-IR-312070186PRA](#)

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Small Business Regulatory Coordinator: Doug Keller, Aquatic Nuisance Species Coordinator, Department of Natural Resources, Division of Fish and Wildlife, Indiana Government Center-South, Room W273, 402 West Washington Street, Indianapolis, IN 46204, (317) 234-3883, dkeller@dnr.in.gov

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