

**NORTH DAKOTA DEPARTMENT OF AGRICULTURE
STATE EMERGENCY DECLARATION
ZEBRA MUSSELS AND MOSS BALLS**

Declaration of Defense Against and Temporary Quarantine of Zebra Mussel Infested Moss Balls

The Agriculture Commissioner, under the authority of **N.D.C.C. § 4.1-23-04**, adopts this temporary regulation and its associated rules to prevent the spread of zebra mussels to or within North Dakota, and sets forth definitions, regulated articles, regulated areas, conditions of movement, violations and penalties.

The Agriculture Commissioner determined that an exotic pest and invasive species, known as the zebra mussel, *Dreissena polymorpha*, exists in North Dakota in infested moss balls (*Aegagropila linnaei*). Additionally, zebra mussels continue to have other limited distribution within North Dakota.

The Agriculture Commissioner recognizes that Zebra mussels are a very destructive aquatic invasive species causing significant damage to native fauna and impact ecosystems throughout the United States. A zebra mussel outbreak would be highly devastating to North Dakota lakes and waterways.

This temporary regulation and its associated rules are effective immediately and shall remain in effect for a period of the next ninety days during which time a public hearing shall be held. After this public hearing, the Commissioner will reassess the need for this temporary regulation and its associated rules, and determine whether they should remain in effect, be modified, or be withdrawn. **N.D.C.C. § 4.1-23-04.2.**

Definitions

1. "Moss ball" means the aquatic plant known as *Aegagropila linnaei* or other common names.
2. "Zebra mussel" means an aquatic invasive invertebrate plant pest known as *Dreissena polymorpha*.

Regulated Articles

Regulated articles are as follows:

1. The aquatic plant known as *Aegagropila linnaei* ("Moss ball").
2. Any other aquatic species found to be infested with *Dreissena polymorpha* ("Zebra mussel").

Regulated Areas

The regulated quarantined area includes all states, districts, and territories of the United States.

Restrictions on Regulated Articles and Conditions on the Movement of Regulated Articles.

Regulated articles may not be transported into the state or moved within the state unless accompanied by a current certificate of inspection issued by the United States Department of Agriculture-Animal Plant Health Inspection Service, the department of agriculture in the shipping state, or the aquatics invasive species regulatory agency in the shipping state.

Violations and Penalties

Any person violating these regulations is subject to penalties in accordance with North Dakota Century Code chapter 4.1-23-08.