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Details:

(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2009-10

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on ... Natural Resources
(AC-NR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**
- Record of Comm. Proceedings ... **RCP**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt**
- Clearinghouse Rules ... **CRule**
- Hearing Records ... bills and resolutions
(**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
(**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (Sept/2010)

Assembly

Record of Committee Proceedings

Committee on Natural Resources

Assembly Bill 162

Relating to: regulating the transportation of aquatic plants and aquatic animals, the administration of federal funds for the control and eradication of noxious weeds, the placement of vehicles, seaplanes, watercraft, and other objects in navigable waters, the regulation of noxious weeds by municipalities, the disposal of invasive species, providing an exemption from rule-making procedures, requiring the exercise of rule-making authority, and providing a penalty.

By Representatives Milroy, Pocan, A. Ott, Fields, Hraychuck, Hubler, Richards, Seidel, Sherman, Sinicki, Spanbauer, Staskunas and Steinbrink; cosponsored by Senators Jauch, Holperin, Lassa, Lehman, Plale, Risser, Sullivan and Taylor.

March 19, 2009 Referred to Committee on Natural Resources.

May 6, 2009 **PUBLIC HEARING HELD**

Present: (15) Representatives Black, Danou, Molepske Jr.,
Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J.
Ott, Gunderson, Huebsch, LeMahieu, Mursau and
Nerison.

Absent: (0) None.

Appearances For

- Rep. Nick Milroy, Superior — 73rd Assembly District
- Senator Bob Jauch, Poplar — 25th Senate District
- Tami Jackson, Madison — Wisconsin Association of Lakes
- George Meyer, Madison — Wisconsin Wildlife Federation
- Peter Murray, Baraboo — Wisconsin Council on Invasive Species
- Peter Flaherty, Madison — DNR

Appearances Against

- Jerry Doschane, Madison — Wisconsin Aquaculture Association

Appearances for Information Only

- None.

Registrations For

- Sen. Jeff Plale, South Milwaukee — 7th Senate District

- Monica Groves Batiza, Madison — Wisconsin Counties Association
- Mindy Walker, Madison — Wisconsin Commercial Fisheries Association
- Lori Grant, Madison — River Alliance of Wisconsin
- Jennifer Giegerich, Madison — WLCV
- Amber Meyer Smith, Madison — Clean Wisconsin

Registrations Against

- None.

Registrations for Information Only

- None.

May 20, 2009

EXECUTIVE SESSION HELD

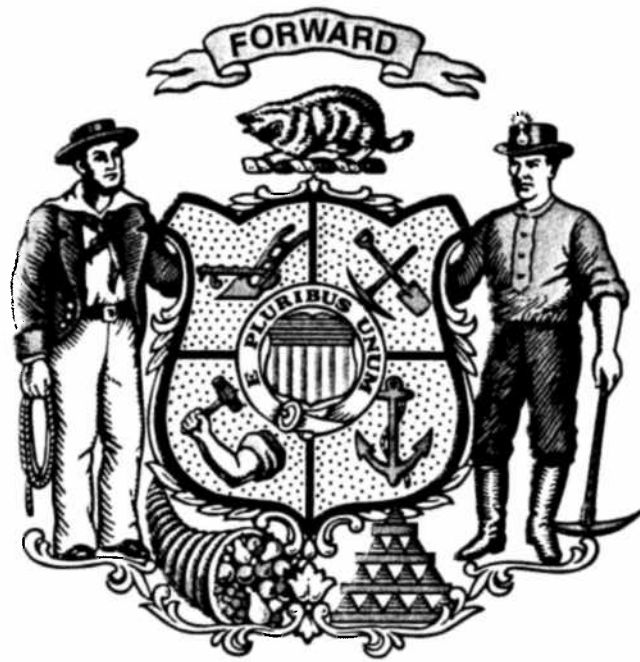
Present: (15) Representatives Black, Danou, Molepske Jr., Steinbrink, Hraychuck, Hebl, Mason, Milroy, Clark, J. Ott, Gunderson, Huebsch, LeMahieu, Mursau and Nerison.

Absent: (0) None.

April 22, 2010

Failed to pass pursuant to Senate Joint Resolution 1.

John Maycroft
Committee Clerk





22 EAST MIFFLIN STREET, SUITE 900
MADISON, WI 53703
TOLL FREE: 1.866.404.2700
PHONE: 608.663.7188
FAX: 608.663.7189
www.wicounties.org

MEMORANDUM

TO: Honorable Members of the Assembly Committee on Natural Resources

FROM: Monica Groves Batiza, Legislative Associate

DATE: May 5, 2009

SUBJECT: Support of Assembly Bill 162

The Wisconsin Counties Association (WCA) supports Assembly Bill 162 (AB 162), relating to regulating the transportation of aquatic plants and aquatic animals. In summary, AB 162 establishes statewide enforcement on the transportation of invasive species.

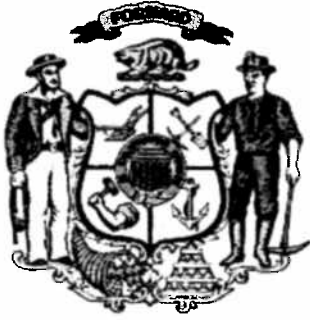
Out of concern for the threat that invasive species pose to our lakes and waters, several of Wisconsin's counties have already enacted their own ordinances to control invasive species and prohibit invasive species transport. In October of 2007, WCA took an official position to support the requirement of ocean going ships to perform whatever level of ballast water treatment is necessary to end the release of aquatic invasive species in the Great Lakes.

Aquatic invasive species are terrestrial organisms and plants that have been introduced into new ecosystems throughout the United States. When these foreign species are introduced in a new aquatic environment, often via ballast water of oceangoing ships, they displace native species and cause disruptions in the Great Lakes ecosystems. As part of WCA's commitment to stopping the spread of invasive species, we partnered with Discover Mediaworks, the Bureau of Indian Affairs, the Great Lakes Indian Fish and Wildlife Commission, the Lac du Flambeau Band of Chippewa Indians, the Wisconsin Departments of Tourism and Natural Resources and the University of Wisconsin-Extension to produce a video promoting public awareness of the magnitude of the threat of invasive species.

WCA appreciates the commitment of Representative Milroy and Senator Jauch to this important legislation and is happy to offer assistance wherever we can.

Thank you for considering my comments. I would be happy to answer any questions that you might have.





WISCONSIN COUNCIL ON INVASIVE SPECIES
Jim Doyle, Governor

4513 Vernon Blvd., Suite 101
Madison, WI 53705
608-661-4313
fax 608-661-4314
www.invasivespecies.wi.gov

AB 162?

May 6, 2009

Assembly Natural Resources Committee

Peter Murray
Chair
Madison

Laurie Osterndorf
Executive Committee
Department of Natural Resources
Madison

Renee Bashel
Department of Commerce
Madison

Will Christianson
Department of Tourism
Madison

Charles Henriksen
Henriksen Fisheries
Baileys Harbor

Harald E. (Jordy) Jordahl
Department of Administration
Madison

John Kinar
Department of Transportation
Madison

Brian Kuhn
Department of Agriculture, Trade and
Consumer Protection
Madison

Gregory D. Long, ASLA
Private Member
New Berlin

Patricia Morton
The Nature Conservancy
Whitewater

Kenneth Raffa
University of Wisconsin
Madison

James Reinartz
University of Wisconsin
Milwaukee Field Station
Saukville

Paul Schumacher

Thank you for the opportunity to speak with you today. For the past several years, the Wisconsin Council on Invasive Species, the Wisconsin Council on Forestry, many NGO organizations, individual volunteers, and government departments have been working to develop recommendations on the best ways to help stop the introduction and spread of invasive species.

The Invasive Species Council recommendations have been sent to the DNR, and their final recommendation was approved by the Natural Resources Board last month.

The Wisconsin Council on Forestry has been working to develop Best Management Practices (BMP's) specifically to deal with forest invasives, and are near completion of four separate sets of BMP's, dealing with forestry, urban forests, recreational users, and those involved with "rights of way", such as power lines and roads.

Together with the proposed legislation before you today, a very complete package of definitions, recommendations, management practices, and legislation will give Wisconsin the necessary tools to help protect the valuable assets our natural resources provide.

The Wisconsin Council on Invasive Species strongly recommends passage of this legislation.

I would also like to let you know that June is Invasive Species Awareness month. First proclaimed by Governor Doyle in 2005, this is the fifth year in a row the Council and its partners have worked to inform the public of the challenges invasives bring, and what each can do to stop the spread. On May 30, the Council will be awarding several volunteer individuals and groups as well as professionals our fifth annual Invader Crusader awards for outstanding work in dealing with invasive species.

I would ask that each of you find an opportunity to speak to your constituents about invasive species and ask for their help to stop the spread. The month of May is an excellent time to pass this legislation in time for the June Invasive Species Awareness Month.

Thank you for your consideration.

Sincerely,

Peter T. Murray
Chair, Wisconsin Council on Invasive Species





Wisconsin Association of Lakes

A nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone.

4513 Vernon Boulevard, Suite 101 • Madison, WI 53705-4964

608-661-4313 • 800-542-5253 (in WI) • 608-661-4314 fax

wal@wisconsinlakes.org • www.wisconsinlakes.org

May, 6 2009

Representative Spencer Black
Assembly Natural Resources Committee
Room 210 North
State Capitol
P.O. Box 8952
Madison, WI 53708

Dear Representative Black and committee members:

The Wisconsin Association of Lakes is pleased that the legislature is considering AB 162. Aquatic invasive species (AIS) are a serious threat to the health of our lakes and concern to our members.

Many of our member Lake Districts and Lake Associations are spending a good portion of the annual operating budgets on suppressing existing AIS populations and preventing further introductions through educational programs, monitoring efforts, and volunteer watercraft inspection programs.

We are pleased that this bill offers some necessary technical changes to improve upon the "illegal to transport" language that was passed in the supplemental budget bill in May of 2008. Prohibiting the transport of "aquatic plants or animals" rather than "invasive species" is a significant and welcome change. These more general categories will enable law enforcement officials to make necessary traffic stops without needing to positively identify that attached materials are invasive species

Likewise, expanding the prohibition against launching watercraft with aquatic plants or animals attached to include any vehicle, seaplane, watercraft, or other object of any kind eliminates an unnecessary loophole in the law. Removing the problematic intent clause in the current law—which prohibits launch of a boat if a person has "reason to believe" aquatic plants is attached—is also important. The intent clause ("reason to believe") has made enforcement of the current law difficult.

The expansion of the Department of Natural Resources authority is both necessary and reasonable in order for the state to respond to invasive species that are new to Wisconsin, or are an increasing threat to Wisconsin resources. This provision will compliment and enhance the forthcoming aquatic invasive species classification rules (NR 40).

Thank you for your work on this important issue,

Tamara Jackson
Wisconsin Association of Lakes, Director of Communications



**BEFORE THE ASSEMBLY NATURAL RESOURCES COMMITTEE
TESTIMONY OF THE DEPARTMENT OF NATURAL RESOURCES
IN SUPPORT OF ASSEMBLY BILL 162**

By Peter D. Flaherty

Date?

Good morning Representative Black and committee members. My name is Peter Flaherty, and I am an attorney with the Department of Natural Resources. I am pleased to appear on behalf of the Department in support of **Assembly Bill 162**.

This bill was introduced by Representative Milroy as the companion bill to Senator Jauch's bill, **SB 123**. By way of background, late last year Senator Jauch was working on a draft of an invasives bill and asked for DNR's comment. The main thrust of his draft bill was to control the spread of aquatic invasive species by strengthening the current prohibition on placing a vehicle, boat, trailer or equipment in navigable water if it has an aquatic plant or zebra mussel attached, and by adding a new prohibition against the transport on public highways of vehicles, boats, trailers and equipment that have aquatic plants or animals attached.

As you may know, s. 23.22, Stats., directs DNR to establish a state-wide program for the identification, classification and control of invasive species, and department staff had been drafting administrative rules and reviewing existing statutes for other invasive species legal authority, as well as looking for potential gaps, possible conflicts, and housekeeping problems in the laws relating to invasives.

DNR staff had developed a list of proposals for invasive species remedial legislation and at its January, 2007 meeting, the Natural Resources Board unanimously approved the proposals. Those proposals were subsequently endorsed by the Wisconsin Invasive Species Council. Three of the proposals became law with the adoption of the budget bill, 2007 Act 40. These included:

- addition of specific enforcement procedures and penalty provisions for violations of invasive species rules and permits,
- revision of the grant cost-sharing percentage from 50% to 75%, and
- expansion of the types of grant-eligible organizations.

Since then, some of the remaining proposals became a bit dated due to other statutory changes made by 2007 Act 226, and other regulatory developments (e.g., issuance of a WPDES ballast water discharge permit; adoption of the VHS rules). So, DNR revised and updated its list of remedial proposals in December, 2008 after being contacted by Senator Jauch. Senator Jauch graciously agreed to include a number of DNR's remedial proposals in his bill.

The Department wishes to thank Representative Milroy and the bill's cosponsors for introducing **Assembly Bill 162**.



Packet

AB 162?
Date?

Superior Days Issues 2009

Prohibit Transportation of Aquatic Invasive Species

The Citizens of Northwest Wisconsin request:

- **That the Wisconsin Legislature pass a comprehensive law similar to the one in Minnesota that would make it unlawful both to transport on public roads (except to a nearby cleaning station) and launch into public waters any recreational boat, boat trailer or other recreational watercraft, if it has any aquatic plants or prohibited aquatic invasive species attached. A classification system defining prohibited aquatic invasive species would be part of the law.**

This legislation would provide the state with a more comprehensive way to address the threats and problems caused by aquatic invasive species. It would require recreational boaters and watercraft users to inspect, and if any aquatic plants or prohibited aquatic invasive species were found, also to clean their boats, boat trailers and watercraft both before launching and after removing their boats, boat trailers and watercraft from the water.

For further information contact:

Tim Kane, Bayfield County UW-Extension

Telephone: (715) 373-6104 ext 254

Email: timothy.kane@ces.uwex.edu

Dan Corbin, Douglas County Board Supervisor

Telephone: (218) 390-0748

Email: adcorbin@earthlink.net

Invasive species ordinance possible

If an ordinance recommended by Barron County's land conservation committee is approved by the county board, then those who don't clean vegetation off of their boat trailers before leaving a local lake could end up landing a fine.

County conservationist Dale Hanson said that the purpose of the proposed ordinance is to help stem the tide of aquatic invasive species. One of the big culprits is Eurasian milfoil, but rusty crayfish and zebra mussels are also targeted by the suggested law change.

There are varieties of milfoil native to the area, but Eurasian milfoil can be especially harmful to a lake environment, Hanson said. It chokes out other plant species with its thick mat of vegetation and can even pose a hazard to divers, who can become entangled in it.

Out of Barron County's 300 lakes, only seven have been found to have Eurasian milfoil in them so far. The proposed ordinance aims to help keep the invasive species' spread in check by making sure boaters clean out all vegetation and live wells on their vessels and trailers before leaving a boat landing. That way they don't end up transporting the invasive species to new waters.

As for animals, rusty crayfish are another invasive species that the county is trying to protect itself

against. These critters are very aggressive, Hanson said, and will take over native crayfish habitat and decimate bottom vegetation in a lake. They came from the Ohio region via bass fishermen who used rusty crayfish as bait.

There is state law that makes it illegal to transfer invasive species from lake to lake, but county officials at Tuesday's land conservation meeting said that the law is ineffective. One shortcoming is that only conservation wardens can enforce it. A second drawback is that no violation occurs until a vessel covered with vegetation from one body of water is actually placed into another lake or stream.

Don Horstman, the committee's chair, said that was too late to take action.

The proposed ordinance, which ultimately received unanimous support from the committee, would be enforced by the sheriff's department if it's approved by the full county board at its April 21 meeting.

Hanson said that Barron County communities directly affected by lake health, such as Cumberland, Chetek and Rice Lake, may wish to follow the county's lead and pass their own invasive species ordinances, if the county's proposal goes through. Such a move would

mean law enforcement connected with those municipalities—not just a sheriff's deputy—could also be monitoring and performing enforcement at boat landings in order to minimize the threat of invasive species spreading.

The county ordinance would carry with it a \$154.50 penalty for a first time violation. Subsequent fines would increase.

Horstman said it is likely that more warnings instead of citations would be issued in the policy's first year in order to better educate the public.

During the public hearing on the matter, a resident from Kirby Lake said that the ordinance would be welcomed in his area because locals are very protective of their small lake.

The public hearing was not required by law, but Hanson requested one be held due to how many Barron County residents could be affected by the ordinance. It's estimated that there are 8,000 boats registered in the county, which could roughly equate to affecting one in five families, he said.

RESOLUTION # _____

**A RESOLUTION TO CREATE DIVISION IV OF THE WASHBURN COUNTY
LAW ENFORCEMENT ORDINANCE CHAPTER 46 – AQUATIC INVASIVE
SPECIES**

WHEREAS, there is a need to prevent the spread of aquatic invasive species in Washburn County and surrounding water bodies; and

WHEREAS, although certain lakes in Washburn County have landing monitors, transport of such aquatic invasive species by motor vehicles leads to the spread of such unwanted species to area lakes;

NOW, THEREFORE, the board of supervisors for Washburn County does ordain as follows:

46-47 - Definitions

- (a) "Aquatic plant" means a non-woody submergent, emergent, free-floating, or floating-leaf plant that normally grows in or near water and includes any part thereof. "Aquatic plant" does not mean wild rice when being harvested with a permit issued under NR 19.09 or any rights proffered by the Treaty of 1838.
- (b) "Terrestrial plant" means a plant that normally lives or grows on land and includes wetland species.
- (c) "Invasive animal" means all vertebrate and invertebrate species including zebra mussel, quagga mussel, rusty crayfish, spiny water flea, or any other aquatic invasive animal prohibited by the State.
- (d) "Animal" means all vertebrate and invertebrate species, including but not limited to mammals, birds, reptiles, amphibians, fish and shellfish, or their eggs, larvae or young, but excluding humans.
- (e) "Aquatic Animal" means all Animals that live in, on, or near the water. This includes all vertebrate and invertebrate species, including but not limited to reptiles, amphibians, fish and shellfish, or their eggs, larvae or young.

46-48 - Prohibited Transport of Plants and Aquatic Animals

Except as provided in Section 46-49, no person may operate a vehicle or transport any boat, boat trailer, personal watercraft and its associated trailer, canoe, kayak, or boating equipment, fishing equipment, hunting and/or trapping equipment (including but not limited to personal floatation devices, nets, anchors, fishing lines, decoys, and waders) from navigable waters onto a public highway if aquatic plants, terrestrial plants, or aquatic animals are attached. All plants and aquatic animals shall be removed prior to

entry onto a public highway or launching a boat or placing equipment or trailers into navigable water.

This section shall not apply to bait used on that particular body of water in accordance with DNR rules and regulations.

Any person violating this ordinance shall pay a forfeiture of \$50.00 plus attendant costs.

46-49 - Exceptions to Transport of Plants and Aquatic Animals

Unless otherwise prohibited by law, a person may transport aquatic plants:

- (a) For disposal as part of a harvest or control activity conducted under an aquatic plant management permit issued under ch. NR 109 or as authorized by the county.
- (b) When transporting commercial aquatic plant harvesting equipment away from any water body to a suitable location for purposes of cleaning any remaining aquatic plants or animals.
- (c) When conducting an aquatic plant study for the purposes of vouchering specimen or conducting an educational workshop.
- (d) When harvested for personal or commercial use, such as to be used as compost or mulch, and in a closed container.
- (e) For purposes of shooting or observation blinds for waterfowl hunting during the waterfowl season, if the aquatic plants used for these blinds are emergent, cut above the waterline, and contain no aquatic invasive species. All other equipment shall have plants and aquatic animals removed before entering a public highway.

46-50 - Liability of Owner or Lessee

- (a) If a watercraft, trailer, or plant harvesting equipment is placed in waters in violation of Section 46-48, the owner or lessee of the watercraft, trailer, or plant harvesting equipment shall pay a forfeiture in accordance with the penalty provisions contained in Section 46-48. An owner or lessee may not be penalized as set forth above if either of the following apply:
 - 1. Another person was cited for or convicted of a violation of Section 4 arising out of the same incident; or
 - 2. The watercraft, trailer or plant harvesting equipment was stolen.
- (b) Paragraph (a) does not apply to a lessor of a watercraft, trailer, or plant harvesting equipment if the lessor keeps a record of the name and addressee of the lessee and provides the same to law enforcement upon request.

(c) Paragraph (a) does not prohibit or limit the prosecution of the operator of a watercraft, trailer, or plant harvesting equipment for violations of Section 46-48.