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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2009-10

(session year)

Senate

(Assembly, Senate or Joint)

Committee on Environment...

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**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: Stefanie Rose (LRB) (September 2013)

Senate

Record of Committee Proceedings

Committee on Environment

Senate Bill 123

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

March 17, 2009 Referred to Committee on Environment.

April 14, 2009 **PUBLIC HEARING HELD**

Present: (4) Senators Miller, Jauch, Wirch and Kedzie.
Absent: (1) Senator Olsen.

Appearances For

- Bob Jauch, Poplar — Senator, 25th Senate District
- Peter Flaherty, Madison — Department of Natural Resources
- Fred Kruger, Spooner — Burnett County Lakes & Rivers Association
- Monica Groves Batiza, Madison — Wisconsin Counties Association
- Peter Murray, Baraboo — Wisconsin Council on Invasive Species
- Tamara Jackson, Madison — Wisconsin Association of Lakes
- George Meyer, Madison — Wisconsin Wildlife Federation
- Jake Vander Zanden, Madison — himself

Appearances Against

- None.

Appearances for Information Only

- None.

Registrations For

- Lisa Conley, Oconomowoc — Town & County Resource Conservation & Development

- Mindy Walker, Madison — Wisconsin Commercial Fisheries Association
- Amber Meyer Smith, Madison — Clean Wisconsin
- Lori Grant, Madison — River Alliance of Wisconsin
- Ann Jablonski, Madison — Wisconsin Towns Association
- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters

Registrations Against

- None.

Registrations for Information Only

- None.

May 6, 2009

EXECUTIVE SESSION HELD

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.
 Absent: (0) None.

Moved by Senator Jauch, seconded by Senator Miller that **Senate Amendment 1** be recommended for adoption.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.
 Noes: (0) None.

ADOPTION OF SENATE AMENDMENT 1 RECOMMENDED,
 Ayes 5, Noes 0

Moved by Senator Jauch, seconded by Senator Olsen that **Senate Bill 123** be recommended for passage as amended.

Ayes: (5) Senators Miller, Jauch, Wirch, Kedzie and Olsen.
 Noes: (0) None.

PASSAGE AS AMENDED RECOMMENDED, Ayes 5, Noes 0



Elizabeth Bier
 Committee Clerk

Vote Record Committee on Environment

Date: 4/22/09 5/16/09

Moved by: Jauch

Seconded by: Miller

AB _____ SB 133 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 1 _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrency

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	_____	_____	_____

Motion Carried Motion Failed

Vote Record Committee on Environment

Date: 5/6/09

Moved by: Jauch

Seconded by: Olsen

AB _____ SB 123 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt 7
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>5</u>	<u>0</u>	_____	_____

Motion Carried Motion Failed

Vote Record Committee on Environment

Date: 4/22/09

Moved by: _____ Seconded by: _____

AB _____ SB 123 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator Mark Miller, Chair	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Jauch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Robert Wirch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Neal Kedzie	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Luther Olsen	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Totals:	_____	_____	_____	_____

Motion Carried

Motion Failed



Bier, Beth

From: Bier, Beth
Sent: Monday, April 13, 2009 4:48 PM
To: Bier, Beth
Subject: FW: SB 123

From: Amy Kelsey [mailto:amyk@co.polk.wi.us]
Sent: Thursday, April 09, 2009 1:31 PM
To: Sen.Miller
Subject: SB 123

Senator Miller,

I just wanted to provide my comments quickly on the Illegal to Transport and Launch bill. Polk County is in favor of this bill; we passed our own ordinance in March 2008. This rule is simply asking folks to clean their boat and equipment before entering water and after being in water.

Clean Boats Clean Water surveys conducted by Wisconsin volunteers have documented that approximately 90% of water users are cleaning their boat and equipment. This Illegal to Transport and Launch bill is, therefore, for the 10% of users who are not removing plants and animals and putting us all (anglers, swimmers, boaters, hunters) at risk of new introductions.

Thank you for bringing SB 123 to a public hearing. I look forward to seeing it pass.

Amy Kelsey
Polk County Land and Water Resources Dept
100 Polk County Plaza, Suite 120
Balsam Lake, WI 54810
715-485-8637
amyk@co.polk.wi.us

"We face the question whether a still higher standard of living is worth its costs in things natural, wild, and free." ~Aldo Leopold



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Bier, Beth
Sent: Monday, April 13, 2009 4:47 PM
To: Bier, Beth
Subject: FW: SB 123

From: carl sundberg [mailto:cjsund@yahoo.com]
Sent: Sunday, April 12, 2009 11:31 AM
To: Sen.Miller
Subject: SB 123

Dear Sen. Miller,

I Support SB 123 for making it easier to stop the spread of invasives in our Wisconsin waters. We have had an active Clean Boats/Clean Waters program on lakes for the last 3 years inspecting over 400 boats. This bill would help stop some of those that would launch and claim ignorance of the type of weeds on their boats and trailers.

Thank you.

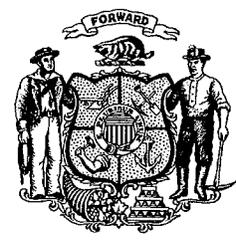
Sincerely,

Carl Sundberg

President of Spread Eagle Chain of Lakes (SECOLA)

4993 Dunn's Point Rd

Florence, WI. 54121





**Washburn County Lakes and Rivers Association, Inc.
A Public Benefit Corporation**

www.wclra.org

850 W. Beaverbrook Avenue, Suite 1
Spooner, WI 54801
April 13, 2009

Senator Mark Miller, Chair
Committee on Environment
State Capitol, Room 317 East
P.O. Box 7882
Madison, Wisconsin 53707-7882

Dear Senator Miller:

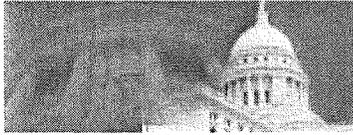
I am speaking for the directors and the more than 2000 members of the Washburn County Lakes and Rivers Association (WCLRA) in voicing strong support for SB 123. Your bill addresses some major concerns that have made the current law virtually unenforceable.

You have removed the "has reason to believe" language which was an "easy out" for violators. In addition, your bill prohibits transporting aquatic plants in general and not just aquatic invasive species. Most enforcement personnel would not have been able to identify aquatic invasive species. This also complicated enforcement efforts.

The WCLRA thanks you for your efforts on this bill. We feel that this bill, if enacted, will set clear policy and give enforcement personnel the tools they need to help us in preserving our still healthy lakes and rivers for ourselves and for future generations.

With best regards,

Fred Blake
Director and Past President
Co-Chair, Government/Environment Committee



WISCONSIN STATE LEGISLATURE





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

April 13, 2009

Senator Mark Miller
Senate Environment Committee Chair
Room 317 East
State Capitol
P.O. Box 7882
Madison, WI 53707-7882

Dear Senator Miller and committee members:

The Wisconsin Association of Lakes is pleased that the legislature is considering SB 123. 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



WISCONSIN STATE LEGISLATURE



Wisconsin Towns Association

Richard J. Stadelman, Executive Director

W7686 County Road MMM

Shawano, Wis. 54166

Tel. (715) 526-3157

Fax (715) 524-3917

Email: wtowns1@frontiernet.net

To: Senate Committee on Environment
From: Richard J. Stadelman, Executive Director
Re: SB 123
Date of Memo: April 13, 2009

On behalf of the Wisconsin Towns Association I wish to express some concerns on the record about SB 123 relating to the Department of Natural Resources (DNR) authority to designate "noxious weeds" by administrative rule as provided on Section 16, Lines 20 through 25 of the bill. The reason our association is concerned is because current law under Sec. 66.0407 (3) of Wis. Statutes provides as follows:

3) A person owning, occupying or controlling land shall destroy all noxious weeds on the land. The person having immediate charge of any public lands shall destroy all noxious weeds on the lands. The highway patrolman on all federal, state or county trunk highways shall destroy all noxious weeds on that portion of the highway which that highway patrolman patrols. The town board is responsible for the destruction of all noxious weeds on the town highways.

First, Sec. 16 of SB 123 provides the DNR may designate by rule any weed by rule as a noxious weed. I have been assured that the designation of noxious weeds as defined in Sec. 66.0407 of Wis. Statutes is not be intended to be included in the DNR emergency rule authority as is provided under Sec. 1 of the bill at pages 3 to 5 for invasive species. I have been told that the DNR authority to declare additional noxious weeds must be established through the normal administrative rule process and not authorized under this bill by the expedited emergency exemption for invasive species. **I ask that the Senate Committee verify this with the agency and make this a specific finding of the legislative record.**

Second, I am still concerned that the expansion of DNR authority to designate additional noxious weeds could become a very burdensome unfounded mandate on local governments. As noted in Subsection 3 of the Sec. 66.0407 of Wis. Statutes, any person owning, occupying, or controlling land shall destroy all noxious weeds on the land, including public highway right of ways. Sec. 66.0517 (3) of Wis. Statutes provides that a weed commissioner appointed by the town, village, or city "*shall investigate the existence of noxious weeds in his or her district. If a person in a district neglects to destroy noxious weeds as required under Sec. 66.04017 (3) the weed commissioner shall destroy, or have destroyed, the noxious weeds in the most economical manner.*" If the DNR expands the list of designated noxious weeds in a very extensive manner local governments will have to bear an enormous burden to meet this mandate.

Third, our concern is based on the recent history of DNR in developing NR 40 invasive species rule. The draft listed 27 different prohibited terrestrial plants and 37 different restricted terrestrial plants (including the three current state law designated noxious weeds). If the noxious weed list is expanded to include as little as five to ten of the most commonly identified restricted terrestrial plants in the draft NR 40 rule, the cost of local government to destroy even this limited expansion of noxious weeds will be beyond local government capacity. **I would ask that the DNR be asked specifically on the record what types of noxious weeds the DNR may add to the noxious weed lists even if the expansion is done through the normal administrative rule process.**

For example, some of the most common restricted invasive species on the draft list of NR 40 include: *purple loosestrife; wild parsnip; common buckthorn; multiflora rose; and garlic mustard* to name just a few.

By giving the DNR authority to designate additional noxious weeds (albeit with normal administrative rule authority) recognition should be given by the state legislature and clear direction to the DNR to go slow with an expansion of the noxious weed list which would require the destruction of these additional noxious weeds on both public and private lands.

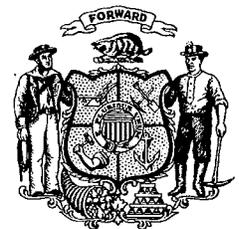
In summary our Association's concern is two-fold:

- (1) That specifically the DNR not be given emergency or expedited rule authority to designate noxious weeds as SB 123 gives the department to designate invasive weeds through such an expedited rule authority in Sec. 1 of the bill.
- (2) That the DNR be given clear direction to use the authority to designate additional noxious weeds "judiciously" to the current list of three noxious weeds designated by law, because an expanded list will cost local governments a substantial commitment in time and money to try to destroy some of the possible noxious weeds that could be listed, with limited probability of success in total eradication.

Thank you for your consideration in this matter. Please feel free to contact me if you have additional questions. We have registered for information only on this bill at this time.



WISCONSIN STATE LEGISLATURE





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 Senate Committee on Environment

FROM: Monica Groves Batiza, Legislative Associate *MSB*

DATE: April 14, 2009

SUBJECT: Support of Senate Bill 123

The Wisconsin Counties Association (WCA) supports Senate Bill 123 (SB 123), relating to regulating the transportation of aquatic plants and aquatic animals. In summary, SB 123 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 Senator Jauch and Representative Milroy 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 Commercial Fisheries Association

Charles W. Henriksen, *President*

11214 N. Sand Bay Lane
Sister Bay, WI 54234

920-421-1640 or
chenriksen@wwildblue.net

To: Senate Committee on Environment

4/14/09

From: Charles W. Henriksen
President-Wisconsin Commercial Fisheries Association
Member-Lake Michigan Commercial Fishing Board
Member-Governor's Council on Invasive Species

re: Invasive Species Bill

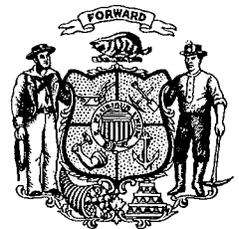
Thank you very much for advancing this very important bill. As a member of the Governor's Council I have first hand knowledge of how incredibly complex this issue is and the nearly impossible task of stopping the introduction and continuing spread of invasive species. I would also like to take this opportunity to complement the DNR staff who have worked diligently to create the companion rules that will be presented to The Natural Resources Board next week.

As an advocate for commercial fishing I need to tell you how terribly destructive many of these invasives have been to our industry. From the carpet of mussels that have blanketed the entire lake and disrupted the foodchain to VHS disease we are witnessing an environmental disaster. It's impossible to know what the longterm effects will be from what's already occurred and how the Lake will continue to change. We are right now realizing adverse affects from some of the original invaders from over 50 years ago. Lamprey eels are continually a problem and now we have learned that alewives are the culprit in the loss of our native Lake Trout. What the future may hold boggles the mind.

Thank You for your efforts. As an eternal optimist I hope its not too little and too late.



WISCONSIN STATE LEGISLATURE



Wisconsin Senate
Senate Environmental Committee
Ref: SB 123
April 14, 2009

Senator Miller, Committee members:

My Name is Fred Kruger, I represent Burnett County Lakes and Rivers Association.
(BCLRA)
(27102 County Road A, Spooner, WI 54801, phone 715-635-7788)

I was the project manager for a two year AIS grant, to install digital video equipment on 7 Burnett County boat launch sites to record violations of 30.715, introducing exotics to Wisconsin's lakes. Our group grant was for years 2007 and 2008. In April of 2007 we met with law enforcement (the DA, the Sheriff, and DNR wardens) and were told that when we captured violations on video, that citations would be forthcoming. In October violations were recorded and forwarded to DNR for enforcement. NO CITATIONS were issued and at best warnings were given to offenders. Our group, working hard to stop the spread of invasives was extremely disappointed. THE REASON FOR NO CITATIONS WAS THE UNENFORCABILITY OF 30.715, mainly the "reason to believe" clause. A third grader could figure out how to avoid this citation.

BCLRA together with the project people lobbied the Burnett County Board for an ordinance to protect our lakes and Rivers. Over the winter of 07/08 an ordinance was developed that is very similar in content to SB123. During the 2008 season 6 citations were issued in Burnett County based on this new AIS ordinance. 5 Paid up and one was dismissed. That is more citations paid in one season in Burnett County, than 30.715 had in its history statewide!

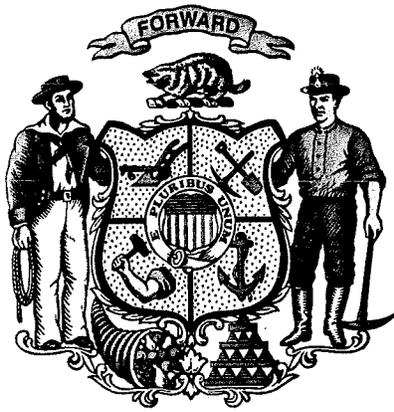
Wisconsin has a true treasure in its beautiful lakes and rivers. Tourism, recreational boating, fishing, and property values are all based on maintaining this treasure. We MUST be diligent on protecting our waters from invasives. The Wisconsin Legislature is moving quickly this session to protect our waters and I thank you for doing that. I urge you to also pass SB123.

Personal comments/modifications:

*I would prefer that the word "plant" be used instead of the words "aquatic plant" for the same reason you use to rationalize invasive vs. non invasive. Invasive debris and invasive critters can attach to any plant material. Keep the enforcement of this law simple and straight forward, both for enforcement and for the public.

*If not covered elsewhere in WI Statutes; Person is defined to be in order of responsibility: The person driving the vehicle, the person driving the watercraft, or finally if no person is identifiable, the registered owner of the watercraft.

Thank you for this opportunity to testify. Sincerely, Fred Kruger



**TESTIMONY OF THE DEPARTMENT OF NATURAL RESOURCES
IN SUPPORT OF SENATE BILL 123
BY PETER D. FLAHERTY**

Good morning Senator Miller 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 **Senate Bill 123**.

Late last year, Senator Jauch was working on a draft of an invasives bill and asked for DNR's comment. The main thrust of the 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 animal 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.

Meanwhile, department staff had been drafting administrative rules and reviewing existing statutes for relevant supporting legal authority, potential gaps, possible conflicts, and housekeeping problems. As you know, s. 23.22, Stats., directs DNR to establish a state-wide program for the control of invasive species.

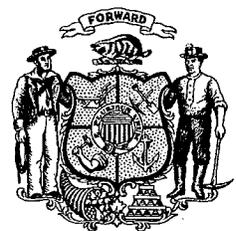
At its January, 2007 meeting, the Natural Resources Board unanimously approved staff's proposals for invasive species remedial legislation, and the proposals were subsequently endorsed by the Wisconsin Invasive Species Council. Three of the proposals became law with the adoption of the budget bill, 2007 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). So, we revised and updated the remedial proposals in December, 2008.

Senator Jauch graciously agreed to include a number of the department's remedial proposals in his draft bill. After careful review and refinement by Senator Jauch and his staff, and further polishing by the LRB during the drafting process, **Senate Bill 123** was introduced.

I will be happy to answer any questions you may have about the bill.



**Comments on Senate Bill 123 from Dr. Jake Vander Zanden
Associate Professor, Center for Limnology, University of Wisconsin – Madison**

I'm here to offer my support for Bill 123. This bill will help the citizens of Wisconsin in our efforts to prevent future invasions. Preventing future spread is the single most effective and cost-effective strategy in addressing this problem.

I'm a native of the Fox River Valley, and a Professor at the Center for Limnology at UW-Madison. My research program focuses, in part, on the spread and impacts of AIS in Wisconsin. My research group has worked on numerous aquatic invasive species in Wisconsin. I have personally seen and studied how species such as Eurasian watermilfoil, spiny water flea, rusty crayfish, and zebra mussel have transformed the lakes and streams of WI.

For those systems that are already invaded, we'll have to live with these impacts forever. Our research finds that there are **many** ecosystems out there that are still vulnerable, in other words, they're perfect habitat, but they're not yet invaded. This is an opportunity to prevent their spread to these ecosystems, and avoid the impacts altogether, an attractive alternative to allowing them to invade, and dealing with the aftermath.

I also believe that the many efforts on the part of the DNR, WI Sea Grant, local partners, and citizens have made a major difference. Awareness of the issue is at an all time high. The rate of zebra mussel spread in WI has slowed down, and are lower than in neighboring states. The spiny water flea spread quickly in MI, MN, and ON, but have not gained traction in WI. This is really encouraging, and shows that prevention works.

This bill represents a major step forward in our efforts to stop the transport and introduction of invasive species, the key to limiting their spread. Banning transport of any aquatic animal or plant on watercraft is a common sense approach that will improve enforcement and effectiveness.

Furthermore, new and currently unknown invasive species are on the horizon. The listing process of NR 40 will miss some of the problematic invaders that are coming down the pipe. The ability to respond rapidly to new threats is key to success.

With invasives, an ounce of prevention is worth a TON of cure. This legislation moves us further towards a proactive and preventative strategy in the battle against invasives.



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.



WISCONSIN STATE LEGISLATURE



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:

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