



Budget Briefs

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INVASIVE SPECIES

The biennial state budget act (2001 Wisconsin Act 16), passed by the legislature and signed by Governor Scott McCallum on August 30, 2001, establishes a new program to manage invasive aquatic plants, expands most of the laws relating to zebra mussels to cover all of the state's navigable waters, and creates new boating regulations to protect against damage from aquatic plants.

BACKGROUND

Both on land and in water, various plants and animals that are not native to a particular environment can endanger native species, particularly if the nonnative species has no natural competitors in its new environment or is especially aggressive in its growth patterns. Once introduced into a natural area, some exotic species compete with native plants and animals for sun, space, nutrients, and other resources and can dominate – and sometimes eliminate – the native species, particularly those with an already limited population. Fast spreading invasive species can threaten the native populations, reduce diversity in the ecosystem, degrade wildlife habitat, and diminish recreational enjoyment of the environment.

Since 1987, the Department of Natural Resources (DNR) has had a statutory mandate to conduct research and develop programs to control and contain purple loosestrife. Beginning September 2, 1987, the sale, distribution, and cultivation of the nonnative nuisance weeds purple loosestrife and multiflora rose have been illegal, except for research and controlled experimentation. Prior to Act 16, DNR had not been assigned any other specific duties with respect to nonnative plant and animal management, but it did have the authority to study and report on strategies to control zebra mussels and to prevent boats, boat trailers, and boating equipment that carried zebra mussels from entering the Lower St. Croix River.

INVASIVE AQUATIC PLANTS PROGRAM

Act 16 appropriates \$300,000 annually to DNR for the development of a program to manage invasive aquatic plants. It requires the department to protect and develop diverse and stable communities of native aquatic plants; regulate aquatic plant management; and foster education and research about invasive aquatic plants. The act adds Eurasian water milfoil and curly leaf pondweed to purple loosestrife in the statutory prohibitions on sale, distribution, and cultivation of nonnative nuisance weeds and allows DNR to designate any other plant as an “invasive aquatic plant” if its presence can adversely change desirable aquatic habitat, significantly displace desirable aquatic vegetation, or reduce yields from aquaculture.

The new law also directs DNR to develop an aquatic plant management permit program that would require persons to hold a valid permit if they wish to: 1) introduce nonnative plants into state waters, 2) control aquatic plants through chemicals or biological agents, or 3) manually remove or otherwise control aquatic plants in navigable waters. The department may establish fees for the management permits by administrative rule and may require an applicant to submit a plan for DNR's approval describing how the aquatic plants will be introduced, removed, or controlled.

DNR may place specific requirements on a permit, including the quantities and species of aquatic plants; the areas, times, and methods for management; and the allowable methods for disposal or use of plants removed or controlled under a permit. Permits are not required for manual removal of aquatic plants from privately owned streambeds with the permission of the landowner or for activities done in the course of harvesting wild rice or operating a fish farm. By administrative rule, DNR may waive the requirement for a management permit in the cases in which: 1) the body of water is entirely contained within the limits of the private property the person owns; 2) a riparian owner manually removes aquatic plants from the water that abuts the property without interfering with the rights of other riparian owners; 3) the person is controlling purple loosestrife; 4) chemicals are used to control bacteria at bathing beaches or to prevent plants from interfering with sources of drinking water; or 5) the state agency or local government is chemically treating water to protect public health.

BOATING REGULATIONS

Prior to passage of Act 16, placing a boat, boat trailers, or boating equipment in the Lower St. Croix River was prohibited if a person had reason to believe that zebra mussels were attached to a surface, and conservation or other law enforcement officers could order a person not to launch or to remove a boat from the river if the officer believed the craft had zebra mussels attached to it. The act extends this law enforcement provision to all navigable waters of the state, including rivers, inland lakes, and the those portions of Lake Michigan and Lake Superior under Wisconsin control. Act 16 also adds a similar restriction for aquatic plants.

The law requires DNR to prepare and make available notices about the boating restrictions and requires owners to post and maintain the notices at public boat access sites.

PROHIBITIONS AND PENALTIES

Act 16 prohibits distribution of an invasive aquatic plant, subject to a forfeiture not to exceed \$100.

Violation of aquatic plant management permit requirements is subject to a forfeiture of not more than \$200; two convictions within a 5-year period is punishable by a forfeiture of \$700 to \$2,000 or 6 to 9 months' imprisonment, or both. Upon a second or subsequent violation, the court may also require the person to abate any nuisance caused by the violation, restore any damaged natural resource, or take other action to eliminate or minimize any environmental damage caused.

The penalties for violations of the boating regulations are a maximum forfeiture of \$50 for a first offense and a maximum of \$100 for a second or any subsequent violation within a year of the first offense.

FOR MORE INFORMATION

For copies of the aquatic plants and boating provisions, contact the Legislative Reference Bureau at (608) 266-0342 or view statutory Section 23.24 (Aquatic Plants) and Section 30.715 (Placement of Boats, Trailers, and Equipment) as affected by 2001 Wisconsin Act 16 at <http://www.legis.state.wi.us/2001/data/acts/01Act16.pdf>