

## ***Proposed Rule NR-40***

The Department of Natural Resources (DNR) is promulgating a new administrative rule to classify and regulate invasive species (NR 40). These rules apply to aquatic and land dwelling species of invasive plants, animals, and pathogens.

The rule—which has been under development for the last three years—classify invasive species into two categories: prohibited and restricted. The rule also requires several preventative measures to limit spread of invasive species, and includes permit and enforcement provisions.

You can download a full copy of the proposed rule NR 40 at

<http://dnr.wi.gov/invasives/classification/>.

Comments on the rule will be accepted at public hearings (see schedule below).

Written comments on the rules can also be submitted to DNR by e-mailing

[DNRNR40Comments@wisconsin.gov](mailto:DNRNR40Comments@wisconsin.gov) or mailing to NR 40 Comments, Endangered Resources-6, DNR, Box 7921, Madison, WI 53707-7921. Written comments will be accepted until **Sept 5, 2008**.

### **Public hearings schedule**

- **August 14. 10:00 AM. Fitchburg.**  
Gathering Waters conference room. DNR South Central Region Headquarters, 3911 Fish Hatchery Rd.
- **August 14. 3:00 PM. Milwaukee.**  
Room 141. DNR Southeast Region Headquarters, 2300 N Dr. Martin Luther King Jr. Drive.
- **August 15. 1:00 PM Green Bay.**  
Lake Michigan room. DNR Northeast Region Headquarters, 2984 Shawano Ave
- **August 19. 1:00 PM. LaCrosse.**  
Room B19 & B20, State Office Building, 3550 Mormon Coulee Rd
- **August 20. 2:30 PM Spooner**  
Large Conference room, DNR Northern Region Headquarters 810 W Maple St
- **August 26. 1:00 PM. Wausau**  
Council Chambers, Wausau City Hall, 407 Grant St

## **Key points within proposed NR 40**

### **Prohibited and restricted species**

Species classified as Prohibited are not currently present in Wisconsin—or are present only as isolated or pioneer populations—but have the potential to become established and cause significant harm to our natural resources or economy. Prohibited species that may be familiar to lake enthusiasts include hydrilla, Asian and common carp, quagga mussels, and spiny water fleas among many others.

The rules prohibit the transportation, possession, transference, or introduction of a Prohibited species. The rules also provide the Department with the authority to compel persons who own, control, or manage a property where a prohibited invasive species is present to implement approved measures to control that invasive species.

Species classified as Restricted are already established in the state, or have high potential to become established, and cause significant harm to our natural resources or economy. Examples of familiar aquatic invasive species classified as Restricted include Eurasian watermilfoil, curly-leaf pondweed, rusty crayfish, and zebra mussels. Like species classified as Prohibited, Restricted species cannot be transported, transferred, or introduced. With the exception of fish and crayfish, Restricted species are not subject to a ban on possession.

### **Permits and enforcement**

The Department can issue permits to handle Prohibited or Restricted invasive species for a narrow set of circumstances—such as research, education, identification, or control or disposal. Transportation, possession, transfer, or introduction of an invasive species without a permit is not prohibited, if the Department determines the transportation, possession, transfer, or introduction was incidental or unknowing and was not due to the person's failure to take reasonable precautions to prevent the spread of invasive species.

The rule enables Conservation Wardens to issue citations for violations of the rule. The DNR may also refer cases to the Department of Justice for enforcement and revoke any permit issued under the authority of these rules.

**Preventative measures included in the rule**

The rules also require certain preventative measures and limit some common activities that may become pathways for the inadvertent introduction or spread of invasive species, many of which are of interest to water lovers. The rules would require immediate drainage of boats and equipment (including bilge water, ballast tanks, bait buckets, and live wells) after the watercraft, boat trailer, or other gear is removed from inland or outlying waters. Boats and equipment traveling into Wisconsin from other states would be subject to the same drainage requirements. The rules also establish a ban on the transport of live fish and fish eggs from the water. The rules prohibit the transport of any watercraft, trailer, or other equipment on public highways if there are aquatic plants or aquatic animal attached.

The rules also ban transportation of items or host materials (such as firewood, which can transport invasives like emerald ash borer) that may carry an invasive species and that are subject to a quarantine by the Department of Agriculture Trade and Consumer Protector or the U.S. Department of Agriculture.