



# Aquatic Invasive Species Laws

## State Laws

A number of state statutes and administrative rules, which have the force of law, have been established in Wisconsin to regulate some component of aquatic invasive species introduction, control, and spread. For years, Wisconsin had a variety of statutes and administrative rules that dealt with non-native species, but in 2001, Wisconsin Act 109, which was a state budget adjustment bill, established a statutory framework for the comprehensive state aquatic invasive species program; invasive species council; watercraft inspection program; reporting process to the legislature; rewrites of statutes dealing with control of, research on, and education about nuisance weeds; rewrites of statutes dealing with aquatic plant permits; and regulations prohibiting the launch of boats with plants or animals attached.

Several of these laws are summarized in brief below. The actual statutes and administrative rules can be viewed in full online. Wisconsin statutes, promulgated by the state legislature, can be found at <http://www.legis.state.wi.us/rsb/stats.html>, and administrative rules, promulgated by state agencies such as the Department of Natural Resources, can be found at <http://www.legis.state.wi.us/rsb/code.htm>. For direct links to several of the statutes and rules listed below, visit the National Invasive Species Council Web site at <http://www.invasivespeciesinfo.gov/laws/wi.shtml>.

**Pertinent statutes** (In the statutes below, “the department” refers to the Wisconsin Department of Natural Resources):

- s. 15.347 (18) **Governor’s Council**—Establishes criteria for the invasive species council membership and meetings.
- s. 23.22 **Invasive species**—Includes definitions; Department of Natural Resources responsibilities in establishing a statewide program; specific duties of the Governor’s Council, including subcommittees; watercraft inspection guidelines; reporting guidelines.
- s. 23.235 **Nuisance weeds**—Includes purple loosestrife (and multiflora rose); prohibits their sale or distribution; directs the department to develop a statewide plan to control purple loosestrife, to establish research control techniques, and to educate landowners and agencies responsible for maintaining roadways, forests, and so on.
- s. 23.24 **Aquatic plants**—Directs the department to establish an aquatic plant management program that protects and develops diverse native plant communities, regulates management of aquatic plants, and administers procedures/requirements for issuing permits for aquatic plant management; outlines management activities that require permits, along with penalties.
- s. 29.735 **Importation of fish**—Establishes that unless a person has a permit, it is illegal to bring into this state any fish, or fish eggs, of a species that is not native to this state for the purpose of introduction into the waters of the state, or for use as bait or for rearing in a fish farm.
- s. 29.737 **Permit for private management**—Indicates that people owning all the land bordering a navigable lake that is completely landlocked may apply to the department for a permit to remove, destroy, or introduce fish in such lake.
- s. 30.715 **Placement of boats, trailers, and equipment in navigable waters**—Establishes that no person may place or use a boat or boating equipment or place a boat trailer in a navigable water if the person has reason to believe that the boat, boat trailer, or



boating equipment has any aquatic plants or zebra mussels attached; provides that a law enforcement officer may order the person to remove plants or zebra mussels, or to remove or not place the boat in the water.

### Administrative rules:

Chapter NR 19, Wisconsin Administrative Code, contains rules promulgated by the Department of Natural Resources.

s. NR 19.05 **Release and importation of fish**—It is illegal to bring into the state to introduce or release or cause to be introduced or released in any manner into the inland or outlying waters any fish or the eggs or spawn thereof, without first applying for in writing and receiving a written permit from the department. The permit shall be granted only after the department or its agents investigates and inspects the fish or the eggs or spawn to determine that the introduction or release will not be detrimental in any manner to the conservation of the natural resources of the state.

s. NR 19.27 **Crayfish restrictions**—It is illegal to: use live crayfish as bait on inland waters (except the Mississippi River); to possess live crayfish on inland waters (unless removing them); to possess live crayfish and hook and line fishing equipment simultaneously (unless on the Mississippi River); to release/introduce/deposit live crayfish into waters of the state without a permit.

## Federal Legislation

One important piece of national aquatic invasive species legislation is the National Invasive Species Act (for a summary of NISA, visit [http://www.nemw.org/nisa\\_summary.htm](http://www.nemw.org/nisa_summary.htm)). The act expired in 2002, so Congress must reauthorize it or a revised version for its provisions to continue. Much of this act dealt with national ballast water management. A great deal of national and international focus has been placed on ballast water because of its implication in numerous aquatic invasive species introductions worldwide. The U.S. Coast Guard is responsible for regulating ballast water management. Visit the Coast Guard Office of Operating and Environmental Standards Web site at <http://www.uscg.mil/hq/g-m/mso/ans.htm> for information on regulations and links to specific ballast water programs.

Also important are the federal noxious weed regulations that define noxious weeds and establish rules restricting their movement. The Federal Noxious Weed list includes aquatic species, such as hydrilla, as well as a number of terrestrial species, but does not include the well-known Wisconsin invaders Eurasian water-milfoil and purple loosestrife. Listed species cannot be moved into or through the United States without a permit. To view the complete list and associated regulations, visit the Animal and Plant Health Inspection Service (APHIS) Web site at [http://www.aphis.usda.gov/plant\\_health/plant\\_pest\\_info/weeds/index.shtml](http://www.aphis.usda.gov/plant_health/plant_pest_info/weeds/index.shtml).

## Local Ordinances

A number of local, county, and municipal ordinances and laws addressing invasive species also exist throughout the state. One example is Post Lake in Langlade County, which has its own noxious weed laws against purple loosestrife. Another example is Bayfield County that has instituted its own ordinance prohibiting the transport of aquatic invasive plants and animals. It is best to check on these laws locally, because there is not a single statewide summary currently available.