

Clearinghouse Rule 07-094

Report to
Legislative Council Rules Clearinghouse
NR 320, 323, 328, 329, 341, 343 and 345, Wis. Adm. Code
Natural Resources Board Order No. WT-33-07

Wisconsin Statutory Authority

ss. 30.12(1g) and (3), 30.123(6) and (7), 30.19(1m) and (3r), 30.20(1r) and (1t) and 30.206, Stats., interpreting ss. 30.12(1g) and (3), 30.123(6) and (7), 30.19(1m) and (3r), 30.20(1r) and (1t) and 30.206, Stats.

Federal Authority

N/A

Court Decisions Directly Relevant

None

Analysis of the Rule - Rule Effect - Reason for the Rule

Aquatic invasive species are non-native fish and other aquatic animals, aquatic plants and viruses that have been introduced into Wisconsin's public waterways and threaten the ecological integrity and economic future of our water resources. Once in the system, it is almost impossible to eliminate these invaders. The best strategy is to prevent the introduction of new invasive species to Wisconsin and at the same time prevent the spread of invasive species and viruses that are already in the state.

Many aquatic invasive species are capable of survival out of water for extended periods. One way to prevent the spread of invasive species and viruses is to ensure that these invaders are not moving from one waterbody to another through equipment used in projects authorized by waterway (ch. 30) permits.

Considering the existing, new and yet to be determined threats of invasive species and viruses, the Department proposes to revise chs. NR 320, 323, 328, 329, 341, 343 and 345 to create new exemption and general permit standards. These new standards would ensure that waterfront property owners exercising exemptions or general permits will take the necessary precautions to prevent the spread of invasive species and viruses by de-contaminating their equipment used in construction activities in and near the water.

The new exemption and general permit standard proposed requires any person conducting an exempt or general permit activity to:

Inspect and remove aquatic plants, animals and mud from equipment.

Drain all water from equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps.

Dispose of aquatic plants and animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

Wash equipment with hot (>140° F) or high pressure water or allow equipment to dry thoroughly for 5 days.

Agency Procedures for Promulgation

Public hearings, Natural Resources Board final adoption, followed by legislative review.

Description of any Forms (attach copies if available)

None

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