

Wisconsin's Invasive Species Identification, Classification and Control Rule Chapter NR 40

Invasive species, both aquatic and terrestrial, create many problems in Wisconsin. They change natural ecosystems, displace native species, reduce outdoor recreation opportunities and cost millions of dollars for control. Wisconsin has been working for several years to educate people about invasive species; what they are, what they do and measures to reduce the chance of spreading them to new areas. With programs like Clean Boats, Clean Waters and Citizen Lake Monitoring, there has been great progress made to help reduce the chance that invasives will be spread. In an effort to continue to minimize the spread of invasive species into or around the state, a new Invasive Species rule, NR 40, went into effect on September 1, 2009. The purpose of Chapter NR 40 is to identify, classify and control invasive species in Wisconsin. Using specific criteria, the DNR, stakeholder groups and the Wisconsin Council on Invasive Species considered many different (but not all) invasive species and classified them into two categories; Prohibited Species or Restricted Species. The rule also establishes regulations that must be followed for those species.

Non-native species that are not currently found in Wisconsin, or found in very limited populations, but are likely to survive and were determined to have the potential to cause significant damage if they were allowed to become established, were placed in the **prohibited category**. Except under one of the specific exceptions, it is illegal to transport, import, possess, transfer, sell, and introduce any species that are in the prohibited category. The list of species included in the prohibited category, which can be found in Chapter NR 40, is too long to list here. Everyone, but especially gardeners, aquarium and pond owners will certainly want to become knowledgeable about these species because there are several that are available for sale on the internet. Buyers do need to be aware that many of the prohibited species (examples include Japanese hops, Japanese & Amur honeysuckle, Parrot feather and Yellow floating heart) being offered for sale by out of state suppliers are illegal to bring them into the state. While these out of state suppliers should list states they can not ship to, with Wisconsin included, they may not and it will be the buyers responsibility to know the facts.

The second category is **restricted**. These non-native species are also very detrimental but were found to be too widespread in Wisconsin to realistically expect to eradicate or contain them. The goal for these species is to slow their spread. Like the prohibited category, it is illegal for people to transport, import, transfer, sell and introduce species on the restricted category. With the exception of fish and crayfish, it will not be illegal to possess restricted species but, if an invasive species is just starting to spread on your land, you are encouraged to try to control it to keep it from spreading. The list of restricted species can also be found within the text of Chapter NR 40 and it is also important to become familiar with these species because some may be available from out of state sources. Additionally, some of these species (examples include Oriental bittersweet, Heleborine orchid and Autumn olive) may have been present in the area for some time and while removal is not required, planting or transplanting would be illegal.

In order to prevent boaters from moving aquatic invasive species from one waterbody to another, NR 40 also requires that when any vehicle, boat, boat trailer, boating or fishing equipment or any equipment or gear of any type is removed from any inland or outlying water, all attached aquatic plants and animals must be removed immediately, before leaving the launch or parking site. In addition, all water must be immediately drained from any vehicle, equipment or gear, including water in any motor, tank or other container before leaving any boat launch area or associated parking area. Like the VHS rules, there is an exemption for 2 gallons of water in a container to hold live bait minnows if the minnows were purchased from a Wisconsin licensed bait dealer and contain only live minnows that have not been exposed to water or fish from that waterbody or will be used for bait only on the same waterbody. And, although State Statute 30.715 has prohibited placing a boat, boating equipment or boat trailer in a navigable water if a person has reason to believe that there were any aquatic plants attached, NR 40.07(4) states that it is illegal to launch or place a vehicle, boat, boat trailer, equipment or gear of any type or land a sea plane in any water of the state, or take off a seaplane or transport on a public highway a vehicle, boat, boat trailer, equipment or gear of any type if there is an aquatic plant or animal attached.

For more information about the species on both the prohibited and restricted list see the Wisconsin DNR website at <http://dnr.wi.gov/invasives/classification/>. In addition to providing a link to Chapter NR 40 so you can read the entire rule, there is information about the rule history, a frequently asked questions page, staff contacts and much more.