

- NR 40 -

Wisconsin's Proposed Invasive Species Rule

Kelly Kearns
Endangered Resources, WI DNR
608-267-5066
Kelly.kearns@wisconsin.gov





Why rules are needed

1. Ecological Need
2. Public Demand
3. Legislative Mandate (s. 23.22, Wis. Stats.)
 - Establish a statewide program to control invasive species
 - Promulgate rules to identify, classify, and control invasive species



Definition of “Invasive Species”

-- Nonnative species whose introduction causes or is likely to cause economic or environmental harm or harm to human health...

Modified to include all life stages, cultivars, subspecific taxa and genetically modified versions



Goals

1. Alert public about and contain/eradicate new invasives
2. Minimize the spread of existing invasives
3. Minimize hardship the rule may cause



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Objectives

1. Involve all affected stakeholders
2. Focus first on the structure of the rule
3. Include non-controversial species and measures
4. Implement primarily with education



The Process

- Wis. Council on Invasive Species (WCIS) created by Legislature – advisory to DNR
- Developed process and draft regulations
- Created species list to be assessed
- Literature reviews (reviewed by experts)
- Species Assessment Groups (SAGs) recommendations
- Informal Public Input Process
- Formal Public Hearings
- Natural Resources Board approval
- Legislative approval



Two parts of the rules

1. The species list and the regulations that apply to them
2. Preventive measures



6 Species Groups

- Aquatic plants and algae
- Woody plants (trees, shrubs and vines)
- Herbaceous plants (terrestrial and wetland)
- Terrestrial Invertebrates & Plant Disease-causing Microorganisms
- Terrestrial Vertebrates
- Aquatic Animals (fish and invertebrates)



Species Assessment Groups

- Advisory to WCIS
- Comprised of stakeholders and technical experts
- Review literature
- Evaluated species
- Make recommendations



Criteria Used for Assessment

- Current status and distribution (in WI and similar environments)
- Establishment potential and life history traits
- Damage potential
- Socio-economic impacts (of the species invasiveness and of potential restrictions)
- Control and prevention potential

NAME OF SPECIES: *Conium maculatum* L.

Synonyms:

Common Name: Poison Hemlock, Poison Parsley, Deadly Hemlock.

A. CURRENT STATUS AND DISTRIBUTION

I. In Wisconsin?	1. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	2. <u>Abundance</u> : Presently uncommon (1).
	3. <u>Geographic Range</u> : Herbarium records exist from 6 counties in Wisconsin (1). Reported mostly in 12 sites in 8 counties
	4. <u>Habitat Invaded</u> : Moist, full sun to partly shady habitats (2). Disturbed Areas <input checked="" type="checkbox"/> Undisturbed Areas <input type="checkbox"/>
	5. <u>Historical Status and Rate of Spread in Wisconsin</u> : Earliest herbarium specimen was collected in 1919 in Pierce County (1).
	6. <u>Proportion of potential range occupied</u> : Minimal. Can expand its local range and abundance.
II. Invasive in Similar Climate Zones	1. YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>
	<u>Where (include trends)</u> : Invasive throughout much of the globe (2) (3). Abundant on roadsides in IL, IN, and IA, and in disturbed areas in Southern IL.
III. Invasive in Similar Habitat Types	1. Upland <input checked="" type="checkbox"/> Wetland <input checked="" type="checkbox"/> Dune <input type="checkbox"/> Prairie <input type="checkbox"/> Aquatic <input type="checkbox"/> Forest <input checked="" type="checkbox"/> Grassland <input type="checkbox"/> Bog <input type="checkbox"/> Fen <input checked="" type="checkbox"/> Swamp <input checked="" type="checkbox"/> Marsh <input checked="" type="checkbox"/> Lake <input checked="" type="checkbox"/> Stream <input checked="" type="checkbox"/> Other: Along roadsides, field margins, ditchbanks and in low-lying waste areas, riparian woodlands, open flood plains of rivers and streams.
	1. <u>Soil types favored (e.g. sand, silt, clay, or combinations thereof, pH)</u> : Soils with medium to high water holding capacity (2).
IV. Habitat Effected	2. <u>Conservation significance of threatened habitats</u> : Riparian corridors are important for nutrient and carbon sequestration, and for flood control.
	1. <u>List countries and native habitat types</u> : Native to Europe, western Asia, and north Africa (2).
V. Native Habitat	1. <u>Listed by government entities?</u> Yes. Noxious in ID, NV, CO, IA, NM, WA, OH. Regulated in OR. (3).
	2. <u>Illegal to sell?</u> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>
	Notes:

B. ESTABLISHMENT POTENTIAL AND LIFE HISTORY TRAITS

I. Life History	1. <u>Type of plant</u> : Annual <input type="checkbox"/> Biennial <input checked="" type="checkbox"/> Monocarpic Perennial <input type="checkbox"/> Herbaceous Perennial <input type="checkbox"/> Vine <input type="checkbox"/> Shrub <input type="checkbox"/> Tree <input type="checkbox"/>
	2. <u>Time to Maturity</u> : 2 years. Occasionally acts as a winter annual or perennial.



Regulatory Categories

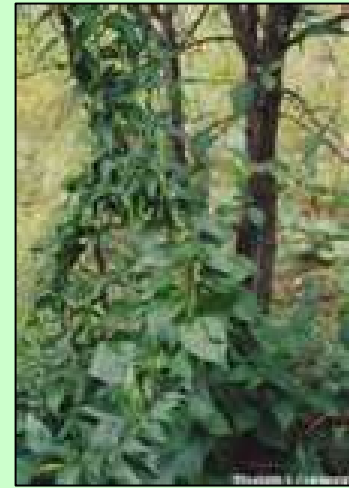
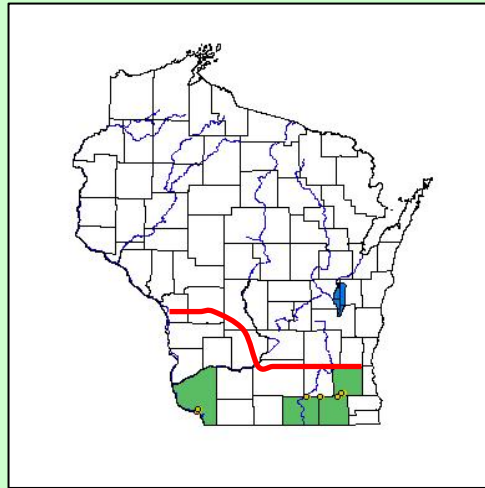
Prohibited – Not yet in the state or established in pioneer stands only; still have potential to eradicate and prevent statewide; high potential for environmental damage

Restricted – Already established in the state; high environmental impacts

Prohibited & Restricted Plants

Plants that are only locally or regionally abundant have split classification:

- Restricted where they are more abundant
- Prohibited where they are generally not yet known



Black swallow-wort flowers, distribution map, growth



Prohibited Species

Some examples include:

- Kudzu and giant hogweed
- Hydrilla
- Snakehead and Asian carp
- Asian longhorned beetle
- Feral hog



Restricted Species

Some examples include:

- Garlic mustard and buckthorn
- Eurasian watermilfoil
- Zebra mussel
- European gypsy moth



Non-regulatory Categories

Caution -

More information needed, uncertain if it is or will become invasive in the state or of level of harm

Non-restricted -

Socio-economic benefits of species high, environmental impacts of invasion variable

Pending –

Species not assessed or classified at this time due to high socio-economic benefits. To be assessed in a future rule revision.



Proposed Regulations, by category

Prohibited – No person may transport (import/move), possess, transfer (buy/sell) or introduce a prohibited species without a permit. The department may order or conduct the control effort.

Restricted – No person may transport (import/move), possess (fish only), transfer (buy/sell) or introduce a restricted species without a permit. Control encouraged but not required.



Transport, possession, transfer or introduction not considered a violation if:

- the Department determines the action was incidental or unknowing, and
- the person took reasonable precautions

“Reasonable precautions” includes approved Best Management Practices, Stop Aquatic Hitchhiker guidelines and other practices.



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Many Exemptions

Examples:

- Identification, control or disposal (reporting may be required)
- Non-reproductive plant parts



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Permits

- For research, education, ID, control, disposal, etc.
- Case-by-case determinations
- Other department permits may cover NR 40 requirements



When prohibited species are found:

- DNR will work with the landowner to survey and determine if control is reasonable and feasible.
- If so:
 - With permission of the landowner, or an inspection warrant, DNR may inspect the property and aid with control and monitoring
 - When possible, DNR will seek funding sources for control costs



For prohibited species, if necessary:

- DNR may issue a consent or unilateral order for control
- If DNR must do the control, it may recover costs – only if landowner was found at fault for introduction



For Restricted Species:

- Controls will be encouraged, but not required, unless:
 - a plant is listed locally as a noxious weed



Outreach Plan

- Maintain website as clearinghouse
- Develop guidance documents, train staff and partners
- Work with specific stakeholders and persons needing permits
- Outreach to public and target audiences – field guides, publications, etc.