

# Assessment of watercraft inspection and decontamination legislative provisions for the management of the trailered boat invasion pathway in the U.S. Great Lakes States.

**November 2019**

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## **INTRODUCTION**

Recreational boating is very popular in the United States, with almost 12 million vessels registered in 2015 (USCG, 2016). Ninety-five percent of registered vessels are less than 26 feet long (NMMA, 2010), and readily trailered from one lake to another. While this allows boaters to enjoy many fishing and recreational opportunities, it also facilitates transportation of aquatic invasive species (AIS) that can survive overland transport on boats and trailers, and on equipment such as bait buckets, live wells, waders, and anchors (Jerde et al. 2012). Boaters may not be aware they are facilitating the spread of AIS, but trailered boats are the primary means for the secondary spread of AIS to new lakes and rivers beyond the waters of their initial invasion (Bossenbroek et al. 2001, Johnson et al. 2001, Leung et al. 2006).

In the Great Lakes region, recreational boating presents a particularly significant management challenge for efforts aimed at limiting the spread and impacts of AIS. Five of the top ten states in the number of boat registrations, and 33% of the total recreational boat registrations in the country, are in the Great Lakes region (USCG, 2016). Michigan alone contains nearly 39,000 square miles of Great Lakes waters and more than 11,000 inland lakes larger than five acres. Naturally, boating is one of the most popular recreational activities in the state, with nearly 1 million registered watercrafts (Michigan Sea Grant 2012). The sheer volume of recreational activity and number of inland lakes and river systems in the Great Lakes region presents a significant management challenge that compels effective policy decisions related to the overland transport and spread of AIS via trailered boats.

Environmental protection strategies often fall into one of two categories: voluntary or compulsory (Bohm and Russel 1985). Voluntary approaches to prevent AIS spread via the trailered boat pathway can increase awareness of AIS issues (Jensen 2010) and are favorable because they do not impede access to public resources. In the Great Lakes states, voluntary programs centered on boater education are the predominant

paradigm for AIS prevention via the trailered boat pathway. To date, every one of the Great Lakes states has education initiatives to inform boaters and the general public of the threat that trailered boats pose (Table 1). However, even highly endorsed voluntary initiatives can suffer from low participation rates and efficacy due to variability in individual choices (Caton 2005). A study examining AIS transport via the trailered boat pathway in Michigan and Wisconsin showed that more than two-thirds of surveyed boaters had not adopted consistent and effective boat cleaning habits (Rothlisberger et al 2010). Given the high stakes, ongoing spread of AIS and limitations of voluntary efforts to prevent AIS transport, states have also moved towards active regulation of the trailered boat pathway through the establishment of mandatory watercraft inspection and decontamination programs, with enforcement of civil and criminal penalties.

The adoption of legislative policy with a regulatory component (including mandatory boat inspections) has been especially strong in western US. In 1998 the US Fish and Wildlife Service (USFWS) Western Regional Panel, prompted largely by the threat of Dreissenid mussel invasion from the eastern and central United States, developed an action plan to prevent the spread of AIS west of the 100<sup>th</sup> meridian (Mangin 2001). Although the plan initially outlined a series of voluntary management actions (including self-inspection of trailered watercraft) to prevent the spread of AIS, the discovery of quagga mussels in Lake Mead (NV) in 2007 prompted increased management focus on preventing AIS movement in western states. A number of states (including Colorado, Washington, Idaho, Montana, Utah, and California) subsequently approved legislation granting broader authority for watercraft inspection and interception efforts and a 2009 report from the Pacific States Marine Fisheries Commission (the administrative body for the 100<sup>th</sup> Meridian Initiative's Watercraft Inspection Training program) urged state and local agencies to pursue regulatory authority to implement uniform minimum standards for watercraft interception programs in western states (Zook & Phillips 2009).

The Western Regional Panel of Aquatic Nuisance Species, Sea Grant Law Center, and partner organizations recognized regional approaches are particularly important for AIS management, as waters often form or cross state boundaries and people frequently move species across state lines; the so-called "weakest link" problem (sensu Peters and Lodge 2009). They began to look for legal and regulatory approaches to prevent the movement of invasive mussels by watercraft. In March 2014, the National Sea Grant Law Center (NSGLC) and the Association of Fish and Wildlife Agencies released "Preventing the Spread of Aquatic Invasive Species by Recreational Boats: Model Legislative Provisions & Guidance to Promote Reciprocity among State Watercraft Inspection and Decontamination Programs" (Model). The guide is a product of "Building Consensus in the West," an initiative of the Western Regional Panel on

Aquatic Nuisance Species (WRP). As part of the initiative, the WRP reviewed state laws and regulations across the country, and developed model state legislative provisions for watercraft inspection and decontamination (WID). Otts and Nanjappa (2014) state,

*“The Model provides guidance to states that have WID programs to create a foundation for interstate reciprocity, and outlines a legal framework for authorization of new WID programs in other states. A common legal framework lays the foundation for standard protocols and agreements among states to accept one another’s inspections, decontaminations and receipts. This alignment can reduce confusion among the boating public, increase compliance and simplify law enforcement. This consistent approach can help address the regional threats posed by AIS”*

A companion document, containing language for model regulations that essentially outline recommended approaches for classifying waters, restricting conveyance, inspecting and decontaminating watercraft, and imposing penalties was released in 2016 (Otts and Nanjappa, 2016).

Here, we present a review of the current WID laws and regulations for all eight Great Lakes states and Québec to see how each jurisdiction’s program compares to the recommended authorities set forth in the Model. Our review uses the framework developed by Sea Grant Law Center (Otts and Janasie, 2014). Although every jurisdiction has some statutory and regulatory provisions addressing aquatic invasive species (AIS), this comparison focuses solely on analyzing state legal authorities specifically enacted to address transport of AIS by recreational watercraft. Our goal is to assist state natural resource managers and policy-makers in identifying commonalities, differences, and gaps so that efforts to harmonize regulatory approaches for WID across the region are mutually supportive and coordinated.

Table 1. Example voluntary initiatives for the prevention of AIS transport via the trailered boat pathway.

State	Program/Weblink	Description
IL	Stop Aquatic Hitchhikers!™ Clean Boats Crew <a href="http://iiseagrant.org/ais/cleanboats.html">http://iiseagrant.org/ais/cleanboats.html</a>	The Stop Aquatic Hitchhikers! campaign is a nationwide volunteer education and outreach program that ‘empowers the public to participate in keeping their waters free from AIS’. The Illinois/Indiana extension of this program is a partnership between the Illinois Natural History Survey, Illinois-Indiana Sea Grant, and Northeast Illinois Invasive Plant Partnership.
IN	IN Clean Marina Program <a href="http://www.in.gov/dnr/naturepreserve/4835.htm">http://www.in.gov/dnr/naturepreserve/4835.htm</a>	The IN Clean Marina program urges boaters to implement best management practices to prevent or reduce pollution and to prevent the spread of AIS. Boaters that agree to implement the recommended BMPs and that sign the ‘Clean Boater Pledge’ are authorized to display an Indiana Clean Marina sticker on their watercraft.
MI	‘Clean Boats, Clean Waters’ <a href="https://micbcw.org/">https://micbcw.org/</a> Michigan Clean Marina Program <a href="http://www.miseagrant.umich.edu/cmp/about.html">http://www.miseagrant.umich.edu/cmp/about.html</a> Michigan Mobile Boat Wash Program <a href="https://www.facebook.com/MobileBoatWash/">https://www.facebook.com/MobileBoatWash/</a>	The Clean Boats, Clean Waters program is sponsored and promoted by the Michigan Invasive Species Grant Program. The goal of the Michigan Clean Marina Program is to reduce boating related environmental impacts by promoting informed decision making. The program focus is on training and support for marina and boatyard operators in protecting natural resources. Program participants promote the protection and conservation of resources, such as clean water and fish habitat. Participants voluntarily adopt best management practices, compliance or technical recommendations and distribute educational materials to boaters. The Michigan Mobile Boat Wash Program is a partnership between MI Department of Environment, Great Lakes, and Energy, Michigan State University, and the U.S. Forest Service that delivers AIS prevention messaging to boaters with the use of summer field crews and two mobile boat washers.
MN	AIS Prevention Aid fund <a href="https://www.dnr.state.mn.us/invasives/ais/prevention/index.html">https://www.dnr.state.mn.us/invasives/ais/prevention/index.html</a> AIS signs at water accesses <a href="https://www.dnr.state.mn.us/invasives/ais/prevention/ais_signs.html">https://www.dnr.state.mn.us/invasives/ais/prevention/ais_signs.html</a> MN Statutes, inspection of water-related equipment <a href="https://www.revisor.mn.gov/statutes/cite/84D.105">https://www.revisor.mn.gov/statutes/cite/84D.105</a>	MN Statute 477A.19, enacted in 2014, provides \$10M annually for AIS Prevention Aid. MN DNR provides technical support to counties and their partners to develop prevention strategies, reviews county AIS plans, and facilitates regional workshops to support collaborative efforts among counties. MN DNR also provides a limited number of “Help Stop Aquatic Hitchhiker” signs at no-cost to local governments. MN Statute 84D.105 also allows MN DNR to delegate its watercraft inspection authorities to local and tribal governments.
NY	NYSDEC, NYS OPRHP (Parks), New York Sea Grant Boat Steward Programs <a href="http://www.dec.ny.gov/animals/107807.html">http://www.dec.ny.gov/animals/107807.html</a>	New York State Department of Environmental Conservation (NYSDEC), New York State Office of Parks, Recreation, and Historic Preservation (NYS OPRHP) and New York Sea Grant, along with other partners, have teamed up to provide support for boat steward programs. Boat stewards are volunteers or paid members of the community who provide boaters and other water recreationists with important information about what precautions can be taken to reduce the likelihood of spreading AIS, including helping people learn how to inspect, clean, drain, and treat watercraft and equipment. As of 2019, boat steward programs are in place in 211 locations across the state.
OH	Ohio Clean Boater Program <a href="http://ohioseagrant.osu.edu/cleanboaters/">http://ohioseagrant.osu.edu/cleanboaters/</a>	The Ohio Clean Boater program aims to promote environmental stewardship by ‘making marinas and boaters more aware of environmental laws, rules, and jurisdictions, and to get as many boaters as possible to follow best boater practices and to be designated Clean Boaters.’
PA	‘Smart boating, Clean Waters’ campaign <a href="http://www.dep.state.pa.us/river/grants/cnpp/smartboating/smartboating.htm">http://www.dep.state.pa.us/river/grants/cnpp/smartboating/smartboating.htm</a>	The campaign was initiated in 2003 to ‘provide recreational water-users information, guidance, and assistance in protecting water quality in the Delaware Estuary and Lake Erie coastal areas.’

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QBC	<p>Methods of preventing the introduction and propagation of exotic invasive species</p> <p><a href="https://mffp.gouv.qc.ca/the-wildlife/preventing-introduction-invasive-species/?lang=en">https://mffp.gouv.qc.ca/the-wildlife/preventing-introduction-invasive-species/?lang=en</a></p>	<p>The Quebec Ministry of Forestry, Wildlife and Parks is responsible of formulating and outreach of the best practices for inspection and cleaning of boats and equipment. MFFP is also providing guidelines for municipalities who wish to install cleaning stations on their territory along with offering, through an annual funding plan, the possibility to finance up to 75% (maximum \$15 000) of a construction of cleaning stations for cities and public entities.</p>
WI	<p>‘Clean Boats, Clean Waters’</p> <p><a href="http://www4.uwsp.edu/cnr/uwexlakes/CBCW/default.asp">http://www4.uwsp.edu/cnr/uwexlakes/CBCW/default.asp</a></p>	<p>Clean Boats, Clean Waters ‘leverages teams of volunteers, and some paid staff from the DNR, Sea Grant and other organizations, to conduct boat and trailer checks, disseminate informational brochures and educate boaters on how to prevent the spread of aquatic invasive species.’ The University of Wisconsin Extension conducts trainings for new boat inspectors and coordinates the volunteer efforts. The Wisconsin Department of Natural Resources maintains a statewide database, which contains tallies of information tracked at landings.</p>

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## **ASSESSMENT**

### *Method*

The Model legislative package consists of ten elements that are considered the most important to have in place for every state or jurisdiction that wishes to enter into reciprocal agreements (Table 2, “the gold standard” for reciprocity). We reviewed current statutes governing the management of trailer boats, as they pertain to the Model, for Québec and the six Great Lakes States that were not assessed by Otts and Janasie, 2014, and reprint the original assessments with some updates for Wisconsin and Minnesota (see “Snapshots” in Appendices 1-9). The “Snapshot” assessments indicate the current status of WID laws for each jurisdiction based on our review of the available legislative records and, for most jurisdictions, with input and review provided by relevant state or provincial AIS management personnel. In addition to the ten “core” elements of the Model, we also assessed whether states designated a specific funding source (e.g. AIS Fund) to support a WID program.

Table 2. Elements of a “core legislative package” to prevent AIS spread via trailered boats and to promote reciprocity among states (from Otts and Nanjappa, 2014).

Definitions	Defines the relevant terms used (e.g. aquatic invasive species, conveyance, decontamination, inspection, person, and waters).
Powers and Duties	Sets forth the specific authorities that the designated agency needs, in order to implement an effective WID program.
Prohibit possession and transport	Sets forth the legal foundation against the possession, movement, transport, etc. of aquatic invasive species
Prohibit placement in water with AIS	Sets forth the legal foundation against the placement of a conveyance into waters of the state without first complying with applicable regulations
Responsibilities (of Owners, Operators, and Transporters)	Sets forth the legal foundation for compliance with the overall intent of the law – ensuring that conveyances are clean before use or re-entry into waters of the state – whether or not inspection stations or decontaminations services are available.
Authority to stop vehicles	Establishes the authority for the designated agency(s) to stop vehicles based on the suspected presence of aquatic invasive species
Mandatory inspection	Establishes the authority for the designated agency(s) to establish inspection stations and/or to require mandatory inspections before a person places or removes a conveyance into or out of a water body
Decontamination	Establishes authority for designated personnel to decontaminate a conveyance based on the presence or suspected presence of AIS (as determined during an inspection), impound the conveyance as necessary, and impose costs for the decontamination action.
Certification	Establishes authority for the responsible agency to develop a certification system to provide information to future inspectors, including those in other jurisdictions, to facilitate reciprocity
Penalties	Sets forth both civil and criminal mechanisms to respond to violations

*Results*

The NSGLC found that thirteen of the eighteen WRP member states (~75%) have WID programs in place, whereas compulsory regulatory strategies are not widely adopted, and are not consistent in the Great Lakes region (Figure 1, Table 3). A notable exception is the inspection program in Minnesota (see Appendix 10). In response to invasion fronts by three aggressive AIS (Eurasian water milfoil, Asian carp, and Zebra mussels), Minnesota passed legislation that includes almost every element in the Model. Minnesota also created a funding stream to support the program.

Michigan has most of the key elements in place, but lacks a mandatory inspection requirement and does not expressly provide definitions for inspection in legislation. Illinois also lacks a mandatory inspection requirement and while law enforcement personnel have authority to mandate decontamination for conveyances that are suspected to be in violation of statutes prohibiting AIS transport, unlike Michigan, they do not have authority to impound conveyances.

Indiana, New York, Quebec, and Wisconsin all lack mandatory inspection and decontamination requirements, although Wisconsin DNR is authorized to create an inspection program under which they can conduct periodic inspections and law enforcement officers are authorized to inspect and prevent launch of any watercraft that are in violation of AIS transport statutes.

Ohio and Pennsylvania have not established regulatory authority for most of the model provisions. Both jurisdictions prohibit the possession, sale, and importation of non-native “injurious” species, and the relevant Pennsylvania statute includes language prohibiting the “transport” of such species, but neither state specifically prohibits the placement of “out-of-compliance” conveyances into water bodies and both states lack any mandatory inspection and decontamination requirements.

None of the Great Lakes jurisdictions assessed here have established a certification system that would issue certificates to owners of watercraft that have been inspected and recognize by reciprocity inspection or decontamination certificates issued by other states in accordance with minimum agreed upon standard protocols.

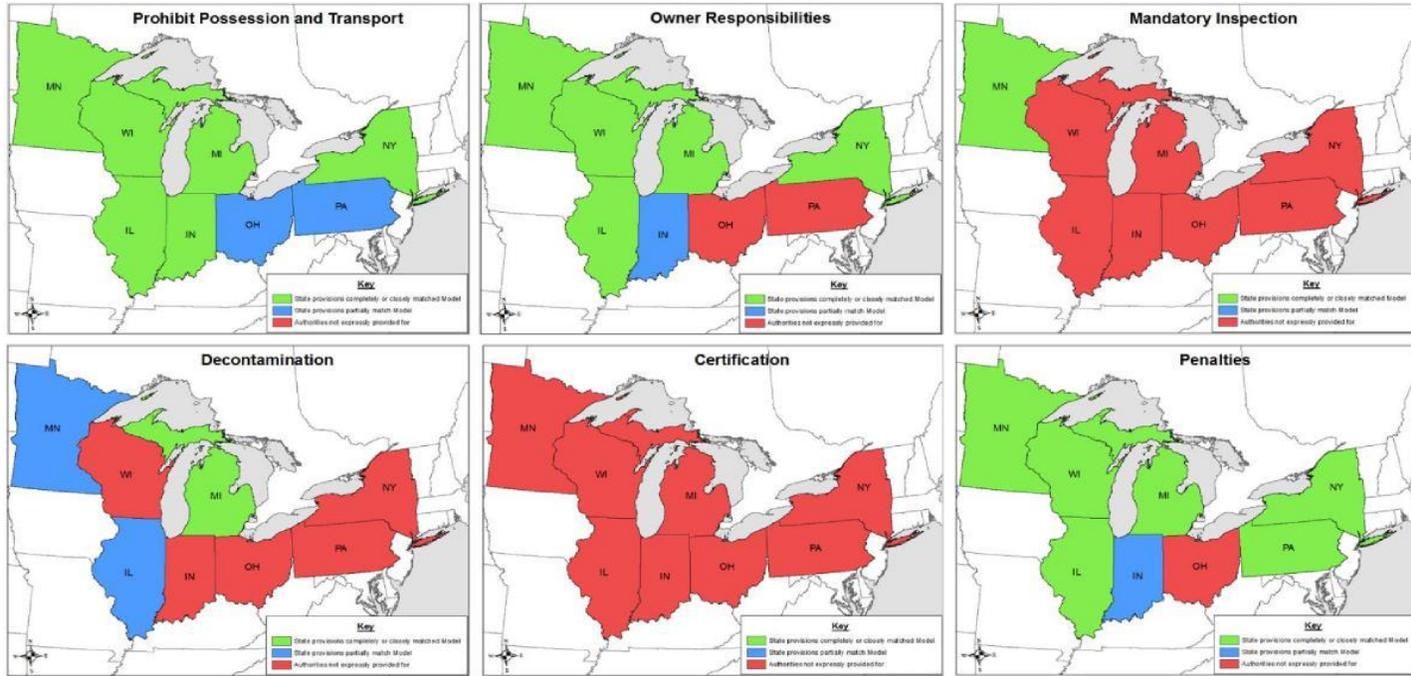


Figure 1. Status of Great Lakes jurisdictions with respect to select elements of a “core legislative package” to prevent AIS spread via trailered boats and to promote reciprocity among states (after Otts and Nanjappa, 2014). See Table 2 for definitions. Key: Green = state provisions completely or closely matched the Model, Blue = State provisions partially match the Model, Red = Authorities not expressly provided for.

Table 3. Snapshot Comparison of Legislative Provisions in Great Lake States and Provinces to Model Watercraft Inspection & Decontamination Core Authorities. “Provisions Not Met” indicate the number of categories for which a state does not have any legislative provision (of 11 categories). “# of State not meeting the Provision” indicates the number of states that do not have any legislative provision within a given category (of 9 jurisdictions). **Y** - State provisions completely or closely matched Western U.S. Model legislation (*sensu Otts and Janasie, 2014*), **P** - State provisions partially match Model, **N** - Authorities are not expressly provided.

	Definitions	Powers & Duties	Prohibit possession and transport	Prohibit placement in water w/AIS	Owner Resp.	Authority to stop vehicles	Mandatory Inspection	Decon.	Certification	Penalties	Specific funding source	Provisions Not Met (of 11)
IL	P	Y	Y	Y	Y	Y	N	P	N	Y	N	3
IN	P	P	Y	Y	P	N	N	N	N	P	Y	4
MI	P	Y	Y	Y	Y	Y	N	P	N	Y	Y	2
MN	Y	Y	Y	Y	Y	Y	Y	P	N	Y	Y	1
NY	P	P	Y	Y	Y	N	N	N (voluntary)	N	Y	Y	4
OH	N	N	P	N	N	N	N	N	N	N	N	10
PA	N	P	P	N	N	N	N	N	N	Y	N	8
QBC	P	Y	Y	Y	N	Y	N	Y	N	Y	N	4
WI	P	P	Y	Y	Y	P	P	N	N	Y	Y	2
<b># States Not Meeting the Provision (of 9)</b>	<b>2</b>	<b>1</b>	<b>0</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>7</b>	<b>4</b>	<b>9</b>	<b>1</b>	<b>4</b>	

## DISCUSSION

The primary responsibility for AIS management falls to the states and provinces. However, inconsistent management approaches can hinder efforts to prevent the introduction and secondary dispersal of AIS (Lodge et al 2006, Peters and Lodge 2009). The assessment undertaken here (based on the NSGLC’s “Model Legislation and Guidance”) is not a comprehensive review of every voluntary and compulsory program to address spread of AIS via watercraft in the Great Lakes, but it demonstrates that watercraft inspection and decontamination policies vary widely across the region and most jurisdictions appear to lack key policy components identified in the Western Model regulatory framework. The continued spread of AIS (e.g. Zebra Mussels, Starry Stonewort) into inland waters of the Great Lakes States (and provinces) is potentially evidence that the trailer boat pathway is still a source of spread and their remains a need to more consistently adopt (or adapt) policy to effectively manage this pathway across the Great Lakes region.

Examples of policy and programmatic improvements that could be implemented include:

- 1) State or provincial level adoption of Model elements that are currently lacking, including the establishment of regulations that establish agency responsibility and regulatory authority to implement WID
- 2) Establishment of “Supplemental Authorities” that may not be essential for reciprocity but that can help individual states or provinces, and the region, to achieve programmatic goals, including:
  - a. Dedicated AIS Funding source(s) for WID
  - b. Consideration of other structures that can transport AIS
  - c. Improved information sharing, especially related to program efficacy
  - d. Regional dialogue on the benefits of certification programs based on shared protocols for watercraft inspection and decontamination

*Adoption of Model elements* – All jurisdictions have established at least some prohibitions related to the possession and transport of AIS on trailered boats and most jurisdictions (except OH) authorize administration of penalties for violation of AIS transport provisions. However, provisions for mandatory inspection and decontamination to prevent AIS spread via trailered boats could be improved for almost every jurisdiction. Only one state (MN) authorizes DNR to require mandatory inspection before watercraft are launched into or moved from a water body. Law enforcement personnel in five jurisdictions (IL, MI, MN, QBC, WI) have at least partial authority to stop and inspect watercraft that are suspected to be in violation of AIS transport laws, but decontamination of the vessel may not be expressly required by statute. Indiana, New York, Ohio, and Pennsylvania make no statutory provision for mandatory

inspection or decontamination, and as such appear to have relatively little authority to compel compliance from boaters in violation of AIS transport laws. Establishing regulatory provisions for inspection and decontamination is the first step towards creating a regional certification program (to recognize by reciprocity inspections and decontamination performed in other states), which can minimize duplication of effort by states and reduce confusion among the boating public.

The adoption of Model regulations (sensu Otts and Nanjappa, 2016) that establish agency responsibility and regulatory authority to implement WID programs would also improve AIS policy in the basin. In the Great Lakes region, water bodies are numerous and the number of registered boats is higher than any other region in the country (NMMA, 2010). Many jurisdictions do not appear to have the capacity or resources to implement WID across the entire state or province. Model regulations have been proposed that grant authority to relevant agencies to classify waters based on AIS status (e.g. suspected, positive, infested) or to cite inspection stations (e.g. based on probability of AIS spread to or from a given water body). These authorities could increase program efficacy and reduce program costs at the same time.

*Establishment of supplemental authorities* – The authority to establish a dedicated account or fund and designate mechanisms to maintain the fund could facilitate long term maintenance of state and provincial WID programs. Personnel costs are generally the largest expense in inspection program budgets. Budget constraints dictate the number of inspection stations and personnel hours available for staffing inspection stations. Depending on the funding source, these can change from year to year. Equipment investment (e.g. boat cleaning stations) and transportation costs can also be considerable. Illinois, Ohio, Québec and Pennsylvania lack a dedicated AIS fund, including for WID, but models from within the region could be adopted. For example, an AIS fee is attached as a registration surcharge to support Minnesota’s Invasive Species Account, which funds the state’s WID program. Other states have adopted the “user fee” concept, whereby specific fees are charged as part of the inspection program, often through decals purchased for any watercraft. A number of states fund inspection programs through ‘cost sharing’ initiatives in which a state agency oversees the inspection program, but inspections are implemented in cooperation with participating universities, organizations, or municipalities through cost shares (e.g. the state agency allocates funding for competitive grants offered to local AIS prevention efforts and any municipality that is awarded grant money for inspection programs must match the award with local funds or the equivalent in personnel hours).

The establishment of a certification program (described above) might also create opportunity for access to federal programs for cost sharing to implement and support WID programs in the region. The 100<sup>th</sup>

meridian initiative (<http://www.100thmeridian.org>), employed by western states to prevent the westward spread of zebra mussels and other AIS, may serve as a useful model for the Great Lakes region in this regard. The initiative was based on an Action Plan (now managed by the USFWS) developed in response to the 1996 amendments to the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 and was the first comprehensive effort involving Federal, State, Tribal, and Provincial entities to address pathways for preventing AIS spread. Although the program was not legally binding it established a framework for regional cooperation to prevent AIS spread and it provided access to federal funding for cost sharing initiatives with other sources to support implementation of the program.

Expanding the model to include regulations pertaining to other structures that can be transferred between water bodies (e.g. any water related equipment, including portable docks, lifts, or construction equipment used in water) could also improve state and regional efforts to prevent secondary transport of AIS. In most jurisdictions, prohibitions on AIS transport or the placement of out of compliance conveyance is limited to boats, trailers, and recreational gear, but some jurisdictions use broader definitions for conveyance to regulate the placement of any “structure” (QBC), “water related equipment” (MN) or of “vehicles, sea planes, watercraft, or other objects of any kind” (WI) into waters if prohibited AIS are attached to the equipment. In Minnesota, anyone who is paid to decontaminate, install, or remove water-related equipment or who rents or leases water related equipment that will be used in waters of the state must complete training and have a permit per the state’s Lake Service Provider permit program (<https://www.revisor.mn.gov/statutes/cite/84D.108>). Voluntary measures to promote best management practices also exist in some states but in general, it appears that compulsory approaches to limit movement of AIS on other water-related equipment could be strengthened across the region.

An important, but not yet widely implemented, aspect of WID programs is data collection and information sharing to evaluate the spread of AIS, public awareness of AIS issues, and general program efficacy. Provision of the authority and possibly requirement to collect and report education, inspection and compliance data and reporting could be helpful. Wisconsin’s Surface Water Integrated Monitoring System database is a model for a voluntary approach for data collection and reporting. Through the Clean Boats, Clean Waters program, volunteers are encouraged to complete a “Watercraft Inspection Report” as part of each inspection. The form contains questions that volunteer inspectors can ask boaters regarding frequency of inspection and boat use, number of water bodies visited in a typical month, boater practices with respect to trailering boats, and awareness of Wisconsin laws regarding AIS transport. The data collected at boat landings are entered into the Surface Water Integrated Monitoring System online database by watercraft inspectors and agency personnel can mine the database to better understand

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boaters' knowledge and behavior regarding AIS, trends in AIS detection and spread, and general program efficacy.

Alignment of state regulatory provisions can minimize duplication of effort by enabling states to work together to achieve common goals. Alignment also reduces confusion among the boating public regarding AIS transport and WID requirements, which increases awareness, understanding, and compliance with WID programs, and ultimately reduces the risk of AIS introduction and spread (Otts and Nanjappa, 2016). The practical experience gained from Great Lakes states and provinces implementing elements of a Model program, provide the basis to move state and provincial programs towards a set of standard compliance rules prohibiting transport of any plants or animals on boats and trailers (and other water related equipment). The Aquatic Nuisance Species Great Lakes Panel is a regional forum for relevant stakeholders (including natural resource managers, law enforcement, and assistant attorney generals, AIS coordinators, etc.) to convene and discuss broader implementation of Model elements throughout the Great Lakes region. Existing regional agreements (e.g. the CGLSLGP "Mutual Aid agreement" and "Michigan, Ohio, Ontario harmonization" resolution) provide useful templates for harmonizing WID programs in the Great Lakes. A regional approach that leverages the resources and expertise already in place in individual Great Lakes states and experience from Western U.S. would be an important step forward in efforts to prevent AIS transport via the trailered boat pathway.

## CONCLUSIONS

Almost all jurisdictions have regulations currently in place that address AIS, including provisions to manage the recreational boating pathway (Appendix 11). Thus, wholesale adoption of the Model regulation may not be necessary and states and provinces could apply the Model language and elements as necessary to strengthen their existing policy. But existing policies could be improved in almost all jurisdictions (relative to the Model), and consistent with the Conference of Great Lakes and St. Lawrence Governors and Premiers (CGLSLGP) efforts to "foster increased regional coordination," - regional harmonization of trailer boat policy would appear to be one policy area that could be strengthened.

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Appendix 1. Illinois assessment

**Illinois**

*Snapshot: How does Illinois compare to the Model?*

P	Definitions	Illinois does not define conveyance, decontamination, inspection, or waters for purposes of aquatic invasive species.
✓	Powers & Duties	
✓	Prohibitions	
✓	Owner Responsibilities	
P	Inspection	Officers have authority to inspect vessels.
P	Decontamination	Officers may order decontamination.
X	Certification	
✓	Penalties	

*Detailed Comparison to Model*

Sources: 515 ILCS 5/1-70; 625 ILCS 45/2-23 – The Boat Registration and Safety Act; Illinois DNR – Illinois Wildlife Action Plan; 515 ILCS 5/5-25 – Value of protected species; violations; Illinois Administrative Code Title 17, Chap. I, sub. b., Part 805 – Injurious Species

**Core Authorities**

**Legislative Findings:** None.

**Definitions:**

Aquatic Invasive Species	Yes. The Illinois Administrative Code defines “injurious species” as “those species listed in 50 CFR 16.11-15; except fish, eggs, or gametes of the family Salmonidae; and any other species as listed in this Part, based upon the potential threat to indigenous wildlife, aquatic life, or the habitat. For the purposes of this Part, Injurious Species shall include any live specimens, progeny thereof, viable eggs, gametes, seeds, reproductive structures (e.g., turions/tubers), or plant fragments.”
Conveyance	No.
Decontamination	No.
Inspection	No.
Person	Yes. “Person includes the plural ‘persons’, females as well as males, and shall extend and be applied to clubs, associations, corporations, firms, and partnerships as well as individuals.”

Waters	No, not specifically related to this subject.
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Note:

**Powers and Duties of Department:**

Identify AIS	Yes. The Illinois Administrative Code grants authority to DNR to identify aquatic invasive species.
Identify waters and locations affected by AIS	Yes. The Illinois Wildlife Action Plan “prioritize[s] high-quality natural areas, large habitat patches, and other key locations for invasive species control.”
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. “a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported, traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part, except persons engaged in interstate transport for lawful commercial purposes who do not buy, sell, barter, trade, transfer, loan or offer to do so in Illinois may transport injurious species across Illinois without an injurious species permit from the Department.” Furthermore, “a) Permits to transport/possess injurious species may be issued ... for zoological, educational, medical, or scientific purposes under [specified] provisions.”
Stop, detain, and inspect a conveyance	Yes. Law enforcement officers are vested with the authority to order removal of aquatic life on boats. Because of this authority, officers surely have the authority to stop and inspect.
Decontaminate or order the decontamination	Yes. Officers are expressly granted the authority to order removal of aquatic life.
Enter into agreements to facilitate cooperation or address management issues	Yes. The Illinois Wildlife Action Plan lays out a goal of developing inter-agency coordination for effective and rapid detection, quarantine, eradication and control of invasive species.

Note:

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. “(b) No person may take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached to the exterior of the seaplane, vehicle, watercraft, or other object.” Furthermore, the Administrative Code states: “a) Injurious species shall not be possessed, propagated, bought, sold, bartered or offered to be bought, sold, bartered, transported,
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	traded, transferred or loaned to any other person or institution unless a permit is first obtained from the Department of Natural Resources in accordance with Section 805.40 of this Part.”
Prohibition on placement of out-of-compliance conveyance in waters	Yes. “No person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in waters of this State if it has any aquatic plants or aquatic animals attached to the exterior of the vehicle, seaplane, watercraft, or other object. This Section does not require a person to remove aquatic plants or aquatic animals from a vehicle, seaplane, watercraft, or other object during the period of time when the vehicle, seaplane, watercraft, or other object is being operated in the same navigable body of water in which the aquatic plants or aquatic animals became attached.”

*Note:*

**Owner Responsibilities:**

*Clean, Drain, and Dry:* Guidance documents (not carrying the force of law) provide that boaters are to “Remove, Drain, Dry. Every time.” The documents are designed to prevent the spread of aquatic invasive species.

*Comply with Inspection and Decontamination Protocols and Orders:* Yes, subsection (c) of 625 ILCS, Section 5-23 allows a law enforcement officer to order removal of aquatic plants or animals before placing the vessel in navigable water.

**Inspection Authority:**

Authority to Establish Inspection Stations	No.
Mandatory Inspections	No, but law enforcement can order decontamination, so it is likely that an officer can mandate inspection.
Law Enforcement Stops	Yes. Law enforcement officers may order decontamination if there is reason to believe there is an ongoing violation; therefore, it is reasonable to assert that law enforcement has authority to stop a motorist.

*Note:*

**Decontamination Authority:**

Perform or Order Decontamination	Yes. “(c) A law enforcement officer who has reason to believe that a person is in violation of this Section may order the person to: (i) remove aquatic plants or aquatic animals from a vehicle, seaplane, watercraft, or
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	<p>other object of any kind before placing it in a navigable water;</p> <p>(ii) remove aquatic plants or aquatic animals from a seaplane before taking off with the seaplane;</p> <p>(iii) remove from, or not place in, a navigable water, a vehicle, seaplane, watercraft, or other object of any kind; or</p> <p>(iv) not take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway.</p> <p>(d) No person may refuse to obey the order of a law enforcement officer acting under subsection (c) of this Section.”</p>
Impound Conveyances	No.
Impose Costs	No.

*Note:*

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

*Note:*

**Penalties:**

515 ILCS 5/5-25

“(a) Any person who, for profit or commercial purposes, knowingly captures or kills, possesses, offers for sale, sells, offers to barter, barter, offers to purchase, purchases, delivers for shipment, ships, exports, imports, causes to be shipped, exported, or imported, delivers for transportation, transports or causes to be transported, carries or causes to be carried, or receives for shipment, transportation, carriage, or export any aquatic life, in part or in whole of any of the species protected by this Code, contrary to the provisions of the Code, and that aquatic life, in whole or in part, is valued at or in excess of a total of \$300, as per species value specified in subsection (c) of this Section, commits a Class 3 felony.

A person is guilty of a Class 4 felony if convicted under this Section for more than one violation within a 90-day period if the aquatic life involved in each violation are not valued at or in excess of \$300 but the total value of the aquatic life involved with the multiple violations is at or in excess of \$300. The prosecution for a Class 4 felony for these multiple violations must be alleged in a single charge or indictment and brought in a single prosecution.

Any person who violates this subsection (a) when the total value of species is less than \$300 commits a Class A misdemeanor except as otherwise provided.

(b) Possession of aquatic life, in whole or in part, captured or killed in violation of this Code, valued at or in excess of \$600, as per species value specified in subsection (c) of this Section, shall be considered prima facie evidence of possession for profit or commercial purposes.”

*Civil Penalties:* See above.

*Criminal Penalties:* See above

**Supplemental Authorities:**

Aquatic Invasive Species Fund	Yes. The Illinois Wildlife Action Plan provides for the “establishment of a trust fund with revenues from sales of intentionally introduced species for funding detection, eradication and control of plants and animals that escape cultivation or captivity.” This plan does not carry the force of law.
Closure Authority	No.
Drying Time	Illinois DNR recommends towel drying all equipment after removing and draining, and if possible, then allowing at least 5 days of air drying.
Local Government Authority	Yes. Chicago has adopted multiple invasive species ordinances over the past number of years. Chicago has named a number of aquatic and land invasive species as regulated under the ordinances.
Forfeiture	No.
Immunity	Yes. “e) This Section does not prohibit a person from: ... (ii) transporting or operating commercial aquatic plant harvesting equipment that has aquatic plants or animals attached to the exterior of the equipment, if the equipment is owned or operated by a local governmental unit, is being transported or operated for the purpose of cleaning the equipment to remove aquatic plants or animals, and is being transported to or operated at a suitable location away from any body of water.”
Reporting	No.

Note:

## Indiana

### *Snapshot: How does Indiana compare to the Model?*

P	Definitions	The statutes and regulations do not define hardly any terms.
P	Powers & Duties	No authority to inspect or order decontamination.
✓	Prohibitions	
P	Owner Responsibilities	No binding enforcement.
X	Inspection	
X	Decontamination	
X	Certification	
P	Penalties	Only civil penalties are possible.

### *Detailed Comparison to Model*

*Sources:* Titles 14 and 15 of the Indiana Code; 312 IAC 9-6-7, 9-9-3, etc.; Indiana DNR website; Indiana ANS Task Force documents

### Core Authorities

**Legislative Findings:** None.

**Definitions:**

Aquatic Invasive Species	Yes. The DNR website defined invasive species as “a species that is nonnative (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm or harm to human health.” Indiana commonly refers to these organisms as “aquatic nuisance species.”
Conveyance	No.
Decontamination	No.
Inspection	No.
Person	Not related to this topic.
Waters	Not related to this topic.

*Note:*

**Powers and Duties of Department:**

Identify AIS	Yes. The Indiana Administrative Code Titles 9 and 18 provide a list of aquatic invasive species regulated under the rules.
Identify waters and locations affected by AIS	Yes. The IAC provides: “The division may regulate an area infested by a species identified in subsection (a) [list of aquatic plants] to prevent its movement.”

Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes: “Exempted from th[e aquatic invasive plants] section are the following: (1) A person who possesses a species identified in subsection (a) under a permit issued by the state entomologist. (2) A person engaged in a project approved by the state entomologist for the destruction of a species.”
Stop, detain, and inspect a conveyance	No.
Decontaminate or order the decontamination	No.
Enter into agreements to facilitate cooperation or address management issues	No.

Note:

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. The IAC provides, “Except as otherwise provided under this section, a person must not import, possess, propagate, buy, sell, barter, trade, transfer, loan, or release into public or private waters any of the following live fish or fry of live fish or their viable eggs or genetic material: [list of eleven fish species.]” The IAC also prohibits the taking of mussels and the sale/transport of aquatic invasive plants.
Prohibition on placement of out-of-compliance conveyance in waters	Yes. The Code provides: “c) Except as provided in subsection (d), a person must not do the following with respect to any species identified in subsection (a): (1) Sell, offer for sale, gift, barter, exchange, or distribute a species. (2) Transport a species on or within any: (A) boat; (B) trailer; (C) motor vehicle; (D) bait bucket; (E) fishing gear; (F) creel; (G) tackle; (H) tackle box; or (I) other means.” It is not illogical to assume that this provision would prohibit placing a boat in water that is infested with invasive species.”

Note:

**Owner Responsibilities:**

*Clean, Drain, and Dry:* The Illinois-Indiana Sea Grant recommends to always remove, drain, and dry equipment. Also, the Grant states to never dump unused bait and clean all other equipment as necessary. It is important to note, however, that this entity does not carry the force of law.

*Comply with Inspection and Decontamination Protocols and Orders:* Not required

**Inspection Authority:**

Authority to Establish Inspection Stations	No.
Mandatory Inspections	No, except for facilities that have permits for use of certain controlled fish or other aquatic wildlife.

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Law Enforcement Stops	No.
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*Note:*

**Decontamination Authority:**

Perform or Order Decontamination	No.
Impound Conveyances	No.
Impose Costs	No.

*Note:*

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

*Note:*

**Penalties:**

“Civil penalties associated with misdemeanors are low (up to \$500 for unlicensed possession of a prohibited species) indicating that the fines are not intended as a major deterrent for major commercial ventures such as aquaculture, the pet trade or commercial shipping. No criminal penalties exist for the violations.”

*Civil Penalties:* Misdemeanor finable up to \$500.

*Criminal Penalties:* None.

**Supplemental Authorities:**

Aquatic Invasive Species Fund	The Indiana Code provides for the establishment of the “Invasive Species Council Fund.” This group does not directly manage funding, but it does carry certain powers under Indiana law.
Closure Authority	No.
Drying Time	Recommended towel dry and up to 5 days’ air dry if possible.
Local Government Authority	No.
Forfeiture	No.
Immunity	No.
Reporting	Yes. The Invasive Species Council may “receive reports from any governmental agency regarding actions taken on recommendation of the council.”

*Note:*

Appendix 3. Michigan assessment

**Michigan**

*Snapshot: How does Michigan compare to the Model?*

P	Definitions	Only defines aquatic plant and boat under state law.
✓	Powers & Duties	
✓	Prohibitions	
✓	Owner Responsibilities	
P	Inspection	No authority to mandate Inspections.
P	Decontamination	No express authority to impose costs on owner to decontaminate.
X	Certification	
✓	Penalties	State civil infraction with fine up to \$100.

*Detailed Comparison to Model*

Sources: Natural Resources and Environmental Protection Act (NREPA) of 1994; Michigan.gov boater guidance documents

**Core Authorities**

**Legislative Findings:** None.

**Definitions:**

Aquatic Invasive Species	Yes. Michigan law defines ‘prohibited species’ and ‘regulated species’ in the 1994 NREPA. The definition provided includes a large list of invasive species. Also, Section 324.41325 defines ‘aquatic plant’ as “a submergent, emergent, or floating-leaf plant or a fragment or seed thereof. Aquatic plant does not include wild rice ( <i>Zizania aquatica</i> ).”
Conveyance	Yes. Section 324.41325 defines ‘boat’ as “a vessel as defined in section 80104, and ‘boating’ has a corresponding meaning.”
Decontamination	No.
Inspection	No.
Person	Not related to this topic.
Waters	Not related to this topic.

Note:

**Powers and Duties of Department:**

Identify AIS	<p>Yes. 324, Section 41302(3) lists the relevant inquiry for determining who an aquatic species comes to be listed: “(3) The relevant commission shall list an aquatic species as a prohibited species or restricted species if the relevant commission determines the following based on a review by the relevant department:</p> <p>(a) For an aquatic prohibited species, all of the following requirements are met:</p> <p>(i) The organism is not native or is genetically engineered.</p> <p>(v) The organism is not naturalized in this state or, if naturalized, is not widely distributed.</p> <p>(vi) One or more of the following apply:</p> <p style="padding-left: 40px;">(A) The organism has the potential to harm human health or to severely harm natural, agricultural, or silvicultural resources.</p> <p style="padding-left: 40px;">(B) Effective management or control techniques for the organism are not available.</p> <p>(b) For an aquatic restricted species, all of the following requirements are met:</p> <p>(i) The organism is not native.</p> <p>(vii) The organism is naturalized in this state.</p> <p>(viii) One or more of the following apply:</p> <p style="padding-left: 40px;">(A) The organism has the potential to harm human health or to harm natural, agricultural, or silvicultural resources.</p> <p style="padding-left: 40px;">(B) Effective management or control techniques for the organism are available.”</p>
Identify waters and locations affected by AIS	Yes. Expressly described in 324.41323(1)(a)(iv), (x)(b).
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. NREPA of 1994 excludes from the ban on transport/sale, possession for identification purposes, research/educational purposes, and for activities like eradication or control of the species.
Stop, detain, and inspect a conveyance	Yes. Section 324.41325 allows a law enforcement officer to order removal of aquatic plants; therefore, the officer would most likely have the authority to stop and inspect the boat as well.
Decontaminate or order the decontamination	Yes. Expressly provided for in Section 324.41325.
Enter into agreements to facilitate cooperation or address management issues	Yes, agencies have the authority to cooperate with other agencies to address issues.

*Note:*

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	<p>Yes. Section 41303 states: “a person shall not knowingly possess a live organism if the organism is a prohibited species or restricted species.” Furthermore, “A person shall not introduce a</p>
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	prohibited species, a restricted species, a genetically engineered or nonnative bird, crustacean, fish, insect, mammal, mollusk, or aquatic plant.”
Prohibition on placement of out-of-compliance conveyance in waters	Yes. Section 324.41325 states: “A person shall not place a watercraft, watercraft equipment, or a watercraft trailer in the waters of the state if an aquatic plant is attached. A person shall not transport any watercraft over land without: 1) removing all drain plugs from bilges, ballast tanks, and live wells; 2) draining all water from any live wells and bilge; 3) ensuring that the watercraft, trailer, and any conveyance used to transport the water or trailer are free of aquatic organisms, including plants. Penalties for violation of that subsection are also found in that section.

*Note:*

**Owner Responsibilities:**

*Clean, Drain, and Dry:* The government of the State of Michigan guidelines encourage boaters to Clean, Drain, and Dry, as well as to dispose of bait in the trash. These are mandatory guidelines as it is illegal to launch or trailer a boat that has an aquatic organism attached to it. It is also illegal to release unused bait into the water. Furthermore, bilges and live wells are required to be drained and drain plugs are required to be removed from bilges, ballast tanks, and live wells. Therefore, these are legally enforceable directives.

*Comply with Inspection and Decontamination Protocols and Orders:* Michigan law requires persons comply with the order to remove all aquatic organisms before transporting any watercraft over land. Failure to comply with decontamination orders is punishable in 324.41325.

**Inspection Authority:**

Authority to Establish Inspection Stations	No.
Mandatory Inspections	No.
Law Enforcement Stops	Yes. An officer has implied authority to stop and make an inspection because the officer has the vested authority to order removal.

*Note:*

**Decontamination Authority:**

Perform or Order Decontamination	Yes. Officers have the authority to order removal of aquatic plants.
Impound Conveyances	Yes. Seizure and forfeiture are both permitted under state law.
Impose Costs	No.

*Note:*

**Certification Authority:**

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Receipt	No.
Seal	No.
Reciprocity	No.

*Note:*

**Penalties:**

Sections 324.41309, 324.41310, and 324.41325 provides for a range of criminal and civil penalties for violation the prohibition on possession of aquatic invasive species.

*Civil Penalties:* From \$100 - \$1,000,000 and other various other possible liabilities for damage/repair under the Michigan Aquaculture Development Act. The Act also provide for seizure/forfeiture of a vehicle, equipment, or other property used in a criminal violation of the Act.

*Criminal Penalties:* Certain offenses are punishable up to 5 years (including some considered felonies).

**Supplemental Authorities:**

Aquatic Invasive Species Fund	Yes. The collection of funds for civil infractions under the Act is authorized in the NREPA of 1994
Closure Authority	No.
Drying Time	No length of time specified.
Local Government Authority	No.
Forfeiture	Yes. Forfeiture of a vehicle is possible under the NREPA of 1994.
Immunity	No.
Reporting	No.

*Note:*

Appendix 4. Minnesota assessment.

**Minnesota**

*Snapshot: How does Minnesota compare to the Model?*

✓	Definitions	
✓	Powers & Duties	
✓	Prohibitions	
✓	Owner Responsibilities	
✓	Inspection	
P	Decontamination	Minnesota lacks authority to impose costs for decontamination.
X	Certification	
✓	Penalties	

*Detailed Comparison to Model*

Sources: MINN. STAT. ANN. Chapter 84D; MINN. RULES Chapter 6216 (as of 2019)

**Core Authorities**

**Legislative Findings:** None.

**Definitions:**

Aquatic Invasive Species	Yes. Minnesota's law applies to the broader category of Invasive species." Invasive species 'means a nonnative species that (1) causes or may cause economic or environmental harm or harm to human health; or (2) threatens or may threaten natural resources or the use of natural resources in the state.'
Conveyance	Yes. Minnesota uses the term 'water-related equipment' which is defined as "a motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device, or any other associated equipment or container, including but not limited to portable bait containers, live wells, ballast tanks except for those vessels permitted under the Pollution Control Agency vessel discharge program, bilge areas, and water-hauling equipment that is capable of containing or transporting aquatic invasive species, aquatic macrophytes, or water. Because of the inclusion of motor vehicles, Minnesota's definition is slightly broader in scope than the Model.
Decontamination	Yes. Decontaminate means to "wash, drain, dry, or thermally or otherwise treat water-related equipment in order to remove or destroy aquatic

	invasive species using the 'Recommended Minimum Protocols and Standards for Watercraft Programs for Dreissenid Mussels in the Western US (September 2009) prepared for the Western Regional Panel [ANS], or other protocols developed by the commissioner.'
Inspection	Yes. Inspect means "to examine water-related equipment to determine whether aquatic invasive species, aquatic macrophytes, or water is present and includes removal, drainage, decontamination, collection and sampling, or treatment to prevent the transportation and spread of aquatic invasive species, aquatic macrophytes, and water."
Person	Yes. Minnesota Department of Natural Resources (DNR) regulations state that "person" has the meaning given in MINN. STAT. ANN. § 645.44(7), which states that "Person' may extend and be applied to bodies politic and corporate, and to partnerships and other unincorporated associations."
Waters	Yes. "Waters of this state" and "state waters" include all boundary and inland waters.

Note:

**Powers and Duties of Department:**

Identify AIS	Yes. DNR is required to classify nonnative species of aquatic plants and wild animals according to the following categories: (1) prohibited invasive species, (2) regulated invasive species, (3) unlisted nonnative species, and (4) unregulated nonnative species.
Identify waters and locations affected by AIS	Yes. The DNR may list a state water as an infested water if (1) the water contains a population of AIS that could spread to other waters if use of the water and related activities are not regulated to prevent this; or (2) the water is highly likely to be infested by an AIS because it is connected to a water that contains a population of AIS.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. A person may possess and transport a prohibited invasive species if being transported in a sealed container for the purposes of identifying the species or reporting its presence. DNR may also authorize, by permit, certain types of transportation for disposal.
Stop, detain, and inspect a conveyance	Yes. DNR is authorized to establish check stations and conduct inspections of water-related equipment.
Decontaminate or order the decontamination	Watercraft inspectors, conservation officers, or other peace officers may order the removal of

	aquatic macrophytes or prohibited invasive species from water-related equipment before it is placed into waters of the state.
Enter into agreements to facilitate cooperation or address management issues	Yes. DNR is authorized to enter into delegation agreements with tribal and local governments. In addition, DNR's invasive species program must provide for coordination among government entities and private organizations to the extent practicable. DNR is also directed by statute to seek cooperation with other states and Canadian provinces for the purposes of management and control.

*Note:*

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. A person may not possess, import, purchase, sell, propagate, transport or introduce a prohibited invasive species unless authorized by DNR.
Prohibition on placement of out-of-compliance conveyance in waters	Yes. Inspectors are authorized to prohibit an from launching if the individual refuses to submit to an inspection or refuses to remove and dispose of AIS, aquatic macrophytes, or water. There are also general launching restrictions. No person may place or attempt to place into waters of the state water-related equipment that has aquatic macrophytes or prohibited invasive species attached.

*Note:*

**Owner Responsibilities:**

*Clean, Drain, and Dry:* Yes. There is no explicit reference to Clean, Drain, and Dry in Minnesota's invasive species legislation or regulations. Minnesota DNR's educational messaging urges boaters to 'Clean, Drain, Dispose: Various provisions require owners and individuals in control of watercraft and water-related equipment to remove any attached aquatic macrophytes or AIS and drain water. Water-related equipment holding water and live wells and bilges must be drained when leaving state waters. Drain plugs and similar devices must be removed and open while the equipment is being transported. In addition, a boat lift, dock, swim raft, or associated equipment that has been removed from a water body may not be placed in another water body until a minimum of 21 days has passed.

*Comply with Inspection and Decontamination Protocols and Orders:* Yes. Minnesota law states that compliance with inspection requirements is an express condition of operating or transporting water-related equipment

**Inspection Authority:**

Authority to Establish Inspection Stations	Yes. DNR conservation officers and other licensed peace officers are authorized to utilize check stations at or near locations where
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	watercraft or other water-related equipment are placed into or removed from waters of the state.
Mandatory Inspections	Yes. DNR is authorized to require mandatory inspections before a person places or removes water-related equipment into or out of a water body.
Law Enforcement Stops	Yes. Conservation officers and other licensed peace officers may inspect any watercraft or water-related equipment that is stopped at a water access site, any other public location in the state, or a private location where the watercraft or water-related equipment is in plain view, if the officer determines there is reason to believe that AIS, aquatic macrophytes, or water is present. Conservation officers and other licensed peace officers may also stop any conveyance transporting water-related equipment that appears to be transporting aquatic macrophytes or prohibited invasive species.

*Note:*

**Decontamination Authority:**

Perform or Order Decontamination	Yes. There are two levels of watercraft inspector in Minnesota. Level 1 inspectors can inspect a watercraft and order the watercraft operator to remove aquatic macrophytes and prohibited aquatic invasive species from the watercraft prior to launch into Minnesota waters. Level 2 inspectors have the same authority and can also use hot water high-pressure wash stations to decontaminate the watercraft
Impound Conveyances	No. A DNR conservation officer or licensed peace officer, however, can confine water-related equipment at a mooring, dock, or other location until the water-related equipment is removed from the water.
Impose Costs	No.

*Note:*

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

*Note:*

**Penalties:**

Minnesota law authorizes both civil and criminal penalties. Individuals convicted of violations under the invasive species chapter involving water-related equipment must successfully complete a training course

developed by DNR that addresses identification of AIS and best practices to prevent the spread when moving water-related equipment (effective 7-1-2015).

*Civil Penalties:* Warnings and citations may be issued to a person who, among other things (1) unlawfully transports prohibited invasive species or aquatic macrophytes; (2) unlawfully places or attempts to place into waters of the state water-related equipment with AIS attached; or (3) fails to remove plugs, open valves, and drain water before leaving state waters or when transporting water-related equipment. The penalty that may be imposed depends on the violation and the species:

- Unlawfully transporting aquatic macrophytes - \$100
- Placing or attempting to place into state waters water-related equipment with aquatic macrophytes attached - \$200
- Unlawfully possessing or transporting a prohibited invasive species other than an aquatic macrophyte - \$500
- Placing or attempting to place water-related equipment with prohibited invasive species attached into waters not listed as infested - \$500
- Failing to remove drain plug or have it removed and open while transporting water-related equipment - \$100
- Transporting infested water off riparian property without a permit - \$200

Fines may be doubled if a civil citation is issued to a person who has one or more prior convictions for violation of Chapter 84D (invasive species). An owner or person in control of a watercraft or trailer who refuses to submit to an inspection or comply with a removal order may be issued a civil citation suspending his or her watercraft license for up to one year.

*Criminal Penalties:* A person who possesses, transports, or introduces a prohibited invasive species in violation of section 84D.05 is guilty of a misdemeanor. A person who refuses to obey an order of a peace officer or conservation officer to remove prohibited invasive species or aquatic macrophytes from any water related equipment is guilty of a gross misdemeanor.

**Supplemental Authorities:**

Aquatic Invasive Species Fund	Yes. The Minnesota legislature has created an Invasive Species Account within the Natural Resources Fund. Money received from surcharges on watercraft licenses, civil penalties, and service provider permits are deposited in the Invasive Species Account. Funds are to be used for management of invasive species and implementation of Chapter 84D (invasive species).
Closure Authority	Yes. DNR is authorized to include in the statewide invasive species management plan provisions for closing points of access to infested waters if determined necessary. Such closures may not exceed seven days during the open water season for control and eradication.
Drying Time	No.
Local Government Authority	Yes. DNR may enter into delegation agreements with tribal or local governments and authorize them to operate inspection programs.

Forfeiture	Yes. DNR may issue a civil citation suspending, for up to one year, the watercraft license of an owner or person in control of a watercraft or trailer who refuses to submit to an inspection or who refuses to comply with a removal order.
Immunity	No.
Reporting	Yes. A person that allows or causes the introduction of an invasive species must notify DNR within 24 hours of learning of the introduction. If the animal is a prohibited invasive species, the person is liable for the actual costs incurred by DNR in capturing and controlling the animal.

*Note:*

## New York

### *Snapshot: How does New York compare to the Model?*

P	Definitions	New York does not define conveyance, decontamination, or inspection.
P	Powers & Duties	No authority to inspect boats, and no authority to require decontamination.
✓	Prohibitions	
✓	Owner Responsibilities	
X	Inspection	No authority to mandate inspection.
X	Decontamination	No authority to mandate decontamination.
X	Certification	
✓	Penalties	Civil only.

### *Detailed Comparison to Model*

*Sources:* Title 17, § 9 – Environmental Conservation Law; 6 NYCRR Part 575 – Prohibited and Regulated Invasive Species

### Core Authorities

**Legislative Findings:** “The Legislature finds that invasive plant and animal species pose an unacceptable risk to New York State’s environment and economy and that this risk is increasing through time as more invasive species become established within the state. The Legislature additionally finds that invasive species are having a detrimental effect upon the state’s fresh and tidal wetlands, water bodies and waterways, forests, agricultural lands, meadows and grasslands, and other natural communities and systems by out-competing native species, diminishing biological diversity, altering community structure and, in some cases, changing ecosystem processes. Moreover, the Legislature recognizes that the ecological integrity of an increasing number of publicly and privately-owned parks and preserves is being adversely affected by invasive plants and animals, challenging the ability of land management agencies to effectively manage these sites. The Legislature further recognizes that nearly half (forty-six percent; fifty-seven percent of the plants, thirty-nine percent of the animals) of the species on the federal list of endangered species are declining, at least in part, due to invasive species. The Legislature additionally finds that invasive species have an adverse impact on the New York State economy. Particularly affected by these species are the water supply, agricultural, and recreational sectors of the state economy. The economic impact to the national economy has been estimated to be as high as one hundred thirty-seven billion dollars annually.”

**Definitions:**

Aquatic Invasive Species	Yes. “Invasive species means a species that is: (a) nonnative to the ecosystem under consideration; and (b) whose introduction causes or is likely to cause economic or environmental harm or harm to
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	human health. For the purposes of this paragraph, the harm must significantly outweigh any benefits.”
Conveyance	No. The regulation uses the term “container” to refer to “any object used to contain, store or transport products.” The regulation also uses the term “transport” to mean “to cause, or attempt to cause, an invasive species to be imported or carried or moved within the state, and includes accepting or receiving a specimen for the purpose of transportation or shipment.”
Decontamination	No.
Inspection	No.
Person	Yes. The regulation defines “person” as “any individual, firm, co-partnership, association, or corporation, other than the state or a public corporation, as the latter is defined in subdivision 1 section 3 of the General Corporation Law.”
Waters	Yes. The regulation defines “public waters” to mean “lakes, bays, sounds, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial limits of the State of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters which do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction.”

*Note:*

**Powers and Duties of Department:**

Identify AIS	Yes. The Department shall consider the following in determining whether to classify a species as prohibited or regulated under the relevant authority: “(1) The species meets the definition of invasive species; (2) The species is currently on a federal list or is listed by other states as an invasive species and its native habitat has climatic conditions similar to that of New York State; (3) Ecological impacts including, but not limited to, natural ecosystem processes, community structure and composition, and impacts on other species or species groups; (4) Biological characteristics and dispersal ability including, but not limited to, mode and rate of reproduction, potential for dispersal and spread, characteristics which increase competitive advantages, and known related invasive species; (5) Ecological amplitude
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	and distribution including, but not limited to, population status, habitats utilized, role of disturbance in establishment, and climate in native range; (6) Difficulty of control; (7) Economic benefits or negative impacts of the species; (8) Human health benefits or negative impacts of the species; and (9) Cultural or societal significance of the benefits or harm caused by the species.”
Identify waters and locations affected by AIS	No.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. “(a) A person may possess, with the intent to sell, import, purchase, transport or introduce, a prohibited invasive species if the person has been issued a permit by the Department for research, education, or other approved activity, under this Part. (b) A person may only introduce a regulated invasive species into a free-living state if the person is issued a permit under this section expressly authorizing such introduction.”
Stop, detain, and inspect a conveyance	No.
Decontaminate or order the decontamination	Boaters are encouraged to follow the “Clean, Drain, Dry” method. And, the NYSDEC asserts that any boating equipment must be decontaminated prior to use in another body of water if the C,D,D method cannot be complied with [it is voluntary; does not carry force of law].
Enter into agreements to facilitate cooperation or address management issues	“(a) This Part does not affect the authority of the Department of Agriculture and Markets. The Department of Agriculture and Markets shall inspect registered growers and dealers of plant material pursuant to Agriculture and Markets Law, Article 14 section 166, for compliance with this Part. Any violation issued by the Department of Agriculture and Markets shall be referred to the Department of Environmental Conservation for assessment of penalties pursuant to Environmental Conservation Law, section 71-0703.”

Note:

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. “(b) Except as otherwise provided by this Part, no person shall knowingly possess with the intent to sell, import, purchase, transport, or introduce any prohibited invasive species. (c) Except as otherwise provided by this Part, no person shall sell, import, purchase, transport, introduce or propagate any prohibited invasive species.” Furthermore, “(b) Except as otherwise provided by this Part, no person shall knowingly introduce into a free-living state or introduce by a means that one knew or should have known
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	would lead to the introduction into a free-living state any regulated invasive species, although such species shall be legal to possess, sell, buy, propagate and transport.”
Prohibition on placement of out-of-compliance conveyance in waters	Department of Environmental Conservation regulations prohibit the launching of undrained boats, or boats and trailers with visible plant and animal material attached to them at any NYSDEC boat launch facility.

*Note:*

### **Owner Responsibilities:**

*Clean, Drain, and Dry:* There is no direct reference to a requirement under the law. Guidance documents for boaters, however, encourage “to prevent spreading aquatic nuisance species: Inspect your vessel and trailer, and remove any plants and animals you see before leaving the area; Drain your motor, live well, and bilge on land before leaving the area; Empty your bait bucket on land. Never release live bait into a body of water or release aquatic animals from one body of water into another; Rinse your vessel, propeller, trailer, and equipment; Air-dry your vessel and equipment for as long as possible.” These suggestions are only voluntary in nature.

*Comply with Inspection and Decontamination Protocols and Orders:* The Guidance document goes on to say: “It is illegal to refuse to follow the directive of a person with law enforcement authority. An operator who has received a visual or audible signal from a law enforcement officer must bring his or her vessel to a stop.” However, specific authority to inspect for aquatic invasive species is not granted to law enforcement. Once again, these requirements are only voluntary in nature

### **Inspection Authority:**

Authority to Establish Inspection Stations	Yes, but not mandatory. A pilot program involving boat washing stations has been used, but is not required under state law (boat steward).
Mandatory Inspections	No.
Law Enforcement Stops	No specific authority to stop for those purposes, but motorists hauling a boat are required to comply with directives from law enforcement, which includes pulling over after being signaled.

*Note:*

### **Decontamination Authority:**

Perform or Order Decontamination	Can perform decontamination for boaters, but cannot require such service.
Impound Conveyances	Not for these reasons.
Impose Costs	The voluntary boat washing stations are free of charge.

*Note:*

### **Certification Authority:**

Receipt	No.
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Seal	No.
Reciprocity	No.

**Penalties:**

“(a) Any person who violates this Part or any license or permit or order issued by the Department, or Department of Agriculture and Markets, pursuant to section 9-1709 of the Environmental Conservation Law or pursuant to the provisions of this Part shall be liable for all penalties and other remedies provided for in the Environmental Conservation Law including section 71-0703(9). With respect to Eurasian boars, any person who violates this Part shall also be liable for all penalties provided for in the Environmental Conservation Law, including section 71-0925. Such penalties and remedies may be in addition to any other penalty or remedy available under any other law, including but not limited to, permit revocation.”

*Civil Penalties:* “a. Any person who transports, sells, imports or introduces invasive species, in violation of the regulations promulgated pursuant to section 9-1709 of this chapter shall be subject to the following:

For any first violation in lieu of a penalty there may be issued a written warning by the department and there may also be issued education materials at the discretion of the department regarding requirements related to invasive species. Such person shall, however, for any subsequent violation thereafter be subject to a fine of no less than two hundred fifty dollars.

b. Any nursery grower licensed pursuant to article fourteen of the agriculture and markets law, any person who owns or operates a public vessel ... , or any person who owns or operates a commercial fishing vessel who transports, sells, imports or introduces invasive species in violation of the regulations promulgated pursuant to section 9-1709 of this chapter, shall be subject to a fine of not less than six hundred dollars upon the first penalty. Upon the second penalty such person shall be subject to a fine of not less than two thousand dollars. Upon a subsequent penalty and after a hearing or opportunity to be heard upon due notice the following penalties may apply: (i) such nursery grower may be subject to the revocation procedures of section one hundred sixty-three-c of the agriculture and markets law (ii) such person's vessel registration may be suspended or (iii) such person's fishing permit may be revoked by the department.”

*Criminal Penalties:* None.

**Supplemental Authorities:**

Aquatic Invasive Species Fund	The NYSDEC Invasive Species Grant Program provides funding annually for various AIS projects. In 2019, \$2.8 million in grants were awarded for AIS management, including grants for AIS spread prevention (e.g. boat steward education and boat decontamination stations).
Closure Authority	No.
Drying Time	5 days in summer. 3 days at subfreezing temperatures.
Local Government Authority	NYSDEC is authorized to set up voluntary boat stewards to aid boaters with inspection and voluntary cleaning.
Forfeiture	No.
Immunity	No.
Reporting	No.

Appendix 6. Ohio assessment

## Ohio

### *Snapshot: How does Ohio compare to the Model?*

X	Definitions	
P	Powers & Duties	The Ohio administrative code allows for aquatic invasive species to be owned for research and other purposes.
P	Prohibitions	No prohibition on conveyances.
X	Owner Responsibilities	
X	Inspection	
X	Decontamination	
X	Certification	
X	Penalties	

### *Detailed Comparison to Model*

*Sources:* No statutory authority; O.A.C. 1501:31-19–Wild animal importing, exporting, selling and possession regulations; ODNR guidance on website; O.A.C. 901:5-30-01 Invasive Plant Species

### Core Authorities

**Legislative Findings:** None.

**Definitions:**

Aquatic Invasive Species	No. (The Ohio Department of Natural Resources uses the definition provided by the National Invasive Species Council: “both non-native (or alien) to the ecosystem under consideration and whose introduction causes or is likely to cause economic or environmental harm, or harm to human health.”)
Conveyance	No.
Decontamination	No.
Inspection	No.
Person	No.
Waters	No.

*Note:*

**Powers and Duties of Department:**

Identify AIS	No.
Identify waters and locations affected by AIS	No.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. “The listed species may be possessed live and used only for research, by zoos, public aquariums, and public displays after obtaining written authorization from the chief.”

Stop, detain, and inspect a conveyance	No.
Decontaminate or order the decontamination	No.
Enter into agreements to facilitate cooperation or address management issues	No.

*Note:* Ohio Department of Natural Resources has statutory authority over animals and Ohio Department of Agriculture has statutory authority over plants. For invasive plants, possession and transport are not explicitly regulated.

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. “It shall be unlawful for any person at any time to possess, import or sell live individuals of the species or their hybrids designated as injurious aquatic invasive species and posted on the Ohio division of wildlife website at <a href="http://www.wildohio.gov">http://www.wildohio.gov</a> .”
Prohibition on placement of out-of-compliance conveyance in waters	No.

*Note:* Prohibitions on possession and transport apply to animals only. The allows an exception to the above-listed prohibition: “It shall be unlawful to possess any of the species listed on the Ohio division of wildlife website at <http://www.wildohio.gov> and designated as injurious aquatic invasive species, except for white perch (*Morone americana*), unless it is in one of the following forms: (a) Headless; (b) Preserved in ethanol or formaldehyde; (c) Eviscerated (internal organs removed).”

**Owner Responsibilities:**

*Clean, Drain, and Dry:* N/A

*Comply with Inspection and Decontamination Protocols and Orders:* N/A

**Inspection Authority:**

Authority to Establish Inspection Stations	No.
Mandatory Inspections	No.
Law Enforcement Stops	No.

*Note:*

**Decontamination Authority:**

Perform or Order Decontamination	No.
Impound Conveyances	No.
Impose Costs	No.

*Note:*

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

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*Note:*

**Penalties:**

N/A

*Civil Penalties:* None provided.

*Criminal Penalties:* None provided.

**Supplemental Authorities:**

Aquatic Invasive Species Fund	No.
Closure Authority	No.
Drying Time	No.
Local Government Authority	No.
Forfeiture	No.
Immunity	No.
Reporting	No.

*Note:*

## Pennsylvania

### *Snapshot: How does Pennsylvania compare to the Model?*

P	Definitions	Guidance documents define aquatic invasive species, but are limited.
P	Powers & Duties	The law allows for the promulgation of regulations regarding nonnative invasive species.
P	Prohibitions	The law does not address aquatic invasive species on boats.
X	Owner Responsibilities	
X	Inspection	
X	Decontamination	
X	Certification	
✓	Penalties	

### *Detailed Comparison to Model*

*Sources:* Title 30 – Fish, § 2508; PA Invasive Species Council website

### Core Authorities

**Legislative Findings:** None.

**Definitions:**

Aquatic Invasive Species	Yes. Guidance documents from the Pennsylvania Invasive Species Council define aquatic invasive species as “nonnative species that threaten the diversity or abundance of native species, the ecological stability of the infested waters, human health and safety, or commercial, agriculture, aquaculture, or recreational activities dependent on such waters.”
Conveyance	No.
Decontamination	No.
Inspection	No.
Person	Yes. Person is defined as “individuals, partnerships, associations, corporations, political subdivisions, municipality authorities, the Commonwealth or any other legal entities.”
Waters	Yes. “Waters of this Commonwealth” is defined as “all inland, tidal and boundary waters, whether navigable or nonnavigable, under the jurisdiction

	of the Commonwealth. The term includes ice that forms on these waters.”
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Note:

**Powers and Duties of Department:**

Identify AIS	Yes. The Fish and Boat Commission has the authority to classify certain species of fish as injurious nonnative species.
Identify waters and locations affected by AIS	No.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. “(b) Regulations.—The commission shall promulgate regulations pertaining to nonnative injurious fish.”
Stop, detain, and inspect a conveyance	No.
Decontaminate or order the decontamination	No.
Enter into agreements to facilitate cooperation or address management issues	No.

Note:

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. “a) General rule.—No person shall transport, sell, offer for sale or release in this Commonwealth or import, bring or cause to be brought or imported into this Commonwealth a nonnative injurious fish.”
Prohibition on placement of out-of-compliance conveyance in waters	No.

Note:

**Owner Responsibilities:**

*Clean, Drain, and Dry:* N/A

*Comply with Inspection and Decontamination Protocols and Orders:* N/A

**Inspection Authority:**

Authority to Establish Inspection Stations	No.
Mandatory Inspections	No.
Law Enforcement Stops	No.

Note:

**Decontamination Authority:**

Perform or Order Decontamination	No.
Impound Conveyances	No.
Impose Costs	No.

Note:

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

*Note:*

**Penalties:**

(c) Penalty.—Any person who violates this section commits a misdemeanor of the third degree.”

*Civil Penalties:* Misdemeanor for introduction of grass carp carries minimum \$75 fine. Violations of PA Fish and Boat Code and the illegal sale of VHS susceptible species obtained from Lake Erie carry with them a summary offense in the 2nd degree of a \$150 fine.

*Criminal Penalties:* 3<sup>rd</sup> degree misdemeanor; carries with it fines ranging from \$250 to \$5000 with possible imprisonment (or both).

**Supplemental Authorities:**

Aquatic Invasive Species Fund	No.
Closure Authority	No.
Drying Time	No.
Local Government Authority	No.
Forfeiture	No.
Immunity	No.
Reporting	No.

*Note:*

## Québec

### *Snapshot: How does Québec compare to the Model?*

P	Definitions	Terms related to decontamination (water, inspections...) are not defined in the present legislation.
✓	Powers & Duties	
✓	Prohibitions	
X	Owner Responsibilities	There is no formal legal foundation for compliance to boat decontamination.
P	Inspection	The legislation provides the authority for inspection and to stop activity that represents a risk of introduction. However, there is no explicit mention of inspection stations.
P	Decontamination	Officers may ask for decontamination, but cannot impound conveyances or impose costs.
X	Certification	There is no formal expression of authority to establish a certification system.
✓	Penalties	

### *Detailed Comparison to Model*

*Sources:* (1) Regulation respecting aquaculture and the sale of fish (chapter C-61.1, ss. 70, 73 and 162). (2) Regulation respecting animals in captivity (chapter C-61.1, s. 55, 2nd par., ss. 69 and 162, pars. 7, 14, 16, 22 and 23). (3) Aquatic Invasive Species Regulations SOR/2015-121

### Core Authorities

**Legislative Findings:** None

**Definitions:**

Aquatic Invasive Species	aquatic invasive species means a species set out in Part 2 or 3 of the schedule. [Source 3]
Conveyance	conveyance or structure means a conveyance or structure that is a host to, or that facilitates the movement of, a species set out in Part 2 or 3 of the schedule. (moyen de transport ou structure) [Source 3]
Decontamination	No.
Inspection	No.

Person	The legislation is defining a carrier: carrier means anything, other than a conveyance or structure, that is a host to, or that facilitates the movement of, a species set out in Part 2 or 3 of the schedule. (porteur) [Source 3]
Waters	The legislation defines two types of waters:  boundary waters has the same meaning as in the Preliminary Article of the Treaty relating to Boundary Waters and Questions arising along the Boundary between Canada and the United States as set out in Schedule 1 to the International Boundary Waters Treaty Act. (eaux limitrophes)  transboundary waters means those waters that, in their natural channels, flow across the international boundary between Canada and the United States. (eaux transfrontalières) [Source 3]

*Note:*

**Powers and Duties of Department:**

Identify AIS	Yes. The Quebec regulation grants the authority to wildlife protection officers to identify AIS.
Identify waters and locations affected by AIS	Yes. Wildlife protection officers can apply the following measure [Source 3]: “A fishery officer or fishery guardian may notify a person, directly or through a public notice, that an aquatic species is not indigenous in a particular region or body of water frequented by fish.”
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. The [Source 1] regulation is expressing the following field of application: “This Regulation applies to the production, stocking, keeping in captivity, breeding and transport of freshwater fish, anadromous and catadromous fish, hobby fish that are of a native or naturalized species and fish listed in Schedule IV, and to the treatment of contagious and parasitic diseases in freshwater fish.  This Regulation also applies to the purchase, sale and importation of any species of fish, whether live or dead, including hobby fish that are of a native or naturalized species and the fish listed in Schedule IV.”  Species listed in Schedule IV are AIS, present or not in Quebec, for which the following activities are prohibited.
Stop, detain, and inspect a conveyance	Yes. The protection officer can request to stop a conveyance before applying one of these measures [Source 3]:

	<p>A fishery officer or fishery guardian may take a measure set out in section 25 or give a direction set out in section 26 only</p> <p>(a) to determine whether the species is an aquatic invasive species;</p> <p>(b) to prevent the introduction or spread of, or to control or eradicate [...]</p> <p>(c) to treat or destroy any member of a species described in paragraph (b).</p>
Decontaminate or order the decontamination	<p>Yes. A protection officer may [Source 3]:</p> <p>“(a) treat or destroy a member of an aquatic invasive species or a carrier or treat a conveyance or structure;</p>
Enter into agreements to facilitate cooperation or address management issues	<p>Yes. [Source 3]: “A person must give all reasonable assistance requested by the fishery officer or the fishery guardian to enable them to carry out the measures set out in subsection (1) and must provide any information requested by them that is relevant to the measures if the person.”</p>

*Note:* The wildlife protection officers of the Ministère des Forêts, de la Faune et des Parcs (MFFP) have the legal authority for acting using the provincial regulation (Source 1 and 2). However, by management delegation of the Canada Fisheries Act, they may also act as a fishery officer and enforce the Canada’s Aquatic Invasive Species Regulations (Source 3).

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	<p>Yes. The [Source 1] regulation is expressing the following field of application: “This Regulation applies to the production, stocking, keeping in captivity, breeding and transport of freshwater fish, anadromous and catadromous fish, hobby fish that are of a native or naturalized species and fish listed in Schedule IV, and to the treatment of contagious and parasitic diseases in freshwater fish.</p> <p>This Regulation also applies to the purchase, sale and importation of any species of fish, whether live or dead, including hobby fish that are of a native or naturalized species and the fish listed in Schedule IV.”</p> <p>Species listed in Schedule IV are AIS, present or not in Quebec, for which the following activities are prohibited.</p>
Prohibition on placement of out-of-compliance conveyance in waters	<p>Yes. [Source 1] is listing permitted activities for 29 species in 28 aquaculture areas, all other activities for all species outside of this list are prohibited. Any activities for live fish listed in Schedule IV (AIS) are prohibited.</p>

	<p>“4. In the aquaculture areas listed in Column II of Schedule I, only the activities provided for in Column III may be carried out in respect of the species or classes of live fish listed in Column I, under such conditions as are set out in Column IV.</p> <p>Live rainbow trout may be transported for biological tests in any aquaculture area, but shall be killed immediately after such tests.</p> <p>Live American eels, brown or yellow bullheads or stonecats, catfish or common carp caught under a commercial fishing license may be transported in any aquaculture area if they are being transported to a processing plant or to consumer markets.</p> <p>Live baitfish may be transported and kept in captivity in aquaculture areas or parts thereof, where their use as live baitfish therein is provided for in section 15 of the Quebec Fishery Regulations, 1990 (SOR/90-214).</p> <p>In addition, the transport in transit of live fish to be exported outside Québec or to be imported to a aquaculture area where aquaculture activities listed in Schedule I are permitted in respect of fish of a species provided for in that Schedule is authorized in all of the areas.</p> <p>Despite the preceding paragraphs, aquarium fish-keeping, production, keeping in captivity, breeding, stocking, transport, sale and purchase of live fish listed in Schedule IV are prohibited in all aquaculture areas; that prohibition also applies to diploid and triploid forms, gametes, live eggs and hybrids of those fish.”</p>
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Note:

**Owner Responsibilities:**

*Clean, Drain, and Dry:* Not in statute. Quebec have produced a best practice guide and outreach material to promote voluntary boat and equipment cleaning; “Inspect, Remove, Clean and Dry and Repeat”. Those documents also provide guidelines for municipalities and public entities in the installation of cleaning stations. Electronic version (both French and English versions) of those documents are available through the MFFP website <https://mffp.gouv.qc.ca/the-wildlife/preventing-introduction-invasive-species/?lang=en>

*Comply with Inspection and Decontamination Protocols and Orders:* Yes. The protection officer can request to stop a conveyance before applying one of these measures [Source 3]:  
 A fishery officer or fishery guardian may take a measure set out in section 25 or give a direction set out in section 26 only

- (a) to determine whether the species is an aquatic invasive species;
- (b) to prevent the introduction or spread of, or to control or eradicate [...]
- (c) to treat or destroy any member of a species described in paragraph (b).

**Inspection Authority:**

Authority to Establish Inspection Stations	No
Mandatory Inspections	No
Law Enforcement Stops	Yes. [Source 3] “Directions to stop introduction (2) In the event that the unauthorized introduction of an aquatic species into a particular region or body of water frequented by fish where it is not indigenous is imminent or in the process of occurring, a fishery officer may give a direction to a person (a) prohibiting that person from engaging in any activity that may lead to that introduction; or (b) directing that person to cease engaging in any activity that may lead to that introduction.

*Note:*

**Decontamination Authority:**

Perform or Order Decontamination	Yes. The protection officer can request to stop a conveyance before applying one of these measures [Source 3]: A fishery officer or fishery guardian may take a measure set out in section 25 or give a direction set out in section 26 only (a) to determine whether the species is an aquatic invasive species; (b) to prevent the introduction or spread of, or to control or eradicate [...] (c) to treat or destroy any member of a species described in paragraph (b).
Impound Conveyances	No.
Impose Costs	No.

*Note:*

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

*Note:* Clean Boats, Clean Water inspectors complete Watercraft Inspection Forms during watercraft inspections. The forms are not intended to document inspections or decontaminations, but rather are used to collect information about the patterns of boater traffic and boater awareness of invasive species laws and outreach campaigns. According to DNR publications, the data is entered into an online database, called the Surface Water Integrated Monitoring System, to assist DNR and partner organizations with invasive species prevention and control activities.

**Penalties:**

Both provincial (Source 1 and 2) and federal (Source 3) regulations are defining civil penalties.

*Civil Penalties:* From \$500 up to \$1 000 000 depending on the severity; other various penalties can be applied (e.g. withholding access to angling license).

*Criminal Penalties:* Certain offenses are punishable up to 3 years (including some considered felonies).

**Supplemental Authorities:**

Aquatic Invasive Species Fund	No.
Closure Authority	Yes, [Source 3]. 25 (1) A fishery officer or fishery guardian or a person acting under their direction may (a) treat or destroy a member of an aquatic invasive species or a carrier or treat a conveyance or structure; (b) establish a temporary barrier around the member of an aquatic invasive species or the carrier, conveyance or structure; and (c) post signs or markers that prohibit access around the member of an aquatic invasive species or the carrier, conveyance or structure.
Drying Time	No
Local Government Authority	Yes. Municipalities have the authority to impose inspection and mandatory boat cleaning on their territory.
Forfeiture	No.
Immunity	Yes. Exemption for authorized purposes 13 (1) If the purpose of the importation, possession, transportation or release of members of a species set out in Part 2 of the schedule is for scientific, educational or aquatic invasive species control purposes, sections 6 to 9 do not apply(a) to employees or any other person acting under the direction of (i) an educational institution, (ii) a research facility, (iii) a zoo or aquarium, or (iv) a federal or provincial department with a mandate to manage or control aquatic invasive species; and (b) to persons engaged in the activities authorized under subsection 19(3).
Reporting	No.

*Note:*

## Wisconsin

### *Snapshot: How does Wisconsin compare to the Model?*

P	Definitions	Wisconsin does not define conveyance, inspection, or decontamination.
P	Powers & Duties	Wisconsin lacks express authority to identify affected waters or decontaminate.
✓	Prohibitions	
✓	Owner Responsibilities	
P	Inspection	Wisconsin does not provide for mandatory inspections or law enforcement stops.
X	Decontamination	
X	Certification	
✓	Penalties	

### *Detailed Comparison to Model*

Sources: Wis. STAT. ANN. §§ 23.22 and 30.07; Wis. Admin. CODE Chapter NR 40

### Core Authorities

**Legislative Findings:** None

**Definitions:**

Aquatic Invasive Species	Yes. Wisconsin's law applies to the broader category of "invasive species" which is defined in a manner similar to the Model Invasive species "means nonindigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health."
Conveyance	No. The statute refers to "boats, boating equipment, and boat trailers"
Decontamination	No.
Inspection	No.
Person	No: in the invasive species statutory provisions. Wisconsin Department of Natural Resources (DNR) regulations define person as "an individual, partnership, corporation, society, association, firm, unit of government, public agency or public institution, and includes an agent of one of these entities."
Waters	Not in invasive species statutory provisions. DNR regulations state that "waters of the state has the

	meaning given in Wis. STAT. ANN. § 281.01(18). Waters of the state, therefore, includes those portions of Lake Michigan and Lake Superior within the boundaries of this state, and all lakes, bays, rivers, streams, springs, ponds, wells, impounding reservoirs, marshes, watercourses drainage systems and other surface water or groundwater, natural or artificial, public or private, within this state or its jurisdiction”
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*Note:*

**Powers and Duties of Department:**

Identify AIS	Yes. DNR is authorized to promulgate rules to identify and classify invasive species.
Identify waters and locations affected by AIS	No.
Possess and transport AIS for purposes of identification, sampling, testing, and disposal	Yes. The DNR may authorize, by permit, the transport and possession of invasive species for particular purposes, such as research, identification, display, and disposal. In addition, a person may transport and possess invasive species for the purpose of identification or disposal without a permit, if the person reports the location of origin to the DNR and no individual specimens or propagules are allowed to escape or be introduced.
Stop, detain, and inspect a conveyance	Yes. As part of the statewide invasive species management plan, the DNR is authorized to create a watercraft inspection program, under which it may conduct inspections of boats, boating equipment, and boat trailers entering and leaving navigable waters.
Decontaminate or order the decontamination	No.
Enter into agreements to facilitate cooperation or address management issues	State law requires every state agency to cooperate with the DNR in the administration of the invasive species programs and the DNR is authorized to enter into agreements with other agencies, local governments, industries, other states, and other interested parties to carry out the purposes of the invasive species laws.

*Note:*

**Prohibitions:**

Prohibition on possession, importation, shipment, or transport	Yes. No person may transport, possess, transfer, or introduce a prohibited invasive species.
Prohibition on placement of out-of-compliance conveyance in waters	No person may place or operate a vehicle, seaplane, watercraft, or other object of any kind in a navigable water if it has any aquatic plants or aquatic animals attached to the exterior of the vehicle, seaplane, watercraft, or other object. This

	<p>paragraph does not require a person to remove aquatic plants or aquatic animals from a vehicle, seaplane, watercraft, or other object during the period of time when the vehicle, seaplane, watercraft, or other object is being operated in the same navigable body of water in which the aquatic plants or aquatic animals became attached. No person may take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway with aquatic plants or aquatic animals attached to the exterior of the seaplane, vehicle, watercraft, or other object.</p>
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*Note:*

**Owner Responsibilities:**

*Clean, Drain, and Dry:* Not in statute. DNR regulations, however, do require any person who removes a boat, boat trailer, boating equipment, or fishing equipment from state waters to remove all attached aquatic plants and animals and drain all water, including any water in the bilge, ballast tank, bait bucket, live well, or other container. No person may transport over land from another state a boat, boat trailer, boating equipment, or fishing equipment for use in state waters unless the person removes all aquatic plants and animals and drains all water before entering the state. In addition, in DNR regulations relating to navigable waters permits, there are decontamination requirements for vehicles, boats, and associated equipment used during certain projects that include drying times.

*Comply with Inspection and Decontamination Protocols and Orders:* No general obligation to comply, but no person may refuse to obey the order of a law enforcement officer acting under Wis. STAT. ANN. § 30.07 (transport and launching restrictions).

**Inspection Authority:**

Authority to Establish Inspection Stations	No express authority in statute. DNR is authorized to create a watercraft inspection program under which the DNR shall conduct periodic inspections of boat, boating equipment, and boat trailers entering and leaving navigable waters.
Mandatory Inspections	No.
Law Enforcement Stops	<p>A law enforcement officer who has reason to believe that a person is in violation of the above prohibitions may order the person to do any of the following:</p> <ul style="list-style-type: none"> <li>• Remove aquatic plants or aquatic animals from a vehicle, seaplane, watercraft, or other object of any kind before placing it in a navigable water.</li> <li>• Remove aquatic plants or aquatic animals from a seaplane before taking off with the seaplane.</li> </ul>

	<ul style="list-style-type: none"> <li>• Remove from, or not place in, a navigable water, a vehicle, seaplane, watercraft, or other object of any kind.</li> <li>• Not take off with a seaplane, or transport or operate a vehicle, watercraft, or other object of any kind on a highway.</li> </ul>
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*Note:* In Wisconsin, watercraft inspections are conducted through DNR's non-regulatory Clean Boats, Clean Waters program. Trained boat inspectors, which are primarily mobilized through programs run by local governments, lake protection and rehabilitation districts, qualified lake associations, over management organizations, and nonprofit organizations, help perform boat and trailer checks as boats are entering and leaving state waters, disseminate informational brochures, and educate boaters. The University of Wisconsin Extension coordinates these volunteer efforts.

**Decontamination Authority:**

Perform or Order Decontamination	No.
Impound Conveyances	No.
Impose Costs	No.

*Note:* To stop the spread of invasive species and viruses from one navigable waterway to another navigable waterway, DNR regulations require that all equipment or portions of equipment used for constructing, operating, or maintaining certain projects in navigable waters, including vehicles and boats, be decontaminated for invasive species and viruses before and after use or prior to use within another navigable waterway. Decontamination activities are to be performed by either following the most recent DNR-approved protocols and best management practices for infested waters or (1) inspecting all equipment and removing all plants, animals, and other mud debris, etc.; (2) draining all water; and (3) disposing of plants and animals in the trash. If the equipment is used in non-frozen navigable waters and the air temperature is above 19 degrees Fahrenheit at the time the decontamination procedures take place, the operator must take one of these additional decontamination actions: (1) Wash equipment at a temperature of not less than 212 degrees Fahrenheit water (steam clean); (2) Wash equipment with soap and water or high pressure water of not less than 2000 pounds per square inch; (3) Allow equipment to dry thoroughly for not less than 5 days; or (4) Disinfect equipment with 200 parts per million (0.5 ounces per gallon) chlorine for not less than 10 minutes contact time.

**Certification Authority:**

Receipt	No.
Seal	No.
Reciprocity	No.

*Note:* Clean Boats, Clean Water inspectors complete Watercraft Inspection Forms during watercraft inspections. The forms are not intended to document inspections or decontaminations, but rather are used to collect information about the patterns of boater traffic and boater awareness of invasive species laws and outreach campaigns. According to DNR publications, the data is entered into an online database, called the Surface Water Integrated Monitoring System, to assist DNR and partner organizations with invasive species prevention and control activities.

**Penalties:**

Wisconsin law authorizes both civil and criminal penalties.

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*Civil Penalties:* Any person who violates a DNR invasive species rule or permit may be assessed a fine of not more than \$200.

*Criminal Penalties:* Any person who intentionally violates a DNR invasive species rule or permit may be assessed a fine of not less than \$1,000, but not more than \$5,000, six to nine months in prison, or both. Subsequent violations within 5 years are punishable by a fine of not less than \$700, but not more than \$2,000, six to nine months in prison, or both.

**Supplemental Authorities:**

Aquatic Invasive Species Fund	No.
Closure Authority	No.
Drying Time	Yes, for equipment used during certain projects in navigable waters.
Local Government Authority	Yes, local governments may enact ordinances applicable on state waters within their jurisdictions to preserve natural resources as long as such ordinances are not contrary or inconsistent with state law or DNR regulations. Local governments are also eligible to apply for funding to operate watercraft inspection programs.
Forfeiture	No.
Immunity	No.
Reporting	No.

*Note:*

## Appendix 10. Case Study - Minnesota DNR Watercraft Inspection program

In 1992, the Minnesota DNR (MNDNR), Minnesota Lakes Association, Minnesota Sportfishing Congress, and state legislators agreed upon a policy (adopted as M.S. 18.317 and codified as 84D.02) that required the MNDNR to annually conduct 10,000 hours of watercraft inspections of watercraft leaving infested water bodies containing AIS. In 1999, this statute was amended to allow inspection on both infested and high-use uninfested waters. The primary goal of the program was to increase public awareness of the potential for boaters to transport AIS between waters, and ultimately to reduce the percentage of trailered boats carrying invasive species.

The program employs 1 coordinator, 4 supervisors, 4 regional assistants, and more than 75 trained seasonal staff to conduct mandatory inspections at boat landings throughout the state in 2019. The program uses a tiered system to focus inspection efforts on high-use infested waters or at locations that are (based on previous year inspection data) known to be destinations for watercraft users leaving AIS infested water bodies. The first priority for infested waters is inspecting boats leaving those waters. At lakes or rivers not on the state's infested waters list, the priority is inspecting boats entering the access. Inspections begin in late April and continue through mid-October. The primary audience is recreational boaters. Inspections are conducted at fishing tournaments (66 tournaments in 2011) and continue into the fall to reach waterfowl hunters. In 2019, 511,000 watercraft were inspected by DNR and local government inspectors with delegated authority. In 2019, the DNR watercraft inspection program trained 922 inspectors working for local and tribal governments under delegation agreements (Invasive Species Program 2019).

Each year MNDNR hires seasonal Watercraft Inspection Interns and trains them to conduct inspections and communicate AIS laws and issues according to standard protocols outlined in the "MNDNR AIS Watercraft Inspection Handbook"

[http://files.dnr.state.mn.us/natural\\_resources/invasives/mndnr\\_ais\\_watercraft\\_inspection\\_handbook.pdf](http://files.dnr.state.mn.us/natural_resources/invasives/mndnr_ais_watercraft_inspection_handbook.pdf).

New legislation aimed at strengthening Minnesota's ability to prevent the spread of AIS was adopted in 2011. It authorizes MNDNR inspectors (in addition to conservation officers) to "visually and tactilely inspect water-related equipment." The inspections can include the removal, drainage, decontamination or treatment of equipment to prevent AIS transport. MNDNR authorized inspectors are also permitted to prohibit the launching or operation of watercraft if a boater refuses inspection or fails to comply with removal orders. In 2011, MNDNR created two levels of authorized inspectors: Level 1 inspectors can inspect watercraft and deny access if necessary; and Level 2 inspectors have the same authority as Level 1 inspectors but can also use decontamination equipment (e.g. power washers) to clean the boat at the access.

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MNDNR currently has 23 high-pressure hot water portable decontamination units (based on protocols from the Colorado Division of Wildlife) in place at high-use zebra mussel infested sites and at roadside check stations. In 2012, MNDNR was given authority to operate roadside inspections at invasive species check stations. Signs direct vehicles with boats to pull-in to the check stations, where the vessels are inspected for AIS by DNR staff and decontaminated when necessary. In 2015, Minnesota Statute 83D.10 (subd. 3) was amended to include additional decontamination authorities for authorized inspectors, including the authority to tag water-related equipment and issue a notice for decontamination and reinspection within a specified time-frame.

In addition to the watercraft inspections conducted by MNDNR paid staff the DNR also has the ability to delegate its inspection authority to tribal and local units of government via a delegation agreement. Under this agreement partners agree to have staff trained by DNR staff and follow all DNR watercraft inspection and decontamination protocols. The number of active delegation agreements increased once counties started receiving AIS prevention aid dollars from the Department of Revenue. In 2019 DNR staff trained over 900 local government inspectors, helping to inspect over 500,000 watercraft for the first time in a single season. The MNDNR conducts volunteer training sessions to equip citizens to carry out inspections at waters where they live or vacation. Three hundred and fifty-two volunteers have been trained since 2017 (Invasive Species Program, 2019). The Watercraft Inspection Program also attends community events (e.g. Minnesota state and county fairs), hosts Kid's Fishing Days, and promotes a 'Pick-it or Ticket' 4<sup>th</sup> of July event to promote awareness of AIS laws and issues.

In 2012, Minnesota legislature passed a trailer decal law that required anyone transporting water related equipment with a trailer in Minnesota to complete a short online AIS training and display a decal on their trailer certifying completion of the online course. The program was developed and due to launch in 2015 but was repealed by the legislature prior to its launch.

The costs for the Watercraft Inspection Program are substantial and reflect the importance the MN DNR places on efforts to prevent the spread of AIS. In FY2018, 44% of the more than \$9M program budget (\$4,158,000) was spent on inspections and enforcement. Nearly half of that money (\$1,862,000) came from the Invasive Species Account, which is derived from a \$5 surcharge on watercraft registered in Minnesota and \$5 surcharge on non-resident fishing licenses. The remainder was drawn from the General Fund account (Invasive Species Program 2018). The MNDNR also seeks federal funds to support inspection programs. In FY2018, \$536,000 in federal funds were spent on watercraft inspection and enforcement. Revenue is also generated through penalties associated with violations of the state AIS

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transport provisions. Penalties range from \$100-\$500 and can be doubled for repeat offenses. Compliance with AIS prevention regulations is increasing in Minnesota: in 2013, Enforcement officers issued 406 citations for AIS violations; in 2018, they issued 95 citations. (Invasive Species Program 2018).

Monitoring data suggests that the inspection and enforcement efforts are paying off. Of the nearly 270,000 incoming watercraft that were inspected in 2018, only 2% were found with plants, invasive animals, mud, or water. 97% of incoming watercraft arrived in compliance with state drain plug laws (Invasive Species Program 2018).

Source: Invasive Species Program, 2018, Invasive Species of Aquatic Plants and Wild Animals in Minnesota; Annual Report for 2018, Minnesota Department of Natural Resources, St. Paul, MN.

## Appendix 11. Legislative policy for the prevention of AIS transport via trailered watercraft.

State	AIS Law (Year)	Penalty	General Description
IL	Boat Registration and Safety Act (625 ILCS 45/5-23) (2013)  Fish and Aquatic Life Code (515 ILCS 5/10-100) (2005); see also Admin. Code 805.10-50	N/A  Up to \$1000	Prohibits the launching or transport of watercraft with attached aquatic plants and/or animals. Authorizes law enforcement officers to remove attached aquatic plants and/or animals and prevent contaminated vessels from leaving or entering navigable waters.  Prohibits the possession, transport, or release of designated injurious species. Violation is a class A misdemeanor.
IN	IN Admin. Code 312 IAC 9-6-7; 312 IAC 9-9-3; 312 IAC 18-3-21; 312 IAC 18-3-23 (per IC 14-22-2-6) (1997)	Monetary fines are not issued but a conservation officer can issue a summons to appear in court for a violation committed within view of the conservation officer (see IC 14-22-39-2)	Indiana's laws ban possession, transport, or release of designated exotic fish, mussels, and plants. Administrative code pertaining to Hydrilla and other exotic plants specifically prohibits transport on boats, trailers, etc. and requires landowners with infested waters to report infestation to DNR and take measures to eliminate the species.
MI	Enrolled House bill No. 4199 (2009); an amendment to Act 451 of 1994	\$100	The act prohibits a person from placing any boat, boating equipment, or boat trailer in Michigan waters with aquatic plant material attached (includes all types of aquatic vegetation, not only invasive species). The law gives law enforcement officers the authority to order the removal of aquatic plants from boating equipment.
MN	Minnesota Statutes, section 84D.10 and 84D.105 (2012)	\$100-\$500 (for transport or inspection violation); up to \$1000 for repeat offense	MS 84.D10, first authorized in 1996, prohibits the launching of vessels with attached plants, establishes authority of watercraft inspectors, and establishes regulations for persons moving water-related equipment. MS 84D.105 mandates compliance with watercraft inspections and gives inspector authority to prohibit launching if boat operator refuses inspection or fails to take corrective actions.
NY	Sec. 9-1709 of the Environmental Conservation Law for the state of New York (2013)	N/A	Gives power to the Department of Environmental Conservation to restrict the 'sale, purchase, possession, propagation, introduction, importation, transport, and disposal of invasive species'
OH	N/A	N/A	
PA	Pennsylvania House Bill 1320 (2006)	N/A	The act prohibits the transport, sale, import, or release of injurious fish. Violation is a third degree misdemeanor.
QBC	Regulation respecting aquaculture and the sale of fish (2012)	\$1 845 to \$5 475 (for transport and introduction); up to \$16 400 for a second offense within the following 3 yrs period.	This Regulation applies to the production, stocking, keeping in captivity, breeding and transport of freshwater fish (including mollusks and crustaceans), including purchase, sale and importation of any species of fish, whether live or dead. Schedule IV is listing more than 30 species of AIS for which all those activities are prohibited.
WI	Wisconsin Administrative Code NR40 (as mandated under WI statute 23.22) (2009)	\$169-\$389.50 (for failure to remove from or launching/ transporting watercraft with aquatic plants attached); 2 <sup>nd</sup> offense within 5 years results in fines from \$700-\$2000.	The purpose of WI NR40 is to identify, classify, and control invasive species as part of Wisconsin's requirements under statute 23.22. NR40 establishes lists of restricted and prohibited species and outlines preventive measures (including requirements for cleaning, launching, and transporting watercraft) related to the trailered boat pathway.