



Department of Natural Resources Fact Sheet



2011 POLICY FACT SHEET Aquatic Invasive Species Prevention Bill (11-0190)

It is needed because

This bill contains a number of policy and technical changes related to aquatic invasive species and aquatic plant management. This initiative is intended to increase efforts to prevent the transportation and spread of aquatic invasive species by providing more authority for inspections and enforcement, raising penalties for violations, requiring service provider permits, restricting the use of nets/equipment used in infested waters, expanding training requirements to service providers and bait harvesting workers, and requiring decals to be displayed on watercraft. The bill will also allow seasonal equipment such as docks and boatlifts to be returned to the same infested waterbody, provides a drain plug exception for emergency response vehicles that meet certain requirements, simplifies requirements for commercial fishing equipment used on Lake Superior, streamlines the process for obtaining invasive aquatic plant management permits, and consolidates reporting requirements.

OVERVIEW

Sections 1 and 5; Allow Return of Equipment to the Same Infested Waterbody

The changes in these sections will allow equipment (such as a dock) that is removed from infested waters and placed on the riparian property for the winter or repair to be returned to the same waterbody. These changes will result in no further damage to the infested waterbody. *M.S. 84D.01.8a; M.S. 84D.01.16*

Sections 2, 3, 13, 15, 21 and 28; Inspection of Watercraft and Water-Related Equipment

These sections enhance authorities for inspecting watercraft and water-related equipment. Section 2 defines “inspect”, which includes the examination and

removal, drainage, decontamination, or treatment of water related equipment to prevent the spread of aquatic invasive species. Section 3 defines “inspector” to include conservation officers, licensed peace officers, and individuals trained and authorized by the DNR. Inspectors can prohibit individuals who refuse inspections or fail to remove and dispose of aquatic invasive species from placing or operating water-related equipment in waters of the state under Sections 13 and 15. Section 21 provides a one year registration suspension for refusing inspections under section 15. Section 15 consolidates the inspector designation and training provisions from the repealer section, clarifies what inspection is authorized for water related equipment, and allows conservation officers and licensed peace officers to utilize compliance check stations at or near water access locations. *M.S. 84D.01.8b; M.S. 84D.01.8c; M.S. 84D.10.3; M.S. 84D.105; M.S. 84D.13.6; M.S. 84D.02.4 (repealer)*

Sections 4, 16 and 23; Service Provider Training and Permits

These sections will require individuals who receive compensation for installing or removing watercraft, docks, and other water-related equipment from waters of the state to complete invasive species training and obtain a permit from the department. Provider permit fees are deposited in the invasive species account. *M.S. 84D.01.15a; M.S. 84D.15.2; M.S. 84D.108*

Section 6; Water-Related Equipment; Definition

This section broadly defines “water-related equipment” to include a motor vehicle, boat, watercraft, dock, boat lift, raft, vessel, trailer, tool, implement, device or any other associated equipment or container that is capable of transporting aquatic invasive species, aquatic macrophytes (plants), or water. Ballast tanks that are permitted under the MPCA vessel discharge program are exempt from the definition of water-related equipment. *M.S. 84D.01.18a*

Section 7; Wild Animal Definition

This section will change the definition of “wild animal” consistent with the definition in section 97A.015, subdivision 55 in the game and fish bill. The change clarifies that the term includes wild animals whether dead or alive, in response to a Minnesota Supreme Court case (Swenson). *M.S. 84D.01.21*

Section 8 and 14; Consolidation of Reports

This section will consolidate the report required by section 84D.10 with the annual report required by section 84D.02. The annual invasive species report will include a section on additional measures to protect the state’s water resources from the introduction of invasive species. *M.S. 84D.02.6; M.S. 84D.10.4*

Sections 9, 10, and 17; Prohibited Use of Nets/Equipment Used in Infested Waters; Training for Workers

The changes in paragraph “c” of section 9 clarify that nets and other equipment used in designated infested waters cannot be used in or transported to non-infested waters to take bait. Permits issued for commercial bait harvest operations specify that equipment cannot be used in non-infested waters, and this statutory clarification will reflect that current practice. Section 10 will make requirements for tagging commercial fishing nets used in infested waters consistent with the method for tagging commercial bait harvesting equipment. The changes in paragraphs “a” and “b” of section 9, section 10, and other provisions in the game and fish bill, provide the structure that will allow the use of smelt taken from Lake Superior to be used for bait on Lake Superior. Persons working for a permittee must also complete the invasive species training that is required for each permittee. *M.S. 84D.03.3; M.S. 84D.03.4; M.S. 84D.11.2a*

Section 11; Transport of Aquatic Macrophytes Exception

This change will prohibit the transportation of aquatic macrophytes (plants) on all roads unless specifically exempted. Current law only prohibits transportation on public roads. This change will allow for the transport of water-related equipment to a location within the water access site for the purpose of cleaning off aquatic macrophytes (plants). The definition of transport will still allow movement within a body of water. *M.S. 84D.09.1; M.S. 84D.09.2*

Section 12; Aquatic Plant Harvesting or Control Equipment

This is a technical change that clarifies what is meant by plant harvesting equipment in order to be consistent

with the last revision of the aquatic plant management rules. *M.S. 84D.10.1*

Sections 14; Emergency Response Vehicle Exception to Draining Livewells and Bilges

The changes in section 14 will require that water-related equipment be drained prior to leaving the water access site or riparian property. The changes will allow emergency response vehicles to replace the drain plug after draining any livewells and bilges prior to transportation on roadways. Law enforcement and other emergency response professionals have voiced concern about delays caused by accidental swamping of emergency vehicles while attempting to respond to emergencies. The legislative report requirements have been consolidated with the annual report in section 8. *M.S. 84D.10.4*

Section 18; Criminal Penalties

The changes in this section will allow for a criminal citation option for violations involving the transportation of aquatic macrophytes (plants). Current law only provides a civil citation penalty. The intent of this is to include this violation on the statewide payables list to allow the payment of the fine without a court appearance. *M.S. 84D.13.3*

Sections 19, 20, and 22; Increase Civil Penalties; Deposit of Local Law Enforcement Penalties

Section 19 clarifies that the civil citation authority applies to all water related equipment as described in the bill. Section 20 doubles most penalty amounts and generally includes a higher penalty for those persons who continue to violate the invasive species laws. Section 22 allows local law enforcement agencies to retain civil penalty amounts for citations issued by their agency. This option is available to local law enforcement for trespass violations and has proven to be a valuable tool for enhancing overall enforcement efforts. *M.S. 84D.13.4; M.S. 84D.13.5; M.S. 84D.13.17*

Sections 24 and 27; Aquatic Invasive Species Rules Decal

This section requires watercraft owners and operators to have a decal that lists invasive species rules. The decal must be attached to the watercraft and be in full view of the watercraft operator. Decals would be available free of charge and will help with education efforts aimed at preventing the spread of aquatic invasive species. The Department of Natural Resources (DNR), in cooperation with other stakeholders, will distribute the decals and inform watercraft owners and operators about the new

requirement. In order to provide time to inform watercraft owners and operators of the requirement to display a decal, only written warnings will be utilized for violations until July 1, 2012. *M.S. 86B.508*

Section 25; Aquatic Plant Management Permits

This change limits the term for aquatic plant management permits to one growing season. Permits expire on December 31 of each year unless a different expiration date is specified in rule or on the permit. *M.S. 103G.615.1*

Section 26; Invasive Aquatic Plant Management Permit

This change provides a streamlined process for obtaining invasive aquatic plant management permits. *M.S. 103G.615.3a*

Section 28; Repealer

This section repeals an obsolete requirement that established a minimum of 10,000 hours for inspections during the open water season. In 2010, DNR watercraft inspectors logged over 50,000 inspection hours and the number of inspection hours for each calendar year will continue to be included in the annual report required in section 8. The commissioner's authority to train inspectors was moved to 84D.105.2 in section 15. *M.S. 84D.02.4; M.S. 84D.02.6*

Section 29; Effective Date

It is important that the changes in the bill become effective the day following enactment so that prevention measures can be implemented before the 2011 open water season. Implementing sections 16, 17, and 24 on August 1, 2011 will allow time to implement service provider training and distribute invasive species rules decals.

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