

## **RESOLUTION #1**

### **CALLING FOR UNIFORMITY AND CONSISTENCY TO STANDARDS PERTAINING TO LAND APPLICATION AND STORAGE OF ANIMAL WASTES AND PROCESS WASTEWATER, INDUSTRIAL WASTES, SEPTIC WASTES, AND DOMESTIC SEWAGE SLUDGE**

**WHEREAS**, Wisconsin has historically emphasized the reuse of liquid waste materials through land application; and

**WHEREAS**, types of liquid wastes, other than animal wastes and process wastewater (regulated under NR 151, Wis. Adm. Code), currently being land applied include: industrial wastes (regulated under NR 214, Wis. Adm. Code), septic wastes (regulated under NR 113, Wis. Adm. Code), and domestic sewage sludge (regulated under NR 204, Wis. Adm. Code); and

**WHEREAS**, current regulations have similarities, however, there are notable differences, including the regulation of wintertime land application and waste storage facility standards; and

**WHEREAS**, improved communication and consistency is needed between the Wisconsin Department of Natural Resources, those who land spread these wastes, and counties regarding the volume, chemical make-up, and frequency of land applications of these wastes; and

**WHEREAS**, improved communication and consistency is also needed between the Department of Natural Resources, those who store these wastes in county-permitted animal waste storage facilities, and counties regarding the volume and chemical make-up of these stored wastes.

**NOW, THEREFORE, BE IT RESOLVED**, that the Wisconsin Land and Water Conservation Association, duly assembled on this 12<sup>th</sup> day of December 2008, calls for the Department of Natural Resources and state legislators to work together, along with local land conservation departments and the USDA Natural Resources Conservation Service (when applicable), in amending current Wisconsin Administrative Codes NR 151, NR 214, NR 113 and NR 204 to bring about uniformity and consistency of regulations and standards as pertaining to land application and storage of the above wastes by:

1. Requiring DNR waste-producer reporting of land spreading locations, landowners, volumes, chemical make-up and frequency to local county land conservation departments,
2. Requiring DNR to provide documentation of approval of storage facilities to local land conservation departments,
3. Requiring that all liquid waste land application standards included in Administrative Codes NR 151 (USDA NRCS standard 590 Nutrient Management), NR 214, NR 113 and NR 204 be unified and consistent, and
4. Requiring that all liquid waste storage facility standards included in Administrative Codes NR 151 (USDA NRCS standard 313 Waste Storage), NR 214, NR 113 and NR 204 be unified and consistent.

Adopted by the Lake Michigan Area Land & Water Conservation Association on October 3, 2008 and the Southern Area Land and Water Conservation Association on October 23, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution with amendments on December 12, 2008.

## **RESOLUTION #2**

### **RESOLUTION TO RECOGNIZE THE VALUE OF LOCALLY IDENTIFIED PRIORITIES IN COUNTY LAND AND WATER RESOURCE MANAGEMENT PLANS AND SUPPORT FUNDING THEREFORE**

**WHEREAS**, the land and waters of the State of Wisconsin are important economic and natural resources used by the public for economic activity, consumption, recreation and enjoyment of natural beauty; and

**WHEREAS**, public use and enjoyment of Wisconsin land and water resources are best served by protection, conservation, rehabilitation, and wise use; and

**WHEREAS**, every county has their own unique land and water resource issues based on topography, soils, water bodies, along with short and long term land use trends; and

**WHEREAS**, state land and water conservation planning and program implementation are necessary to reverse the effects of excessive soil erosion and non-point sources of pollution to state waters; and

**WHEREAS**, all Wisconsin counties are required to identify their local land and water conservation priorities based on input from county landowners, residents and resource professionals; and

**WHEREAS**, these locally identified priorities are the foundation of each county's Land and Water Resource Management Plan; and

**WHEREAS**, such Land and Water Resource Management Plans shall include an assessment of water quality and soil erosion conditions throughout the county, specify water quality objectives and identify conservation practices to achieve the water quality and tolerable erosion levels for each water basin, priority watershed and priority lake, identify applicable performance standards and prohibitions related to the control of pollution from nonpoint sources and to soil erosion control, include a multi-year description of planned county activities related to land and water resources, including those designed to meet the water quality objectives specified and to ensure compliance with standards and prohibitions, describe a system to monitor the progress of planned activities, a strategy to provide information and education related to land and water resource management and describe methods for coordinating plan activities with programs of other local, state and federal agencies; and

**WHEREAS**, these Land and Water Resource Management Plans are written in direct cooperation with the Department of Agriculture, Trade and Consumer Protection (DATCP) with available quality data and information provided by the Department of Natural Resources and submitted to the Land and Water Conservation Board members for approval and adoption to maintain eligibility for continued state funding for county Land Conservation Departments; and

**WHEREAS**, staffing and other county resources have been unable to keep pace with increased public demand and mandated activities from DATCP and Department of Natural Resources; and

**WHEREAS**, state funding of county staff working to implement state conservation priorities and mandates has remained static or decreased since 1997 while costs have increased dramatically; and

**WHEREAS**, further segregating limited staffing dollars into smaller categories exacerbates funding problems for many counties while providing very limited benefits to a few.

**NOW, THEREFORE BE IT RESOLVED**, that the Wisconsin Land and Water Conservation Association request that the Department of Agriculture, Trade and Consumer Protection Allocation Plan recognize the value of staff funding for each county's Land and Water Resource Management Plan priorities and actively support full staff funding, not just a single statewide priority, and provide equitable funding for each county's plan as described in Wisconsin State Statutes Chapter 92.14(3)(a) 1-5 and 92.14(6)(b) regarding state funding of county staff and adding an annual cost of living adjustment; and

**BE IT FURTHER RESOLVED** that the Wisconsin Land and Water Conservation Association supports implementation of “State priorities” as expressed by citizens and landowners in Wisconsin Land and Water Conservation Board and DATCP approved Land and Water Resources Management Plans, and

**BE IT FURTHER RESOLVED**, that Wisconsin taxpayer dollars, currently distributed through the Department of Agriculture, Trade and Consumer Protection, are state grant funds allocated to address all the land and water priorities, goals and objectives as spelled out in each individual county’s Land and Water Resource Management Plan.

Adopted by the Lake Michigan Area Land & Water Conservation Association on October 3, 2008 and the West Central Area Land and Water Conservation Association on October 23, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution with amendments on December 12, 2008.

### RESOLUTION #3

#### URGING A STATE-WIDE BAN OF PHOSPHORUS IN LAWN FERTILIZERS EXCEPT WHERE SOIL TESTS INDICATE A NEED FOR IT

**WHEREAS**, phosphorus is found in fertilizers, detergents and manure and works with nitrogen and potassium to provide the basic building blocks for plant growth; and

**WHEREAS**, phosphorus is the limiting nutrient in our lakes and streams as nitrogen and potassium are already present in abundance in surface waters; and

**WHEREAS**, phosphorus provides the fuel (1 lb. Phosphorus = 500 lb. Algae) needed to transform lakes into a thick, smelly green soup as has happened on Lake Winnebago in recent years; and

**WHEREAS**, using phosphorus free lawn fertilizer (unless a soil test confirms the nutrient is needed) is a common sense, simple, and cost effective way to reduce the amount of nutrients entering our waterways; and

**WHEREAS**, statewide policy will save costs of developing independent ordinances and ensure consistency for consumers, retailers, and suppliers; and

**WHEREAS**, the Wisconsin Land and Water Conservation Association passed the 2006 Resolution No. 5 calling for a state wide ban on the sale and use of phosphorus in lawn fertilizer;

**NOW, THEREFORE, BE IT RESOLVED** by the Wisconsin Land & Water Conservation Association this 12<sup>th</sup> day of December, 2008, that the association urges the Wisconsin State Legislature and Governor to pass a bill modeled after the one authored by Senator Mark Miller and Representative Gary Bies and passed by the Wisconsin State Senate (SB 197) in spring, 2008 prohibiting phosphorus in lawn fertilizers throughout the state except for the establishment of new lawns, sod farms or when a soil test from a certified lab indicates a need for the nutrient.

Adopted by the Lake Michigan Area Land & Water Conservation Association on October 3, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution with amendments on December 12, 2008.

## RESOLUTION #4

### LEGISLATION TO CREATE WISCONSIN CARBONATE BEDROCK MANAGEMENT ZONES

**WHEREAS**, some areas of the state, especially Northeast Wisconsin have experienced groundwater quality problems that have resulted in well contamination from pollutants originating from activities on the land surface; and

**WHEREAS**, in certain townships in Northeast Wisconsin approximately 30% of the wells exceed the nitrate drinking water standard of 10 ppm, and/or are bacteriologically unsafe, and many others have experienced turbid well water; and

**WHEREAS**, in addition to seasonal and chronic groundwater & well water quality problems, severe single groundwater pollution events have occurred threatening human health; and

**WHEREAS**, many of these problems can be attributed to the presence of a shallow, fractured carbonate aquifer that occurs in the region and is very vulnerable to ground water contamination; and

**WHEREAS**, due to the increased reporting of and severity of contaminated wells in Northeast Wisconsin a Task Force was convened by UW Extension in 2006 which included groundwater, geology, soils, and hydrogeology experts from the University of Wisconsin, State and County Agency officials that work on water quality protection & pollution control, agriculture producers, a well driller and a certified crop advisor; and

**WHEREAS**, the Northeast Wisconsin Karst Task Force published and released a Report (<http://learningstore.uwex.edu/Final-Report-of-the-Northeast-Wisconsin-Karst-Task-Force-P1234C120.aspx>) in 2007 which included findings and several recommendations and the Task Force's first recommendation is the Creation of a Carbonate Bedrock Management Zone by the Wisconsin State legislature; and

**WHEREAS**, a Northeast Wisconsin Carbonate Bedrock Management Zone would be comprised of and limited to the areas of the five Task Force participating northeast Wisconsin Counties (Brown, Calumet, Door, Kewaunee and Manitowoc) that have the Silurian age dolomite as the uppermost bedrock unit (and similar management plans may be needed elsewhere in the state); and

**WHEREAS**, Wisconsin Carbonate Bedrock Management Zones would facilitate the consideration and protection of the quality of the groundwater resource from a perspective that recognizes the sensitive nature of the area and the need to apply a management approach based on the common natural resource conditions and limitations of the area; and

**WHEREAS**, Wisconsin Carbonate Bedrock Management Zones in the aforementioned counties would, among other functions, develop management proposals for the spreading of both agricultural and non-agricultural wastes on lands within the Management Zone.

**NOW, THEREFORE BE IT RESOLVED**, that the Wisconsin Land & Water Conservation Association calls on Governor Doyle and the Wisconsin Legislature to support and enact legislation to create Wisconsin Carbonate Bedrock Management Zones to improve and protect the groundwater quality of Wisconsin; and

**BE IT FURTHER RESOLVED** that each Wisconsin Carbonate Management Zone include a Coordinating Council of which the membership include four representatives of each County (a County Board member, a County government natural resource professional and two non-governmental representatives; one of which shall be a farm representative) within the management zone as recommended by the County Land Conservation Committee and appointed by the County Board Chairman of the member County; and

**BE IT FURTHER RESOLVED** that the Wisconsin Department Natural Resources be designated as the primary state agency with assigned responsibilities to coordinate and facilitate Wisconsin Carbonate Bedrock Management Zone activities; and

**BE IT FURTHER RESOLVED** that the Wisconsin Carbonate Bedrock Management Zone Coordinating Councils be designated with the authority to develop required groundwater protection standards and prohibitions which with the concurring approval of the member County Board shall apply in said County; and

**NOW, THEREFORE, BE IT FURTHER RESOLVED,** that the Wisconsin Department of Natural Resources, the Wisconsin Department of Agricultural, Trade & Consumer Protection, the Wisconsin Geological and Natural History Survey, the University of Wisconsin System, the Wisconsin Department of Commerce, the Wisconsin Department of Health Services, the Wisconsin Department of Tourism and Wisconsin Groundwater Coordinating Council all appoint advisors to the Wisconsin Carbonate Bedrock Management Zone Coordinating Councils.

Adopted by the Lake Michigan Area Land & Water Conservation Association on October 3, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution on December 12, 2008.

**RESOLUTION #5**

**RESOLUTION TO CHANGE THE WISCONSIN WILDLIFE DAMAGE  
ABATEMENT AND CLAIMS PROGRAM TO MAKE DAMAGE CAUSED BY SANDHILL CRANES  
ELIGIBLE FOR DAMAGE CLAIM PAYMENTS**

**WHEREAS**, the Wildlife Damage Abatement and Claims Program (WDACP) was enacted in 1983 by the State of Wisconsin, and

**WHEREAS**, the purpose of the program is to assist agricultural producers with crop losses caused by various wildlife species, and

**WHEREAS**, only crop losses caused by certain wildlife species such as white-tailed deer, black bear, geese, and elk are currently eligible for damage claim payments under the WDACP, and

**WHEREAS**, Sandhill Crane populations in Wisconsin have been growing in recent years, and

**WHEREAS**, many Wisconsin agricultural producers have been experiencing increasing crop losses caused by Sandhill Cranes, and

**WHEREAS**, damages caused by Sandhill Cranes are not eligible for reimbursement under the WDACP.

**NOW, THEREFORE, BE IT RESOLVED**, that the Wisconsin Land & Water Conservation Association does hereby request that the Wisconsin Department of Natural Resources (WDNR) make changes to the Wisconsin WDACP such that crop damages caused by Sandhill Cranes are eligible for damage claim payments under the Wisconsin WDACP.

**BE IT FURTHER RESOLVED** that this resolution does not ask for a hunting season on Sandhill Cranes

**BE IT FINALLY RESOLVED**, that a copy of this resolution be forwarded to the Wisconsin DNR Secretary Matthew J. Frank and the Wisconsin Natural Resources Board.

Adopted by the Southern Area Land & Water Conservation Association on October 23, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution with amendments on December 12, 2008.

**RESOLUTION #6**

**RESOLUTION FOR REGULATION OF DRY HYDRANTS TO PREVENT THE SPREAD OF AQUATIC INVASIVE SPECIES**

**WHEREAS**, the Wisconsin Land & Water Conservation Association recognizes that the use of ‘Dry Hydrants’ by fire departments may contribute to the spread of aquatic plants, animals and pathogens; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association seeks to prevent the spread of aquatic plants, animals, and pathogens through the use of ‘Dry Hydrants’; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association recognizes that the removal of water from lakes, rivers, tributaries and ponds, may contribute to the spread of aquatic plants, animals, and pathogens if the water from there is transferred or released into a different location within or outside the lakes, rivers, tributaries, or ponds; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association recognizes that other activities involving carrying surface water in containers such as pumps, tank trucks and tanks not associated with fire suppression can contribute to the spread of aquatic invasive species; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association seeks to ensure that fire departments are not unduly hindered in fulfilling the important and necessary task of providing quality fire control and protection to the citizens of Wisconsin.

**NOW, THEREFORE BE IT RESOLVED** that the Wisconsin Land & Water Conservation Association supports the enactment of a state-wide ordinance to prevent the spread of aquatic invasive species by making it illegal to transport aquatic invasive species; and

**BE IT FURTHER RESOLVED** that the Wisconsin Land & Water Conservation Association forward this resolution and supporting document to the Wisconsin Land & Water Conservation Board of Directors.

**BE IT FURTHER RESOLVED** that the Wisconsin Land & Water Conservation Association distribute to all Wisconsin County Land Conservation Committees and Departments this resolution and the accompanying supporting documentation.

Adopted by the North Central Area Land & Water Conservation Association on October 30, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution with amendments on December 12, 2008.

**SUPPORTING DOCUMENT FOR RESOLUTION 6**  
**SAMPLE ORDINANCE**

**REGULATION OF DRY HYDRANTS**

(1) **PURPOSE AND STATUTORY AUTHORITY.** The purpose of this ordinance is to prevent the spread of aquatic invasive species in the North Central area of WI and surrounding lakes, rivers, tributaries, or ponds in order to protect property values, the property tax base, and ensure quality recreational opportunities without unduly hindering fire departments in the exercise of their duties and functions. This ordinance is adopted under authority of Section 59.03 of the Wisconsin Statutes.

(2) **DEFINITIONS.**

- (a) The term “Aquatic Plants” means a non-woody submergent, emergent, free-floating, or floating-leaf plant that normally grows in or near water and includes any part thereof. “Aquatic plant” does not mean wild rice when being harvested with a permit issued under NR 19.09 or any rights proffered by the Treaty of 1838.has the meaning and is incorporated herein by reference.
- (b) The terms “Animal” and “Aquatic Animal” are identical which means all vertebrate and invertebrate species including zebra mussel, quagga mussel, rusty crayfish, spiny water flea, or any other aquatic invasive animal prohibited by the state and “Animal” shall also include any vertebrate or invertebrate, wild or domestic that is dependent on an aquatic environment, freshwater or saline, for part or all of its life cycle.
- (c) “Pathogen” means an infectious organism that is a potential contributing environmental factor to disease. These include bacteria, viruses (such as viral hemorrhagic septicemia (VHS)), and fungi.
- (d) “Container” means a vessel, receptacle, or other compartment, enclosed or open, permanently affixed or portable, and capable of holding liquid contents during a journey by one or several means of transport. “Container” shall include, but is not limited to: a portable pump, tank truck, fire suppression transport bucket, tank, and fire bucket.
- (e) “Dry Hydrant” means a non-pressurized pipe system permanently installed in lakes, rivers, tributaries, or ponds for the purpose of providing a suction supply of water to a fire department tank truck.
- (f) “Disinfect” means to treat water in a container by mixing household chlorine bleach (sodium hypochlorite) with the water in that container to produce a concentration of two hundred (200) parts per million (0.5 oz chlorine per gallon or 1 Tablespoon chlorine per gallon of water (e.g. three and one half (3.5) gallons of household chlorine bleach per one thousand (1,000) gallons of water)), and ensuring that the chlorine bleach has a contact duration of not less than ten (10) minutes.
- (g) “Neutralize” means to treat previously disinfected water in a container by mixing sodium thiosulfate with the water in that container to produce a concentration of three (3) grams of sodium thiosulfate per gallon of water and ensuring that the sodium thiosulfate is circulated within the container for not less than three (3) minutes (e.g. connecting the output and input valves of the container and circulating the water within the container using a high volume pump.).
- (h) “Permeable” means the capacity of porous rock, sediment, or soil to transmit water including, but not limited to, an area of a vehicular use area paved with material that permits rapid water

penetration into the soil. Permeable pavement may consist of any porous surface materials which are installed, laid or poured.

- (i) "Person" means a natural person and includes any corporate, statutory, or municipal entity.

(3) PROHIBITED TRANSPORT OF AQUATIC PLANTS, ANIMALS, OR PATHOGENS. No person may transport, in a container any water containing an aquatic plant, animal, or pathogens from any lake, river, tributary, or pond, which was removed through a dry hydrant, onto any roadway open to the public except as set forth in paragraph (5) below.

(4) PROHIBITED TRANSFER OR RELEASE OF WATER CONTAINING AQUATIC PLANTS, ANIMALS, OR PATHOGENS. No person may remove any water containing an aquatic plant, animal, or pathogen from any lake, river, tributary, or pond through a dry hydrant, or other means, except as provided for in this ordinance. Any water containing an aquatic plant, animal, or pathogen shall, if returned to an aquatic environment, be discharged only into the same water source in the same location from whence the water containing the aquatic plant, animal, or pathogen was removed.

(5) EXCEPTIONS TO THE TRANSPORT OF AQUATIC PLANTS ANIMALS AND PATHOGENS.

- (a) Fire Departments shall be exempt from the prohibitions contained herein while actively engaged in fire suppression.
- (b) For disposal as part of a harvest or control activity conducted under an aquatic plant management permit issued under ch. NR 109.
- (c) A person may transport to a permeable surface to disinfect, neutralize, and/or discharge the contents of the container.

(6) EXCEPTIONS TO DRY HYDRANT FLUSHING PROHIBITIONS. Unless otherwise prohibited by law, a person may utilize dry hydrants as follows:

- (a) Fire departments shall be exempt from the prohibitions contained herein while actively engaged in fire suppression.
- (b) A person may utilize a high-volume portable pump adjacent to a dry hydrant site by inserting the pump intake into the lake, river, tributary, or pond and flushing the lake, river, tributary, or pond water through the hydrant. The portable pump and hoses shall be disinfected prior to use at a new dry hydrant site by flushing two hundred (200) parts per million (0.5 oz per gallon or 1 Tablespoon per gallon) chlorine through the portable pump and discharging the mixture onto a permeable surface, to prevent the disinfected water from entering a lake, river, tributary, or pond and without damaging vegetation.
- (c) A person may pump water from a lake, river, tributary or pond to flush a dry hydrant without prior disinfection only if the water is from that same dry hydrant location. The container shall then be transported empty to the next dry hydrant site. Any residual water in the container shall be disinfected and neutralized. The disinfected and neutralized water shall then be discharged onto a permeable surface, to prevent the disinfected and neutralized water from entering a lake, river, tributary, or pond. This protocol does not require a permit from the Wisconsin Department of Natural Resources.
- (d) A person may remove water from a dry hydrant and disinfect water in the container prior to discharge at a separate dry hydrant site. Fire Departments MAY NOT discharge this water into a lake, river, tributary, pond or at a dry hydrant site prior to completing disinfection and

neutralization. This protocol will require a permit from the Wisconsin Department of Natural Resources if the discharged amount of the chlorinated solution exceeds four (4) parts per million.

- (e) In order to complete above (a)-(d), a person may transport to a permeable surface to disinfect, neutralize, and/or discharge the contents of the container.

(7) CITATION AND ENFORCEMENT.

- (a) Any person who violates a provision of this ordinance shall be subject to a forfeiture of not less than \$500 and not more than \$1,000 for each violation. Said person shall be also subject to court costs for such violation.
- (b) Each violation shall be considered a separate offense.
- (c) As to any violation of this ordinance, no natural person who in the course and scope of that person's role with a Fire Department as a volunteer, an agent of, or an employee shall receive a citation. Should a violation occur, a citation shall be issued to the municipal entity (e.g. city, village, town, or township) for whom the person violating this ordinance: volunteers, is an agent of, or is employed by.
- (d) Legal action may be initiated against a violator by the issuance of a citation pursuant to Section 66.0113, Wisconsin Statutes. Said citation may be issued by a law enforcement officer of North Central Land & Water Conservation Association.
- (e) The citation shall contain the following:
  - i. The identity of the municipal entity (e.g. city, village, town, or township) for whom the person violating this ordinance: volunteers, is an agent of, or is employed by.
  - ii. Factual allegations describing the alleged violation.
  - iii. The date, time and place of the offense.
  - iv. The ordinance and section of the violation.
  - v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
  - vi. The date and time at which the alleged violator may appear in court.
  - vii. A statement which, in essence, informs the alleged violator:
    - (a) That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
    - (b) That if a deposit is made, no appearance in court is necessary unless subsequently summoned.
    - (c) That if a cash deposit is made and the alleged violator does not appear in court, they will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding them to appear in court to answer the complaint.
    - (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect any forfeiture.
    - (e) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Paragraph (7)(d) vii., above, has been read. Such statement shall be returned with the cash deposit.
    - (f) Such other information as the County deems necessary.
- (f) Section 66.0113(3), Wisconsin Statutes, relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

## RESOLUTION #7

### TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS

**WHEREAS**, the Wisconsin Land & Water Conservation Association recognizes tourism as a major source of income for businesses and residents; and

**WHEREAS**, the infestation of water bodies with non-native invasive plants is a serious threat to the long term health and appeal of lakes; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association further recognizes that aquatic invasive species in Wisconsin lakes, rivers and streams is a major threat to the tourism economy; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association seeks to protect Wisconsin lakes, rivers and streams from further infestation of aquatic invasive species for protection of the tourism based economy; and

**WHEREAS**, one of the main sources that contributes to the spread of aquatic invasive species is through their transport by boat, boat trailer, commercial and recreational watercraft and associated trailers, canoe, kayak, or boating equipment, fishing equipment, hunting and/or trapping equipment including but not limited to personal floatation devices, nets, anchors, fishing lines, decoys, and waders; and

**WHEREAS**, the Wisconsin Land & Water Conservation Association seeks to control the spread of aquatic invasive species by making it illegal to transport aquatic invasive species on any boat, boat trailer, personal watercraft and its associated trailer, canoe, kayak, or boating equipment, fishing equipment, hunting and/or trapping equipment including but not limited to personal floatation devices, nets, anchors, fishing lines, decoys, and waders and

**WHEREAS**, current State laws are inadequate to prevent overland transportation of aquatic plants, either native or non-native, resulting in intentional or unintentional introduction of invasive non-native plants into water bodies; and

**WHEREAS**, both the Wisconsin Department of Natural Resources and the State Legislature have the power to enact meaningful and effective restrictions pertaining to overland movement of aquatic plants through departmental administrative rules and legislative law making.

**NOW, THEREFORE BE IT RESOLVED** that the Wisconsin Land & Water Conservation Association call upon the State Legislature and the Wisconsin Department of Natural Resources to work in unison to enact rules and laws that are fully compatible and can be enforced by law enforcement to prohibit the un-permitted movement of aquatic vegetation over public roadways, and onto and away from public boat launch sites, and to prohibit the introduction of any watercraft and related equipment into water bodies if any aquatic vegetation is present on said watercraft or related equipment.

**BE IT FURTHER RESOLVED** that the Wisconsin Land & Water Conservation Association forward this resolution and supporting documentation to the Wisconsin Land & Water Conservation Board of Directors.

Adopted by the North Central Area Land & Water Conservation Association on October 30, 2008.

WLWCA Board of Directors unanimously recommended approval of the resolution as amended – November 7, 2008.

WLWCA approved this resolution on December 12, 2008.

**SUPPORTING DOCUMENT FOR RESOLUTION 7**  
**SAMPLE ORDINANCE**

**10.05 ILLEGAL TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS**

(1) **PURPOSE AND STATUTORY AUTHORITY.** The purpose of this ordinance is to prevent the spread of aquatic invasive species in North Central WI water bodies in order to protect property values and the property tax base and ensure quality recreational opportunities. This ordinance is adopted under authority of Section 59.03 of the Wisconsin Statutes.

(2) **DEFINITION OF AQUATIC PLANTS AND INVASIVE ANIMALS.**

- (a) “Aquatic plant” means a non-woody submergent, emergent, free-floating, or floating-leaf plant that normally grows in or near water and includes any part thereof. “Aquatic plant” does not mean wild rice when being harvested with a permit issued under NR 19.09 or any rights proffered by the Treaty of 1838.
- (b) “Invasive animal” means all vertebrate and invertebrate species including zebra mussel, quagga mussel, rusty crayfish, spiny water flea, or any other aquatic invasive animal prohibited by the state.

(3) **PROHIBITED TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS.** No person may operate a vehicle or transport any boat, boat trailer, personal watercraft and its associated trailer, canoe, kayak, or boating equipment, fishing equipment, hunting and/or trapping equipment including but not limited to personal floatation devices, nets, anchors, fishing lines, decoys, and waders, from navigable waters onto any roadway open to the public if aquatic plants or invasive animals are attached.

All aquatic plants or invasive animals shall be removed before entering a roadway open to the public or before launching a boat or equipment or trailer in navigable water.

If in the course of removing a boat from water, the temporary existence of a boat and trailer creates a safety hazard if not immediately transported along a public roadway, a person may transport without violation of this ordinance to the first suitable and safe location and there clean and remove any remaining aquatic plants or invasive animals consistent with this ordinance.

(4) **EXCEPTIONS TO TRANSPORT OF AQUATIC PLANTS AND INVASIVE ANIMALS.** Unless otherwise prohibited by law, a person may transport aquatic plants:

- (a) for disposal as part of a harvest or control activity conducted under an aquatic plant management permit issued under ch. NR 109.
- (b) when transporting commercial aquatic plant harvesting equipment away from any water body to a suitable location for purposes of cleaning any remaining aquatic plants or animals.
- (c) when conducting an aquatic plant study for the purposes of vouchering specimen or conducting an educational workshop and in a closed container.
- (d) when harvested for personal or commercial use, such as to be used as compost or mulch, and in a closed container.

(e) for purposes of shooting or observation blinds for waterfowl hunting during the waterfowl season, if the aquatic plants used for these blinds are emergent, cut above the waterline, and contain no aquatic invasive species. All other equipment shall have aquatic plants and invasive animals removed before entering a roadway open to the public.

(5) CITATION AND ENFORCEMENT.

- (a) Any person who violates a provision of this ordinance shall be subject to a forfeiture of not less than \$200 and not more than \$500 for the first offense and each subsequent offense. Said person shall be also subject to court costs for such violation.
- (b) Each violation shall be considered a separate offense.
- (c) Legal action may be initiated against a violator by the issuance of a citation pursuant to Sec. 66.0113(1)(a)(2005). Said citation may be issued by a law enforcement officer of said County.
- (d) The citation shall contain the following:
  - i. The first, middle, and last name, address, and date of birth of the alleged violator.
  - ii. Factual allegations describing the alleged violation.
  - iii. The date, time and place of the offense.
  - iv. The ordinance and section of the violation.
  - v. A description of the offense in such a manner as can be readily understood by a person making a reasonable effort to do so.
  - vi. The date and time at which the alleged violator may appear in court.
  - vii. A statement which, in essence, informs the alleged violator:
    - (a) That a cash deposit based on the schedule established by this section may be made which shall be delivered to the Clerk of Courts prior to the time of the scheduled court appearance.
    - (b) That if a deposit is made, no appearance in court is necessary unless subsequently summoned.
    - (c) That if a cash deposit is made and the alleged violator does not appear in court, they will be deemed to have entered a plea of no contest or, if the court does not accept the plea of no contest, a summons will be issued commanding them to appear in court to answer the complaint.
    - (d) That if no cash deposit is made and the alleged violator does not appear in court at the time specified, an action may be commenced to collect the forfeiture.
    - (e) A direction that if the alleged violator elects to make a cash deposit, the statement which accompanies the citation shall be signed to indicate that the statement required under Paragraph D.(7), above, has been read. Such statement shall be brought with the cash deposit.
    - (f) Such other information as the County deems necessary.
- (e) Section 66.0113(3), Wis. Stats. relating to violator's options and procedure on default, is hereby adopted and incorporated herein by reference.

## RESOLUTION #8

### SUPPORT FOR THE CLEAN WATER RESTORATION ACT

**WHEREAS**, Wisconsin Land and Water Conservation Association members support the Clean Water Act of 1972 and subsequent amendments, and the important federal, state, and local government partnerships created by the Act in order to “restore and maintain the chemical, physical, and biological integrity of the nation’s waters,” and

**WHEREAS**, the Clean Water Act has historically protected “all waters which are subject to the ebb and flow of the tide; all interstate waters, including interstate ‘wetlands’; all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sand flats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds; all impoundments, tributaries, and ‘wetlands’ adjacent to these waters; and the territorial seas” (as identified in USEPA and Corps regulations, 40 CFR 122.2 and 33 CFR 328.3), and

**WHEREAS**, the U.S. Supreme Court’s SWANCC and Carabell/Rapanos decisions have more narrowly interpreted the scope of the Clean Water Act’s protections leaving many critical waters unprotected and created uncertainty in jurisdiction for all Clean Water Act programs, and

**WHEREAS**, the Clean Water Act’s Section 404 permitting process, in particular, has become even more time consuming and burdensome due to the confusion created by the Supreme Court decisions, and the additional assessment procedures imposed by the federal agencies in an effort to address this confusion, and

**WHEREAS**, federal agency records show that a wide variety of waters have been denied Clean Water Act safeguards in recent years due to the Supreme Court decisions and agency guidance, and

**WHEREAS**, Wisconsin Land and Water Conservation Association believes that failing to continue to exercise broad jurisdiction under the Clean Water Act would result in substantial losses to the quality and quantity of the nation’s waters, and

**WHEREAS**, Wisconsin counties’ economies are well-served by providing fishable and swimmable waters that support hunting, fishing, boating, and other outdoor recreation, especially in recognition that, according to the most recent National Survey by the U.S. Fish and Wildlife Service, Wisconsin receives nearly \$4 million in direct expenditures from hunting, fishing, and other wildlife-related recreational activities alone, and

**WHEREAS**, loss of Clean Water Act protections for headwater, intermittent, and ephemeral streams imposes economic burdens on downstream communities by forcing them to incur significant financial costs to clean public drinking water supplies and clean up untreated industrial and municipal sewage discharges if facilities are no longer required to get Clean Water Act National Pollutant Discharge Elimination System (NPDES) permits for discharging pollutants into the aforementioned waters, and

**WHEREAS**, the Clean Water Restoration Act would restore the traditional scope of Clean Water Act protection intended by Congress and implemented by the U.S. Environmental Protection Agency for more than 30 years by (1) adopting a statutory definition of “waters of the United States” in the Clean Water Act based on the longstanding definition in agency regulations (40 CFR 122.2 and 33 CFR 328.3); (2) deleting the word “navigable” from the Clean Water Act to clarify that the Clean Water Act is principally intended to protect the nation’s waters from pollution, and not to maintain navigability; and (3) making findings to articulate the basis for Congress’ assertion of constitutional authority over the nation’s waters.

**NOW, THEREFORE, BE IT RESOLVED** that Wisconsin Land and Water Conservation Association supports the Clean Water Restoration Act (H.R. 2421 and S. 1870).

**BE IT STILL FURTHER RESOLVED** that Wisconsin Land and Water Conservation Association calls upon Congress to enact the Clean Water Restoration Act of 2007 during the next Congress, and that copies of this resolution be sent to Governor Doyle, Wisconsin’s U.S. Congressional delegation, and the National Association of Conservation Districts.

Dated this 12th day of December, 2008.

WLWCA considered this resolution from the floor with a 2/3 majority vote on December 12, 2008.

WLWCA approved this resolution on December 12, 2008.