

April 23, 2009

Ms. Christine Thomas
Natural Resources Board Chair
PO Box 7921
Madison WI 53707-7921

Dear Ms. Thomas and Board members:

Thank you for the opportunity to comment on the proposed Invasive Species Classification Rule (NR 40). This rule represents significant progress towards comprehensive statewide efforts to prevent and manage invasive species. We appreciate the time spent by the Invasive Species Council and the Department developing this rule.

The Wisconsin Association of Lakes (WAL) is impressed with the final proposal and urges the Board to send the rule forward to the Legislature for approval.

WAL submitted comments on this rule in August of 2008, and we are pleased with the thoroughness to which the Department has considered and addressed public comments.

Our organization had three concerns with the draft proposed in 2008, all of which we feel have been satisfactorily addressed in the revised proposal.

Firstly, WAL had interpreted that the draft rule did not contain a mechanism to incorporate additional invasive species that met the Department's criterion, move an invasive from one classification to another, or move a Caution list species into a classification into NR 40 without a formal rule revision. Given the likelihood of new invasive species being introduced into the state, or existing invasives warranting increased prevention or control measures, WAL was concerned that it revisions of NR 40 would be necessary frequently or that emergency rules on a species by species basis would be invoked until formal revisions to NR 40 could be made. We would like to praise the Department on its creative and innovative approach in 40.045; we feel this is an elegant solution that gives the Department flexibility to respond to new or changing threats.

Secondly, WAL was concerned that two common vectors for transportation of invasive species—sediment and transfer of water from one water body to another—were not adequately addressed in the prevention requirements outlined in the rule. In the final proposal, the preventative measures section (NR 40.07) clearly requires the removal of all aquatic plants and animals from equipment and drainage of water from equipment. The definition of "Reasonable precautions" (40.02 (42)) references best management practices established in state invasive species programs, including Clean Boats Clean Waters

(CBCW). Removing mud and rinsing equipment with hot or pressure water are established AIS prevention steps under this program: we feel that this is sufficient to establish that sediments must be removed and water should not be transferred between waterbodies.

Thirdly, WAL questioned where certain groups of organisms (monera, protista, viruses, phytoplasma, mycoplasma-like organisms, and prions) were included within the rule. The final version of the proposed rule clarifies where these organisms are included by modifying the definition of “species” (40.02 (48)).

Invasive species—especially aquatic invasive species—are a tremendous challenge to Wisconsin’s 15,000 lakes, and are a top concern of our membership. Many of our member Lake Districts and Lake Associations are spending a good portion of the annual operating budgets on suppressing existing AIS populations and preventing further introductions through educational programs, monitoring efforts, and volunteer watercraft inspection programs.

We feel that NR 40 provides a necessary framework to better direct management efforts.

On behalf of the Board of Directors and members of the Wisconsin Association of Lakes, thank you for the opportunity to comment on this important rule.

Sincerely,

Director of Communications, Wisconsin Association of Lakes