

SUBJECT: Authorization for Hearing for permanent rule revisions to NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, NR 345 Wisconsin Administrative Code

FOR: SEPTEMBER 2007 BOARD MEETING

TO BE PRESENTED BY: Martin Griffin

SUMMARY:

Considering the existing, new, and yet to be determined threats of invasive species and viruses, the Department proposes to revise chapters NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, NR 345 to create new exemption and general permit standards to ensure that these invaders are not moving from one waterbody to another through equipment used in projects authorized by waterway (Chapter 30) permits.

The proposed rule establishes exemption and general permit standards for activities that would otherwise require an individual permit condition to which the same condition would apply.

These new standards would ensure that waterfront property owners exercising exemptions or general permits will take the necessary precautions to prevent the spread of invasive species and viruses by de-contaminating their equipment used during construction activities in and near waterways.

There are currently no requirements in the rules setting eligibility standards for waterway projects for de-contamination of equipment to remove invasive species and viruses. By promulgating new exemption and general permit standards for equipment decontamination we will be able to help ensure that the spread of invasive species and virus are controlled to the fullest possible extent and that the resulting economic and ecological impacts of these invasive species and viruses to the resource are avoided.

RECOMMENDATION: Authorization for hearing on the creation of new exemption and general permit standards for the decontamination of equipment for controlling the spread of invasive species and virus

LIST OF ATTACHED MATERIALS:

- | | | | | | |
|----|-------------------------------------|---|-----|-------------------------------------|----------|
| No | <input type="checkbox"/> | Fiscal Estimate Required | Yes | <input checked="" type="checkbox"/> | Attached |
| No | <input checked="" type="checkbox"/> | Environmental Assessment or Impact Statement Required | Yes | <input type="checkbox"/> | Attached |
| No | <input type="checkbox"/> | Background Memo | Yes | <input checked="" type="checkbox"/> | Attached |

APPROVED:

| | |
|--------------------------|---------|
| /s/ | 8/17/07 |
| _____ | _____ |
| Bureau Director, | Date |
| /s/ | 8/17/07 |
| _____ | _____ |
| Administrator, | Date |
| /s/ | 8/30/07 |
| _____ | _____ |
| Secretary, Scott Hassett | Date |

- | | |
|----------------------------|------------------------|
| cc: Laurie J. Ross - AD/5 | Martin Griffin- WT/4 |
| Mary Elen Vollbrecht- WT/4 | Michael Cain- LS/5 |
| Russell Rasmussen WT/2 | Edwina Kavanaugh- LS/5 |
| Bruce Baker WT/4 | Jeff Bode- WT/4 |

DATE: August 15, 2007

TO: Natural Resources Board

FROM: Scott Hassett, Secretary

SUBJECT: Authorization of Hearings for Permanent Rule Revisions to NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, and NR 345 Wisconsin Administrative Codes

1. Why is this rule being proposed?

Under the direction of ss. 30.12(1g) and (3), 30.123(6) and (7), 30.19(1m) and (3r), 30.20(1r) and (1t) and s. 30.206, Wis. Stats., the department is proposing permanent rule revisions to create new exemption and general permit standards for the de-contamination of all equipment prior to use and after use for controlling the spread of invasive species and viruses for any project that is exempt or receiving a general permit under NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, and NR 345.

The proposed rule establishes exemption and general permit standards for activities that would otherwise require an individual permit condition to which the same condition would apply.

Background Information and Rationale for the Rule

Aquatic invasive species are non-native fish and other aquatic animals, aquatic plants and viruses that have been introduced into Wisconsin's public waterways and threaten the ecological integrity and economic future of our water resources. The impacts from these invaders to the ecosystem and economy are real. Invasive mussel species clog water intake pipes costing millions of dollars annually in maintenance costs. Aquatic invasive species compete with native species for food and habitat. Aquatic invasive viruses can damage crucial fauna populations, including sport fishing populations. Because there are no natural predators to keep them in check, they have a distinct advantage over native species. In many cases, their population explodes after just a few short years and they can dramatically alter the ecosystem.

Once in the system, it is almost impossible to eliminate these invaders. The best strategy is to prevent the introduction of new invasive species to Wisconsin and at the same time prevent the spread of invasive species and viruses that are already in the state.

Many aquatic invasive species are capable of survival out of water for extended periods. One way to prevent the spread of invasive species and viruses is to ensure that these invaders are not moving from one waterbody to another through equipment used in projects authorized by waterway (Chapter 30) permits. In addition, because invasive species get the best foothold in disturbed sites (Hobbs and Huenneke 1992; OTA 1993; Grime 2001; among others), it is critically important to take all possible measures to reduce the risk of introducing invaders where existing vegetation and substrates are to be disturbed by construction.

References

- Hobbs R. J. and L. F. Huenneke. 1992. Disturbance, Diversity and Invasion: Implications for Conservation. *Conservation Biology*. 6(3): 324-337
- Grime, J.P. 2001. *Plant strategies, vegetation processes, and ecosystem properties*. 2nd ed. John Wiley & Sons Ltd, Chichester.
- OTA. 1993. *Harmful Non-Indigenous Species in the United States*. Washington, DC: Office of Technology Assessment, United States Congress

2. Summary of Rule Proposal

Considering the existing, new, and yet to be determined threats of invasive species and viruses, the Department proposes to revise chapters NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, and NR 345 to create new exemption and general permit standards. These new standards would ensure that waterfront property owners exercising exemptions or general permits will take the necessary precautions to prevent the spread of invasive species and viruses by de-contaminating their equipment used in construction activities in and near the water.

There are currently no requirements in the rules setting eligibility standards for waterway projects for decontamination of equipment to remove invasive species and viruses. By promulgating new exemption and general permit standards for equipment decontamination we will be able to help ensure that the spread of invasive species and virus are controlled to the fullest possible extent and that the resulting economic and ecological impacts of these invasive species and viruses to the resource are avoided. The new exemption and general permit standard proposed requires any person conducting an exempt or general permit activity to:

- Inspect and remove aquatic plants, animals, and mud from equipment.
- Drain all water from equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- Wash equipment with hot (>140° F) or high pressure water or allow equipment to dry thoroughly for 5 days.

3. How does this proposal affect existing policy?

The proposed permanent rule revision provides procedures and standards which are necessary to administer the regulation of activities in navigable waters under chapter 30, Stats. The rule revision makes the required practices to avoid spread of invasive species consistent across all authorizations for construction work in waterways.

4. Has the Board dealt with these issues before?

Yes, emergency rules were put into effect April 8, 2007 by order FH-22-07(E) for the control and prevention of VHS in fish, and those rules were clarified and expanded by order FH-25-07(E). In addition an emergency rule was put into effect July 12, 2007 by order WT-32-07(E) requiring decontamination of equipment for invasive species and viruses as a new exemption and general permit standard.

5. Who will be impacted by the proposed rules? How?

All types of waterfront property owners along the shores of public waters, from private landowners to business, builders and developers, will benefit from the additional exemption and general permit standards provided in the emergency rules as they will become part of the solution and not inadvertently part of the problem. Aquatic plant managers, municipalities, NRCS and other agencies or contractors who work along the shoreline will also benefit from the additional exemption and general permit standard. The public who use and enjoy Wisconsin's navigable waters will certainly benefit from the new standard established to protect fisheries, water quality and similar public rights in lakes and streams.

6. Information on environmental analysis, if needed.

The Bureau of Environmental Analysis and Review has determined that these rule revisions are a Type III action under s. NR 150, Wis. Adm. Code, and no environmental analysis is required. [150.03 (6) (b)]

7. Recommendation.

Department staff recommends authorization of hearing on the proposed rule revision to NR 320, NR 323, NR 328, NR 329, NR 341, NR 343, NR 345 as described in the attached Natural Resource Board Order WT-33-07

Fiscal Estimate — 2007 Session

| | | |
|---|-------------------------------|--|
| <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected <input type="checkbox"/> Supplemental | LRB Number Bill Number | Amendment Number if Applicable Administrative Rule Number WT-33-07 |
|---|-------------------------------|--|

Subject

Permanent rules package for controlling the spread of invasive species and viruses from projects on navigable waters

Fiscal Effect

State: No State Fiscal Effect
 Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

- | | |
|--|---|
| <input type="checkbox"/> Increase Existing Appropriation | <input type="checkbox"/> Increase Existing Revenues |
| <input type="checkbox"/> Decrease Existing Appropriation | <input type="checkbox"/> Decrease Existing Revenues |
| <input type="checkbox"/> Create New Appropriation | |

Increase Costs — May be possible to absorb within agency's budget.

Yes No

Decrease Costs

Local: No Local Government Costs

Indeterminate

1. Increase Costs
 Permissive Mandatory
2. Decrease Costs
 Permissive Mandatory

3. Increase Revenues
 Permissive Mandatory
4. Decrease Revenues
 Permissive Mandatory

5. Types of Local Governmental Units Affected:

- Towns Villages Cities
 Counties Others _____
 School Districts WTCS Districts

Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This rule package establishes a new exemption and general permit standard to ensure that waterfront property owners take precautions to prevent the spread of invasive species or viruses. These precautions primarily involve the decontamination of equipment that is used for construction activities in or near navigable waters. Some of the standards requires individuals who are working on a project in a navigable water to do the following:

1. Inspect and remove aquatic plants, animals and mud from equipment.
2. Drain all water from equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtains, hoses, sheet piling and pumps.
3. Dispose of aquatic plants and animals in the trash and refrain from releasing or transferring aquatic plants, animals or water from one waterbody to another.
4. Wash equipment with hot and/or high pressure water or allow equipment to dry thoroughly for 5 days.

Fiscal effect: This rule package will increase operational costs for the state or for counties and municipalities to the extent that these precautionary practices are not already being implemented by these entities or by contractors acting on their behalf. However, since insufficient information is available to accurately estimate these costs, the Department is characterizing the state and local fiscal impact as "indeterminate" until more detailed cost information becomes available.

Long-Range Fiscal Implications

| | | |
|----------------------|---------------|---------------------------------|
| Prepared By: | Telephone No. | Agency |
| Joe Polasek | 266-2794 | Department of Natural Resources |
| Authorized Signature | Telephone No. | Date (mm/dd/ccyy) |
| | 266-2794 | |

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

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|-------------|--|
| LRB Number | Amendment Number if Applicable |
| Bill Number | Administrative Rule Number WT-33-07 |

Assumptions Used in Arriving at Fiscal Estimate – Continued

Fiscal Estimate Worksheet — 2007 Session
 Detailed Estimate of Annual Fiscal Effect

- Original Updated
 Corrected Supplemental

| | |
|-------------|--|
| LRB Number | Amendment Number if Applicable |
| Bill Number | Administrative Rule Number WT-33-07 |

Subject

Permanent rules package for controlling the spread of invasive species and viruses from construction projects on navigable waters

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

| Annualized Costs: | | Annualized Fiscal Impact on State Funds from: | |
|--|---|---|-------------------------------|
| | | Increased Costs | Decreased Costs |
| A. State Costs by Category | | | |
| State Operations — Salaries and Fringes | | \$ | \$ - |
| (FTE Position Changes) | | (FTE) | (- FTE) |
| State Operations — Other Costs | | | - |
| Local Assistance | | | - |
| Aids to Individuals or Organizations | | | - |
| Total State Costs by Category | | \$ | \$ - |
| B. State Costs by Source of Funds | | Increased Costs | Decreased Costs |
| GPR | | \$ | \$ - |
| FED | | | - |
| PRO/PRS | | | - |
| SEG/SEG-S | | | - |
| State Revenues | Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.) | Increased Revenue | Decreased Revenue |
| GPR Taxes | | \$ | \$ - |
| GPR Earned | | | - |
| FED | | | - |
| PRO/PRS | | | - |
| SEG/SEG-S | | | - |
| Total State Revenues | | \$ | \$ - |

Net Annualized Fiscal Impact

| | <u>State</u> | <u>Local</u> |
|------------------------|--------------|--------------|
| Net Change in Costs | \$ _____ | \$ _____ |
| Net Change in Revenues | \$ _____ | \$ _____ |

| | | |
|-----------------------------|---------------------------|---|
| Prepared By: Joe Polasek | Telephone No. 266-2794 | Agency Department of Natural Resources |
| Authorized Signature | Telephone No. 266-2794 | Date (mm/dd/ccyy) |

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
CREATING RULES

The Wisconsin Natural Resources Board proposes an order to create NR 320.06(1)(c)15 and (d)7. and (2)(c)10., 323.04(1)(c)11. and (2)(c)5., 328.04(3)(j) and 328.05(7)(i), 329.04(1)(c)5. and (2)(c)4., 341.08(3)(i), 343.07(3)(a)4. and 345.04(1)(c)6. and (d)9. and (2)(c)11. relating to general permit criteria requiring decontamination of equipment for invasive species and viruses

WT-33-07

Summary Prepared by the Department of Natural Resources

Statutory Authority: ss. 30.12(1g) and (3), 30.123(6) and (7), 30.19(1m) and (3r), 30.20(1r) and (1t) and s. 30.206, Stats.

Statutes Interpreted: ss. 30.12(1g) and (3), 30.123(6) and (7), 30.19(1m) and (3r), 30.20(1r) and (1t) and s. 30.206, Stats.

Explanation of Agency Authority:

The Department has authority under ss. 30.20 and 30.206, Stats., to promulgate rules to establish general permits.

Related statute or rule:

These rules relate directly to regulation of activities in navigable waters under ch. 30, Stats., waters designations in ch. NR 1, and the NR 300 series of rules.

Plain Language Analysis:

The purpose of this rule revision is to modify the existing rules to establish a new exemption and general permit criteria requiring decontamination of equipment for invasive species and viruses (including but not limited to VHS). This rule revision establishes an additional exemption and general permit requirement regarding decontamination of equipment used on activities in navigable waters under ch. 30, Stats. to control the spread of invasive species and viruses. The proposed rule establishes exemption and general permit standards for activities that would otherwise require an individual permit containing the same condition.

Federal Regulatory Analysis:

Any activity that results in a discharge (including deposits and structures) into "waters of the United States" is regulated by the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act. An Individual Permit from the Corps is required, unless Wisconsin regulates the project in its entirety under ch. 30, Stats., in which case the project is authorized by the Corps under general permits GP-01-WI or GP-LOP-WI.

Comparison with Adjacent States:

The four adjacent states have not yet adopted regulations addressing the VHS problem, but steps have been taken elsewhere, particularly in the lower Great Lakes where the Great Lakes form of the VHS virus was first discovered. In November of 2006 the New York State Department of Environmental Conservation announced emergency regulations prohibiting the commercial collection of bait fish from waters of the state where VHS has been detected, limiting the use of bait fish to the specific water from which they were collected, and prohibiting the placement of live fish into the waters of the State (including possessing, importing, and transporting live fish for purposes of placing them into the waters of the State) unless accompanied by a fish health inspection report issued within the previous 12 months. In January the Pennsylvania Fish and Boat Commission placed a temporary ban on the transportation of live fish from Lake Erie and its tributaries to inland waters, and permanent rule changes are expected. Michigan and other jurisdictions are also considering regulations to address this issue.

Summary of Factual Data and Analytical Methodologies: Substantial published scientific literature on the effects on fish, wildlife and water quality during and after physical alterations to lake and streambeds is the basis for the rule parameters. In addition, data on actual field conditions during and after such alterations from department files is applied.

Analysis and Documents Supporting Determination of Small Business Effect: Any person placing a structure or making similar physical modifications to public navigable waters either qualifies for an exemption or must obtain a general or individual permit under state statute. To comply, small businesses follow the same requirements as other waterfront property owners: (1) make a self-determination of exemption using web-based tools provided by the department or describe their activity on an exemption determination request form; (2) complete a general permit application; or (3) complete an individual permit application. Schedules, application steps and compliance/reporting requirements are very basic for all applicants, and most projects can be planned and conducted by individuals with no specific professional background.

Anticipated Private Sector Costs: No significant fiscal effect on the private sector is anticipated.

Effect on Small Business: Contractors, marinas and other waterfront businesses who wish to conduct Chap 30. regulated activities will be affected by the rule. Specific standards will provide clarity and consistency in the permitting process.

Agency Contact Person: Martin Griffin, MartinP.Griffin@wisconsin.gov, (608) 266-2997

SECTION 1. NR 320.06(1)(c)15., (1)(d)7. and (2)(c)10. are created to read:

NR 320.06(1)(c)15. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

(1)(d)7. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

(2)(c)10. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 2. NR 323.04 (1)(c)11. and (2)(c)5. are created to read

NR 323.04(1)(c)11. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

(2)(c)5. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

a. Inspect and remove aquatic plants, animals, and mud from your equipment.

b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps

c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 3. NR 328.04 (3)(j) is created to read:

NR 328.04 (3)(j). All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

a. Inspect and remove aquatic plants, animals, and mud from your equipment.

b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps

c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 4. NR 328.05 (7)(i) is created to read:

NR 328.05 (7)(i). All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 5 NR 329.04(1)(c)5., and (2)(c)4. are created to read:

NR 329.04(1)(c)5. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

(2)(c)4. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected

with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 6. NR 341.08(3)(i) is created to read:

NR 341.08(3)(i). All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.
- b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps
- c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.
- d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.
- e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 7. NR 343.07(3)(a)4. is created to read:

NR 343.07(3)(a)4. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

- a. Inspect and remove aquatic plants, animals, and mud from your equipment.

b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps

c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 8. NR 345.04(1)(c)6., (1)(d)9., and (2)(c)11. are created to read:

NR 345.04(1)(c)6. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

a. Inspect and remove aquatic plants, animals, and mud from your equipment.

b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps

c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly de-contaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

(1)(d)9. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

a. Inspect and remove aquatic plants, animals, and mud from your equipment.

b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps

c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly decontaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

(2)(c)11. All equipment used for the project, including but not limited to, tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps shall be de-contaminated for invasive species and viruses prior to use and after use. Specific disinfection measures are required on all waters infected with Viral Hemorrhagic Septicemia (VHS) and shall be taken prior to moving to another waterbody. The following steps shall be taken every time you move your equipment to avoid transporting invasive species and viruses:

a. Inspect and remove aquatic plants, animals, and mud from your equipment.

b. Drain all water from your equipment, including but not limited to tracked vehicles, barges, boats, silt or turbidity curtain, hoses, sheet pile and pumps

c. Dispose of aquatic plants, animals in the trash. Never release or transfer aquatic plants, animals or water from one waterbody to another.

d. Wash your equipment with hot ($\geq 140^{\circ}$ F) or high pressure water, or both, or allow your equipment to dry thoroughly for 5 days or follow the most current disinfection protocols.

e. To the extent practicable, equipment and gear used on waters known to be infested with invasive species and viruses should not be used on other non-infested waters unless properly decontaminated or disinfected.

Note: The most current disinfection protocols along with a VHS-affected waters list can be found at the following website <http://dnr.wi.gov/> under the topic "VHS"

SECTION 8. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats..

SECTION 9. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)