

Aquatic Invasive Species Statute Guide as of January 2011

All minimum and Maximum Penalty's have court costs included

NR40.04(3)- Transport, possess or transfers a prohibited invasive species.

Citation Penalty Amount \$295.00 Maximum Penalty: \$389.50**

NR40.04(3)- Introduce a prohibited invasive species.

Citation Penalty Amount: \$389.50 Maximum Penalty: \$389.50**

NR40.05(3)- Transport, possess or transfers a restricted invasive fish or crayfish species.

Citation Penalty Amount: \$295.00 Maximum Penalty: \$389.50**

NR40.05(3)- Introduce a restricted invasive fish or crayfish species.

Citation Penalty Amount: \$389.50 Maximum Penalty: \$389.50**

NR40.06(4)- Fail to keep a current, correct and complete record of all permit activities under invasive species permit.

Citation Penalty Amount: \$169.00 Maximum Penalty: \$389.50**

NR40.06(5)- Alter or deface an invasive species permit issued under Chapter NR40, Wis. Adm. Code.

Citation Penalty Amount: \$295.00 Maximum Penalty: \$389.50**

NR40.06(6)- Violate any term of any invasive species permit issued under Chapter NR40 Wis. Adm. Code.

Citation Penalty Amount: \$232.00 Maximum Penalty: \$389.50**

NR40.07(1)- Failure to notify the DNR of the escape of a restricted invasive fish species within 24 hours.

Citation Penalty Amount: \$263.50 Maximum Penalty: \$389.50**

NR40.07(2)- Failure to remove all aquatic plants or aquatic animals attached to, or drain all water from, any vehicle or equipment (other than boats, boating or fishing equipment) immediately after removal from the water, and before leaving a boat launch or associated parking area. (W-35) (0-389.50) [see NR 19.055(1) for failure to drain water from boats or boating and fishing equipment]

Citation Penalty Amount: \$200.50 Maximum Penalty: \$389.50**

NR40.07(3)- Transporting over land from another state any vehicle or equipment (other than boats, boating or fishing equipment) for use on waters of the state without first removing all attached aquatic plants and aquatic animals and draining all water before entering the state. (W-29) (0-389.50) [see NR 19.055(2) for failure to drain water from boats or boating and fishing equipment]

Citation Penalty Amount: \$232.00 Maximum Penalty: \$389.50**

NR40.07(4)- Operate a vehicle, watercraft or other object of any kind **in any wetland or non-navigable water** of the state if the vehicle, watercraft or other object has an aquatic plant or aquatic animal attached to the exterior.

Citation Penalty Amount \$295.00 Maximum Penalty: \$389.50**

[see also s. 30.07(2)(a) for navigable water violations]

NR40.07(5)- Transporting any material identified as having the potential for carrying an invasive species from a DNR infestation control zone, a DATCP quarantine area, or a USDA APHIS quarantine area.

Citation Penalty Amount: \$295.00 Maximum Penalty: \$389.50**

NR40.07(6)- Using a live **prohibited** fish invasive species as fishing bait.

Citation Penalty Amount: \$358.00 Maximum Penalty: \$389.50**

NR40.07(6)- Using any live non-native crayfish as bait for fishing on inland or outlying waters, except for rusty crayfish that are dead, or live rusty crayfish on the Mississippi River.

[See also NR 19.27(4)(a)1.] **Citation Penalty Amount: \$187.90 Maximum Penalty: \$389.50****

NR40.07(7)- Introducing a nonnative aquatic plant, algae or cyanobacteria species in any water of the state, except waters of the state that are artificial, entirely confined and retained upon the property of a person, do not drain to other waters of the state, are not subject to intermittent or periodic flooding, and are not connected to any other water of the state.

Citation Penalty Amount: \$ 389.50 Maximum Penalty: \$389.50

**** For all the above NR 40 violations, a 2nd offense within 5 yrs is a crime with a min. fine of \$700 & max. of \$2,000.****

* **30.07(2)(a)-** Launching or placing a vehicle, boat, boat trailer, equipment, or gear of any type into waters of the state, which has an aquatic plant or aquatic animal attached to the exterior. (1st Offense) (W26)

Citation Penalty Amount: \$295.00 Maximum Penalty: \$767.50

* **30.07(2)(a)-** Launching or placing a vehicle, boat, boat trailer, equipment, or gear of any type into waters of the state, which has an aquatic plant or aquatic animal attached to the exterior. (2nd Offense within 3 years) (W26)

Citation Penalty Amount: \$547.00 Maximum Penalty: \$2,657.50

* **30.07(2)(b)-** Transporting a vehicle, boat, boat trailer, equipment or gear of any type on a public highway which has an aquatic plant or an aquatic animal attached to the exterior. (1st offense) (W26)

Citation Penalty Amount: \$232.00 Maximum Penalty: \$767.50

* **30.07(2)(b)-** Transporting a vehicle, boat, boat trailer, equipment or gear of any type on a public highway which has an aquatic plant or an aquatic animal attached to the exterior. (W26) (2nd offense within 3 years)

Citation Penalty Amount: \$358.00 Maximum Penalty: \$2,657.50

* **30.07(5)(b)-** Fail to post and maintain notice provided by department at public access sites. (M69)

Citation Penalty Amount: \$150.10 Maximum Penalty: \$190.10

* **30.07(6)-** Fail to comply with a law enforcement officer's order to remove all aquatic plants or animals before placing any vehicle, boat, seaplane or other object in a navigable water, or to remove the vehicle, boat, seaplane, or other object from a navigable water. (1st Offense) (W26)

Citation Penalty Amount: \$358.00 Maximum Penalty: \$767.50

* **30.07(6)**- Fail to comply with a law enforcement officer's order to remove all aquatic plants or animals before placing any vehicle, boat, seaplane or other object in a navigable water, or to remove the vehicle, boat, seaplane, or other object from a navigable water. (2nd Offense within 3 years) (W26)

Citation Penalty Amount: \$610.00 Maximum Penalty: \$2,657.50

* **30.07(6)**- Fail to comply with a law enforcement officer's order not to transport or operate a vehicle, watercraft, or other object on a highway if the officer has reason to believe that it has aquatic plants or animals attached. (1st offense) (W26)

Citation Penalty Amount: \$295.00 Maximum Penalty: \$767.50

* **30.07(6)**- Fail to comply with a law enforcement officer's order not to transport or operate a vehicle, watercraft, or other object on a highway if the officer has reason to believe that it has aquatic plants or animals attached. (2nd offense within 3 years) (W26)

Citation Penalty Amount: \$421.00 Maximum Penalty: \$2,657.50

23.24(3)(a)1- Unlawfully introduce nonnative aquatic plants into waters of the state. (1st offense) (W27)

Citation Penalty Amount: \$389.50 Maximum Penalty: \$389.50

23.24(3)(a)1- Unlawfully introduce nonnative aquatic plants into waters of the state. (2nd offense within 5 years) (W27)

CRIME: Bail = \$500 (700-2643 and/or 6-9 months)

NR19.05(1)- Import or release fish without a permit. (M12)

Citation Penalty Amount: \$1,147.50 Maximum Penalty: \$2152.50

NR19.05(3)- Illegally transport live fish or live fish eggs away from any water or its bank or shore. (F84)

Citation Penalty Amount: \$343.50 Maximum Penalty: \$2,152.50

NR 19.055(1)- Fail to drain water from boat, boat trailer or boat or fishing equipment before transporting away from water, bank or shore. (M-73)(0-\$343.50)

[see NR 40.07(2) for failure to drain water from vehicles, equipment or gear other than boats, boat trailers and fishing equipment]

Citation Penalty Amount: \$243 Maximum Penalty: \$343.50

NR 19.055(2)- Fail to drain water from boat, boat trailer or boating or fishing equipment before transporting overland into Wisconsin from another state for use on waters in this state (M-73)(0-\$343.50)

[see NR 40.07(3) for failure to drain water from vehicles, equipment or gear other than boats, boat trailers and fishing equipment]

Citation Penalty Amount: \$243 Maximum Penalty: \$343.50

NR20.08(3)- Release any unused bait into any waters. (F86)

Citation Penalty Amount: \$645 Maximum Penalty: \$2,152.50

NR20.08(6)- Posses or use live fish or fish eggs for use as fish bait if not imported in compliance with DATCP requirements. (F-85)

Citation Penalty Amount: \$1,147.50 Maximum Penalty: \$2,152.50

NR20.08(7)- Illegal possession of dead fish, frogs or crayfish as fishing bait. (F86)

Citation Penalty Amount: \$222.90 Maximum Penalty: \$2,152.50

*** The s. 30.07 violations may be written on either a DNR or Traffic Citation.**

Note: This is not a complete list of all aquatic invasive species statutes.

This document is intended solely as guidance and does not contain any mandatory requirements except where requirements found in statute or administrative rule are referenced. This guidance does not establish or affect legal rights or obligations and is not finally determinative of any of the issues addressed. This guidance does not create any rights enforceable by any party in litigation with the State of Wisconsin or the Department of Natural Resources. Any regulatory decisions made by the Department of Natural Resources in any matter addressed by this guidance will be made by applying the governing statutes and administrative rules to the relevant facts.