

Report to the Minnesota Legislature on Aquatic Invasive Species Prevention Measures

Submitted to the Environment and Natural Resources
Committees of the Minnesota House and Senate

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Prepared by the
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Division of Ecological and Water Resources,
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Introduction and Background

As required by Minnesota Statutes- 2010 Minn. Laws, Chap. 361, Art. 4, Sec. 25 (Minn. Stat. 84D.10, Subd. 4), this report has been prepared to advise the legislature on additional measures to protect state water resources from human transport of invasive species.

To help meet this requirement, the Minnesota Department of Natural Resources (DNR) held a series of four stakeholder meetings focused solely on *prevention and containment* of aquatic invasive species (AIS) in Minnesota. The DNR convened a small working group representing various stakeholders from throughout the state: counties, coalitions of lake associations (COLAs) and lake associations, angler groups, conservation organizations, businesses, tribes, Minnesota Sea Grant and watershed organizations (see Appendix A). The meetings also included staff from various parts of DNR including the Commissioner's Office, and Divisions of Ecological and Water Resources, Enforcement, Parks and Trails, and Fish and Wildlife.

The purpose of the work group was to review the prevention and containment ideas and to:

- Prioritize the proposed ideas
- Identify partners for potential actions
- Identify needs (resources, approvals)

It was clear from the stakeholder meetings that the citizens of Minnesota take the threat of AIS seriously and feel that not enough is being done to effectively prevent their spread. Many stakeholders stated that the State needs to take bold action or AIS will continue to spread and cause irreversible harm. Many also stated that not enough resources are available to meet prevention needs.

The work group discussed numerous previous and newly generated ideas to make recommendations to enhance the state and local entities' ability to prevent the spread of AIS. DNR staff developed background information on many of the ideas to provide context for the discussion. From these discussions, a suite of 25 ideas emerged. These ideas were then ranked by the stakeholders for importance. Additional discussion by the group resulted in a smaller set of integrated recommendations that are presented in this report.

This report summarizes the recommendations of the stakeholder group and the DNR's response to the recommendations. The full stakeholder report is still in draft form at the time of this printing and will be finalized after review by the stakeholder group in the coming weeks.

Stakeholders' Recommendations and DNR Responses

The following is a summary of eight areas of stakeholder group recommendations:

- Increase enforcement of AIS laws at the state and local levels;
- Increase penalties for violations of state invasive species laws;
- Improve the DNR's watercraft inspection process for AIS;
- Increase public awareness of AIS;
- Aid AIS actions at water accesses;
- Require lake service provider licensing and training;
- Focus on high-use infested waters & prioritize; and
- Increase funding for AIS efforts.

Below are the stakeholder recommendations and DNR's response to the recommendations. The information in parentheses indicates who could address the recommendation.

A. Recommendation - Increase enforcement of AIS laws at state and local levels:

- Double DNR enforcement hours on AIS (*Legislative - appropriations*);
- Increase the quality and quantity of local law enforcement (*DNR – training, funding*);
- Enhance ability of officers to stop and inspect trailered boats and equipment (*Legislative – statute changes*); and
- Facilitate reporting of AIS violations by citizens (*DNR and local – public awareness*).

Concerns / Key Points: Participants in the stakeholder group feel that enforcement is an important tool in addressing the spread of AIS. Several key state laws are in effect, but are not adequately enforced at the state or local level. There is a sense that violations occur because individuals and businesses do not think there will be consequences. The stakeholder group encouraged doubling the current DNR enforcement efforts for AIS laws.

DNR Actions / Response: The DNR increased enforcement of AIS laws in 2010 to 12,800 hours, up from 4,800 hours in 2009. DNR would like to further increase AIS enforcement, however, additional funds would be needed before that can occur. The DNR is currently down 22 officers from being fully staffed.

- Doubling of enforcement hours from 12,800 to 25,600 would cost an additional \$1,600,000; and
- DNR Conservation Officers will continue to train local peace officers to enforce laws locally where there is local interest.

B. Recommendation - Increase penalties on AIS violations:

- Raise penalties to be a stronger deterrent and make them comparable to penalties for game and fish violations (*Legislative – statute changes, DNR and stakeholders – make recommendations to Minnesota Judicial Council*); and
- Provide revenue from civil citations to the issuing entities (*Legislative – statute change*).

Concerns / Key Points: Stakeholders repeatedly expressed opinions that the current penalties for violating the AIS laws are not high enough. As the recommendations indicate,

there is support for raising the penalties to make them more in line with penalties for current game and fish laws. They believe doing that would make the penalties more of a deterrent.

DNR Actions / Response: There are two ways that penalties can be increased, through legislative action and recommendations to the Minnesota Judicial Council that sets fine schedules for criminal violations. The DNR has recommended raising the civil penalties, however no legislative bill was introduced or amended in 2010 to contain increased penalties. DNR will:

- Seek to include increased penalties in legislation during 2011;
- Submit new recommendations to the judges' panel when they are seeking input; and
- Seek to include provisions to distribute revenues from AIS violations (civil penalties) to the issuing authority.

C. Recommendation - Improve the DNR watercraft inspection process:

- Increase the number of DNR inspectors (*Legislative – appropriations*);
- Broaden hiring of inspectors beyond student interns (*Legislative or DNR*);
- Increase inspectors' authority to do more thorough inspections and provide decontamination facilities at high-use infested waters (*Legislative – statute changes*);
- Use more local volunteer inspectors (*DNR and Local entities*); and
- Lengthen the time that inspectors work into the fall (*DNR*).

Concerns / Key Points: Stakeholder group members have varied opinions and ideas regarding the DNR's watercraft inspections. Most think it should be improved and increased. Some think it should be replaced with stronger required inspections and certified cleaning of watercraft. Their recommendations for improvement are intended to make the inspections more comprehensive in coverage of boats leaving infested waters and to improve the effectiveness of the inspections.

DNR Actions / Response: The current watercraft inspection program is primarily focused on educating boaters about AIS and how to inspect and clean their watercraft to reduce the risk of spread. The program utilizes student interns, who are not authorized or trained to do more thorough inspections and deal with potential conflict situations. Despite the fact that the DNR has continued to add watercraft inspectors in recent years, there are less inspection hours per infested water compared to past years, because the number of infested lakes and rivers continues to increase.

The current program allows for maximum coverage of infested waters for the dollars spent, by hiring large numbers of low-cost student interns. In 2010, the DNR watercraft inspection program cost approximately \$1 million, which included hiring 90 watercraft inspectors and provided over 50,000 hours of access inspections. Any action to increase authority and thoroughness of inspections would require hiring more highly trained staff, which would increase the cost for each inspector. The tradeoff is that doing more thorough inspections with better trained staff increases the effectiveness of an individual inspection, but results in less overall coverage statewide. It is not known whether this trade-off results in more effective prevention, but the increase in infested waters over the last couple of years, especially zebra mussel waters, has convinced a number of stakeholders that it is time to try something different.

Some of the western states have implemented more thorough inspection and decontamination requirements that would provide a model for Minnesota to look at (see Appendix B for examples). Nevertheless, if Minnesota decides to adopt this strategy it will be more costly and logistically complex than for the western states, because we have many more lakes, public and private water accesses, and boaters.

DNR plans to do the following to improve the watercraft inspection process:

- Develop new training materials for DNR and volunteer inspectors;
- Prioritize inspection resources at high-use infested waters, particularly those with zebra mussels or spiny waterfleas, or with new infestations;
- Seek statute changes that define watercraft inspections and provide authority for more thorough inspections; and
- Seek funds to lengthen the inspection season.

D. Recommendation - Significantly increase public awareness efforts:

- Develop a greatly expanded campaign (*DNR and partners – implementation; Legislature – appropriations*);
- Use 21st century communication technologies (*DNR, Partners, and Local*);
- Provide support for local efforts to deliver AIS messages (*DNR – AIS prevention grants*); and
- Combine boater education with licensing (*Legislative – statute change and appropriation*).

Concerns / Key Points: One of the most important components of AIS prevention and containment is public awareness. Public awareness is needed to inform the public about problems caused by AIS and awareness about laws and precautions they can/should take. Public awareness efforts are ongoing in the state, but statewide campaigns (such as anti-smoking, Click It or Ticket) require substantial resources to be effective. The consensus of the stakeholder group is that the awareness efforts need to be greatly elevated in order to make a difference in awareness and help protect the states valuable waters. It is a challenge to reach over 800,000 boaters and also visitors from other states. Stakeholders also support a requirement that boat owners take online or other training on AIS and boat safety before registering their boat as is done in Wyoming.

DNR Actions / Response: DNR along with partners have conducted awareness campaigns (e.g., Clean Boats, Clean Waters; Stop Aquatic Hitchhikers; Pick It or Ticket) and used many type of media to convey the messages (e.g., radio, TV, newspapers, signs, billboards, displays, events). The DNR has spent between \$150,000 (2005) and \$250,000 (2010) on invasive species public awareness. Expansion of current efforts could cost roughly \$250,000-\$500,000.

DNR plans to:

- Expand efforts by about \$140,000 or more in 2011 using federal grant funds;
- Seek additional funds to develop a more comprehensive campaign;
- Re-evaluate current campaign to redirect efforts and messaging where appropriate
- Expand use of new 21st century communication methods (e.g., pod casts, Web links, YouTube)
- Continue to provide Public Awareness Grants to local entities in 2011 at an expanded level.

- Look at the concept of a short training experience before registering watercraft to ensure that boat owners are aware of AIS issues, laws, and precautions as with firearm safety training and training for driver's licenses.

E. Recommendation - Aid AIS actions by boaters at water accesses:

- Develop best management practices (BMPs) for AIS prevention at public and private accesses (*DNR - staff*);
- Retrofit priority DNR accesses per BMPs (*DNR – implementation; Legislative – appropriations*); and
- Facilitate use of BMPs at private and non-DNR accesses (*DNR and Local*).

Concerns / Key Points: Stakeholder group members were concerned with actions of boaters at water accesses sites. The new law requiring boaters to pull their drain plug and discard all water before transporting on public roads has caused unintended effects at public water access sites and confusion with some boaters. The major concerns are in the following areas:

- Boaters drain water from their boats when arriving on the boat ramp furthering the spread of AIS and contaminating the lake with dirty bilge water;
- Boaters do not properly complete the AIS prevention actions required by law; and
- Signs pertaining to AIS at access sites are inadequate.

DNR Actions / Response:

1. Develop a Best Management Practices (BMP's) guidance document that can be used by all water access providers. BMP's will provide guidance for development of new access as well as modification of existing accesses. The DNR will put together a work group of internal DNR staff to develop the BMP's. Components of the proposed strategies and BMP's under consideration for public water access sites include:
 - Create designated areas for stopping and completing AIS checklist or inspection;
 - Incorporate stormwater practices to provide site friendly boat drainage areas;
 - Provide aquatic vegetation disposal areas and where possible water for flushing bilges and livewells;
 - Provide shoreline buffer zones to further filter water from boats;
 - Create consistent signing strategies and message options;
 - Develop instructions on modifying existing sites with cost estimates to assist all water access providers;
 - Develop priority list of lakes that would benefit the most from these improvements;
 - Promote public awareness efforts based around the proper way to inspect your own boat and use the new AIS prevention area; and
 - Focus on boater stewardship through local partnerships including sportsman's clubs, angling groups, lake associations and local government units.
2. Implement the BMP's at priority DNR water access sites. Additional funding will be needed in order to implement at a large number of sites. The cost of retro-fitting an existing water access ranges from \$5,000 to \$100,000 or more depending on the access and needs for the location.
3. Review the effectiveness of the BMP's once implemented, recommend changes to the BMP's as needed.

F. Recommendation – Require license and training of lake service providers:

- New legislation that requires license and training by DNR (*Legislative – statute change and appropriation*); and
- Hold training workshops & provide informational materials (*DNR – training*).

Concerns / Key Points: Any object left in the water and subsequently moved to another water is a potential pathway of spread for AIS (e.g., lakeshore equipment such as docks and lifts). Stakeholders would like to see more required training or certification of lake service providers (dock and lift services, boat transport, etc.) in the state to ensure they are aware of AIS, the laws, and the precautions. In addition, poor attendance by lake service providers at locally sponsored AIS training opportunities was of concern and the reason for recommending that training be required. In order to require training of lake service providers, this group of business would have to become regulated with a license, permit or certification requirement.

DNR Actions / Response: The DNR has been supporting training of lake service providers during 2009 and 2010. DNR staff conducted several training sessions such as in Brainerd and at Lake Minnetonka. DNR has provided a grant to Minnesota Waters to: 1) help develop training materials in partnership with DNR staff, and 2) publicize training sessions in several areas of the state in 2011.

- DNR supports required permitting and training of these businesses similar to the requirement for bait harvesters working in infested waters in the state. The DNR will work to include the requirement in 2011 legislation.
- DNR will continue to conduct training sessions whether required or voluntary.

G. Recommendation - Focus prevention efforts on the “highest risk” infested waters and prioritize other efforts at infested waters:

- Minnetonka and Mille Lacs are the “highest priority” waters for containment efforts.
- Consider “containment zones” and “mobile inspection stations” at locations away from water accesses (*Legislative – statute change and appropriation; DNR – implementation*).

Concerns / Key Points: Boats leaving infested waters are a key pathway of spread. Some waters in the state have very high use by trailered boats, which come from and go to many other waters in the state after leaving these high-use waters. Also, there are numerous water accesses, both public and private at large infested waters and chains of infested waters, making it difficult to inspect, clean, and enforce laws at these waters. As an alternative, the idea of a containment zone (where trailered boats must be inspected, and if needed, decontaminated before leaving the zone) or mobile inspection stations, could provide a more comprehensive inspection and decontamination of boats to reduce risk of transfer to other waters by boats leaving high-use, high priority zebra mussel infested waters. New authorities and funds would be needed to try this concept.

DNR Actions / Response: Although the containment zone idea was ranked high by the stakeholders, there were dissenting points of view. Those opposed did not support required inspections, but did support voluntary wash stations. The containment zone idea is in the concept stage, and much more discussion and evaluation on how it could be implemented is required. The mobile inspection station idea is based on using Conservation officers to set up inspections stations at priority locations to inspect boaters and other water-related

equipment. Conservation officers would have the flexibility to move the stations around to other priority locations.

- DNR believes the containment zone recommendation presents some extraordinary challenges. However, the DNR will work with stakeholders to explore this idea further.
- DNR supports the concept of mobile inspections stations for the purpose of checking watercraft and decontaminating them if needed.
- Both of these ideas would require inspection and decontamination authority (also discussed under recommendation C), and significant funding.

H. Recommendation - Increase funding for AIS efforts:

- Increase current the watercraft surcharge and/or use annual stickers as in other states (*Legislative – statute change and appropriation*);
- Seek private foundation and other funds for AIS needs (*DNR and Stakeholders*)

Concerns / Key Points: The stakeholder group recognizes the need for increased funding to allow the implementation of the other recommended prevention ideas, as well as other needs for management of AIS in our lakes. The group supported increased state funding and suggests seeking private foundation funds for a well-developed multi-year proposal. Many group members support increasing the watercraft surcharge and some members suggest that increased funding come from a broader base than just the boating public. Some stakeholders also think the Legacy funds could/should be a revenue source for AIS activities. (*Note: Money from the watercraft surcharge placed in the invasive species account may be used for management of invasive species and implementation of efforts related to invasive species, including control, public awareness, law enforcement, assessment and monitoring, management planning, and research.*)

DNR Actions / Response: The primary funding source for the Invasive Species Program is a \$5 surcharge on the registration of watercraft in Minnesota (\$1,350,000 annually) and a \$2 fee on non-resident fishing licenses(\$400,000 annually). The program is also supported with a general fund appropriation. The watercraft surcharge (\$5 is for a 3-year period that equates to \$1.66 per year per boat) has not been increased since 1993. This type of dedicated revenue source is critical to maintain a comprehensive and professional invasive species program and provide resources for local efforts. Other states have aquatic invasive species boater fees that vary from \$5 to \$30 per year.

The DNR is considering a number of funding options that would increase the revenues to the Invasive Species Account.

Summary

Summary of Potential Legislative Action to Address AIS Prevention Measures

- Increased funding for AIS
- Increased penalties for AIS violations
- DNR authority to require boat/equipment inspections
- Require licensing or training for lake service providers
- Require educational tutorial in order to receive watercraft registration
- Distribute revenue from AIS violations (civil penalties) to issuing authority

Appendix A - Entities Participating in Meetings

Many entities from lake related groups, local governments, businesses, conservation and fishing groups, tribes, and University of Minnesota were represented at the Phase II stakeholder meetings. They are listed below along with participants from the DNR.

| Category | Name – Organization |
|-------------------------------------------|------------------------------------------------------------|
| Lake Assoc. (Green Lake) | Ann Latham – Green Lake Association |
| Local Assoc (Northern area) | Bob Wilson – Sportsman’s Club of Lake Vermilion |
| Lake Assoc (Minnetonka) | Dick Osgood – Lake Minnetonka Association |
| Area Aquatic Invasive Species (AIS) group | Clyde Clement – Brainerd Lakes Area Task Force |
| Coalition of Lake Association (COLA) | Ken Grob - Hubbard County COLA |
| Minnesota Waters | Molly Zins |
| Freshwater Society | Gene Merriam / Pat Sweeney |
| MN Assoc Counties | Dennis Peterson – Kandiyohi County Commissioner |
| Conservation District | Lisa Whalen – Lake Minnetonka Conservation District (LMCD) |
| Watershed District | Dick Hecock - PRWD |
| Fishing Business | Dan Eigen – Walleye Dan Guide Service |
| Lake Service Provider | Ben Tande – Timber Creek Dock and Lift |
| Resort Industry | Harold Kraft – Minnesota Resort and Campground Association |
| Boating Manufacturer | Jerry Byron – Alumacraft Boat Company |
| Marina Industry | Glenn Bowman - Afton Marina & Yacht Club Inc. |
| Conservation Group | Dave Zentner - Izaak Walton League |
| Fishing organization | Vern Wagner – Anglers for Habitat |
| Tribal representative | Susan Kedzie – Leech Lake Band of Ojibwe |
| U of MN Sea Grant | Doug Jensen - |
| DNR – Eco/Waters | Luke Skinner - Invasive Species Program Supervisor |
| NR – Eco/Waters (Co-Project Manager) | Jay Rendall – AIS Prevention Coordinator |
| DNR - Enforcement | Phil Meier – AIS Enforcement Supervisor |
| DNR – P&T | Nancy Stewart - Water Recreation Program Coordinator |
| DNR – F&W | Jack Lauer - Regional Fisheries Manager |
| DNR - P&T (Co-Project Manager) | Casey Nelson - Acquisition and Regulatory Coordinator |
| Facilitator | Brian Stenquist – DNR Planner/Facilitator |
| DNR – Commissioner’s Office | Bob Meier – Assistant Commissioner |

Appendix B – Water Related Facts, Watercraft Inspection Programs, and Requirements in Selected States

- Colorado** **Number of boats: 95,000**
Number of waters: na
Number of public accesses: na
- If you travel outside of the state to boat, you must pass a state-certified boat inspection when returning.
 - If you boat on any of the Colorado lakes or reservoirs where mussels have been detected, you must submit to an inspection for aquatic nuisance species before leaving.
 - Inspections are required as boats enter some reservoirs. Roving Patrols randomly staff reservoirs where permanent inspection stations aren't currently in place.



- Idaho** **Number of boats: 90,000;**
Number of waters: 1,615
Number of public accesses: 370
- Any boat that is registered in Idaho or another state, and any non-motorized vessel is required to purchase and display Idaho Invasive Species Fund stickers in order to legally launch and operate in Idaho. The penalty is \$57. As of 2010 the \$10 IISF sticker fee is included in the annual registration fee.

- Lake Tahoe** Boat inspection and certification are required at all launch facilities. Boat inspections that have been in effect at Lake Tahoe since 2008 are being upgraded for 2010 to include a clean boating certification and sticker.



- Maine** **Number of boats: 110,000**
Number of waters: na
Number of public accesses: >460
- Courtesy (voluntary) inspections are done by 49 organizations. About 49,000 were done in 2008.



- Minnesota** **Number of boats: 867,000**
Number of waters: 11,842
Number of public accesses: 3,000
- Oregon** **Number of boats: 180,000**
Number of waters: 1,773
Number of public accesses: 812
Oregon's "Clean Launch Law," enacted by the state Legislature in 2009, which made it illegal to launch any boat with any aquatic species on the exterior.
- Wisconsin** **Number of boats: 635,000**
Number of waters: 10,000
Number of public accesses: >2,000
"Clean Boats, Clean Waters" inspectors - 50,039 boats were inspected by volunteers and paid inspectors in 2010.
- Wyoming** **Number of boats: 28,000**
Number of waters: 3,113
Number of public accesses: na
The Wyoming Game and Fish Department conduct watercraft inspections at major waters around the state on a rotating basis. If your watercraft is determined to need decontamination an authorized inspector will thoroughly spray the exterior and flush the interior compartments to remove and kill any AIS that may be on the watercraft. Game and Fish Department personnel inspected more than 42,000 watercraft at 36 different bodies of water to make sure they were not carrying zebra 23 boats were decontaminated About 28 percent of the watercraft inspected came from out-of-state or Canada. The main goal of the program is to educate boaters and public about invasive species