

Regulations and Enforcement

AIS in Commerce Summit

March 8, 2023



-- Conservation Warden Lieutenant Robert Stroess --

Administrator – Aquatic Species in Trade Enforcement Program

AIS-in-trade law enforcement has nothing to do with “weeds on a trailer”.

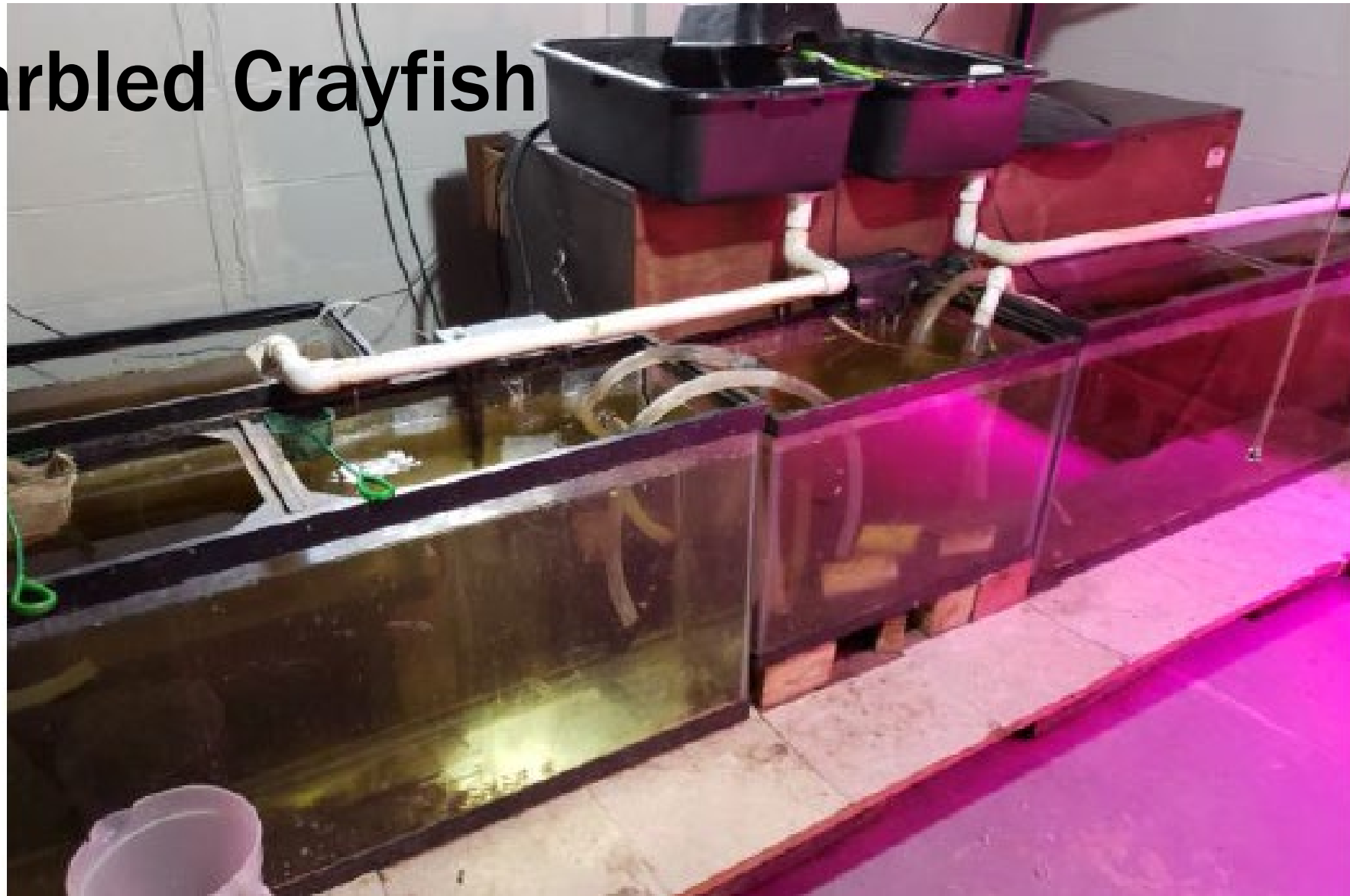


Yet this is the extent of what some states' law enforcement programs do for AIS work.



Online Pet Marbled Crayfish

- e-Bay seller in WI
- 8 tanks in basement
- Bought 20; seized 300



. . . Online Pet Marbled Crayfish (continued) . . .

- eBay – 139 crayfish in 27 transactions
- Wisconsin forwarded sales info. to 14 states
 - 6 = ILLEGAL (OH, MI, PA, CA, MD, ME)
 - 4 = No restrictions (GA, IL, IN, NJ)
 - 4 = Staff were unsure if illegal (DE, AZ, NY, FL)
- Search warrant to eBay identified more Wisconsin clients and revealed the original supply to Wisconsin buyer came from Ohio dealer, so forwarded this info to Ohio
- And Ohio continued to expand the web in this case . . . Hundreds more in 36 states!
- Pennsylvania – as of October 2022 – identified another dealer from our info., seized another 100 marbled crayfish, and are investigating other sales by the Pennsylvania dealer





Fish Market Live Food Crayfish

- Company has both a fish farm and a retail fish market
- Ordered RSC from Louisiana supplier
 - Supplier had been educated by Great Lakes Fishery Commission – Law Enforcement Committee outreach letter
 - Would not ship RSC to Wisconsin
 - Arranged to ship to Indiana (legal there)
 - Owner drove to Indiana to pick up 200 pounds
- Convicted owner and fish market

50 lbs live crawfish left in the market today! Come grab some before we close at 4:00 PM!

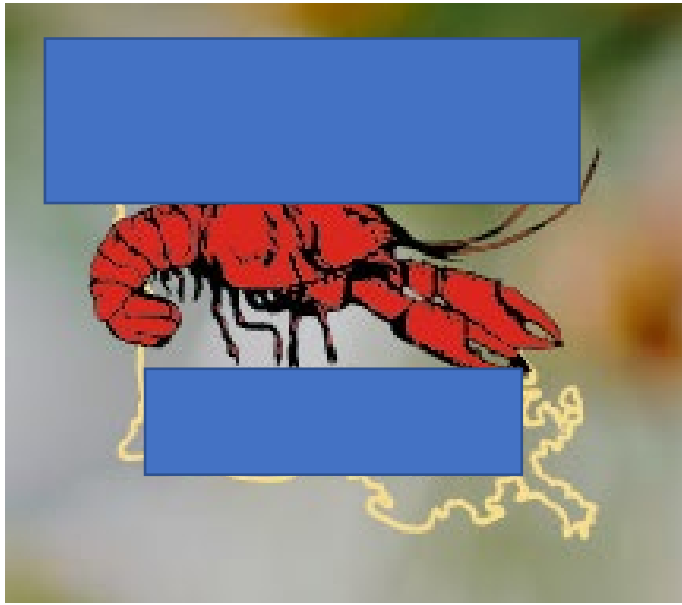
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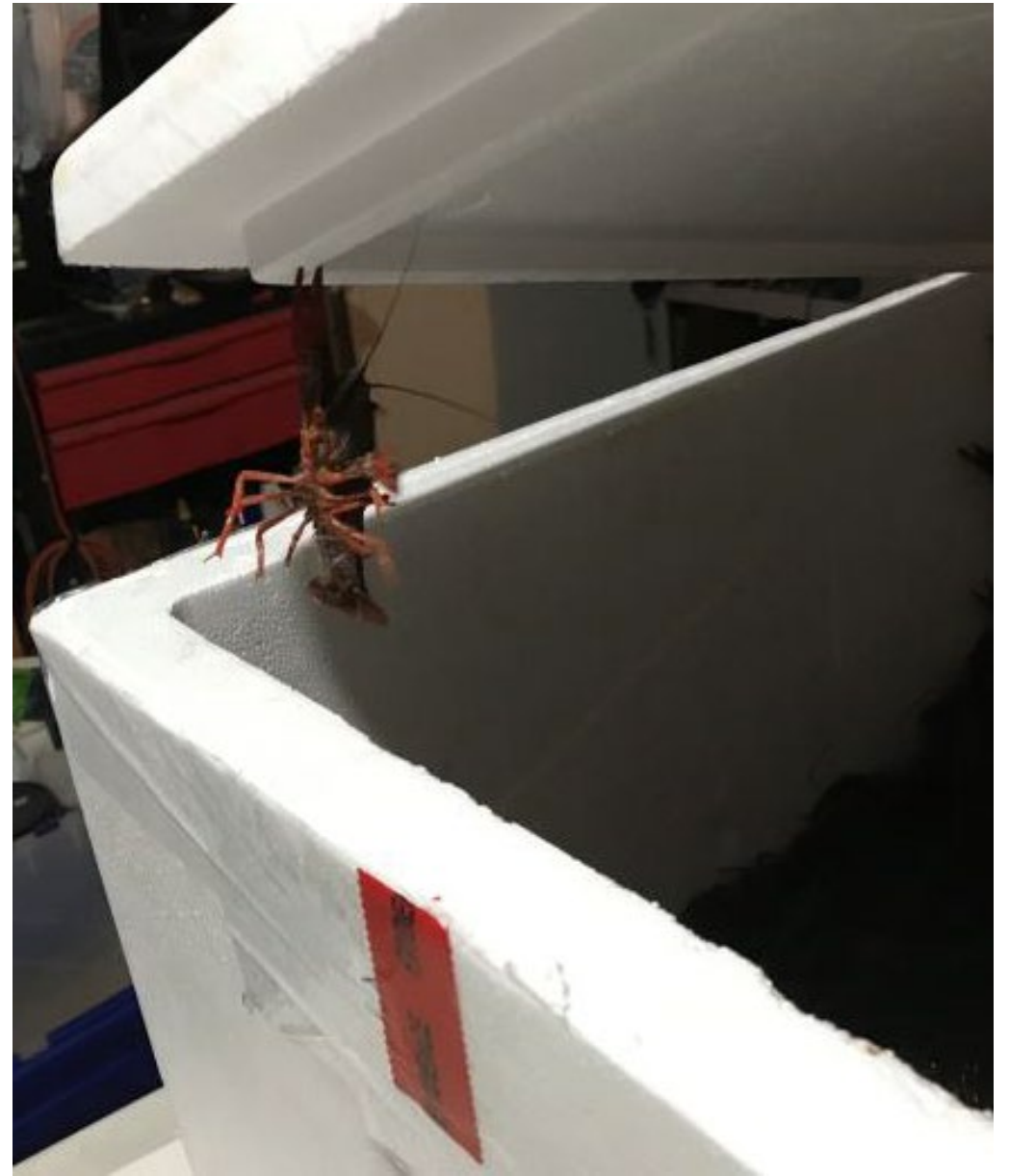
Online Live Food Crayfish







- 16 shipments
- 12,816 red swamp crayfish
- 15 criminal charges
 - 10 convictions
 - 5 dismissed
 - \$34,380 penalty



Invasive Bighead, Silver, and Grass Carp

- Complaint of store w/aerated tanks and prices posted for bighead/grass carp
- Surveillance of store and vehicles; Covert purchases over numerous months
- WI Wholesale Fish Dealer (WFD) and Fish Farm – Licensed in both WI and IL
- Picked up fish from IL commercial fishers; ICED (IL) vs. EVISCERATED (WI)
- Contacted while delivering 13 invasive carp; Missing records for 1,030 lbs. from that day alone
- Search warrant – lots of records . . . and missing lots of records (28,000 pounds/year)
- February 2022 – 19 convictions (including 2 crimes) - \$12,504.10 in penalties



Gaps/Deficiencies – Key Factor #1

- State conservation agencies don't have specialized law enforcement staff
 - Very few states with specialized LE staff or LE units working on AIS-in-trade
 - Lack of dedicated funding to working aquatic organisms in trade industries
 - Many interconnected industries (live fish transport, commercial fishing, fish stocking for pay lakes, private pond stocking, wild bait harvest and bait sales, live food (crayfish, tilapia, swamp eels, crabs), aquarium and water garden pets, specialty grocery stores, etc.)
 - Need specialists who are aware of these
 - Without specialists, it's like a police officer who primarily works traffic enforcement being asked to also investigate a nationwide drug trafficking organization
 - Executive level chiefs/administrators within these agencies
 - Lack of awareness of the vast illegal trade in these industries
 - Outside traditional hook and bullet law enforcement efforts
 - Limited by existing funding tied to certain activities . . . not just a general pool of money available (hunting, fishing, ATVs, boating, air pollution, state parks or public lands, etc.)
 - Internal culture issue (*"I don't want to work on that", "That's not what game wardens do"*)

Gaps/Deficiencies – Key Factor #2

- Disparate laws between states
 - State A – Native Game Animal . . . State B – Prohibited . . . State C – Restricted
 - Regulated but different exemptions
 - Red swamp crayfish – State A: OK as a pet but illegal as live food . . . State B: no restrictions . . . State C: must be dead . . . State D: no possession even if dead
 - Bighead carp – State A: OK to transport if put in a container with ice . . . States B, C, and D: must be eviscerated before transport . . . State E: must be gilled or eviscerated
 - Labeling requirements completely inconsistent (common vs. *scientific*, or no requirements at all) . . . *Procambarus clarkii* vs. neon red vs. red swamp vs. Louisiana crawfish vs. crawfish vs. ghost lobster vs. specter crayfish . . .
 - Out-of-state distributors are out of reach . . . A species that is OK to have in the originating state that gets shipped to a state where it is illegal to have will not be federally charged. And most states' laws are not set up to be able to prosecute for a shipment that originated in another state and sent via UPS or FedEx.

Gaps/Deficiencies – Key Factor #3

- Agencies and programs working in silos
 - Disconnect between programs (Invasives, Law Enforcement, Education, Fisheries Mgmt., Wildlife Mgmt.)
 - A regulatory/education program is NOT a law enforcement program.
 - No “teeth” with most regulatory/education programs.
 - Educate, re-educate, re-educate, re-educate . . . Doesn’t fix the problem with repeat offenders by only providing education.
 - Split regulatory/enforcement authorities between different state agencies
 - Department of Agriculture regulates businesses/species A, B, and C
 - Department of Natural Resources regulates businesses/species X, Y, and Z
 - They each regulate parts of businesses/species L, M, and N



Possible Solutions

- Disparate laws between states
 - LE staff should join interstate organizations and develop interstate relationships.
 - Intentionally work the distributor of a species together . . . Jointly notify distributors about species . . . Follow-up to see if they complied.
 - Find a way to require records to list *scientific names* (legislation, agency rules, etc.).
- Species should be listed PROACTIVELY and so they are easy to identify and enforce.
 - “All non-native crayfish species” . . . This would have made marbled crayfish illegal everywhere
 - “All non-native freshwater fish species except . . .”
- Concerted effort needed between programs and agencies . . . Regulatory programs, education program, AND law enforcement . . . FAILS without all three!
- Push for dedicated AIS-in-trade funding and staff
 - Research if “hook and bullet” funding can be used to work AIS-in-trade . . . Catching a distributor of an invasive species protects fish and game FAR MORE than catching a hunter with an extra turkey, an angler with a bass that is under a size limit, or a hunter/angler without a hunting/fishing license! Don’t stop “hook and bullet” enforcement, just adjust priorities
 - Dedicate enforcement staff to work aquatic species in trade enforcement (which includes AIS) . . . Remember, regulatory/education program staff are NOT enforcement staff
 - Executive level chiefs/administrators within these agencies
 - Educate them about the widespread distribution of AIS-in-trade
 - They have the power to change priorities and hook-and-bullet enforcement culture

CONNECT WITH US

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"WILD WISCONSIN:
OFF THE RECORD"