
Wisconsin Department of Natural Resources

Integrated Aquatic Plant Management - Draft Rule

6 Key Changes

1 - Increase permit fees to support program operations and lengthen permit timelines for some activities.

Control Type	Permit Issued	Fee	Max Fee	Renewal Fee
Chemical				
Waters ≤ 10 acres	Up to 5 years	\$50 base fee & \$30 annual fee	\$200 (5 yr.)	NA
Waters > 10 acres	Annual	\$75 base & \$50 per acre	\$2,500 (per yr.)	NA
Wetlands	Up to 5 years with plan	\$75 base & \$50 per acre	\$2,500 (per yr.)	Half of Year 1 fee, not less than \$75
Mechanical	Up to 5 years with plan	\$75 base & \$50 per acre	\$2,500 (per yr.)	Half of Year 1 fee, not less than \$75
Mosquito	Annual	\$75 base	\$75 (per yr.)	NA

Why is the fee increase needed?

Staff shortages were identified as an area for improvement within the program - you may find more information here: [Strategic Analysis of Aquatic Plant Management in Wisconsin, Chapter 8.2](#). The Integrated Aquatic Plant Management (IAPM) Program is funded by permit fees and other state appropriations. The proposal creates one fee structure for all control types. The 50% fee increase will supply 3.5 more part time staff, or one full time staff and one part time staff to help program operations.

Why doesn't chemical control on waters greater than 10 acres have 5-year permits?

In short, there is too much variation for a multi-year chemical control permit for Wisconsin lakes. In 2019, around 90 different herbicides were applied to Wisconsin waters. Ponds are predictable. Mechanical harvesting is generally consistent year to year and impacts are known and proven.

2 - Incorporate Integrated Pest Management (IPM) into the program

What is IPM?

Integrated pest management is a decision-making strategy. IPM uses information about the pest species, how that species interacts with the other species in the area and with the broader ecosystem. Integrated Pest Management focuses on long-term control and considers all the available tools in the toolbox to determine the most effective control strategy for a given water that also has the least impact on non-target species and water quality. Target species can adapt to and resist a repeated technique rendering it less effective each time its used. A mix of strategies does not allow the target to adapt and ultimately is more vulnerable to control.

How can IPM help with aquatic plant management?

Integrated Pest Management is recognized as the most effective approach to managing aquatic plant problems. It is an effective and environmentally sensitive approach to water resource management. IPM makes use of all the available tools and includes continuous monitoring and evaluation to compare goals to outcomes of aquatic plant control to inform the next round of management.

People who live on waters which have had aquatic invasive species (AIS) for decades know, AIS management is a long-term commitment. IPM is the best way to achieve goals for long-term problem control in an environmentally-sound way.

How is IPM incorporated into the draft rule?

The DNR designed the planning process around Integrated Pest Management decision-making modules. Every five years, for most aquatic plant management projects in Wisconsin, resource managers and leaders will update a plan for their waterbody. The plan will outline clear goals and objectives, name situations where control is needed, list what types of control may be used in different circumstances and evaluate control results for the waterbody.

When is an IPM plan unnecessary?

The DNR proposes the Integrated Pest Management planning process is unnecessary in a few situations.

- When a pioneering population of a NR 40 prohibited species is found.
- When an early detection and response (EDR) grant is given.
- When small scale control is done to create a navigation lane from shore to open water. If APM alternatives that do not require a permit are unfeasible or impractical and the control will not interfere with an existing plan.
- When the DNR creates a best management practice for the specific waterbody.

3 - Update and expand public notification for all plans and permits.

Why is public notification necessary?

Everyone has the right to access and enjoy Wisconsin's waters. So, everyone has the right to know and have a say in what happens to our shared waters. It is important to supply specific opportunities for input during plan development as well as notify folks of upcoming aquatic plant control activities. The DNR is proposing updated notification opportunities in the planning and permitting process.

How is public notification changing?

Planning

Current Rule – The DNR may require a management plan for mechanical harvesting operations. There is no provision for public notification during the planning process.

Proposed Rule - This is a new requirement. After a draft plan is complete, the sponsoring organization will put the draft plan out for public comment for 21 days. The comment period needs to be advertised in a local newspaper and one other medium. All responses are added as an appendix within the plan.

Public Notice of intent to get a permit for APM Control

Current rule– Applicants for large scale permit for chemical control must print a public notification in the newspaper prior to sending a permit to the DNR for review. Private ponds are exempt.

Proposed rule - Permit applicants will no longer handle public notification. The DNR will post all submitted permits on a DNR website for a 14-day public notification period when they are submitted. Members of the public will be able to submit feedback on the proposed permit. Shared ponds and privately accessible ponds will be exempt from this requirement.

Riparian (Shoreland) Owner Notification

Current rule –

Mechanical, Physical, Biological Controls – No riparian owner notification is required.

Chemical Control – Before sending a permit to the DNR, a copy of the application must be sent to affected property owner's association, inland lake district, and riparian property owners next to or within the control area.

Proposed rule – For all waters over 10 acres and public ponds a copy of the permit application will be sent to any affected property owner’s association, inland lake district, and to all riparian property owners on the body of water. This should be done within 5 days of submitting the permit to the DNR.

Posting the area before and after control is done.

Current rule – For all chemical control, permit holders must post water use restriction signs along the control area. They should be posted at the beginning of each treatment and stay up until all water use restrictions are expired. They should be visible to individuals who live on the water and individuals who visit the water. Private ponds are exempt from this requirement in NR 107.

Proposed rule – For all control activities (mechanical, physical, biological and chemical), the permit holder will post 2 notification signs at all public access points. This will be done within 5 days after getting a DNR approved permit. The signs will include information about the control dates, a map of control areas and URL’s to the permit and management plan. The signs should be visible and stay up until the control is done for the year. The permit holder handles creating and posting the signs. The DNR will supply template signage for permittee use on their website.

For chemical control - water use restriction signs will continue to be posted at the time of treatment. If the control will affect the whole lake, a sign will be placed at each riparian property.

4 - Require monitoring for large scale control activities.

What is large-scale control?

Mechanical or chemical management is “large scale” when it affects a significant part of the lake, stream reach or wetland. Mechanical, and chemical control have different impacts in the water there are different threshold for each type. Chemicals can quickly move through water and often have affects beyond where they are applied. Affects from mechanical or manual removal is site specific. The DNR proposes three different thresholds in the draft rule.

Current Rule – No large-scale threshold exists for mechanical, physical, or biological control. Chemical control is defined as “large scale” if the area where chemicals are applied is larger than 10 acres or more than 10% of the water area less than 10 feet in depth in the waterbody.

Proposed rule –

Mechanical, manual, or physical control in lakes, rivers and streams will be considered large scale if the operation is more than 50% of the littoral area.¹

Chemical control in lakes, rivers and streams will be large scale if the herbicide concentration rate calculation shows the application will affect most or all the body of water. This can occur even when the herbicide is applied to a small part of the waterbody because herbicides move through water easily.

Control in wetlands will be large scale if the control is on more than 5 acres of contiguous wetland.

What kind of monitoring is required?

For lakes, rivers and streams, a point intercept survey will be conducted before and after control. A boat uses a GPS to follow points found on a geo-referenced sampling grid laid out on a map of the lake. At each point, the sampler uses a rake on a rope to gather information about the plants at that point. This information includes the types of plants, and how abundant the plants are. A point intercept survey is a consistent and repeatable monitoring technique, so we can compare information over time and between lakes across the state.

For wetlands, the plant populations will be delineated before and after control. The DNR is still working with wetland field staff both in and outside the DNR to complete a protocol for this requirement.

¹ The littoral area is the light-rich shallow-water zone of a lake extending from the ordinary high-water mark to the greatest depth capable of supporting submersed aquatic plants. This is typically between 0 and 10 to 20 feet depending upon water clarity.

Why is monitoring required for large scale control?

Standardized, and repeated monitoring over time is a key part of Integrated Pest Management. Large scale control affects large parts of the aquatic habitat. Monitoring data can show if there were harmful impacts to the aquatic habitat. Large scale projects can also be more time consuming and costly to plan and implement. So, it is important to make sure that the control worked. Resource managers can use their survey data over time to see if their plan of action is achieving their goals or causing unnecessary harm to the aquatic habitat.

5 - Reduce permit requirements for waterbodies under 10 acres (i.e. ponds).

The variety and number of ponds across the state is growing every year due to urban development. The current definition for private ponds has become increasingly difficult to apply to all types of small waterbodies in the state. The most common challenge is with ponds owned in common with multiple homeowners or a homeowner's association where the lines between public and private can be blurred. The proposed rule creates three distinct categories to focus public oversight where there is public interest. Also, where there is a need to protect sensitive, threatened, and endangered species, many of which thrive in small waterbodies.

What are the definitions?

Current rule –

A private pond – 1 - is on the land of one owner, 2 - there is no surface water connection to other surface waters and 3 - there is no public access. There is no minimum size specified for a pond in current rule.

Proposed rule –

Privately Accessible Pond – A water 10 acres or less that, 1- is on the land of one owner 2 - there is no surface water connection to other surface waters and 3 - there is no public access. This is the same as current rule, but with an added acreage threshold.

Shared Pond – A water 10 acres or less that is on land owned by multiple persons and 1 - there is no surface water connection to other surface waters and 2 - there is no public access to anyone but a landowner.

Public Pond – A water 10 acres or less on land owned by one or more persons and has at least one of the following, 1 - a surface water connection to other waters or 2 - public access.

How are the requirements changing for ponds?

Current rule – Private ponds are limited to an annual permit. They are exempt from large scale application requirements, public notification and posting requirements.

Proposed rule – After the first permitting year, waterbodies under 10 acres will be issued a 5-year permit. During the first year of rule implementation, pond permits will be phased in on a staggered lottery system. Initially, an even split of ponds will be issued for 1 year, 2 years, 3 years, and 4 years. This will be done to set a roughly even number of pond permits each year over time. This will even out revenue streams and incoming permits. After the first year each pond permit will be good for 5 years.

All waterbodies under 10 acres will be exempt from the planning process and from monitoring requirements. All ponds are eligible for a five-year permit and short form application with fewer requirements. Beyond that:

Privately accessible Ponds – Are exempt from public notification, riparian owner notification, and public access posting.

Shared Ponds – Are exempt from public notification and public access posting. Shared pond applicants will notify all riparian owners around the waterbody of their intent to get a permit.

Public Ponds – Require all riparian owners around the waterbody be notified of the intent to get a permit. Their applications will be posted on the DNR web page for public notification. This notification will repeat each year the permit is issued. If there is public access on the waterbody, public notification signage will be posted at each public access point.

6 – Expanded permit waivers for some control activities

For every aquatic plant management permit decision, the DNR weighs the risks and benefits of the control to the aquatic ecosystem and public safety. If the risks of the control activity are minimal in most or all situations, permit review may be waived. The proposed rules create new waivers for several activities. All existing waivers in the current rules are in the proposed revision.

New waivers

A permit is not required for the following:

- Aquatic plant management in privately accessible ponds less than .1 acres in size, lined, with no groundwater connections
- Cut stump chemical applications to woody vegetation
- Hand wicking of invasive emergent vegetation
- Manual removal or mechanical control on woody vegetation below the ordinary high-water mark on Lake Superior and Michigan
- Mechanical control and manual removal on woody vegetation above the ordinary high-water mark in palustrine wetlands.
- Control of emergent vegetation on permitted storm water management structures.
- Chemical control of emergent vegetation during frozen winter conditions.
- Burning of emergent vegetation

Note: These waivers will not be in effect until repealed and revised NR 107 is law. Once repealed and revised NR 107 is law, you must carefully read the waivers to ensure you aren't breaking the law. When in doubt, check in with your county's lake biologist.