



OCONTO COUNTY LAKES AND WATERWAYS ASSOCIATION

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OCLAWA sees as one of its roles is to keep its membership informed on legislative and/or regulatory activities which will impact the lakes, rivers or bodies of water of Oconto County. We will not take sides on an issue, but we will present you with the facts as we see them. We will post all of this information on our Facebook page and encourage you to post your thoughts regarding this matter there as well.

Recently it was brought to our attention that the WDNR is making important changes to NR107 and NR109. These are the rules that guide the activities that are used to control invasive species on land and in the water. Recently I spoke with Carroll Schaal and Madison Johansen of the WDNR about the rule changes. What follows is a summary of those changes.

The WDNR has three guiding principles for making these changes and they are:

- * Put all control activities under one rule. Right now, with two sets of rules guiding the control activities, there are a lot of unnecessary duplications since both sets of rules are about controlling invasive species.
- * Formally adopt the decision-making process called Integrated Pest Management into all aspects of aquatic pest management.
- * Streamline/remove parts of the old rules that are either outdated or don't apply anymore.

As you can see, from the above guiding principles, those rule changes will affect many areas that guide how we deal with invasive species.

Here is a summary of the six key changes to NR107 and NR109: (The numbers and headings below refer to the DNR's document.)

1. **Increase the fee structure to support program operations and increase permit timelines for some activities.** Fees for getting permits have basically doubled. The reason for this is that these fees pay for the cost of personnel needed to enforce the rules. They have also recommended changes to some permitting time limits because there is too much variation in our lakes from year to year for multi-year permits.
2. **Incorporate Integrated Pest Management (IPM) into the program.** IPM is a decision-making strategy for dealing with pests. It uses a toolbox which has a variety

of activities including monitoring, assessment, physical removal, chemicals and others. Every five years most aquatic plant management plans are updated for our lakes. The new plan will incorporate where controls are needed on the lake, and the types of controls to be used in various parts of the lake. There are some situations where a plan is not needed.

3. **Update and expand public notification for all plans and permits.** Permit applicants will no longer handle public notification. The WDNR will post all submitted permits on their website for 14 days. Also, for all waters over 10 acres and public ponds, a copy of the permit will be sent to the involved lake organization and all riparian property owners within the controlled area.
4. **Incorporate monitoring for large scale control.** The new threshold for large scale, physical, mechanical or manual control will be considered 50% of the littoral area of a body of water involved. For chemical control on lakes, rivers and streams, it will be considered large scale if it affects most of the lake. For wetlands, it is large scale if more than 5 acres within one contiguous wetland is involved. For lakes, rivers and streams, a point intercept survey will be conducted before and after control. For wetlands, plant populations will be delineated before and after control. Monitoring is essential to make sure the control worked, and to check for any adverse effects.
5. **Reduce permit requirements for waterbodies under 10 acres.** The Oconto County Lakes and Waterways Association has chosen not to review this rule since it does not have any pond organizations as members.
6. **Waive permit requirements for multiple control activities.** NR107 lists a number of control activities which the WDNR has found where the benefits outweigh the risks and therefore do not require a permit. However, the listed waivers will not be in effect until the repealed and revised 107 becomes law. Also, the waivers in 107 and 109 are all in the revised 107.

How will the changes to NR107 and NR109 occur? The process for making these rule changes will be as follows: Step one is to propose the changes. That has been completed. Step two is to hold public hearings. That will happen this winter and OCLAWA will inform each member organization of when and where those will occur. During 2022, the rule changes will go before the WDNR board, the governor and the legislature for their approval. With all these groups having input, the revised rules will not go into effect until mid-2023.

Included in this email are several attachments:

- * A more detailed print-out of the proposed changes to 107 and 109.
- * An attachment which details how the changes to 107 and 109 came about.
- * An attachment that includes the charges made by Cason and Assoc. of potential problems that lake property owners and lake organizations may face as a result of the changes to 107 and 109.
- * An attachment that details the WDNR's response to concerns expressed by Cason and Assoc.

Respectfully submitted,

OCLAWA Board of Directors
Steve Heimerman, President