

00:40:16 Carlton Layne: Copper-based products are wisely used across the United States, are registered by the U.S EPA, and pose no unreasonable risk to human health or the environment when used as directed on the federal label.

00:40:37 Carlton Layne: Wisely and widely

00:47:46 Scott Manley: I have a question about the rule process

00:48:03 Liz Tanner: Type your question here and I will vocalize it.

00:48:38 Matthew Harp: what major plant damage has / is being done with the current system requiring rewrite?

00:49:00 Joe Graveen: i am fairly new to all this, and I do not understand the whole rule process.

00:49:09 Scott Manley: Will the Department be willing to provide the public with a strikethrough/markup version of the new rule proposal so we can readily see what changes are being made?

00:50:10 Matthew Harp: so the current system is not damaging plants?

00:50:24 Lisa David: Is this a NR 107 re-write or the development of a new NR 108?

00:51:15 Jeff Stelzer: Where will there be discussions regarding "public" ponds?

00:51:46 Scott Manley: A markup version would be more transparent. I strongly encourage this.

00:52:15 Jeff Stelzer: yes

00:53:29 Matthew Harp: I agree with Scott Manley

00:56:11 Kathleen Paap: Will there be a copy of this presentation accessible for download

00:57:50 Matthew Harp: why different fees for 109 and 107. shouldn't it be the same?

00:58:11 Carroll Schaal: We have seen declines in native plant populations, extirpation of sensitive species, loss of native plant diversity and shifts to more tolerant nuisance- causing plants associated with heavily managed lakes.

00:58:22 DAVID BLUMER: is there no situation where application fees are refundable? Example I had to redo several permits in 2020 and had to pay the non-refundable fee twice.

01:00:05 Brian Suffern: Point of Reference. In 1989 Permit Fee Schedule intended to fund program by 50%. Other 50% through General Revenues

01:00:19 James Scharl: Who/how determines affect on wild rice populations?

01:01:01 Roy Carlson: what is the applicant's recourse if 15 days for approval is exceeded?

01:01:28 Carlton Layne: Are there data to document the effects on various plant species??

01:02:08 Alyssa Barrette: Please clarify – Are all these details specific to lake management or submergent vegetation management? Do any apply to wetland management?

01:02:26 Joe Graveen: how do you monitor the application, if wild rice is present?

01:03:36 Roy Carlson: when and how will an applicant be notified if an application is incomplete?

01:03:57 Zach Haas - WLPR: Will a scale of effect for all of the various conditions be provided that the DNR would use to make these denials?

01:05:29 Kathleen Paap: what is the acronym DATCP

01:05:41 Roy Carlson: who decides ineffective? and what constitutes ineffective? a month of control? a week?

01:06:00 Olson, Eric: DATCP: Department of Ag, Trade and Consumer Protection.

01:06:20 DAVID BLUMER: IF use of herbicides and the use of harvesting are going to require similar permitting, why is harvesting in certain capacities not eligible for grant funding - always considered "maintenance"

01:07:39 Roy Carlson: we need to define "remedy" and "significant"

01:07:59 Carlton Layne: We trust the decision criteria will include objective data and will not be subjective opinions of reviewers

01:08:33 Matthew Harp: harvesting removes many fish and fish food where herbicide use does. not. what studies would the DNR cite that shows no harvest of fish or organisms

01:08:42 Jeff Stelzer: when you say the dept may set conditions on times....what does this mean? Up until a specific day? how is that determined?

01:08:59 Scott Manley: The "Any other conditions" requirement for permit approval is likely unlawfully vague. Why include this?

01:09:57 Matthew Harp: I agree with Scott Manley

01:10:59 Scott Manley: Will there be general permits available for ponds like Michigan does?

01:11:45 Scott Manley: Is the Department proposing to eliminate public notice requirements - did not see any reference to this on anyslide?

01:13:10 James Scharl: All waters <50 acres are Priority Navigable Waters and would be placed under

new permitting restrictions. How will they be handled under the re-write?

01:14:54 Alison Mikulyuk: @DAVID BLUMER; Hi Dave-- Harvesting would be an eligible cost in an AIS grant-funded project if it is part of an integrated pest management project designed to control an AIS population.

01:15:26 Brian Suffern: Have concern in re to definition of "Large Scale"....10 acres/10% of Lake and its' impact on Monitoring/Plan/Permitting Requirements. This may be cost prohibitive on small lakes where Aquatic Invasive Species Management has become "Routine" (decades-southeast WI) with management having little/no apparent damage to native plant communities.

01:16:44 Joe Graveen: when the herbicide is applied how is it monitored.

01:18:05 Joe Graveen: that may effect wild rice

01:21:17 Matthew Harp: but yet harvesting is favored over herbicides

01:21:27 James Scharl: What data does the Department have on the impact of non-native species introductions to a lake's native aquatic plant community on un-managed lakes?

01:22:22 Jeff Stelzer: How can conditions be set statewide when there are such huge differences across the state

01:23:15 Matthew Harp: Harvest s often 10 or 20 times the cost of herbicide use and yet funded regularly and recommended

01:23:48 Scott Manley: What is the Department's legal authority to impose public notice requirements?

01:26:38 Carlton Layne: Mr. Scharl may be alluding to new NPDES permitting requirement coming out of the new federal definitions of the waters of the U.S.?

01:31:28 Matthew Harp: Real awkward way to run a meeting of this magnitude. I for one would recommend tabling any changes until we can meet in person on all of the white papers discussions.

01:32:40 DAVID BLUMER: Pre and post treatment PI surveys in the same season do not necessarily make a fair comparison of changes - particularly when treatments are done early season - why push them?

01:34:11 Scott Manley: What is the Department's explicit statutory authority to require monitoring as a condition of permit issuance under s. 23.24(2)(c)?

01:34:34 Matthew Harp: monitoring is taxation without representation. unless the Department can show that plants are going bad now, it shod not be required.

01:34:54 DAVID BLUMER: Preventing EWM from flowering and creating a seed bank may be more important than the lake use impairment it causes - in new infestations or even existing populations that have been kept in check.

01:36:40 DAVID BLUMER: There has been some discussion about making bed mapping or "recon and mapping surveys" ineligible for grant funds. Is this still the case?

01:37:00 Jeff Stelzer: So how are you proposing under these new rules to deal with lakes that are already doing treatments over 10 acres? They can't treat year one since they need to do a pi survey?

01:37:07 James Scharl: How long after EPA approval is an herbicide considered new?

01:37:15 Alyssa Barrette: Will monitoring requirements be addressed in the wetland/pond discussion as well?

01:37:20 Roy Carlson: a PI survey the year following treatment often provides misleading data as we know whole lake treatments often show a rebound of native vegetation in years two and three.

01:38:46 Brian Suffern: "Demonstration of Water Use Impairment". Placing this on the Applicant (requiring a site visit), instead of placing this decision on part of DNR staff is not in-line with current requirements. What if documentation shows insufficient growth ...does the Department realize their is a cost involved time-wise? Customer's don't appreciate us stating their is insufficient growth....then sending them a Bill for our time. This Burden should be on DNR staff.

01:39:09 DAVID BLUMER: Why not keep post treatment surveys but do them in the year of and at least one year after. This is assuming there has been a PI survey done that does at some level document what plants are present in treatment area.

01:39:49 Scott Manley: There is not explicit statutory authority under s. 23.24(2)(c) to require monitoring. If you want that authority, you will need to go to the Legislature and ask for it.

01:39:59 Carlton Layne: Doesn't the WI Department of Agriculture, who registered aquatic herbicides have the legal responsibility to determine adverse effects of herbicides on human health and the environment. Why are you duplicating that effort?

01:40:02 Jeff Stelzer: I don't understand the reasoning behind pre and post PI surveys on a small scale. Didn't the DNR already acknowledge the shortcomings of small scale PI?

01:41:12 DAVID BLUMER: Preventing EWM from flowering and creating a seed bank may be more

important than the lake use impairment it causes - in new infestations or even existing populations that have been kept in check. Is lake use impairment as one of the major criteria for allowing treatment a little short-sighted?

01:42:14 Carlton Layne: Are you only interested in WI use data or will you accept data from other states?

01:43:11 Carlton Layne: Your assessment of EPA's examination of herbicides effects on nontarget organisms is patently wrong. We need to talk.

01:43:37 Roy Carlson: a PI survey the year following treatment often provides misleading data as we know whole lake treatments often show a rebound of native vegetation in years two and three. shouldn't we survey these lakes in years two or three for a real understanding of efficacy?

01:43:45 Matthew Johnson: When monitoring native impacts, are you looking at multi-year impact as well, or only year of treatment? There could be some immediate impact to the native plants, but in nearly all research I have seen native plants rebound and flourish when invasive plants are removed.

01:44:30 James Scharl: Will herbicide concentration monitoring be required on all large-scale applications?

01:45:07 Matthew Harp: Carlton has great points.

01:46:31 Kathleen Paap: Will the comments be documented somewhere as well

01:46:50 Kathleen Paap: or not comments but chat script

01:47:01 Jeff Stelzer: Why are PI surveys required for herbicide but not for mechanical?

01:47:45 Scott Manley: I'm seeing that some of the comments are not being relayed - why is that?

01:47:49 Olson, Eric: Extension Lakes will provide WI DNR with the chat transcript. They would then post it on the rule page.

01:48:16 Matthew Harp: will all control methods all be required to provide the same Data?

01:48:17 Olson, Eric: Liz mentioned that she is reading questions from the chat so that Madi can answer them.

01:48:42 Roy Carlson: who is going to pay for surveys and herbicide monitoring?

01:50:07 Jeff Stelzer: But not pre and post for mechanical. if your stated goal is protecting plants, you seem very concerned about year to year impacts of herbicide use but not harvesting.

01:50:14 James Scharl: 10 1-acre areas on a 1000 acre lake would be considered a large-scale application. What good is herbicide monitoring, especially when applications are done for navigational nuisance?

01:50:26 Roy Carlson: will a large scale harvesting operation be required to perform a PI survey the year after harvesting?

01:52:33 James Scharl: What herbicide monitoring can be done for products that do not have lab testing available?

01:53:23 Matthew Harp: PI is required for herbicide, bot not for harvest unless you want to?

02:02:56 Roy Carlson: Non-target impacts. Does the Department have data as it relates to fish, invertebrates and non-target vegetation when harvesting? Has this been studied with DASH. If the work has been done, where can we find the data? If it hasn't, shouldn't it be?

02:04:04 Brian Suffern: Whole Lake Treatments are not very predictable early-season, particularly those sites susceptible to significant rainfall. Multiple, smaller scale treatments should be considered where EWM is a highly dominant species.

02:04:56 DAVID BLUMER: Q1. Are fall treatments for EWM still supported by the APM program? Q2. ProcellaCOR has been shown to be effective for small-scale treatments, even in deeper water. Can small-scale treatment permit requests be denied simply because they are small? Q3. Diquat has been recommended by the DNR for some AIS treatments. I have heard that diquat does not "break down" as fast or at all in the sediment. This may be inaccurate, I don't know. Diquat in my experience does not do well in deep water and there has been some label limits for use in deeper water. It also doesn't usually do more than one season of control. Why is this herbicide often recommended by the DNR?

02:04:57 Carlton Layne: Generalizations of small-scale treatments are concerning. Variable such as site-specific conditions, methods of application, and target plant densities are manageable variables that affect efficacy and effects on nontargets.

02:06:25 Jeff Stelzer: So who makes the decision on if the calculated whole lake rate will affect non targets?

02:06:28 DAVID BLUMER: What if large scale is done in different areas of the lake?

02:06:31 James Scharl: From your white papers: The dept. will require a full or sub PI survey &

potentially more monitoring for any treatment, regardless of scale, in special waters. Again, special waters include PNW which includes all waters <50 acres. Why would a 1-ac treatment in a 49.9 acre lake require more monitoring than the same in a 50 acre lake? Why put undue burdens on small waters that are private in nature (no public access) but do not fit the definition of private for permitting purposes?

02:06:49 Carlton Layne: Will the agency provide acceptable calculation protocols for the calculations of whole lake herbicide concentrations?

02:07:40 Scott Manley: What is the basis of the new 5% threshold? Do other state APM programs require this?

02:08:23 James Scharl: Why can large-scale herbicide treatments not occur in consecutive years under the new proposal? For example - nuisance treatment in marinas?

02:09:58 Carlton Layne: The State of Florida permitting agency has funded harvesting research over the past two years and those studies and others are underway.

02:10:11 Brian Suffern: Agree with Jim. Another example, CLP control.

02:11:00 Cheryl Clemens: I agree that back to back large scale treatments may be appropriate for CLP control.

02:11:31 Matthew Harp: how does the DNR plan to share this wealth of data that they are requiring? full PI data. Spreadsheet level. where is all the data now? is it accessible?

02:12:08 Roy Carlson: The Department needs to recognize the sampling requirements suggested are costly. The side effects of harvesting should be studied and at the expense of the harvesting applicant.

02:13:01 DAVID BLUMER: Is it really better to treat a larger area (perhaps combining several smaller areas into a larger one) with a lower dose or to treat smaller areas with a more concentrated herbicide or faster acting herbicide? The more area treated the more non-target area we hit.

02:13:17 Matthew Harp: what jeff was asking is what levels are to be avoided for whole lake impacts

02:13:24 DAVID BLUMER: 10 acres on the east side in one year and then 10 acres on the west side in the following year.

02:14:17 Jeff Stelzer: But the way you are defining whole lake is making a calculation when over 5%. Where is the data that shows 5% area treatments have whole lake effects? I don't know of any

02:15:18 Josh Ginzl: Have other states recently repealed and updated their APM rules?

02:17:04 Brian Suffern: My apologies....this is my second attempt at this question. Whole Lake Treatments are not very predictable early-season, particularly those sites susceptible to significant rainfall. Multiple, smaller scale treatments should be considered where EWM is a highly dominant species.

02:17:35 Carlton Layne: The preliminary data from Florida appear to be validating the 1970s studies.

02:18:26 Jeff Stelzer: Your definition of large scale is over 10 acres. So under the new rule, lakes would not be able to do two consecutive years of treatments over 10 acres?

02:19:31 DAVID BLUMER: Don't skip CLP management. It is usually recommended that it be managed for a minimum of three years - or so I have heard.

02:19:49 Matthew Harp: please share specific data on plant negative impacts from multiple treatments

02:20:27 James Scharl: Jeff - 10 acres or >10% of the littoral zone, so it can be <10 acres in many cases yet

02:21:36 DAVID BLUMER: What about CLP anagemnet

02:22:10 Matthew Harp: what about CLP

02:22:18 Roy Carlson: A 5% lake treatment prevents a manager from treating the following year?

02:22:39 DAVID BLUMER: The comments from Clemmons and Brian about CLP were not addressed.

02:22:40 Cheryl Clemens: The concern is regarding not allowing repeat large scale CLP treatment in consecutive years.

02:22:45 Jeff Stelzer: Agree Jim but know it's going to be 5% of acreage. So to ask a better question...will lakes not be able to treat over 5% two consecutive years?

02:23:08 Matthew Harp: answer please

02:23:27 Scott Manley: Will lakes not be able to treat over 5% two consecutive years?

02:23:30 DAVID BLUMER: Thank You Eric!

02:24:41 Matthew Johnson: When you reference "whole lake" treatments what herbicides are considered in WI?

02:24:45 James Scharl: If it's waterbody specific, why put a blanket statement that restricts large-scale applications in consecutive years?

02:25:10 Jeff Stelzer: so again...who determines what whole lake rates are effectively going to have

impacts?

02:26:08 Matthew Harp: and what are those herbicide specific rates?

02:26:16 Jeff Stelzer: 2,4-D has nothing on the label for sub 2 ppm rates affecting plants

02:26:41 James Scharl: For potential large-scale applications that use products without the a known lab to test residuals, how are we to do that?

02:27:18 DAVID BLUMER: What about granular versus liquid formulations? I know DNR research says it makes no difference. I am not sure all buy into that.

02:27:40 Matthew Harp: again, if it's waterbody specific. why a general rule?

02:28:52 Jeff Stelzer: seems like it leaves a lot of gray area for treatments to arbitrarily be denied

02:29:07 Roy Carlson: Yes it does

02:29:26 James Scharl: That's a bingo

02:31:11 Roy Carlson: How many harvester operators or DASH operators are part of this meeting?

02:31:16 Scott Manley: Having to type questions and not being able to make general comments or observations is unhelpful.

02:31:28 Roy Carlson: I'm not familiar with all the names.

02:31:28 Matthew Johnson: I think that "whole lake" needs to be followed with what product is being used. There are major differences between various herbicides. I think that the blanket statement of "whole lake" needs to be spelled out and looked at very differently between different herbicides. I appreciate your work on this, but if updating rules, make sure to consider all of the most updated science with updated formulations and low dose of Sonar and new ProcellaCOR. The impacts on natives can be pretty minimal.

02:31:38 Matthew Harp: real grey. this our business. I have no idea what to tell our customers. DNR's customers. what WAL represented here? again, nothing should happen u til after COVID

02:31:46 Jeff Stelzer: Agree 100% scott

02:32:03 Alyssa Barrette: I think the meeting format worked well.

02:32:13 Roy Carlson: Final decisions cannot be made without face to face sessions.

02:32:43 Matthew Harp: when can we meet in person?

02:33:31 Brian Suffern: Second attempt on this question. .. Demonstration of Water Use Impairment". Placing this on the Applicant (requiring a site visit), instead of placing this decision on part of DNR staff is not in-line with current requirements. What if documentation shows insufficient growth ...does the Department realize their is a cost involved time-wise? Customer's don't appreciate us stating their is insufficient growth....then sending them a Bill for our time. This Burden should be on DNR staff.

02:34:34 Carlton Layne: The Aquatic Ecosystem Restoration hereby offers to conduct a seminar in cooperation with WI Dept. Ag on the federal and state herbicide registration process including data requirements.

02:34:40 James Scharl: Were any consulting contractors invited to this? They don't apply herbicides or operate harvesting equipment yet will financially benefit from the increased requirements for monitoring,

02:36:12 Matthew Harp: why does this need to be done now? what is falling apart until after covid?

02:36:19 DAVID BLUMER: LEAPS here. We simply try to comply with what the State requires in planning so you guys can do what you do best.

02:40:56 Carlton Layne: When are you expecting to receive comments? I assume we'll have a draft regulation first???

02:41:12 DAVID BLUMER: How much of the changes in the rule are already being implemented or driving the program and permitting? Will these be in effect in 2021?

02:42:05 James Scharl: General comment: Potential additional requirements for monitoring will be a significant economic impact to business, riparian property owners, and tax payers. These need to be considered

02:44:27 Roy Carlson: The Department agrees, there is little or no data on non-target impacts when considering DASH or harvesting. The Department will gain information at the customers expense with treatments, the same information need to be gathered from harvesting

02:45:09 DAVID BLUMER: Thank You. Signing off.

02:45:12 Jeff Stelzer: will grant ranking criteria change with the addition of all the new monitoring requirements? I foresee a lot of lakes now requesting funds for pi surveys and monitoring

02:46:17 Matthew Harp: when were the negative impacts to the states plants first noticed. recently?

02:46:35 Jeff Stelzer: who determines the sub pi grid frequency?

02:46:49 DAVID BLUMER: My observation: The two programs have some bugs, but do support each other.

Speaking of grants and just completing four of them.

02:48:17 Scott Manley: It sounds like most of the new rule polices

02:48:29 Scott Manley: have already been decided

02:48:40 Lisa David: are you willing to come to a voigt task force meeting to discuss this at some point?

02:49:52 Lisa David: miigwech

02:50:19 Scott Manley: What is a Voigt task force?

02:52:00 Carlton Layne: Thank you for hosting these sessions. I appreciation the time

02:52:28 Matthew Johnson: Appreciate the continued opportunity for discussion.

02:52:33 Brian Suffern: I'm good....thank you.

02:52:49 James Scharl: Will the public be able to see the comment/questions submitted and how the Department considered them when drafting rule changes?