

00:20:18 Zofia Noe: Are the previous recordings available and if so where can we find them?

00:36:58 Scott Manley: Are there peer-reviewed papers to illustrate the alleged impact of mechanical harvesting on reproductive organs? (tubers and turions)

00:37:03 Matthew Harp: Why are fees different for manual management than for herbicide management? What are multi year permits issued for manual as opposed to herbicide?

00:37:18 James Scharl: Currently, alum applications are covered under NR109. Where/how will they be covered under the update?

00:37:53 Matthew Harp: How much fish and organism removal is acceptable?

00:39:20 Scott Manley: Does DNR approve of alum treatments for the management of cyanobacteria and algae?

00:40:37 James Scharl: Why are harvesting lanes the only method required to follow GPS?

00:40:42 Scott Manley: Does DNR consider the potential adverse effects on non-target organisms associated with mechanical harvesting?

00:40:57 Matthew Harp: Will there be limits to costs for harvest / DASH like there are for certain herbicide treatments under DNR grants?

00:41:14 Roy Carlson: Two weeks ago, the Department acknowledged no real studies on vertebrate or invertebrate capture have taken place since the 80's. Will the Department include survey requirements that account for these unintended consequences?

00:41:31 James Scharl: When you state "no harvesting in 3-feet of depth or less" is that specific only to mechanical or all methods of harvesting?

00:42:00 Scott Manley: Does the cost per acre of the various control methods factor into the proposed DNR permitting policies?

00:42:04 DAVID BLUMER: Will there be requirements as to how or to what level GIS tracking will be needed? Will a handheld device that can be downloaded be acceptable, or does it have to be a device mounted on the harvester, or some other means? Will there be recommendations or guidance related to the GIS requirement and how to meet it?

00:42:29 Roy Carlson: Is a "small" fish mortality rate acceptable following an herbicide application?

00:43:25 Matthew Harp: What is a small fish mortality? Please quantify what is acceptable for or invertebrate mortality.

00:44:54 Scott Manley: How does the Department determine/quantify cumulative impacts? Is this an objective standard, and if so, what criteria are used to measure it?

00:46:05 James Scharl: The monitoring and planning papers are geared towards chemical control and woefully understate requirements for harvesting.

00:46:46 Scott Manley: If an applicator uses alum specifically to manage cyanobacteria or algae, would the need for a DNR permit be triggered under the proposed new rule? This might be a better way to ask the question above.

00:49:06 Jeff Stelzer: Is there some form of turbidity monitoring occurring during DASH activities to ensure divers can truly distinguish between species?

00:52:04 James Scharl: Will appropriate scale of the watercraft for the waterbody be used to determine if harvesting for navigational access?

00:55:11 Scott Manley: Would you please reference the peer-reviewed papers regarding mechanical harvesting effects on turion and tuber production?

00:55:27 Roy Carlson: Shouldn't GPS data be necessary for all harvesting methods, regardless of size or scope of project? How else can we track successes or failures?

00:57:20 Scott Manley: But -- What if the applicator actually claims that alum controls cyanobacteria and algae???

00:58:41 Jeremy Slade: When permits are issued are all approved APM methods provided and the customer or applicator can choice the most economical method?

00:58:43 Matthew Harp: Skipped a lot of the questions

01:00:19 Zach Haas:goal would be nutrient reduction with alum not algaecide intent

01:00:50 Matthew Harp: Whjy the different fee structures?

01:00:59 Matthew Harp: Why the different permit timelines?

01:04:58 Liz Tanner:If you would like to speak during the verbal comment period, sign up here:
https://docs.google.com/spreadsheets/d/17vWUoVETxWrPMtpWy4C29_g7mC2Hc3p0C26Tx1aKTM/edit#gid=0

01:06:56 Olson, Eric: If you have not found the DNR's Strategic Analysis summary, or want to find

some of the documents and research behind the Analysis, you can find them here
<https://dnr.wi.gov/lakes/plants/research/>

- 01:13:06 James Scharl: Are lined swimming pools waters of the state?
- 01:13:22 Scott Manley: FYI - the Waters of the State definition in Ch. 281 is different than the definition in s. 23.24, so the Ch. 281 definition should not be used.
- 01:14:37 James Scharl: Can you provide a split of the NR107 public permits that were for ponds?
- 01:15:50 Zofia Noe: In the presentation last Thursday you talked about removing the list of special species in NR 107 and reassessing sensitive areas. How will this impact restrictions and requirements for harvesting practices?
- 01:20:09 James Scharl: Not all ponds were created and managed for fish or wildlife habitat. Why was this not mentioned?
- 01:20:58 Zach Haas: When NHI "hits" fall randomly around a pond will the DNR inspect these areas to confirm? For example, few years ago there was a hit for an endangered minnow on top of an existing parcel with a house and not on the Stormwater pond, yet we could not get the permit approved due to lack of help on the DNR side. Not to mention that majority of Stormwater ponds are designed for function and not for habitat.
- 01:22:12 James Scharl: The provided link for NRCS BMP is specific to farm ponds and not applicable to a majority of ponds currently managed.
- 01:22:33 Jeff Stelzer: FYI...SeClear does have a phosphorus reduction component so it's incorrect to blanketly state that algaecides don't reduce phosphorus.
- 01:25:23 Zach Haas: Why overregulate a Stormwater pond that is designed for function and not habitat? Many municipal Stormwater agreements require treatment of nuisance algae and vegetation as it relates to potential harm to structures and sedimentation of the basin. These ponds are typically engineered as "freeze out" ponds not designed for aquatic habitat.
- 01:25:42 Scott Manley: Is there any evidence that any of the "negative effects" are occurring by any measure?
- 01:25:50 James Scharl: How does a pond with >1, private riparian landowners without public access qualify as a "public" pond?
- 01:25:59 Jeff Stelzer: Just because the WDNR reduces pond regulation doesn't mean that record keeping is reduced as these are requirements through DATCP.
- 01:26:23 James Scharl: Is there any definition of lake/pond in current NR Code or WI statues?
- 01:26:36 James Scharl: Why is there a limit of 10 acres?
- 01:26:46 Scott Manley: Why restrict the definition of a private pond to 10 acres? A pond is either private or not, regardless of size.
- 01:26:51 James Scharl: What does "any surface water connection with any public waters" mean?
- 01:27:27 Jeff Stelzer: So under your definition of public versus private: Does this mean that a pond co-owned by two neighbors with no outflow or public access is still considered "public"? Doesn't seem right and fit with the intent.
- 01:27:35 James Scharl: Why was controlled discharge removed from the definition of a private pond?
- 01:28:14 James Scharl: Why is the expiration date of permits reverted to 10/1? Will the current expansion to 11/1 in SE Wisconsin be instituted?
- 01:28:17 Scott Manley: Why require public notice for a private pond? What is the public interest?
- 01:28:58 Jeff Stelzer: What about a subdivision pond with 6 owners and no easement, no outflow, no public access? Is this considered public?
- 01:29:44 Zach Haas: Public notification for a pond that can not be observed at the shoreline because it would be deemed trespassing? Doesn't seem very public to me.
- 01:29:46 James Scharl: Not all ponds owned by a municipality allow public access. Why is this included?
- 01:30:32 Jeff Stelzer: Why are you stuck on the October 1st end date? It would seem that Nov 1st would be more prudent or even the end of a calendar year.
- 01:30:52 Scott Manley: Why not make the 5-year permit valid for 5 calendar years? Why the October expiration date?
- 01:31:04 Marc Harris: Why the change from a 15 day turnaround to a 30 day turnaround?
- 01:31:26 JACOB MEGANCK: If habitat protection is the goal, why is non-chemical control have a waived fee vs chemical control having a fee? Both are removing habitat.
- 01:31:33 James Scharl: As written, proposed activity cannot occur in locations identified by the department as a PNW (among others). PNW includes all waters < 50 acres. Why is there not an

exemption?

01:42:14 Matthew Harp: Why a 2 mile consideration for NHI review? What science told us that 2 miles is accurate? Why not 4 miles? Why not 50 feet?

01:44:20 Roy Carlson: Do NHI reviews expire? How old is too old?

01:47:54 James Scharl: Waters of the state does not guarantee public access.

01:48:02 Jeremy Slade: Does the WIDNR enforce adverse impacts as a result of APM activities or is that another agency? If WIDNR does, how many violations per year, on average, are recorded in private waters vs public waters?

01:49:57 Scott Manley: Ch. 23 does not confer authority to regulate APM impacts on groundwater. The definition of "waters of the state" at s.23.34(1)(k) is limited to surface waters. That is the definition that controls for APM regulatory purposes.

01:50:53 James Scharl: Case law has shown that public trust does not apply to artificial navigable lakes or ponds created by means other than modifying natural waters unless they are "directly and inseparably connected with natural navigable waters" Why dos the NR107 definition of private water, both past and as currently proposed, differ from this?

01:51:17 Zach Haas: The limit on permit to 10/1 annually strongly restricts complying with Stormwater maintenance agreements set municipalities and DNR code.

01:53:50 Scott Manley: You mischaracterized my comment on waters of the state. Why not just read the comments instead of your interpretation of them?

01:55:03 James Scharl: If a lined swimming pool is not considered waters of the state how is a man-made synthetically lined landscape pond (by name only) with no connection to any waters of the state considered a water of the state?

01:55:28 Scott Manley: It was actually my comment relative to groundwater

01:55:55 Scott Manley: Ch. 23 does not confer authority to regulate APM impacts on groundwater. The definition of "waters of the state" at s.23.34(1)(k) is limited to surface waters. That is the definition that controls for APM regulatory purposes.

01:57:10 Liz Tanner: If you would like to speak during the verbal comment period, sign up here: https://docs.google.com/spreadsheets/d/17vWUoVETxRWrPMtpWy4C29_g7mC2Hc3p0C26Tx1aKTM/edit#gid=0

02:04:37 James Scharl: Wetlands are included in the referenced definition of waters of the state. Why are wetlands, often large, with multiple, non-public landowners classified as private while small ponds with multiple, non-public landowners "public" even though both are waters of the state?

02:05:21 James Scharl: Why is there a difference for expiration date of emergent aquatic herbicide permits vs other aquatic herbicide permits?

02:06:11 James Scharl: Why is a department approved APM plan required for permit approval to be required for non-riparian wetlands?

02:07:13 Scott Manley: Does DNR regulate biological control measures?

02:07:38 James Scharl: Why are stormwater ponds mentioned under permit waivers? Wouldn't control with either method (mechanical or chemical) not qualify as "non-riparian" and require and aquatic herbicide permit anyways?

02:08:58 James Scharl: How was the definition of large-scale (<0.5 ac) treatment determined? Why use 0.5 ac as a qualifier?

02:09:08 Jeff Stelzer: What happens when a pond site needs both aquatic and emergent management? Two permits?

02:09:18 Scott Manley: Will the applicator or the DNR be responsible for investing the time and cost associated with monitoring for a permit to manage emergent species?

02:10:58 James Scharl: Why is a public notice required for applications on private property?

02:11:00 DAVID BLUMER: Where does yellow iris fit in to this? Does an invasive emergent species on the shore have to cause a use impairment before it can be "managed"?

02:12:06 James Scharl: WWI data is primarily not field verified. Is a wetland delineation required to determine if an areas is wetland or not for permitting requirements? WWI data is primarily not field verified.

02:17:11 James Scharl: Surfactants are not EPA registered and not required to be included in treatment records.

02:29:41 James Scharl: Not all beds of navigable trust waters are public - i.e. streams/reservoirs/impoundments/flowages/artificial waters not connected to navigable waters

02:31:35 James Scharl: Current aquatic permits include riparian wetlands with AIS which also follow the

same control methods as non-riparian wetlands covered here.
02:37:08 Scott Manley: I signed up