

Integrated Aquatic Plant Management – Proposed NR 107

Summary of Changes Made From Public Comment

There was a public comment period from January to March 2022 on the draft rule. The department made numerous changes to the draft rule as a result of public comments. These changes reduce the time and cost of planning and permitting, add flexibility for large waterbodies, reduce requirements for private landowners and small waterbodies, and clarify what is expected of permit applicants.

General:

- The department made multiple language clarifications suggested by commentors.

Permit Waivers:

- The department expanded the waiver for small, lined, artificial waterbodies from .1 acres to .5 acres in size.
- The department expanded the waiver for hand pulling of invasive aquatic plants.
- The department removed the 10 acre cap for manual/mechanical control on wetlands contained on private property.

Permit processes, decision-making and reporting:

- The department corrected a provision in ch. NR 107 which implied that aquatic invasive species control could only occur if the AIS were causing a navigational obstruction.
- The department clarified language for permit expiration dates.

Planning and Integrated Pest Management:

- The department clarified when a plan shall or may be required.
- The department removed a total of 45 days from the planning process in draft rule.
- The department waived waterbodies entirely confined and retained on the property of one owner from plan requirements regardless of size.
- The department clarified existing aquatic plant management plans may be “grandfathered” into the program after rule promulgation until the plan expires.
- The department clarified public notification for a draft plan comment period need only be done once.
- The department changed the definition of Integrated Pest Management to include the economics of control.

Monitoring:

- The department modified the provision stating large scale chemical control could not occur until after a post-treatment aquatic plant survey was conducted. It now says large scale control of

any kind cannot occur until after a survey has been conducted, unless the control was a part of an approved management plan.

- The department reduced monitoring requirements for large scale harvesting operations.

Notification:

- The department modified the procedures for riparian notification and public access posting to accommodate common sense “outs” for rivers, wetlands and large lakes.
- The department added flexibility in how riparian notification could be conducted and added additional time to do so.
- The department added flexibility to the timing requirements for public access posting.

Small Waterbodies:

- The department re-incorporated current ch. NR 107 language regarding surface water discharge or a controlled discharge to pond definitions.
- The department removed the provision stating businesses open to the public couldn't be considered privately owned.
- The department removed the provision that public ponds be resubmitted each year for public notification on the department's website.

Surface Water Grants:

- The department added language to clarify the program's continued support of comprehensive management planning for surface water protection and restoration.

For a detailed breakdown of changes, please review the Response to Comments Document.