

# Aquatic Plant Management Rule Development Public Notification Methods and Criteria Public Comments May 2021

## **Introduction**

The Aquatic Plant Management (APM) program is undergoing rule revisions for both NR 107 and NR 109, Wis. Adm. Code, related to chemical and mechanical/manual management of aquatic plants, respectively. The department conducted a public meeting April 15<sup>th</sup>, 2021, to summarize the APM public notification methods and criteria processes and policy options.

The department solicited comments that provided an alternative policy suggestion or modifications with evidence to support why that approach is preferable to the one proposed by the department, comments that state a positive aspect or impact of a policy proposal, or clarifying questions that highlight potential changes or impacts as a result of a policy proposal.

The department asked for public comments and questions on the policy options through May 16th, 2021. Thank you to these individuals and organizations for contributing to the rule development process:

Bill Lundy	Lake and Pond Solutions
Dan Butkus	Martha Coventry
Dick and Kay Roth	Midwest Aquatic Plant Management Society (MAPMS)
Erik Roth	Mike Strebe
Gene Welhoefer	Onterra
Hamilton Harvey III	Sandy Gillum
Joseph Fritzsche	Ted Eisenbacher
Kim Van Brocklin	Theresa Hamming
Krista Olson	Wisconsin Lakes
	Wisconsin Manufacture and Commerce (WMC)

## **How the Response was Compiled**

If multiple individuals gave the same comment or question, the department combined and summarized them to one comment or question. The department did not fact check any comments provided.

Comments or questions that were unrelated to the policy proposals presented in the White Papers are not in the summary below. Questions about current practice or rules were not addressed unless in specific reference to a proposed policy. However, the department has read and considered all comments and questions received.

Finally, the White Papers were intended to solicit input on a new or modified regulatory framework. They were purposefully broad and written in non-technical language as much as possible.

## Questions

“Permits may be submitted to the department up to 6 months in advance of treatment” – is this a general statement about what occurs in practice, or is there a legal restriction to submit a permit no more than 6 months in advance of a treatment? Particularly when in Native American ceded territory, we have been encouraged to submit permits as early as possible to allow all parties sufficient time to review. If treatment designs are complete, we advise clients to submit as early as possible and as soon after Jan.1 of a particular year as possible.

- This was a general statement about what occurs in practice, the majority of permits arrive months before the intended treatment dates.

The “permit holder” is responsible for posting, but is often conducted by applicator for a fee. If posting is deemed noncompliant, does the permit holder or the applicator/agent receive reprimand?

- Enforcement procedures will be clarified in the first draft of repealed and revised NR 107. Additionally, s. ATCP 29.52 has requirements related to posting.

It is stated in the documentation that these rules would adhere to applications "in waters" such as: ponds, lakes, etc. What about the inevitability of run-off "into lakes, etc." from these chemical applications? I.e. Are businesses that do lawn care under any umbrella that would need to follow new guidelines? What about near-by snow-melt, or other ways that chemical applications could affect the watershed?

- The APM program regulates the application of herbicide directly to “waters of the state” defined in [s. 281.01\(18\)](#).

Are the 5 or more individuals vetted to confirm they are indeed stakeholders or can anyone in the state halt this management approach to invasive plant management?

- Wisconsin’s waters are public waters, all members of the public are stakeholders.

Do the topics/agenda have to have legitimate scientific-based concerns or are any topics required to be discussed in this public forum?

- The department has not proposed any changes to the function or criteria of public informational meetings. The department does not state what topics can or cannot be covered in a public informational meeting.

Has the department observed delays caused by these meetings to end up preventing management due to constraints put in the permit conditions? If so, would this be considered in the future as a requirement for the department to revise conditions if delays prevent the applicant from meeting conditions?

- Public meetings are designed to be conducted prior to submitting a permit to the department for review.

Would the posting timeline change from the current 5 day response/request? This needs to be better defined by the department and open for public comment.

- The department will attempt to clarify a timeline for public notification in the first draft of repealed and revised NR 107. The draft will be available for public comment and input.

Assuming the water-use restrictions were the original intent of the posted sign requirements, if there are no water use restrictions for the herbicide(s) used, is the posting step not required?

- Posting would still be required under NR 107.

Please provide examples for public comment on when the department would require posting prior to a treatment as a permit condition.

- The department will clarify posting requirements in the first draft of repealed and revised NR 107.

## Comments

### **Adjacent Riparian Owner Notification (Intent to submit a permit)**

“Once the permit is submitted to the DNR, it should be clearly stated how much time the permittee has to notify all the riparian’s of a possible treatment. While the permittee acknowledges they will do this, in my opinion this process should be given a timetable of say 30 days.”

“NR 107.04(3)(f)2.a. indicates that riparian notification is only required “for rooted aquatic plants,” which could have mixed interpretation for coontail, elodea, starry stonewort, etc.

We encourage the WDNR define “affected or adjacent” riparian. With geographic information systems, or at a minimum, online mapping, like GoogleMaps, being used on almost every project, a defined distance away from an application area (e.g. 250 feet) would be an easy way to identify parcels for notification. This defined distance should be consistent with posting requirements. 250 feet is used on 2,4-D amine labels for posting requirements. When treatments have intentional basin-wide or lake-wide

impacts, typically all riparians within an Area of Potential Impact (AOPI) are notified per the request of the regional WDNR. Knowing that herbicide will eventually dilute to the entire body of water, deciding who gets notified based upon a threshold of likely aquatic plant impacts seems reasonable.

It would be helpful if exactly what needs to be provided to the affected riparian is better defined. In response to different regional WDNR staff's preferences, some or all of the following is typically included in the riparian notification: cover letter, permit application, proposed treatment map, WDNR chemical factsheet, product label/MSDS. We believe that application area specifics, chemical and dosing information, and the WDNR factsheet are the three most important materials to supply affected riparians. Perhaps this could be accomplished through a short letter and not sending the permit application or the product label which take training to truly understand. Further, that added technical information can end up creating confusion instead of clarity.

It is our understanding that most applicants host the notification materials on their website, then announce the existence of the posted materials to the affected riparians through the following means: mailed postcard, email, regularly published newsletter. Typically, there is an outlined option to request mailed hardcopies of the materials as well. We believe this method of notification is more efficient and more useful than sending out hardcopies as occurred in the past. The WDNR should define which methods are acceptable.

Current code only specifies that treatment area size and approximate dates be included within the notice. For treatments that are reliant on specific conditions for implementation (e.g. water flow, water temperature, stratification stability, wind speeds), a wide date range is required. We also encourage the WDNR to include herbicide active ingredient as a requirement within the notification. We further encourage the WDNR to create a notification template, perhaps automatically generated from the application form."

"I believe if any given Lake Rehab District (or other entity) is applying for a permit to manage aquatic plants using a chemical, they should be required to notify lake home owners via mail using our taxpayer mailing address at the time they apply for the permit. The communication should include specifics about the chemicals being used and any precautions or harmful effects of the chemical. There should be a period of time, at least 4 weeks, to allow for feedback before the permit is granted.

In addition, when the permit is granted, and if the chemical being used requires precautions or is harmful in anyway, a 2nd communication should be required stating that the permit was granted with the date that the chemical application will be occurring. This should be communicated via mail at least 4 weeks prior to application. The entity should also be required to post at boat landings when chemicals are in process of being applied."

"It is my understanding that currently only residents in the "treatment area" need to be notified prior to the application. I would like to see changes made to this policy and make lake association notify all lake residents and user, all docks and boat landing notices, of the chemical application. We should all be able to agree that one fluid, chemicals, being put into another fluid, lake water, will not stay in a designated area without some sort of non-permeable barrier, which is not required for chemical applications. So,

notice to only people in a defined treatment area does not notify all the people who make should take precautions of lake use once a chemical application has occurred. Based on this reasoning, I think association should have to place notices, prior to treatments, on all docks on a waterbody and at all boat landings notifying people of the date when a chemical application will take place.”

“Copy of application provided to any affected property owners’ association, inland lake district, and in the case of chemical applications for rooted aquatic plants, to any riparian property owners. We agree this should continue. While some may use email or mail to reach all riparian’s, both methods should be used. We have several elderly riparian’s who do not have email or utilize online access. The information needs to get to all riparian’s. To do this on our lake we would need to do email and mail. The mailing should include a copy of the application and proposed dates for the work to be done. The mailing may also include a link to view these documents electronically. The email would also include all of the information as the mailing.”

“Every property owner on the waterbody must be notified as to the product, the toxicology, the time of application, and a list of ALL precautions that need be taken for humans and animals, including a list of potential detrimental side effects.”

“Most lake districts have an email list of all their members. Printed letters and huge multi page mailing notifications tend to be tossed, while emails about upcoming treatments do get read by our members. Having an email to provide notice along with a link to the copy of the permit, map, etc is much more effective in getting the word out.”

“Modifying this section makes sense considering the ePermitting process initiated by the WDNR. We support this approach and suggests that lake organizations applying for permits be authorized to use their own electronic communication capabilities too.

We do not support the requirement for a copy of the permit application be sent to affected riparian property owners. Rather, we encourage the department to allow the lake organization to use its own electronic communication tools. This may include a "good faith" effort using email or "snail mail" to provide notification regarding permit applications. The email or "snail mail" would direct property owners adjacent to areas of the lake targeted for treatment to the lake organizations website, FaceBook or other social media or a specific WDNR website section on Permit Applications.

Moreover, we recommend that the required notification be sent to affected property owners, defined as property owners whose riparian property is within 150 feet of the area of the lake for which the treatment permit is being sought.

Further, we encourages the department to clarify the definition of adjacent property owners to include only those riparian properties that have waterfront directly adjacent to the target treatment area. Any broader definition increases the likelihood of confusion and non-compliance.”

### **Methods of Public Notification (Intent to Submit a Permit)**

“Newspaper notification - it should not be dropped regardless of whether it's a small scale or large-scale application. Not everyone has email. Not everyone is on Facebook. Not everyone is tech savvy to view the information online at the DNR's website. Nor do people routinely check websites like the DNR's for updates. Older owners especially are more dependent on newsprint. Revenue loss for a paper is absolutely no consideration here. It is all about reaching the intended audience.

Certainly an online notice would be helpful, but it should not be used as a replacement for other methods for reasons stated in my first bullet point. And only if the system used a notification push to send emails to those interested who signed up to receive an alert that new information was uploaded to the website. Again, who routinely checks EVERY possible website, and who REMEMBERS to check all the time?”

“Newspaper notifications are antiquated. The online DNR Web page is promising and online public notifications in general are likely the best way to reach most stakeholders.”

“While newspapers are not the most current media outreach platform, they are relied upon for rural communities. However, newspapers require purchase and may be an obstacle/perceived obstacle to accessing notification opportunities. It is unclear if newspapers with an online presence have a mechanism for users to access the notifications electronically and without subscription. Online WDNR Web Page – this notification requirement is currently not in place. We think this would be a good complimentary method to newspaper notification, providing an electronic alternative to the hardcopy format currently available. It would allow notification without requiring newspaper purchase by the riparians.

NR 107.04(3)(f)2a. outlines the criteria when a public informational meeting needs to be held, namely when 5 or more individuals/entities request it. By having notification posted in a local newspaper, the original administrative code was defining a geographic extent of individuals being notified. If online avenues are also allowed, this could open up opportunities for individuals/groups with no physical connection to the affected area to abuse the intent of the notification opportunity.”

“Notice to the public is important mostly because the public is unaware of the dangers or lack thereof that accompanies AIS treatments. Newspapers are good for public notice but are marginally effective because a large proportion of lake users do not read notices that define the treatment and when they do, they do not understand the information. E-mail is good but many lake users are elderly since they are the people who can afford lake property as vacationland and they will be the frequent users in those months when AIS treatment takes place but they are not frequent readers of email.. One of the best methods of notice may be posting very appropriately at the launches but that may mean having structures built at the landings where people can read the notices that are of interest. Also, postal

notice should be sent but restricted to those properties that will be affected, not the entire lake community That's pretty much the way it currently is."

"Newspapers are a method that has been used foremost public announcements. Unfortunately, less and less people read newspapers for this purpose. While we believe it is good to continue using newspapers, we would also like to see an online link under the DNR website "Find a Lake", perhaps in the "Before You Go" , or a new heading titled Public Notice's. This would reach some of the non-riparian users of the lake.

Online DNR Webpage - We agree this method could be used, however it would need to be in conjunction with riparian notification via email or regular mail."

"Public notification of waterbodies that are to be treated or have been treated needs to be provided to the general public via newspaper(s), e-blasts, television, posted at landings, and direct communication with all shoreland property owners, all local guides, and bulletins posted at local commercial establishments (grocers, hardware, sport shops, etc.)."

"Fewer readers: As noted frequently by the Department itself, NR 107 was last revised in 1989. According to data compiled by the Pew Research Center, in 2018 newspaper circulation recently reached its lowest level since 1940. There are simply fewer people than ever before relying on newspaper ads for their information. Likewise, the public meeting requirement is rarely used and very outdated. During the April 15 public meeting on this guidance document, the Department presented a graphic showing that nearly 2,000 APM permits (of all types) were approved last year. However, during the Q&A portion of the meeting, DNR Program Manager Carroll Schaal noted only one public meeting was held in 2020, and only one was scheduled so far in 2021. Clearly, the public meeting requirement is very rarely utilized."

"Printed newspapers are no longer the news source for the public. Instead online newspapers and websites have become source of information. Lake Districts should be allowed to print in an online newspaper source for readership vs having to take out a legal ad that is expensive. Placement on their lake district website should also be done."

"Newspaper ads seem to invite outside influencers to a topic they may not fully understand which would be distracting to the objective. The majority of lakes have mailing lists or even e-mail lists of the stakeholders and are likely already communicating with them for funding purposes. This communication would be more effective and newspapers could be an option if other means are not available.

If the department takes on this role, there needs to be clear deadlines on how quickly they will be put up to start the process. The feedback gathered during some of the public meetings is that lag time in current processes already cause some issues."

“With regard to publishing the intent to apply in the newspaper, we recommend the department discontinue, or make optional, the newspaper publishing requirement and adopt the process of posting the notice of intent on the WDNR website in a specific section dedicated only to the permitting process (much like the on-line-DNR webpage approach included in the White Paper). Perhaps a fee to lake organizations for the posting would help support expansion of service by the DNR.

The department correctly points out the declining circulation of "hard-copy" newspapers. In today's environment those without web access at home can use tools at their local library to access and read an on-line notice on the DNR website. This approach would address the concern about some stakeholders not having internet access at their home.

The WDNR should not, in our opinion, be considering the potential loss of revenue to a newspaper in crafting changes to this WDNR rule. It is not the responsibility of the State government of craft rules that assure a stream of income to newspapers or any private organization.”

#### **Criteria for Public Notification (Intent to Submit a Permit)**

“I believe every riparian owner, organization, stakeholder, etc should receive written notice via US mail service regarding the intent to obtain a permit, along with instructions on seeking a public meeting under NR 107.04(3)(f). This is regardless of whether the treatment area is large or small, whole lake or spot treatment. Chemicals in water are fugitive, people on water are fungible - they come and go from another part of the lake, and may unsuspectingly enter the area. All riparian owners and interested parties should be notified. A map of the proposed treatment areas should be included in the letters.

Given e-permitting, such a written notice BEFORE the permit application is made is impossible. But certainly the permit applicant should be given a time limit, of say 30 days, to submit proof that the letters were sent, or provide a notarized statement to the DNR indicating the letters have been sent. Proof would be needed before the permit could be approved.

Two weeks prior to application, a letter should be sent to owners near the treatment area, and stakeholders, confirming the date of the application and the period of time water use should be avoided.”

“We’re glad to see the Department is considering a rewording of the current >10 acres. >10% littoral thresholds, however reducing the calculation to >5% of the waterbody due to whole lake impacts is based on the product(s) proposed for use, the method of application, and Department-generated “science” that may or may not have been truly peer reviewed. A peer reviewed study should include input from outside the Department. Unless it can be shown that the studies and subsequent findings on whole lake impacts have been carefully and thoughtfully reviewed by professionals within the aquatic herbicide industry, those studies remain uncertain. Imposing a hard threshold, based on such varying criteria or questionable data is shortsighted and should not be considered.”

“Recent research developments have made defining large-scale vs non-large-scale more complex. The WDNR now requires calculations be conducted when treatment size is > 5% of waterbody area. It is



unclear why this threshold was selected, and it is so low that it may be simpler to just require calculations on all treatments.

Without defined calculations distinguishing between large-scale and non-large-scale, placement into these categories is left to interpretation. This document indicates that WDNR consultation would determine large-scale vs non-large-scale and associated notification requirements. We encourage the WDNR implement permitting guidelines that are easy to understand, predict, and not left up to interpretation

Extending newspaper notifications for all treatments, regardless of size, would allow WDNR to eliminate the problematic large-scale vs non-large-scale categories. Including notification for every treatment within a newspaper may have a diluting affect, diminishing the importance of newspaper notification. It seems reasonable to define a limit to which this extra permitting step is required, as well as when an informational meeting can be triggered.”

“We agree with the changes from >10 acres or > 10% littoral to > 5% treatment of the waterbody which will have whole lake impacts.”

“Robust public notification in the instance of APM, is, we believe, of vital importance. Shoreland property owners and other lake users have a fundamental interest in knowing what is being put into public waters, especially when chemical treatments are involved. Because of this, the widest net of notification should be cast while keeping the notification requirement within reason. In saying this, we do not mean to cast a negative light on chemical treatments. In general they are safe and often the proper choice of action. But we firmly believe that the public and especially those who might be using those waters have a right to know when treatment is occurring and when chemicals are being added to public waters. To that end, we believe the best course of action would be to continue the current print notification policy for large scale treatments, while simultaneously implementing a DNR web page for all chemical treatments. Most of those with whom we discussed public notification indicated they continue to use local newspapers as the method for receiving legal notices of this sort. Without evidence that this is NOT the primary means of receiving notice, newspaper notices should continue to be required in the instances in which they currently are required. At the same time, it cannot be denied that subscriptions to local papers are on the decline, and that we are all moving towards getting more and more of our information from an online source. For this reason, we also recommend that the Department begin the process of an online noticing system. Requiring both in print and online notice widens the net of those who will receive notice and provides a period of transition where the inevitable kinks in a new, online system of notification can be worked out. In addition, because the burden of developing and maintaining the online system would fall on the Department, it does not appear that requiring both forms of notice would create any additional financial burden to the permit applicant. Finally, we would also recommend that online notification be required for all herbicide treatments rather than only large scale treatments. Posting these notifications online would add an additional level of notice without creating a significant burden to the applicant, in our opinion. It would also provide a clearer public picture of the total of treatments occurring on a waterbody, across a region, or even in the entire state of Wisconsin.

The Department's acknowledgement in the whitepaper that some private waterbodies with few properties on them (homeowner association ponds, stormwater detention ponds) and no hydrologic connection to other waters could be treated as "public" is well taken. We support a clarification in the rule of what should constitute a private pond and agrees the examples provided should probably fall into that definition. We caution the department, however, to remember that the intent of public notice is simply to ensure anyone who would have a stake in or could be impacted by a chemical treatment knows that treatment is occurring. The larger the private waterbody, the more properties on that water, and the more individuals living on the water increases the need to ensure thorough notification and should be taken into consideration when revising the private pond definition."

"This requirement seems one-sided from the start towards one management technique for invasive and nuisance aquatic vegetation management. The DNR's Mission is to protect and enhance WI natural resources. Allowing the spread of invasive species is not in line with this objective. A personal view of one management approach being less impactful on non-target organisms (i.e. mechanical/physical removal) doesn't make it true. If the intent of public notification is to keep the public informed of management activities, it should be required for all. As brought up in previous comments, we believe that management techniques should be assessed by effectiveness, economics, and environmental impact. Just because an approach may be "non-chemical" does not automatically make it less impactful to non-target or the environment."

"A treatment of 6% [The department believes the individual meant to say 5%] of a waterbody is not a good definition of a large-scale treatment."

"Intent to get a permit: As noted in the White Paper, lake organizations must advertise their intent to apply for a "large scale" herbicide treatment permit in the newspaper prior to submitting the application to the department. We encourage the department to work on a better definition of "large scale" treatment.

Further, while we encourage the WDNR implement the use of electronic tools to notify stakeholders of chemical treatments, we recommends the department consider procedures that prevent abuse of the request for a Public Information Meeting. The availability of permit notifications on-line may increase the possibility of persons with no connection to the non-private body of water for which the treatment application has been made.

Requests for Public Information Meeting should only be accepted if the requestor has "standing" relative to the lake seeking a treatment permit. Requests should not be accepted "just because" they oppose chemical treatment. The department should give more weight to the Riparians and the lake organization initiating the request as part of their lake management program.

Public Information Meetings are potentially expensive and contentious - even when just local stakeholders are involved. The department's processes should not, intentionally or unintentionally, grant access to remote, unconnected parties to force an expensive public meeting to occur. Parties that request a Public Information Meeting through the department's procedures should be required to be

present at the meeting. Once the five-day response period has lapsed, the department should be required to issue an approval or denial of the permit application not later than 10 business days (after the end of the five-day response period).

If sufficient, valid (from stakeholders with standing) responses requesting a Public Information Meeting are received, the Public Information Meeting should be scheduled within 10 business days and held no more than 30 calendar days after the end of the response period. Following the Public Information Meeting an approval or denial of the permit should be issued by the department in no more than 3 business days.

It is important and in the best interest of lake organizations and the department to keep the process moving. The time constraints that our weather in northern climates impose on lake management activity should compel all parties to be diligent in moving things along.”

“Current rules require notification of intent to submit a permit ONLY if the proposed treatment is "large-scale". Previous White Papers have discussed the problems/issues with the current definitions of "large-scale", so we will not make further comment on that matter except to point out that whatever the criteria, applicants should NOT have to consult with the department to ensure the treatment needs public notification. That approach potentially causes compliance issues.

The Criteria should be specific, easily understood and not require interpretation by a WDNR employee. The White Paper section on "All chemical treatments on non-private waters", which is noted as "not currently used", seems to have promise as the new criteria. Why differentiate between the scale of the treatment? Isn't it reasonable and consistent with the intent of State policy to notify stakeholders of ALL chemical treatments on all public waters?

A simple, single policy would streamline the process and be beneficial to all parties and the use of an electronic process will make notices timely and accessible to all interested stakeholders. We recommend the department consider a single, simple universal criteria regarding the intent to submit a permit to chemically treat any public water. We think this approach advances the mission of the WDNR.”

### **Methods of Chemical Treatment Posting**

“Posting and notification along the shore where treatment is performed should be extended possibly 500 to 1000 ft of either side of the treatment area. Again, chemicals in water are fugitive. Some draw water from the lake to irrigate their personal lawns/gardens. They should know that the herbicides may be present in the water to take precautions before drawing water for irrigation. It should also be posted at the boat landing.”

“When filling out the warning sign, under the section of “TREATMENT DATE”, instead of using only one date, be able to write in a window date, such as 1/1/2021 to 1/6/2021. The reason for this is, when doing a whole lake treatment for instance or even a large-scale treatment, and there’s over 200 riparian’s to place signs on their property, many factors can halt the treatment that day including, weather, adverse conditions, mechanical breakdown, and family emergency. If only one date is written,

and the signs were placed out the day before, now the treatment cannot take place, and the date must be changed on every sign. If there is a window for the date, the signs could stay up, and the treatment could take place when conditions are ideal.”

“ Current size requirement of 11 by 11 is not followed – 8.5 by 11 is common and used by WDNR’s template.

We believe the only aquatic herbicide label with posting instructions is 2,4-D amine (DMA4, Alligare, SculpinG, Shredder, etc), which indicates “posting notification should be located every 250 feet including the shoreline of the treatment area and up to 250 feet of shoreline past the application site to include immediate public access points.” This might be good language to adopt for WI. We encourage the WDNR use the same defined distance away from an application area (e.g. 250 feet) as used for notification to define adjacent posting requirements.

We encourage guidance for posting when intentional whole-basin or whole-lake treatments occur, perhaps posting is required but at a reduced intensity (e.g. every 500 feet) We encourage posting at public access locations, perhaps qualified by a distance away from the treatment for extremely large or hydrologically connected waterbodies.

We believe that only use restrictions should be included on the posting, not use preferences, commentary, or recommendations by the lake group or WDNR.”

“Treatment Warning signs- Semi-Permanent Notification Signage - We agree signage is important. We would encourage using a standard sign. This sign would become recognizable for all applications (public and private) on all water bodies. The sign should be large enough to state the intent without driving up right next to the sign. Such as WARNING- CHEMICAL APPLICATION - the specifics of date, chemical and implications can be attached to the sign as needed.

Signs should be located at all public lake access points such as boat landing/parking and restaurant/bars on the lake. Signs should be viewable from the lake and from shore.

We believe this should be attached to a permanent sign at all public access for boat launches and parking lots. The signage at the private restaurants or bars could be removable or permanent.

While we know this is meant to notify upcoming treatment specifics to riparian’s and users of the lake, we believe this could be an larger opportunity for groups such as ours. Educating riparian’s and users on why a treatment is necessary, the effect on the water way, the benefit to the future of the lake, and prevention methods can all be included in the information we send.”

“Lake districts should be encouraged to post large signs at boat landings and public access areas. The printed signs we place on people’s docks tend to not be read, and a lot of times the homeowners do not notice them. Year after year we end up putting up signs on docks, only to come back later to take them down as the homeowner weeks later hasn’t even noticed to remove them once the treatment is done.”

“The requirement of the applicant to keep the signs up for certain time period is an unreasonable request. Individual property owners may want to remove the sign(s) from their private property once they understand the water use restrictions.

Semi-Permanent Notification Signage – All things considered; this seems like an unneeded step if other signs are required to be posted there anyway. If the department is responsible, it would be another potential bottleneck in limited time for management efforts to occur.”

“We support retaining the current posting requirements to post notice "so as to be conspicuous for stakeholders to see from the water and shore". We suggest that notices of treatment should be posted on each shoreline property that is directly adjacent to the area to be treated. Treatment notices should be posted in strategic locations like private beaches, private shorelines and docks.

We also support using the current information criteria regarding the content of the notice to be posted.

Further, we suggest the posting be required by 6:00 PM of the day before the treatment is scheduled. This timing allows stakeholders to become aware of the treatment prior to initiation and to plan appropriately. The stakeholder on whose property the notice was posted should be responsible for the removal and disposal of the posting.

We disagree with and do not support a separate requirement for a different posting at public access points. Rather, we suggest that permit holder be required to post the same notice being posted on private property at public points of access, and by the same time deadlines as established for private property postings...6:00 PM the day before treatment.

The approach we suggest keeps the total notice posting process simple and consistent, letting all who would enter the public water know that treatment is occurring. Those planning to fish on a lake and enter the water early on the morning of treatment would see the posted notice enabling them to decide whether to fish or not that day.

Keep it simple, expand the use of technology in the notification process and make compliance easy.”

### **General Comments**

“This is not like me spraying my lawn where the little white flags tell people my lawn's been treated, so they know to keep their pets and children off the lawn as they walk by on the sidewalk. These are public waters, chemicals are fugitive, and everyone who uses these waters should be given proper notice. I'd add that this is no different than when our lake district must notify every owner within the district and we post a class 2 newspaper notice regarding our annual meeting. We don't simply post it on the district website. Every effort is made to contact everyone, within reason.”

“Private and public wells should be tested before and after application and the results released to the public in a timely manner.”

“In the white paper, is suggested that additional ponds “may be” considered public vs. the current definition of private. Later in the document it suggests that private ponds will be waived from notification requirements. Further clarification on the “private pond” white paper and department decisions need to be finalized before this notification white paper can be fully commented on.”

“In short, there is nothing in this section of statute that grants the Department the explicit authority to require an applicant to place newspaper ads or hold a public meeting prior to granting an APM permit. The terms “advertising,” “newspaper,” “public meeting,” or any reasonably similar terms authorizing these requirements are entirely absent from s. 23.24(2)(c) Under ch. 227 restrictions on agency authority, an agency must rely on “explicit” authority derived by statute. No such explicit authority exists under s. 23.24(2)(c).”

“How the Wisconsin Department of Natural Resources conducts its environmental management practices is of vital public concern. Consequently, public notification of all actions undertaken must be comprehensive and timely. That means getting out information simultaneously in all available media, print, radio, TV, and online. Public hearings should be frequent, especially during a crisis, which aquatic invasives certainly present. Furthermore, it must be recognized that notification requires explanation and education. The DNR must significantly inform and then engage the public in their work. One important part of that is coordinating with and cooperatively assisting local citizens groups in their combined efforts. Not least of importance is crucial help with funding treatments, particularly for Eurasian watermilfoil.”

“In general, we believe the current system of public notification is working well. We have not received comments or complaints from our members or the general public indicating any issues with public notification and a discussion among those involved with APM within our board of directors did not raise any issues. As the department points out, however, no thorough review of the effectiveness of notice has been undertaken. While employing DNR APM staff time and funds on conducting such analysis may not be worth the effort, we do encourage the Department to use the best general data on public notice available to arrive at its decisions as to how to handle public notification.”