

# 2023 APM Meeting

January 31<sup>st</sup>

# Zoom Reminders

- All participants will be muted
- If you have a question, use the “raise hand” feature
  - Should be in the bottom corner under participants list
- During Q&A time meeting hosts will go to each participant in the order they raised their hands and unmute so they can speak.

# Agenda

- 9- 10 AM
  - General Program Updates – Johansen and Schaal
- 10- 10:30
  - Pesticide Use Observations – Matt Z. (DATCP)
- 10:30- 11
  - ProcellaCOR results – Onterra Inc.
- 11- 11:20
  - Plant ID Workshop and Starry Stonewort Monitoring – Nault
- 11:30-12
  - Permitting Reminders – Hjalmarson

# Aquatic Plant Management Rulemaking

- Rule package was finalized in the spring of 2022
  - Considered all public comments and made final edits to the rule
  - Made several modifications to meet stakeholder concerns.
- Summer - Fall 2022
  - DNR withdrew proposed rule from August NRB meeting
  - Circled back with stakeholders to understand concerns and reassess another rulemaking effort

# Stakeholder Feedback Summary

- General Feedback
  - Good working relationship with field staff
  - Appreciated streamlining efforts in permitting
  - Agree rules need to be updated
  - Agree WI needs APM regulations
  - Revised rule more complicated – may result in more illegal control
- DNR Decision-making
  - Many APM techniques don't work for large lakes
  - APM is working now, why make changes?
    - “One size fits all” approach doesn't work, need flexibility

# Stakeholder Feedback Summary

- Rule Process
  - White paper comments were not considered
  - Need better transparency and more frequent stakeholder check in during rulemaking
- Fees
  - Not opposed to reasonable fee increase
  - Opposed to last minute change to mechanical harvesting fees without consideration for chemical control

# Stakeholder Feedback Summary

- Management Plans
  - EIA did not reveal “true cost of management plans
  - Negative effects on small lakes
  - Slanted against chemical control
  - APM characteristics can significantly change year-to-year.
  - Stakeholders need to see DNR promised LMP templates before agreeing to finalize rule.
  - Standard templates may ease DNR review but will not achieve goal of protecting the resource
  - WI lake management planning has been successful, don't need more restrictions.
  - Focus of rule is on AIS, when native species can also be an issue
  - Add allowance for alternate LMPs for specific waterbody characteristics
  - Mandatory for grant recipient, recommended for others

# Stakeholder Feedback Summary

- Ponds
  - Regulatory overreach – need to relax regulations, should be consistent with neighboring states
  - Categories did not include “publicly-owned ponds”
  - Code revisions based on management of lakes, not ponds
  - Proposed rules will lead to more owners pursuing “fish farm” exemption and be regulated by DATCP.
  - Revisions will lead to more “midnight” treatments



# Stakeholder Feedback Summary

## Pre/Post Monitoring

- Fish loss more onerous on chem treatment than mechanical harvesting
- Herbicide requirements should be consistent with what DATCP requires
- DNR-approved monitoring is not current w/state-of-technology and doesn't provide needed information

## Public Notification

- This was historically a local, waterbody requirement. Changes allow any 5+ persons, anywhere to oppose and delay/deny permit.
- 7-day pre-notice too long. May lead to explosive expansion of targeted species before treatment allowed
- Should be consistent w/DATCP requirement. Create website for lake user to check when treatments would occur
- Agree need to revise. Very difficult to notify seasonal riparian owners.

# Conclusions

- DNR response
  - Some areas continue to have different perspectives
    - Goal – Be open about DNR’s expectations and explain our goals clearly.
  - Some areas boil down to miscommunications and time
    - Goal – Improve DNR communication, open to input from stakeholders
  - Some areas for compromise
    - First focus if/when DNR pursues another rulemaking effort
- No immediate plans to re-open NR 107 or NR 109.

# Questions?

# Staffing Updates

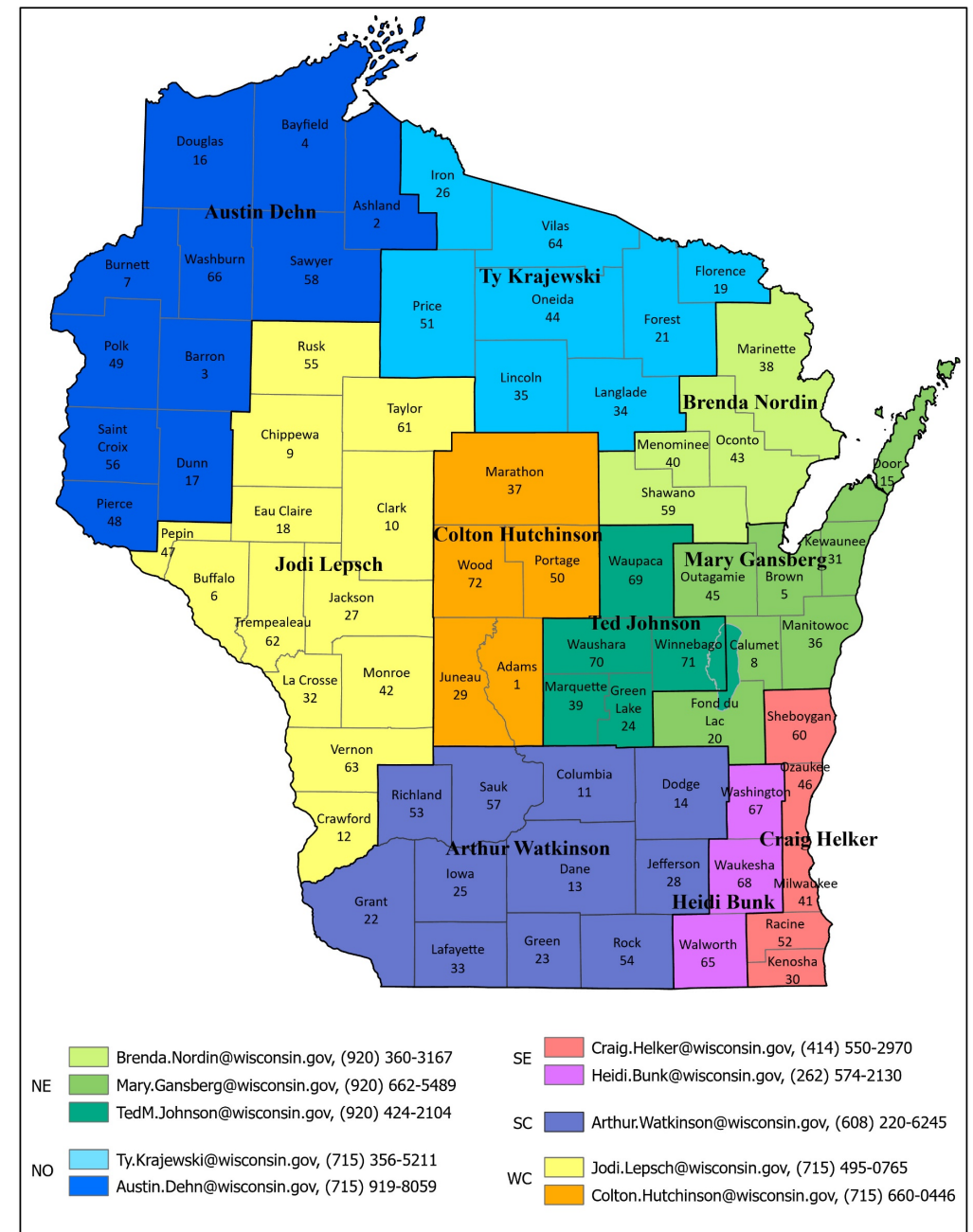
Carroll Schaal

# Industry Staffing/Contact Updates

- Please let us know if:
  - You have new staff.
  - You have updated contact information.
  - You have preferences for communication (phone or email).
- Any other information that may help us work with you quickly and efficiently this year?

# DNR Staffing Updates

- Intake Staff
  - Emily Hjalmarson leads central intake.
  - Abby Janey will assist.
- Other new staff updates
  - Austin Dehn will handle permits in NW Wisconsin, replacing Tyler Mesalk.
  - An updated map of the regional contacts is up on the website now.



# Additional Updates

- Surface Water Grants position vacancy
  - Ali Mikulyuk left DNR end of November
- AIS regional staff – available to help

# Permit Reminders

Madi Johansen



# QAQC

A member of the public should be able to answer this question when looking at a permit

“What was permitted on X waterbody? How many acres will be managed? What species are to be treated? What chemicals or equipment will be used?”

# QAQC

- Specificity in permits for non-private waters
  - Clear and concise herbicide list
  - Clearly delineated treatment areas
  - Public notice requirements met, when appropriate
- These are not new requirements

# Permit Reminders – Applicant contact info

- Applicant Information must be on the form correctly.
  - Your business information is not correct
  - Missing information is not correct.
- Personal contact information has been removed from publicly viewable permits once they are submitted.

# Permit Reminders - Responsibilities

- If you are submitting a permit for an applicant, you are responsible to meet all of the requirements of the permit form and NR 107 or 109.
  - If the applicant is taking some part of the responsibility, notifying their neighbors of a treatment as an example, you should ensure that they are following the correct procedure and adequately informing all appropriate parties.

# Permit reminders – Map Quality

- What's a good map?
- [https://dnr.wi.gov/lakes/plants/forms/current\\_form/Map.pdf](https://dnr.wi.gov/lakes/plants/forms/current_form/Map.pdf)

We should be able to look at your map, your control areas on the form and the planned control method to figure out what's being proposed.

# Permit Issuance

- Permits should be issued within 10-15 business days
  - Unless placed on hold
- Lack of planning not our emergency
  - Please submit at least 15 business days prior to when trying to treat
- If haven't heard by the 15<sup>th</sup> business day, check in with the biologist
- **New this year:** We may send cover letters for ponds out in large batches once a week to cut down on emails and time. This would stop once the field season is underway.

# Wetlands

Wetlands are not private ponds

ePermitting system causing confusion

# Wetlands

ePermitting system uses three questions to determine chemical permit type:

1. Is there uncontrolled discharge?
2. Is there more than one property owner?
3. Is there public access?

- These questions are confusing for wetland applications.
- A wetland permit form will be available soon to remove this confusion
- Until then, wetland applications should select #1 at minimum to ensure the non-private permit form is pulled up.



# Permit Reminders - Endothall

- Cooperative agreement with United Phosphorous from 2013.
  - DNR and UPL met in 2022 to discuss again.
- Outlines BMP's for CLP control with Aquathol
  - Identifying the spatial distribution of CLP accurately.
  - Suggests a minimum threshold of five acres for Aquathol K and Aquathol Super K for CLP population control.
  - The data suggests that endothall use in areas less than 5 acres does not achieve adequate Concentration Exposure Time.
- Staff use this document as a guide when making permit decisions.

# Phragmites Management Plan

DNR to release statewide management plan this spring for public comment

Stay tuned

# Chemical Factsheets

All chemical factsheets are updated on our website

Replace the old ones that you send to clients.

<https://dnr.wisconsin.gov/topic/lakes/plants/factsheets>

# Questions?

# CONNECT WITH US

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OFF THE RECORD"