

APM Rule General Advisory Committee

May 15, 2025

Individual Member Feedback

This information is a general summary of all the comments, questions and specific changes brought forth by individual committee members. The committee did not vote or indicate as a group which of these changes were supported by a majority. The department will collect all comments, questions and changes from all stakeholders through the end of June 2025. After that time, the department will consider which changes may be made to the draft rule prior to releasing a first draft of the Board Order with the Economic Impact Analysis.

Comments/Changes from Individual Members

Fee Structure:

- Consider a multi-tier structure for lake fees - tiers based on size of control area. Cited concerns for smaller lakes with less property owners.
 - Proposed Alternative – different caps for lakes more or less than 50 acres in size.
 - Proposed Alternative – 0-25, 25-50, 50-75, 75 + acres graduated fee structure based on lake size.
 - Proposed Alternative – Remove acreage cap entirely. This would incentivize targeted control and make folks pay for what they want to do no matter what. This hypothetically would not impact smaller lakes who can't afford or have space for huge permits and larger lake districts typically have larger budgets which can accommodate this.
 - Proposed Alternative – Fee structure based off value of treatment (large vs small scale, chemical vs mechanical, navigational vs AIS)
 - Proposed Alternative - Desire for fee structure to be updated regularly to reflect inflation/cost of living to prevent the current program funding shortfall from reoccurring in the future.
 - Proposed Alternative - Currently ~\$53/acre for mechanical and ~\$50/acre for chemical, suggestion to increase chemical and decrease mechanical fees.
- General preference to pay mechanical fees annually instead of in a lump sum. Easier for lake managers to communicate to riparians what their annual operating budget is being used for.
- Concern that property owners will push back on fee increases.
- The fee increases are not insignificant to the lake associations and other organizations trying to implement APM control actions. Their funds come either from donations from their membership or from grants received from the DNR. With limited funds available for grants and increasing competition across the state from groups applying for grants everyone gets squeezed more.

Public Notice

- Specify "website" as an option in language
 - To allow for both social media posts which may also be a website (e.g. Facebook) and lake associate websites
- Support for specifying that public notice is 5 business days and requiring an email in the public notice
 - Add DNR email to notice
 - Lake Districts are comfortable sharing their professional email on public notice as well. Could clarify either applicator or applicant email is required.
- Clarify that second public notice is not sequential but to be made at the same time using the same language.
- Clarify clause that allows someone to be notified of any treatment to a waterbody.
- Why is public notice only 5 days? Could it be extended? Less than 5 people required?
- Some individuals agreed that public notification should take place for both mechanical and herbicide applications

Riparian Notification

- Can riparian notification be taken care of via public notice posting on social media/website/etc?
Riparian notification is difficult for large lakes.
 - The reoccurring issue that lake orgs have not been doing correct riparian notification came up - clarified the purpose of riparian notification and that it must include a copy of the permit application.
 - Riparian notification for mechanical is in the proposed rule but public notice for mechanical is not included.
- Include language clarifying that providing a link to the permit is acceptable.
- Clarify that riparian phone number and email should be provided, when available.
- Try to incorporate the various tribal governments in notifications of our permits.
- Riparian notice should only be required if the harvest or treatment area is updated. If the areas being harvested are part of an existing permit then they should not have to do this to the same landowners every year.

Tribal Consultation

- Specify a timeframe for Consultation in the rule so organizations can have expectations of a process and plan accordingly.

Treatment Records

- Change so that the applicator/agent or the permit holder can submit a treatment record.
- General support to change provision that mechanical reports be due by the end of the calendar year instead of 30 days after finishing work.
- No current PDF version of new mechanical form (technically only on ePermitting system). An accessible form that could be downloaded was requested.
 - Clarified any daily harvesting logs are on the operator to record. The NR109 record submitted is the total of all harvesting activities for the year.

Mechanical

- Consider a minimum water depth for operation of mechanical harvesters.

Planning:

- Desire for more information/guidance on plan updates
 - General confusion on if/when plan updates are required, what they entail

Permit Applications and Processes

- Add waterbody ID code (WBIC) to non-private permit applications.
- Mechanical harvesting areas are often different each year in the north. It would make sense to do annual permits.
- Make applicants reapply for a new permit if they take a year off during a five-year mechanical harvesting permit. Lakes change and it would make sense to start the process over. This also could increase revenue.

Species Discussion:

- High value species (HVS) list currently included but removal has been suggested by previous advisory group
 - Two current options: keep list or keep HVS language but remove list - make high value species determinations to specific situations
 - Response 1 - The list is beneficial for those who do not have a biology background - encourages applicants to pursue/educate themselves about HVS
 - Response 2 - Support generalizing the language and leaving it up to biologist/consultants for each waterbody
 - Response 3 - Wild rice should be specifically mentioned if list is removed, there are lists of other culturally significant plants in Ceded Territory. Include wording that states cultural value in the definition of HVS.
 - Other comments on High Value Species:
 - Currently a struggle to determine what would be considered HVS in waterbodies without plans.
 - Important to reduce disturbance to reduce risk of selecting for more tolerant plant species.
 - The list makes a group think of how they get the high value species into the lake. DNR should provide info on why species are high value – what positive benefits do certain plants have?

Waivers

- 107.07 concerns for riparian applying pesticides without certification - would like waivers to be removed so everyone has to be DATCP certified.

Dye Prohibition

- Group had no concerns with prohibiting the use of dyes as specified in draft rule.

Questions from Individuals

- Why is Purple Loosestrife explicitly mentioned but phragmites is not?
 - Clarified that purple loosestrife waivers were moved over to the draft rule from current rule. Department does not intend to expand waivers in this area.
 - Response - Remove Purple Loosestrife exemptions entirely?

- Is there any shift in duckweed management based off the proposed rule revision?
 - No, species specific management will continue to be managed as it is now. The department does not intend to place species specific regulations into this rule.
- Based off previous revision: What is the pro to requiring GPS data from harvesters?
 - GPS acts as a tool for accurate lane widths and depths and permit compliance, though it is not currently considered under this rule revision.
- Riparian owner rights can be a reason to deny a permit, but aren't they also a reason to approve a control permit depending upon the situation?
 - Yes
- Do fee increases as defined in this document also need legislative action to be put in place or does the DNR have the authority to manage the specified fees?
 - S. 23.24, Wis. Stats. already gives the department authority to create a permit program with a fee structure.
- Are muck blowers, dock jets etc. a control method to be considered in this document?
 - At this time, the department does not intend to address these in the draft APM rule. If significant comments come in regarding this equipment a language addition may be considered.
- Is there any thought about increasing the width that is allowed for navigational lanes?
 - These decisions are site specific and determined as part of the plan and permit process.
- Could DNR add a list of dragonfly species for each lake as part of a plan? State has a database - WOS (Wisconsin Odonata Survey). Wisconsin Dragonfly Society would be happy to do field trips to help lakes gather the data.
 - Lake groups are encouraged to consider broader habitat through the planning process.

Questions to Advisory Group

- Asked applicants what the average turnaround of plan review once they have been submitted to DNR?
 - Most say 2-3 weeks, no more than 3 weeks.
- Asked applicants about the cost of plans.
 - Lengthy discussion on Comprehensive Lake Management Plans vs. focused APM plans, the surface water grant program and what it should cost for a plan.
- Any thoughts on wetland permitting?
 - One individual said that the wetland plant control permitting (Phragmites and reed canary grass) was pretty easy.
- Thoughts on the 15-business day permit review timeline?
 - One individual said that permit review of 14 days is tough for GLIFWC to review all of them.