

APM Rule Economic Impact Analysis (EIA)

Technical Advisory Committee

August 26, 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.

Comments/Changes from Individual Members – EIA

EIA Packet Content:

- Consider adding costs for APM plan updates to the EIA.
- Add page numbers to final EIA packet.
- The overall planning cost estimate is too low. One committee member estimated lake planning costs to hire their company at \$16K. Estimate is still too low based on their company's own costs, and experience with lake groups and other companies.

Implementation:

- Discussions were focused on the numbers and practical implementation.
- One company applies for the acreage cap on mechanical harvesting permits for flexibility of management areas. Consider lowering the cap for diver assisted suction harvesting (DASH) projects. \$1,500 cap seems high for a DASH program.
- Staff spends time outside of APM (education, outreach, etc.), therefore the workload for a DASH plan would increase even further, not including the APM work.
- There may not be enough available lake management companies in the APM industry to take on development of 58 new APM plans. There could be cases where lake groups are unable to get new plans.
- Reimbursement of APM permit fees is an eligible expense in the surface water grant AIS established population control category. An increase in APM permit fees could take up more grant funding, which will lead to less funding of actual management.

Questions:

- Was there any further discussion on why the department requires permits for the use of herbicides in private ponds? Especially if DATCP certification for those applying the herbicides is not required?

- Private ponds are considered Waters of the State. The permit process allows a check to confirm the waterbody is indeed a private pond with no neighbors, no discharge and no public access. The permit review also checks for threatened and endangered species that may be nearby and protects important habitat. The permit process helps protect the public interest in water resources. To improve the repetitive nature of these permits, the draft rule improves processes by moving to five year permits and waiving permit requirements for small backyard ponds less than 0.5 acres.
- Why is the DNR staffing level considered the same over the 5-year analysis if the department anticipates a reduction in workload?
 - Workload for DNR staff is anticipated to likely increase in the first year or two after the rule goes into effect due to the need for staff assistance to advise on and review plans. The anticipated workload reductions in permitting review will allow staff to focus efforts on other aspects of the APM program such as conducting supervisions, records management, site visits, etc.
- Table 8 – A projected estimate of 698 permit waivers for private ponds <0.5 acres seems to be a high estimate. How was this calculated?
 - This estimate was taken by evaluating the acreage spread of previously permitted private ponds. The values for Year 1 projected permits and revenue were found by assuming a similar acreage breakdown as the 2024 permits and using a 5.89% increase for each acreage category, which is an average of percent increases in each permit category across 2020-2024.
- Will there be an increase in grant funding if there is an increase in plan updating and creation?
 - The amount of Surface Water Grant funds is set by the state legislature. Funding comes from the Water Resources Account of the Conservation Fund, drawing from boat gas tax revenues.
- Are public ponds now eligible to get grants? Therefore, are HOA ponds now available for AIS grant money?
 - The grant applicant/HOA would need to be an eligible organization to apply for surface water grants. The waterbody would also need to have an approved recommendation in an APM plan and adequate public access to be eligible for AIS established population control projects.
- What kind of work is included in the estimate of 9.4M APM in the beginning of the EIA packet?
 - This number was taken from the 2019 APM Strategic Analysis.

Comments/Changes from Individual Members – Rule Update

General Feedback:

- One individual stated that they were disappointed to see fewer changes made from the technical advisory committee feedback and felt that the public comments from lake groups were prioritized. Mentioned that the permit fee increases alone will cause opposition from lake groups and industry.
- Request for contested case hearing may allow the department to suspend the permit. Seems like this may be included to discourage these hearings.
- One committee member alleged there is still a general bias against chemical control as there is in current rule because mechanical harvesting permits can be for five years and chemical control

permits for waters larger than 10 acres are still annual. They said there are negative impacts associated with all management practices, but it seems that this rule revision is much more slanted against chemical management.

Definitions/Rule Language:

- Definition of aquatic plant used in rule is too broad, suggestion to use definition from s. 23.24
- Remove specification for 2x4" ad in public notice.
- Public information meeting - change from DNR "may" attend the meeting to "shall".
- "...anything else reasonably required" should not be a something for permit applications as it allows the DNR to potentially put applications on hold.
- One individual raised concerns about the specific 150' riparian zone under draft NR 107.06(3)(c). Suggested DNR revert the language back to original NR 107 which says, "adjacent riparian owners".
- Understands that the department desires flexibility when it comes to high value species, however there are concerns that the proposed definition may be too subjective and could potentially be used to deny a permit.

Fee Structure:

- Reiterated that their clients will not appreciate increasing fees in one lump as this may cause opposition. Increase program fees over time - consider a stepped increase in the rule.
- With regards to increasing the acreage cap - bigger lakes have larger expenses, there seems to be bias against these lakes.
- If the department is increasing fees dramatically, there should be refunds available. There may be cases where treatments honestly cannot occur.
 - Suggestion to keep base fee but refund acreage fee in no treatment scenarios.

Prohibitions:

- Prohibition against copper sulfate. Currently there is a 10 lb/acre prohibition, but products often do not report copper sulfate concentration. This prohibition does not make sense. There are also products that include copper sulfate mixtures- are these included?

Ponds:

- The inclusion of "common ownership" in private pond definition does not make sense as written.
- With regards to the public, private, shared ponds: Anything HOA managed is now not considered private but won't fit the definition of shared pond because the HOA is one owner. This will cause all HOA ponds to be unable to use dyes. Believes HOA ponds should be considered shared ponds. Additionally, there is the language of "HOA managed" not owned.
- Would prefer that all private pond chemical management must be performed by a DATCP certified applicator.
- Remove the 0.5 acre cap on the waiver; waive waterbodies regardless of size if the pond has an impermeable liner.
- Public ponds should not be required to have plans in any scenarios. The language "may" is being included for rare cases, so it should not be included at all.

Questions From Individuals

- Why would the department allow uneducated individuals to write APM plans? How does the department objectively determine who is qualified to write a plan?
 - Some groups currently write their own APM plan and can continue to do this under the proposed rule. Acknowledged that an aquatic plant point-intercept (PI) survey needs to be done by a qualified professional.
- One plan per body of water - does this mean one WDNR approved plan? What about other plans (county, tribal, federal, etc.) that may be applicable?
 - Current draft rule has a section on "Other plans" which acknowledges that these plans could also be applicable if they meet the requirements outlined in code.
- How would a new plan be handled on a timeline? Updating a plan would take time, which may reduce a 5 year plan to a 4 year. Without a clear process there could be permit delays.
 - Recommend that APM & Surface Water Grant (SWG) team work on a series of timelines for various scenarios that could be used to help lake groups navigate the process efficiently.
- Why are the names of applicators needed on the permit applications?
 - This is to certify that the applicators are certified by DATCP to apply pesticides to Waters of the State.
- Why is there a prohibition on dyes? Why does the department feel it has the authority to regulate dyes?
 - The department has the authority to regulate dye usage on Waters of the State. The department
- Are dyes considered pollutants?
 - Applying a product that alters the natural color of the water to an entire or major portion of rivers, lakes or streams does not comply with water quality standards in s. NR 102.04 (1)(c), Wis. Adm. Code, and is therefore most likely prohibited under the Wisconsin Pollutant Discharge Elimination System. This standard requires that "Materials producing color, odor, taste or unsightliness shall not be present in such amounts as to interfere with public rights in waters of the state."
 - Additionally, discharges of dye to an entire or major portion of a water of the state may not comply with the water quality standard in s. NR 102.04 (1)(d), Wis. Adm. Code, which provides that "substances in concentrations or combinations which are toxic or harmful to humans shall not be present in amounts found to be of public health significance, nor shall substances be present in amounts which are acutely harmful to animal, plant or aquatic life.
- Why are mechanical/manual permits excluded from ponds <10 ac. DATCP certification is also not required. Why are these ponds permitted at all in this case?
 - DATCP does not regulate who may mechanically harvest aquatic plants. Those regulations are only relevant to chemical control.
 - Mechanical/manual permits excluded from ponds <10 ac is a carry-over from current NR 109.
- Why are ponds not exempt from Sensitive Area designations?

- This is a carry-over from NR current 107.