Integrated Aquatic Plant Management – Draft Rule

Key Change – Wetlands

Under current NR 107 and NR 109, plans, permit forms and timelines are all geared towards lakes and ponds. This creates challenges for wetland practitioners conducting aquatic plant management in Wisconsin. The draft rule looks to create a separate process just for wetlands, to make things simpler.

What is a wetland?

In the IAPM program, if the area would pass the "wet sock test" at the time of control, it is a wetland.
Wetlands are areas where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation. Soils will be indicative of wet conditions as well[1].

If the area you are controlling is in an ephemeral wetland, and you will not be controlling during saturation times, a permit may be unnecessary. Check in with your regional APM staff to confirm your area passes this standard before you get started working.

When will I need a permit?

In the proposed IAPM program, the planning and permitting process are tied together. If a wetland control project is waived from the permitting process, then you would not need a plan either. Several new waivers for permits are incorporated into the draft rule.

You Will Need a Wetland Permit
For Mechanical or manual control of emergent vegetation on a privately owned wetland greater than 10 acres in size.
For mechanical or manual removal of emergent vegetation on a public wetland.[2]
For chemical control of any type of wetland vegetation with a spray device of any size, anywhere, when waters are not frozen.
When hand wicking native emergent vegetation.
For biological control of any wetland species other than Purple Loosestrife.

You Won't Need a Wetland Permit
Specific Locations and Plant Types Where a Permit isn't Needed for Mechanical/Manual Control
Woody vegetation on Lake Superior and Michigan's shorelines.3

[1] https://docs.legis.wisconsin.gov/document/statutes/23.32(1)
[2] Unless the activity is conducted by the DNR.
[3] If below, the ordinary high-water mark: https://docs.legis.wisconsin.gov/document/administrativecode/NR%20193.03(28)

Woody vegetation in palustrine wetlands.[4]
Woody or emergent vegetation on a privately owned wetland less than 10 acres in size.
Vegetation on an exposed inland lakebed within 30 feet buffer around riparian dock.
Specific Locations Where a Permit Isn't Needed for Any Type of Control
Any control of emergent vegetation on storm water management structures
Any control in a roadside right of way[5]
Control Technique Waivers For Specific Plant Types or Species
Burning of emergent vegetation
Biological control of Purple Loosestrife
Chemical control of emergent vegetation when waters of the state are frozen.
Cut stump[6] chemical applications to woody vegetation
Manual removal of NR 40 invasive species.
For hand wicking[7] of NR 40 invasive emergent vegetation

When will I need a plan for wetland control?

To receive a five year permit for wetland management, an approved Integrated Aquatic Plant Management Plan will be required. There are a few situations where immediate action may be needed, particularly to deal with a pioneering population of NR 40 prohibited species. In those cases, a plan requirement would be waived temporarily. However, in those situations an annual permit would be needed.

You Won't Need a Plan
If you are controlling a pioneering population of a NR 40 Prohibited Species
If your control is funded by an early detection and response (EDR) Surface Water Grant.
If you are operating under a DNR made Best Management Practice for your wetland.

What is a large-scale wetland control project?

Mechanical or chemical management is "large scale" when it affects a significant part of a wetland. Control in wetlands will be considered large scale if the control is on more than 5 acres of contiguous wetland.

Monitoring Requirements

The target and non-target plant population margins will be delineated before control. In the growing season of the year following control, the same survey would be conducted. This would be repeated for every year large scale control work

[4] If above, the ordinary high-water mark: https://docs.legis.wisconsin.gov/document/administrativecode/NR%20193.03(28)
[5] If the department determines non-target and adverse impacts of the control activity are minimal and acceptable on site and downstream.
[6] Provided that the chemical is painted directly onto the stump in a manner that does not result in pesticide overspray, harm the native aquatic plant community, or result in or encourage regrowth of other nonnative vegetation.
[7] "Hand wicking" means pouring or spraying a pesticide directly onto a wicking glove and applying the pesticide using only the thumb, fingers, and palm of the wicking glove directly to the target species.

is done. The DNR is still working with wetland field staff both in and outside the DNR to complete a protocol for this requirement.

What will the entire process look like?

Step 1 – determine if a plan and permit are required. If they are, follow below:

Planning

2 – Get the information gathered for an Integrated Aquatic Plant Management Plan (IAPMP).

3- Check in with the regional APM Coordinator to let them know a plan is in the works.

4 – Write the IAPM plan.

5 – Hold public comment period on the IAPM plan.

6 – Send the plan to the regional APM Coordinator for review.

DNR reviews the plan per NR 107 and approves the plan -

Permit Approval

7 – Submit a permit based on the approved plan to the DNR. If it is large scale control follow the guidelines above.

Fee for the Permit

Control Type	Permit Issued	Fee	Max Fee	Renewal Fee
Wetlands	Up to 5 years with plan	$75 base & $50 per acre of control	$2,500 (per yr.)	Half of Year 1 fee, not less than $75

New Permit Form

The DNR would like to make a form specific to wetland control, to make the permit process simpler.

The permit is posted on a DNR web page for 14-day public notice.

After this -

DNR reviews the permit and approves under repealed and revised NR 107 criteria and issues up to 5-year permit

Control Work Year 1

8 – Post 2, 8.5 by 11" control notification signs at all public access points. If doing chemical control, post water use restriction signs per the herbicide label after each control event as well.

9 – Report control efforts to the DNR. Control reports will summarize monthly efforts under the permit. So if your permit was approved in May, any control conducted that month would be submitted in one summary. If control was done again in September over a few days, another summary would be submitted.

If the control is large scale, a post control survey would be conducted the growing season following control and submitted to the DNR within 30 days.

Years 2-5

10 - Once a year, 14 days before control will occur for the first time that year, submit a renewal request to the DNR. Renewals will include an application fee half of the cost of the original application fee.

The permit is posted on a DNR web page for 14-day public notice.

11 – Repeat steps 8 and 9 from above.

After the permit and plan have run their five-year course, it's time to review the management strategy over the entire five years. This five-year management summary and updated plant survey data would be sent to the regional APM coordinator. The coordinator will review the data to see if the existing plan is still meeting goals and minimizing nontarget impacts. If the APM coordinator agrees, a plan may be extended for an additional five years without undergoing the entire planning process.

At that point, another permit would be submitted to the DNR. And another five years of work would commence. At the ten-year mark, the planning process would need to be repeated in its entirety.