

Integrated Aquatic Plant Management – Draft Rule

Key Change 5

Reduce requirements for waterbodies under 10 acres (i.e. ponds).

The variety and number of ponds across the state is growing every year due to urban development. The current definition for private ponds has become increasingly difficult to apply to all types of small waterbodies in the state. The most common challenge is with ponds owned in common with multiple homeowners or a homeowner's association where the lines between public and private can be blurred. The proposed rule creates three distinct categories to focus public oversight where there is public interest. Also, where there is a need to protect sensitive, threatened, and endangered species, many of which thrive in small waterbodies.

What are the definitions?

Current rule –

A private pond – 1 - is on the land of one owner, 2 - there is no surface water connection to other surface waters and 3 - there is no public access. There is no minimum size specified for a pond in current rule.

Proposed rule –

Privately Accessible Pond – A water 10 acres or less that, 1- is on the land of one owner 2 - there is no surface water connection to other surface waters and 3 - there is no public access. This is the same as current rule, but with an added acreage threshold.

Shared Pond – A water 10 acres or less that is on land owned by multiple persons and 1 - there is no surface water connection to other surface waters and 2 - there is no public access to anyone but a landowner.

Public Pond – A water 10 acres or less on land owned by one or more persons and has at least one of the following, 1 - a surface water connection to other waters or 2 - public access.

How are the requirements changing for ponds?

Current rule – Private ponds are limited to an annual permit. They are exempt from large scale application requirements, public notification and posting requirements.

Proposed rule – After the first permitting year, waterbodies under 10 acres will be issued a 5-year permit. During the first year of rule implementation, pond permits will be phased in on a staggered lottery system. Initially, an even split of

ponds will be issued for 1 year, 2 years, 3 years, and 4 years. This will be done to set a roughly even number of pond permits each year over time. After the first year each pond permit will be good for 5 years.

All waterbodies under 10 acres will be exempt from the planning process and from monitoring requirements. All ponds are eligible for a five-year permit and short form application with fewer requirements. Beyond that:

Privately accessible Ponds – Are exempt from public notification, riparian owner notification, and public access posting.

Shared Ponds – Are exempt from public notification and public access posting. Shared pond applicants will notify all riparian owners around the waterbody of their intent to get a permit.

Public Ponds – Require all riparian owners around the waterbody be notified of the intent to get a permit. Their applications will be posted on the DNR web page for public notification. This notification will repeat each year the permit is issued. If there is public access on the waterbody, public notification signage will be posted at each public access point.