STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis	2. Date
☒ Original ☐ Updated ☐ Corrected	DRAFT 12/05/2025

3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)

NR 107 – Aquatic Plant Management
NR 109 – Aquatic Plants: Introduction, Manual Removal and Mechanical Control Regulations
NR 193 – Surface Water Grant Program
(CR # will be added when available)

4. Subject

Aquatic plant management, manual removal and mechanical control regulations, aquatic habitat protection, and surface water grants. WY-20-23

5. Fund Sources Affected	6. Chapter 20, Stats. Appropriations Affected
☐ GPR ☐ FED ☒ PRO ☐ PRS ☐ SEG ☐ SEG-S	42900

7. Fiscal Effect of Implementing the Rule

☐ No Fiscal Effect ☒ Increase Existing Revenues ☐ Increase Costs ☐ Decrease Costs
☐ Indeterminate ☐ Decrease Existing Revenues ☐ Could Absorb Within Agency's Budget

8. The Rule Will Impact the Following (Check All That Apply)

☐ State's Economy ☒ Specific Businesses/Sectors
☒ Local Government Units ☐ Public Utility Rate Payers
☒ Small Businesses **(if checked, complete Attachment A)**

9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).

$ 4,019,628 within the first five years of rule implementation.

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be $10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?

☐ Yes ☒ No

11. Policy Problem Addressed by the Rule

The objective of the proposed rule is to bring the policies of the state's aquatic plant management (APM) program into alignment with current state and federal law, apply uniform standards to all APM activities, and raise current program fees that are insufficient for program operations.

The current program processes and requirements are based on outdated administrative rules that do not incorporate the emergence and role of the internet, modern technologies, and changes in urban development. This creates inefficiencies in the program process and policy implementation that affect all stakeholders.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The activities regulated under ch. NR 107, Wis. Adm. Code, are voluntary activities. However, many entities will be affected by the proposed rule, including private professional service contractors and consultants, individual riparian landowners, lake organizations, including lake districts and associations, local governments, and other stakeholders seeking to control aquatic plants in state waters. The department established two advisory groups to comment and suggest changes to the preliminary draft of NR 107 and the draft Economic Impact Analysis prior to the public comment periods. These Advisory groups include representatives from the APM industry, Wisconsin Manufacturers and Commerce, the Great Lakes Indian Fish and Wildlife Commission, county government, lake districts and associations, and private citizens. The rule proposals were presented for feedback at two conferences, five public meetings, and four Advisory Committee meetings between January and August 2025. Those comments were considered while preparing a first draft of the EIA and Board Order for public comment. Other entities that may have an interest in this rule, including Wisconsin Lakes, Wisconsin Wetland Association, Midwest Aquatic Plant Management Society, and The Nature

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Conservancy, will also be contacted during the EIA solicitation period for comments.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.

The department prepared the EIA with input collected through public meetings and Advisory Committee meetings from lake associations, lake districts and local government units/counties that are likely to be affected by the proposed rule. Based on the last five years of permit data, these entities are the primary organizations and local units of government that have sought APM permits.

There are currently 240 lake districts in Wisconsin. The department will solicit information from these groups again through Wisconsin Lakes and via GovDelivery during the economic solicitation period for the draft EIA.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The aquatic plant management program is a voluntary program. Local lake districts, associations and private landowners may choose whether to seek aquatic plant control permits. The last five years of permit data show that the majority of aquatic plant control activities are conducted by these entities.

The types, number, and acreages of permits vary on an annual basis. The costs estimated below are based on the department's experience with lake associations and districts, as well as wetland practitioners. Entities that receive an APM permit may also be required to develop an APM plan if the activities they're requesting meet certain conditions. To estimate the gross cost of rule implementation, the department used historical permit data, cost analysis from the Surface Water Grant program, standard hourly rates for administrative work, and cost estimates provided by entities and individuals during the EIA solicitation period.

In the *Strategic Analysis of Aquatic Plant Management in Wisconsin* (Wisconsin DNR 2019), the department estimated that $9.4 million is spent each year on APM in Wisconsin. Of that, approximately half is spent by lake associations and districts, non-governmental organizations, and municipalities. The remainder is spent by the department through grants and land management.

The Surface Water Grant program provides 66% cost-sharing for the development of aquatic plant and aquatic invasive species (AIS) management plans. AIS population management grants are also available to control aquatic invasive plants. APM permit fees are a reimbursable expense for an applicant who has also received a surface water grant for implementation. From 2016-2020, the annual state appropriation was nearly $4 million for AIS projects. Within that $4 million, over $1 million was allocated to AIS planning, and $1 million was allocated for control of AIS each year.

Impacts on Businesses

In 2024, 82 businesses provided aquatic plant management services in Wisconsin. The cost of compliance with the proposed ch. NR 107, Wis. Adm. Code, is not directly placed on these businesses. The department expects a neutral to net positive gain for business as a result of the proposed rule.

Impacts on Local Governmental Units and Public Entities

Planning

To determine how many plans may be required under the new rule, the department created a list of waterbodies in Table

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1, excluding private ponds and wetlands, that received an APM permit in the last five years. 704 waterbodies (lakes) received a permit within the last 5 years. The number of waterbodies is not reflective of all permits; for example, if a chain of lakes has one management plan but multiple permits, the waterbody was only counted once.

The wetland permits in Table 2 were pulled from permits received in 2024, which was the first year a designated form was created for this type of wetland work. 237 wetlands received permits in 2024.

For this analysis, department APM staff were asked if they may consider requiring a plan for a specific waterbody under the new rule as a "yes/no" under the standards listed in draft ch. NR 107, Wis. Adm. Code.

Lakes

Table 1 – Lake plan projections

Current Status of Plans	**Totals**
Waterbodies with Active Plans	262
Waterbodies May Require Plan New Rule	*320
Total New Plans at Rule Implementation	**58**

* Note: 13% of the responses to the question, "If there is not an active plan now, are you likely to require a plan under the new rule?" stated that they may not require a plan in all situations. For the purposes of this analysis, all of these answers were counted as "yes." However, if all of those waterbodies only conducted certain activities, the number of waterbodies that may require a new plan under the proposed rule would decrease to 277.

Wetlands

There are very few wetland permits with active APM plans required by the APM program. However, most DOT, DNR and other county work operates under a management plan created specifically for those programs. For the purposes of this analysis, those plans were counted. The APM Program will consider other management plans as meeting the requirements of ch. NR 107 in most instances, and will not require an additional plan under the APM program. There were several permitted wetlands where the department assumed a management plan did not exist. For the purposes of this analysis, the department assumed all those wetlands would need an APM plan.

Table 2 – Wetland plan projections

Current Status of Plans	**Totals**
Wetlands with Active Plans	117
Wetlands May Require APM Plan New Rule	23
Total New Plans at Rule Implementation	**23**

For those waterbodies which may be required to incorporate a new plan, the estimated cost is shown in Table 3.

In Table 3, the cost of a single plan was developed by taking the cost range of monitoring, data analysis, plan writing and public notice and totaling them. The cost range of specific planning components was first calculated in 2021 and updated in 2022 based on public comment. Those 2022 cost estimates were put through the Bureau of Labor Statistics' CPI Inflation calculator to reflect inflation over the last three years, then an additional 2 percent was added on based on

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comments from the advisory committees.

The median monitoring cost for wetlands was estimated using standard hourly rates for two field staff to conduct a wetland meander survey over 1.5 days - the average duration reported by wetland practitioners for completing such a survey.

The median monitoring cost for lakes was estimated using Surface Water Grant and permit data to determine that lakes receiving APM permits in Wisconsin average about 211 acres in size. A base fee was applied to cover general monitoring costs, followed by an additional cost per point-intercept (PI) sampling point, calculated based on littoral acreage. Data analysis and plan development costs were estimated assuming approximately half a day of one person's time for data analysis and approximately 3.5 to 4 weeks of one person's time for writing and preparing the management plan.

Some stakeholders claim that management plan development can cost much more than the cost reported in Table 3. However, the department is confident that the minimum regulatory requirements outlined in the draft ch. NR 107 rule are met within the cost range listed above for the average waterbody in the state. The department does not dictate whether a lake group chooses to pay for more goods and services in the planning process than the minimum requirements. Additional goods and services may include things like extra monitoring, multiple public meetings, data analysis beyond in lake conditions, etc. Lake groups may also choose to conduct data collection, data analysis and plan writing activities themselves without assistance. The department has made many aquatic plant analysis and data trend tools available on department webpages, which can be used to help develop management plans. Any associated plant monitoring needs to be conducted by a professional with aquatic plant identification training to ensure accurate information.

Table 3 – Cost estimate of a single plan for the average Wisconsin waterbody by acreage, meeting minimum requirements of ch. NR 107.

Planning Costs	Monitoring	Data Analysis	Plan Writing	Notification	Low-Cost Range	High-Cost Range
Lake Plans	$4,668	$0-266	$0-$6,115	$66 newspaper ad, $53 administrative costs	$4,787	$11,168
Wetland Plans	$1,734	$0-266	$0-$6,115	$66 newspaper ad, $53 administrative costs	$1,853	$8,234

Table 4 outlines the cost range of plan updates. In addition to the new plans required under the draft rule, existing plans will likely need to be updated within the first five years of rule implementation. The cost of completing a plan update under the proposed rule is expected to be lower than that of developing an initial plan for a waterbody. This is because plan updates require less effort, as most of the information contained in the original plan remains unchanged.

Table 4 – Cost range of a lake plan update

Planning Costs	Monitoring	Data Analysis	Plan Writing	Notification	Low-Cost Range	High-Cost Range
Lake Plans	$4,668	$0-266	$0-350	$66 newspaper ad, $53 administrative costs	$4,787	$5,403

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In Table 4, the same cost estimates for monitoring, data analysis and notification were applied as those used for developing a new plan. The cost of plan writing was estimated based on up to one day of a professional's time to update the plan language.

Table 5 – Average cost of plans over the first five years of rule implementation.

Plan Costs	Approximate Number of Plans	Individual Plan Cost - Low	Individual Plan Cost - High	Low-Cost	High-Cost
New Lake Plans	58	$4,787	$11,168	$277,646	$647,744
Lake Plan Updates	262	$4,787	$5,403	$1,254,194	$1,415,691
New Wetland Plans	23	$1,853	$8,234	$42,619	$189,382
Total Cost Range First Five Years of Implementation				$1,574,459	$2,252,817
Average Cost First Five Years of Implementation				$1,913,638	

The low- and high-cost ranges were calculated by multiplying the estimated number of plans expected to be required during the first 5 years of rule implementation by the individual plan cost. These totals were then averaged to represent the potential range of overall plan costs.

Fees

The proposed fee structure is established to cover approximately 100% of program costs.

Table 6 – Proposed fee structure to fund program operations

Permit Category	Year 1	Years 2-5
Chemical Control:	$400 for 5 years	$0 (unless amendments are requested)
Waters < 10 acres (Private, Shared, Public Ponds)		
Chemical Control:	$75 base plus $50/acre rounded up	$75 base plus $50/acre rounded up
Waters > 10 acres (Lakes, Rivers, Streams, Wetlands)	($7,500 cap)	($7,500 cap)
Mechanical Control – Annual Permit	$75 base plus $50/acre rounded up	$75 base plus $50/acre rounded up
	($1,500 cap)	$1,500 cap)
Mechanical Control – 5-Year Permit	$75 base plus $50/acre rounded up	One-half Year 1 fee but not < $75
	($1,500 cap)	
Mosquito Control	$75 base	$75 base
Amendments	$50/request up to 3 requests for 5-year Private/Shared Pond permits	

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Table 7 – Projected revenues generated by updated fee structure

Permit Type	Projected # of Permits in Year 1	Proposed Rule – Projected Revenue Year 1	Proposed Rule – Projected Revenue Years 2 – 5 (Sum)
Chemical Control: Waters < 10 acres	1168	$469,675	$125,500
Chemical Control: Waters > 10 acres	596	$352,275	$1,459,225
Mechanical Control – Annual Permit	128	$63,400	$257,600
Mechanical Control – 5-Year Permit	108	$50,538	$202,900
Mosquito Control	4	$300	$1,200
Total	2004	$936,188	$2,046,425

* The cost estimates in Table 7 were developed by starting with 2024 active permit data, estimating a predicted increase in permit numbers from 2024-2029 and calculating the new fee totals for each permit type. The values for Year 1 projected permits and revenue were calculated 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 the percent increases in each permit category across 2020-2024. Each value for Years 2 – 5 projected revenue assumed a continued 5.89% increase each year and is a sum of those 4 years.

Subsequent years may not have the same increase in permits or the same acreage distributions, which would impact the total revenue. Refunds and amendments were not included since they are highly variable and difficult to predict, especially given that amendments are not allowed under the current rule. Some exemptions from 2024 and some waivers applicable in the new rule may not be fully captured with the estimation above.

Table 8 shows the total fee revenue change proposed. If the fee structure stayed the same as is in current NR 107 and 109, using the projected permit numbers, the total fee revenue for the first five years would be $876,623. The total revenue change was calculated by subtracting the total fee revenues under the proposed fee structure from the existing fee structure.

Table 8 – Summary of Fee revenue change over the first five years of rule implementation.

***5 Years of Fee Revenue under Proposed Fee Structure**	$2,982,613
***5 Years of Fee Revenue Under the Existing Fee Structure (107 and 109)**	$876,623
Total Fee Revenue Change Over the First Five Years	$2,105,990

Fiscal Impact and Impact on State Economy

In 1989, when the chemical permit fee structure was set, $1 had the purchasing power of $2.56 today. Put another way, a dollar in 2025 only buys about 39% of what it could in 1989. The mechanical harvesting fee structure was last set in

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2003.

In addition, the number of permits continues to increase and the cost to administer the program is increasing at or above the rate of inflation. At the same time the Department is receiving a smaller share of general revenue from the state relative to growing program expenses. As of 2024, permit fees only cover 25-26% of program costs, with the remaining portions subsidized by tax revenue from the state's general fund.

Table 9 – Summary of program revenue, program costs, and the percentage of those costs that were covered by permit fees over the past five years.

Year	Program Revenue	Program Costs	% Covered by Fees
2020	$153,235.00	$582,720.26	26%
2021	$162,351.00	$608,045.36	27%
2022	$178,150.00	$631,468.69	28%
2023	$186,805.00	$681,736.00	27%
2024	$196,082.00	$765,141.75	26%

Permit revenue for fiscal years 2022, 2023, and 2024 averaged approximately $187,000 per year. The permit revenue for fiscal year 2024 was $196,082 and will be used as a baseline for this analysis. These revenues (appropriation 42900) are used to fund two full-time but limited term employees (LTEs) to staff central office permit intake and four LTEs to process permits in field offices under the oversight of a biologist and supervisor. Hours charged by the biologists and supervisors (full-time employees, FTE) or other LTEs are charged to other appropriations, including Lake SEG (Water Resources Account), GPR or federal Clean Water Act S. 106 funds.

Total expenditures for staff and related expenses for administering the APM program amounted to $681,736 in Fiscal Year 2023 and $765,141 in Fiscal Year 2024. These figures do not account for time staff might have spent on education and outreach about aquatic plants and invasive species. There can be a broad range in the duration of staff time and effort spent on reviewing individual permits and plans, depending on the complexity and scale of the proposed management activity, as well as specific waterbody characteristics.

Using Fiscal Year 2024, subtracting permit fee revenue from costs shows that APM permitting is "subsidized" by about $569,059 a year ($765,141.75 - $196,082.00). Put another way, permit fees currently only cover about 26% of the program costs.

The higher fees proposed in the rule are estimated to generate an additional $2,105,990 over the first five years. The proposed fee structure is set up to cover current program costs and maintain current staffing levels.

Workload would likely increase in the first year or two due to the increase in assistance needed to advise on and review plans. After an initial wave of planning, workload should taper off into a more predictable rhythm. After that, other administrative efficiencies in the rule should offset any workload increases over the long term.

The department does not anticipate impacts to the state economy as a result of the proposed rule change.

Cost Reductions in Rule

The rule proposes any waterbody less than 0.5 acres in size, which are synthetically lined, artificial waterbodies with no

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connection to other waters, should be exempt from the permitting process. This primarily impacts small backyard ponds. The department does not collect permit data on whether a waterbody is lined or not. Therefore, an exact estimate of the number of waterbodies removed from permit requirements is not possible. However, 659 past permitted waterbodies are less than 0.5 acres in size, with no discharge or a discharge which can be controlled. As a result, the permit fees and administrative costs to submit a permit will no longer be compliance costs for up to 659 waterbodies. The maximum reduction in Table 10 was calculated by estimating the total five-year permit fees, plus the 5 years of administrative costs (5 hours of administrative time), multiplied by the maximum number of ponds that may be waived from permitting.

Table 10 – Projected cost reductions from private pond waiver.

Maximum Number of Ponds Waived From Permitting (in total)	Permit Fee	Reduced Administrative Costs Over 5 Years (1 hour per year)	Maximum Reduction Over 5 Years
Up to 659	$400	$115.90	$339,978

The rule proposes moving all waters less than 10 acres (excluding wetlands) from an annual to a 5-year permit. This will lead to reductions in administrative costs to apply for permits.

Table 11 – Projected administrative cost reductions shifting from an annual to a 5-year pond permit for waterbodies less than 10 acres in size.

	Number of Permits	Reduced Administrative Costs Over 4* Years (1 hour per year)	Reduction Over 5 years
Chemical Control for Waters Under 10 acres	1,168	$92.72	$108,297

*Note: The administrative costs to apply for the permit in year 1 will remain the same as previously.

Summary of the Proposed Rule's Economic and Fiscal Impact

In Table 12, the summary costs of this EIA can be found by using the total sums in Tables 5 and 8, planning costs and fee revenue, to calculate the total expenditures in the first 5 years of rule implementation.

Table 12 – Projected estimation of the total cost of implementation and compliance over the first five years of the proposed rule

	Implementation Costs
Planning	$1,913,638
Fee Revenue	$2,105,990
Estimated Total Costs Over the First Five Years	**$4,019,628**

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The new rule will streamline the permitting process by eliminating redundancies. The use of electronic filing and notices will be incorporated to further enhance efficiencies for the applicant, industry and the department. It will address concerns from citizen, industry, academia, and other governmental units regarding program consistency, environmental protection, and small waterbody regulations. The recreated rule will update citations, references, and notes to appropriate statutes and administrative codes and include other housekeeping changes.

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The new rule fee structure will make the APM program self-sufficient. General taxpayer revenue may no longer be needed to fund program expenses.

The new rule will reduce administrative costs for mechanical harvesting operations and all waterbodies under 10 acres for permit applicants and the department. Waivers for small backyard ponds will eliminate regulatory costs for a subset of currently regulated waterbodies, which will also reduce department administrative costs.

Alternatively, if updates to the aquatic plant management rules are not made, customers and the commercial applicator industry will continue to be frustrated by adherence to outdated methods of public notification and annual permitting for over a thousand private ponds. Small backyard pond owners will continue to be regulated for all of their control activities. The department will continue to operate the growing APM program with insufficient permit revenue.

16. Long Range Implications of Implementing the Rule

The long-range implications will be the same as the short-range implications of this rule.

17. Compare With Approaches Being Used by Federal Government

Not applicable. The federal government does not regulate the management of aquatic plants.

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Michigan

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) issues permits for aquatic plant management (APM) using pesticides. Special permit conditions are implemented when chemical treatment may negatively impact threatened or endangered species or result in a public health hazard. Permit application fees vary between $75 to $1,500 depending on the acreage proposed for treatment. Michigan EGLE staff may limit the size of treatments for native control projects. A permit is generally not required for mechanical harvesting or manual cutting. Other physical APM activities such as hand-pulling, diver assisted suction harvesting, benthic mats, weed rollers, and dredging require a permit from Michigan EGLE.

Applicants may also choose to apply for a Certificate of Coverage (COC) under a General Permit (GP) in place of an individual or standard permit for chemical control. Aquatic nuisance control activities covered under a COC must be determined by EGLE to not negatively impact human health and have no more than minimal short-term adverse impact on the natural resources or environment. The GPs for ponds and Great Lakes canals and marinas in Michigan have pre-qualified waterbody lists.

Permits for chemical control typically require the permittee to notify waterfront owners within 100 feet of the area of impact 7 to 45 days before the initial treatment of the season. The notification must be in writing and must include permittee contact information, the list of pesticides and corresponding water use restrictions, and approximate treatment dates. Signs must be posed the day of treatment along the shoreline of treatment areas.

Whole lake chemical treatment must have a Lake Management plan (LMP). The LMP must include the physical and biological characteristics of the waterbody, management goals, history of waterbody management, water quality information, vegetation management plan, description of nuisance conditions, and planned monitoring and evaluation.

Minnesota

Minnesota DNR requires an Invasive Aquatic Plant Management (IAPM) permit for the management of invasive plants that involves either mechanical removal of plants or application of herbicides to public waters. In order to receive an

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IAPM permit, target invasive aquatic plants must be found in the proposed treatment area and the treatment method must be selective for the target plants. Additionally, the treatment must minimize potential negative impacts to aquatic habitat and water quality. A permit must also include a justification such as providing riparian access, enhancing recreational use, controlling invasive aquatic plants, managing water levels, or protecting habitat.

A permit is also required for APM activities below the ordinary high-water mark. This includes mechanical and pesticide control of nuisance aquatic plants, transplanting aquatic plants into public waters, relocating or removing bogs, and installing or operating an automatic aquatic plant control device. Permits may be issued to property owners, lake organizations, or local governments. Herbicide control cannot exceed 15% of the littoral area. Mechanical control (or a combination of mechanical and herbicide) cannot exceed 50% of the littoral area. However, a variance can be filed to allow a larger percentage of littoral area to be controlled.

A map of the treatment site and the signatures of affected landowners are required for chemical control permits. Prior to permit issuance, a DNR field inspection is required (but may be waived by the local invasive species specialist). Delineation surveys should be conducted on a seasonal basis for permitted activities. Permit conditions may include limits on the amount of control, restrictions on the methods and timing of control, restrictions on the target species, requirements for supervision of the control, and public notification requirements.

Illinois
Illinois DNR requires any person, company, or organization that wishes to conduct aquatic plant control (chemical or non-chemical) in the Fox Chain O'Lakes to obtain a Letter of Permission (LOP). To obtain an LOP, a completed application and map of treatment area is needed. Individual property owners with a titled portion to the bottom of the waterbody do not need an LOP if they plan to treat 0.25 acres or less. An LOP is not needed for waterbodies outside the Fox Chain O'Lakes.

For waterbodies outside of the Fox Chain O'Lakes, herbicides may be applied by property owners that own a portion of the lake bottom. Property owners must also ensure herbicides do not affect neighboring portions. For a whole lake treatment, permission of all lake-bottom owners is required. Property owners may apply their own herbicide if it is categorized as a General Use pesticide. Restricted Use pesticides must be applied by a person with a pesticide license.

Illinois EPA has a National Pollutant Discharge Elimination System (NPDES) general permit for pesticides that are applied to, over, or near Illinois waters. Private water owners with waters that discharge to waters of the state are covered under this permit. To be covered under the general permit, private water owners must submit a Notice of Intent (NOI) 14 days prior to pesticide application. There is an annual threshold level of 80 acres. If the annual threshold is exceeded, a Pesticide Discharge Management Plan is required in addition to the NOI. As part of the NOI, the pond owner must contact the Illinois DNR to check for threatened and endangered species in the treatment area. If the waterbody is an artificial impoundment less than 10 acres, it is exempt from the threatened and endangered species consultation. Private waterbodies that do not discharge to state waters do not need an NPDES permit for chemical treatment of aquatic plants.

Iowa
Iowa DNR requires permits for the introduction and removal of aquatic plants in public waters. These permits may be issued for one to five years. For physical removal permits, plants must be removed by hand-cutting, hand-pulling, hand-raking, or mechanical cutting only. Plants should only be removed to establish a travel lane and all removed plant material must be left in place or collected and composted on the same land owned or used by the permittee.

Permits are also required for cities and counties to use chemical control of aquatic vegetation in water intake structures. For all public waters and some private waters, a permit is required for chemical control of aquatic plants. For chemical

control permits, the permittee must have written permission of impacted littoral and riparian landowners. For class C waters, permittees must submit an "Aquatic Pesticide Application to Prohibited Waters" permit application about one month prior to treatment. For Outstanding Iowa Waters (OIW), permittees must apply for an individual NPDES permit. There is no application form, so permittees must send a letter indicating their intent to apply. If a lake is not a class C or OIW, herbicide can be applied by a certified applicator without a specific permit under a general permit. For all lakes regardless of classification, records must be kept, and best management practices followed.

A dock owner may remove aquatic vegetation without a permit if the aquatic vegetation creates a hazardous or detrimental condition in the boating area around the dock or covers a minimum of 75% of the boating area around the dock. A dock permittee is limited to the removal of vegetation in a 20-foot radius around the dock, removal of a hazardous condition, or creation of a 15-foot-wide boating pathway. The removal method is limited to hand-cutting, hand-pulling, hand-raking or mechanical cutting devices, excluding automated plant control devices that disturb the bottom substrate.

19. Contact Name	20. Contact Phone Number
Madi Johansen	608-712-2798

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ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule is not expected to entail costs for small businesses, but rather should result in a small positive benefit to small business impacted by the rule. The costs of the program are passed along to the permit applicants directly, which are not businesses. The proposed planning structure is likely to increase opportunities for business growth in the state by a modest amount.

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The department reviewed a list of known private service consultants and contractors for aquatic plant management activities in the state and estimated the number that were likely to meet the definition of a small business, based on staff knowledge of the businesses. The department used a list of all permits from 2024 to determine how many permits individual businesses submit as agents of the permit applicant.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

☒ Less Stringent Compliance or Reporting Requirements
☒ Less Stringent Schedules or Deadlines for Compliance or Reporting
☒ Consolidation or Simplification of Reporting Requirements
☐ Establishment of performance standards in lieu of Design or Operational Standards
☒ Exemption of Small Businesses from some or all requirements
☐ Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The proposed rule reduces the compliance requirements for small businesses which limits increased costs to lake associations and pond/wetland owners by incorporating less stringent compliance or reporting requirements, less stringent schedules or deadlines for compliance or reporting, and consolidation or simplification of reporting requirements in multiple ways.

- There will be fewer permitting and reporting requirements:
  - Backyard waterbodies less than 0.5 acres in size that have a functional liner and are artificial with no hydrologic connections, will be waived from permitting.
  - Waterbodies less than 10 acres, approximately 1,150 permits, will move from an annual permit to a five-year permit and will have reduced permit form requirements.
  - There will be fewer permitting requirements for mechanical management:
    - The duration of mechanical management permits for ponds less than 10 acres will be extended from a 3-5 year permit, with a plan, to a five-year permit with an approved plan.
- There will be more options for compliance in several areas.
  - For waterbodies requiring public notification, there will several options to reduce administrative and financial costs to applicants and/or their agents.
  - For five-year permits, permit amendment options will be incorporated in some instances after the permit has been approved.

5. Describe the Rule's Enforcement Provisions

The department follows the enforcement procedures in ss. 23.24 (6), 23.50, and 281.98, Stats.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)
☐ Yes ☒ No