

APPENDIX A

AQUATIC PLANT MANAGEMENT STRATEGY

Northern Region WDNR

ISSUES

- Protect desirable native aquatic plants.
- Reduce the risk that invasive species replace desirable native aquatic plants.
- Promote “whole lake” management plans
- Limit the number of permits to control native aquatic plants.

BACKGROUND

As a general rule, the Northern Region has historically taken a protective approach to allow removal of native aquatic plants by harvesting or by chemical herbicide treatment. This approach has prevented lakes in the Northern Wisconsin from large-scale loss of native aquatic plants that represent naturally occurring high quality vegetation. Naturally occurring native plants provide a *diversity of habitat* that *helps maintain water quality*, helps *sustain the fishing* quality known for Northern Wisconsin, supports common lakeshore wildlife from loons to frogs, and helps to provide the *aesthetics* that collectively create the “up-north” appeal of the Northwoods lake resources.

In Northern Wisconsin lakes, an inventory of aquatic plants may often find 30 different species or more, whereas a similar survey of a Southern Wisconsin lake may often discover less than half that many species. Historically, similar species diversity was present in Southern Wisconsin, but has been lost gradually over time from stresses brought on by cultural land use changes (such as increased development, and intensive agriculture). Another point to note is that while there may be a greater variety of aquatic vegetation in Northern Wisconsin lakes, the vegetation itself is often *less dense*. This is because northern lakes have not suffered as greatly from nutrients and runoff as have many waters in Southern Wisconsin.

The newest threat to native plants in Northern Wisconsin is from invasive species of aquatic plants. The most common include Eurasian Water Milfoil (EWM) and Curly Leaf Pondweed (CLP). These species are described as *opportunistic invaders*. This means that these “invaders” benefit where an opening occurs from removal of plants, and without competition from other plants may successfully become established in a lake. Removal of native vegetation not only diminishes the natural qualities of a lake; it *may increase the risk that an invasive species can successfully invade onto the site where native plants have been removed*. There it may more easily establish itself without the native plants to compete against. This concept is easily observed on land where bared soil is quickly taken over by replacement species (often weeds) that crowd in and establish themselves as new occupants of the site. While not a providing a certain guarantee against invasive plants, protecting and allowing the native plants to remain may reduce the success of an invasive species becoming established on a lake. Once established, the invasive species cause far more inconvenience for all lake users, riparian and others included; can change many of the natural features of a lake; and often lead to *expensive annual control plans*.

Native vegetation may cause localized concerns to some users, but as a natural feature of lakes, they generally do not cause harm.

To the extent we can maintain the normal growth of native vegetation, Northern Wisconsin lakes can continue to offer the water resource appeal and benefits they've historically provided. A regional position on removal of aquatic plants that carefully recognizes how native aquatic plants benefit lakes in Northern Region can help prevent a gradual decline in the overall quality and recreational benefits that make these lakes attractive to people and still provide abundant fish, wildlife, and Northwoods appeal.

GOALS OF STRATEGY:

1. Preserve native species diversity which, in turn, fosters natural habitat for fish and other aquatic species, from frogs to birds.
2. Prevent openings for invasive species to become established in the absence of the native species.
3. Concentrate on a "whole-lake approach" for control of aquatic plants, thereby fostering systematic documentation of conditions and specific targeting of invasive species as they exist.
4. Prohibit removal of wild rice. WDNR – Northern Region will not issue permits to remove wild rice unless a request is subjected to the full consultation process via the Voigt Tribal Task Force. We intend to discourage applications for removal of this ecologically and culturally important native plant.
5. To be consistent with our WDNR Water Division Goals (work reduction/disinvestment), established in 2005, to "not issue permits for chemical or large-scale mechanical control of native aquatic plants – develop general permits as appropriate or inform applicants of exempted activities." This process is similar to work done in other WDNR Regions, although not formalized as such.

BASIS OF STRATEGY IN STATE STATUTE AND ADMINISTRATIVE CODE

State Statute 23.24 (2)(c) states:

"The requirements promulgated under par. (a) 4. may specify any of the following:

1. The **quantity** of aquatic plants that may be managed under an aquatic plant management permit.
2. The **species** of aquatic plants that may be managed under an aquatic plant management permit.
3. The **areas** in which aquatic plants may be managed under an aquatic plant management permit.
4. The **methods** that may be used to manage aquatic plants under an aquatic plant management permit.
5. The **times** during which aquatic plants may be managed under an aquatic plant management permit.
6. The **allowable methods** for disposing or using aquatic plants that are removed or controlled under an aquatic plant management permit.
7. The requirements for plans that the department may require under sub. (3) (b).

State Statute 23.24(3)(b) states:

"The department may require that an application for an aquatic plant management permit contain a plan for the department's approval as to how the aquatic plants will be introduced, removed, or controlled."

Wisconsin Administrative Code NR 109.04(3)(a) states:

“The department may require that an application for an aquatic plant management permit contain an aquatic plant management plan that describes how the aquatic plants will be introduced, controlled, removed or disposed. Requirements for an aquatic plant management plan shall be made in writing stating the reason for the plan requirement. In deciding whether to require a plan, the department shall consider the potential for effects on protection and development of diverse and stable communities of native aquatic plants, for conflict with goals of other written ecological or lake management plans, for cumulative impacts and effect on the ecological values in the body of water, and the long- term sustainability of beneficial water use activities.”

APPROACH

1. After January 1, 2009* no individual permits for control of native aquatic plants will be issued. Treatment of native species may be allowed under the auspices of an approved lake management plan, and only if the plan clearly documents “impairment of navigation” and/or “nuisance conditions”. Until January 1, 2009, individual permits will be issued to previous permit holders, only with adequate documentation of “impairment of navigation” and/or “nuisance conditions”. No new individual permits will be issued during the interim.
2. Control of aquatic plants (if allowed) in documented sensitive areas will follow the conditions specified in the report.
3. Invasive species must be controlled under an approved lake management plan, with two exceptions (these exceptions are designed to allow sufficient time for lake associations to form and subsequently submit an approved lake management plan):
 - a. Newly-discovered infestations. If found on a lake with an approved lake management plan, the invasive species can be controlled via an amendment to the approved plan. If found on a lake without an approved management plan, the invasive species can be controlled under the WDNR’s Rapid Response protocol (see definition), and the lake owners will be encouraged to form a lake association and subsequently submit a lake management plan for WNDR review and approval.
4. Individuals holding past permits for control of *invasive* aquatic plants and/or “mixed stands” of native and invasive species will be allowed to treat via individual permit until January 1, 2009 if “impairment of navigation” and/or “nuisance conditions” is adequately documented, unless there is an approved lake management plan for the lake in question
5. Control of invasive species or “mixed stands” of invasive and native plants will follow current best management practices approved by the Department and contain an explanation of the strategy to be used. Established stands of invasive plants will generally use a control strategy based on Spring treatment (typically, a water temperature of less than 60 degrees Fahrenheit, or approximately May 31st, annually).
6. Manual removal (see attached definition) is allowed (Admin. Code NR 109.06).

DOCUMENTATION OF IMPAIRED NAVIGATION AND/OR NUISANCE CONDITIONS

Navigation channels can be of two types:

- Common use navigation channel. This is a common navigation route for the general lake user. It often is off shore and connects areas that boaters commonly would navigate to or across, and should be of public benefit.

- Individual riparian access lane. This is an access lane to shore that normally is used by an individual riparian shore owner.

Severe impairment or nuisance will generally mean vegetation grows thickly and forms mats on the water surface. Before issuance of a permit to use a regulated control method, a riparian will be asked to document the problem and show what efforts or adaptations have been made to use the site. (This is currently required in NR 107 and on the application form, but the following helps provide a specific description of what impairments exist from native plants).

Documentation of *impairment of navigation* by native plants must include:

- a. Specific locations of navigation routes (preferably with GPS coordinates)
- b. Specific dimensions in length, width, and depth
- c. Specific times when plants cause the problem and how long the problem persists
- d. Adaptations or alternatives that have been considered by the lake shore user to avoid or lessen the problem
- e. The species of plant or plants creating the nuisance (documented with samples or a from a Site inspection)

Documentation of the *nuisance* must include:

- a. Specific periods of time when plants cause the problem, e.g. when does the problem start and when does it go away?
- b. Photos of the nuisance are encouraged to help show what uses are limited and to show the severity of the problem.
- c. Examples of specific activities that would normally be done where native plants occur naturally on a site but cannot occur because native plants have become a nuisance.

DEFINITIONS

Manual removal: Removal by hand or hand-held devices without the use or aid of external or auxiliary power. Manual removal cannot exceed 30 ft. in width and can only be done where the shore is being used for a dock or swim raft. The 30 ft. wide removal zone cannot be moved, relocated, or expanded with the intent to gradually increase the area of plants removed. Wild rice may not be removed under this waiver.

Native aquatic plants: Aquatic plants that are indigenous to the waters of this state.

Invasive aquatic plants: non-indigenous species whose introduction causes or is likely to cause economic or environmental harm or harm to human health.

Sensitive area: Defined under s. NR 107.05(3)(i) (sensitive areas are areas of aquatic vegetation identified by the department as offering critical or unique fish and wildlife habitat, including seasonal or life stage requirements, or offering water quality or erosion control benefits to the body of water).

Rapid Response protocol: This is an internal WDNR document designed to provide

guidance for grants awarded under NR 198.30 (Early Detection and Rapid Response Projects). These projects are intended to control pioneer infestations of aquatic invasive species before they become established.