July/August\_\_\_, 2022 *(Comments due by 11:00AM on Friday, August 5 to* *DNRNRBLiaison@wisconsin.gov**)*

**Please Oppose Board Order WY-29-19 - Burdensome New Regulations on Lake and Pond Treatments**

Dear Chair Kazmierski and Members of the Natural Resources Board,

My name is \_\_\_\_\_ and I *[describe background or interest in rule].* I am part of a coalition of homeowners, lake associations, small business owners, and others writing to express my strong opposition to the proposed Board Order WY-29-19 (NR 107), related to aquatic plant management. This rule is included as Action Item #4.A. for the Board’s upcoming meeting on Wednesday, August 10. **I urge you to vote to reject Board Order WY-29-19 and send it back to DNR staff.**

*<<Please consider personalizing this message with 2-3 sentences on how this rule is important to you and your business, property, or organization. You may also highlight your experience in this matter>>.*

Targeted herbicide treatments by licensed applicators are a proven technique to control nuisance plants, especially invasive species, and an important tool in proper lake and pond management. However, the DNR’s proposed rule – NR 107 – imposes many new hurdles and makes it prohibitively expensive to do herbicide treatments for many lakes, and makes the process for treating private ponds unnecessarily convoluted.

Unlike many DNR rules, the majority of the comments from the public were in strong opposition to the proposed NR 107. Some of the major problems with this rule include:

* **Burdensome new lake management plan requirements:** Hundreds of Wisconsin lakes will now need an expensive and time-consuming lake management plan prior to an herbicide treatment. *Each* lake management plan is expected to cost an average of $8,000 and requires DNR approval, with more complex lake plans likely to cost far more.
* **Confusing new regulations:** The proposed rule’s myriad new set of rules and regulations is extremely problematic. NR 107 includes burdensome new requirements and built-in delays for lake monitoring, lake management plans, and treatment notices. It also gives DNR staff virtually unlimited discretion to deny a permit, or delay or stop a treatment.
* **Higher Fees:** The proposed rule increases fees by as much as eight times more than current law. For example, the acreage fee for herbicide treatments is doubled to a maximum of $2,500 per year. For mechanical harvesting of weeds, the maximum fee increases from $300 to $2,500.

Despite these concerns, DNR staff continues to insist that this new rule will improve consistency and will “reduce requirements for ponds and lakes under 10 acres in size.” However, the rule makes straightforward existing requirements under the current code far more complicated. For example, the proposed rule replaces the existing single definition of a private pond with four unique sets of regulations, with different requirements for a “public pond,” “private pond,” “shared pond” or “exempt” pond.

The new bureaucratic red tape alone will create millions in new compliance costs, and force many homeowners and lake associations to simply abandon proven herbicide treatments when trying to manage invasive plants like Eurasian watermilfoil or starry stonewart. The DNR approach is particularly troubling given the fact that our surrounding states generally do not require permits to treat private ponds.

Unfortunately, foregoing proven herbicide treatments for lake management can have a devastating impact. Studies have shown that properly managed lakes are crucial to maintaining property values and a vibrant economy around a lake. Consider the following:

* A UW-Whitewater study found that a decline in water quality in Delavan Lake would reduce total regional expenditures by $6 million annually.
* A UW-Madison study found that lakes invaded by Eurasian watermilfoil, an invasive plant, resulted in a loss of lakefront property values of more than $28,000 per home, or a 7.7% decrease in property values.

DNR staff was statutorily required to consider these costs as part of the Economic Impact Analysis (EIA) for their rule, but they refused to do so.

Given the many shortcomings with this proposed rule, it is deeply frustrating that DNR staff is continuing to push this sweeping rulemaking absent any requirement to do so. In particular:

* There is significant opposition to this rule from homeowners, small business associations, lake associations, and others. In fact, the majority of public comments were in opposition to this rule.
* There is no state or federal law change requiring the DNR to do this rule – the rule is entirely driven by what DNR staff prefers, despite a mountain of credible science showing that herbicide treatments can be done effectively.
* The DNR is not facing a significant enforcement issue for aquatic plant management. In fact, DNR and DATCP staff have only issued a handful of herbicide treatment citations over the past five years.

Finally, this rule is wholly inconsistent with 2021 SB 494, a bill passed by both houses of the Legislature earlier this year (but vetoed by Governor Evers). That bill would have exempted small, private ponds from permitting requirements, and required the DNR to use widely accepted methods supported by peer-reviewed science for aquatic plant management.

This prosed rule is still subject to legislative review and approval, and it is surprising that DNR staff apparently believes the Legislature will approve a rule that *directly contradicts* a bill it passed a few months ago.

**Please vote to reject Board Order WY-29-19 (NR 107) and send it back to DNR staff.** Many homeowners, lake associations, small business owners, and others depend on a fair, predictable set of regulations in order to improve water quality and properly manage Wisconsin lakes and ponds. Unfortunately, this rule imposes costly and confusing regulations, as well as unnecessary delays for lake management, and will lead to more poorly managed or unmanaged waterbodies in Wisconsin.

Thank you for your consideration of this important request.

Sincerely,

<<Your Name>>
<<Name of organization you represent – if none, state “representing self”>>
<<City of residence>>
<<E-mail address>>