

MEMORANDUM

Comfort Lake-Forest Lake Watershed District

To: Board of Managers
From: Mike Kinney
Subject: April AIS Update

Date: April 9, 2019

Background

The 2019 Aquatic Invasive Species (AIS) Prevention and Management Plan was distributed at the March 28, 2019 regular board meeting. Since that time, there haven't been any substantial updates within the program. The usual AIS Update will be provided at the May 23rd regular board meeting. For the April 18th meeting, instead of providing the usual update, staff proposes to provide some educational information regarding invasive plant treatments.

At the April 8th special board meeting, there was some discussion regarding AIS and invasive plant treatment regulations. This topic has been discussed several times in the past. However, the subject matter can be complex and oftentimes confusing. The purpose of this memo is to ensure the Board and staff all have a clear understanding of applicable regulations.

Invasive Plant Treatment Regulations Summary

Types of Permits

The Department of Natural Resources (DNR) regulates many forms of aquatic plant management (e.g. both invasive and native plant management, chemical and some mechanical treatments). The DNR offers two types of permits for managing aquatic vegetation:

1. The **aquatic plant management (APM) permit** can be used to manage all aquatic plants, whether they are native or invasive. This permit is generally issued to lake homeowners or groups of lake homeowners who want to maintain a clear area near their property for recreation. This permit has an associated fee (typically \$35.00 per landowner) and no grant funds are available. According to the DNR's website: "The purpose of the DNR's aquatic plant management program is to balance native plant conservation with the desires of lakeshore residents to recreate and access their property," (www.dnr.state.mn.us/apm/index.html, accessed 4/9/19). To staff's knowledge, the CLFLWD has never obtained an APM permit. The District does help the City of Forest Lake apply for its APM permit for the mechanical harvester.
2. The **invasive aquatic plant management (IAPM) permit** is designed for targeted treatment of invasive plants. Impacts to native plants are to be avoided when doing work under an IAPM permit. This is the permit that the District obtains for herbicide treatments (e.g. curly-leaf pondweed and flowering rush treatments). The DNR only issues one IAPM permit per lake, per species, per season. In the past the DNR offered a grant program for invasive plant treatments but has not had funding to offer the program in 2018 or 2019. According to the DNR's website: "The DNR's goal of invasive plant management is to minimize harmful effects caused by invasive plants while also protecting the natural resources and their use in the State. Once an invasive species is established in a waterbody, eradication is an unrealistic goal," (www.dnr.state.mn.us/invasives/iapm.html, accessed 4/9/19).

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150-foot Shoreline Area

Under the IAPM permit, if treatment within 150 feet of the shoreline is proposed, the permittee must either:

1. Obtain signatures from all landowners within 150 feet of the treatment area, or
2. Obtain a signature waiver from the DNR.

In the earlier years of the AIS program, the District obtained signatures for several of its invasive plant treatments which was a time-consuming process that threatened to delay treating within the optimal time window. In more recent years, the District has obtained signature waivers on Forest Lake, Bone Lake, and Comfort Lake. In order to do this, staff submitted a written request to DNR which explained why obtaining signatures is an undue burden (i.e. timing delays lowering treatment efficacy). The request must be approved by DNR. Then the District was required to ensure an approved form of alternative notice was provided prior to treatment (e.g. news media release, public notices in a local newspaper, public meeting, or mailing to all affected landowners). The CLFLWD has provided a combination of all of these methods in the past. Note that landowners may still “opt out” of having treatment done within 150 feet of their shoreline if they submit a request to the District. Staff have not received many of these in the past, but there have been a couple opt out requests related to flowering rush treatment, which were relayed to the herbicide application contractor.

Mitigating Impacts (15% Littoral Area Limit and Water Lilies)

The DNR aims to preserve the natural ecology of waterbodies and avoid significant impacts to native plant species. As such, it enforces certain limitations on plant management. One of which is reserving the right to deny proposed treatments that are within approximately 50 feet of native plants such as water lilies. It is common for DNR staff members to perform a field survey of the proposed treatment area prior to issuing the permit. It is during this survey that they may identify the need for such limitations. Additionally, DNR sets limits on the cumulative acreage of management in a given waterbody in a given year. DNR’s website explains:

The littoral area is the surface area of a body of water where the depth is 15 feet or less and where most aquatic plants will grow. The littoral area is used to calculate the cumulative area in which aquatic plant management may occur. The following permit restrictions are intended to reduce risk of damage to native plants and impacts to water quality. Additional information is available on the [value of aquatic plants and water quality](#).

- **Mechanical Removal:** cannot exceed 50% of the littoral area
- **Herbicide:** cannot exceed 15% of the littoral area
- **Mechanical and Herbicide Combined:** cannot exceed 50% of the littoral area

In some instances, the DNR may allow treatment of more than 15% of the littoral area with herbicides or more than 50% with mechanical removal under a variance and a permit.

Note that the littoral area and 150-foot distance from the shoreline are not always one in the same, though there will always be some amount of overlap. In past years, the District began drafting lake vegetation management plans (LVMPs) for some lakes in preparation for applying for a variance, as described above. However, the draft LVMPs were never finalized due to the need for variances being low at that time.

Resources (hyperlinks)

CLFLWD Materials

- [September 30, 2015 memo – Lake Vegetation Management Plans](#)
- [Shoreline Homeowner Tools and Rules Handbook](#) (invasive species summary on pg. 3)

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DNR Materials

- [Invasive Aquatic Plant Management webpage](#)
- [Aquatic Plant Management webpage](#)
- [References on management of aquatic plants](#)
- [Wisconsin DNR and USACE - Small-scale herbicide treatments](#)
- [Herbicide treatments in Wisconsin lakes](#)
- DNR Best Management Practices
 - [Eurasian watermilfoil](#)
- [Invasive Species Specialist Contacts](#)

Blue Water Science

- [Curly-leaf pondweed growth characteristics fact sheet](#)