

**TOPIC: Native Plant Protections and Management**

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White Paper Group 2

**BACKGROUND**

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Aquatic plants are vitally important to aquatic ecosystems: they provide food and habitat for animals like fish and waterfowl, influence nutrient dynamics, help support clear water, and prevent sediment uplift and erosion. However, aquatic plants can also affect stakeholders' experience while using a waterbody. Aquatic plant management (APM) in Wisconsin must consider the waterbody use obstructions caused by the aquatic plants, as well as the value they provide to the aquatic ecosystem of a given waterbody.

Plants are the foundation of healthy aquatic ecosystems: areas of aquatic vegetation can offer fish and wildlife habitat, including seasonal or life stage requirements, or offer water quality or erosion control benefits to the body of water. Roughly 80 percent of threatened, endangered and sensitive species use aquatic habitats during all or a portion of their life cycle. Waterbodies that lack aquatic plants can be turbid, devoid of life, and dominated by free-floating phytoplankton. To maintain the ecological value of a waterbody, it is important to consider the role of aquatic plants in the aquatic ecosystem.

Despite plants being a critical component of a healthy lake ecosystem, they can also affect the experience of some users of the waterbody. Stakeholder groups often disagree on the amount of biomass that is appropriate in each lake. Native vegetation may cause localized concerns to some users, but as a natural feature of lakes, they generally do not cause harm. That said, under Ch. NR 109, native species in certain conditions may be considered a nuisance if they are causing ecological or social harm. Some management of nuisance aquatic plants, whether native or non-native, will likely always be a component of APM in Wisconsin. However, if aquatic plants are managed only for social reasons, the department's responsibility to protect ecological values may not be met because all management has ecological tradeoffs.

Control of aquatic plants must be in a manner consistent with sound ecosystem management, using the most judicious approach available. Monitoring cumulative impacts to the body of water as a result of management is necessary to maintain these vital habitats. Ch. NR 107 lists examples of high value species which should be considered when permitting APM activities. High value species are "individual aquatic plants known to offer important value in a specific aquatic ecosystem". Treatment of areas containing these species must not result in long term or permanent changes to the plant community. Under Ch. NR 107.05, the Department can also deny a permit or treatment in locations identified as sensitive areas.

**RULE PROPOSAL – ALL AQUATIC HABITATS**

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The department proposes explicitly expanding habitat protections from Sensitive Areas to all designated protection areas as defined by the department. The purpose of the Aquatic Habitat Management program is to protect and preserve aquatic habitat.

If a proposed management activity is in locations identified by the department as approved or proposed:

- [Critical Habitat - Sensitive Areas](#)
- [Public Rights Features](#)
- [Areas of Special Natural Resources Interest \(ASNRI\)](#)
- [Priority Navigable Waterway](#)
- [Outstanding and Exceptional Resource Waters](#)

The department will require permittees to demonstrate to the satisfaction of the department that treatments can be conducted in a manner that will not alter the ecological character or reduce the ecological value of the area. If the ecological value or character of the area will be altered, the permit will be denied.

The department also proposes removing the list of high value species enumerated in current NR 107, to expand what aquatic organisms are considered, 'high value.' Aquatic vegetative habitats offer an environment to fulfill critical fish and wildlife seasonal or life stage requirements, water quality and erosion control benefits, and broader ecosystem services to the body of water.

If there is a documented water use obstruction, the department may permit the control of native aquatic plants if all permit issuance criteria are met. However, if the waterbody characteristics create a scenario where control is unlikely to address the obstruction or if there are viable control alternatives that are less impactful to the aquatic habitat, the department may deny the permit.

A water use obstruction is defined as a condition of over-abundant aquatic plant growth that creates a material obstruction which limits an individuals' ability to reasonably navigate, swim or fish and there are no reasonable alternatives to conduct those activities.

It is not considered an obstruction if navigation is hindered but there is evidence the equipment being used is not scale appropriate for the waterbody or there are alternate routes; or if there is an expectation that the entire perimeter of the lake or any portion thereof will be suitable for swimming, particularly if there is a public swimming area on the waterbody.