



# Wisconsin Association of Lakes

A nonprofit group of citizens, organizations, and businesses working for clean, safe, healthy lakes for everyone.

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August 26, 2008

Mr. Carroll Schaal  
Department of Natural Resources  
Bureau of Watershed Management  
Lakes and Wetlands Section  
P.O. Box 7921  
Madison, WI 53707-7921

RE: Wisconsin Association of Lakes (WAL)  
Comments on Proposed Revision of Ch. NR-198, Wis. Adm. Code  
WT-09-08

Dear Mr. Schaal:

Thank you for the opportunity to comment on the proposed changes to Wisconsin's aquatic invasive species and control grant rules (NR 198). In addition to these written comments, WAL requests the opportunity to address the Natural Resources Board when the proposed rule is presented.

Overall, the Wisconsin Association of Lakes (WAL) supports many of the suggested revisions as practical and necessary to provide enhanced grant assistance to lake groups for aquatic invasive species (AIS) prevention and control projects, and to advance the state's knowledge and understanding of AIS prevention, management, and control.

WAL has comments on the following proposed rule revisions:

- Overall technical changes within the rule
- Section 198.11 Applicability and eligible sponsors.
- Section 17 NR 198.12(7) Definition of "Nonprofit conservation organization"
- Section 21 NR 198.15(1)(e) & (f) Priorities and Funding considerations
- Section 37 NR 198.42(1)(a) Established Population Control Projects
- Section 44 NR 198.44(6) Application and Grant Awards
- Section 46 NR 198.52 Maintenance and Containment Projects, Eligible Activities

## Technical changes

The proposed technical changes are necessary to codify legislative intent expressed within the 2007-2009 budget, reflect increased costs of AIS prevention and management projects, and offer increased financial support for larger scale AIS efforts. WAL is confident that the proposed changes will enable the state to more effectively support local AIS work with grant dollars, and improve the grant process for applicants. The following changes will be especially beneficial to our member lake associations and districts applying for AIS prevention and control grants:

- Increasing the maximum state cost share from 50% to 75%
- Increasing the value of donated labor from \$8 to \$12 an hour
- Increasing the maximum grant award to \$200,000
- Increasing the maximum grant award for Early Detection and Response Projects to \$20,000
- Allowing an advance partial payment for Early Detection and Response Projects
- Extending acceptance of grant applications beyond the deadline, if funds are available
- Increasing the state share for watercraft inspection programs to 75% and increasing the limit to \$4000 annually for each public boat launch

These technical changes will assist local lake groups—many of which are staffed by dedicated volunteers with limited group budgets—to expand the scope of their AIS projects and more easily meet the required local match requirements.

### **Section 198.11 Applicability and eligible sponsors.**

WAL supports expanding eligibility to a larger set of potential grant sponsors.

Expanding eligibility may give the department increased ability to address pioneer AIS populations that are on lands where there is no willing or eligible sponsor for AIS grants, including private lands, state managed lands, or areas where the DNR does not have jurisdiction to manage lands (such as federally managed lands).

The need for this expanded eligibility was demonstrated in summer 2007 when hydrilla was found in a private pond. In this instance the Department was able to successfully work with the landowner and county to direct AIS grant funds to assess and address the problem. However, this may not always be the case, and there is a need for a mechanism to enable quick routing of funds to prevent or control AIS.

Expansion of eligibility to the Universities, colleges, and technical schools can expand the capacity of the Department to conduct AIS research on a multi-lake, regional, or statewide scale, while taking advantage of existing institution expertise, infrastructure, and resources. Limited state dollars can potentially be stretched farther, especially if other sources of university and outside funding are leveraged with AIS grant monies for large scale AIS research projects.

Provisions within NR 198.60—which enables the Department solicit research proposals—are a good dovetail with expanded eligibility. The Department can seek out research partners that are best suited to respond to AIS research needs.

WAL recognizes the scope of the AIS problem is great, but so is the need for the state to make informed management decisions based on science. Far more research is needed to assess which lakes are the most ecologically vulnerable to colonization by different invasive species. Using AIS grant funds to support innovative and urgently needed research that will advance our collective ability to prevent new invasions, and more effectively target AIS management efforts, is a wise investment.

However, WAL has heard concerns from several members regarding expanding eligibility to the University system. These concerns include a perception that DNR will use AIS grant money to fund itself, and a fear that a disproportionate amount of grant monies will be shifted to University projects, leaving little money for local group projects.

The Department’s internal ranking system for grant applications and priorities for funding criteria has awarded grant monies for a diverse set of AIS projects across the state in past grant cycles; WAL is confident that this will continue to be the case.

If necessary, inserting language within Subchapter II and/or Subchapter IV similar to current NR 198.33(4), specifically the following language:

“Department shall issue grant awards for authorized projects...until all the annual funding allotted for...”

Including such language would allow the Department to set an internal policy on the proportion of AIS grant funds used to support various types of projects, including research and demonstration projects.

### **Section 17 NR 198.12(7) Definition of “Nonprofit conservation organization”**

The current language defining a Nonprofit conservation organization implies that the purpose of the organization must include the “acquisition or management of property.” WAL interprets this language to mean only groups that are actively involved in acquiring property (such as land trusts) or managing lands (such as a DNR Friends group) are eligible for AIS grants. Organizations that may have an active interest in AIS education and/or management, but do not have a focus on land management or acquisition appear excluded from eligibility in the current language. This proposed definition looks very similar to the definition of a “qualified nonprofit conservation organization” in the current rule.

WAL suggests changing the current language from “acquisition or management of property” to “acquisition and/or management of property or management of aquatic invasive species.”

### **Section 21 NR 198.15(1)(e) & (f) Priorities and Funding considerations**

NR 198.15(1)(e) prioritizes projects that “provide research and demonstration that advances the state’s knowledge and understanding of aquatic invasive species control.” The term research can be broadly interpreted to cover projects in natural science areas as well as social science (for example public survey projects, community based social marketing projects, etc.). WAL generally supports flexibility to award grant monies to a

wide variety of projects that may contribute to better AIS management; we include this comment only to clarify the Department's intent on how broadly it seeks to interpret "research."

NR 198.15(f) is a welcome addition to these rules. WAL supports this holistic approach to lake management and recognition that watershed pollution (especially increased nutrient loading), and disturbances to shoreland habitat can contribute to aquatic invasive species becoming established in a given lake environment. NR 198.15 (2)(g) is a good compliment to evaluate how well proposed projects build upon ongoing work that supports a healthy lake ecosystem, and potentially maximize the investment of AIS grant dollars.

### **Section 37 NR 198.42(1)(a) Established Population Control Projects**

The revision to NR 198.42(1)(a) may be open to some interpretation. Firstly WAL assumes that the "management plan" referred to within this section means "lake management or aquatic plant management plan."

The phrase "improvement of aquatic resources" can be open to interpretation. WAL suggests that "improvement" is a subjective term that can vary in meaning depending on the perspective of a given lake person. For example, improvement might mean removal of all aquatic plants from the lake to some people, which is contrary to AIS prevention and management. WAL thinks the Department intends to promote improved "ecological function" of lakes in this section, and we would recommend slight adjustment to the language to more clearly reflect intent.

### **Section 44 NR 198.44(6) Application and Grant Awards**

The first sentence refers to 50% cost-share and repeats the total state share project costs outlined in the second sentence. Does this first sentence need to be removed?

### **Section 46 NR 198.52 Maintenance and Containment Projects, Eligible Activities**

WAL supports using AIS grant monies to reimburse AIS permit fees for grantees that are following department approved aquatic plant management plans, and using grant money for costs associated with surveying, monitoring, reporting, and record keeping.

On behalf of the Board of Directors and members of the Wisconsin Association of Lakes, thank you for the opportunity to comment on this important rule.

Sincerely,

A handwritten signature in black ink that reads "Earl Cook". The signature is written in a cursive, flowing style.

Earl Cook,

President, Wisconsin Association of Lakes