

April 29, 2026

Potters Lake Protection and Rehabilitation District

PO Box 808
East Troy, WI 53120

Department of Natural Resources

Attn: Madi Johansen
3550 Mormon Coulee Road, La Crosse, WI
Madison.johansen@wisconsin.gov

Re: Public Comment on Proposed Revisions to NR 107 (Aquatic Plant Management)

Dear Ms. Johansen:

On behalf of the Potters Lake Protection and Rehabilitation District, we appreciate the opportunity to submit comments on the proposed rewrite of NR 107. Our Board is responsible for balancing environmental stewardship with the practical needs of our lake users and riparian property owners. We work closely with experienced professionals, including Lake and Pond Solutions, to implement responsible, science-based aquatic plant management.

We are a lake community of 143 parcels with an annual \$39,700 tax levy for weed control (chemical and mechanical). There are many years where our weed control costs exceed the levied \$39,700 and we are forced to use our limited savings. The lake district has been a good steward with their taxpayer dollars.

While we support the Department's goal of protecting aquatic ecosystems, we have serious concerns that the proposed rule, as currently drafted, will impose substantial financial burdens, reduce management effectiveness, and negatively impact property values across our district.

1. Scope, Complexity, and Lack of Clarity

The proposed NR 107 rule expands dramatically in size and complexity—growing from approximately 7 pages (combined NR 107 and NR 109) to roughly 30 pages. This increase is not simply administrative; it introduces a level of complexity that will make compliance more difficult and enforcement less consistent.

Of particular concern is the repeated use of subjective language such as “likely,” “may,” and “could” throughout the rule. These terms are not tied to clear scientific thresholds or objective standards. As a result, the rule invites inconsistent interpretation, increases uncertainty for applicants, and creates a higher risk of arbitrary or uneven permit decisions.

We are concerned that this lack of clarity will lead to:

- Increased permit denials or partial approvals
- Confusion among lake districts, contractors, and property owners
- Reduced confidence in the regulatory process

2. Significant Cost Increases and Perpetual Fee Escalation

The proposed rule introduces substantial increases in permitting costs, along with automatic fee escalations every five years with no cap. These increases are not trivial—they represent a fundamental shift in the cost burden placed on local lake districts and riparian owners.

For example:

- Base permit fees for lakes and ponds over 10 acres increase from \$20 to \$75
- Per-acre chemical treatment fees increase from \$25 (up to 50 acres) to \$45 (up to 150 acres)
- Mechanical treatment fees increase significantly, with multi-year permits costing several times current levels

In practical terms, a 60-acre treatment permit would increase from approximately \$1,270 to \$2,775 annually for chemical control. Mechanical control costs would rise even more dramatically over a five-year period. A 60-acre mechanical control permit would increase from \$300 to \$4,275 over the 5-year permit.

Equally concerning is the provision for automatic 10% fee increases every five years without any cap. Given that the current rule has remained largely unchanged for decades, this creates an open-ended financial obligation that will compound significantly over time.

These costs will ultimately be borne by our riparian property owners through increased tax levies, placing an undue burden on our lake community.

3. Reduced Management Flexibility and Increased Risk of Permit Denials

The proposed rule gives the Department broad authority to deny permits based on subjective criteria, including whether a treatment is “likely” to have adverse impacts or whether it alleviates a perceived water use impairment.

Specific concerns include:

- Denial of treatments if impacts are deemed “likely,” without clear scientific standards
- Restrictions limiting treatment primarily to developed shorelines
- Ability to deny treatments if not explicitly included in an APM Plan
- Authority to specify treatment methods, timing, and scope—even for smaller ponds

These provisions will make it more difficult to manage invasive species effectively and respond to unexpected changing lake conditions. They also risk discouraging proactive management, which can ultimately lead to worse ecological outcomes.

4. Procedural and Implementation Concerns

Additional procedural requirements will further complicate management efforts, including:

- Mandatory public notices prior to certain permit applications
- Potential suspension of permits during contested case hearings, which can take years
- Limited ability to amend permits without submitting new applications and fees

These provisions introduce delays and uncertainty that will hinder effective lake management.

Conclusion and Request

The Potters Lake Protection and Rehabilitation District supports responsible, science-based aquatic plant management. However, the proposed NR 107 rewrite, as currently drafted, imposes excessive costs, reduces flexibility, and introduces significant uncertainty into the permitting process.

We respectfully request that the Department:

- Simplify the rule and reduce reliance on subjective language
- Limit or cap fee increases and reevaluate the magnitude of current proposed increases
- Restore flexibility in management approaches and permit amendments
- Restrict APM Plan requirements to public lakes
- Ensure that decisions are grounded in clear, objective scientific standards

We also strongly encourage the Department to work closely with experienced practitioners, including Lake and Pond Solutions, and local lake districts such as ours, to develop a more balanced and practical rule.

Thank you for your consideration and for your continued partnership in protecting Wisconsin's lakes.

Sincerely,

Potters Lake Protection and Rehabilitation District Board

Cathy Schulz, Chairperson

Matt Wessels, Treasurer

Chuck DeWall, Secretary

MaryJo Jones, Walworth
County Representative

Thad Seymour, Jr., Town of
East Troy Representative