

State of Wisconsin



2021 Senate Bill 494

Date of enactment:
Date of publication*:

2021 WISCONSIN ACT

AN ACT *to amend* 23.24 (2) (a) 1., 23.24 (2) (a) 2., 23.24 (2) (c) 7., 23.24 (3) (b) and 23.24 (3) (c); and *to create* 23.24 (1) (je), 23.24 (4) (b) 5. and 23.24 (4) (b) 6. of the statutes; **relating to:** aquatic plant management plans and permit exemptions.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 23.24 (1) (je) of the statutes is created to read:

23.24 (1) (je) "Private pond" means a surface water less than 10 acres in size that is surrounded by the private property of one or more owners, with no public access to the water, and that has either no surface water discharge or surface water discharge that can be controlled.

SECTION 2. 23.24 (2) (a) 1. of the statutes is amended to read:

23.24 (2) (a) 1. Implement efforts to protect and develop diverse and stable communities of native aquatic plants using widely accepted methods that are supported by peer-reviewed science to suppress or eradicate invasive or nuisance aquatic plants.

SECTION 3. 23.24 (2) (a) 2. of the statutes is amended to read:

23.24 (2) (a) 2. Regulate how aquatic plants are managed to ensure invasive or nuisance aquatic plants are suppressed or eradicated to the greatest extent possible.

SECTION 4. 23.24 (2) (c) 7. of the statutes is amended to read:

23.24 (2) (c) 7. The requirements for plans that the department may require under sub. (3) (b). Plan require-

ments may not impose an undue financial burden on permit applicants or property owners.

SECTION 5. 23.24 (3) (b) of the statutes is amended to read:

23.24 (3) (b) The department may require that an application for an aquatic plant management permit contain a plan for the department's approval as to how the aquatic plants will be introduced, removed, or controlled. The department shall give equal consideration to plans that will suppress or eradicate invasive or nuisance aquatic plants by use of chemicals that have been labeled and registered for aquatic plant control by the U.S. environmental protection agency.

SECTION 6. 23.24 (3) (c) of the statutes is amended to read:

23.24 (3) (c) The department may promulgate a rule to establish fees for aquatic plant management permits. Under the rule, the department may establish a different fee for an aquatic plant management permit to manage aquatic plants that are located in a body of water that is entirely confined on the property of one private property owner owners.

SECTION 7. 23.24 (4) (b) 5. of the statutes is created to read:

23.24 (4) (b) 5. A person who applies a chemical treatment to a private pond to suppress or eradicate inva-

* Section 991.11, WISCONSIN STATUTES: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication."

sive or nuisance aquatic plants if all of the following apply:

a. The person is certified as a commercial applicator by the department of agriculture, trade and consumer protection in the aquatic and mosquito pest control category.

b. The person uses only those chemicals that have been labeled and registered for aquatic plant control by the U.S. environmental protection agency.

c. The person follows U.S. environmental protection agency label directions for appropriate application methods and rates.

d. If the private pond abuts multiple parcels, the owners of all parcels that abut the private pond have been

notified of the application of the chemical treatment to the private pond.

e. The person retains for a period of not less than 2 years a record of any pesticide the person applies to the private pond. All records retained under this subd. 5. e. shall be made available to the department for inspection upon request.

SECTION 8. 23.24 (4) (b) 6. of the statutes is created to read:

23.24 (4) (b) 6. A person who applies to a private pond a biological agent to improve water quality at a concentration that does not cause acute or chronic toxicity for aquatic organisms or a dye that is not labeled for herbicide use.
