

Engineering Division of the Public Works Department

To: Chairman Arnett and Commissioners

From: Andrew M. Beyer, P.E.

Date: August 21, 2025

Subject: Public Works Commission Meeting of August 26, 2025

Background

Review and take possible action: Aquatic Plant Management Policy for City-owned Properties

In January 2025, the Public Works Commission reviewed a request from residents living near Lake Victoria seeking City support for aquatic vegetation (weed) control. It's staff's understanding that vegetation control has been privately funded within Lake Victoria for several years.

At the time, the City did not have an established policy or program supporting vegetation management of waterbodies such as Lake Victoria or Heiden Pond. A motion was approved to table the request until ownership responsibilities were clarified and a policy could be developed to guide decisions on vegetation maintenance.

Subsequently, the City Attorney confirmed that Lake Victoria is a waterway of the State of Wisconsin, meaning the State retains ownership and regulatory authority over the waterbody. This ownership clarification was shared with the Commission following the January meeting.

Per the Commission's directive, staff developed a draft Aquatic Plant Management Standard Operating Procedure (SOP) for City-owned properties, which is scheduled for an initial Commission review at the upcoming meeting.

Current SOP Overview

The draft SOP primarily reflects current City practice, which limits vegetation management to specific areas tied to City-owned stormwater management infrastructure, public access points, and City-owned shorelines. Routine maintenance focuses on emergent vegetation adjacent to City ditches and swales, around inlets, outlets, stormwater Best Management Practices (BMPs), and occasionally along City-owned shorelines in parks & other public areas.

Importantly, in-water aquatic vegetation management (e.g., weed harvesting or herbicide application) is not currently performed by the City and is not included as part of routine operations

in the draft SOP. Additionally City staff does not have certifications needed in applying aquatic herbicides, and this work would need to be contracted.

Request Beyond Current Practice

The request from Lake Victoria residents appears to go beyond existing practices, seeking repeated aquatic vegetation maintenance within the waterbody itself, a practice that would represent a significant expansion of the City's role in waterbody management.

If the Commission wishes to consider this expanded role, several issues must be considered or resolved:

Considerations

1. Funding & Administrative Mechanism

- Aquatic vegetation management would require an identified funding source.
- Adjacent property owners could potentially contribute to the cost, and any cost-sharing or invoicing structure would need to be clearly defined.
- If the City were to manage or contribute funding to aquatic vegetation management activities, all efforts would likely need to conform to the City's purchasing policies.
- The formation of a Lake District or similar special-purpose district may provide a viable mechanism for managing and funding such activities, though this would require further legal analysis.

2. Permitting & Regulatory Compliance

- The Wisconsin Department of Natural Resources (WDNR) requires permits for most aquatic vegetation management practices, including mechanical harvesting and chemical treatments.
- If the treatment area exceeds specific acreage thresholds (e.g., the combined 10-acre area of Lake Victoria and Heiden Pond), the WDNR may require a comprehensive aquatic vegetation management plan, typically prepared by a qualified consultant.
- Additional regulatory oversight applies through the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) for chemical applications, and through the City Fire Department if burning is proposed.

3. Implementation Responsibility

- If the City were to engage in aquatic vegetation control project administration, staff may need to manage permits, contract with vendors, monitor regulatory compliance, and respond to resident concerns.
- A third-party entity, such as a lake association or Lake District, could alternatively take on administrative responsibilities, with the City potentially providing partial funding or technical assistance.

4. Precedent

- Expanding the City's involvement in aquatic vegetation management for Lake Victoria could prompt similar requests for other waterbodies in the City, such as Heiden Pond, Silver Creek, or the Rock River.
- Approving this request may establish a precedent for City-led aquatic vegetation control on other state- or privately-owned waterbodies.
- Committing resources to this type of maintenance may redirect funding or staff time away from other Public Works Department or Park Department priorities.

Recommendation and Next Steps

At this stage, no action is being requested on the Lake Victoria request. Instead, staff is seeking Commission feedback on the draft Aquatic Plant Management SOP, and a determination of whether the Commission desires to pursue a policy expansion that could support recurring in-water aquatic vegetation management for Lake Victoria or similar waterbodies.

If there is interest in further exploring this path, staff recommends:

- Referring the matter to legal counsel for input on lake district formation or intergovernmental agreements.
- Investigating potential funding mechanisms and cost-sharing models.
- Consulting with WDNR on permitting requirements and thresholds.
- Coordinating with residents to gauge support and interest in assuming administrative responsibilities through an association or similar structure.

Budget Goal

Financial Impact

At present, the City does not allocate funding for in-water aquatic vegetation management on State-owned or non-City-owned waterbodies, including Lake Victoria. The draft Aquatic Plant Management SOP reflects current operations and does not anticipate recurring costs associated with aquatic vegetation control in water bodies outside of City-owned stormwater BMPs and City-owned shoreline areas.

If the Commission desires to explore a vegetation management program for Lake Victoria, there are several potential cost implications:

- Initial Consultant Costs (if required by WDNR for aquatic plant management permitting):
 - Comprehensive Aquatic Plant Management Plan: \$8,000–\$20,000 (estimate)

- Annual Maintenance Costs:
 - Mechanical Harvesting or Herbicide Application: \$3,000–\$10,000+ (estimate) per application depending on method, acreage treated, and permitting requirements
- Administrative Costs:
 - Staff time to coordinate permitting, vendor procurement, public outreach, and compliance monitoring
 - If the City is involved financially, purchasing procedures and invoicing requirements may apply

Funding would need to be identified through existing departmental budgets or a dedicated funding mechanism (e.g., lake district, special charge to benefiting properties).

Recommendation

Staff recommends that the Public Works Commission receive and review the draft Aquatic Plant Management SOP as a reflection of current City practices.

Regarding the Lake Victoria vegetation control request, staff provides the following neutral recommendation:

That the Commission acknowledge the request from residents as a policy matter exceeding current City practice, and direct staff to further explore options, legal considerations, funding mechanisms, and permitting requirements if there is Commission interest in expanding the City's role in aquatic vegetation management.