

## AQUATIC NUISANCE CONTROL Frequently Asked Questions (FAQ)

The Michigan Department of Environment, Great Lakes, and Energy’s (EGLE) [Aquatic Nuisance Control \(ANC\) Program](#) regulates the chemical treatment of waters of the state for control of aquatic nuisance plants and algae. This includes the use of aquatic herbicides, algaecides, adjuvants, and water dyes. Aquatic species may include various forms of algae (planktonic, filamentous, and macroalgae such as *Chara* and starry stonewort), submersed plants (i.e., those located underwater, such as coontail, pondweeds, and milfoils), floating-leaf plants (e.g., lilies, water shield), free-floating plants (e.g., duckweed, European frog-bit), and emergent plants (e.g., cattails, rushes, *Phragmites*). Program staff issue permits pursuant to [Part 33, Aquatic Nuisance Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451](#), as amended, (NREPA); [Part 31, Water Resources Protection, of the NREPA](#); and the [administrative rules promulgated thereunder](#).

If you are interested in managing other types of aquatic nuisances, please contact EGLE’s Environmental Assistance Center at [EGLE-Assist@Michigan.gov](mailto:EGLE-Assist@Michigan.gov) or 800-662-9278.

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## GENERAL INFORMATION

### 1. Do I need a permit to control aquatic vegetation on my property?

#### *Chemical Control*

Chemical control of nuisance aquatic plants and algae is typically a regulated activity and requires a permit from EGLE's ANC Program, particularly when targeting species in inland lakes, ponds, streams, wetlands, road-side ditches, etc., where water is visibly present in the area of impact at the time of treatment. For shoreline areas along the Great Lakes or Lake St. Clair, a permit is always required for all treatments below the ordinary high-water mark, regardless of whether water is visibly present in the area of impact at the time of treatment.

An ANC permit is not required for inland areas where water is not visibly present in the area of impact at the time of treatment. In addition, [Section 324.3303 of Part 33](#) grants authority to a bottomlands owner to chemically treat aquatic nuisances in a waterbody without issuance of a permit by EGLE if the waterbody meets ALL of the following criteria:

- No outlet (e.g., tributary, overflow pipe, dam with spillway).
- No record of state or federal endangered or threatened species, pursuant to [Part 365, Endangered Species Protection, of the NREPA](#).
- Surface area less than 10 acres.
- Bottomlands are owned by either one person, or more than one person and written permission is obtained from each property owner.
- The person posts the area of impact with notification signs in the manner provided in [Section 324.3310\(d\) of Part 33](#).
- The person conducting the chemical treatment maintains any required written permissions and records of treatment, including treatment date, chemicals applied, amounts applied, and a map indicating the area of impact, for one year from the date of each chemical treatment. The records shall be made available to EGLE upon request.

#### *Other Management Strategies*

For information on the permitting process for other aquatic plant and algae management strategies, please contact the following EGLE Water Resources Division (WRD) program or office:

Management Strategy	Program/Office
Bacterial Augmentation (e.g., muck reduction)	<a href="#">EGLE WRD Water Toxics Unit</a>
Biological (e.g., natural enemies)	<a href="#">EGLE Environmental Assistance Center</a>
Mechanical and Physical (e.g., hand-pulling, harvesting, benthic barriers)	<a href="#">EGLE WRD District Offices</a>
Phosphate Binding	<a href="#">EGLE WRD Water Toxics Unit</a>

### *Other Permits*

Please contact your local units of government, including counties and townships, as they may have additional requirements or restrictions covering these activities. A permit from the United States Army Corps of Engineers is required for most activities that alter Great Lakes coastal areas. Contact the [United States Army Corps of Engineers](#), Detroit District at 888-694-8313.

## **2. Who do I contact for permits for lake digging, dredging, and/or beach grooming?**

Contact [EGLE's Environmental Assistance Center](#) at [EGLE-Assist@Michigan.gov](mailto:EGLE-Assist@Michigan.gov) or 800-662-9278 to be directed to the appropriate program.

## **3. What is a General Permit and Certificate of Coverage?**

A General Permit (GP) is a permit for a category of aquatic nuisance control activities that EGLE has determined will not negatively impact human health and will have no more than minimal short-term adverse impacts on natural resources and the environment. If a treatment site is eligible for coverage under a GP, an applicant may choose to apply for a Certificate of Coverage (COC) in place of an individual or standard permit. A COC provides written authorization from EGLE to implement a project under the terms outlined in a GP.

To view the current ANC GPs, please visit [General Permits and Pre-Approved Lists of Specific Waterbodies Eligible for Certificates of Coverage \(COC\)](#) on the ANC website.

The GPs for ponds and Great Lakes canals and marinas have pre-qualified waterbody lists. If a waterbody is not found on the approved waterbody list, the waterbody is not eligible to be covered under a GP, and the project must go through the individual or standard permit application process. Each year EGLE reviews newly permitted waterbodies and treatment sites to assess their eligibility for coverage under a GP. If a waterbody is eligible, it may be added to the candidate waterbody list for the following year.

## **4. How long do the permits last?**

[Section 3309 of Part 33](#) specifies that the term of a permit or COC shall not be less than three years unless the applicant requests a shorter term. All permits and COCs will terminate at midnight on December 31 in the year of expiration. Because of this statutory requirement, some permits and COCs will be issued for four treatment seasons in order to accommodate the minimum three-year term (unless otherwise requested by the applicant).

## **5. May I apply chemicals myself, or do I need to hire a certified applicator?**

In Michigan, most aquatic pesticides may be applied by individuals with proper authorization, including a permit, if required, and permission of the property owner. However, the majority of treatments are carried out by [certified applicators](#). If you decide to apply chemicals on your own, be sure to follow all directions as indicated on the federal product label to protect yourself, others, and the environment. Certain chemical products, such as those with the active ingredient imazapyr or carfentrazone, can only be purchased and applied by certified applicators.

**6. If I decide to hire a contractor, where can I find a list of licensed pesticide applicators?**

If you are interested in hiring a licensed pesticide applicator, visit the [Michigan Department of Agriculture & Rural Development \(MDARD\) Pesticide Application Businesses web page](#) and select “Pesticide Application Businesses Currently Licensed to do Business in Michigan” or call the MDARD Central Licensing Unit for general information at 517-284-5771. On the licensed pesticide application businesses list, look for a company with individuals certified in Category 5, Aquatics, for lake and pond treatments, and Category 6, Right-of-Way, for exposed Great Lakes bottomlands. You may also seek referrals from other lake associations or riparian owners. The [ANC Program](#) also maintains a list of companies that routinely obtain ANC permits, which you may request at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593.

**7. What happens if I treat without a permit or violate my permit?**

Violations of Part 33 include conducting chemical treatment without a permit, unless exempt as described in [Question 1](#). Under [Section 3313 of Part 33](#) violations and permit violations are subject to compliance action, civil action, and criminal enforcement. Permittees should review the statute and permit carefully and comply with all requirements. Contact ANC Program staff at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 with any questions about complying with Part 33 or the terms of a permit.

**8. How can I find information about permit applications and in-effect permits for a specific waterbody?**

The [MiEnviro Portal Site Map Explorer](#) provides public access to many documents associated with MiEnviro Portal, including current (and some historical) WRD permits. If a permit has recently been issued for a site, you will be able to view it on the MiEnviro Portal Site Map Explorer. Instructions on using the MiEnviro Portal Site Map Explorer are available on the [MiEnviro Portal Site Map Explorer web page](#).

Individuals who are not the permit applicant can check whether a permit application has been submitted for a given waterbody and/or check the status of a permit application by contacting the ANC Program.

**9. How do I request a public hearing or notification of the treatment on my lake?**

[Part 33](#) does not contain a provision requiring a public hearing regarding an ANC application and/or permitting decision.

In terms of pre-treatment notifications, each permit normally requires that the permittee notify, in writing, an owner of any waterfront property within 100 feet of the area of impact, not less than seven days and not more than 45 days before the initial pesticide treatment of the treatment season. Written notification includes contact information for the permittee, a list of pesticides to be used with the corresponding water use restrictions, and approximate treatment dates. On the day of treatment, the permittee or their contracted applicator is required to post signs along the shoreline of treated areas to identify the locations and provide information about the treatment.

**10. Can I prevent my neighbor from putting aquatic pesticides in my lake?**

You generally cannot prevent your neighbor from treating their property under a valid ANC permit. In Michigan, waterfront property owners typically have authority over the bottomlands in a wedge shape out to the center point or thread of the lake or stream, respectively. Except in certain circumstances (such as in a Special Assessment District), you also have the right to not chemically treat your bottomlands.

**11. What can I do if I think someone is treating without a permit or is not following the terms of their permit?**

If you suspect that a violation of [Part 33](#) and/or an ANC permit has occurred, please contact ANC Program staff at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 with as much information as possible (e.g., location, dates, chemicals used, persons involved, any photos or video).

**APPLYING FOR A PERMIT**

**12. How do I apply for an Aquatic Nuisance Control permit?**

The ANC permit application process is completed online in [MiEnviro Portal](#). Additional information on MiEnviro Portal is available on the [EGLE website](#). Please contact the ANC Program at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 for assistance with the permit application process.

**13. How do I know which permit application form to use?**

All permit applications must be completed online in [MiEnviro Portal](#) using one of the three ANC permit application forms:

Name of Form in MiEnviro Portal	Form Description
<b>Application for Permit to Chemically Control Nuisance Aquatic Plants and Algae</b>	Application for an individual permit, usually for a lake or pond.
<b>Application for Permit to Chemically Control Nuisance Aquatic Plants and Algae (FLURIDONE ONLY)</b>	Application for an individual permit that requests the use of fluridone (whole waterbody or spot treatments).
<b>Application for Certificate of Coverage (COC) to Chemically Control Nuisance Aquatic Plants and Algae</b>	Application for a COC for eligible ponds, eligible Great Lakes canals and marinas, and qualifying non-native floating leaf and emergent species.

Please contact the ANC Program at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 if you have questions about or need assistance with the online application process.

#### 14. What is the deadline to apply for ANC permit coverage?

There is no deadline to submit an application for a permit or COC to treat in a given year. However, [Part 33](#) requires that EGLE meet permit or COC application processing deadlines. The deadlines for issuance of a permit decision are as follows: the latter of April 15 or 30 working days after receipt of a complete application for a permit, the latter of April 15 or 15 working days after receipt of a complete application for a COC, or by any date requested by the applicant and agreed to by EGLE. There are exceptions to these deadlines for applications meeting certain criteria; however, please keep these deadlines in mind when planning your treatments and submitting a permit application.

Applications for future years will not be accepted by ANC Program staff until November 1 of the preceding year (i.e., an application for 2025 would not be accepted until November 1, 2024).

#### 15. What information needs to be included on a treatment authorization?

[Section 324.3308 of Part 33](#) requires that a permit applicant obtain authorization to chemically treat the proposed area of impact by obtaining written permission from each person who owns bottomlands in the area of impact. Written permissions must be maintained for one year from the expiration date of the permit and shall be available to EGLE upon request. When obtaining permissions, it is important to ensure that, at a minimum, the permission document includes:

- Printed name of property owner.
- Property location information – street address, tax ID number, lot ID number, etc.
- Statement indicating whether the property owner grants permission for the chemical treatment of aquatic nuisance vegetation/algae to occur on their property (e.g., a yes/no check box).
- Year or time period for which the permission is granted.
- Signature of property owner.
- Date of signature.

#### 16. How do I know which chemical to use and how much?

The species of targeted aquatic vegetation must be correctly identified before an effective chemical can be selected. Aquatic plant identification resources are available on the [ANC web page](#). Once you have identified the plant(s) that you wish to control, review the document titled "[What are the Chemical Control Options?](#)" to select an effective chemical product. To determine the chemical amount(s) necessary for effective control, first determine the treatment area size (acres) and the average water depth (feet). Then, using the correct application rate found on the federal product label, calculate the amount of chemical needed by multiplying the treatment area or water volume by the application rate. The [list of chemicals approved for use on ANC Standard Permits](#) includes the chemicals and the typical application rates allowed on ANC permits. Please contact the ANC Program at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 if you have additional questions.

**17. How can I obtain depth contour maps for my lake/pond?**

The location of the five-foot depth contour is critical for the delineation and approval of treatment areas on ANC permits. The Michigan Department of Natural Resources (MDNR) has many [inland lakes maps](#) available online to the public. If depth contour maps are not available on the MDNR website for your waterbody, the depth contours in the treatment area may be estimated by using a depth measurement device. Consultants or professional chemical applicators may also offer the service of delineating water depth contours. You may also check local fishing, bait, and sporting good/boating retailers and websites for locally generated lake maps.

**18. Once my application is received by EGLE, how long will it take for the permit decision to be issued? Can I check the status of my application?**

Information on permit application processing deadlines can be found in [Question 14](#).

Your [MiEnviro Portal](#) account will provide an indication of the status of your permit application (e.g., preprocessing, in process, completed). Authorized users associated with your site may also check the status of the permit application in MiEnviro Portal.

**EXPANSIONS/REVISIONS/MODIFICATIONS OF A PERMIT****19. I have already received a permit, but I need to modify it. What are my options?**

Depending on your situation, you may need to revise your permit, expand a treatment area for non-native species, or submit a new permit application. These options are explained in the GPs and Standard Permit example on the [ANC website](#) under the Application and Permit Information heading. Please contact the ANC Program at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 if you have additional questions.

**20. How does my fee change if I add treatment area(s)? When is the additional fee due and do we have to wait to treat until the fee is received?**

A fee will change if the additional treatment area(s) adds sufficient area to place the permit into a higher fee category and the permit was not a COC (a COC application has a flat fee that does not change based on treatment area size). Then the difference between the fee initially paid and the fee for the new total treatment area size is due. The due date for the additional fee varies depending on whether the area is added through an expansion or a revision. Expansion payments are due 15 days after the initial treatment along with the Expansion Report Form. Therefore, the permittee may treat under an expansion prior to EGLE receiving the payment. Revision payments are due with the Permit Revision Request Form (prior to treating the revised area).

If the increase in area applies to a multi-year permit with valid future years, those future years will be in the same fee category as the new total fee after the increase in acreage.

Information on the current fee structure can be found on the [ANC web page](#) under the Application and Permit Information heading.

## 21. How do I terminate my permit?

Permit terminations are completed in [MiEnviro Portal](#). To request termination of a permit or COC that is no longer in use, please submit the ANC Permit Termination Form, located in the “I want to renew, modify or terminate an existing permit, license or registration” category within the site in MiEnviro Portal. Once the request has been processed and the permit has been terminated, all unsubmitted Schedules of Compliance will be closed, and the permittee will no longer receive prompts for those schedules. However, please note that all outstanding reporting requirements (e.g., treatment reports) must be completed prior to termination (if the permit is active in a particular year, that year’s treatment report must be submitted [if required by the permit], even if no treatment was undertaken).

ANC Program staff may also initiate a permit termination internally if authorization to treat has been withdrawn. The permittee will be notified of the termination by a MiEnviro Portal notification and by email from ANC Program staff.

## PERMIT APPLICATION AND ANNUAL FEES

### 22. What is the required permit application fee for my proposed treatment?

The permit application fee structure is based on the size of the proposed treatment area (not the waterbody size) and may vary from year to year in order to achieve a target in fee revenue, in accordance with [Section 3306 of Part 33](#). The COC application fee is a flat fee and does not vary by size of the proposed treatment area but may also vary on an annual basis. Information on the current fee structure can be found on the [ANC web page](#) under the Application and Permit Information heading.

Please be aware that an annual fee due by April 1 is also a requirement for subsequent years of in-effect multi-year permits.

### 23. What happens if I miss payment of the annual fee? How do I reactivate my permit?

If you do not pay the annual fee for a multi-year permit by April 1, your permit is suspended until payment is received. A permit can be reactivated once the annual fee is paid. However, all overdue annual fees from previous seasons are also due at that time. For example, if you do not treat and therefore do not pay the annual fee for year two of a three-year permit, but you do want to treat in year three, you must pay both the annual fees for years two and three to reactivate your permit. Conducting treatment under a suspended permit is a violation of Part 33.

### 24. What fee payment methods are available?

Fee payments may be submitted online in MiEnviro Portal using a credit card or by sending a check in the mail. Online payments by credit card are completed during the MiEnviro Portal permit application process or annual fee submission process and are subject to a non-refundable processing charge. To pay by mail, you must print the voucher at the end of the MiEnviro Portal permit application submission process or annual fee submission process and

mail the voucher with the check. You may submit multiple checks for a single permit application fee. However, you may not submit one check to cover multiple permit applications.

**25. If my permit application is denied or modified, will I get a fee refund?**

Except in the case of an overpayment of the application fee, all application fees are non-refundable once the application review process begins. However, a 15 percent application fee refund will be issued if a permit decision is not made within the statutory deadlines described in [Question 14](#).

**26. If my permit is terminated, will I get an application or annual fee refund?**

If the permit is terminated and the permittee has prepaid annual fees, they may be eligible for a refund of prepaid fees.

**PERMIT CONDITIONS**

**27. Does notification of adjacent waterfront properties apply to all types of waterbodies or just lakes? Does the written notification for waterfront property owners within 100 feet of the treatment area apply only to owners with waterfront property or to properties that are within 100 feet inland from the treated waters but are not actually on the waterbody?**

Part 33 allows EGLE to require the permittee to notify an owner of any waterfront property within 100 feet of the area of impact. This may include any type of waterfront property, whether the waterbody is a lake, river, or wetland. For most ANC permit activities, written notification is not required for those property owners who live within 100 feet inland from the treatment area and who do not own waterfront property within 100 feet of the area of impact. The exception to this is treatment for emergent and floating-leaf invasive plant species under the ANC94 GPs. For treatment under that GP notification of any property owner within 100 feet of the area of impact is required.

**28. What are the special requirements for a whole lake treatment for aquatic nuisance control (including fluoridone treatments)?**

A request for a whole lake chemical treatment must be accompanied by a Lake Management Plan pursuant to [Section 3304 of Part 33](#). In addition, supplementary permit conditions may be applied to a whole lake treatment permit. These conditions allow for monitoring of a chemical application to determine adverse impacts on native aquatic vegetation or other aquatic life. Special pre- and post-treatment monitoring procedures are already in place for fluoridone treatments. These guidelines can be found on the [Whole Lake Treatments](#) web page.

Please note that requests for whole lake treatments are not common. Typically, these treatments are intended for control of large-scale infestations of non-native or invasive species. Before you apply for a whole lake treatment, please contact the ANC Program at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593 for additional guidance. Application fees are not refundable once the review process begins.

## ENVIRONMENT/HUMAN HEALTH

### 29. Will aquatic pesticides harm public health or the environment?

The aquatic pesticides that are permitted by the [ANC Program](#) are registered by the [United States Environmental Protection Agency](#) and [MDARD](#). They also undergo toxicological review by EGLE WRD. If the pesticides are applied according to federal product label instructions and permit requirements, these chemicals should pose no danger to public health. Most products permitted by the ANC Program also pose no danger to the environment when correctly used and while a small subset may have an impact on water quality, these products have additional permit restrictions to minimize their risk to the environment.

General product safety information is included on the federal product label. In addition, you may review human and environmental health and safety information on the Safety Data Sheet. This information is usually posted on the manufacturer's website.

### 30. Will the pesticides contaminate drinking water sources?

Federal product labels specify setbacks for surface water intakes for pesticide products as required. Permittees and chemical applicators are required to follow all federal product label instructions by federal and state law. For the safety of well water sources, it is important to have properly constructed wells that meet all legal requirements. If you have concerns about the operational safety of your drinking water well, contact your county health department.

### 31. Will the aquatic pesticides affect swimming or fishing in the lake?

The only product with a swim restriction on the federal product label is 2,4-D ester (Navigate, 24-hour swim restriction). Currently, there are no fish consumption restrictions required by the federal product labels of products permitted in Michigan.

### 32. What if there are threatened or endangered species associated with my treatment site?

The [ANC Program](#) assesses each treatment site on a case-by-case basis to determine whether there are threatened or endangered species present using historical records and multiple data sources of species occurrences. If there are records of protected species associated with the treatment site, ANC Program staff will work with applicable agencies, the permit applicant, and other waterbody stakeholders to minimize impacts of the treatment activity to the threatened or endangered species, and its critical habitat area.

### 33. What if my lake has wetlands adjacent to the shoreline?

The ANC permit application requires that known wetlands be identified on the treatment map(s). The ANC Program typically does not permit treatment of native plants or algae adjacent to wetlands and/or along other types of undeveloped shoreline. For additional guidance on identifying wetlands, including regulatory information, you may contact EGLE's [Wetlands, Lakes, and Streams Unit](#). You may also review the information available on the [EGLE Wetlands Map Viewer](#).

**34. How is the treatment of native and non-native aquatic vegetation permitted differently?**

EGLE permits the chemical control of both native and non-native aquatic vegetation. Native vegetation may be treated for control of nuisance conditions that impedes recreational use of the site. Control of native vegetation is typically restricted in size and location to areas with the highest recreational usage (along developed shoreline). Treatment of native vegetation is limited in this manner to provide habitat protection for native plants and animals that live in the lake. Treatment of non-native vegetation may be permitted anywhere in the waterbody, provided that it can be conducted in a selective manner (through selection of the pesticide active ingredient, dosage, seasonal timing, treatment frequency, etc.) and with the required bottomland owner permissions and treatment map delineations. More expansive treatment of non-native species is allowed in order to counteract the spread of non-native species and promote the return of native plants to the system.

**35. I think I found a non-native or invasive aquatic species in my lake. What should I do?**

If you think you have found a non-native or invasive aquatic plant, algae, or animal species, please refer to the [Michigan Invasive Species Program](#) for the appropriate way to report your observation.

**36. How can I learn more about improving the water quality in my lake?**

EGLE engages with residents statewide on water quality monitoring through the Michigan Clean Water Corps (MiCorps), a network of volunteer water quality monitoring programs in Michigan. Please visit the [MiCorps](#) website for additional information on volunteer water quality monitoring programs, including how to get involved.

Information on how shoreline development can impact water quality and ecologically friendly shoreline management practices can be found through EGLE's [shoreline protection website](#), the [Michigan Natural Shoreline Partnership](#), and the [Michigan Shoreland Stewards](#). Additional information may be obtained from local universities, environmental consultants, non-profit organizations, local units of government, other state agencies, and the federal government.

**37. I still have questions concerning aquatic nuisance control. What is the ANC Program's contact information?**

ANC Program staff welcome any questions you may have. You may contact staff members at [EGLE-WRD-ANC@Michigan.gov](mailto:EGLE-WRD-ANC@Michigan.gov) or 517-284-5593. If you wish to contact a particular staff person, please view the [ANC Program staff contact list](#).

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