



MICHIGAN DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY

MLSA/EGLE Water Resources Division Meeting

ANC Program

Water Resources Division

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Presentation Overview

- Permit review process overview
- New product review
- New copper restrictions
- Role of ANC in invasive species control in state

Aquatic Nuisance Control (ANC) Permitting

- Water Quality and Aquatic Nuisance Control Permits Unit
- ANC permits use of pesticides to treat
 - Invasive species
 - Nuisance aquatic plants
 - Algae
 - PART 33, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA)
 - www.mi.gov/anc under Aquatic Nuisance Laws & Rules
- Permits are written to treat nuisance plants, algae, and invasive species
- Protect water quality and aquatic life





Permit application review process overview

- Administrative review
 - Bottomland authority
 - MiWaters certifier status
 - Fees
- Environmental review
 - Waterbody characteristics (surface area, outlet flow)
 - Delineation of non-native and native species treatment areas
 - Treatment area relative to size of littoral zone
 - Shoreline development
 - Records of protected species
 - State conservation easements
 - Trout streams, trout lakes
 - Wetlands
 - DNR Fisheries Division review and Tribal Interests

New Product Approval Process

Regulatory Framework

Part 33 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), establishes in Section 3305 that, “A chemical shall not be used in waters of the state for aquatic nuisance control unless it is registered with the EPA, pursuant to Section 3 of (FIFRA), 7 USC 136a, and the Michigan Department of Agriculture, pursuant to part 83, for the aquatic nuisance control activity for which it is used.”

R 323.3103 of Part 33 of Act 451 of 1994 states in part, “The department may conduct evaluations of the impacts and effectiveness for any chemicals that are proposed for use in waters of the state. The director, in consultation with the director of the Michigan Department of Agriculture, may issue an order to prohibit or suspend the use of a chemical for aquatic nuisance control if, based on substantial scientific evidence, use of the chemical causes unacceptable negative impacts to human health or the environment. The department shall not issue permits authorizing the use of such chemicals.”

R 323.1097 of Part 31 of the Part 4 Rules, Water Quality Standards, of Act 451 of 1994, states that, “the application of materials for water resource management projects pursuant to state statutory provisions ...shall be reviewed and approved by the department before application”.

New Product Approval Process

Steps in the process

- Representative of product submits the package to ANC
 - EPA product label
 - Safety Data Sheet
 - Confidential Statement of Formula
- ANC Program reviews documents and sends review request to WRD Water Toxics Unit
 - Additional information may be requested
- Water Toxics Unit reviews the product
 - Environmental fate and persistence
 - Mammalian toxicity
 - Aquatic toxicity
- ANC collects information and reviews product use patterns, target species, efficacy, selectivity
- ANC determines if product is approved and if special permit conditions are needed

Copper Condition

Except for waterbodies with a total surface area of less than 10 acres and canals and marinas on the Great Lakes and connecting waters, copper treatments for algae, macroalgae, and submersed macrophytes are restricted to chelated copper products during May and June. No more than a cumulative total of 25 percent of the potential spawning area (the area of the waterbody within the 0-10 feet depth contours) may be treated with copper products during May and June. Treatment of starry stonewort with chelated copper may exceed a cumulative total of 25 percent of the potential spawning area. If starry stonewort is treated under this exemption, then treatment of filamentous algae, planktonic algae, and native macroalgae is not allowed during May and June; and treatment of starry stonewort during May and June is restricted to one time only per starry stonewort treatment area. In the event of a harmful algae bloom (HAB) during May or June (documented by positive algal toxin test results, positive identification of HAB species, or other approved EGLE methodology), alternative treatment patterns may be considered by EGLE to protect public health.

- Developed in consultation between ANC/WRD and DNR (Workgroup)
- Copper treatment concentration exceeds water quality standards protective of aquatic life
- Objective of the condition is to reduce the spatial footprint of copper sulfate during the spawning season

Copper Condition

- Inland lakes of surface area 10 acres or greater
- Chelated copper products only during May and June
- “Cumulative” means spatial cumulative total of 25 percent of the potential spawning area (the area of the waterbody within the 0-10 feet depth contours) may be treated with copper products during May and June
- Treatments of starry stonewort with chelated copper may exceed the cumulative total of 25 percent of the potential spawning area
 - One treatment per starry stonewort treatment area during May and June
 - Treatment of filamentous algae, planktonic algae, and native macroalgae is not allowed during May and June
- Alternative treatment patterns may be considered by EGLE to protect public health if harmful algae blooms must be treated



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ANC role in AIS management

- Coordination with AIS Program in ANC permit issuance
- Representation on AIS Core Team
 - Contribute to development state management plan
 - Contribute to development of policies and procedures
 - Input to Michigan Invasive Species Grant Program (MISGP)
- Assist in education and outreach by telephone and in the field



Questions?

- Contact information:
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