

 **07hr_SC-ENR_ab0096_pt01**



(FORM UPDATED: 08/11/2010)

**WISCONSIN STATE LEGISLATURE ...
PUBLIC HEARING - COMMITTEE RECORDS**

2007-08

(session year)

Senate

(Assembly, Senate or Joint)

**Committee on ... Environment and Natural
Resources (SC-ENR)**

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... **HR ... bills and resolutions** (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

* Contents organized for archiving by: Mike Barman (LRB) (August 2012)

June 2014

Senate

Record of Committee Proceedings

Committee on Environment and Natural Resources

Assembly Bill 96

Relating to: the possession, release, control, storage, sale, and transportation of fish of an invasive fish species and requiring the exercise of rule-making authority.

By Representatives Schneider, Petrowski, Mursau, Hahn, Benedict, Turner, Van Roy, A. Ott, Kleefisch, Sheridan, Hilgenberg, J. Ott and Sinicki; cosponsored by Senators Lassa, Risser, Wirch, Plale and Schultz.

January 17, 2008 Referred to Committee on Environment and Natural Resources.

February 7, 2008 **PUBLIC HEARING HELD**

Present: (5) Senators Miller, Jauch, Wirch, Kedzie and Schultz.
Absent: (0) None.

Appearances For

- Marlin Schneider, Wisconsin Rapids — Representative, 72nd Assembly District

Appearances Against

- None.

Appearances for Information Only

- Mike Staggs, Madison — DNR

Registrations For

- Jennifer Giegerich, Madison — Wisconsin League of Conservation Voters

Registrations Against

- None.

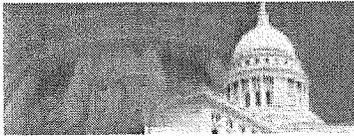
Registrations for Information Only

- None.

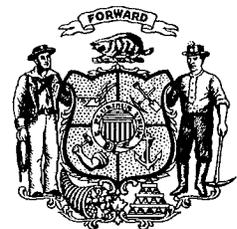
March 13, 2008

Failed to concur pursuant to Senate Joint Resolution 1.

Elizabeth Bier
Committee Clerk



WISCONSIN STATE LEGISLATURE



Bier, Beth

From: Heinen, Paul H - DNR [Paul.Heinen@Wisconsin.gov]
Sent: Thursday, February 07, 2008 9:53 AM
To: Bier, Beth
Subject: FW: AB 96 - invasive fish species - Senate committee hearing Thurs. at 10 am
Importance: High

From: Flaherty, Peter D - DNR
Sent: Wednesday, February 06, 2008 4:57 PM
To: Heinen, Paul H - DNR
Cc: Staggs, Mike D - DNR; Hewett, Steve W - DNR
Subject: AB 96 - invasive fish species - Senate committee hearing Thurs. at 10 am
Importance: High

Paul - you asked me to write up some questions and answers that might be asked of Mike Staggs at the hearing tomorrow on AB 96. I have not had a chance to speak to Mike about these yet, so he may not want to use them, or he may want them changed::

Q: I understand DNR is concerned about the exemption in the bill for fish farm operators. Why?

A: Wisconsin's Aquaculture industry imports and stocks large numbers of fish each year in state waters or sells them for use as live bait. For this reason alone it too must be part of the solution to the invasive fish problem. Fish farms have great potential to introduce or spread invasive species into waters of the state. There are hundreds of fish farms in Wisconsin handling many thousands of fish each year. Often their fish come via bulk shipments from fish farms outside of Wisconsin or from wild sources. These fish are eventually stocked in public and private waters of Wisconsin, or sold for use as live bait.

Q. Do fish farms intentionally deal in invasive species?

A. Some do. Although bulk shipments of forage fish from southern states routinely include incidental specimens of invasives like the mosquitofish, in other cases, fish farms operators deliberately market invasive species such as grass carp to pond owners for weed control. Either way, these practices need to be modified if Wisconsin is to successfully control the introduction and spread of invasive fish species.

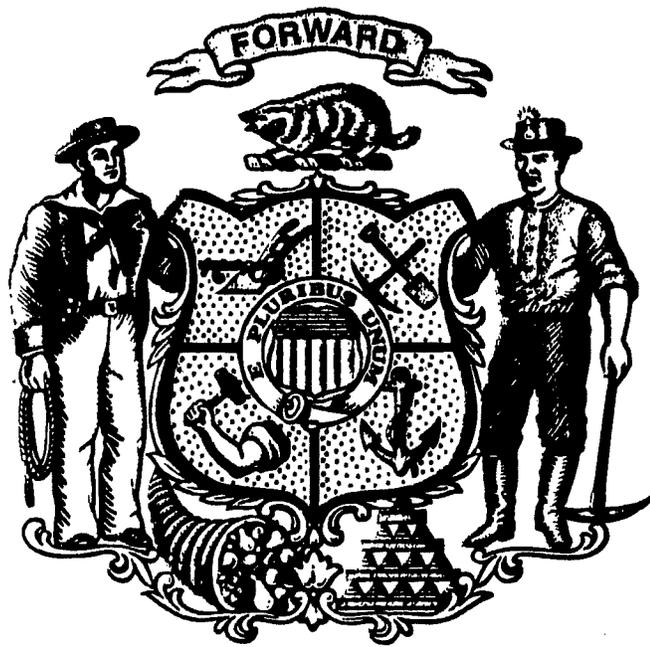
Q. Won't DNR's upcoming invasive species rules apply to fish farm operators?

A. They should, but they might not. The lawyers tell me that the exemption language for fish farm operators currently in AB-96 could be read to imply that fish farm operators can deal in invasive fish species free of all invasive species regulation.

Pete F.

CONFIDENTIALITY: This message and any attachments may contain information which, by law, is privileged,

2/7/2008



Hearing Notes
February 7, 2008

Written
Testimony

Call Public Hearing to Order and ask Clerk to call the roll

- ROLL CALL

SB 385, relating to operation of motorboats, other personal watercraft, at slow-no-wake speed within a given distance of the shoreline of a lake

- Sen. Jauch

SB 441, relating to environmental regulation of mining and notice to transferees of interests in mining sites

- Sen. Hansen

SB 357, relating to minimum harvesting requirements for Great Lakes fish

- Sen. Hansen

SB 421, relating to sales and use tax exemption for energy-efficient products purchased in conjunction with Earth Day

- Lt. Governor Lawton/Sen. Miller

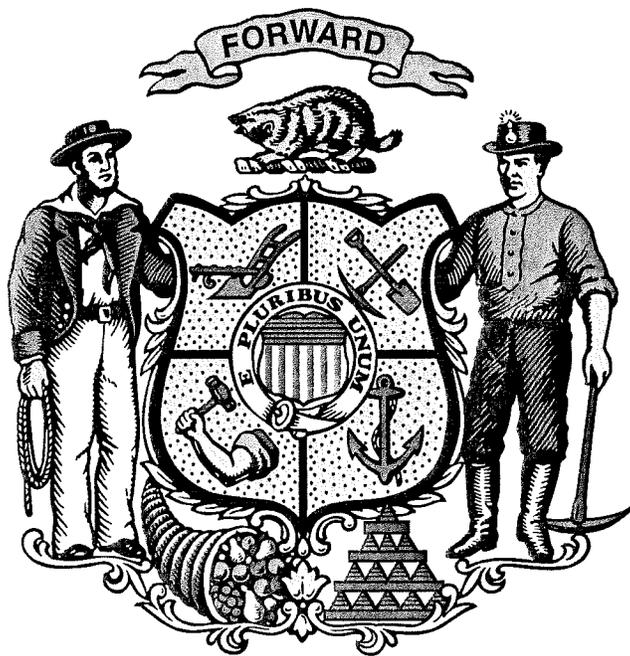
AB 96, relating to the possession, release, control, storage, sale and transportation of fish of an invasive fish species and requiring the exercise of rule-making authority

- Rep. Schneider

SB 169, relating the regulation of certain structures in navigable waters, granting rule-making authority, and making an appropriation

- Sen. Breske/Rep. Gunderson

Public Hearing concludes, adjourn meeting.



TESTIMONY: Assembly Bill 96 - Rep. Martin Schmedes
Senate Committee on Environment and Natural Resources
Chairperson: Sen. Mark Miller
Public Hearing: Thursday, February 7, 2008
Room 201 Southeast

Mr. Chairperson and members of
the Committee on Environment and
Natural Resources, I thank you for the
opportunity to speak with you today
regarding Assembly Bill 96.

Protecting Wisconsin's most precious
natural resources is an essential duty
of our government. Assembly Bill 96

will aid in this duty by prohibiting possession of, controlling, releasing, storing, selling, or transporting fish of an invasive species. One of the most pressing invasive species, in my opinion, is the Asian carp, which must be differentiated from the Common carp as they are two separate species that have very different effects on the balance of our aquatic ecosystem. A

couple of years ago I attended the Council of State Governments' Midwestern Conference annual meeting in Milwaukee where I learned of the danger that this species poses to our waterways. At the time, it was my understanding that the fish had reached as far north as Chicago, Illinois, on the Illinois River. The Illinois Department of Natural

Resources was struggling valiantly to keep the fish from entering the Great Lakes. At the meeting, it was also stated that this fish had become 95 percent of the biomass in parts of the Mississippi River basin. It is believed that the fish entered the general environment during an incident in the 1990s when floodwaters on the Mississippi River, in the State of

Mississippi, invaded aquaculture farms in that state and released this fish into the general environment.

According to a columnist Eric Sharp of the Detroit Free Press, multiple species of Asian carp have threatening implications to lakes for many different reasons. Adult Asian carp range in size from 50 to 120 pounds. Their ravenous appetites

spur this enormous growth as Asian carp eat two to three times their body weight each day. They breed so fast that Australians have nicknamed the fish “river rabbits”. In addition to their large size, Asian carp also jump like tarpon. On many occasions, the Silver carp have jumped out of the water onto tour barges, research boats, and private fishing boats.

The Silver carp, which can reach 60 pounds, and the Bighead carp, which can top 100 pounds, are two species arousing great concern in the Mississippi and Illinois River systems. More recently, the carp species was found in the Chicago Sanitary and Ship Canal only 11 miles below Lake Michigan. In 1990, biologists netted no Asian carp when

they sampled the Mississippi and Illinois rivers. Astonishingly enough, only ten years later Asian carp made up 97 percent of a massive fish kill in a Mississippi slough just south of St. Louis. Bob Kavetsky, a Great Lakes biologist, states “both the Bighead and Silver carp feed on plankton, but the Silver carp is a major filter feeder, just like a vacuum cleaner, and the

question arises whether the plankton is concentrated enough in the Great Lakes to support large populations of these fish.” Therefore, it is also the fear that if the carp reach the Great Lakes, they will place an insurmountable stress on the plankton population, resulting in more competition not only with juvenile game fish but also with all the baitfish

and fingerlings near the bottom of the food chain. This would in turn lead to adverse effects throughout the ecosystem. In the 1980s, Zebra mussels arrived by ship from Europe. These tenacious mussels caused dramatic changes in the Great Lakes plant and fish supplies. Moreover, biologists believe that the environmental changes these Zebra

mussels caused will pale in comparison to the potentially devastating effects of the Asian carp.

The Bighead carp, which were netted in the Chicago Sanitary and Ship Canal in 2001 near Lake Michigan, prompt some biologists to conclude that it is too late to keep them out of the Great Lakes.

Scientists, however, do not see the

Common and Grass carp, as immediate threats. This is because they are sustained on a different food source, rooted plants that are in short supply in big waters. Scientists predict that this fact will prevent these species from becoming too populous. Conversely, it cannot be denied that species such as the Bighead carp, Silver carp, and Black carp are

immediate threats to the biological existence of the Great Lakes. These threats can be further illustrated by the damage done to the Wisconsin's ecosystem by the Asian Carp, which have already infested Wisconsin's rivers and smaller lakes. Biologists fear the damage to these regions will be nearly irreversible before the decade comes to an end.

Assembly Speaker Michael

Huebsch has brought it to my attention that the Asian carp has infested the waters as far north as Lake Onalaska, thus showing the rapid migration of these fish and the need to act swiftly. The Minnesota DNR is gravely concerned about the impact that the fish will have on their 10,000 lakes, and Wisconsin needs to

be concerned about the threats posed to our own 15,000 lakes and rivers by the Asian Carp and all invasive fish species.

In closing, we must work together to ensure our lakes and rivers continue to thrive for generations to come. Assembly Bill 96 will help solidify this goal by preserving the

delicate balance of our marine regions.

I also would like to note that since this bill was originally drafted, it has come to my attention that there are over two-thousand registered fish farms in Wisconsin and a general exemption allowing the handling of invasive fish species at those facilities would be extremely risky. Therefore,

I am recommending the deletion of Section 1 (3) (d), the exemption for fish farms, because a better time to address the needs and concerns of fish farmers is during the rule-making process when the list of invasive species is promulgated.

Thank you once again for your time and attention regarding this pressing matter.