

2013 DRAFTING REQUEST

Bill

Received: **1/24/2013** Received By: **rkite**
Wanted: **As time permits** Same as LRB:
For: **Robert Cowles (608) 266-0484** By/Representing: **Toni Herkert**
May Contact: Drafter: **eshea**
Subject: **Nat. Res. - nav. waters** Addl. Drafters:
Extra Copies:

Submit via email: **YES**
Requester's email: **Sen.Cowles@legis.wisconsin.gov**
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

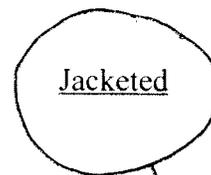
Sea lamprey control activities and funding

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	eshea 2/20/2013			_____			
/P1	eshea 3/14/2013	scalvin 2/27/2013	rschluet 2/27/2013	_____	srose 2/27/2013		
/1		scalvin 3/14/2013	rschluet 3/14/2013	_____	mbarman 3/20/2013	srose 3/21/2013	



Per Toni Herkert to SR 3/21/13

FE Sent For:

Not needed

<END>

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/1		scalvin 3/14/2013	rschluet 3/14/2013	_____	mbarman 3/20/2013		

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<END>

They could not find
 - so draft was
 re-submitted
 (paper & e-mail)

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FE Sent For:		11 sac 03/14/2013					

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/?	rkite	RP1 SAC 02/27/2013		_____	_____		

FE Sent For:

<END>

Tradewell, Becky

From: Herkert, Toni
Sent: Thursday, January 24, 2013 1:15 PM
To: Tradewell, Becky
Cc: Herkert, Toni
Subject: Senator Cowles Office
Attachments: Great Lakes Recommendations.docx

Hey Becky,

I don't know if you remember me, but I worked for Senator Cowles about 13 years ago and after a 10 year stint with DNR and 3 years in nonprofits I have returned on a part-time basis. I don't know if you would be the correct person to draft this piece of legislation for Rob, but he wants to get it in drafting ASAP. I am still working on funding sources and some of the final details, however, attached you will find an outline of what we would be proposing. Basically, it is funding (divided into one time funding and a continuing appropriation) that would be directed to increase sea lamprey control efforts to supplement Great Lakes Fishery Commission funding from the Feds. The attached document highlights areas that could be used to draft a proposal. If you would be able to let me know if you would be the drafter on this or if you could forward to the appropriate person that would be awesome.

Thanks in advance,
Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

Great Lakes Fishery's Commission Recommendations for the Application of Additional Funds for Sea Lamprey Control in Wisconsin Waters

January 14, 2013

Overview

The Great Lakes Fishery Commission (commission) implements a program to control the invasive sea lamprey throughout the Great Lakes basin. Nevertheless, the commission's funding is limited and used to apply all needed sea lamprey control actions. Therefore, the commission must rank actions according to need. If additional funds for sea lamprey control were supplied by the State of Wisconsin, unfunded sea lamprey control actions identified within the state boundaries could be implemented to further enhance sea lamprey control and the rehabilitation of Great Lakes fish populations. This document outlines sea lamprey control actions and estimated costs outside of the commission's base control program that could be implemented if additional funds from the State of Wisconsin are allocated for sea lamprey control.

Sea Lamprey Barriers and Traps

The State of Wisconsin could build on existing commission-funded sea lamprey control effort by funding construction of sea lamprey barriers and traps on streams within Wisconsin waters. Possible projects include the Kewaunee River (Lake Michigan tributary), and the Nemadji River (Lake Superior tributary). All sea lamprey barrier and trap projects could be cost-share projects with the U.S Army Corps of Engineers under the Great Lakes Fishery and Ecosystem Restoration program, which requires a 35% cost share from the non-federal project sponsor (Wisconsin Department of Natural Resources in this case).

Kewaunee River

The Buzz Besadny Anadromous Fish Facility and low head dam on the Kewaunee River was constructed in 1990 and consists of a low head barrier with a bypass channel to supply water to the facility and attract spawning fish for egg collection. Prior to 1990, there was an old dam located at the site. Sea lamprey larvae were first discovered in the Kewaunee River in 1967 and upstream of the original dam in 1972. Since construction of the low head dam in 1990, spawning has occurred upstream in all but a few years. Nevertheless, larval densities have historically been low and the river has only been treated 2 times, once in 1975 and then again in 2007. In 2007, only Casco Creek was treated.

Additional funding for sea lamprey control, if provided by the State of Wisconsin, could be used at this site to eliminate sea lamprey escapement upstream of the dam (and subsequent escapement of parasitic offspring to Lake Michigan where they would feed on fish) and to capture sea lampreys at the site before they can reproduce and to help generate sea lamprey population estimates for Lake Michigan. Refurbishing this barrier is a permanent solution to an ongoing problem for sea lamprey control and a more attractive and cost-feasible option than conducting expensive lampricide treatments (at least \$15,000 per treatment) every 4 years. Suggested barrier modifications include:

- 1) Install a gate for downstream smolt passage (estimated cost \$50,000).
- 2) Construction of a permanent sea lamprey trap to remove lampreys from the stream (estimated cost \$50,000).
- 3) Complete hydraulic and hydrologic study to determine frequency of water inundation and feasibility of raising barrier crest height (estimated cost \$20,000).

Total Project Estimate: \$120,000

65% Federal Funding - \$78,000

35% State Funding - \$42,000 – **One Time Funding**

Nemadji River

The Nemadji River is located near Superior, WI and is treated with lampricide to control sea lampreys about every 4 years at a cost of \$180,000 per treatment. This system is difficult to treat with lampricides because of challenging flow conditions and physical characteristics that restrict access by treatment crews causing less than ideal treatment effectiveness. Sea lampreys surviving lampricide treatments (residuals) contribute to the parasitic population that feeds on fish in Lake Superior.

Additional funding for sea lamprey control, if provided by the State of Wisconsin, could be used at this site to build a barrier that would reduce treatment cost and the number of residual sea lampreys escaping to Lake Superior and damaging fish. The estimated reduction in treatment costs would be about \$70,000 every four years (some lampricide treatment would still need to be applied below the barrier). Potential barrier locations would be between Hwy 35 and the MN/WI border; State Hwy 35 is downstream of most of the sea lamprey infestation, but Dedham Road also looks like a suitable barrier location regarding topography. Projects similar to this have cost about \$750,000. There is a risk that after spending considerable time and some money, the project could be deemed unfeasible for a variety of reasons (e.g., endangered species, real estate, local objections, hydrology).

Total Project Estimate: \$750,000

65% Federal Funding - \$487,500

35% State Funding - \$262,500 – **One Time Funding**

Additional funds, if provided by the State of Wisconsin, could also be put towards searching for new sea lamprey-producing streams or lentic areas (inland lakes or areas near the mouths of tributaries) that have historically been uninfested and are therefore surveyed less frequently. Historically positive streams that are not included in the attached spreadsheet have been surveyed for sea lampreys within the past five years but none have been found (includes Little and Ahnapee rivers, and Pensaukee, Ephraim, and Bear creeks). The Fox River was recently surveyed for sea lamprey larvae but none were found. Since 2007, five Lake Superior and 17 Lake Michigan tributaries have been investigated for sea lamprey production and only one, the Sioux River in Lake Superior, was positive. That small population continues to be monitored.

Increased effort to investigate Wisconsin tributaries for sea lamprey production that have not been recently surveyed would be a one-time cost of \$60,000. This would allow for stream or lentic surveys in 40 Lake Superior tributaries and 80 Lake Michigan tributaries.

One Time Total Project Estimate for Larval Sea Lamprey Surveys: \$60,000

Lampricide Treatments and Surveys

The State of Wisconsin could build on existing commission-funded sea lamprey control effort by funding a second consecutive lampricide treatment of sea lamprey-producing streams within Wisconsin waters (Figure 2). Consecutive lampricide treatments are intended to remove sea lampreys that survive the first treatment. These “residual” larval sea lampreys are believed to be the major contributor to the parasitic populations in the Great Lakes. Annual cost estimates for consecutive treatments are provided in the Table 1. Available funds beyond those required for consecutive treatments could be put towards a single treatment of tributaries that are marginal sea lamprey producers. These streams, such as Hibbards and Three Mile creeks, are treated less frequently within the commission-funded program because low infestations result in a comparatively less valuable treatment when considering cost per kill across the entire Great Lakes basin. Lampricide treatment costs for all currently infested streams in Wisconsin waters are listed in Table 1 and are based on 2013 dollars

and lampricide needs. Lampricide treatments could be selected a la carte based on need and available funding.

All infested streams in Wisconsin waters have been treated at least once since 2007 with the exception of Whitefish Bay Creek and the Sioux River. The Cranberry River will be treated for the first time during 2013, after re-infestation was first discovered during 2010.

Continuing Project Estimate Costs for Lampricide Treatments (see Table 1 for detail): \$1,525,742

only \$200k/year

The state supplemental funding provided in this bill will allow the DNR discretion (with consultation with the Great Lakes Fishery Commission) on how to best utilize increased treatment funding to control sea lamprey. This portion of the proposal would be a continuing appropriate for use in the Great Lakes.

WL

/ Funding \$200,000 continuing appropriation

Proposal Summary

One Time Costs

- Kewaunee Barrier - \$42,000
- Nemadji River Barrier - \$262,500
- Larval Sea Lamprey Surveys - \$60,000

Continuing Costs

Lampricide treatments for tributaries for Lake Michigan and Lake Superior \$200,000

Total Costs - \$564,000

Table 1. The following table describes cost and kill for all streams listed below, including intermittent producers.

Year of Funding	Cost for State Funded Treatments	Cost for Associated Assessment	Total Cost	Staff Days for State Funded Treatments	Estimated Number of Larvae Killed
2013	\$96,560	\$9,280	\$105,840	78	15,161
2014	\$498,500	\$10,000	\$508,500	398	46,180
2015	\$491,696	\$9,640	\$501,336	274	88,326
2016	\$405,465	\$4,600	\$410,065	268	25,023

Consistent producers - first treatment paid for by GLFC, second treatment paid for by State of WI.

Lake	Stream Number	Tributary	Year of last treatment	Expected Year of Next Treatment	Year of State funded treatment	Treatment Cost	Staff Days	Estimated Larvae Killed by Second Treatment
Superior	611	Bad River*	2011	2014	2015	\$263,315	165	79,981
Superior	634	Fish Creek	2010	2014	2015	\$53,559	38.5	5,352
Superior	648	Red Cliff Creek*	2011	2015	2016	\$34,386	33	924
Superior	660	Sand River	2011	2015	2016	\$50,542	45.5	3,709
Superior	671	Cranberry River	Never	2013	2014	\$52,308	48	279
Superior	676	Iron River	2007	2013	2014	\$24,863	12	755
Superior	679	Brule River (Down from barrier)	2012	2015	2016	\$65,482	34	15,205
Superior	701	Poplar River	2011	2015	2016	\$45,042	42	2,327
Superior	703	Middle River	2008	2013	2014	\$20,486	13	2,029
Superior	705	Amnicon River	2012		2013	\$42,634	34	14,701
Superior	712	Nemadji River	2009	2013	2014	\$235,614	190	42,668
Michigan	200	Peshtigo River	2011	2014	2015	\$150,960	59	2,683
Michigan	216	Oconto River	2012	2015	2016	\$210,014	113	2,858

*Portions of streams on tribal lands.

Inconsistent Producers - single treatment paid for by State

Lake	Stream Number	Tributary	Year of last treatment	Year of State funded treatment	Treatment Cost	Staff Days	Estimated Larvae Killed
Superior	641	Sioux River	Never	2014	\$27,318	24	173
Michigan	189	Menominee River	2007	2015	\$11,848	1	279
Michigan	276	Hibbards Creek	2007	2013	\$44,578	35.9	398
Michigan	277	Whitefish Bay Creek	1987	2014	\$32,858	25.6	26
Michigan	278	Shivering Sands Creek	2012	2015	\$12,013	10	31
Michigan	292	Door County #23	2007	2014	\$18,259	17	4
Michigan	305	Three Mile Creek	2008	2014	\$21,714	20	48
Michigan	313	Kewaunee River (Casco Cr.)	2007	2013	\$9,349	8	62
Michigan	339	East Twin River	2008	2014	\$65,080	48	199

Kite, Robin

From: Herkert, Toni
Sent: Tuesday, January 29, 2013 9:45 AM
To: Kite, Robin
Cc: Herkert, Toni
Subject: Sea Lamprey, Senator Cowles

Hi Robin,

My name is Toni Herkert and I am the policy analyst working on the Senator's sea lamprey bill. I believe Becky Tradewell forwarded an email from me with an attachment that details our proposal request. Basically it covers one time funding for a barrier on the Kewaunee River and the Nemadji River both cost shared with the Feds, one time funding for larval sea lamprey surveys and then discretion for DNR to spend \$200,000 in a continuing appropriation to chemically control sea lamprey. Please let me know if you have questions on this request. I am working with Erin Probst in Fiscal Bureau to see if we can uncover any current funding that we can reallocate to this initiative without robbing money that is accomplishing good work. If we cannot uncover a funding source, we will use GPR based on the fact that we are getting a big bang for the buck by leveraging federal funds and reducing chemical treatment in the barriered rivers in the future.

On the last page of the information piece that I sent to you, there was a listing under the "consistent producer" category for the Bad River. The line item indicates that the Feds will spend \$263,315 in 2014 to treat the river. Rob wants to draft a bill to spend the same amount in 2013 or 2015 to double treat the river. Research shows that if you double treat a river the larval kill realized is at the highest. Even though both bills relate to lamprey they would be separate, individual bills.

If you have any questions, please feel free to give me a call. In addition you may also chat with Erin at Fiscal Bureau. Thanks in advance and if you could let me know an estimated completion date that would be awesome. I know you are swamped, but Rob really wants to get these bills introduced.

Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

Toni cell 444-5781

30.02 (5)(b) DMan

deadline?
grant w/o funding source -
would have to draft with the contractor
↳ ch 23 lang - broad?

Shea, Elisabeth

From: Herkert, Toni
Sent: Thursday, February 07, 2013 11:28 AM
To: Shea, Elisabeth
Subject: RE: Sea lamprey drafting request

program language - examples:
25.19
23 093 - contract
25 0953 - ... program

Sounds good. I think we want to give DNR discretion to do the work themselves or contract with GLFWS if that would be more effective and/or efficient. I believe the barrier work would be done by DNR but some of the chemical work may be carried out by the feds, although they do have an office in Green Bay which makes it seem more local.

Does giving DNR discretion sound ok to you?

Sent from my U.S. Cellular® Android-powered device

"Shea, Elisabeth" <Elisabeth.Shea@legis.wisconsin.gov> wrote:

Hi Toni,

I just talked to Erin about this and it sounds like she's about to send you information regarding funding sources. I'll wait to hear from you how you'd like to proceed after you have a chance to talk to her.

Just to clarify, would the Great Lakes Fishery Commission be applying for federal funding and carrying out these control projects, with the state covering the cost share, or would the DNR be doing this?

Thanks.

Lis

From: Herkert, Toni
Sent: Thursday, February 07, 2013 10:53 AM
To: Shea, Elisabeth
Subject: RE: Sea lamprey drafting request

Thank you!

Sent from my U.S. Cellular® Android-powered device

"Shea, Elisabeth" <Elisabeth.Shea@legis.wisconsin.gov> wrote:

Hi Toni,

Robin forwarded me your question. Unfortunately it is difficult to make any promises about when you can expect a draft given that we are working on the budget right now. However, we understand that this is a priority for Sen. Cowles and we will do our best to get it to you as soon as possible.

Lis

Elisabeth H. Shea
Legislative Attorney
Wisconsin Legislative Reference Bureau
P.O. Box 2037
Madison, WI 53701-2037
(608) 266 - 5446
elisabeth.shea@legis.wisconsin.gov <mailto:elisabeth.shea@legis.wisconsin.gov>

From: Herkert, Toni
Sent: Thursday, February 07, 2013 9:53 AM
To: Kite, Robin
Subject: RE: Sea lamprey drafting request

Great! Any idea when we can expect a draft?

Sent from my U.S. Cellular® Android-powered device

2/7/2013

"Kite, Robin" <Robin.Kite@legis.wisconsin.gov> wrote:

Toni:

I wanted to let you know that in the interest of getting this draft to you as soon as possible, this request has been transferred to Elisabeth Shea who is another natural resources drafter in our office. Feel free to contact her directly if you have any questions about this drafting request.

Robin

Robin N. Kite
Senior Legislative Attorney
Wisconsin Legislative

Shea, Elisabeth

From: Herkert, Toni
Sent: Thursday, February 07, 2013 2:33 PM
To: Shea, Elisabeth
Subject: RE: Sea lamprey drafting request

We really want to get the funding for this spring. Therefore, it probably does need to happen before or with the budget. Since before is not an option and after the budget may be too late, perhaps it does need to be a budget amendment...

Thanks!

Toni

Sent from my U.S. Cellular® Android-powered device

"Shea, Elisabeth" <Elisabeth.Shea@legis.wisconsin.gov> wrote:

We can definitely draft this to have DNR do the work and give DNR discretion to contract it out. We may have to draft language authorizing DNR to enter into a contract to carry out this work, but I will check to see if DNR already has this broad authority.

Is there a deadline you're working with? Because of the timing with the budget, we may have to draft this as an amendment to the budget, or have it become effective after the budget goes into effect. Any appropriation changes enacted before the budget will be wiped out by it when it becomes effective.

Lis

From: Herkert, Toni
Sent: Thursday, February 07, 2013 11:28 AM
To: Shea, Elisabeth
Subject: RE: Sea lamprey drafting request

Sounds good. I think we want to give DNR discretion to do the work themselves or contract with GLFW S if that would be more effective and/or efficient. I believe the barrier work would be done by DNR but some of the chemical work may be carried out by the feds, although they do have an office in Green Bay which makes it seem more local.

2/7/2013

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Just to clarify, would the Great Lakes Fishery Commission be applying for federal funding and carrying out these control projects, with the state covering the cost share, or would the DNR be doing this?

Thanks.

Lis

From: Herkert, Toni
Sent: Thursday, February 07, 2013 10:53 AM
To: Shea, Elisabeth
Subject: RE: Sea lamprey drafting request

Thank you!

Sent from my U.S. Cellular® Android-powered device

2/7/2013

"Shea, Elisabeth" <Elisabeth.Shea@leg

Shea, Elisabeth

From: Herkert, Toni
Sent: Monday, February 11, 2013 12:37 PM
To: Shea, Elisabeth
Subject: Fwd: Sea Lamprey Control memo
Attachments: Sea Lamprey Control Funding.pdf

Elisabeth,

Here is the memo from fiscal bureau. Looks like the trout and salmon stamp account, after capital expenditures for the 2013-15 biennium, will have an ending balance of around 1.3 million at the end of this year and then collect additional revenue next year. Can we move forward with drafting using this account? We could also use bonding Erin mentions for the one time barrier projects. Let me know what you think.

Thanks
Toni

Sent from my U.S. Cellular® Android-powered device

----- Original message -----

Subject: RE: Sea Lamprey Control memo
From: "Probst, Erin" <Erin.Probst@legis.wisconsin.gov>
To: "Herkert, Toni" <Toni.Herkert@legis.wisconsin.gov>
CC:

Toni- Attached is an electronic copy of the memo. Please contact me with any additional questions you may have.

Erin

Erin K. (Rushmer) Probst
Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Probst@legis.wisconsin.gov

From: Herkert, Toni
Sent: Thursday, February 07, 2013 5:51 PM
To: Probst, Erin
Subject: Re: Sea Lamprey Control memo

2/11/2013

Thanks, I am not physically in the office on Fridays.

Toni

Sent from my U.S. Cellular® Android-powered device

"Probst, Erin" <Erin.Probst@legis.wisconsin.gov> wrote:

Yes, I will send you an electronic copy tomorrow morning.
Erin

Sent from my iPad

On Feb 7, 2013, at 5:25 PM, "Herkert, Toni" <Toni.Herkert@legis.wisconsin.gov> wrote:

> Awesome!! Can you also send it to me electronically?

>

> Sent from my U.S. Cellular® Android-powered device

>

>

>

>

>

> "Probst, Erin" <Erin.Probst@legis.wisconsin.gov> wrote:

>

>

> Hi Toni – I just wanted to let you know that your office should be receiving a memo from me describing Sea Lamprey control funding shortly.

> Thanks,

> Erin

>

> Erin K. (Rushmer) Probst

> Legislative Fiscal Analyst

> Wisconsin Legislative Fiscal Bureau

> ph. (608) 266-3847

> fax (608)267-6873

> Erin.Probst@legis.wisconsin.gov

>

>



Legislative Fiscal Bureau

One East Main, Suite 301 • Madison, WI 53703 • (608) 266-3847 • Fax: (608) 267-6873
Email: fiscal.bureau@legis.wisconsin.gov • Website: <http://legis.wisconsin.gov/lfb>

February 7, 2013

TO: Senator Robert Cowles
Room 118 South, State Capitol

FROM: Erin Probst, Fiscal Analyst

SUBJECT: Sea Lamprey Control Funding

In response to your request, this memorandum provides information about sea lamprey control methods utilized by the Great Lakes Fishery Commission (GLFC), recent Wisconsin Department of Natural Resources (DNR) expenditures related to GLFC sea lamprey control efforts as well as possible sources of funding within the Department for additional efforts identified by the GLFC.

Sea lampreys are eel-like parasites who feed on other fish, extracting blood and other fluids. Sea lampreys attach to fish with a sucking disk and sharp teeth and remain attached for hours, days, or sometimes weeks. A single sea lamprey can eat an estimated 40 pounds of fish or more in its lifetime. It is estimated that approximately half of sea lamprey attacks result in the death of their prey. Large fish may survive a lamprey attack, as evidenced by a circular scar left on their side where the parasite attached, but small fish may die immediately from the attack or from an infection from the large sucking wound. Sea lampreys contributed to the collapse of lake trout and other native Great Lakes species in the mid-20th century, and continue to have an effect on the Great Lakes ecosystem.

The Great Lakes Fishery Commission has primary responsibility for control of sea lamprey in the Great Lakes. The GLFC was established by the Convention on Great Lakes Fisheries between Canada and the United States in 1955. The Commission's mission is to: (1) develop coordinated programs of research on the Great Lakes, and, on the basis of the findings, to recommend measures which will permit the maximum sustained productivity of stocks of fish of common concern; and (2) formulate and implement a program to eradicate or minimize sea lamprey populations in the Great Lakes. The GLFC is made up of eight Commissioners, with four Commissioners from the United States appointed by the President for six-year terms and four Commissioners from Canada appointed by the Privy Council who serve at the pleasure of the

Council. The Commission works with the Department of Fisheries and Oceans Canada, the U.S. Fish and Wildlife Service, and the U.S. Army Corps of Engineers to implement the GLFC sea lamprey control program.

Sea lamprey control efforts conducted under the program primarily include: sea lamprey assessment, lampricide (chemical) treatments, barriers, and traps. Assessment is conducted to determine which streams contain sea lamprey larvae, and assessment data is then used by the Commission to identify which streams should be treated with lampricide. Assessment of adult spawning populations is also done in order to assess the overall success of the sea lamprey control program. Currently, the Commission treats about 175 Great Lakes streams with lampricides (chemicals designed to kill sea lamprey larvae in streams with minimal impact to other fish and wildlife) at regular intervals. In addition, sea lamprey barriers have been constructed to block the upstream migration of sea lampreys to prevent them from spawning. These barriers generally allow other fish to pass with minimal disruption. In addition, sea lamprey traps are operated at various locations throughout the Great Lakes in order to catch lampreys traveling upstream. Traps are often used in conjunction with barriers.

While the GLFC has primary responsibility for the control of sea lamprey in the Great Lakes, states take responsibility for maintenance of some sea lamprey barriers, and states often cooperate with the GLFC on other sea lamprey control projects. In Wisconsin, DNR has utilized Great Lakes trout and salmon stamp account funds for sea lamprey-related activities. The Great Lakes trout and salmon stamp, commonly referred to as the salmon stamp, is a \$10 stamp which an angler must purchase in addition to a fishing license, in order to fish for salmon or trout in the Wisconsin waters of the Great Lakes. Revenues from the stamp are deposited in a continuing appropriation in the fish and wildlife account of the segregated conservation fund referred to as the salmon stamp account, and are statutorily required to be used to supplement and enhance the existing trout and salmon rearing and stocking program for Great Lakes waters (generally including evaluation and research, or propagation activities, including facility developments). In addition, some revenues from the sale of conservation patron licenses, two-day sport fishing licenses, and collector stamps also contribute to the salmon stamp account.

Over the past several fiscal years, Great Lakes trout and salmon stamp account funds have been utilized to provide the GLFC with assessment data regarding lake trout population trends in Lake Michigan (\$17,700 in fiscal year 2011-12) and in Lake Superior (\$40,500 in 2011-12); for maintenance of Wisconsin's three sea lamprey barriers on the Middle, Bois Brule, and Iron Rivers (\$17,800 in 2011-12); and to conduct annual creel surveys (\$37,600 in 2011-12). The trout assessments are part of the lake trout restoration and management programs in Lake Michigan and Lake Superior. Department staff assess trends in the fraction of lake trout with sea lamprey wounds and scars and also assess trends in the abundance of mature spawning lake trout. In addition to providing sea lamprey data to GLFC, assessment data are also used to determine safe harvest levels for lake trout. The Brule River sea lamprey barrier limits reproduction of sea lamprey to the downstream portion of the stream. The barrier also allows DNR fisheries biologists to monitor trout and salmon runs with a time-lapse video monitoring system as they pass an underwater observation window. Stamp account funds were utilized for general maintenance on the access

roads at the Brule and Iron River barriers and to purchase two new time-lapse video recorders to replace older models at the Brule facility. In addition, the Department also conducts annual creel surveys at all major ports on Lake Superior to monitor sport harvest of salmon and trout. These surveys help estimate population size, evaluate and develop stocking strategies, and measure the success of other Lake Superior fishery management projects, including the Brule River sea lamprey barrier and the lake trout restoration and management program. The following table shows sea lamprey-related expenditures from Great Lakes trout and salmon stamp account funds over the last three fiscal years.

TABLE 1

**Great Lakes Trout and Salmon Stamp Account Expenditures
for Sea Lamprey-Related Activities:
Fiscal Years 2009-10 through 2011-12**

	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>
Lake Trout Restoration and Management (Lake Michigan)	\$16,800	\$13,900	\$17,700
Lake Trout Restoration and Management (Lake Superior)	33,900	33,700	40,500
Sea Lamprey Barriers	20,100	22,200	17,800
Lake Superior Creel Survey	<u>23,900</u>	<u>24,800</u>	<u>37,600</u>
Total	\$94,700	\$94,600	\$113,600

Although salmon stamp revenues have been the only DNR funding source recently utilized to support sea lamprey control efforts, the Department indicates that sea lamprey control activities would be considered an eligible use of Great Lakes Protection Fund monies. The Great Lakes Protection Fund is an endowment originally established in the late 1980s by six of the Great Lakes states. According to DNR, the current balance of the Fund is approximately \$110 million, and the Fund benefits Wisconsin in two ways: (1) the Fund directly grants moneys to projects within the Great Lakes basin that advance the joint interest of all the fund holders; and (2) the Fund pays "state shares" to all fund members based upon a percentage of realized profits and a proportion of the original payments into the fund (state shares may be used for the advancement of issues within the Great Lakes basin but not regulatory policy measures). DNR Office of the Great Lakes staff provide funding from Wisconsin's state share of the Great Lakes Protection Fund for projects within the Great Lakes basin conducted by a variety of stakeholders. Whenever possible, the funds are used as a match for federal funds. For example, recent projects included creating riparian buffers in the Lake Superior Basin to reduce nutrient and sediment loadings and improve fish and wildlife habitat along a key tributary in the Lake Superior basin. The project leveraged funds from the U.S. Department of Agriculture Natural Resources Conservation Service (NRCS) buffer program. Another recent project involved DNR fisheries staff working in conjunction with the City of Mequon and the U.S. Geological Service to complete a fish passage around a dam to allow fish to move to prime habitat areas upstream of the dam on the Milwaukee River. In fiscal year 2011-12, DNR expended \$145,700 from Great Lakes Protection Fund state share funds.

According to the GLFC, the Commission has limited funding and must therefore rank sea lamprey control actions according to need. However, if additional funds for sea lamprey control actions were supplied by the State of Wisconsin, the Commission could potentially conduct additional sea lamprey control actions within the state boundaries. These actions include sea lamprey barriers and traps on streams within Wisconsin waters, with possible projects on the Kewaunee River (a Lake Michigan tributary), the Namadji River, or the Bad River (Lake Superior tributaries). According to the GLFC, these projects could potentially be cost shared with the U.S. Army Corps of Engineers under the Great Lakes Fishery and Ecosystem Restoration program (with the state providing 35% of the cost, and the Corps providing 65%). Estimated costs could include approximately \$120,000 for refurbishments of the barrier on the Kewaunee River (at the Besadny Fish Facility) to eliminate sea lamprey escapement, and either \$1.5 million to construct a barrier on a tributary of the Bad River or \$4 million to construct a barrier on the mainstream of the Bad River. According to the GLFC, the U.S. Army Corps of Engineers has initiated a review of potential barrier sites on the Bad River and a preliminary restoration plan has been developed. DNR indicates that the Kewaunee River barrier improvements would help sea lamprey control on Lake Michigan waters and provide a benefit to local Wisconsin anglers. In addition, DNR indicates that the Department would be interested in helping with a Bad River barrier project, but that the scope of the project would be too great for the Department to fully fund.

Besides salmon stamp revenues, possible funding sources for barrier improvements or construction that could be used as match for U.S. Army Corps of Engineers funding through the Great Lakes Fishery and Ecosystem Restoration program funds could include conservation fund SEG supported bonding, which has been utilized for improvements and construction of fish hatchery facilities in the past. In addition, DNR administers the municipal dam safety grant program which provides matching grants to counties, cities, villages, towns, and public inland lake protection and rehabilitation districts for the repair, reconstruction, or removal of municipal dams. To qualify for a grant, the locality must own a dam that has been inspected by DNR and be under a DNR directive to repair or remove the dam. (DNR also provides dam safety grants to remove abandoned dams or to any dam owner to voluntarily remove their dam.) To the extent that a municipal dam that met those criteria and for which a repair could improve the ability of the dam to act as a sea lamprey barrier, it is possible that a barrier project could fall under the program. DNR staff indicate that dam safety projects are evaluated and ranked based on the downstream hazard potential, the zoning in place downstream of the dam, the financial need of the community, the cost of the project, and the navigability of the waterway. Including \$4 million authorized by 2009 Act 28 and \$4 million authorized by 2011 Act 32, a total of \$20.1 million in bonding revenues for dam safety grants has been authorized by the Legislature for the program. However, all available bonding for the program has currently been allocated to projects based on a priority ranking system, and the program has historically been over-subscribed.

Additional sea lamprey control efforts identified by the GLFC as efforts that could be conducted in Wisconsin also include assessment surveys and lampricide treatments. Surveys could be conducted on historically un-infested streams or inland lakes or areas near the mouths of tributaries referred to as lentic areas to search for new sea lamprey-producing water bodies. Increased effort to investigate Wisconsin tributaries for sea lamprey production that have not been

recently surveyed is estimated at a one-time cost of \$60,000. This would allow for stream or lentic surveys in 40 Lake Superior tributaries and 80 Lake Michigan tributaries. DNR indicates that the additional larval survey effort would be a high priority for the Department. A second round of lampricide treatments could be conducted in areas where the GLFC is currently conducting a single round of lampricide treatments. Consecutive treatments are targeted at removing "residual" larval sea lampreys that survive the first lampricide treatment. Of those identified by the GLFC as possible streams for consecutive treatment, DNR indicates that the Bad River, Nemadji River, Amnicon River, and Brule River, would be of the highest importance. Estimated treatment costs could range from \$42,600 for the Amnicon River for approximately 15,000 larvae killed to \$263,300 for the Bad River for approximately 80,000 larvae killed. Treatment timing would depend on the date of the initial treatment by the GLFC and available funding.

As mentioned, Great Lakes trout and salmon stamp funds or potentially Great Lakes Protection Fund monies could be utilized for these activities. The Department indicates that any potential sea lamprey control projects would be competing for Great Lakes Protection Fund monies, and that the amount of the state share varies annually depending on market conditions. The Great Lakes trout and salmon account had a June 30, 2012, cash balance of nearly \$3.2 million as shown in Table 2. The Department notes it has included capital development budget requests that would utilize up to \$1.8 million from the account during the 2013-15 biennium, including \$1 million for groundwater and related engineering studies for potential re-development of the Kettle Moraine Springs (Sheboygan County) and Les Voight (Bayfield County) fish hatcheries.

TABLE 2

**Great Lakes Trout and Salmon Stamp Account Condition
Fiscal Years 2009-10 through 2011-12**

	<u>2009-10</u>	<u>2010-11</u>	<u>2011-12</u>
Opening Balance	\$750,700	\$3,142,600	\$3,068,700
Revenue	1,785,900	1,685,200	1,835,900
Wild Rose Fish Hatchery Refund*	<u>2,246,600</u>		
Total Available	\$4,783,200	\$4,827,800	\$4,904,600
Expenditures	1,640,600	1,759,100	1,719,900
Closing Balance	\$3,142,600	\$3,068,700	\$3,184,700

*Refund of stamp expenditures from prior years relating to the renovation of the Wild Rose fish hatchery that were instead funded through federal revenues or state bonding revenue.

I hope this information is useful. Please contact me with any additional questions.

ER/sas

Shea, Elisabeth

From: Shea, Elisabeth
Sent: Monday, February 11, 2013 2:10 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Control memo

Toni,

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Let me know if you'd like to move forward with using bonding for some of the activities, or the Great Lakes Protection Fund. Ultimately this is a policy decision, but I'll draft whatever you decide.

Lis

From: Herkert, Toni
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To: Shea, Elisabeth
Subject: Fwd: Sea Lamprey Control memo

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Thanks
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Sent from my U.S. Cellular® Android-powered device

----- Original message -----

Subject: RE: Sea Lamprey Control memo
From: "Probst, Erin" <Erin.Probst@legis.wisconsin.gov>
To: "Herkert, Toni" <Toni.Herkert@legis.wisconsin.gov>
CC:

Toni- Attached is an electronic copy of the memo. Please contact me with any additional questions you may have.

Erin

2/11/2013

Erin K. (Rushmer) Probst
Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Probst@legis.wisconsin.gov

From: Herkert, Toni
Sent: Thursday, February 07, 2013 5:51 PM
To: Probst, Erin
Subject: Re: Sea Lamprey Control memo

Thanks, I am not physically in the office on Fridays.

Toni

Sent from my U.S. Cellular® Android-powered device

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Yes, I will send you an electronic copy tomorrow morning.
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Shea, Elisabeth

From: Herkert, Toni
Sent: Tuesday, February 12, 2013 12:20 PM
To: Shea, Elisabeth
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Thanks, I am hoping to have final recommendations to you by the end of the day.
Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

From: Shea, Elisabeth
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2/12/2013

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Shea, Elisabeth

From: Herkert, Toni
Sent: Tuesday, February 12, 2013 12:55 PM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Control memo

Cool, I was a little worried I took the liberty of reducing the GLFC numbers from their memo (because I thought those represented the total cost) without knowing for sure if they were listed as total cost or state share. Thanks for the clarification.
Toni

Toni R. Herkert
Policy Analyst
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(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

From: Shea, Elisabeth
Sent: Tuesday, February 12, 2013 12:47 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Control memo

Yes, the memo has it right. The state's 35% share is noted as \$42,000 and \$262,000 respectively.

Lis

From: Herkert, Toni
Sent: Tuesday, February 12, 2013 12:27 PM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Control memo

Lis,

Also really quick, the numbers I used in my original memo for the barriers were the GLFC numbers of \$120,000 and \$750,000 and the state share I highlighted was 35% of this number because the feds will pay 65%. However, I want to make certain the GLFC memo wasn't outlining the 35% in their memo as the \$120,000 and \$750,000??? Just wanted to make certain our state share was actually \$42,000 and \$262,500 (or 35% of the costs highlighted by GLFC). I hope that makes sense....

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2nd Senate District
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2/12/2013

State Capitol
PO Box 7882
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Shea, Elisabeth

From: Shea, Elisabeth
Sent: Tuesday, February 12, 2013 1:14 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Control memo

Hi Toni,

In general, the money in this appropriation is to be used to fund the trout and salmon rearing and stocking program for outlying waters and to administer the issuance of trout and salmon stamps under s. 29.2285. I'm sure Erin could give you much more detail about what the funds are actually used for.

In her memo Erin notes that the account has had a closing balance of just over \$3,000,000 at the end of each of the three prior fiscal years, but that DNR has included capital development budget requests that would use up to \$1.8 million from the account during the 2013-15 biennium. Again, I would suggest checking with Erin for details on this account.

Lis

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2/13/2013

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- > Wisconsin Legislative Fiscal Bureau
- > ph. (608) 266-3847
- > fax (608)267-6873
- > Erin.Probst@legis.wisconsin.gov
- >
- >

Shea, Elisabeth

From: Herkert, Toni
Sent: Tuesday, February 12, 2013 3:04 PM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Control memo

Sounds great to me for the one time projects. I think we should also prioritize the \$200,000 of continued funding with "other critical trout management and restoration activities." The parenthesis is my language but basically I want to make certain that the \$200,000(continuing) is "almost always" used for lamprey treatment and control at DNR's discretion unless there is a major reason for not using it for these activities...

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

From: Shea, Elisabeth
Sent: Tuesday, February 12, 2013 2:57 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Control memo

Hi Toni,

I just talked more with Erin and got some clarity on this issue. I think now that the best way to draft this might be to include the specific amounts to be allocated to each of these projects, which would ensure that these projects are funded. Erin's thought was that there is sufficient money in this account to cover these projects and the account's other purposes, so this shouldn't create any problems with projects competing for the same funds.

Sorry if I confused you with this. Let me know if you have any questions.

Lis

From: Shea, Elisabeth
Sent: Tuesday, February 12, 2013 1:14 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Control memo

Hi Toni,

In general, the money in this appropriation is to be used to fund the trout and salmon rearing and stocking program for outlying waters and to administer the issuance of trout and salmon stamps under s. 29.2285. I'm sure Erin could give you much more detail about what the funds are actually used for.

2/13/2013

In her memo Erin notes that the account has had a closing balance of just over \$3,000,000 at the end of each of the three prior fiscal years, but that DNR has included capital development budget requests that would use up to \$1.8 million from the account during the 2013-15 biennium. Again, I would suggest checking with Erin for details on this account.

Lis

From: Herkert, Toni
Sent: Tuesday, February 12, 2013 12:20 PM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Control memo

Lis,

I have chatted with Rob and he does not want to use bonding so we will pull all the funding (one time and continuing) from the trout and salmon stamp appropriation. However, you say the activities funded by this account are not prioritized in any way, can you let me know what other types of activities are funded from the Great Lakes Trout and Salmon Stamp Account so that we can make a policy decision as to whether we want sea lamprey activities prioritized somehow?

Thanks, I am hoping to have final recommendations to you by the end of the day.
Toni

Toni R. Herkert
Policy Analyst
Office of State Senator Rob Cowles
2nd Senate District
(608) 266-0484 or Toll-Free: 800-334-1465
State Capitol
PO Box 7882
Madison, WI 53707

From: Shea, Elisabeth
Sent: Monday, February 11, 2013 2:10 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Control memo

Toni,

I reviewed the memo, and I can certainly get started with the draft with funds coming from the trout and salmon stamp appropriation. Just a heads up, and I think Erin mentioned this, too, that the purposes for those funds are not prioritized in any way. In other words, if there are not sufficient funds to carry out all of the purposes listed in the appropriation, there is nothing that says that the sea lamprey control activities get priority over the other purposes. If you'd like some sort of priority over these funds, it would change how I draft this.

Let me know if you'd like to move forward with using bonding for some of the activities, or the Great Lakes Protection Fund. Ultimately this is a policy decision, but I'll draft whatever you decide.

2/13/2013

Lis

From: Herkert, Toni
Sent: Monday, February 11, 2013 12:37 PM
To: Shea, Elisabeth
Subject: Fwd: Sea Lamprey Control memo

Elisabeth,

Here is the memo from fiscal bureau. Looks like the trout and salmon stamp account, after capital expenditures for the 2013-15 biennium, will have an ending balance of around 1.3 million at the end of this year and then collect additional revenue next year. Can we move forward with drafting using this account? We could also use bonding Erin mentions for the one time barrier projects. Let me know what you think.

Thanks
Toni

Sent from my U.S. Cellular® Android-powered device

----- Original message -----

Subject: RE: Sea Lamprey Control memo
From: "Probst, Erin" <Erin.Probst@legis.wisconsin.gov>
To: "Herkert, Toni" <Toni.Herkert@legis.wisconsin.gov>
CC:

Toni- Attached is an electronic copy of the memo. Please contact me with any additional questions you may have.

Erin

Erin K. (Rushmer) Probst
Legislative Fiscal Analyst
Wisconsin Legislative Fiscal Bureau
ph. (608) 266-3847
fax (608)267-6873
Erin.Probst@legis.wisconsin.gov

From: Herkert, Toni
Sent: Thursday, February 07, 2013 5:51 PM
To: Probst, Erin
Subject: Re: Sea Lamprey Control memo

2/13/2013

Thanks, I am not physically in the office on Fridays.

Toni

Sent from my U.S. Cellular® Android-powered device

"Probst, Erin" <Erin.Probst@legis.wisconsin.gov> wrote:

Yes, I will send you an electronic copy tomorrow morning.
Erin

Sent from my iPad

On Feb 7, 2013, at 5:25 PM, "Herkert, Toni" <Toni.Herkert@legis.wisconsin.gov> wrote:

> Awesome!! Can you also send it to me electronically?

>

> Sent from my U.S. Cellular® Android-powered device

>

>

>

>

>

> "Probst, Erin" <Erin.Probst@legis.wisconsin.gov> wrote:

>

>

> Hi Toni – I just wanted to let you know that your office should be receiving a memo from me describing Sea Lamprey control funding shortly.

> Thanks,

> Erin

>

> Erin K. (Rushmer) Probst

> Legislative Fiscal Analyst

> Wisconsin Legislative Fiscal Bureau

> ph. (608) 266-3847

> fax (608)267-6873

> Erin.Probst@legis.wisconsin.gov

>

>



State of Wisconsin
2013 - 2014 LEGISLATURE

SOON



LRB-1314/P1

EHS:.....

In 2/20/13

D-NOTE

sac

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT *gen cat* ...; relating to: a sea lamprey control program.

INSERT
A

Analysis by the Legislative Reference Bureau

Under current law, the Department of Natural Resources (DNR) ~~is charged~~ with controlling invasive species in this state. This bill requires DNR to establish a specific program to control sea lamprey. The bill authorizes DNR to spend up to \$200,000 each fiscal year for sea lamprey control program activities, and to spend certain amounts to carry out specific sea lamprey control measures, including constructing or improving sea lamprey barriers and conducting surveys of sea lamprey larvae. *DNR must spend the amount it receives*

Under current law, 50% of moneys received from the sale of resident and nonresident 2-day sports fishing licenses and all moneys received from the sale of Great Lakes trout and salmon stamps are to be used to fund the trout and salmon rearing and stocking program for outlying waters and to administer the issuance of Great Lakes trout and salmon stamps. Under this bill, these funds are also to be used for sea lamprey control program projects. *activities receives*

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

- 2 SECTION 1. 20.370 (4) (ku) of the statutes is amended to read:
- 3 20.370 (4) (ku) *Great Lakes trout and salmon*. All moneys received under ss.
- 4 29.219 (3) (c), 29.228 (7) (c), and 29.2285 (2) to provide additional funding for the

1 trout and salmon rearing and stocking program for outlying waters and, to
2 administer s. 29.2285 (2), and for sea lamprey control program projects under s.

3 23.0935

23.22(2)(d)

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22m to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327; 2005 a. 25, 286, 288, 347, 394; 2007 a. 20, 50, 97; 2009 a. 28, 42, 50, 175, 276, 365, 373; 2011 a. 32, 103, 118, 148, 151, 169, 208; 2011 a. 257 s. 56; s. 13.92 (1) (bm) 2.

4 **SECTION 2. 23.0935** of the statutes is created to read:

Under the program established under par (a),

5 **23.0935 Title. (1) SEA LAMPREY CONTROL PROGRAM.** (a) The department shall

6 establish a program to control sea lamprey in this state.

7 (b) The department shall *expand the following amount is for the purpose of controlling* expend up to \$200,000 each fiscal year from the
8 appropriation under s. 20.370 (4) (ku) for sea lamprey control *measures* measures.

9 (c) The department shall *may* expend the following amounts from the appropriation
10 under s. 20.370 (4) (ku) to match available federal funds for carrying out the following
11 activities:

An amount necessary to match available federal funds, not to exceed

12 1. Up to \$42,000 to improve the sea lamprey barrier on the Kewaunee River at
13 the Buzz Besadny Anadromous Fish Facility.

14 2. Up to \$262,500 to construct a sea lamprey barrier on the Nemadji River.

15 3. Up to \$60,000 to conduct surveys of sea lamprey larvae on any of the
16 following identified by the department:

17 a. Inland lakes.

18 b. River or stream tributaries of Lake Michigan or Lake Superior.

19 c. Harbors of Lake Michigan or Lake Superior.

20 (2) The department may enter into contracts with public or private agencies
21 to carry out sea lamprey control program activities.

22 (END)

INSERT
2-22

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1314/P1ins
EHS:.....

1 INSERT A

Under current law, the Department of Natural Resources (DNR) administers programs to control certain invasive species in this state. This bill requires DNR to spend certain amounts to carry out specific sea lamprey control activities, including constructing or improving sea lamprey barriers and conducting surveys of sea lamprey larvae. The bill also authorizes DNR to spend up to a certain amount each fiscal year for sea lamprey control activities.

X
X

Under current law, DNR must spend ~~50%~~ ^{50 percent} of the amounts it receives from the sale of resident and nonresident ~~2~~ ²-day sports fishing licenses and all moneys it receives from the sale of Great Lakes trout and salmon stamps to fund the trout and salmon rearing and stocking program for outlying waters and to administer the issuance of Great Lakes trout and salmon stamps. This bill requires DNR to use these funds for sea lamprey control activities as well.

2 INSERT 2-22

3 SECTION 1. 23.22 (2) (d) of the statutes is created to read:

4 23.22 (2) (d) (intro.) Under the program established under par. (a), the
5 department may expend an amount, not to exceed \$200,000 in each fiscal year, from
6 the appropriation under s. 20.370 (4) (ku) to carry out sea lamprey control activities,
7 and shall expend the following amounts from the appropriation under s. 20.370 (4)
8 (ku) for the purpose of controlling sea lamprey in this state:

9 1. An amount, not to exceed \$42,000, to match any federal funds the
10 department receives to improve the sea lamprey barrier on the Kewaunee River at
11 the Besadny Anadromous Fish Facility.

12 2. An amount, not to exceed \$262,500, to match any federal funds the
13 department receives to construct a sea lamprey barrier on the Nemadji River.

14 3. An amount, not to exceed \$60,000, to match any federal funds the
15 department receives to conduct surveys of sea lamprey larvae on any of the following
16 identified by the department:

17 a. Inland lakes.

1 b. Tributaries of Lake Michigan or Lake Superior.

2 c. Harbors of Lake Michigan or Lake Superior.

3 **SECTION 2.** 29.2285 (2) (e) of the statutes is amended to read:

4 29.2285 (2) (e) *Use of fees.* The department shall expend the receipts from the
5 sale of Great Lakes trout and salmon stamps to supplement and enhance the existing
6 trout and salmon rearing and stocking program for outlying waters and, to
7 administer this subsection, and for sea lamprey control activities under s. 23.22 (2)

8 (d).

History: 2005 a. 25 ss. 569, 570, 574 to 575.

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1314/P1dn

EHS:|:....

see

- date -

Toni:

In our earlier conversations I mentioned that this may have to be drafted as a budget amendment. However, because of the funding source, this does not need to be drafted as a budget amendment. If you would prefer it to be drafted as a budget amendment, let me know and I will revise it at that time.

Under current law, DNR administers an invasive species program (s. 23.22). DNR promulgated NR 40 administrative rules under that statute section. These rules define sea lamprey as a restricted species and regulate the possession, transport, transfer, and introduction of sea lamprey. Therefore, I assumed in this draft that the sea lamprey activities should be part of this existing invasive species program. It may be helpful to obtain DNR input on this draft to ensure it does not conflict or interfere with DNR's current practices.

Note that in s. 23.22 (2) (d) 3. I attempted to describe the types of bodies of water in which a sea lamprey survey would be done. Please review this to ensure it is an accurate description. Alternatively, this could refer generally to "any body of water identified by the department" to give added flexibility.

Please review this draft to ensure it is consistent with your intent. Let me know if you have any questions.

Elisabeth H. Shea
Legislative Attorney
Phone: (608) 266-5446
E-mail: elisabeth.shea@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1314/P1dn
EHS:sac:rs

February 27, 2013

Toni:

In our earlier conversations I mentioned that this may have to be drafted as a budget amendment. However, because of the funding source, this does not need to be drafted as a budget amendment. If you would prefer it to be drafted as a budget amendment, let me know and I will revise it at that time.

Under current law, DNR administers an invasive species program (s. 23.22). DNR promulgated NR 40 administrative rules under that statute section. These rules define sea lamprey as a restricted species and regulate the possession, transport, transfer, and introduction of sea lamprey. Therefore, I assumed in this draft that the sea lamprey activities should be part of this existing invasive species program. It may be helpful to obtain DNR input on this draft to ensure it does not conflict or interfere with DNR's current practices.

Note that in s. 23.22 (2) (d) 3. I attempted to describe the types of bodies of water in which a sea lamprey survey would be done. Please review this to ensure it is an accurate description. Alternatively, this could refer generally to "any body of water identified by the department" to give added flexibility.

Please review this draft to ensure it is consistent with your intent. Let me know if you have any questions.

Elisabeth H. Shea
Legislative Attorney
Phone: (608) 266-5446
E-mail: elisabeth.shea@legis.wisconsin.gov

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

3/7/13 Msg from Toni Herkert (from 3/5/13)
Rep. would like to change one-time funding items. Wants to add
all this \$ to base appropriated every year. However, wants to
say if federal funding available, priorities will be the items
currently identified for one-time funding now.

Shea, Elisabeth

From: Herkert, Toni
Sent: Wednesday, March 13, 2013 7:05 AM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Draft

Not a huge rush. If we could have it by the end of the week that would be great.)
Thanks,
Toni

Sent from my U.S. Cellular® Android-powered device

"Shea, Elisabeth" <Elisabeth.Shea@legis.wisconsin.gov> wrote:

Ok. If it's not a huge rush, it may be a day or so before I send it to editing. I had drafted it one way, but it's proving to be a bit more complicated than I originally thought to accurately capture the change. I'll let you know if it's going to be more than a few days.

From: Herkert, Toni
Sent: Tuesday, March 12, 2013 2:38 PM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Draft

No, I didn't mean to rush it or you. I just wanted to give Rob an answer on when we could expect the draft. He essentially forgot that he wanted revisions to remove the one-time language and thought we should have been circulating the draft for co-sponsors by now.

Toni R. Herkert

Policy Analyst

Office of State Senator Rob Cowles

2nd Senate District

(608) 266-0484 or Toll-Free: 800-334-1465

State Capitol

PO Box 7882

Madison, WI 53707

From: Shea, Elisabeth
Sent: Tuesday, March 12, 2013 1:55 PM
To: Herkert, Toni
Subject: RE: Sea Lamprey Draft

Hi Toni,

It should be going to editing this afternoon, and I will make sure it is given priority.

Lis

From: Herkert, Toni
Sent: Tuesday, March 12, 2013 12:53 PM
To: Shea, Elisabeth
Subject: RE: Sea Lamprey Draft

Hey Lis,

I certainly don't want to bother you but Rob asked if I had circulated the co-sponsorship memo yet on lamprey. Obviously I said no, since we requested modifications. Just checking in to see how things are moving along. Again, I know you are swamped so take your time. Just need a response for Rob.

Thanks,

Toni

Toni R. Herkert

Policy Analyst

Office of State Senator Rob Cowles

2nd Senate District

(608) 266-0484 or Toll-Free: 800-334-1465

State Capitol

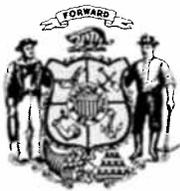
PO Box 7882

Madison, WI 53707

From: Shea, Elisabeth
Sent: Thursday, March 07, 2013 8:34 AM
To: Herkert, Toni
Subject: RE: Sea Lamprey Draft

Hi Toni,

I got your voicemail this morning about the changes Rep. Cowles wo



State of Wisconsin
2013 - 2014 LEGISLATURE



LRB-1314/P1 1

EHS:sac:rs

In 3/14/13

By
3/15/13

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

gen act

1 **AN ACT** to amend 20.370 (4) (ku) and 29.2285 (2) (e); and to create 23.22 (2) (d)
2 of the statutes; **relating to:** a sea lamprey control program.

Analysis by the Legislative Reference Bureau

This

Under current law, the Department of Natural Resources (DNR) administers programs to control certain invasive species in this state. This bill requires DNR to spend certain amounts to carry out specific sea lamprey control activities, including constructing or improving sea lamprey barriers and conducting surveys of sea lamprey larvae. The bill also authorizes DNR to spend up to a certain amount each fiscal year for sea lamprey control activities.

INSERT
A

Under current law, DNR must spend 50 percent of the amounts it receives from the sale of resident and nonresident two-day sports fishing licenses and all moneys it receives from the sale of Great Lakes trout and salmon stamps to fund the trout and salmon rearing and stocking program for outlying waters and to administer the issuance of Great Lakes trout and salmon stamps. This bill requires DNR to use these funds for sea lamprey control activities as well.

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

3 **SECTION 1.** 20.370 (4) (ku) of the statutes is amended to read:
4 20.370 (4) (ku) *Great Lakes trout and salmon.* All moneys received under ss.
5 29.219 (3) (c), 29.228 (7) (c), and 29.2285 (2) to provide additional funding for the

1 trout and salmon rearing and stocking program for outlying waters and, to
2 administer s. 29.2285 (2), and for sea lamprey control activities under s. 23.22 (2) (d).

3 SECTION 2. 23.22 (2) (d) of the statutes is created to read:

4 23.22 (2) (d) (intro.) Under the program established under par. (a), the
5 department may expend an amount, not to exceed ~~\$200,000~~^{\$564,500} in each fiscal year, from
6 the appropriation under s. 20.370 (4) (ku) to carry out sea lamprey control activities,

7 and shall expend the following amounts from the appropriation under s. 20.370 (4)
8 (ku) for the purpose of controlling sea lamprey in this state:

9 1. An amount, not to exceed \$42,000, to match any federal funds the
10 department receives to improve the sea lamprey barrier on the Kewaunee River at
11 the Besadny Anadromous Fish Facility.

12 2. An amount, not to exceed \$262,500, to match any federal funds the
13 department receives to construct a sea lamprey barrier on the Nemadji River.

14 3. An amount, not to exceed \$60,000, to match any federal funds the
15 department receives to conduct surveys of sea lamprey larvae on any of the following
16 identified by the department:

17 a. Inland lakes.

18 b. Tributaries of Lake Michigan or Lake Superior.

19 c. Harbors of Lake Michigan or Lake Superior.

20 SECTION 3. 29.2285 (2) (e) of the statutes is amended to read:

21 29.2285 (2) (e) *Use of fees.* The department shall expend the receipts from the
22 sale of Great Lakes trout and salmon stamps to supplement and enhance the existing
23 trout and salmon rearing and stocking program for outlying waters and, to

INSERT
2-2020 →

1 administer this subsection, and for sea lamprey control activities under s. 23.22 (2)

2 (d).

3 (END)

2013-2014 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1314/1ins
EHS:sac:rs

1 INSERT A

2 Under this bill, DNR must give priority to spending certain amounts to match
3 federal funding obtained for specific sea lamprey control activities, including
4 constructing or improving sea lamprey barriers and conducting surveys of sea
5 lamprey larvae.

6 INSERT 2-20

7 ^{no #} The department shall give the highest priority to providing funding to match
8 any federal funding received for any of the following activities:

9 1. Improving the sea lamprey barrier on the Kewaunee River at the Besadny
10 Anadromous Fish Facility. The department may expend an amount not to exceed
11 \$42,000 to match federal funds received for this activity.

12 2. Constructing a sea lamprey barrier on the Nemadji River. The department
13 may expend an amount not to exceed \$262,500 to match federal funds received for
14 this activity.

15 3. Conducting surveys of sea lamprey larvae on any inland lakes, tributaries
16 of Lake Michigan or Lake Superior, or harbors of Lake Michigan or Lake Superior.
17 The department may expend an amount not to exceed \$60,000 to match federal funds
18 received for this activity.

19