

1997-98 SESSION
COMMITTEE HEARING
RECORDS

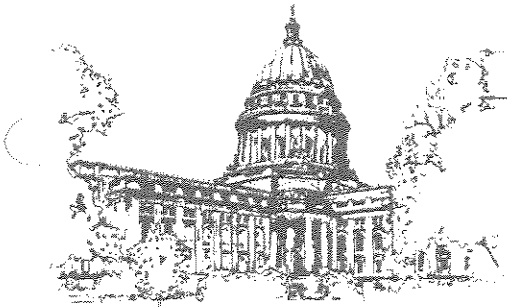
Committee Name:

Senate Committee on
Agriculture and
Environmental
Resources
(SC-AER)

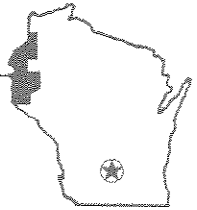
Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_SC-AER_Misc_pt04d
- Record of Comm. Proceedings ... RCP
-



State Senator
Alice Clausing



June 17, 1997

TO: Members of Senate Committee on Agriculture and Environmental Resources
FROM: Senator Alice Clausing
RE: Paper ballot on AB 187, relating to the imposition of service charges for a storm water and surface water sewerage system

At the recent public hearing on Assembly Bill 187, the proponents of the bill agreed that the bill should be amended to delete Assembly Amendment 6. Attached for your review is a copy of an amendment that I have had drafted that addresses their concerns about AA 6 to AB 187.

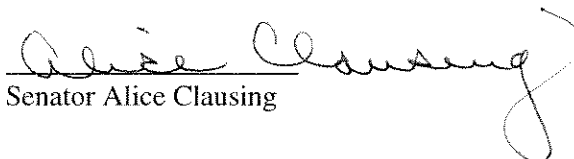
Please forward your paper ballot to my office no later than noon, on Thursday, June 19th.

Moved by Senator Clausing that Senate Amendment 1 to Assembly Bill 187 be introduced and adopted by the Senate Committee on Agriculture and Environmental Resources.

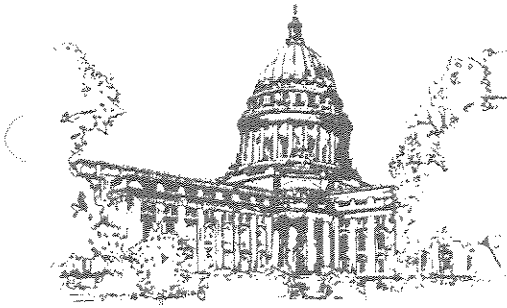
Aye Nay

Moved by Senator Clausing that Assembly Bill 187 be concurred in as amended.

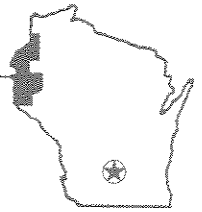
Aye Nay


Senator Alice Clausing





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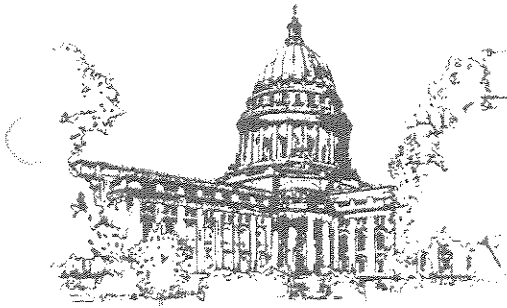
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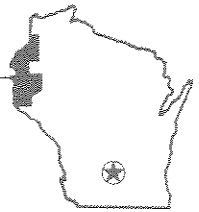
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Aye Nay

Senator Kevin Shibilski



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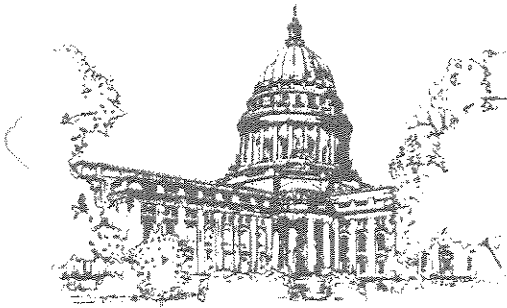
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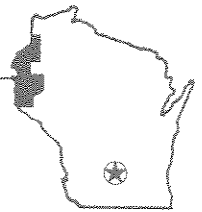
Aye Nay

Bob Wirch
Senator Bob Wirch





State Senator
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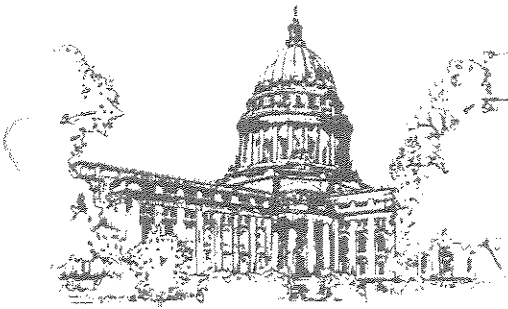
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Aye Nay

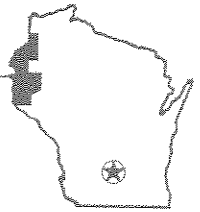
Senator Alan Lasee



JUN 18 1997



State Senator
Alice Clausing



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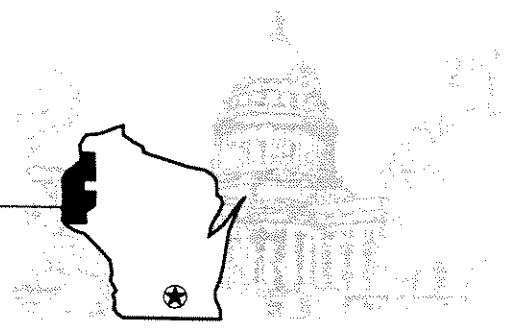

Senator Dave Zien





Alice Clausing

WISCONSIN STATE SENATOR



July 17, 1997

TO: Members of the Senate Committee on Agriculture and Environmental Resources
FROM: Senator Alice Clausing
RE: Committee business

The following administrative rule has been referred to the Senate Committee on Agriculture and Environmental Resources:

Clearinghouse Rule 97-059 (Department of Natural Resources) *Relating to the administration of the forest crop law and the managed forest law.*

If you would like to receive a copy of this rule, please contact Randy in my office at 6-7745.

I also wanted to let you know about a slight scheduling change for the Deer Track Park landfill tour. Originally, scheduled for Wednesday, August 20th from 10:00 am to noon, the tour has been rescheduled for Wednesday, August 27th from 10:00 am to noon.

I apologize for any inconvenience this may have caused. Details and directions will be forwarded to you shortly. My office will be arranging travel from Madison to Watertown for anybody who is interested. Please call my office to indicate if you plan on attending or if you have any questions on this matter.

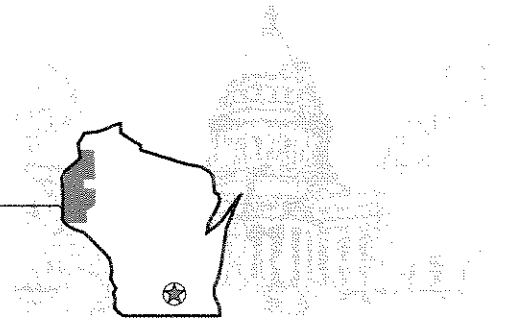
cc: Representative DuWayne Johnsrud
Senator Scott Fitzgerald
Representative David Ward





Alice Clausing

WISCONSIN STATE SENATOR



June 27, 1997

TO: Members of Senate Committee on Agriculture and Environmental Resources

FROM: Senator Alice Clausing, Chair

RE: Administrative Rules

The following administrative rules have been referred to the Senate Committee on Agriculture and Environmental Resources:

Clearinghouse Rule 96-188

Relating to the nonpoint source pollution abatement program.
Submitted by the Department of Natural Resources.

Clearinghouse Rule 97-015

Relating to sport fishing and fish refuges.
Submitted by the Department of Natural Resources.

Clearinghouse Rule 97-017

Relating to safe drinking water standards.
Submitted by the Department of Natural Resources.

Clearinghouse Rule 97-018

Relating to hunting and trapping.
Submitted by the Department of Natural Resources.

Clearinghouse Rule 97-019

Relating to hunting and trapping.
Submitted by the Department of Natural Resources.

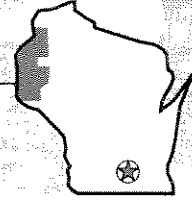
If you would like to receive a copy of any of these rules, please contact Randy in my office at 6-7745.





Alice Clausing

WISCONSIN STATE SENATOR



TO: Members of Senate Committee on Agriculture and Environmental Resources
FROM: Senator Alice Clausing
DATE: August 1, 1997
RE: Paper Ballot on Senate Bill 62, relating to requiring certain persons to hold boating safety certificates.

PLEASE RETURN YOUR BALLOT BY TUESDAY, AUGUST 5 BY NOON

MOTION

Moved by Senator Clausing that Senate Bill 62 be recommended for passage.

Aye Nay

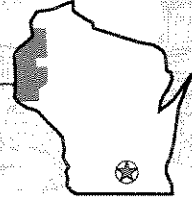
Alice Clausing
Senator Alice Clausing, Chair





Alice Clausing

WISCONSIN STATE SENATOR



AUG 1 1997

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Aye
 Nay

Kevin Shibilski

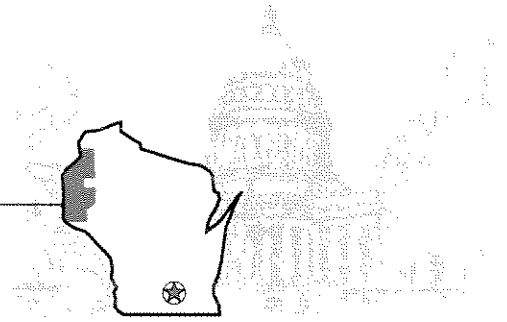
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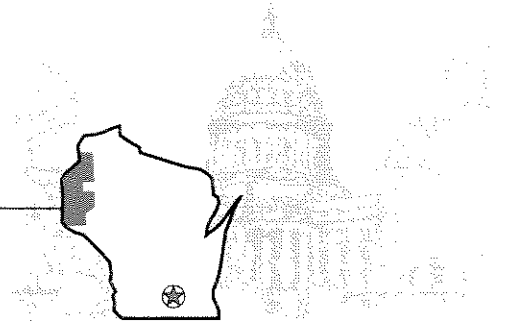
Bob Wirth
Senator Bob Wirth





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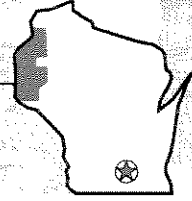
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Alice Clausing

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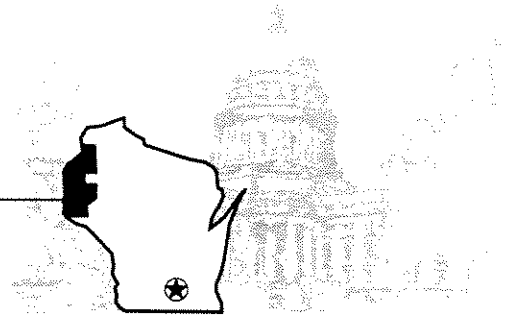
____ Nay






Alice Clausing

WISCONSIN STATE SENATOR



August 12, 1997

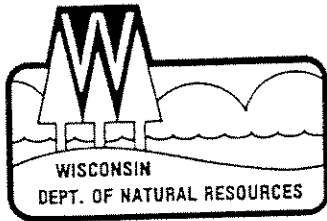
TO: Members of the Senate Committee on Agriculture and Environmental Resources
FROM: Senator Alice Clausing
RE: Committee business

The Deer Track Park Landfill tour that was originally set up for August 27th, has been canceled. USA Waste, which was assisting in setting up the visit, has indicated that the landfill is not yet ready for such a tour. No time or date has been set for a future visit.

I apologize for any scheduling inconvenience this may have caused your offices. Please contact my office at 6-7745 if you have comments or questions.

cc: Representative DuWayne Johnsrud
Senator Scott Fitzgerald
Representative David Ward





State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Tommy G. Thompson, Governor
George E. Meyer, Secretary

Box 7921
101 South Webster Street
Madison, Wisconsin 53707-7921
TELEPHONE 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

September 2, 1997

IN REPLY REFER TO: 3600

Governor Tommy Thompson
Representative Scott Jensen, Chair, Assembly Finance Committee
Senator Brian Burke, Chair, Senate Finance Committee
Charles R. Saunders, Chief Clerk, State Assembly
Donald J. Schneider, Chief Clerk, State Senate

Dear Governor Thompson, Representative Jensen, Senator Burke, and Messrs Saunders and Schneider:

In 1997 Assembly Bill 61 (Wisconsin Act 1), the Department of Natural Resources was directed to, before September 1, 1997, submit a report that analyzes options for increased integration of private fish hatchery operations in the state fish stocking program, to the governor, to the joint committee on finance, and to the chief clerk of each house, for distribution to the appropriate standing committees.

This constitutes our response to the mandate contained in Wisconsin Act 1.

In February, 1996, the Department initiated a series of workshops with representatives of the aquaculture industry and other state agencies with a role in aquaculture to gain a collective vision of what aquaculture should be in Wisconsin. Our intent was to develop common goals for aquaculture, identify those current practices which prevent us from achieving our goals, and recommend actions to correct these situations. The report was finalized in June, 1997.

The Department takes this opportunity to utilize the recently completed report, and our response, as an analysis of options for integration of public and private aquaculture.

The final report contains several significant recommendations, related to increased integration, which may require Department action. These are:

RECOMMENDATION

1. DNR, in cooperation with DATCP and the industry, should establish clear standards governing the quality of fish used in stocking and the procedures for stocking that insure the greatest survival of fish to the creel.

RESPONSE

The Department has recently completed guidance for walleye stocking and is initiating reviews of existing guidance for trout, muskellunge, northern pike, bass, and lake sturgeon. These reviews are conducted as part of overall species management plan reevaluations. In each instance, it will be necessary to involve all interested publics, including private aquaculturists.

RECOMMENDATION

2. Private aquaculture interests should be included in the creation of the basin partnership teams currently being considered by the DNR.

RESPONSE

Basin partnerships are being formed at present. Their composition will depend on the needs perceived within each basin. In some instances, private aquaculture will no doubt play an important role.

The Department has engaged its partners in the public arena in decision-making through facilitated workshops, study committees, focus groups, and special task forces, for many years. This approach to decision-making has taken on new meaning with Department reorganization implemented this year. We will continue to use many forms of partnership in addition to the formal basin teams presently being formed. The recently completed workshops involved participation of at least 22 private fish growers as active participants at one or more workshops.

RECOMMENDATION

3. DNR should establish more pilot projects, such as the current cooperative agreements which provide growers access to fish or eggs for propagation in return for fish to be stocked in public waters. The results of these pilot projects should be reported to the industry.

RESPONSE

Additional projects to involve private growers in the state propagation program will be sought. DNR liaison to WAIAC will report on existing pilot projects as they are completed.

In instances where the state cannot meet the entire quota for a particular species and size of fish, there may be opportunities for new pilot projects with private growers. However, some projects may only be successful if third parties provide funding for them. When the Department program lacks space or budget for additional fish for stocking, there is an opportunity for local groups to purchase fish from private growers for stocking under permits issued by the Department.

In addition, state hatcheries will most likely be seeking additional forage for their extended growth walleye and muskellunge programs. The extent to which private growers participate in this part of the program is directly related to other markets for the same fish in the bait industry. For several years, the Department has had cooperative agreements with private growers who supply forage sucker minnows or eggs in return for the ability to obtain sucker eggs for their enterprises.

As the Department propagation program moves toward genetically based stocking, there may be opportunities for pilot projects with private growers to supply small lots of fish genetically suited to their region of the state. This will be best suited to instances where state facilities lack the space necessary to isolate the number of discrete stocks requested.

RECOMMENDATION

4. As the DNR addresses biological diversity, genetic diversity and exotic introductions, all of which may affect the ability of aquaculture facilities to provide fish for stocking waters of the state, it must also consider mechanisms for providing greater access to appropriate brood stocks for aquaculture.

RESPONSE

There is sound biological evidence that supports using caution when considering introductions of species or strains that are not indigenous to waters of the state. More specifically, we have identified regional characteristics in some species that warrant protection. If stocking regional strains is to be used as a management tool for species of concern, we are obligated to provide greater access to the appropriate strains. Since the state has not implemented a policy of using only regionally acceptable strains identified as yet for its own program, it is premature to require regionally acceptable strains for private aquaculture.

Legal counsel has determined we have authority to provide fish to private growers who, in return, provide fish for stocking waters of the state. We can use cooperative fish rearing agreements or contracts for this purpose, providing eggs or fry and receiving fish for stocking in return, with the grower compensated through excess fish which may then be sold under the authority of their hatchery license.

We will also explore the option of giving private growers the opportunity to collect spawn from wild brood stocks under a permit system. This has an added advantage of reducing time Department staff must commit to spawning activity.

RECOMMENDATION

5. The role of stocking in managing the waters of the state should be realistically defined by DNR so people recognize and accept the productive limits of natural systems and understand the advantages and limitations of stocking as a management tool.

RESPONSE

The recently completed legislative audit of state propagation programs also suggests there should be greater awareness of the role stocking plays in management of the state's fisheries. The audit contains a recommendation that the Department develop long-range stocking and production goals. Fish stocking is considered one of several "tools" available for enhancing the state's fishery resources. We agree that the Department should develop a plan for using fish stocking as a management practice, to clarify stocking's role, where it may be effective and where it might not, and to establish species specific stocking guidelines.

RECOMMENDATION

6. DNR should purchase a larger portion of the forage and fish used for stocking from instate growers. The state should consider long-term contracts for purchase of both forage and fish for stocking public waters.

RESPONSE

We have identified three areas in which it may be cost-effective for increased purchasing from private sources: forage fish for muskellunge and walleye propagation; stocking of catchable sized domestic strain trout (e.g. in urban fishing programs); and in meeting specialized stocking requests beyond the capability of the existing DNR hatchery system.

The Department will consider purchasing, instead of rearing, fish for the urban fishery program, similar to the pilot project in 1995. The Department purchased approximately 38,500 rainbow trout for stocking urban fishing ponds in the Milwaukee area that year. However, stocking catchable sized trout is only a small part of our stocking program. In 1995, for example, we spent only \$19,685 on this activity. Therefore, the greatest potential for growth in this program is by encouraging local governments, businesses and sport groups to develop urban fishing opportunities, in some cases through purchases of fish from private sources.

Some DNR hatcheries require minnows as forage during the rearing-process. When the Department cannot provide sufficient forage, opportunities exist for private growers to sell forage to state facilities.

Currently, the state must compete against the more lucrative bait minnow market when it purchases forage or leases private ponds for forage fish production. This is borne out by the general lack of interest from the private sector for selling forage minnows to the Department. From 1986 to 1996, the Department purchased nearly 720,000 pounds of minnows, most from out-of-state sources, at higher prices than paid for minnows from in-state sources. Less than 6% of our purchases were met by in-state growers, who readily admit the bait minnow market is much more lucrative.

Finally, Department managers request fish for stocking individual bodies of water, commensurate with guidance found in the Fish Management Handbook, in July each year. These requests will vary from year to year, since they are predicated upon the most recent biological data describing the efficacy of fish stocks of concern. The fish propagation program is a service function charged with meeting management needs. For this reason, propagation plans will change each year. In some instances, Department facilities may not be able to provide this service, either in numbers of fish or in the species or strain requested. Once production plans have been established and shortfalls identified, it will be possible to identify those waters where requests cannot be fully met with fish from state facilities. This affords an opportunity for private growers to provide fish for stocking to lake or stream interest groups (i.e. Trout Unlimited, Lake Districts, sportsmen's clubs) who have the ability to purchase fish and stock them under a DNR issued stocking permit.

We will explore longer term contracting as a means to ensure cost-effective purchases from the private sector. Our experience has been that contracts may only be issued for one year with two annual extensions possible. However, it should be possible to justify contracts for up to five years, since the supplier in this instance will be growing fish for the state for up to one year before they are to be delivered.

A longer contract period is further justified to allow the supplier time to increase facilities, and acquire eggs or fry to meet subsequent needs for fish.

Section 16.75, Wis. Stats., specifies "All orders awarded or contracts made ... for all materials, supplies, equipment and contractual services to be provided to any agency ... shall be awarded to the lowest responsible bidder" An exception is made if the vendor is not a Wisconsin supplier and we have determined that the state in which the vendor is domiciled gives preference to their residents over Wisconsin residents. In that event, preference can be given to the Wisconsin supplier. State Procurement Manual Nr. PRO-C-20, outlines the procurement process in greater detail. Therefore, it is generally not possible to give preference to Wisconsin fish suppliers.

Other recommendations stemming from the workshop report are not directly related to the legislative mandate but serve to indicate our level of involvement with the aquaculture industry. These are:

RECOMMENDATION

7. The DNR should facilitate establishment of criteria for determining public interest in resources with potential for aquacultural use.

RESPONSE

In 1995, the Department began discussions to assist field personnel in determining public interest in natural waters proposed for aquaculture use. The following factors were to be considered in substantial public interest determination:

- preservation of native fish strains,
- critical habitat for or presence of endangered, threatened, rare, or unique species (e.g., aquatic plants, amphibians, or birds),
- preserving water quality,
- preventing inflow of hatchery applied chemicals to groundwater by effluent or through groundwater-flowthrough lakes,
- preserving regional or statewide biodiversity,
- flood control,
- size of the body of water,
- species of fish present in the body of water,
- occurrence of winter fish kills,
- size, age and other characteristics of self-sustaining fish populations,
- importance of the waterbody for use by migratory birds, amphibians, and other non-game fish and wildlife species,
- obstructions to navigation,
- impediments to recreational use.

While having factors to apply to each situation is convenient, the proper question concerning public interest is how considerable is the interest involved. As stated in s. 29.52(3)(a), Stats., the Department must find, in order to license a navigable water, that no "substantial" public interest exists in such navigable stream, lake, pond, or spring. The determination of substantial interest takes place on a case-by-case basis since variation in physical settings and water uses precludes use of a formula or specific set of criteria for determining the level or combination of levels of interest sufficient to be considered "substantial".

At present, there is no final set of criteria for determining substantial public interest. Case law provides this at present. If criteria are to be developed, we must surely solicit involvement from interested publics in their development. We will continue to work toward specific standards in this area through research and public participation as well as the legal system.

RECOMMENDATION

8. Water quality regulations applicable to private aquaculture should be focussed to curtail abuse of the resource, rather than restrict its use for aquaculture, AND
9. New water quality standards specific to the operation of aquaculture facilities should be developed by DNR (recognizing the limits imposed by federal law). A level of acceptable impact should be identified, since it is clear that any use of the water resource may have some impact.

RESPONSE

We believe that current standards are those necessary to prevent harm to water resources. New water quality standards specific to aquaculture may, in some cases, actually restrict this use. To follow up on this recommendation, the Department requests examples or similar details on areas where aquaculturists specifically feel that regulations go beyond preventing abuse to water resources.

In November of 1992, a multi-disciplinary team was created to study the impacts of fish hatcheries on water quality and to develop recommendations for ensuring environmental compliance. The team made recommendations encompassed under two broad categories:

- A. Determining the environmental significance of chemical use at fish hatcheries.

Since it was difficult to determine the significance of most hatchery discharges based on the limited information available, the team developed a strategy for determining if and when a discharge permit would be required:

- a) Chemical use information would first be requested.
- b) This data would be screened to determine potential problem areas.
- c) New guidelines would be published for when an individual or general discharge permit (WPDES) would be required.
- d) A list would be published of chemicals approved for use in fish propagation.
- e) A general WPDES permit would be developed for fish hatcheries.
- f) Permit issuance would be prioritized based on potential environmental significance.

- B. Reissuing existing and issuing new WPDES permits.

Current Department procedures are satisfactory for issuing WPDES permits for fish hatcheries.

If a discharge existed prior to March 1, 1989, those existing discharge levels may be continued as long as they meet water quality standards. Where discharge to waters with the Outstanding Resource Water designation occurs, any increased discharge from these existing facilities would be required to meet background levels. Where discharge to waters with the Exceptional Resource Water designation occurs, any increase would have to meet existing water quality standards for the receiving stream.

New facilities on either ERW or ORW would not be allowed to exceed the receiving water's background concentrations.

RECOMMENDATION

10. It is essential that clear communication lines be established between DATCP, DNR, and the industry in all matters relating to rules, laws, and related internal policies affecting aquaculture.

RESPONSE

The Wisconsin Aquaculture Industry Advisory Council (WAIAC) provides an appropriate mechanism for insuring communications relating to proposed rules, etc. WAIAC and the Wisconsin Aquaculture Association (WAA) receive Natural Resources Board meeting agendas and other notices relating to aquaculture. Several private growers are presently participating on Department review committees. Private growers have also participated on Conservation Congress study committees. The Conservation Congress, which has existed since 1934, was formally recognized by Section 19.348, Wis. Stats., as an independent organization of state citizens serving in an advisory capacity to the Natural Resources Board.

RECOMMENDATION

11. Economic viability should be considered when defining a level of acceptable (resource) impact.

RESPONSE

Any changes in administrative rules relating to this issue will require a small business analysis (if they are directly affected in terms of record keeping or reporting requirements). This is one specific vehicle for assuring the economic viability of private aquaculture is considered in decision making.

The policy-making process used by the Department since 1980, when management training was emphasized, has included a step to consider impacts on all affected parties. For example: In some individual permit decisions, the cost of alternatives that avoid impacts to wetlands is a specific consideration. Department field staff routinely work with permit applicants to modify projects or find alternatives that avoid or reduce waterway impacts. Many applicants use this opportunity to present economic impacts. On the other hand, the Department cannot use economic viability of individual private enterprises to justify authorizing harm to public water rights.

We would not have a complete record of our involvement with private aquaculture without mentioning our role in aquaculture research. Since 1983, when the state acquired the Lake Mills Fish Hatchery from the Fish and Wildlife Service, we have provided water supplies, laboratory facilities, rearing ponds, storage space, and office space to UW researchers engaged in developing propagation technology primarily for private fish growers. This relationship continues under a long term cooperative agreement with annually negotiated work plans.

The Department intends to move forward in its relations with the aquaculture industry, through a continuing dialogue via the WAIAC, and through procedural and policy changes where necessary.

Sincerely,



George E. Meyer
Secretary

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