

Vote Record

Assembly - Committee on Agriculture

Date: 8/2/2001

Bill Number: AB 361

Moved by: REP. PETROWSKI

Seconded by: REP. REYNOLDS

Motion: PASSAGE OF AB 361 AS AMENDED

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joan Wade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Garey Bies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Joe Plouff	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Marty Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Mary Hubler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	<u>6</u>	<u>0</u>

Motion Carried

Motion Failed

Vote Record

Assembly - Committee on Agriculture

Date: 8/2/2001

Bill Number: AB 361

Moved by: REP. HAHN

Seconded by: REP. LASSA

Motion: ADOPTION OF AA1 to AB 361

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Rep. Alvin Ott, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Eugene Hahn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Ainsworth	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Joan Wade	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Jerry Petrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Scott Suder	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Steve Kestell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Gabe Loeffelholz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Garey Bies	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Barbara Gronemus	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Joe Plouff	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Marty Reynolds	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. John Steinbrink	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Julie Lassa	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rep. Marlin Schneider	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Rep. Mary Hubler	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Totals:	<u>10</u>	<u>0</u>	<u>6</u>	<u>0</u>

Motion Carried

Motion Failed

Assembly Republican Majority Bill Summary

AB 361: Fish Health

Relating to: the requirement that operators of fish farms provide evidence of fish health and grant rule-making authority.

By Representatives Sykora, Petrowski, Freese, Gunderson, Kedzie, Kreibich, Miller, Ownes, Ott, Pettis, Plouff, Seratti, Starzyk, Townsend, Vrakas and Wade, cosponsored by Senators Breske, Harsdorf, Schultz and Zien.

Date: October 30, 2001

BACKGROUND

Under current law, a person who operates a fish farm must register it annually with DATCP. Starting in January of 2002, the operator is also required to obtain an annual fish health certificate for any fish eggs present or any fish reared on the fish farm. If an operator does not sell, distribute, or release live fish or fish eggs, he/she may rely on the original health certificate issued when the operator obtained the fish or fish eggs. However, when fish health changes, new certificates are not automatically reissued. A fish may have a certificate and appear healthy but in fact may not be healthy.

SUMMARY OF AB 361 (AS AMENDED BY COMMITTEE)

Assembly Bill 361, eliminates the requirement for an annual fish health certificate. Instead, evidence of fish health needs to be provided to DATCP for fish farms registered with DATCP and state-operated facilities. DATCP in consultation with the DNR, will create rules regarding what this evidence will consist of and specify qualifications for those authorized to provide such evidence. The DNR, DATCP and the Wisconsin Aquaculture Association support the language of the bill.

AMENDMENTS

Assembly Amendment 1 to Assembly Bill 361 adds "consultation with DNR" language for the creation of the rules and includes requirements for "state-operated facilities" as well as fish farms. [Adopted 10-0-6 (Representatives Wade, Suder, Gronemus, Plouff, Schneider and Hubler were absent)].

FISCAL EFFECT

A fiscal estimate prepared by the Department of Agriculture, Trade & Consumer Protection, indicates no state fiscal effect.

PROS

1. Assembly Bill 361 creates consistency regarding fish health status for food production.
2. This bill addresses fish health issues rather than just certification.
3. Assembly Bill 361 provides flexibility for a diverse industry while reducing the need for additional funding.

CONS

Non apparent.

SUPPORTERS

Rep. Tom Sykora, author; Sen. Roger Breske, lead co-author; Dr. Clarence Siroky, State Vet; Dr. Myron Kebus, State Aquaculture Vet; David Gollon, Wisconsin Aquaculture Association; Herby Radman, Wisconsin Aquaculture Association; Sen. Dale Schultz; and Rep. Samantha Starzyk.

OPPOSITION

No one registered or testified in opposition to this bill.

HISTORY

Assembly Bill 361 was introduced on April 30, 2001, and referred to the Assembly Committee on Agriculture. A public hearing was held on May 24th, 2001. On August 2, 2001, the Committee voted 10-0-6 [Representatives Wade, Suder, Gronemus, Plouff, Schneider and Hubler were absent] to recommend passage of AB 361 as amended.

CONTACT: Beata Kalies, Office of Rep. Al Ott

Fiscal Estimate - 2001 Session

Original Updated Corrected Supplemental

LRB Number **01-1147/2** Introduction Number **AB-361**

Subject
 Fish farms provide evidence of fish health

Fiscal Effect

State:
 No State Fiscal Effect
 Indeterminate
 Increase Existing Appropriations Increase Existing Revenues Increase Costs - May be possible to absorb within agency's budget
 Decrease Existing Appropriations Decrease Existing Revenues Yes No
 Create New Appropriations Decrease Costs

Local:
 No Local Government Costs
 Indeterminate
 1. Increase Costs 3. Increase Revenue 5. Types of Local Government Units Affected
 Permissive Mandatory Permissive Mandatory Towns Village Cities
 2. Decrease Costs 4. Decrease Revenue Counties Others
 Permissive Mandatory Permissive Mandatory School Districts WTCS Districts

Fund Sources Affected **Affected Ch. 20 Appropriations**
 GPR FED PRO PRS SEG SEGS

Agency/Prepared By DATCP/ Lynn Miller (608) 224-4783	Authorized Signature Barb Knapp (608) 224-4746	Date 5/4/01
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Fiscal Estimate Narratives

DATCP 5/4/01

LRB Number 01-1147/2	Introduction Number AB-361	Estimate Type Original
Subject Fish farms provide evidence of fish health		

Assumptions Used in Arriving at Fiscal Estimate

Current law requires a person who operates a fish farm to annually register the fish farm with the Department of Agriculture, Trade and Consumer Protection (DATCP). Beginning January 1, 2002 the law will also require the operator of a fish farm to annually obtain a fish health certificate for any fish eggs present or any fish reared on the fish farm, except that an operator who does not sell, distribute or release live fish or fish eggs may rely on the health certificates of the person from whom the operator obtained fish or fish eggs.

This bill eliminates the requirement to obtain an annual fish health certificate. It continues to authorize DATCP to require an annual fish farm registration and it allows DATCP to promulgate rules regarding fish health certificates.

There is no fiscal effect as a result of this change.

At the time this program was established in DATCP funding was not provided at a level that would support this activity. If the department is not required to provide health certificates there will not be a savings since the program was underfunded.

Long-Range Fiscal Implications

As noted above.

Kalies, Beata

From: Fennessy, Franc
Sent: Wednesday, May 23, 2001 5:56 PM
To: Siroky, Clarence J DATCP; Hughes, Will H DATCP; Heike, Ruth E DATCP; Ehlenfeldt, Robert G DATCP; Kebus, Myron J DATCP; Staggs, Mike D; Kalies, Beata; Hardinger, Marlin; Sykora, Tom; Ott, Alvin; 'bullfrog@eatmyfish.com'; 'Gollon, Dave Jr.'
Cc: Lamb, Les F DATCP; Moll, Keeley A DATCP; Kluesner, Elizabeth M; Andryk, Tim A; Heinen, Paul H; Rodenberg, Jerry R; OBrien, John; Tradewell, Becky
Subject: AB 361 -- Suggested Amendment

After consultation with a variety of parties in recent days, we seem to have reached a point of some common understanding that would address the concerns of DNR on 2001 AB 361. A hearing is scheduled for Rep. Ott's committee on May 24.

The following language change to AB 361 is agreeable with Dr. Clarence Siroky, Administrator of DATCP's Animal Health Division and with the DNR.

AB 361 should be amended as follows to read -- the second sentence is new:

"95.60 (3) The department [DATCP] shall promulgate rules, applicable to person who operate fish farms, that require any evidence of fish health that the department determines is necessary. The department shall consult with the department of natural resources on the portion of the rules relating to stocking and discharge into public waters."

I spoke earlier today with Herby Radman who has represented the WI Aquaculture Association on this--Herby wants to review the language more carefully this evening. His initial reaction (for purposes of full disclosure) was that this additional language provision is not necessary and is already covered by other language in the DATCP-DNR aquaculture MOU.

I have asked DNR's Mike Staggs (Director of DNR Fisheries Program) to join Herby for his meeting with Rep. Sykora at 8:15 AM on Thursday AM prior to the hearing. Hopefully, an understanding can be reached prior to the hearing.

Thanks to all who have been active in this issue. Mr. Staggs will be represent DNR at the hearing before Rep.Ott's committee Thursday.

Franc Fennessy

Francis M. (Franc) Fennessy
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Kalies, Beata

From: Staggs, Mike D
Sent: Thursday, May 24, 2001 3:53 PM
To: Sykora, Tom; Ott, Alvin; 'bullfrog@eatmyfish.com'; 'Gollon, Dave Jr.'; Fennessy, Franc
Cc: Lamb, Les F DATCP; Moll, Keeley A DATCP; Kluesner, Elizabeth M; Andryk, Tim A; Heinen, Paul H; Rodenberg, Jerry R; OBrien, John; Tradewell, Becky; Hewett, Steve W; Siroky, Clarence J DATCP; Hughes, Will H DATCP; Heike, Ruth E DATCP; Ehlenfeldt, Robert G DATCP; Kebus, Myron J DATCP; Kalies, Beata; Hardinger, Marlin
Subject: Follow Up to AB361 Hearing Today

Per discussions at the Assembly Agriculture Committee hearing on AB361 and with the DNR Secretary's Office - the Department of Natural Resources will support an amended version of AB361 that includes our suggested addition (in bold below):

"95.60 (3) The department [DATCP] shall promulgate rules, applicable to person who operate fish farms, that require any evidence of fish health that the department determines is necessary. **The department shall consult with the department of natural resources on the portion of the rules relating to stocking and discharge into public waters.**"

and we will also support an amended version that makes it clear that DATCP fish health rules passed under 95.60(3) also apply to state fish hatcheries as suggested by Dave Gollon.

If you have any questions or would like us to review additional language, please do not hesitate to contact me or Deputy Secretary Franc Fennessy.

Also, I will FAX a copy of the current MOU to Rep. Ott's office for distribution to interested committee members and follow through on informing the Secretary's office of Rep. Ainsworth's concerns about DNR working closely with DATCP on wildlife related issues.

Michael Staggs
Bureau of Fisheries Management and Habitat Protection
PO Box 7921
Madison, WI 53707-7921
608-267-0796
608-266-2244 (FAX)



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Scott McCallum, Governor
Darrell Bazzell, Secretary

Department of Natural Resources

FAX TRANSMITTAL COVER SHEET

Fax #608-266-2244

To: Rep. Al. Ott.

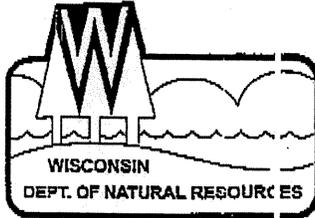
FAX: 282-3603

From: Mike Staggs, DNR Date 5-24-01

Number of Pages 7

Comments: Per your request at the
AB 361 hearing today. Copy of the
DNR-DATCP MOW relating to fish farms.




State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

101 S. Webster St.
Box 7921
Madison, Wisconsin 53707-7921
Telephone 608-266-2621
FAX 608-267-3579
TDD 608-267-6897

August 4, 2000

Mr. Joe Tregonig,
Deputy Secretary
Department of Agriculture, Trade and Consumer Protection
PO Box 8911
Madison, WI 53708-8911

RECEIVED

AUG 10 2000

**OFFICE OF THE
SECRETARY**

Subject: Fish Farm MOU

Dear Mr. Tregonig: *Joe*

Please find enclosed the signed Memorandum of Understanding between the Department of Natural Resources and the Department of Agriculture, Trade and Consumer Protection relating to the regulation of fish farming. We were very pleased to see that the final version adequately addressed most of our comments transmitted in Mike Staggs' June 22nd memorandum, and I was able to recommend that our Department Secretary sign the document. I trust that the aquaculture industry and interested legislators and Natural Resources Board members will also be satisfied with the final agreement. By copy of this memorandum we will also send copies to those interested parties. By terms of the MOU, the effective date of the agreement will be August 4, 2000. Each of us should take responsibility to ensure that the MOU is distributed and implemented in our respective agencies.

I, too, am pleased that our agencies were finally able to work through the issues and reach agreement on this difficult topic. I know that we have much work ahead to ensure customer and environmentally friendly regulation of aquaculture, but am confident that our agencies can work together to make this happen.

Sincerely,

Franc Fennessy
Franc Fennessy
Executive Assistant

cc: Governor Tommy Thompson
Sen. Alice Clausing
Sen. Roger Breske
Rep. Barbara Gronemus
David Collon, Jr, WAA
Scott Barnes, WAA

Natural Resources Board Members
Sen. Dale Schultz
Rep. DuWayne Johnsrud
Gordon Anderson, Leg. Council
Mac Graham, WAA
Peter Fritsch, WAA

DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION

P.O. BOX 8911

MADISON, WI 53708-8911

FACSIMILE



To: Repalott

Phone: _____

Fax: 282-3603

CC: _____

From: Dr. Myron Kelso

Phone: 224-4876

Fax: 224-4871

Number of Pages Including Cover Sheet: 6

Date 5-29-01

- REMARKS: Urgent For Your Review Reply ASAP
 As Requested Please comment

Comments: DATCP-WR MOU regarding
fish farming

If any pages need to be resent, please call the sender at the top, right of fax sheet, otherwise, we will assume this transmittal has been completely received.

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION
And
THE DEPARTMENT OF NATURAL RESOURCES**

SUBJECT: Cooperation between the Department of Agriculture, Trade and Consumer Protection (DATCP) and the Department of Natural Resources (DNR) relating to the regulation of fish farming.

PURPOSE: This Memorandum of Understanding (MOU) establishes a framework for DATCP and DNR to cooperate to effectively regulate and promote fish farming while protecting the natural resources of this state.

SCOPE: The agencies intend that this MOU memorialize agreements reached between the agencies relating to regulating fish farming. Any issue which is not addressed in this MOU is not to be read into this MOU by implication.

STATUTORY AUTHORITY: The agencies enter this MOU under the authority of ss. 20.901 and 93.06(11), Wis. Stats., and non-statutory provisions in 97 Wis. Act 27.

AGENCIES INVOLVED:

- The Wisconsin Department of Agriculture, Trade and Consumer Protection with offices located at 2811 Agriculture Drive, Madison, WI.
- The Wisconsin Department of Natural Resources with offices located at 101 S. Webster Street, Madison, WI.

THE AGENCIES AGREE THAT:

1. It is the intention of DNR and DATCP that the staff of both agencies should cooperate in promoting the interests of the State of Wisconsin and of the citizens of the State of Wisconsin relating to protecting the waters of the state and the fish population of the state while promoting fish health among both the state owned fish population and the fish owned by registered fish farmers and promoting the fish farming industry and development of markets for products of the fish farming industry. The agencies encourage their staff to cooperate within statutory limits in the following:
 - Promoting early inter-agency communication regarding policy changes or initiatives, administrative rules changes, and legislative changes that an agency will seek that might affect our mutual customers.
 - Promoting efficient law enforcement activities in areas of mutual concern.
 - Promoting opportunities for inter-agency attendance at staff meetings or training sessions relating to matters of mutual interest or concern.
 - Promoting clarity of communications between agency staff by utilizing consistent names for species of fish in inter-agency communications. The agencies agree to

use the American Fisheries Society Common and Scientific Names of Fishes to establish consistent species names.

2. Sections ATCP 10.68, 11.58 and 11.59, Wis. Adm. Code, contain provisions which DNR is required to comply with, and in some instances different provisions which private fish farmers are required to comply with. The agencies agree that persons or not-for-profit groups who have formal cooperative agreements with the DNR for raising fish will be considered DNR facilities and will be required to meet the same requirements as DNR is required to meet for its fish hatcheries, rearing stations, and ponds used for fish rearing facilities.
3. Section ATCP 11.59, Wis. Adm. Code, requires persons who are stocking fish in the waters of the state to obtain a health certificate before the fish are stocked. Section 29.736, Wis. Stats. requires persons who stock fish to obtain a permit from DNR. DNR agrees that it will not issue a stocking permit until the applicant has provided a copy of the appropriate health certificate to the DNR.
4. DNR agrees that it will report all instances of reportable diseases that are reported or confirmed in waters of this state to DATCP within 10 days.
5. DATCP agrees that it will report to DNR confirmed cases of reportable fish disease in this state. If the disease is confirmed at a fish farm, DATCP will identify the name, address and location of the fish farm.
6. Persons who import fish into Wisconsin are required to obtain an import permit from DATCP. If the person is importing "non-native" fish, the person is also required to obtain a permit from DNR. DATCP agrees not to issue an import permit for "non-native" fish until the person has a DNR permit. Since identification of "non-native" fish is within DNR's expertise, DATCP will rely on DNR's identification. DNR will provide DATCP with a written list identifying all species of fish it believes need a permit from DNR before it can be imported to Wisconsin. DNR may change the list at any time by simply providing a written list to DATCP which incorporates the changes. The "non-native" fish list may include any species DNR issues a permit for prior to import, including rough fish. DATCP will treat all species on the "non-native" fish list the same with regard to withholding a DATCP import permit until the person obtains a DNR permit. At the present time, DNR has provided DATCP with a table from DNR's Fish Management Handbook. The table is identified as Table 1. Fishes reliably reported to occur (or to have occurred in the past) in Wisconsin waters. Unless DATCP receives a replacement "non-native" species list, DATCP will utilize this list to determine which import permit applications need to be referred to DNR in the following manner:
 - A. DATCP will refer an import permit application to DNR for any species which is not identified in Table 1.
 - B. If the species is identified in Table 1 and is not identified with an *, DATCP will not refer the import permit application to DNR.
 - C. If the species is identified in Table 1 and is identified with an *, DATCP will not refer the import permit application to DNR, unless DNR has made a

written request to DATCP to receive notification of import permit requests for the particular species at issue.

When DATCP refers the import permit application, DATCP will advise the applicant that the application has been referred to DNR, and that DATCP will not consider the application until the DNR permit is issued.

Within 10 days of receiving the permit, DNR will send an acknowledgement letter to the applicant containing the following information:

- A. Name and contact information for the DNR person who will be handling the permit review.
- B. An estimated time when the review will be completed.

The DNR will keep the applicant informed if the estimated time of completion changes significantly.

7. DNR will advise DATCP when it issues a permit under paragraph 6. DATCP will then consider the permit application.
8. Under s. 95.60(2), Wis. Stats., DNR is exempt from the requirement to obtain an import permit for fish or fish eggs it imports. Under the same statutory section, DNR is required to certify the health status of any fish of the family salmonidae that it imports for stocking in the waters of this state. The same statutory section authorizes DATCP to require a person, who is required to either obtain an import permit or to certify health status of fish of the family salmonidae, to notify the department before bringing fish or fish eggs into this state. DATCP is requiring DNR to notify the department before bringing fish or fish eggs into the state. The agencies agree that this requirement will be met if DNR provides DATCP with a list of proposed and actual DNR imports in January and July each year.
9. Under s. 95.60(4s) DATCP is required to consult with DNR regarding labeling and identifying fish reared on fish farms, promulgating rules for health standards, establishing standards for non-veterinarians to issue fish health certificates and dealing with diseases of salmonids. DATCP agrees to consult with DNR on the statutorily mandated subjects. In this context, consult means to seek advice or information, or to take into account or consider.
10. DATCP agrees that if it creates a list of ornamental fish in addition to those identified in s. ATCP 11.58(1)(g), it will consult with DNR regarding the fish to be included on that list.
11. DATCP agrees that if DNR provides DATCP with a listing of people in DNR who should be contacted by a person interested in becoming a registered fish farmer so the person may determine what that person needs to do to comply with DNR requirements, DATCP will include that contact list in the fish farm starter kits.
12. The agencies agree that they may share staff or equipment to address specific incidents relating to fish farming. If staff or equipment are shared, the agency that wants to use the staff or equipment shall be the "receiving agency." The agency that is providing the staff or equipment shall be the "sending agency." Each agency agrees that if it is the receiving agency, it will reimburse the sending agency for the use of its

equipment or staff if the sending agency requests payment. Each agency agrees that if it seeks reimbursement it will charge the other agency at the same rate it would charge internally for the use of that equipment or staff if it charged internally for the use of equipment or staff. If an agency desires to use equipment or staff of the other agency, the following procedure will be used:

- A. The Secretary of the receiving agency will make a written request to the Secretary of the sending agency identifying what equipment or personnel the agency seeks to use and the facts relating to the incident which creates the need for the use of the equipment or staff.
 - B. The Secretary of the sending agency will consider the request and will provide a written response to the Secretary of the receiving department. The written response will either authorize the requested use, deny the requested use, or offer an alternative which may serve the interests of both agencies.
13. DATCP will annually provide DNR with a list of all registered fish farms.
 14. DATCP and DNR agree that each agency will have access to records maintained by the other agency. Neither agency is required to create or gather records not already kept for the benefit of the other agency. This provision does not authorize either agency to attempt to use the authority of the other agency to gain access to records kept by someone else.
 15. If DNR obtains records from DATCP which are subject to the confidentiality provisions of s. 95.60, Wis. Stats., DNR will maintain the confidentiality of those records. DNR will refer any open records request for the confidential records to DATCP.
 16. If DNR needs to contact DATCP regarding fish farming, DNR should contact the State Aquaculture Veterinarian at (608) 224-4876. If the State Aquaculture Veterinarian is unavailable, DNR may contact the Veterinarian Supervisor at (608) 224-4880.
 17. If DATCP needs to contact DNR regarding fish farming, DATCP should contact the Aquaculture Sector Specialist at (608) 266-7715. If the Aquaculture Sector Specialist is unavailable, DATCP may contact the Chief of the Fisheries Policy and Operations Section in the Bureau of Fisheries Management and Habitat Protection at (608) 267-7501.
 18. This agreement is effective on the latest date on which a Secretary of one of the agencies signs the agreement. This agreement may be amended or revoked at any time by written agreement of the parties. The agencies agree that they will advise WAIAC and WAA of changes made to the agreement.
 19. The agencies agree that the agencies will meet to review effectiveness of the MOU, and possible amendments two years after the date on which this MOU is effective. Thereafter, the reviews will take place 3 years after the prior review. Either agency may request an earlier review by providing 30 days written notice of the request.
 20. Any problems or complaints regarding non-compliance with this agreement should initially be worked out or resolved at the lowest management level with responsibility

in the contested area. If the matter is not resolved at the lowest management level, the discussion may be moved to the next higher management level and ultimately may be resolved at the Secretarial level.

Dated this 3rd day of August, 2000.

Dated this 18 day of July, 2000.

By: George E. Meyer

George E. Meyer, Secretary
Wisconsin Department of
Natural Resources

P.O. Box 7921
Madison, WI 53707-7921

By: Ben Brancel

Ben Brancel, Secretary
Wisconsin Department of
Agriculture, Trade and
Consumer Protection

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