



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2011 Wisconsin Act 207
[2011 Senate Bill 537]

Aquaculture

2011 Wisconsin Act 207 does all of the following:

- Provides that the following requirements for approval of the use of a natural water body as a fish farm **do not apply** to a person seeking to use a natural body of water as a fish farm if the person has been issued a permit with respect to that body of water that authorizes the person to change the course of or straighten a stream, to enlarge a waterway, or to construct a dam:
 - The requirement that a permit be obtained from the Department of Natural Resources (DNR) to use a natural body of water as a fish farm.
 - The requirement that the water body to be used as a fish farm be a freeze-out pond or a pre-existing fish rearing facility.
 - The requirement that the DNR determine that no substantial public interest exists in the body of water and that no public or private rights in the body of water will be damaged.
- Provides that a permit to use a natural body of water as a fish farm, once issued, does not expire unless the DNR makes a finding that there has been a substantial change in circumstances related to the DNR's public interest and public or private rights determination.
- Prohibits the DNR from promulgating rules that require the DNR, before it issues a permit to use a natural body of water as a fish farm, to hold a hearing or provide notice that it will not hold a hearing.
- Requires the DNR to post notice of every application for a permit to use a natural body of water as a fish farm on the DNR's Internet web site.

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.

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- Exempts fish farms from payment of annual wastewater discharge fees.
- Requires wastewater discharge permits for fish farms that produce more than 100,000 pounds of fish per year to include requirements that are based on, and are not more stringent than, requirements in a specified regulation of the federal Environmental Protection Agency applicable to those fish farms.
- Provides that a person who operates a fish farm is not required to keep records under Department of Agriculture, Trade and Consumer Protection (DATCP) requirements regarding the sale of fish to an individual for the individual's personal use.
- Exempts a person bringing fish or fish eggs from a fish farm in another state to a fish farm in this state from the requirement to have an annual importation permit from the DATCP if the person has a fish health certificate that covers the fish or fish eggs and that complies with the DATCP's rules on fish health certificates.
- Eliminates the DNR's exemption from the requirement to have a permit from the DATCP to bring fish into this state.
- Exempts from the open records law, certain fish farm records held by the Veterinary Diagnostic Laboratory, unless the lab determines disclosure is necessary to protect the public health, safety, or welfare.

Effective date: Act 207 took effect on April 17, 2012.

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