

2013 DRAFTING REQUEST

Bill

Received: 8/28/2013 Received By: mglass
Wanted: As time permits Same as LRB:
For: Garey Bies (608) 266-5350 By/Representing: Cory Bruce
May Contact: DNR Drafter: mglass
Subject: Nat. Res. - nav. waters Addl. Drafters:
Nat. Res. - wet/shore/flood Extra Copies:

Submit via email: YES
Requester's email: Rep.Bies@legis.wisconsin.gov
Carbon copy (CC) to: elisabeth.shea@legis.wisconsin.gov
robin.kite@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

DNR general permit authority to allow temporary net pens

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>
/?	mglass 8/28/2013	scalvin 8/28/2013	jfrantze 8/28/2013	_____			
/1				_____	sbasford 8/28/2013	lparisi 8/28/2013	State

FE Sent For: *see attached*
09-03-2013
(7/1") <END>

2013 DRAFTING REQUEST

Bill

Received: **8/28/2013** Received By: **mglass**
Wanted: **As time permits** Same as LRB:
For: **Garey Bies (608) 266-5350** By/Representing: **Cory Bruce**
May Contact: **DNR** Drafter: **mglass**
Subject: **Nat. Res. - nav. waters** Addl. Drafters:
Nat. Res. - wet/shore/flood Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Bies@legis.wisconsin.gov**
Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**
robin.kite@legis.wisconsin.gov

Pre Topic:

No specific pre topic given

Topic:

DNR general permit authority to allow temporary net pens

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>
/?	mglass 8/28/2013	scalvin 8/28/2013	jfrantze 8/28/2013	_____			
/1				_____	sbasford 8/28/2013		State

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: **8/28/2013** Received By: **mglass**
Wanted: **As time permits** Same as LRB:
For: **Garey Bies (608) 266-5350** By/Representing: **Cory Bruce**
May Contact: **DNR** Drafter: **mglass**
Subject: **Nat. Res. - nav. waters** Addl. Drafters:
Nat. Res. - wet/shore/flood Extra Copies:

Submit via email: **YES**
Requester's email: **Rep.Bies@legis.wisconsin.gov**
Carbon copy (CC) to: **elisabeth.shea@legis.wisconsin.gov**
robin.kite@legis.wisconsin.gov

Pre Topic:

No specific pre topic given


Topic:

DNR general permit authority to allow temporary net pens ✓

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>
/?	mglass	/1 sac 08/28/2013		8/28 _____		Jacket Immediately	

FE Sent For:

<END>



State of Wisconsin
2013 - 2014 LEGISLATURE



RMW
3/18/11 R

LRB-2281/3

EHS&RNK:sac&eev:ff

Today

stays

2013 BILL

gen cat

1 **AN ACT** *to amend* 30.206 (1) (a) and 95.60 (2) (a) (intro.); and *to create* 29.733
2 (3), 30.01 (4o), 30.12 (3) (b) and 95.60 (9) of the statutes; **relating to:** allowing
3 placement of net pens in navigable waters under a statewide general permit
4 and exceptions for certain requirements that apply to fish farms.

Analysis by the Legislative Reference Bureau

Under current law, no person may place a structure upon the bed of any navigable water where no bulkhead line has been established or beyond a lawfully established bulkhead line unless the Department of Natural Resources (DNR) has issued an individual or general permit allowing the structure. Certain structures, including a fish crib intended to improve fish habitat, certain piers and wharves, and a biological shore erosion control structure, are exempted from these permitting requirements if they are not in an area of special natural resource interest and do not interfere with riparian rights.

This bill requires DNR to issue a statewide general permit that authorizes a person to place a net pen in a navigable water as long as the net pen meets certain conditions. The bill defines a net pen as an enclosure placed in a body of water and used to hold or rear fish. The bill specifies that a person may place a net pen only for noncommercial purposes. The fish must be stocked, and released into the water, by DNR or by a person who has a fish stocking permit. Finally, the bill requires that the fish held or reared in the net pen be released into the same body of water into which the net pen is placed. The bill specifies that the general permit may not authorize the placement of a net pen for a period of more than eight weeks and

BILL

provides that the general permit may not limit the number of times that a person may place a net pen in the waters of this state.

Under current law, the Department of Agriculture, Trade and Consumer Protection (DATCP) administers laws regulating fish farms. A fish farm is a facility at which a person hatches fish eggs or rears fish for the purpose of introduction into the waters of the state or for various other purposes including human or animal consumption. Current law requires most persons who bring fish or fish eggs into this state for the purpose of introduction into the waters of this state to obtain a permit from DATCP. Current law also requires a person who operates a fish farm to annually register the fish farm with DATCP.

This bill exempts a person who is authorized under a general permit to place a net pen in the waters of this state from obtaining a permit from DATCP or registering that net pen with DATCP as a fish farm. The bill provides that after the date on which fish are placed in a net pen under the authority of a general permit, DATCP's authority to regulate fish farms does not apply to fish held in that net pen.

Current law generally prohibits a person from using a natural body of water as a fish farm unless the land that is riparian to the body of water is owned, leased, or controlled by the owners of the fish farm and the body of water is a freeze-out pond, a preexisting fish rearing facility, or a body of water for which DNR has issued a permit for certain other navigable waters activities. This bill creates an exemption to this prohibition against using a natural body of water as a fish farm. Under the bill, the exemption applies to a person who places a net pen under the authority of a general permit issued by DNR.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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

1 **SECTION 1.** 29.733 (3) of the statutes is created to read:

2 29.733 (3) This section does not apply to a person who places a net pen in a
3 natural body of water for the purpose of holding or rearing fish in accordance with
4 a general permit issued under s. 30.12 (3) (b).

5 **SECTION 2.** 30.01 (4o) of the statutes is created to read:

6 30.01 (4o) "Net pen" means an enclosure placed in a body of water and used
7 to hold or rear fish.

8 **SECTION 3.** 30.12 (3) (b) of the statutes is created to read:

BILL

1 30.12 (3) (b) 1. The department shall issue a statewide general permit under
2 s. 30.206 that authorizes a person to place a net pen in the waters of this state if all
3 of the following apply:

4 a. The net pen is placed for the purpose of holding or rearing fish for
5 noncommercial purposes.

6 b. The fish held or reared in the net pen are stocked by the department or by
7 a person who is in compliance with s. 29.736.

8 c. The fish held or reared in the net pen are released by the department or by
9 a person who is in compliance with s. 29.736 into the same body of water in which
10 the net pen is placed.

11 2. A general permit issued for the purpose described in this section shall
12 authorize a person to place a net pen in the waters of this state for a period not to
13 exceed 8 weeks. The general permit may not limit the number of times that a person
14 may place a net pen in the waters of this state under the authority of that general
15 permit.

16 **SECTION 4.** 30.206 (1) (a) of the statutes is amended to read:

17 30.206 (1) (a) The department shall issue the statewide general permits
18 required under ss. 30.12 (3) (a) and (b), 30.123 (7), 30.19 (3r), and 30.20 (1t) (a).

19 **SECTION 5.** 95.60 (2) (a) (intro.) of the statutes is amended to read:

20 95.60 (2) (a) (intro.) Except as provided in sub. (9) and par. (e), no person may
21 bring any fish or fish eggs into this state for the purpose of introduction into the
22 waters of the state, of use as bait or of rearing in a fish farm without an annual permit
23 issued by the department.

24 **SECTION 6.** 95.60 (9) of the statutes is created to read:

Rose, Stefanie

From: Bruce, Cory
Sent: Wednesday, August 28, 2013 11:26 AM
To: LRB.Legal
Subject: Draft Review: LRB -3018/1 Topic: DNR general permit authority to allow temporary net pens

Please Jacket LRB -3018/1 for the ASSEMBLY.

Barman, Mike

From: Barman, Mike
Sent: Tuesday, September 03, 2013 8:57 AM
To: Bruce, Cory
Subject: RE: Rep. Bies - request for FE

I submitted your "early FE" request to DOA for agency assignment.

Thanks,

Mike Barman (Lead Program Assistant)
State of Wisconsin - Legislative Reference Bureau - Legal Section - Front Office
1 East Main Street, Suite 200, Madison, WI 53703
(608) 266-3561 / mike.barman@legis.wisconsin.gov

From: Bruce, Cory
Sent: Tuesday, September 03, 2013 8:49 AM
To: Barman, Mike
Cc: Ruby, Erin; Kovach, Robert
Subject: Rep. Bies - request for FE

Mike,
Attached is a draft of a bill we're introducing with Sen. Lasee. We'll turn the jacket in tomorrow (Sept. 4th) for a bill number and the Assembly Committee plans to hold a public hearing on Sept. 11th. I'm asking for a FE on this draft to get the process started so we can have a FE before the hearing next week.

If you need anything else from our office, please let me know.

Thanks,
Cory Bruce
Office of Rep. Bies