



MARY CZAJA

STATE REPRESENTATIVE • 35th ASSEMBLY DISTRICT

(608) 266-7694
Toll-Free: (888) 534-0035
Rep.Czaja@legis.wi.gov

P.O. Box 8952
Madison, WI 53708-8952

AB 640 – Regulation of Aquaculture and Fish Farms Assembly Committee on Environment and Forestry February 1st, 2016

Thank you for the opportunity to testify today on Assembly Bill 640. My coauthor, Senator Tiffany, and I have introduced this bill to accomplish the statutory updates that are needed for the aquaculture industry to grow in Wisconsin.

Growing up in northern Wisconsin, I've been exposed to aquaculture all my life. These farmers have the same dedication and work ethic as those who plow our fields and raise our cattle; it just happens that they have a different crop – and that is, fish.

Aquaculture is agriculture – that is the key element to AB 640. The clarification of current laws related to aquaculture will provide the consistency that our private fish farmers need to plan for the future and grow their operations in a sustainable way. Furthermore, by aligning state water quality standards with federal law and guidelines we will ensure that Wisconsin fish farmers are not at a competitive disadvantage to neighboring states.

I ask for your support of AB 640 and will be happy to answer your questions.



TOM TIFFANY

STATE SENATOR • 12TH SENATE DISTRICT

Testimony on Assembly Bill 640 Assembly Committee on Environment and Forestry February 2nd, 2016

Thank you Chairman Mursau and members of the Assembly Committee on Environment and Forestry for allowing me to testify on Assembly Bill 640 (AB 640) related to aquaculture and fish farms.

Fishing is an important part of our state's economy and heritage. Every year almost one million Wisconsinites enjoy fishing in our lakes, rivers, and streams. Without private aquaculture, our state would not be able to meet the demands of sport fishermen, tourist, or commercial fishing operators. Private aquaculture supplies live bait to tackle shops, stocks our lakes and rivers, and supplies grocery stores with locally grown fish.

Aquaculture is a \$5.3 million dollar industry in Wisconsin and supports almost 500 jobs. Unfortunately, the industry has declined in recent years due to burdensome and inconsistent regulation. Representative Czaja and I are proposing to regulate aquaculture similar to agriculture as they each grow a product for human consumption. This bill will lead to more consistent and predictable regulation of an important industry. Doing so will allow the aquaculture industry to thrive as the industry has done nationally.

It is important to remember that we are not removing any environmental protections in AB 640. We are proposing to adopt many Federal water quality standards for aquaculture which will provide the industry certainty and allow current farms to continue to operate as they have done for decades.

I want to thank the committee for allowing me to testify and would ask for your support of Assembly Bill 640.

Thank you.

Tom Tiffany
Wisconsin State Senate
12th Senate District



Wisconsin Department of Natural Resources Testimony for AB640
Assembly Committee on Environment and Forestry
February 2, 2016

Good morning Representative Mursau and Committee members. I am Russ Rasmussen, for the Department of Natural Resources. Pam Biersach, Director of the Bureau of Watershed Management is here with me today, as well. Thank you for hearing the agency's testimony, which we present for informational purposes.

The Department is grateful to the industry for making time over the past six months and since 2015 AB 640 was introduced in January to discuss the particulars of their industry. The Department appreciates the social and economic contributions they make in Wisconsin. According to the Department of Agriculture, Trade and Consumer Protection (DATCP), there are about 300 commercial fish farms in Wisconsin, contributing to our \$88 billion agricultural economy.

Natural bodies of water used as a fish farm

The Department understands through discussion with the industry that the intent of these changes is to clarify that *natural waters* regulations do not preclude *artificial waterbodies* from being used as a fish farm by virtue of having a spring as its source of water. Assembly Amendment 1 addresses a concern regarding placement of fish farms in springs by focusing the authorization for fish farms in the artificial waterbody instead of the spring. The amendment could more clearly achieve the industry's goal by applying to commercial facilities registered with the Department of Agriculture, Trade, and Consumer Protection (DATCP).

The legislation also creates a permit exemption for someone who previously had a permit to raise fish in a natural waterbody, provided they have not modified or expanded their facility.

Navigable water permits

The Department understands through discussion with the industry that this change is intended to allow maintenance of *authorized* fish farms, not to create new fish farms in navigable waters. 30.19 (1m), Wis. Stats. is an existing exemption to maintain the original dimensions of artificial waterbody enlargements created pursuant to a permit, including aquaculture facilities. Assembly Amendment 1 limits the newly proposed exemption to all DATCP registered fish farms for grading or removing topsoil to maintain an artificial waterbody.

The Department understands the amendment to clarify that the legislature is authorizing maintenance of authorized fish farms. The amendment could be clarified to apply to commercial facilities registered with DATCP. The bill also adds aquaculture to the definition in chapter 30 for "agricultural use." This adds aquaculture to any activities in chapter 30 permits such as exemptions and permits that use this definition.

Dams on navigable streams

Chapter 31 is the Department's enforcement mechanism for flows of water necessary to protect the public interest in navigable waters. Under 31.02, Wis. Stats., the Department regulates dam operations and the flow of

water in the interest of public rights in navigable waters and to promote safety and protect life, health, and property. Section 31.34, Wis. Stats. mandates all dams on navigable streams must release a minimum of 25% low flow at all times. This requirement protects the public rights in navigable waters. Statute 31.34(3), Wis. Stats., currently provides an exemption to the minimum flow requirement in cases in which the Department determines the minimum discharge is not necessary for the protection of fish life. AB 640, *as originally introduced*, provided an exemption to the minimum flow requirement for any dam in an aquaculture facility where the water is returned to the navigable stream.

Assembly Amendment 1 clarifies that the exemption applies to “existing” dams and “existing” fish farms.

The Department understands through discussion with the industry that this change is intended to extend the exemption from minimum flow requirements to fish farms “existing” on the date of enactment, and believes additional language could further clarify that intent. The Department also believes language clarifying the authority of the Department to set a minimum flow for fish farms *less than* what is required in 31.34 and applying to DATCP registered commercial facilities.

Wetland permits & exemptions

Various provisions in this bill provide exemptions or changes to state implementation of the federal Clean Water Act (CWA). The Army Corps of Engineers (USCOE) has jurisdiction over federal wetlands in Wisconsin, which amounts to roughly 80 percent of all wetlands. In recent years, many efforts have been made to align the review processes of the Department and the Corps. Where state law creates a different state review process from the USACOE or provides exemptions that don't exist under federal law, there is the potential to create a split review process that may be time consuming.

In the case of federal wetlands, these exemptions and review limits may lead to requiring an applicant to obtain separate approvals from the Department and the USACOE. Additionally, changes to the Department's in lieu fee mitigation program require federal approval. The Department understands through discussion with the industry that the industry is aware of existing federal jurisdiction and timelines.

WPDES Permits

Under the Wisconsin Pollution Discharge Elimination System (WPDES) program created to implement the Clean Water Act (CWA) regarding discharges of pollutants to waters of the state, the Department has authority to condition discharge permits in order to meet effluent limitations and federal or state water quality standards. AB 640 requires the Department to limit the conditions it imposes to site-specific best management practices “to the greatest extent allowed under federal law.” In general, federal law authorizes inclusion of BMPs in order to meet effluent limitations and water quality standards, but additional measures are still required if BMPs do not meet numerical limits (40 CFR 122). The Department believes the last sentence of Section 28 of the bill may generate an Environmental Protection Agency (EPA) issue with how Wisconsin implements CWA.

Thank you, Chairman Mursau and Committee members, for hearing this testimony. We would be happy to try answering any questions you may have.



**US Army Corps
of Engineers
St. Paul District**

U.S. Army Corps of Engineers (Corps) Information: Regulatory Program in Wisconsin

Written testimony for AB 640
February 2, 2016

The Corps regulates the discharge of dredged and fill material in all waters of the United States (most wetlands and waterbodies) pursuant to Section 404 of the Clean Water Act. Activities over, under, and within navigable waters of the United States are regulated pursuant to Section 10 of the Rivers and Harbors Act.

The Corps enjoys a cooperative work environment with the Wisconsin Department of Natural Resources (WDNR). Interagency collaboration allows our agencies to better serve the public and meet program goals.

Corps Project Review

- For most projects, the 404(b)(1) guidelines at 40 Code of Federal Regulations (CFR), Part 230.10(a)(3) require the Corps to presume that alternatives that do not involve special aquatic sites are available to accomplish the basic project purpose, unless clearly demonstrated otherwise.
- Section 404 authorization may only be granted for projects determined by the Corps to be the least environmentally damaging practicable alternative to accomplish the project purpose.
- Typically, when a discharge is proposed within a special aquatic site, practicable alternatives to the proposed discharge outside the special aquatic site are presumed to have less adverse impact on the aquatic ecosystem, unless clearly demonstrated otherwise.
- Fish farm projects which cannot avoid impacts to waters of the United States must clearly demonstrate that all impacts proposed to these resources are minimized to the maximum extent practicable.
- Section 404 authorizations may not be issued by the Corps unless and until applicants obtain water quality certification or waiver of certification. Unless otherwise delegated in Wisconsin, certification authority rests with the WDNR.

Corps Exemptions

- Exemptions from state regulation are often misinterpreted by the public as applicable to the Corps program. Similar exemptions for both the state and Corps reduces the risk for enforcement activity.
- The current suite of WDNR wetland exemptions found in 281.36(4) mirror those found within the Corps regulations at 33 CFR, Part 323.4(a).
- There is no complement in Federal regulations exempting fish farms from Section 404 regulation or from Corps review of alternatives. When Corps and WDNR permitting requirements are dissimilar, project proponents may be required to complete different processes to ensure regulatory compliance.

Corps Compensatory Mitigation

- The Corps implementing regulations for compensatory mitigation are found at 33 CFR 332. This regulation describes the amount, type, and location of compensatory mitigation which may be used to provide an offset for authorized losses.
- The intent of compensatory mitigation is to provide an offset to the loss of aquatic resource function which may result from authorized aquatic resource losses. Compensatory mitigation plans approved by the Corps include information describing how the compensatory mitigation project addresses watershed needs. Compensation sites require legal arrangements to ensure the long-term protection of the site. These legal restrictions are often incompatible with sites used as part of a fish farm.
- Permittee-responsible mitigation, compensation undertaken by the permittee to mitigate for authorized losses, is generally not preferred by the Corps compared to other forms of compensatory mitigation available, such as a bank or In-Lieu fee program.

Key Corps Regulatory Staff serving Wisconsin

- Branch Chief: Tamara Cameron (800) 290-5847, extension 5197, or (651) 290-5197
- State Program Manager and Acting NE Section Chief: Rebecca Graser (651) 290-5728
- SE Section Chief: Todd Vesperman (651) 290-5857



214 N. Hamilton St. #201 Madison, WI 53703
Phone 608-250-9971 Fax 608-287-1179
www.wisconsinwetlands.org

To: Senator Tom Tiffany

From: Erin O'Brien, Policy Director, Wisconsin Wetlands Association

cc: Senator Kathleen Vinehout, Representative Mary Czaja, Attorney Mike Hahn

Re: SB 493/AB 640 related to the regulation of aquaculture facilities

Date: ~~January 22~~ Revised February 1, 2016

This memo articulates Wisconsin Wetlands Association's (WWA) analysis of SB 593/AB 640 and provides specific recommendations related to the nine sections that pertain to the regulation of aquaculture activities in or near wetlands.

We present these recommendations after talking with attorney Mike Hahn to try better understand his client's concerns. We offer these suggestions to remove redundancy and inconsistencies within the proposed language, to ensure the final provisions address industry concerns without harming wetland resources, and to improve consistency with federal law.

We recognize that there may be additional concerns related to artificial (created) wetlands and would be happy to help craft an appropriate response to that concern next week.

Bill analysis & recommendations:

1. Section 16 provides that WDNR shall include establish a general permit for activities that result in a discharge to wetlands from aquaculture activities not to exceed 10,000 square feet.

WWA has no objections to the provisions proposed in Section 16.

2. Sections 17 & 18 establish a provision that will exempt aquaculture operators from the requirement to consider alternatives to avoid and minimize impacts to wetlands when requesting a permit to discharge fill. We see no evidence to suggest that rules that currently exist for all other applicants warrant a special exception for aquaculture. Approval of this provision would set a precedent that other industries would soon seek. This section is also inconsistent with the limited review of alternatives requested for expansions of existing aquaculture in Section 19 of this bill.

We would be happy to work with WDNR and the aquaculture industry to help clarify the appropriate extent of alternatives that should be reviewed for aquaculture related discharges, but recommend deleting Sections 17 & 18 from this bill.

3. Section 19 provides that expansions of existing aquaculture facilities shall be subject to the same limited review of alternatives as current law grants for industrial, commercial, and agricultural activities.

Though we believe that the current language of 281.36(3n)(a) already supports a limited review of alternatives for such expansions, WWA has no objections to this proposed clarification.

4. Section 20 requires WDNR to consider aquaculture a water/wetland dependent activity. To be consistent with federal policy, classification of aquaculture as a water-dependent activity would require a finding that aquaculture operations must be built in or near one or more of 7 resources defined as "special aquatic sites." These include sanctuaries and refuges, wetlands, mud flats, vegetated shallows, coral reefs and riffle pool complexes. We see no evidence to support such a finding.

In addition, this provision would only apply to aquaculture activities affecting non-federal wetlands. Implementation of this provision will be confusing for applicants and WDNR staff, and may require applicants to request a federal jurisdictional determination to know whether the proposed provision applies to their permit request. The administrative burden is likely to work at cross purposes to the objectives of those who requested this change.

WWA recommends eliminating Section 20.

5. Section 21 appears to require WDNR to grant mitigation credit for the establishment of wetlands created in the ordinary course of operation of an aquaculture facility. Under state and federal law, credit for mitigation activities must be pre-authorized as a condition of a discharge permit, constructed in compliance with pre-established performance standards, monitored for a period of at least 5 years, and guaranteed with a performance bond. There is no mechanism to grant mitigation credits for creation of wetlands that are incidental to the construction or maintenance of facilities for other industries. Establishment of such a mechanism for aquaculture under state law would be precedent-setting. These wetlands would not be recognized for mitigation credits under federal law.

If the objective of fish farms is to simply have the wetland improvements associated with their regulated activities considered as part of the permit review process, we believe the language enacted in 2012 at 281.36(3n)(b)(5) [i.e., *the dept. shall consider net positive and negative environmental impact of the proposed project*] satisfies this concern.

WWA recommends eliminating Section 21.

6. Section 22 appears related to Section 21 in that it exempts aquaculture from wetland permit requirements in cases where the activity "created" wetlands. In wetland policy, the term creation presumes the establishment of wetlands in an area that does not have wetland history. Created wetlands may be more suitable for certain types of activities (i.e., stormwater treatment) than naturally occurring wetlands. Though not clear from the proposed language, if the intent is to exempt created or artificial wetlands from wetland permit requirements, clarification is needed that this provision applies in cases where there is no wetland history (i.e., hydric soils).

WWA recommends amending Section 22 to clarify that the exemption applies to wetlands created for aquaculture purposes "in areas without prior wetland history."

7. Sections 23 & 24 establishes new exemptions for the construction or maintenance of ponds or roads used in aquaculture facilities. These provisions are inconsistent with proposed Sections 17 & 18, which establish exemptions from conducting a practicable alternatives analysis but *not* a permit exemption. They are also inconsistent with Section 19 which provides for a limited review of alternatives for expansions of existing operations which could presumably include construction or maintenance of ponds or roads. As

noted earlier, Sections 17/18 & 19 are also inconsistent with one another. The language is thus confusing and the intent of these provisions in combination with the others is not clear.

The exemptions proposed in Section 23 & 24 are also not appropriate. The exemptions under current statute for construction or maintenance of farm/stock ponds, forest roads, and temporary mining roads were enacted by the state of Wisconsin to be consistent with federal law. To our knowledge, no such federal exemptions exist for aquaculture operations or a host of other Wisconsin-based industries. Here again, the proposed state exemptions would establish administratively complicated differences with federal regulations.

Moreover, exemptions from permit requirements should not be granted in cases where practicable alternatives are available to allow the activity while also protecting the resource. The provisions proposed in this section also fail to recognize that alternatives tend to be more available with the construction of new operations than with the maintenance or expansion of existing facilities. The need for a limited review of alternatives for expansions of existing facilities is addressed in Section 18 in a provision that we support.

Due to conflicts with other provisions of the proposed bill and federal law, WWA recommends deletion of Sections 23 & 24. Note: after further discussions with industry reps, we think they are looking for some assurances that routine maintenance of existing ponds and roads won't be regulated. We agree that this should be allowed, but that construction of new roads and ponds should not be exempt from wetland permit requirements.

Questions about this analysis or these recommendations should be directed to Policy Director, Erin O'Brien at 608-250-9971 / policy@wisconsinwetlands.org



214 N. Hamilton St. #201 Madison, WI 53703

Phone 608-250-9971 Fax 608-287-1179

Testimony on AB 640: Presented by Erin O'Brien, February 2nd, 2016

I appreciate the opportunity to testify on this bill today. This is our first appearance on this piece of legislation as we were unable to appear at the Senate Committee hearing due to the remarkably short notice provided.

As we have said many times, WWA will work with anyone who is willing to work with us to solve wetland related problems. On that note, I would like to start by saying that my comments today are informed by two in-depth conversations with attorney Mike Hahn who represents a number of clients that support this bill. We appreciate his willingness to brief us on the industry's concerns and his work to understand our assessment of which AB 640 provisions can be implemented without causing too much ecological harm or unintended regulatory burdens for aquaculture operators.

As you know, nine of this bill's 24 sections pertain to the discharge of fill material to wetlands. We have registered today in opposition to this bill, but believe the wetland problems can be fixed. Towards that end I have attached a memo to our testimony with a brief analysis and specific recommendations for each item. I won't go through each item in detail, but will try to cover them broadly today and am happy to answer questions about specific items.

If I had to sum up our position it would be that aquaculture is an important industry in Wisconsin and we agree that managers need to be able to operate, maintain, and even expand existing operations without undue regulatory burden. At the same time, the industry should be held to reasonable standards to avoid and minimize wetland impacts and state laws need to be reasonably consistent with federal regulations. With those points in mind, our concerns include:

#1: The presumption that impacts to wetlands are necessary to establish or operate an aquaculture facility (i.e., wetland dependency) does not hold up in the majority of cases. In the days leading up to this hearing, we reached out to several of our tribal partners for their feedback on this item. The notion that wetland destruction or degradation was necessary for aquaculture to exist was soundly rejected. We have submitted a letter from the Mole Lake Band of Chippewa Indians supporting this statement.

#2: Many of the proposed provisions create inconsistencies with federal laws. These include the exemptions for the construction of ponds and roads, the exemptions from the alternatives review for discharges, the requirement that created wetlands receive mitigation credits, and the determination that aquaculture is a wetland dependent activity. Under these provisions, federal law would control for any project that involves impacts to wetlands associated with lakes, rivers, and streams. That includes an estimated 80% of all wetlands in the state.

As discussed with AB 600, creating a process where the state rules control in only a small number of cases, will increase regulatory confusion and non-compliance, and will complicate rather than simplify the process for applicants.

#3: The argument that aquaculture should be subject to the same exemptions as traditional agriculture is flawed. Existing agricultural exemptions are tied to a carefully crafted set of federal Clean Water Act and federal Farm Bill policies. They are well-integrated with drainage laws, and the discharge exemptions are largely limited to areas designated and mapped as farmed wetlands and prior converted wetlands. Those who benefit from these exemptions are also subject to conservation compliance measures that say farmers who fill new wetlands lose their eligibility for federally subsidized crop insurance and disaster assistance payments. These provisions do not apply, or even make sense, in an aquaculture context.

It is also important to recognize that the vast majority of Wisconsin's private aquaculture production goes to support Wisconsin's recreational fishing industry. These "farms" are raising fish to stock our lakes, rivers, and streams, and raising bait. While still an important industry, this is no more agriculture in the traditional sense of the word than the operation of a game farm.

#4: We support the provision requiring WDNR to establish a general permit for aquaculture impacts affecting less than 10,000 square feet, as well as the provision limiting the review of alternatives to on-site and adjacent alternatives for the expansion of existing facilities. Both provisions are consistent with policies in place for other industries.

#5: Routine maintenance of lawfully established ponds and roads should not be subject to new permit requirements. If the original installation involved authorized impacts to wetlands, the permits authorizing the discharge should allow for routine maintenance of this infrastructure. That said, those permits should require that the spoils from these activities be discharged outside of wetlands. Construction of new ponds or roads should not be exempt, and only subject to limited alternatives review for expansions of existing facilities. Alternatives are always available for the siting of new facilities outside of wetlands.

#6: There is a need to clarify that wetland regulatory requirements do not apply in cases where the impacts will be to artificial or "created" wetlands. This bill attempts to provide this clarification, but the proposed solutions are more complicated and farther reaching than what's needed to solve the problem. A simple clarification that new wetlands created in areas without prior wetland history (i.e., historic wetland soils) should be sufficient.

#7: Overall, changes are needed to remove redundancies and inconsistencies within the bill. Much of the language in this bill is not well crafted, making it very difficult to understand the objectives, or which provisions would control if all were adopted. Combined, several sections feel more like a collection of ideas than a well thought out and prioritized list of policy recommendations. We have offered several recommendations to eliminate this confusion.

Questions on this testimony should be directed to WWA Policy Director, Erin O'Brien at 608-250-9971.



Sokaogon Chippewa Community

3051 Sand Lake Road, Crandon, WI 54520
Phone: (715) 478-7500 * Fax: (715) 478-5275

www.sokaogonchippewa.com



February 1, 2016

Tracy Hames
Executive Director
Wisconsin Wetlands Association
214 N. Hamilton St. Suite 201
Madison, WI 53703

Dear Tracy,

In response to your questions about the relationship between aquaculture facilities and wetlands, it is our experience that aquaculture is not a wetland dependent activity. By this we mean that the establishment and operation of aquaculture facilities do not require the discharge of dredged or fill materials into wetlands, or the destruction or degradation of wetlands.

During 2013 and 2014, we constructed almost 6 acres of earthen rearing ponds for aquaculture purposes. At no point were wetlands filled, disturbed or negatively impacted in anyway. Aquaculture construction and expansion can occur without any filling or negative impacts through diligent, well-thought out site selection efforts. We feel very strongly about this, and protecting Wisconsin wetlands.

Sincerely,

Michael Preul
Fisheries Biologist

Chris McGeshick
Tribal Chairman

Ga-na-waji Ga-wi-nug Way-ji-mooki-ji-wung Yi-ewe-meing-gun-a-sepii



Wisconsin Aquaculture Association, Inc.

PO Box 175
New London, WI 54961

Peter Fritsch
President
Rushing Waters Fisheries
PO Box H
Palmyra, WI 53156
262-495-2089
Petef@rushingwaters.net

Terry Hogan
Vice President
Hayward Bait & Tackle, Inc
15737 Davis Ave
Hayward, WI 54843
715-634-2921
TLH001@netzero.com

Dan Gruendemann
Board Chairman
Northside Enterprises
N4969 State Hwy 47
Black Creek, WI 54106
920-858-5055
DanGFish@yahoo.com

Cindy Johnson
Secretary/Editor
1165 Riggles Gap Road
Altoona, PA 16601
814-515-2570
info@wisconsinaquaculture.com

Kathy Foster
Treasurer
Wilderness Springs
PO Box 175
New London, WI 54961
920-250-1037
treas@wisconsinaquaculture.com

Testimony Before Assembly Committee on the Environment and Forestry in Favor of AB 640

Chairman Mursau, Members of the Committee:

Thank you for holding this hearing today and for allowing me to testify. My name is Micheal Hahn, and I am an attorney at Axley Brynelson. I represent the Wisconsin Aquaculture Association, and have been working with the WAA on AB 640.

There are 125 commercial fish farms throughout the state which support approximately 500 jobs. These farms support Wisconsin's fishing tourism industry by providing bait and stock for game fish such as trout and walleye. These farms also provide fresh, locally grown fish for our grocery stores and restaurants.

Let me begin by explaining the purpose of AB 640 and why we are here. First and foremost, aquaculture is agriculture. In fact, it is the fastest growing segment of agriculture worldwide. Nationally, aquaculture has grown by 8% over the last several years, but in Wisconsin our private aquaculture industry has shrunk. This is due to the inconsistent and burdensome regulation of aquaculture. The statutes do not consistently define aquaculture as agriculture and that has led to overly burdensome regulation. AB 640 cleans up the statutes by providing a consistent and uniform definition for aquaculture throughout the statutes.

The other key component of AB 640 is to clarify the permitting process for fish farms applying for Wisconsin Pollution Discharge Elimination System (WPDES) permits. These permits are issued by the DNR as part of Wisconsin's implementation of the Federal Clean Water Act. AB 640 provides clear guidance to the DNR and fish farmers on how permits will be issued. The bill follows the EPA's own guidelines for permitting of fish farms and places Wisconsin aquaculture on an even playing field with other states.

It is important to note that the EPA guidelines are the result of more than 4 years of rulemaking and data collection by the EPA. The EPA determined that using Best Management Practices (BMPs) was the best alternative for regulating aquaculture. AB 640 follows EPA's lead and allows the DNR and the aquaculture industry work together to implement BMPs that protect the environment and still allow the industry to grow.

Finally, AB 640 also streamlines the permitting process for wetland permits by allowing fish farms to maintain their farms without needing to go through the time and expense of obtaining a wetland permit. AB 640 also limits the scope of the practicable alternatives analysis for nonfederal wetlands in the permitting process. The bill would not remove any requirements from the Army Corps of Engineers, which has jurisdiction over federal wetlands.

Unfortunately, there has been a great deal of confusion and misinformation about what AB 640 does, and what it allows fish farmers to do. First of all, AB 640 does not allow “unregulated construction” of fish farms in navigable waterways. Nothing in AB 640 allows a fish farm to dredge, enlarge, or otherwise alter a natural water body.

AB 640 does not allow fish farms to use natural springs for farms, divert headwater springs, or obstruct natural waterways. There are numerous provisions in current law that prevent fish farms, and anyone else for that matter, from doing any of those activities. AB 640 does not change those requirements.

It is also important to note that AB 640 does not exempt the aquaculture industry from any water quality standards promulgated by the DNR or the EPA. AB 640 simply clarifies the permitting process and follows the EPA’s guidelines under the Clean Water Act. In fact, the bill specifically recognizes DNR’s ability to exceed the federal BMPs if necessary to protect water quality.

The bottom line is that AB 640 provides necessary regulatory relief for the Wisconsin aquaculture industry, while still protecting the environment. The aquaculture industry is committed to safe, healthy, and sustainable farming, and with this legislation will grow to its full potential.

Thank you for your time, and I ask you to recommend AB 640 for passage.

Sincerely,

Micheal D. Hahn



Wisconsin Aquaculture Association, Inc.

PO Box 175
New London, WI 54961

Peter Fritsch
President
Rushing Waters Fisheries
PO Box H
Palmyra, WI 53156
262-495-2089
Petef@rushingwaters.net

Terry Hogan
Vice President
Hayward Bait & Tackle, Inc
15737 Davis Ave
Hayward, WI 54843
715-634-2921
TLH001@netzero.com

Dan Gruendemann
Board Chairman
Northside Enterprises
N4969 State Hwy 47
Black Creek, WI 54106
920-858-5055
DanGFish@yahoo.com

Cindy Johnson
Secretary/Editor
1165 Riggles Gap Road
Altoona, PA 16601
814-515-2570
info@wisconsinaquaculture.com

Kathy Foster
Treasurer
Wilderness Springs
PO Box 175
New London, WI 54961
920-250-1037
treas@wisconsinaquaculture.com

To: Rep. Jeff Mursau
From: Wisconsin Aquaculture Association
RE: AB 640

There are 125 commercial fish farms throughout the state which support almost 500 jobs. These farms support Wisconsin's fishing tourism industry by providing bait and stock for game fish such as trout and walleye. Wisconsin aquaculture also provides fresh, locally grown fish for our grocery stores and restaurants.

The problem is that Wisconsin aquaculture is inconsistently defined and regulated under state statutes. This means that Wisconsin aquaculture is at a disadvantage when it comes to other states, and aquaculture has declined in Wisconsin while nationally it has grown. AB 640 will help aquaculture survive and grow in Wisconsin.

AB 640 does the following three things to help the aquaculture industry grow:

- 1) It cleans up the definition of agriculture in state statutes and treats aquaculture as agriculture.
- 2) It clarifies the permitting process for fish farms under the Clean Water Act, and helps the DNR and the aquaculture industry work together to protect the environment and still allow the industry to grow.
- 3) It recognizes that aquaculture is a water-dependent activity and streamlines the process for fish farms to obtain wetland permits.

AB 640 *does not* do any of the following:

- 1) It *does not* allow for "unregulated construction" of fish farms in navigable waterways. The changes in AB 640 to Chapter 30 only apply to artificial water bodies, and the numerous other provisions that regulate Wisconsin waterways remain unchanged.
- 2) It *does not* exempt the aquaculture industry from any water quality standards. Every fish farm must still comply with the requirements of the Clean Water Act.

The bottom line is that AB 640 is necessary for the Wisconsin aquaculture industry to survive and grow. The aquaculture industry is committed to safe, healthy, and sustainable farming—the industry has already reduced its phosphorus discharges by 38% over the last 15 years. AB 640 allows aquaculture to grow and protects the environment at the same time.

We thank you for your consideration, and look forward to working with you on AB 640.

Frequently Asked Questions for SB 493/AB 640

There has been a lot of confusion and misunderstanding about what the Aquaculture Bill, SB 493, does and does not do. SB 493/AB 640 is a clean-up bill that ensures that aquaculture is fairly and consistently regulated as a part of agriculture. These frequently asked questions will clear up some of the biggest misconceptions that are out there about SB 493/AB 640.

- 1) The DNR testified at the January 5, 2016, hearing that SB 493/AB640 would lead to “unregulated construction” in Wisconsin’s navigable waters. Is that true?
 - A. No, the DNR’s testimony is wrong. The bill does not allow *any* construction in our navigable waters. ***Many environmental groups, along with Trout Unlimited have raised this concern.*** The bill only allows fish farms to work in *artificial* ponds and raceways. State statutes do not allow any construction in a navigable stream without a permit, and SB 493/AB640 does not change that. The bill does not change any of the numerous statutes that protect Wisconsin waterways and require permits before any construction is done in a navigable stream.

- 2) Some environmental groups are saying that the bill will allow fish farms to divert headwater springs and harm our trout streams.
 - A. ***This was a major concern of Trout Unlimited,*** but it is not true. This issue came up as the result of some of the DNR’s testimony. The bill does not allow anyone to divert any natural water body without a permit. All fish farms are still required to obtain a permit from the DNR in order to divert any spring or navigable water.

- 3) The DNR testimony on SB 493/AB640 said that the bill will allow natural springs to be used as fish farms without any permits.
 - A. The bill does not allow springs to be used as fish farms. ***This was another major concern for Trout Unlimited, and was addressed through Senate Amendment 1.*** The bill only clarifies that artificial ponds can be used as fish farms, even though they are fed by natural springs.

- 4) Many groups are citing the DNR’s testimony to say that the bill allows fish farms to de-water our trout streams by putting up dams without any permits. How can fish farms de-water a stream?
 - A. The answer is that they can’t. The bill doesn’t allow any fish farm to de-water a stream. Instead, SB 493/AB640 grandfathered *existing* dams in *existing* fish farms from certain minimum flow requirements, so long as the water is returned to the navigable stream. ***This was a major concern for Trout Unlimited as well, and Senate Amendment 1 addressed their concerns by limiting this section to existing dams in existing fish farms.***

- 5) Does SB 493/AB640 require the State of Wisconsin to pay cost-share amounts to help fish farms employ management practices?
- A. No. This section caused a great deal of confusion at the hearing, and is not accurate. The cost-share amounts are only available to nonpoint sources of pollution, and aquaculture is a point source. The section of the bill that this applied to was removed by Senate Amendment 1.
- 6) Does SB 493/AB640 exempt fish farms from water quality standards and allow them to pollute our streams?
- A. No. Fish farms are point-source dischargers and require permits for any discharge under the Clean Water Act. SB 493/AB640 does not change that requirement and does not change the fact that fish farms have to comply with the Clean Water Act.
- 7) Aren't these fish farms just factory farms, why should we limit the regulation of these farms?
- A. Nothing could be further from the truth. Aquaculture provides safe, healthy fish for our restaurants and grocery stores. Aquaculture also supplies hundreds of thousands of fish for stocking our lakes, rivers, and streams to support angling and sport fishing. Wisconsin fish farms use strict controls to protect fish health and do not use any hormones for growing fish.
- 8) Will this bill allow for unregulated dredging of streams?
- A. No. The bill only allows dredging in *artificial* water bodies, not navigable streams. Anyone who wants to dredge a stream would still need a permit from the DNR.
- 9) Does this bill limit the public's input?
- A. No. The bill does streamline the process for fish farms to get permits from the DNR, but the bill does not eliminate the public's input.
- 10) Does this bill cut off the public's ability to use a navigable stream?
- A. Absolutely not. The bill does not allow anyone to obstruct a navigable stream without a permit from DNR. *This was a major concern of groups like Trout Unlimited.* The same protections for the public's right to use navigable streams that exist today will be in place after the bill is passed.

United States Trout Farmers ASSOCIATION



January 25, 2016

Representative Jeffrey Mursau
Chair, Committee on Environment and Forestry
Wisconsin State Assembly
PO Box 8953
Madison, WI 53708

The Honorable Representative Mursau:

The U.S. Trout Farmers Association was the first aquacultural organization created to promote the culture of farm raised fish, in the United States. Our 60 years of existence has been led by the focus of our Bylaws to encourage economical and efficient promotion of commercial trout for table use and live trout for sport fishing. Among the pioneers in trout aquaculture were many farmers in Wisconsin. The clean waters and respect for your state's natural resources was ingrained into our organization and industry.

Throughout the United States, the recognition of aquaculture as a form of agriculture is the norm. Every state has to address this in the manner appropriate with their statutes. We have reviewed and evaluated AB 640/ SB 493. This clearly addresses a number of issues which are pertinent to recognizing aquaculture as agriculture and specifically identifies the needs of aquaculture as that of a water dependent activity.

Propagation of trout and other species is a significant economic activity in many areas of Wisconsin. These farms tend to be small, family based operations. Many of which have been in operation for decades.

PO Box 61342, Raleigh NC 27661
Telephone (919) 909-1943 E-Mail ustroutfarmersassociation@gmail.com
Website WWW.USTFA.ORG

United States Trout Farmers ASSOCIATION



The best management practices used in commercial production are the same as used in state, federal and tribal hatcheries nationwide. All require the utilization of clean cold water and whether the end product is wholesome food for our families, stocking fish for recreational sport fishing or the restoration of fish, environmental stewardship is inseparable from the process.

We, The U.S. Trout Farmers Association wish to express our support for AB 640/SB 493. This is a vital step in full recognition of aquaculture as a form of agriculture and a recognition of the economic benefits received by this environmentally sound industry. We encourage you and your fellow legislators to support Wisconsin's fish farmers by enacting this legislation.

Thank you for the opportunity to express our thoughts.

Sincerely

A handwritten signature in black ink that reads "Sean Nepper". The signature is written in a cursive, flowing style.

Sean Nepper
President

PO Box 61342, Raleigh NC 27661

Telephone (919) 909-1943 E-Mail ustroutfarmersassociation@gmail.com

Website WWW.USTFA.ORG

NATIONAL
Aquaculture
ASSOCIATION

January 25, 2016

Representative Jeffrey Mursau
Wisconsin State Assembly
Chair, Committee on Environment and Forestry
Room 113 West
State Capitol
PO Box 8953
Madison, WI 53708
Email: Rep.Mursau@legis.wisconsin.gov

The Honorable Representative Mursau:

Thank you and your Committee Members for the opportunity to present written testimony supporting AB 640 relating to regulation of aquaculture and fish farms in Wisconsin. The National Aquaculture Association (NAA) is a U.S. producer-based aquaculture association that supports the establishment of governmental programs that further the common interest of the NAA membership, both as individual producers and as members of the aquaculture industry. The NAA is committed to the continued growth of U.S. aquaculture, to working with state and federal governments to create a business climate conducive to the success of U.S. aquaculture, and to fostering cost-effective environmental stewardship and sustainability.

The Wisconsin Aquaculture Association is an association member of NAA and we jointly, and individually, endorse sustainable aquaculture with our fish farm members through education of proven technologies using best management practices (BMP's); support scientific research on feeds that reduce dependency on marine life and formulations that reduce effluent discharge concerns; and conducting workshops that help farmers use natural resources wisely with an objective of managing and mitigating aquaculture's environmental effects.

Aquaculture is an important industry to the United States (\$1.3 billion in farm-gate sales) and ensures healthy, safe, and environmentally friendly seafood for American consumers. The U.S. Department of Agriculture (USDA) recommends that Americans increase their consumption of protein-rich fish and seafood in their diets. Jointly, the U.S. Environmental Protection Agency (EPA) and USDA recommend women and young children in particular should include fish and shellfish in their diets because of the nutritional benefits. Aquaculture also supports recreational fishing which is a \$115 billion dollar industry. Fish farmers produce game and sportfish for release and the live bait used to catch those fish. Aquaculture does all of this while working in conjunction with the environmental and natural resource agencies to protect the environment.

Aquaculture is agriculture and is regulated by federal and state agencies to ensure that U.S. farm-raised fish is sustainable, environmentally-friendly, high-quality, and wholesome. Around the country, fish farmers work with state agencies and land-grant universities to establish BMP's focused upon water quality, wetland protection, wastewater treatment, water supply, non-native species, and fish health. The NAA worked with EPA for over four years to review the scientific data and establish BMP-based effluent guidelines for fish farms that are required to have discharge

Mursau Letter
January 25, 2016
Page Two

permits under the Federal Water Pollution Control Act (i.e., Clean Water Act). These guidelines were established through formal rulemaking in 2004 and are implemented by the states or EPA regional offices. Doing so has allowed fish farmers to stay economically viable and protective of ambient water quality.

The NAA believes that AB 640, and its companion bill SB 493, provide a balanced approach to natural resource protection and industry economic sustainability. Aquaculture is recognized as agriculture worldwide, including throughout most of the United States, and it should be recognized in Wisconsin as well. The NAA supports WAA in its efforts to refine regulations that strike a proper balance between industry needs and environmental protection. We respectfully request your support of this legislation.

If you or your staff should have any questions, please do not hesitate to contact us.

Sincerely,

A handwritten signature in cursive script that reads "Mike Freeze".

Mike Freeze
President

cc: Peter Fritsch, President, Wisconsin Aquaculture Association

Good Afternoon,

Thank you Representative Mursau and Committee Members for the opportunity to present written testimony on AB 640 relating to: regulation of aquaculture and fish farms. I am testifying in favor of Assembly Bill 640.

My name is Ron Johnson. For the past nine years, I was employed by the University of Wisconsin working for the Extension as an Aquaculture Outreach Specialist. I retired in August due to budget cuts. Prior to working for the University, I worked for the Department of Agriculture, Trade, and Consumer Protection (DATCP) as a Senior Aquaculture Program Analyst, and owned and operated the Iron River Trout Haus trout farm for over 11 years. I served 8 years on the Governor's Northern Natural Resource Council. In full disclosure, I am a past Wisconsin Aquaculture Association (WAA) Board Director and Past President, and my wife is currently the Secretary of WAA and Editor of their Newsletter, The CREEL. I have been a fish farmer and worked supporting the industry for over 20 years.

This bill is an accumulation of work and requests that the Wisconsin Aquaculture Industry has been making since 1997 for comprehensive regulatory change in order to become viable and competitive, help strengthen Wisconsin's recreational fisheries, and provide safe locally-grown products for consumers. This bill will help the industry survive, while doing so in an environmentally responsible manner, using sustainable and nationally-accepted Best Management Practices (BMPs). These requests have been outlined in the 1997 Poff Report, 1997 Legislative Audit Summary, 1999 Blue Ribbon Task Force, 2000 Sturgeon Report, 2001 Legislative Council Information Memorandum, and in the Wisconsin Walleye Initiative Regulatory Review and Recommendations Study, a report for the Wisconsin Legislature as required by 2013 Act 20.

Worldwide, aquaculture is the fastest-growing segment of agriculture, at a rate of over 8% per year, producing \$60 billion in sales. In 2013, captive fish production overtook beef in number of tons produced, and 50% of all seafood consumed is now farm-raised. As the oceans are overfished and depleted (85% of marine stocks are over exploited), we are looking more to captive production of this important food protein. Sadly, however, the United States which produces about \$1.3 billion, and in particular Wisconsin which produces about \$ 5.7 million, has fallen far short in their ability as producers. So we import over 90% of the seafood consumed in the United States and the trade deficit for seafood has reached over \$11 billion per year – the highest for any food commodity. Wisconsin’s inconsistent regulations have put our aquaculture industry at a disadvantage. States like North Carolina, Ohio, and Indiana have all grown their industry in the past eight years, but Wisconsin has lost 2.5% and we have dropped from 22nd to 26th in total market share. Wisconsin fish farms have been erroneously compared to factory farms owned by multinational corporations with high levels of pollution, this is simply wrong. Wisconsin fish farms are family owned, in some cases fourth generation, and only two are large enough reach the production threshold to require discharge permits.

Wisconsinites place a high value on natural resources, as they should, and we all want to ensure that our environment is protected. Fish farmers are stewards of the watersheds they are part of – because, in order to be sustainable, the water needs to be of high quality for the fish and, in many cases, fish farms improve stream conditions. With today’s technologies, by utilizing improvements in fish farm management and feeds that are formulated not only for growth, but discharge considerations, fish farmers have been proactive in reducing discharge effluents. Since the mid-1990s, researchers have developed low phosphorus diets that have reduced aquaculture phosphorus discharge by up to 38%. What the State of Wisconsin needs is

regulations that safeguard our natural resources while allowing the aquaculture industry the same protections as other agriculture entities and changes that are science-based and align with the federal Clean Water Act.

Assembly Bill 640 is good for Wisconsin's environment and good for Wisconsin Aquaculture Industry. Assembly Bill 640 will align the WPDES permits for those fish farms in Wisconsin that are required to have discharge permits with the federal Clean Water Act as outlined in the USEPA's rulemaking in June of 2004. The revision of the CWA for aquaculture started in 1992 with a court-ordered consent decree included a Federal Joint Subcommittee on Aquaculture Task Force, years of study, review, public input, site visits, and discussions with state and federal agencies, technical groups, industry stakeholders, and plaintiffs. One of the goals of the process was to: "Integrate the best available and appropriate science, technology, data and information into the decision-making processes that best serve the nation." The result was the development of effluent limitations guidelines (ELGs) for aquaculture proposed in June of 2002 and was finalized by rulemaking in June of 2004. The EPA looked at a variety of options including numeric standards but choose BMPs. These BMP guidelines were reviewed by the United States Circuit Court of Appeals and the federal Office of Management and Budget (OMB) before the rule was final. BMPs provide flexibility for producers to incorporate evolving science and innovation based on site-specific factors to achieve a desired environmental outcome. Assembly Bill 640 directs the WDNR to comply with the USEPA's 2004 court-accepted rule for aquaculture.

I encourage you to pass Assembly Bill 640 that clarifies that aquaculture is agriculture, simplifies procedures, and complies with the federal CWA for aquaculture.



February 1, 2016

The Wisconsin aquaculture industry is valued at over \$21 million and consists of over 2,800 registered fish farms in the state. These are family-operated, Wisconsin agriculture businesses that provide food fish, stockers and baitfish to the retail and recreational fishing industries. The Wisconsin aquaculture industry helps support over 450 jobs and aquaculture is the fastest growing food production system globally. Public and private fish farms, or hatcheries, raise millions of healthy, sustainable, locally grown fish that are stocked in Wisconsin's lakes and rivers and sold at local grocery stores and restaurants. Wisconsin aquaculture is a well regulated industry that cares deeply about the quality of the state's freshwaters and incorporates Best Management Practices that conserve water and follow sustainable farming practices.

Due to the expanding U.S. population and increasing awareness of the health benefits of seafood in our diets, the demand for seafood products in this country is steadily growing. The U.S. imports 86% of what is consumed leading to a seafood trade deficit of over \$10 billion per year. Fish and shellfish contribute the most, of any agriculture product, to the U.S. trade deficit. During the last 20 years the commercial culture of food fish in the U.S. has increased at an annual rate of greater than 3.8%, making it the fastest growing sector of food production in the country

The Wisconsin aquaculture industry is poised for growth, not only with expansion of existing farms, but with continued investment in new farms, new jobs and increased sales of locally grown Wisconsin farm-raised fish. The University of Wisconsin-Stevens Point Northern Aquaculture Demonstration Facility whose mission is to promote public education and advance the discovery, dissemination and application of knowledge for sustainable aquaculture in a northern climate has been a resource for the Wisconsin aquaculture industry by:

- Demonstrating production-scale, sustainable, environmentally-friendly aquaculture.
- Conducting applied research and providing outreach and extension services.
- Providing training, workshops and educational opportunities to advance conservation and economic vitality for the industry.
- Building and strengthening cooperative relationships among commercial aquaculturists and Tribal, state and federal agencies.
- Working with fish growers on fish health issues, commercial assessments, training and permitting.

- Developing Best Management Practices for a sustainable and environmentally sound industry.

The Wisconsin Aquaculture Association (WAA) in cooperation with partners such as the University of Wisconsin-Stevens Point Northern Aquaculture Demonstration Facility has focused on scientific and technological aquaculture entrepreneurship that has positively impacted education, applied research, sustainability, commercialization, new venture creation, and regional economic development. Together we strived to transform academic research into practical solutions that have meaningful positive impacts on the state's aquaculture industry.

With this in mind, we support advancing Wisconsin aquaculture in a responsible, safe, sustainable, environmentally-friendly manner through legislation, partnerships, and educational programs.

Sincerely,

UWSP-NADF Staff

Dear Rep. Mursau and Committee Members,

I am writing to ask you to support AB 640 and the Wisconsin Aquaculture industry.

After reading Pat Durkin's commentary in several Wisconsin newspapers about this legislation and fish farms in general, I felt it was my duty to respond. I have raised fish at our facility for over 31 years, Mr. Durkin and other opponents of this bill are either very misinformed, or just plain ignorant about Wisconsin Aquaculture in the State of Wisconsin. Wisconsin has some of the strictest laws in the nation when it comes to raising fish. The only fish farms in the state that draw off of navigable streams are those few that have been grandfathered in from decades ago. And by the way, DNR classifies a "Navigable Stream" as something you can float a canoe for 1 foot at any time of the year. These facilities cannot sell their property to anyone, or even have a change of possession to their relatives. Essentially, these are "Dinosaurs" that will become extinct.

Fish farmers have to construct holding ponds for settling of any solids and careful monitoring of water, which is held to higher standards than the water entering the operation. Most family fish farms are required to draw water from their own private well, after paying the state of Wisconsin a fee for using this water, even though it is on their own land. Fish farming operations also pay on a per-gallon usage fee for water they use. Fish farmers are not subsidized by any state program or federal agency, unlike many of the other agricultural products in the state.

Mr. Durkin and other opponents of the legislation say that Aquaculture should not be classified as Agriculture in Wisconsin. This is where the opponents need to do their homework. All one has to do is check the 2015 Agricultural Assessment Guide for Wisconsin Property Owners, under the Agricultural Land categories, and just as the Cranberry Growers have a place under the subheading #4 for Specialty Land Use, so does Aquaculture. It is pretty simple: Aquaculture is Agriculture.

Can you say the Cranberry industry should not exist because they, too, use water? Can you say the milk and dairy industry should not exist because they use land and water to feed their cattle, and then spread waste? Where do you think grocery stores get their products to sell to the public? Wild supplies of fish have been over-harvested and stock has been depleted to a point that some species are now on the endangered list.

If we as a society do not support the Aquaculture industry to help replenish fish supplies, you may not be able to go out to your favorite place on Friday night for a plate of your favorite fish. Without a thriving Aquaculture industry, those days are numbered.

The economic impact of Wisconsin Fish Farms is tremendous. In Wisconsin, even though the majority of the farms are "Mom and Pop" operations, Aquaculture sells \$14.1 million in fish and minnows. Aquaculture contributes over \$21 million in economic activity, and pays over \$1.2 million in taxes.

All of that with only 125 private business fish farms, 213 public fee fishing facilities, and 6 wholesale processing farms. These are not "fish factories." These are small commercial kitchens that are held to high food-safety standards that process fresh product for local restaurants and private parties.

Contrary to Mr. Durkin and other alarmists in the press, modern day fish farms are *not* “simply water based concentrated animal feeding operations.”

When you think about it, this comment is about as ridiculous as it gets. It takes 3 years to raise a Rainbow Trout to marketable size. We at Branch River Trout Hatchery have done so for over 31 years, without taking away from any rivers, or streams, or using any hormone-enhanced drugs or antibiotics.

I can assure you that the trout we raise do not live in “cramped living conditions” or require antibiotics for “sea lice.” First of all, cramped conditions lead to low oxygen levels, and excessive nitrate problems, that would cause the fish to die. Fish need pristine water quality levels to thrive and grow. Fish farmers are constantly aware of water quality and, by necessity, have to monitor water quality, or they would be out of business. This reality makes fish farmers, by nature of their businesses, some of the best conservationists in the state. We value our natural resources, just as the dairy farmer values his land, and the cranberry farmer values his bog.

We in Wisconsin are not raising Salmon in sea cages, and we are not using pesticide treatments. These treatments are not only illegal to use on food fish, but are toxic to water quality. After 31 years in the industry, I know of no such operation in the state, and know of no future such operation proposed. This type of misinformation only leads to speculative hype that misleads the average consumer.

If our product wasn't of the highest quality, chefs at our best restaurants would certainly not buy our product. The only mineral ever used at Branch River Trout Hatchery is salt. Salt helps fight against any natural bacteria in the water which can damage a fish's gills. Just enough will keep fish healthy, too much will kill them. Salt is a mineral that dissolves over time and also prevents buildup of algae.

Comments like the kind made by Pat Durkin and other opponents of this legislation are damaging to an industry that prides itself on self-scrutiny and sound conservation practices. These small “Mom and Pop” family farms provide a critical niche to fill a void left by large commercial fishing vessels in our oceans. If you want to criticize an industry, maybe you should look at what other countries are doing to our native wild fish stock. Before making inaccurate statements about the Wisconsin Aquaculture community, we ask that you visit an area farm to see the care and commitment to the environment made by fish farmers.

As I stated earlier, we are a dying breed. I don't see many young people starting in an industry so highly regulated, and enormously challenged, not only by the complexities of raising fish for food, but overcoming the red tape and bureaucracy of providing safe, sustainable, and high-quality food for Wisconsinites.

Please support your local Aquaculture farms and vote in favor of AB 640.

Steve J. De Baker

Branch River Trout Hatchery

Trout Springs Winery