



**Testimony of Representative Garey Bies
Assembly Committee on Natural Resources and Sporting Heritage**

AB 352- Allowing Use of Net Pens in Navigable Waters

Chairman Ott, committee members. Thank you for the opportunity to submit testimony in support of Assembly Bill 352, which allows the use of net pens in navigable waters for the purposes of improving fish habitat and population.

I represent Kewaunee County, which was once a premier spot for salmon fishing in Wisconsin, but over the last couple of years has seen a dramatic decline in the salmon population. This is having a significant impact on tourism in our area because sports fishermen are going elsewhere.

In an effort to improve the fishing in Northeast Wisconsin, the Kewaunee Sports Fisherman Association has put in a great deal of time and resources to ensure there is a fishery in the months of August and September. This group has been working with the DNR and DATCP to find a commonsense solution to address this growing concern. The result of their hard work is before you today.

Under this bill, the DNR is required to issue a statewide general permit that authorizes a person to place a net pen in navigable water as long as the net pen meets certain conditions. The pen is used to hold or rear fish to improve their chances of survival. Right now, the fry are extremely vulnerable to predators and data suggests that use of net pens can tremendously increase the mortality rate with 50% of mature fish returning to their natal stream.

The bill specifies that the pen is for non-commercial use only and the fish must be stocked and released back into the same body of water by DNR or a person who holds a fish stocking permit. The general permit would be good for 5 years.

Several other states, including the Great Lake states of Michigan and Ohio, have seen a significant impact in fishery from using net pens. This legislation is a great example of how the public, the business community, and state government can work together to identify issues where common ground can be found. This bill is a good investment for the state and helps our small businesses that rely on tourism to survive.

Once again thank you for the opportunity to testify on Assembly Bill 352.

First for Wisconsin!

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Testimony of the Department of Natural Resources
2013 Assembly Bill 352

Fishing is one of Wisconsin's most popular recreational activities. Over half of adults in Wisconsin say they fish¹ and Wisconsin licenses about 1.4 million anglers who fish 22 million days each year. We rank 2nd in the nation in the number of non-resident fishing days. Fishing is also very important to Wisconsin's economy. It is a \$2.7 billion industry that supports over 30,000 jobs and generates almost \$200 million annually in state and local tax revenues – about 1/3 of that is from non-resident spending.²

Net pens are enclosures placed in a lake or stream which hold fish. Net pens have occasionally been used in Wisconsin by the Department or cooperating conservation organizations to temporarily hold fish that are being stocked so they can acclimate and hopefully have better survival and improve fishing. Available scientific research shows that net pens can help survival of stocked fish, though there are situations where use of net pens is not helpful or causes additional mortality so their use needs to be reasonably regulated.

Currently net pens may only be used to hold fish for 1-2 days which in many cases may be sufficient. However there are situations when holding fish longer may increase longer term survival. Net pens that are in place for longer periods require a Chapter 30 permit to place a structure on the bed of a navigable water, and if fish are held for longer periods, the net pen would have to be registered with DATCP as a fish farm. Current laws do not allow new fish farms in natural water bodies which effectively precludes longer term use of any net pens in Wisconsin waters even if there is a need to do so.

AB 352 basically allows the longer term use of net pens being used to acclimate fish that have been approved for stocking by the Department. A general permit would be developed that ensures that the net pen itself was placed properly to avoid navigation hazards or public interest impacts. Only fish which were approved by the Department for stocking can be put in the net pens and these fish would need a fish health certificate that meets Department of Agriculture, Trade and Consumer Protection legal standards. The net pens could be used for longer time periods because those approved under the general permit are exempted from all DATCP fish farm regulations except the need for a fish health certificate.

If AB 352 becomes law, the Department expects to receive at least several applications to operate net pens for longer periods than is currently allowed, and will work with those applicants to develop a good operational and evaluation plan for their use. If longer term use of net pens proves to be helpful in Wisconsin waters, this would help reduce stocking costs and improve fishing in stocked waters.

The Department would be happy to provide any additional information or answer any questions.

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Citations:

¹ University of Wisconsin Survey Center. UW Badger Poll #29. VHS and AIS Questions and Results (#vhs02). December 3, 2009.

² US Department of the Interior, Fish and Wildlife Service, and US Department of Commerce, US Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife Associated Recreation.