



ROB SWEARINGEN

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**Testimony for Assembly Bill 421
Assembly Committee on Natural Resources and Sporting Heritage
October 28, 2015**

I would like to thank Chairman Al Ott and the entire Assembly Committee on Natural Resources and Sporting Heritage for allowing me to testify on Assembly Bill 421.

Assembly Bill 421 was drafted at the request of a local lake association to promote fish habitat on Wisconsin lakes and waterways. The goal of this legislation is to improve fish and wildlife habitat on all Wisconsin waterways by removing civil liability from property owners placing certain structures in navigable waters and wetlands.

Under current law, to place a fish crib or various other course woody habitats into a lake, the property owner must follow all Department of Natural Resources (DNR) permits to meet all of the appropriate specifications and requirements. My office has been contacted by lake associations and other concerned citizens indicating liability is deterring them from taking advantage of these DNR offered programs. Our proposal will keep the rules and regulations in place for all permit holders, while removing liability if and when the required DNR specifications are met. This proposal will continue to protect our environment through DNR permits and specifications while boosting fish habitats statewide.

The Department of Natural Resources along with Trout Unlimited is supportive in our efforts to promote fish and wildlife habitat on Wisconsin waterways and wetlands.

I would like to thank Senator Gudex for all of his help in drafting this legislation. I am hoping for strong bipartisan support for this legislation.



State Senator
Rick Gudex

District 18

October 28, 2015

To: The Assembly Committee on Natural Resources and Sporting Heritage
From: Sen. Rick Gudex
Re: **Senate Bill 315/Assembly Bill 421**

Mr. Chair and members of the committee, thank you for holding this hearing today. Assembly Bill 421, known as the “Fish Stick” bill, provides fish crib owners immunity from civil liability suits upon damage or injury involving their wildlife habitat structures.

This will apply to property owners who have an approved (permitted) fish crib structure authorized by the Department of Natural Resources (DNR) or those who are exempt from the permit requirement altogether.

We have one amendment to the bill, which has been introduced with the Assembly version. We adjusted the language of the original draft to include future owners that maintain the crib. Permits transfer with the land and exemptions remain after sale, however the original liability protections of the bill extended expressly and only to those who are authorized to place the structure (and those working at their direction). The bill did not expressly provide liability protection to those who maintain it after purchasing the property, and we have remedied that.

It is important to note that this bill does not loosen the standards required by the DNR for fish cribs, and if the property is transferred, the new owners will need to comply with those standards outlined in the initial permit to maintain the immunity.

Thank you again for giving me this opportunity to speak on behalf of this bill, and I urge your support.

Lake George Lake Association
P. O. Box 312
Rhineland, Wisconsin 54501

Representative Rob Swearingen
Room 123 West
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October 23, 2015

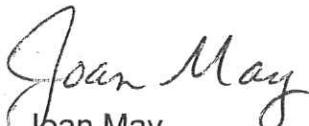
Re: AB421, SB315

Dear Representative Swearingen,

As President of Lake George Lake Association, I have been contacted by Rollie Woltjen, a past president, informing me that you have asked a representative of our association to testify at upcoming hearings for the above referenced bills. While there is little that anyone actually can testify to as we have not undertaken a project to date, I would like to share with you and the committee how our association has been adversely affected by the lack of protection from liability when placing structures in the lake for the purpose of fish habitat.

In 2013, our lake completed a Comprehensive Lake Management Plan, funded in large part by a WDNR grant, where it was determined that the shoreline is woefully lacking in natural habitat. It was recommended that we undertake a Coarse Woody Habitat project to provide additional woody structure in the littoral zone of the lake to increase habitat for fish and other wildlife. This habitat, known as Fish Sticks, is created by anchoring the cut end of full-growth trees to the shoreline, extending them out into the water perpendicular to the shoreline, and anchoring the top portion to the lake bottom. As we began gathering information to design a project, we learned that should a watercraft or something being towed by the watercraft run into one of these trees and cause damage or injury, the property owner who allowed the placement of the tree would be liable for damages. This information caused us to abandon our efforts until there is a remedy for this liability.

Lake George Lake Association supports AB421 and SB 315 to provide exemption from civil liability related to placement of coarse woody habitat in the lake. This type of natural habitat is heavily promoted by the WDNR and is supported by the mission of our association. We thank you for bringing this issue to the legislature and hope all members of the Assembly and Senate will vote in favor of it.


Joan May
President