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(FORM UPDATED: 08/11/2010)

WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2005-06

(session year)

Senate

(Assembly, Senate or Joint)

Committee on ... Natural Resources and Transportation (SC-NRT)

COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)
 - (**ab** = Assembly Bill) (**ar** = Assembly Resolution) (**ajr** = Assembly Joint Resolution)
 - (**sb** = Senate Bill) (**sr** = Senate Resolution) (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

- Caryl Terrell, Madison — Sierra Club - John Muir Chapter
- Gary Neu, Madison — self
- Karen Etter Hale, Madison — WI Audobon Council and Madison Audobon Society

Registrations Against

- Sandra Verhulst, Arbor Vitae — self

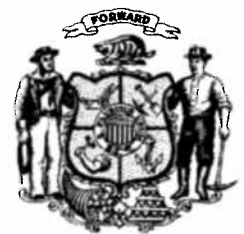
March 11, 2005

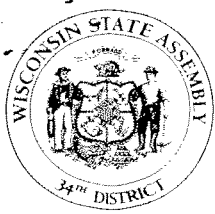
NO ACTION TAKEN

Dan Johnson
Committee Clerk



WISCONSIN STATE LEGISLATURE





State Representative

Dan Meyer

Member: Joint Committee on Finance

February 15, 2005

Sen. Neal Kedzie
313 South
State Capitol
Madison, WI 53707

Rep. Scott Gunderson
7 West
State Capitol
Madison, WI 53708

Dear Sen. Kedzie & Rep. Gunderson:

I am writing regarding a concern that I have with the DNR's proposed Clearinghouse Rule 04-064 (NR 323).

Recently, I was contacted by a manufacturer in my district, who has done extensive research on the construction of fish cribs. He has worked with a company previously located in Wisconsin that use to manufacture fish cribs made of plastic materials and would like to expand his business in the Rhinelander area to include such a product line.

The concern brought to my attention by Mr. Rick Brusco of Great Lakes Plastics is that under the DNR's proposed Clearinghouse Rule 04-064 (NR 323) the rule is not clear, contradicts itself in parts and is actually stricter than current law. Mr. Brusco was upset when he discovered the DNR's proposed rule, because he believed that the Jobs Creation Act was suppose to reduce the bureaucratic permit processing of the DNR.

Mr. Brusco's concern is that under the rule it defines a "fish crib" as a man-made 3-dimensional habitat structure composed of biological or inert materials designed specifically to attract and concentrate fish. The rule goes on to define "inert materials" as those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics and synthetic polymers.

It is not until further buried in the rule does the rule say "Fish cribs shall be constructed of biological materials, with the exception of fastening and anchoring devices."

I have contacted the DNR with regards to this proposal. To date, they have not been able to provide with me a reason (other than a concern that if the water is clear and you can look down to the bottom of a lake a fish crib made of plastic materials may not look as attractive as one made of biological materials) as to why the language exists in the rule.

I have worked with Mark Patronskey of the Legislative Council to come up with some potential language that would address Mr. Brusos concerns. I have attached that language for your information.

If you have any questions or need any additional information please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Meyer". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rep. Dan Meyer
State Assembly
34th Assembly District

Cc: Rick Brusos

December 21, 2004

Bill---

Here is the draft of the NR 323 rule that was approved by the DNR board at the December meeting. The provision on fish cribs that limits fish cribs to biological materials is on page 5---I have circled it.

As with many legal drafting issues, there are different ways that this provision of the rule could be redrafted in order to allow for fish crib construction out of recycled plastic. Here are the possibilities that come to mind:

Delete NR 323.04 (1) (d) 2. With this change, the rule will have no restrictions on the allowable materials for fish cribs.

Amend the rule: "Fish cribs may be constructed of biological or inert materials." This would allow use of any inert materials. The definition in the rule of "inert materials" includes "chemically treated wood, stone, stainless and galvanized steel, plastics and synthetic polymers."

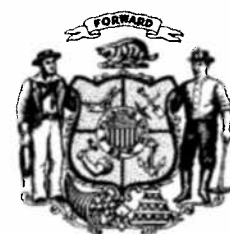
Amend the rule: "Fish cribs shall be constructed of biological materials, with the exception of fastening and anchoring devices, or of recycled plastic with fastening and anchoring devices made of other materials." This adds recycled plastic to the current rule. It should be determined with certainty that the proposed plastic fish crib is made entirely of recycled plastic, and not a mix of recycled and nonrecycled plastic. If it might include nonrecycled plastic, the language in the proposed amendment could delete "recycled."

Let me know if I can do anything more on this issue.

Mark Patrosky



WISCONSIN STATE LEGISLATURE



Streamlining the Permit Process while Protecting Public Waters **Proposed Rule on Fish & Wildlife Habitat Structures – NR 323**

Summary of Rule Proposal

Wisconsin Act 118 created a three-tier permit system intended to speed permit decisions without reducing protection of fish and wildlife habitat, navigation, water quality and natural scenic beauty (public rights). This rule establishes standards for fish and wildlife habitat structures that can be placed under an exemption, general permit or individual permit.

Why is this an issue for public waters?

Structures such as nesting boxes, fish cribs, tree drops, and others generally improve fish and wildlife habitat. In certain locations or if constructed improperly, they can have unwanted side-effects, including sedimentation, removal of desirable natural habitat, or attracting fish or wildlife to unsuitable areas or enabling too much harvest.

Previous Regulations

This rule replaces a previous rule related to habitat structures with a broader rule consistent with past standards used in our short-form permit process.

What's Being Proposed?

This rule change establishes construction, design and placement standards for fish and wildlife habitat structures to be eligible for exemptions and establishes general and individual permits. Specifics of the rule are:

Structures may be placed only by a riparian within the riparian's zone of interest.

Structure must be placed solely for the purpose of improving fish habitat.

Fish cribs shall be no larger than 8' tall by 8' long by 8' wide and have a minimum of 5 feet of water over the top of the structure. They shall be constructed of biological materials with the exception of fastening and anchoring devices and cannot be placed within 100' of swimming beaches or swim rafts or in soft sediment or muck that is greater than 3" in depth.

Spawning reefs shall be constructed of clean uncrushed gravel and rock 2-8" in diameter in a linear form parallel to the shore. They shall be placed where water depths range from 0-5' and can be no longer than 100' along the shore and no wider than 30' perpendicular to the shore.

Wing deflectors can only be placed in navigable streams less than 5' wide and cannot exceed more than 25% across the stream width.

Tree drops can only be placed in lakes and flowages. Trees must be freshly cut live trees having a minimum diameter of 12". They must be securely anchored to the shore.

Half log structures must be constructed from green logs and can't be placed where the bottom substrate consists of sand or gravel or in water deeper than 5'. They can't be placed greater than 500' from the shore.

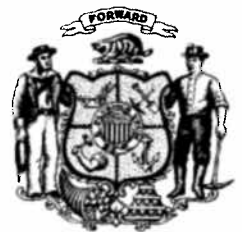
Wildlife nesting structures can be placed only by a riparian within the riparian's zone of interest. It must be placed solely for the purpose of improving wildlife habitat and cannot exceed 25'. They must be constructed of unpainted wood or of materials that are non-gloss earthtone colors that blend into the shoreline during leaf-on conditions.

Activities that don't meet these standards require a general permit or individual permit.

We'd like your input - instructions for commenting are on the back of this sheet.



WISCONSIN STATE LEGISLATURE



Clearinghouse Rule 04-064

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD REPEALING AND RECREATING RULES

The Wisconsin Natural Resources Board proposes an order to repeal and recreate NR 323 related to fish and wildlife habitat structures in navigable waterways.

FH-40-04

Summary Prepared by the Department of Natural Resources

Statutory Authority: ss. 30.12(1), 30.12(1p), 30.12(3)(br), and 227.11(2), Stats.

Statutes interpreted: ss. 30.12(1), 30.12(1g)(a), (c) and (d), 30.12(1p), 30.12(2m), 30.12(2r), 30.12(3), 30.12(3m) and 30.20(1g)(b)2., Stats.

Explanation of Agency Authority:

The Department has authority under s. 30.12, Stats., to promulgate rules that establish installation practices, construction and design requirements and limitations on the location of structures placed under statutory exemptions. The Department has authority under ss. 30.12 and 30.206, Stats., to promulgate rules to establish general permits.

Related statute or rule:

These rules relate directly to regulation of activities in navigable waters under ch. 30, Stats., waters designations in ch. NR 1, and the NR 300 series of rules.

Plain Language Analysis:

The purpose of this rule is to establish construction, design and placement standards for projects to be eligible for statutory exemptions, establish general permits, and to establish standards for projects that may be authorized under an individual permit. Chapter NR 323 defines and describes design standards for half a dozen commonly used fish habitat structures that would qualify for exemptions in all waters other than "areas of special natural resource interest" (ASNRIs) and establishes general permits for those same projects in ASNRIs. These include: fish cribs, fish spawning reefs, wing deflectors, tree drops, half log structures and wildlife nesting structures.

Federal Regulatory Analysis:

Any activity that results in a discharge (including deposits and structures) into "waters of the United States" is regulated by the U.S. Army Corps of Engineers (Corps) under section 404 of the Clean Water Act. An individual permit from the Corps is required, unless Wisconsin regulates the project in its entirety under ch. 30, Stats., in which case the project is authorized by the Corps under general permit GP-01-WI or GP-LOP-WI. Dredging or discharge into waters declared navigable under Section 10, Rivers and Harbors Act, 1899 is also regulated, and requires an individual permit from the Corps.

Comparison with Adjacent States:

Activity	Wisconsin	Illinois	Iowa	Michigan	Minnesota
Fish Habitat Structures	Exempt if not located in "area of special natural resource interest" or will not cause adverse impacts to public trust	Requires a permit if located in Lake Michigan or if the structure will obstruct flood flows or navigation	Exempt	Requires either a general permit or individual permit	Exempt if not located in a trout stream

	values				
Wildlife Habitat Structures	Exempt if not located in "area of special natural resource interest" or will not cause adverse impacts to public trust values	Requires a permit if located in Lake Michigan or if the structure will obstruct flood flows or navigation	Exempt	Requires either a general permit or individual permit	Exempt if not located in a trout stream

Summary of Factual Data and Analytical Methodologies:

Two published documents establishing science-based designs for wing deflectors are used as the standards for wing deflectors.

Analysis and Documents supporting determination of Small Business Effect:

Anticipated Private Sector Costs:

Effect on Small Business:

Agency Contact Person: Dale Simon, Dale.Simon@dnr.state.wi.us, (608) 267-9868

Place where comments are to be submitted and deadline for submission: Ms. Roberta Lund, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707 no later than August 9, 2004.

SECTION 1. Chapter NR 323 is repealed and recreated to read:

**Chapter NR 323
FISH AND WILDLIFE HABITAT STRUCTURES IN NAVIGABLE WATERWAYS**

NR 323.01 Purpose. The purpose of this chapter is to establish reasonable procedures and limitations for exempt activities, general permits and individual permits for placement of fish and wildlife habitat structures in navigable waterways as regulated under s. 30.12, Stats., in order to protect the public rights and interest in the navigable, public waters of the state as defined in s. 30.10, Stats.

NR 323.02 Applicability. This chapter applies to construction, placement and maintenance of fish and wildlife habitat structures regulated under ss. 30.12(1), (1g)(a), (c) and (d), (2m) and (3m) and 30.20(1g)(b)2., Stats. Any person that intends to construct, place or maintain a fish or wildlife habitat structure in any navigable waterway shall comply with all applicable provisions of this chapter and any permit issued under this chapter.

NR 323.03 Definitions. The following definitions apply to this chapter:

(1) "Area of special natural resource interest" has the meaning in s. 30.01(1am), Stats., and as identified by the department in s. NR 1.05.

Note: "Area of special natural resource interest" means any of the following:

- (a) A state natural area designated or dedicated under ss. 23.27 to 23.29, Stats.
- (b) A surface water identified as a trout stream by the department in NR 1.02(7).
- (bm) A surface water identified as an outstanding or exceptional resource water under s. 281.15, Stats.
- (c) An area that possesses significant scientific value, as identified by the department in NR 1.05.

Information and lists can be obtained by contacting the department, or found on the department's website at www.dnr.wi.gov, under the topic "Waterway and Wetland Permits".

(2) "Bank cover" means a man-made structure composed of biological and inert materials designed to provide overhanging cover habitat for fish in streams.

(3) "Biological materials" means living or organic materials that are biodegradable such as native grasses, sedges, forbs, shrubs and trees; live stakes and posts; non-treated wood; jute netting; fiber rolls and mats; logs; and branches.

(4) "Department" means the department of natural resources.

(5) "Fish crib" means a man-made 3-dimensional habitat structure composed of biological or inert materials designed specifically to attract and concentrate fish.

(6) "Half log" means a man-made structure composed of a log sawed lengthwise and anchored flat side down to the bottom of a lake or stream using steel rods for the purpose of providing habitat for fish.

(7) "Inert materials" means those materials that slowly degrade, such as chemically treated wood, stone, stainless and galvanized steel, plastics and synthetic polymers.

(8) "Navigable waterway" means any body of water with a defined bed and bank, which is navigable under the laws of the state. In Wisconsin, a navigable body of water is capable of floating the lightest boat or skiff used for recreation or any other purpose on a regularly recurring basis.

(9) "Nesting structure" means any structure or device constructed for the purpose of improving nesting habitat for wildlife, including birds, mammals, amphibians and reptiles. Nesting structures include but are not limited to wood duck houses and nesting platforms.

(10) "Ordinary high water mark" means the point on the banks or shore up to which the presence and action of water is so continuous as to leave a distinct mark either by erosion, destruction of terrestrial vegetation or other easily recognizable characteristics.

(11) "Riparian" means an owner of land abutting a navigable waterway.

(12) "Similar device" under s. 30.12(1g)(c), Stats., means a man-made structure composed of biological or inert materials designed specifically for the purpose of providing habitat for fish, including tree drops, half-logs, stake beds, bank covers, brush bundles and low barriers.

(13) "Spawning reef" means an expanse of rock below the surface of the water used by fish for spawning.

(14) "Tree drop" means a man-made structure created by a tree cut and allowed to fall into the water for the purpose of providing habitat for fish.

(15) "Wing deflector" means a man-made structure composed of biological or inert materials placed in streams to deflect stream flow and modify stream channels for the purpose of providing habitat for fish.

NR 323.04 Fish habitat structures. (1) EXEMPTIONS. (a) *Procedures.* Exemptions shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A fish habitat structure that meets the standards in pars. (c) to (h) shall be exempt under s. 30.12(1g)(c), Stats.

(c) *General standards.* 1. The fish habitat structure may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05.

2. The fish habitat structure may be placed and maintained only by a riparian.

3. The fish habitat structure shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. The fish habitat structure must be placed solely for the purpose of improving fish habitat.

5. The riparian shall report the placement of the structure to the local department fisheries biologist within 30 days after placement. The report shall contain a description of the project and its purpose, the name of the waterway and a map showing where the structure was placed.

6. A deposit of sand, gravel or stone under s. 30.12(1g)(a), Stats., may be associated with the placement of a fish habitat structure provided the deposit is limited to the area immediately underneath or within one foot of the structure and is less than 2 cubic yards.

7. Dredging under s. 30.20(1g)(b)1., Stats., is not allowed for the placement of a fish habitat structure.

(d) *Fish crib standards.* In addition to the standards in par. (c), fish cribs shall meet the following requirements.

1. Fish cribs shall be placed in at least 10 feet of water and have a minimum of 6 feet of water over the top of the structure. The depth and clearance of the fish cribs shall be based on summer water level or normal low water level conditions.

2. Fish cribs shall be constructed of biological materials, with the exception of fastening and anchoring devices.

3. The dimensions of a fish crib shall be no larger than 8 feet tall by 8 feet long by 8 feet wide.

4. Fish cribs may not be placed within 100 feet of swimming beaches or swim rafts.

5. Fish cribs may not be located in soft sediment or muck that is greater than 3 inches in depth.

6. Fish cribs may not be placed where the bottom contour of the waterway exceeds a slope of 4-foot horizontal to one-foot vertical.

(e) *Spawning reef standards.* In addition to the standards in par. (c), spawning reefs shall meet the following requirements:

1. Spawning reefs shall be constructed of an aggregate of clean, uncrushed gravel and rock from 2 to 8 inches in diameter, in a ratio of approximately 30% ranging from 2 to 4 inches in diameter and approximately 70% ranging from 4.1 to 8 inches in diameter.

2. Spawning reefs shall be placed in a linear form parallel to the shore.

3. Spawning reefs shall be no longer than 100 feet along the shoreline and no wider than 30 feet perpendicular to shore.

4. Spawning reefs shall be placed where water depths range from 0 to 5 feet.

5. Spawning reefs may not be placed where bottom contour of the waterway exceeds a slope of 10-foot horizontal to one-foot vertical.

6. Spawning reefs may not be placed greater than 100 feet from shore.

7. Spawning reefs may not be placed where the bottom substrate composition consists of less than 90% clean sand.

Note: Natural walleye spawning reefs generally consist of substrates 2-8 inches in diameter with rounded edges. Natural walleye spawning reefs are located adjacent to gently sloping shorelines in shallow water. Walleye spawning reefs require a moderate amount of wave action to keep the substrate clean of algae and provide adequate water circulation for incubating eggs. The requirement of 90% clean sand indicates a lack of spawning habitat, the appropriate wave action, and substrate capable of supporting the reef. If the water depth remains less than 5 feet and the bottom contour remains less than 10:1, a maximum location of 100 feet from shore is required to reduce navigation concerns.

(f) *Wing deflector standards.* In addition to the standards in par. (c), wing deflectors shall meet the following requirements.

1. Design and placement of wing deflectors shall follow the prescriptions in *Trout Stream Therapy* by Robert L. Hunt or in *Guidelines for Management of Trout Stream Habitat in Wisconsin* by Ray J. White and Oscar M. Brynildson.

Note: Copies of these publications may be inspected by contacting your local department fisheries biologist, and are available at many public libraries.

2. Wing deflectors may only be placed in navigable streams which are less than 5 feet wide, measured from ordinary high water mark to ordinary high water mark.

3. Wing deflectors may not extend more than 25% across the stream width.

(g) *Tree drops.* In addition to the standards in par. (c), tree drops shall meet the following requirements.

1. Tree drops may only be placed in lakes or flowages.

2. Tree drops shall use live trees having a minimum diameter of 12 inches at the base.

3. Tree drops shall be securely anchored to the shore.

Note: Local zoning ordinances may place restrictions on cutting trees in the shoreland zone. The riparian is responsible for ensuring that their tree drop project is in compliance with any local zoning requirements.

(h) *Half log structures.* In addition to the standards in par. (c), half log structures shall meet the following requirements.

1. Half logs shall be constructed from green logs with a minimum diameter of 10 inches.

2. Half logs shall be placed where the bottom substrate composition consists of sand or gravel, or both.

3. Half logs may not be placed in water deeper than 5 feet.

4. Half logs may not be placed greater than 100 feet from shore.

(i) Activities which do not meet the standards in pars. (c) to (h) or are determined ineligible for an exemption by the department shall require a general permit or individual permit.

(2) GENERAL PERMITS. (a) *Procedures.* General permits shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A fish habitat structure that meets the standards in par. (c) shall be eligible for a general permit under ss. 30.12(3)(br) and 30.206, Stats.

(c) *Standards.* A fish habitat structure may be authorized under a general permit if it meets all the requirements in sub. (1) except for sub.(1)(c)1.

(3) INDIVIDUAL PERMITS. (a) *Procedures.* Individual permits shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A fish habitat structure which is not exempt under sub. (1) and is not authorized by a general permit under sub. (2) requires authorization by an individual permit pursuant to s. 30.12(1), Stats.

(c) *Standards.* A fish habitat structure meeting the standards in s. 30.12(3m), Stats., may be authorized under an individual permit.

Note: Fish habitat projects where the department is the applicant are reviewed under the same standards and following a comparable procedure.

(4) EXISTING PERMITS. A fish habitat structure which is authorized by an existing department permit shall continue to be authorized, provided the structure is maintained in compliance with all the conditions of the original permit. Any modifications to the structure that do not comply with the original permit conditions shall require a new individual permit and shall comply with all standards in this section.

NR 323.05 Wildlife habitat structures. (1) EXEMPTIONS. (a) *Procedures.* Exemptions shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A nesting structure that meets all the standards in par. (c) shall be exempt under s. 30.12(1g)(d), Stats.

(c) *General standards.* 1. The nesting structure may not be located in an area of special natural resource interest as defined in s. 30.01(1am), Stats., and identified by the department in s. NR 1.05.

2. The nesting structure may be placed and maintained only by a riparian.

3. The nesting structure shall be placed entirely within the riparian's zone of interest, as determined by one of the methods outlined in s. NR 326.04.

4. The nesting structure must be placed solely for the purpose of improving wildlife habitat.

5. A deposit of sand, gravel or stone under s. 30.12(1g)(a), Stats., may be associated with the placement of a nesting structure provided the deposit is limited to the area underneath or within one foot of the structure and is less than 2 cubic yards.

6. Dredging under s. 30.20(1g)(b)1., Stats., is allowed for the placement of a nesting structure provided the dredging does not exceed one cubic yard.

7. The surface area of a nesting structure may not exceed 25 square feet.

8. Nesting structures shall be designed and constructed of unpainted wood or of materials that are non-gloss earthtone colors that blend into a natural shoreline setting during leaf-on conditions.

(d) Activities which do not meet the standards in par. (c) or are determined ineligible for an exemption by the department shall require a general permit or individual permit.

(e) *Exceptions.* 1. Wood duck houses and nesting platforms attached to or supported by existing trees in their natural condition are not regulated under ch. 30, Stats., or this chapter.

2. Wildlife habitat projects authorized under ch. NR 353 relating to wetland conservation activities are not subject to the requirements of this chapter.

(2) GENERAL PERMITS. (a) *Procedures.* General permits shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A wildlife habitat structure that meets the standards in par. (c) shall be eligible for a general permit under ss. 30.12(3)(br) and 30.206, Stats.

(c) *Standards.* A wildlife habitat structure may be authorized under a general permit if it meets all the requirements in sub. (1) except for sub.(1)(c)1.

(3) INDIVIDUAL PERMITS. (a) *Procedures.* Individual permits shall be processed according to the procedures in ch. NR 310.

(b) *Applicable activities.* A wildlife habitat structure which is not exempt under sub. (1) and is not authorized by a general permit under sub. (2) requires authorization by an individual permit pursuant to s. 30.12(1), Stats.

(c) *Standards.* A wildlife habitat structure meeting the standards in s. 30.12(3m), Stats., may be authorized under an individual permit.

Note: Wildlife habitat projects where the department is the applicant are reviewed under the same standards and following a comparable procedure.

(4) EXISTING PERMITS. A wildlife habitat structure which is authorized by an existing department permit shall continue to be authorized, provided the structure is maintained in compliance with all the conditions of the original permit. Any modifications to the structure that do not comply with the original permit conditions shall require a new individual permit and shall comply with all standards in this section.

NR 323.06 Enforcement. (1) Noncompliance with the provisions of ss. 30.12, 30.20 and 30.206, Stats., this chapter, or any conditions of an exemption, general permit or individual permit issued by the department, constitutes a violation and may result in a forfeiture. If the activity is a general permit under s. 30.206, Stats., the failure to follow procedural requirements may not, by itself, result in abatement of the activity. Unless there is good cause shown, the department shall seek abatement of any activity in violation of ss. 30.12, 30.20 and 30.206, Stats.

(2) General permits may not be issued for after-the-fact permit applications. When an after-the-fact permit application has been filed with the department, the department shall follow the procedures in ch. NR 301 for violations.

(3) Any reference in ss. 30.15, 30.292, 30.294 and 30.298, Stats., to any provision of ch. 30, Stats., shall include any rules promulgated under that provision.

(4) No person may place a fish or wildlife habitat structure in a navigable waterway if the activity is not eligible for an exemption, authorized by a general permit or individual permit issued under this chapter, or otherwise authorized under this chapter.

SECTION 2. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin administrative register as provided in s. 227.22(2)(intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

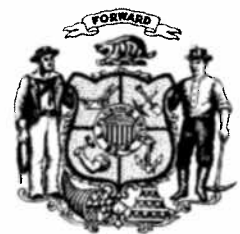
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

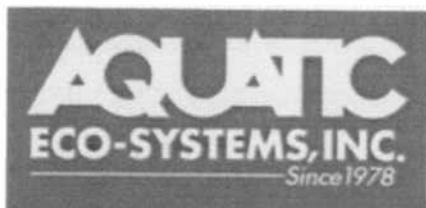
By _____
Scott Hassett, Secretary

(SEAL)



WISCONSIN STATE LEGISLATURE





World's Largest Selection of Aquatic Tools



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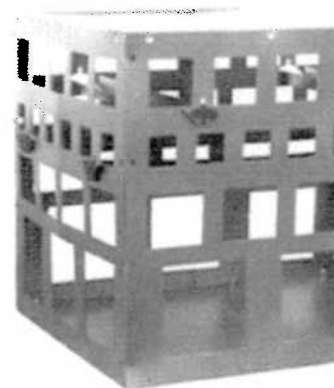
- Cart
- Check Out
- Quick Buy

- Aeration
- Algae & Zooplankton Culture
- Chemicals
- Cleaning
- Complete Systems
- Electrical
- Environmental
- Feeds/Feeders
- Filtration
- Fish Hatchery Supplies
- Heaters & Chillers
- Hydroponic Supplies
- Lab Equipment
- Lake Aeration
- Lighting
- Live Organisms
- Nets
- Odds & Ends
- Paint & Safety
- Plumbing
- Predator Control
- Pumps
- Reference
- Tanks

Environmental » Fish Habitats » AquaCrib™ Fish Habitat

Encourages fish propagation. The AquaCrib™ is the most functional, convenient and cost-effective means to date for encouraging sport fish propagation. Functions especially well in deep lakes, which often are lacking in protective vegetation. A durable shelter for fish through all life cycles, the AquaCrib™ encourages propagation of most inland-water species of fish. Measures 60"L x 48"W x 48"H (153 cm x 122 cm x 122 cm), weighs 30 lbs.

Researched: The AquaCrib™ is the only fish habitat chosen by the Bureau of Fish Management of the Wisconsin Department of Natural Resources after three years of in-depth study. Its innovative design has since been patented (#5,042,424). On-site inspections and underwater photos show that AquaCrib™ attract abundant varieties and sizes of sport fish, with spawning indicated next to the structures. The AquaCrib™ is a convenient, effective and ecologically sound method of fish propagation and an active mechanism to ensure supplies of game fish in shelter-poor waters.



Part No	Name	Shipping Info	Price
AC	AquaCrib™ FishHabitat		\$142.00 3+ \$135.

Shipping Info

- Restricted
- HazMat
- Factory Direct
- Motor Freight - add'l \$50 for Residential Address
- 1 Oversized 1
- 2 Oversized 2
- 3 Oversized 3
- Chemical

AquaCrib® Facts



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The AquaCrib®, from Great Lakes Products is the only fish habitat chosen by the Bureau of Fish Management of the Wisconsin Department of Natural Resources after three years of in-depth study. Its innovative design has since been patented and registered under # 5,042,424.

Tested

Hundreds of AquaCrib® have been placed in northern Wisconsin lakes. Installed in the summers of 1990 and 1991, they have since been monitored by fish management scuba divers. Over a dozen Midwestern sports clubs have helped Wisconsin's DNR install AquaCrib®s in lakes with sparse vegetation.

Proven

On-site inspections and under-water photos show that AquaCrib®s attract abundant varieties and sizes of sport fish, with spawning indicated next to the structures. AquaCrib®'s corrugated surface encourages feeding, and it also supports algae and plant growth while sheltering small marine life.

Cost Effective/Environmentally Sound

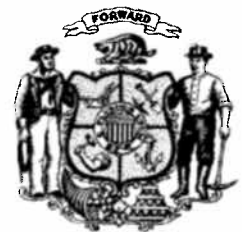
Modern materials and advanced technology keep AquaCrib®s a bargain. Cost-sharing may even be available through government conservation programs. AquaCrib®s are manufactured with post-consumer recyclables to help preserve natural resources.

Value and Benefits

AquaCrib® -- a convenient, effective, and ecologically-sound method of fish propagation. AquaCrib® -- an active, nurturing biological mechanism to ensure a ready supply of game fish in shelter-poor waters for generations to come.



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WHAT'S NEW

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Berkley® Turning Recycled Line into “Fish Habs”

Artificial, Underwater Habitat Structures Free With 75 UPC Codes From Berkley Lines

Spirit Lake, IA. -- What to do with recycled nylon monofilament had become a serious question for Berkley®, the world's leading manufacturer of fishing line and makers of Trilene. In fact, since it began recycling line in 1990, Berkley has collected more than seven million miles of monofilament, enough to wrap around the world over 280 times.

Now that line is going back into the water . . . in the form of Berkley Fish Habs.

The Berkley Fish Hab™ is an artificial, underwater habitat structure made of used and recycled monofilament fishing line and other post-consumer materials like plastic milk jugs and soft drink bottles. Once in the water, the Fish Hab attracts fish and plant growth almost immediately. It's the perfect solution for rejuvenating older reservoirs, ponds and streams devoid of the natural cover essential to the growth and development of a healthy fish population.



The Fish Hab is available to everyone -- clubs, pond owners, anglers, communities or anyone interested in improving the aquatic habitat. The Fish Hab is free with 75 UPC codes from Berkley fishing line packages. Simply cut the UPC codes from line spools and collect them for yourself or local aquatic

rejuvenation projects.

Field research and development of the Fish Hab began in 1993. With the help of fisheries management and recycling professionals, the first prototypes were designed and tested in Spirit Lake, IA. Today, fish are still found near these initial structures.

Berkley has worked with members of the American Fisheries Society and staff from the Bureau of Land Management and U.S. Fish & Wildlife service to determine the optimum color and design of the Fish Hab, which can today be found in lakes across the U.S.

If left in the environment, discarded fishing line can be a potential hazard to wildlife. Berkley has turned it into a real benefit for fish -- and fishing. The used line you drop at your local tackle dealer is recycled and turned into a Fish Hab, a non-degradable structure that is completely safe and stable in the aquatic environment. Since its inception, Berkley's Line Recycling Center has received thousands of pounds of discarded fishing line from environmentally conscious anglers and fishing tackle retailers.

The 4-foot cube-like Fish Hab structure is designed to be assembled in minutes at the placement site. Fish Habs can be attached to each other to make various shapes and accommodate different placement situations. The completed unit is lightweight and easy to anchor under water.

What others say about Berkley's Fish Hab:

"Reef structures made from recycled fishing line, what a wonderful idea. I will use the Berkley Fish Habs on the Lake Havasu Restoration Project to boost crappie populations." -- Larry Forbis, Aquatic Systems Advisor, Anglers Unlimited

"Congratulations to Berkley for inventing Fish Hab, one of the most innovative recycling techniques ever designed. In addition, it creates new fish habitat. The Black Bass Foundation has chosen the Fish Hab as its Restoration project in 1997." -- Tom Rodgers, President/CEO, Black Bass Foundation

"Lake Rathbun is known as one of the premier crappie fisheries in the Midwest. Habitat protection and development are an important part of our management strategy and we have shifted to a more 'angler-based' practice. The use of the Berkley Fish Habs provides us with an easily-deployable, long-lasting habitat, particularly in portions of the lake where

identifiable structure is lacking.” --Mark Flammang, District Fisheries Management Biologist, Iowa DNR

To order a Fish Hab, simply mail 75 FireLine and/or Trilene UPC codes, or \$75 (includes shipping), to: Berkley Fish Hab, Berkley Environmental Projects, 1900 18th St., Spirit Lake, IA. 51360-1099.

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