

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
FH-30-07

NOTICE IS HEREBY GIVEN that pursuant to ss. 23.09(2)(intro.), 23.091, 23.11, 23.22(2)(a) and (b)6., 27.01(2)(j), 29.014(1), 29.041, 29.039(1), 29.509(4) and (5) and 227.11(2)(a), Stats., interpreting ss. 23.09(2)(intro.), 23.22(2)(a), 29.014(1), 29.039(1), 29.041 and 227.11(2)(a), Stats., the Department of Natural Resources will hold public hearings on revisions to chs. NR 19 and 20, Wis. Adm. Code, relating to control of fish diseases and invasive species. The proposed rule makes permanent and clarifies recent emergency measures for the control and prevention of viral hemorrhagic septicemia (VHS) in fish in waters of the state.

The proposed rule limits the transport of live fish away from specified waters and requires the immediate drainage of water from boats, boating equipment, fishing equipment and other containers upon removal from those specified waters. Waters specified in the rule include Lake Michigan, Lake Superior, Mississippi River, Lake Winnebago and the Fox River downstream to Green Bay, and all connecting waters upstream to the first barrier impassable to fish. If VHS is found outside of the waters specified in the rule, than all waters of the state would be included.

The proposed rule also requires that bait dealers apply for and possess a department permit to harvest wild bait from any water and keep daily harvest and disposition records.

The proposed rule bans the use or possession of imported live bait (minnows, crayfish and frogs), with exceptions. It also prohibits any person from using dead fish, fish eggs, crayfish, frogs or any parts thereof as bait, with exceptions, and it limits the use of fish and fish parts as bait in crayfish traps and turtle traps, with exceptions.

Finally, the proposed rule adds a new criterion for the issuance of permits for licensed bait dealers to use nonstandard minor gear, allowing the permits to be denied if use of the gear could spread invasive species or diseases.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., the proposed rule may have an impact on small businesses. The initial regulatory flexibility analysis is as follows:

- a. Types of small businesses affected: Bait dealers, wholesale fish dealers, commercial fishers, anglers, boaters and individuals involved in the harvest, rearing or use of fish bait.
- b. Description of reporting and bookkeeping procedures required: No new procedures
- c. Description of professional skills required: No new skills

The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN that the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on:

August 14, 2007
Tuesday

South Central Region Hdqrs., 3911 Fish Hatchery Road, Fitchburg
at 5:30 p.m.

<u>August 15, 2007</u> Wednesday	Room B19, La Crosse State Office Bldg., 3550 Mormon Coulee Road, La Crosse at 5:30 p.m.
<u>August 16, 2007</u> Thursday	Room 140, DNR Southeast Region Hdqrs., 2300 N. Dr. Martin Luther King Jr. Dr. Milwaukee at 5:30 p.m.
<u>August 20, 2007</u> Monday	Wetland Room, Green Bay Wildlife Sanctuary, 1660 East Shore Drive, Green Bay at 5:30 p.m.
<u>August 23, 2007</u> Thursday	Upstairs Meeting Room, State Highway Patrol Hdqrs., 2805 Martin Ave., Wausau at 5:30 p.m.
<u>August 23, 2007</u> Thursday	Classroom, Superior Public Library, 1530 Tower Avenue, Superior at 5:30 p.m.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Bill Horns at (608) 266-8782 with specific information on your request at least 10 days before the date of the scheduled hearing.

The proposed rule and fiscal estimate may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed rule may be submitted via U.S. mail to Mr. Bill Horns, Bureau of Fisheries Management and Habitat Protection, P.O. Box 7921, Madison, WI 53707. Comments may be submitted until August 23, 2007. Written comments whether submitted electronically or by U.S. mail will have the same weight and effect as oral statements presented at the public hearings. A personal copy of the proposed rule and fiscal estimate may be obtained from Mr. Horns.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____