

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
FH-18-09

NOTICE IS HEREBY GIVEN that pursuant to ss. 29.014(1), 29.039, 29.405 (3), 29.053, 29.531 and, 29.533, Stats., interpreting ss. ss. 29.014 (1), 29.039, 29.041, 29.405 (3) and 227.11 (2) (a), Stats. the Department of Natural Resources will hold public hearings on revisions to chs. NR 19, 20, 21, 22 and 23, Wis. Adm. Code, relating to minor, non-substantive “housekeeping” changes to fishing regulations on the inland, outlying and boundary waters of Wisconsin. The proposed rules will:

1. Clarify that hoop nets may not be set within 200 feet of a fishway, lock, or dam, and that individuals may not use hook-and-line, setlines, or nets for taking turtles in a way or during any time when these methods are prohibited for fishing;
2. Clarify that the possession limit for trout from inland waters is 10 fish, and is separate from the possession limit for Great Lakes trout and salmon;
3. Clarify language governing the prohibition of tagging and releasing fish without a permit;
4. Resolve conflicts between state statute and administrative code regarding rules governing fishing with a bow and arrow. State statute provides that the department shall allow bowfishing at night wherever it is allowed during daylight hours in inland, outlying, and boundary waters;
5. Correct administrative errors which occurred during the drafting of rules regarding harvest of catfish from Winnebago system waters. There is a total daily bag limit of one flathead catfish, rather than 2, allowed from Winnebago system waters, and there is no closed season for channel catfish in these waters;
6. Clarify that dip netting and seining for cisco and whitefish are permissible at any time of day in Keyes lake (Florence county), Trout and Palette lakes (Vilas county), and in all other waters not specifically listed in the county and statewide table in s. NR 20.20, and also clarify that seining for smelt is permissible any time of day in Lake Superior;
7. Repeal code related to walleye harvest regulations in Enterprise lake (Langlade county). The code being repealed was improperly placed in the section for rules related to lakes in Lincoln county. The proper code related to walleye regulations in Enterprise lake already exists under the section related to rules for lakes in Langlade county;
8. Correct an omission which occurred in the implementation of rules which extended the open season for muskellunge in waters south of Highway 10 from November 30 to December 31. The later season-ending date applies to Winnebago system waters;
9. Correct the effective end date for bag limit adjustments made in the Wisconsin Ceded territory in response to tribal declarations and harvest, and correct inconsistency in language which applies to readjustments of bag limits after spring tribal harvest;
10. Clarifies license requirements for anglers fishing Wisconsin- Iowa boundary waters, and corrects the name of the boundary on the Wisconsin side of the Mississippi river; and
11. Correct omissions made during the implementation of rules governing harvest of lake sturgeon from Wisconsin-Michigan boundary waters. Rules which were adopted for inland waters also applied to these boundary waters, but the appropriate changes in code were not made.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed changes will have a significant economic impact on small businesses. 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.

NOTICE IS HEREBY FURTHER GIVEN that the hearings will be held on Friday, August 14, 2009 at 2:00 p.m. at 101 S. Webster St. Room 406.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of information material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Joseph Hennessy at (608) 267-9427 with specific information on your request by August 7, 2009.

The proposed rules and fiscal estimates may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. Written comments on the proposed changes may be submitted via U.S. mail to Mr. Joseph Hennessy, Bureau of Fisheries Management, P.O. Box 7921, Madison, WI 53707. Written comments shall be postmarked not later than August 5, 2009. Written comments whether submitted electronically or by U.S. mail will be summarized for the Natural Resources Board. Written comments will have the same weight and affect as oral statements presented at the hearings. A copy of the proposed rules and fiscal estimate can be obtained from Mr. Joseph Hennessy.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Matthew J. Frank, Secretary

