

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARINGS
FH-50-10

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 29.014(1), 29.041, 29.519(1m)(b), and 227.11 Wis. Stats., interpreting ss. 23.11(1), 29.014(1), 29.041, 29.519(1m)(b), 227.11(2)(a), and 30.74(2)(a) Wis. Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 25, Wis. Adm. Code, relating to the use and marking of commercial fishing trap nets in Lake Michigan and Lake Superior. Please note that this public hearing is intended to obtain input on alternatives or variations to the proposed rule for consideration by the Department and the Natural Resources Board.

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

March 14, 2011 University Theatre, University of Wisconsin-Sheboygan, 1 University Dr.,
Monday Sheboygan, WI 53081 at 5:00 p.m.

March 16, 2011 Bayfield Lakeside Pavilion, 2 East Front Street, Bayfield, WI 54814 at 5:00 p.m.
Wednesday

The proposed rule will:

1. Establish net-marking requirements for Lake Superior that are identical to the net-marking requirements for Lake Michigan.
2. Add the month of June to the summer period when no more than 3 entrapment nets may be used south of 44°52'30" by each licensed commercial fisher in Lake Michigan.
3. Change the times and locations when and where commercial trap nets may be used during the summer. Commercial trap nets would be allowed in areas within 5 nautical miles north and south of harbors at Two Rivers, Manitowoc, or Sheboygan only from Labor Day to May 31.
4. Revise net-marking requirements for Lake Michigan by requiring that staffs be marked with reflective tape and that the staff marking the inside or shallow lead end of the net be marked with a flashing amber light and a 48" diameter float.

The department is not aware of any existing or proposed federal regulation that would govern commercial fishing in Wisconsin's waters of Lake Michigan and Green Bay or Lake Superior. Trap nets are not used in Illinois or Minnesota waters of the Great Lakes, and Iowa has no Great Lakes waters. The State of Michigan has uniform trap net marking requirements for all of its Great Lakes Waters (parts of Lakes Superior, Michigan, Huron, and Erie). Those net-marking requirements are similar but not identical to those proposed here for Wisconsin waters of Lakes Michigan and Superior. The Michigan Department of Natural Resources and Environment has the authority to limit trap netting by individual license holders if and when conflicts arise. Pursuant to that authority the MDNRE prohibits trap nets during June, July, and August in one area near Tawas on Lake Huron.

This rule is of interest to commercial fishers and was initiated in response to the expressed concerns of recreational fishers. The rule will be enforced by department Conservation Wardens under the authority of chapters 23 and 29, Stats., through routine patrols, record audits of wholesale fish dealers and commercial fishers and follow up investigations of citizen complaints.

Agency contact person:

William Horns
Department of Natural Resources
P.O. Box 7921

Madison, WI 53707-7921
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E-mail: William.Horns@wisconsin.gov

Place where comments are to be submitted and deadline for submission. Comments may be submitted in writing or by e-mail to William Horns at the address shown above. The deadline for submittal of comments is March 18, 2011.

NOTICE IS HEREBY FURTHER GIVEN that the proposed rules and fiscal estimates may be reviewed and comments electronically submitted at the following Internet site: <http://adminrules.wisconsin.gov>. If you do not have Internet access, a personal copy of the proposed rule and supporting documents, including the fiscal estimate, may also be obtained from William Horns, Bureau of Fisheries Management, P.O. Box 7921, Madison, WI 53707 or by e-mail to William.Horns@wisconsin.gov. Written comments on the proposed rule may be submitted via U.S. mail to William Horns. Comments may be submitted until April 1, 2011. 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.

NOTICE IS HEREBY FURTHER GIVEN that pursuant to s. 227.114, Stats., it is not anticipated that the proposed rules will have a significant economic impact on small businesses. Small businesses engaged in commercial fishing and wholesale fish dealing may be affected by the rule. However, the Department currently has no basis for quantifying the economic impacts of the rule. 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 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 William Horns at (608) 266-8732 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary