

Report From Agency

REPORT TO LEGISLATURE

NR 20 and 25, Wis. Adm. Code

Board Order No. FH-12-23
Clearinghouse Rule No. CR 24-073

Basis and Purpose of the Proposed Rule

This rule updates cisco allocation and lake trout quotas and associated regulations for Lake Superior. This rule also establishes that the lake trout quota will be established using specific quantitative data. Similar to the process used for bear, elk and lake whitefish in Lake Michigan, the department's recommendations would be presented to the Natural Resources Board for approval. This change will allow lake trout quota updates to be more responsive to changes in fish populations in Lake Superior. This rule also implements gear and permit changes in line with state-Tribal discussions that have occurred as part of the Lake Superior Fishing Agreement.

Summary of Public Comments

One comment from the public was received via email on this rule. It was neither in favor nor opposed to the rule, but rather a couple of comments/questions related to the number of trawl nets that can be used and how trawl nets that are retired or not in compliance are disposed of. These issues/questions are addressed through other sections of code and by federal law.

Modifications Made

Comments were received from DNR's marine wardens after meeting with the Lake Superior Commercial Fishing Board suggesting changes to streamline net tagging requirements that would better meet the needs for both law enforcement and commercial fishers. These comments were incorporated into the final rule.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse, except the question related to item 1(Statutory Authority) was determined to not require any changes.

Appearances at the Public Hearing

No appearance slips were submitted and no comments were received during the public hearing.

Changes to Rule Analysis and Fiscal Estimate

No modifications or changes were made to the rule analysis or fiscal estimate based on the changes made by incorporating comments regarding net tagging requirements.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on statutory authority, form, style, clarity, and punctuation.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse, except the question related to item 1(Statutory Authority) was determined to not require any changes.

Final Regulatory Flexibility Analysis

This rule is likely to have a minimal (less than \$50,000) total economic impact, if any, on commercial fishing businesses and sport fishing businesses. Both the lake trout quota allocation for the commercial fishery and the lake trout harvest closure trigger for angling will increase over the next two years in this rule, allowing for additional lake trout commercial harvest and more opportunities for anglers to harvest lake trout with a lower risk of an early season closure. This will benefit local businesses.

In future cycles, the quotas may increase further or could decrease. Whether established by rule or through use of the mechanisms which are established by rule, harvest quotas have always fluctuated due to relative abundance of the species.

The rule will require that commercial fishers tag all gill nets with an information and identification tag on the net's buoy staff on the portion that is above the water. Currently, only gill nets greater than 4 7/16-inch stretch measure and set shallower than 330 feet require these tags. These tags are supplied by the department at no cost to the commercial fisher and require little effort or expense to attach.

The rule does not allow for the potential to establish a reduced fine for small businesses, nor does it establish "alternative enforcement mechanisms" for "minor violations" of administrative rules made by small businesses. Public utility rate payers and local governmental units will not be affected by the rule.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.