

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:**

Request that the Board authorize public hearing for Board Order FH-25-12, proposed rules affecting NR 25 related to the number and placement of trap nets for commercial fishing activity in the Restricted Use Area of Lake Superior.

**FOR: September 2013 Board meeting**

**PRESENTER'S NAME AND TITLE:** Mike Staggs, Fisheries Management Bureau Director

**SUMMARY:**

The proposed rule change will revise ch. NR 25, Wis. Adm. Code, to define trap net placement locations and commercial fishing activity in the Restricted Use Area of Lake Superior, which is bounded by the Bayfield Ferry line, a line between Houghton Point and Long Island Point, and a line between Long Island Point and the southernmost point on Madeleine Island. Commercial fishers may currently place trap nets in the Restricted Use Area for the taking of whitefish or herring from June 1 to August 15. Currently, the only limit on how many nets an individual fisher or all fishers combined may place in this small area is the total number of trap nets allowed per commercial licensee, which is 10, and distance restrictions limiting the proximity of adjacent trap nets.

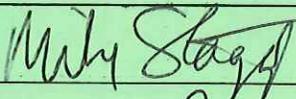
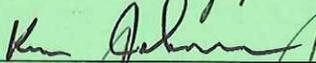
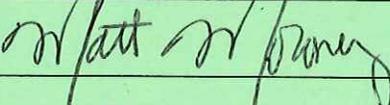
The rule addresses the primary issues with current trap net placement: navigational safety and user conflict. Over the last two years, the Department has received complaints from sport/recreational anglers about a proliferation of trap nets within this area and commercial fishers have experienced acts of vandalism to their nets resulting in significant repair costs. The rule will include provisions for creating a travel corridor and limiting the number of trap nets in the Restricted Use Area.

The proposed rule is expected to have a minimal economic impact on small businesses. (level 3)

**RECOMMENDATION:** That the Board authorize public hearing for Board Order FH-25-12.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- background memo
- Statement of scope
- Fiscal estimate and economic impact analysis (EIA) form
- Response summary
- Attachments to background memo
- Governor approval of statement of scope
- Environmental assessment or impact statement
- Board order/rule

Approved by	Signature	Date
Mike Staggs, Bureau Director		8/23/2013
Ken Johnson, Administrator		8/26/13
Cathy Stepp, Secretary		9/3/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

## CORRESPONDENCE/MEMORANDUM

DATE: August 21, 2013

TO: All Members of the Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Background memo on Board Order FH-25-12, relating to authorization of public hearings.

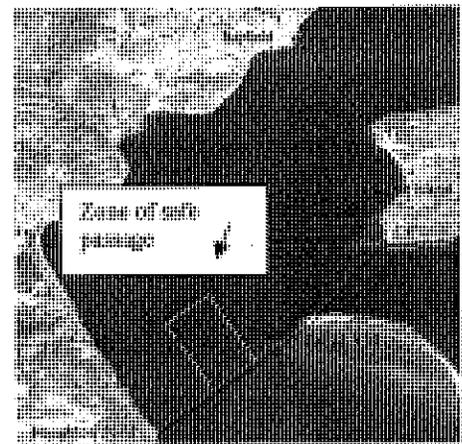
**Why is the rule being proposed?**

Over the last two years, the Department has received complaints from sport/recreational anglers about a proliferation of commercial fishing trap nets placed in the Restricted Use Area of Lake Superior, which is bounded by the Bayfield Ferry line, a line between Houghton Point and Long Island Point, and a line between Long Island Point and the southernmost point on Madeleine Island. Commercial fishers may currently place trap nets in the Restricted Use Area for the taking of whitefish or herring from June 1 to August 15.

The primary issues with current trap net placement are navigational safety and user conflict. Nets must be clearly marked according to regulations, but excessive use of this area creates confusion about the exact placement and orientation of individual nets and makes navigation through the area potentially hazardous. Given that the area is the only ingress or egress from Chequamegon Bay and a popular sport fishing and recreational boating corridor, the risks can be significant. Also, in each of the last two seasons, commercial fishers setting nets in this area have experienced significant acts of vandalism to their nets with expensive repair costs. Out of concern for these issues, the Department decided to seek a rule change to address the situation.

**Summary of rule.**

This rule will revise ch. NR 25, Wis. Adm. Code, to define the number and placement of trap nets for commercial fishing activity in the Restricted Use Area of Lake Superior.



It includes three changes. First, commercial fishers are limited to using a single trap net per commercial license in the Restricted Use Area to address concerns about high trap net density in the Area. Second, trap nets are excluded from a "zone of safe passage" within the Restricted Use Area to address safety concerns with recreational boaters and anglers. Third, the Code is clarified to explicitly mandate that nets

be rendered inoperable by the close of the special season in the Restricted Use Area and be physically removed within three days. This clarifies a recent point of confusion regarding timely removal of trap nets following the season closure in the Restricted Use Area.

**How does this affect existing policy?**

Currently, the only limit on how many nets an individual fisher or all fishers combined may place in the Restricted Use Area is the total number of trap nets allowed per commercial licensee, which is 10, and distance restrictions limiting the proximity of adjacent trap nets. The proposal will clarify where and how many trap nets are feasible for navigational safety and to reduce user conflict.

Section NR 1.01(2) states that: "the goal of fish management is to provide opportunities for the optimum use and enjoyment of Wisconsin's aquatic resources, both sport and commercial. A healthy and diverse environment is essential to meet this goal and shall be promoted through management programs."

The Department received four comments during the economic impact analysis comment period. (see all comments in attached EIA form) One comment from Jeff Bodin, a commercial fishing small business owner, stated that the rule will change nothing because tribal commercial fishing nets would move into the area instead. Although this is possible, tribal commercial fishing trap nets are not currently placed in this area, nor do any tribal fishers fish trap nets anywhere at this time. Therefore, they currently do not present impediments to navigational safety. Tribal fishers are subject to tribal regulations and therefore would not be required to follow the boundary changes in this rule proposal. However, Bad River and/or Red Cliff bands could agree to adopt the State's boundary changes pursuant to the State-Tribal Agreement.

Rose Gurnoe-Soulier, the Tribal Chair of the Red Cliff Band of Lake Superior Chippewa, has expressed an interest in trap net issues. She stated in November 2012 that: "State trap nets are becoming increasingly prevalent and are pushing tribal gillnetters out of productive whitefish areas . . . We are very interested in being included in discussions on how the State trap net fishery can be more equitably managed, and expect progress over the course of the next year." Although this was not written in response to the economic impact analysis, it should be mentioned with this information provided to the NRB.

**Has the Board dealt with these issues before?**

The Natural Resources Board has dealt with similar commercial and sport fishing conflict issues in the Great Lakes. Most recently, the Board approved Order FH-50-10 that directed net marking and placement requirements and Order FH-21-11 that requires sport anglers on the Great Lakes to have access to wire cutters.

**Who will be impacted by the proposed rule? How?**

The proposed rule change would have a minimal impact on state-licensed commercial fishers, charter fishers, and sport/recreational anglers. Minimal impact is expected for businesses or business associations. No additional reporting requirements will be imposed on small businesses as a result of these rule changes.

Minimal economic impact is anticipated as a result of this rule change. Fishing effort may be redistributed to other areas, possibly requiring additional travel for some fishers, but no quota or fishing effort changes are expected. The Department is proposing a balanced approach that protects the navigational safety of the recreational fishing and boating public and the economic needs of commercial fishers.

Level of economic impact expected: Level 3, minimal economic (less than \$50,000).

**Information on environmental analysis, if needed?**

This is a Type III action under Chapter NR 150, Wis. Admin. Code. No environmental assessment is required.

**Small Business Analysis.**

The proposed rule change would impact commercial fishing license holders in Lake Superior. Minimal impact is expected for businesses or business associations. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. During rule development, the proposed rule will be available for review and comment at <https://health.wisconsin.gov/admrules/public/Home>.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original    Updated    Corrected

2. Administrative Rule Chapter, Title and Number

Chapter NR 25, Commercial Fishing - Outlying Waters

3. Subject

This rule will revise ch. NR 25, Wis. Adm. Code, to define the number and placement of trap nets for commercial fishing activity in the Restricted Use Area of Lake Superior, which is bounded by the Bayfield Ferry line, a line between Houghton Point and Long Island Point, and a line between Long Island Point and the southernmost point on Madeleine Island.

4. Fund Sources Affected

GPR    FED    PRO    PRS    SEG    SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect    Increase Existing Revenues    Increase Costs  
 Indeterminate    Decrease Existing Revenues    Could Absorb Within Agency's Budget  
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy    Specific Businesses/Sectors  
 Local Government Units    Public Utility Rate Payers  
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes    No

9. Policy Problem Addressed by the Rule

Commercial fishers may currently place trap nets in the Restricted Use Area, described above, for the taking of whitefish or herring from June 1 to August 15. Currently, the only limit on how many nets an individual fisher or all fishers combined may place in this small area is the total number of trap nets allowed per commercial licensee, which is 10, and distance restrictions limiting the proximity of adjacent trap nets. Over the last two years, there have been complaints received from sport/recreational anglers about a proliferation of trap nets within this area.

The primary issues with current trap net placement are navigational safety and user conflict. Nets must be clearly marked according to regulations, but excessive use of this area creates confusion about the exact placement and orientation of individual nets and makes navigation through the area potentially hazardous. Given that the area is the only ingress or egress from Chequamegon Bay and a popular sport fishing and recreational boating corridor, the risks can be significant. Also, in each of the last two seasons, commercial fishers setting nets in this area have experienced acts of vandalism to their nets with repair costs ranging into the thousands of dollars. Out of concern for these issues, the department decided to seek a rule change.

The rule would: limit commercial fishers to using a single trap net per commercial license in the Restricted Use Area to address concerns about high trap net density in the Area; exclude trap nets from a "zone of safe passage" within the Restricted Use Area to address safety concerns with recreational boaters and anglers; and clarify a mandate that nets be rendered inoperable by the close of the special season in the Restricted Use Area and be physically removed within three days. This clarifies a recent point of confusion regarding timely removal of trap nets following the season closure in the Restricted Use Area.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

For comments on the economic impact of the rule, the department contacted the Wisconsin Conservation Congress, the

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

Wisconsin Wildlife Federation, the Great Lakes Indian Fish and Wildlife Commission, Wisconsin Association of Lakes, WI Federation of Great Lakes Sport Fishing Clubs, WI Council of Sport Fishing Organizations, Musky Clubs Alliance of Wisconsin, Inc., Salmon Unlimited, Sturgeon for Tomorrow, Trout Unlimited - WI Council, Walleyes for Tomorrow, WI Bass Federation, Izaak Walton League-Wisconsin Division, Lake Michigan Fisheries Forum, WI Commercial Fisheries Association, American Fisheries Society-Wisconsin Chapter, Natural Resources Foundation of WI, Gathering Waters, River Alliance of Wisconsin, UW Sea Grant, League of WI Municipalities, WI Towns Association, WI Counties Association, NE WI Great Lakes Sport Fishermen, Great Lakes Sport Fishermen of Milwaukee, and the Lake Michigan and Lake Superior Commercial Fishing Boards.

---

11. Identify the local governmental units that participated in the development of this EIA.

The open comment period was conducted during August 2013. No local governments requested to participate in the development of the EIA.

---

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

The proposed rule change would have a minimal economic impact on state-licensed commercial fishers, charter fishers, and sport/recreational anglers. Minimal impact is expected for businesses or business associations. No additional reporting requirements will be imposed on small businesses as a result of these rule changes. This rule does not directly affect public utility rate payers or local governmental units.

The department received four comments during the economic impact analysis comment period (August 1-15):

1- Jeff Bodin, commercial fishing small business owner, stated that the rule will change nothing because tribal commercial fishing nets would move into the area instead.

(The department determined that although this is possible, tribal commercial fishing trap nets are not currently placed in this area, nor do any tribal fishers fish trap nets anywhere at this time. Therefore, they currently do not present impediments to navigational safety. Tribal fishers are subject to tribal regulations and therefore would not be required to follow the boundary changes in this rule proposal. However, Bad River and/or Red Cliff bands could agree to adopt the State's boundary changes pursuant to the State-Tribal Agreement.)

2- Darryl Fenner, D's Superior Fishing Charters (Washburn, WI), stated that he has a small charter fishing business located on the Chequamegon Bay of Lake Superior and the rule change would result in no compliance costs to his business, but it would have an economic and safety benefit. Mr. Fenner's letter also included: The high number and density of commercial trap nets in the Restricted Use Area (RUA) during June 1-August 15 does not allow him to charter fish in a significant portion of the RUA, and effectively separates fishing in Chequamegon Bay from other areas of Lake Superior. He said net density is high, with nets oriented in all directions, making it impossible to charter fish or sport fish through this area. Marker buoys, net flags, netting, and ropes criss-cross the area. One entanglement of charter fishing gear may result in significant loss of gear, costing hundreds to thousands of dollars and a ruined charter fishing experience for his clients. He said the number and density of trap nets require additional travel time and expense for each charter fishing trip. Due to location and density, each charter fishing trip must start outside the RUA or result in net entanglement. He said this doubles his daily fuel costs, and by raising charter fishing rates to cover those costs he has fewer trips booked. With few or no nets in the RUA, he said he could charter fish closer to the Washburn/Bayfield area, resulting in lower rates and more days booked as well as increased business for the local economy and improved income for his business. Limiting the number and placement of trap nets within the RUA would allow some charter fishing within the proposed "safe passage area" however it is likely trap nets will surround this area, again making it impossible to charter or sport fish there. Removal of all netting within the RUA would be a better choice for the area economy. ... Additional restrictions on the number, size, and location of trap and gill nets are necessary to allow the sport fisherman a fair chance at harvest of the fishing resource. Boater safety is a serious concern with the current number and density of trap nets within the RUA. He said the net markers are difficult to see during the day, and nearly impossible to see at

## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

night. The safe passage area may be a small improvement, but will likely result in trap nets placed around the perimeter of the area, again resulting in a safety hazard. He said the entire RUA should be a safe passage area.

3- Mark R. Johnson, on behalf of the Apostle Islands Sportfisherman's Association, (Ashland, WI) stated that the AISA supports the proposed rule as a first step in rebalancing sportfishing and commercial interests. He also listed a number of concerns regarding commercial netting including: 1) nets are placed in popular fishing areas creating a safety hazard, 2) sportfisherman are choosing not to fish the area over concerns about net entanglement, 3) each entanglement costs sportfisherman ~\$100 in equipment, 4) Apostle Islands and Chequamegon Bay provide a shelter from weather but not nets, 5) nets obstruct recreational boat traffic as well as fisherman, 6) all businesses benefit from sportfishing and many jobs are created; commercial fishing benefits a few and creates few jobs, 7) when sportfishing is poor the entire area suffers. Further, he expressed the AISA's displeasure at the limited 15 day comment period. He stated more groups would comment if the period were longer and that many groups do not meet in the summer.

4- Robert S. Gowdy, Washburn, WI, stated that he has lived in Washburn and fished Chequamegon Bay for 23 years. His comments were focused on navigational safety of the area rather than any economic impact. He said that the nets are poorly marked in the RUA and are placed directly in the path known locally as "salmon alley." He stated: "If safety is a top priority for the state, I believe nets should not be placed anywhere inside the boundaries shown on the map."

5- Cliff Halvorson, on behalf of Halvorson Fisheries (Cornucopia, WI), stated their opposition to the proposed rule. He stated that the rule was unfair as the "zone of safe passage" disproportionately impacted Halvorson Fisheries nets and would take "money out of his pocket." He stated that these nets had been in place for a number of years and had never been an issue before and that recreational traffic can travel right over the deeper nets with no risk of entanglement. He stated that the current half-mile required separation between commercial trap nets should be more than sufficient to ensure safe navigation. He repeatedly reiterated his strong opposition to this measure and intention to continue to actively oppose it.

(The department determined the proposed location and size of the "zone of safe passage" is necessary to minimize navigation hazards to recreational boaters and fisherman. It was determined that a route through the middle of the channel would provide the safest passage through deepest water with no other known navigational obstructions. Of the seven trap nets Halvorson Fisheries have permitted in the RUA, a maximum of two would be impacted by the proposed location of the "zone of safe passage.")

---

#### 13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

This rule would increase navigational safety and likely expand safe fishing and boating opportunities for the charter fishers and recreational anglers. Commercial fishers may need to reduce the number or alter placement of trap nets in the Restricted Use Area, but the rule is not expected to significantly impact their ability to harvest fish from this area according to applicable laws and statutes.

Minimal economic impact is anticipated as a result of this rule change. Fishing effort may be redistributed to other areas, possibly requiring additional travel for some fishers, but no quota or fishing effort changes are expected. No significant economic impacts are expected for commercial fishers. The department is proposing a balanced approach that protects the navigational safety of the recreational fishing and boating public and the economic needs of commercial fishers. Based on public input, there would be a positive economic benefit for some fishing related small businesses, such as charter fishing businesses.

---

#### 14. Long Range Implications of Implementing the Rule

As noted, this rule would increase navigational safety and likely expand safe fishing and boating opportunities for the charter fishers and recreational anglers.

---

#### 15. Compare With Approaches Being Used by Federal Government

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

There is no existing or proposed federal regulation that would govern commercial fishing in Wisconsin's waters of Lake Superior.

---

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Trap nets are not used in Minnesota waters of the Great Lakes. 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). 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 MI DNRE prohibits trap nets during June, July, and August in one area near Tawas on Lake Huron.

---

17. Contact Name

Peter Stevens, Lake Superior Fisheries Field Unit Supervisor

18. Contact Phone Number

(715) 779-4035 Ext: 12

---

This document can be made available in alternate formats to individuals with disabilities upon request.

**ADMINISTRATIVE RULES**  
**Fiscal Estimate & Economic Impact Analysis**

**ATTACHMENT A**

---

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

Commercial fishers may need to reduce the number or alter placement of trap nets in the Restricted Use Area, but the rule is not expected to significantly impact their ability to harvest fish from this area according to applicable laws and statutes.

---

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

Minimal economic impact is anticipated as a result of this rule change. Fishing effort may be redistributed to other areas, possibly requiring additional travel for some fishers, but no quota or fishing effort changes are expected.

---

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

---

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

The department's main concern is to increase navigational safety and expand safe fishing and boating opportunities. The rule was written to ensure commercial fishers' economic needs were included.

---

5. Describe the Rule's Enforcement Provisions

The rule will be enforced by department conservation wardens under the authority of chapter 29, Stats., through routine patrols and investigations of citizen complaints.

---

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
-

## ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

The statement of scope for this rule, SS 003-12, was approved by the Governor on December 28, 2012, published in Register No. 685 on January 31, 2013, and approved by the Natural Resources Board on February 27, 2013.

Wisconsin Natural Resources Board proposes an order to amend s. NR 25.10 (1) (c), relating to the number, placement, and removal of commercial fishing trap nets in the Restricted Use Area of Lake Superior.

FH-25-12

### Analysis Prepared by Department of Natural Resources

- 1. Statutes interpreted.** Sections 29.014(1), 29.041 and 29.519(1m)(b), Stats.
- 2. Statutory authority.** Sections 29.014(1), 29.041, 29.519(1m)(b), Stats.
- 3. Explanation of agency authority to promulgate the proposed rules under the statutory authority.** Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

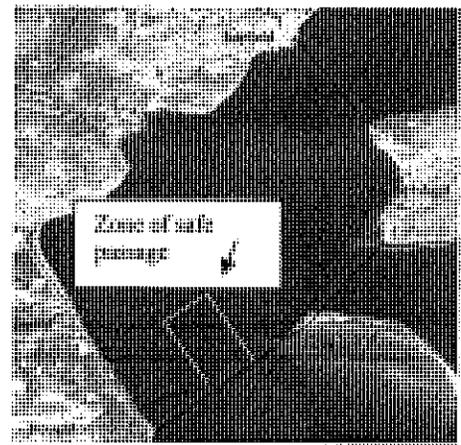
Section 29.519 (1m) (b), Stats., authorizes the department to limit the number of Great Lakes commercial fishing licenses, designate the areas in the outlying waters under the jurisdiction of this state where commercial fishing operations are restricted, establish species harvest limits, and designate the kind, size and amount of gear to be used in the harvest.

#### **4. Related statutes or rules.**

Section 30.74(2)(a), Stats., authorizes the department to establish by rule uniform marking of the water areas of this state through the placement of aids to navigation and regulatory markers, including but not limited to fishing buoys.

#### **5. Plain language analysis.**

This rule will revise ch. NR 25, Wis. Adm. Code, to define the number and placement of trap nets for commercial fishing activity in the Restricted Use Area of Lake Superior, which is bounded by the Bayfield Ferry line, a line between Houghton Point and Long Island Point, and a line between Long Island Point and the southernmost point on Madeleine Island.



SECTION 1 lists three changes. First, commercial fishers are limited to using a single trap net per commercial license in the Restricted Use Area to address concerns about high trap net density in the Area. Second, trap nets are excluded from a "zone of safe passage" within the Restricted Use Area to address safety concerns with recreational boaters and anglers. Third, the Code is clarified to explicitly mandate that nets be rendered inoperable by the close of the special season in the Restricted Use Area and be physically removed within three days. This clarifies a recent point of confusion regarding timely removal of trap nets following the season closure in the Restricted Use Area.

**6. Summary of and comparison with existing or proposed federal statutes and regulations.**

There is no existing or proposed federal regulation that would govern commercial fishing in Wisconsin's waters of Lake Superior.

**7. Comparison with rules in adjacent states.**

Trap nets are not used in Minnesota waters of the Great Lakes. The Michigan Department of Natural Resources has the authority to limit trap netting by individual license holders if and when conflicts arise. Pursuant to that authority the MDNR prohibits trap nets during June, July, and August in one area near Tawas on Lake Huron.

**8. Summary of factual data and analytical methodologies.**

Commercial fishers may currently place trap nets in the Restricted Use Area, described above, for the taking of whitefish or herring from June 1 to August 15. Currently, the only limit on how many nets an individual fisher or all fishers combined may place in this small area is the total number of trap nets allowed per commercial licensee, which is 10, and distance restrictions limiting the proximity of adjacent trap nets. Over the last two years, there have been complaints received from sport/recreational anglers about a proliferation of trap nets within this area.

The primary issues with current trap net placement are navigational safety and user conflict. Nets must be clearly marked according to regulations, but excessive use of this area creates confusion about the exact placement and orientation of individual nets and makes navigation through the area potentially hazardous. Given that the area is the only ingress or egress from Chequamegon Bay and a popular sport fishing and recreational boating corridor, the risks can be significant. Also, in each of the last two seasons, commercial fishers setting nets in this area have experienced acts of vandalism to their nets with repair costs ranging into the thousands of dollars. Out of concern for these issues, the department decided to seek a rule change.

**9. Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis.**

The rule addresses the number and placement of trap nets in the Restricted Use Area. There would be no implementation costs for the department.

This rule would increase navigational safety and likely expand safe fishing and boating opportunities for the charter fishers and recreational anglers. Commercial fishers may need to reduce the number or alter placement of trap nets in the Restricted Use Area, but the rule is not expected to significantly impact their ability to harvest fish from this area according to applicable laws and statutes.

Minimal economic impact is anticipated as a result of this rule change. Fishing effort may be redistributed to other areas, possibly requiring additional travel for some fishers, but no quota or fishing effort changes are expected. The department anticipates a balanced approach that protects the navigational safety of the recreational fishing and boating public and the economic needs of commercial fishers.

**10. Effect on small business.**

The proposed rule change would impact state-licensed commercial fishers, charter fishers, and recreational anglers. Minimal impact is expected for businesses or business associations. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes. The department will conduct an economic impact analysis prior to rule implementation.

The rule will be enforced by department conservation wardens under the authority of chapter 29, Stats., through routine patrols and investigations of citizen complaints.

**11. Rules proposed by the Department of Veterans Affairs.** No information

**12. Agency contact person.**

Peter Stevens  
Department of Natural Resources  
141 S. Third Street  
Bayfield WI, 54814  
Telephone: (715) 779-4035 Ext: 12  
Email: peter.stevens@wisconsin.gov

**13. Place where comments are to be submitted and deadline for submission.** Comments on this proposed rule may be submitted to the agency contact person listed above. The deadline for written comments is to be determined.

---

SECTION 1. NR 25.10 (1) (c) is amended to read:

NR 25.10 (1) (c) No commercial fishing gear of any kind except by permit issued under sub. (4) for the taking of whitefish and lake herring only from June 1 to August 15 may be used, set, placed or operated in the following waters: the area from the easterly most tip of Houghton Point, section 27, township 49 north, range 4 west, Bayfield county, northerly along the shoreline to the entry to the city of Bayfield marina, then easterly to Point Defroid on Madeline island, section 30, township 50 north, range 3 west, Ashland county, then southerly along the western end of the island to the tip of Grants Point, section 6, township 49 north, range 3 west, Ashland county, then southerly to Chequamegon Point on the western tip of Long island, section 13, township 49 north, range 4 west, Ashland county, thence southwesterly to the eastern tip of Houghton Point, except that float nets as described in s. NR 25.09 (1) (ah) 3. may be fished under the ice only, gill nets of not less than 4 7/16 inch minimum stretch measure may be fished under the ice and not from a boat north of latitude 46° 45' at a minimum depth of 19 fathoms, gill nets of not greater than 1 3/4 inch stretch measure may be fished for smelt and herring under the ice, but must be at least 1/2 mile from the mouth of any trout stream, and entrapment gear for smelt may be allowed by permit from ice out to May 15. Commercial trap nets operated under permits issued under sub. (4) for the restricted area described in this paragraph, but not including the exception for

floats nets as described in s. NR 25.09 (1) (ah) 3., shall be limited to a maximum of one (1) per commercial fishing license and shall not be set within the following waters: the area from N46° 44.22' W90° 50.22' then southeast to N46° 43.08' W90° 49.44' then southwest to N46° 42.6' W90° 50.10' then northwest to N46°43.74' W90° 50.94' then northeast to N46° 44.22' W90° 50.22'. All commercial fishing gear operated under permits issued under sub. (4) for the restricted area described in this paragraph, but not including the exception for floats nets as described in s. NR 25.09 (1) (ah) 3., shall have the fish holding pot portion rendered inoperable after August 15 and shall have the webbing removed from the water within 3 days after the close of the lake trout season.

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 \_\_\_\_\_  
Cathy Stepp, Secretary

(SEAL)