

Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on an emergency rule FH-12-16(E) which was adopted on August 3, 2016 and a companion proposed permanent rule FH-13-16 to revise ch. NR 25.08 (intro.) and to create NR 25.06 (1) (c), 25.07 (1) (b), and 25.13 (1) (d), Wis. Adm. Code, relating to the cisco (lake herring) harvest in Lake Superior and affecting small business, at the time and place shown below.

Hearing Information

Date: November 14th, 2016

Time: 5:00 P.M.

Location: Bayfield Heritage Association, 30 North Broad, Bayfield, WI 54814

Accessibility

1. Hearing impaired persons may request an interpreter for this hearing. Please make reservations for a hearing interpreter at least 10 days before the date of the scheduled hearing, by writing to e-mail terry.margenau@wisconsin.gov.
2. Alternatively, you may contact the Department of Natural Resources TDD at (608) 267-6897. The hearing facility is accessible to disabled users.
3. 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 with specific information on your request at least 10 days before the date of the scheduled hearing.
4. Handicap access is available at the hearing location.

Appearances at the Hearing and Submittal of Written Comments

Comments on the proposed rule must be received on or before November 18, 2016. Written comments may be submitted by U.S. mail, fax, E-mail, or through the internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Department of Natural Resources
Attn: Terry Margenau
P.O. Box 589
141 South 3rd St.
Bayfield, WI 54814

Comments can be made at: DNRAAdministrativeRulesComments@wisconsin.gov

Initial Regulatory Flexibility Analysis: The emergency rule, which went into effect on October 1, 2016, and the proposed permanent rule are identical in text. Both rules will impact the harvest of cisco by state licensed commercial fishers, but while the emergency rule is in place it is likely that there will be no reduction in overall harvest. The rules imposing harvest restrictions are necessary in order to ensure a sustainable cisco fishery over the long-term that provides an economic and natural resource benefit for all affected.

Average state-licensed commercial fishers' annual catch between 2008 and 2015 was 878,343 pounds of cisco. In 2015, the cisco price per pound was \$0.40-0.65, but has been as high as \$1.20 per pound since 2012. While the price per pound has varied over time, estimated total value of the commercial cisco roe (egg) fishery is between \$500,000 and \$1,000,000 per year. These rules' harvest limits are expected to allow commercial fishers to harvest at or near the current average annual catch amount. Therefore, the rules may have minimal to moderate economic impact on commercial fishing businesses. Market demand, fuel, and other variable expenditures would have a greater economic impact than these rules. However, these rules are important to have in place because they will allow the Department to reduce or increase the harvest limit based on assessment data and recommended harvest parameters.

Harvest reporting requirements included in these rules will enhance the information collected by the department to properly monitor the commercial harvest of cisco and ensure that harvest limits are not exceeded. In addition to current bimonthly reporting requirements, additional daily phone reporting is required during the October to December cisco spawning season after 70% of the individual licensee quota allotment is reached. The combination of bimonthly reports and daily phone reports will allow for tracking of overall and individual allotments of the harvest limits with up to date records during the time of year with the majority of harvest.

Minimal to no impact is expected for businesses or business associations that do not rely on harvest of cisco.

Agency Small Business Regulatory Coordinator:

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Linda.Haddix@wisconsin.gov

Dated at Madison, Wisconsin 10-24-16

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By Cathy Stepp
lh
Cathy Stepp, Secretary