

## Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on a permanent rule to revise ch. NR 25, relating to commercial fisheries of lake whitefish in Lake Michigan, at the time and place shown below.

### Hearing Information

Date: Nov. 20, 2019

Time: 6 p.m.

Location: Lakeshore Technical College (Lake Michigan Room), 1290 North Avenue, Cleveland, WI 53015

**Rule Information:** This rule codifies gear requirements for trawls used to harvest lake whitefish commercially. This rule would allow commercial fishers to trawl for whitefish only in a portion of Zone 3 as an alternative to using other types of gear. Under current rules, smelt may be harvested by trawling, but only trap nets can be used to harvest whitefish in this area. A study initiated in 2015 allowed limited trawling for whitefish this section of Zone 3 as well under a memorandum of understanding between the department, Sea Grant and cooperating commercial fishing company.

This rule also establishes monitoring and reporting requirements for trawling, including provisions for electronic reporting of whitefish and bycatch harvested by trawling and a video surveillance option as an alternative to on-board monitoring by department staff.

While trawling is a more efficient method of harvest than other types of nets, the quota system and limited number of licenses currently in place for this zone will prevent overharvest of lake whitefish. Trawling may also help reduce user conflicts between commercial fishers and sport anglers. Trawls are dragged through the water to harvest fish over a period of an hour, while nets are deployed and left to catch fish for days before being lifted to retrieve the harvest. Fewer nets left in the water as obstacles would make it easier for sport anglers to navigate and troll for sportfish in Lake Michigan.

### 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 [Meredith.Penthorn@wisconsin.gov](mailto:Meredith.Penthorn@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**

The public has the opportunity to testify at the hearing. Registration will take place at the hearing by completing a Hearing Appearance form, which will be provided. Comments on the proposed rule must be received on or before Nov. 23, 2019. The Hearing Appearance form also can be used for submitting a written comment at the hearing. 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: Meredith Penthorn  
P.O. Box 7921  
101 S. Webster Street,  
Madison, WI 53707-7921

The rule may be viewed at: <https://dnr.wi.gov/news/input/ProposedPermanent.html>

Comments can be made at: [DNRAdministrativeRulesComments@wisconsin.gov](mailto:DNRAdministrativeRulesComments@wisconsin.gov)

**Initial Regulatory Flexibility Analysis:** Commercial fishers that choose to trawl instead of using other types of nets for harvesting whitefish will be required to use the electronic reporting system described in s. 25.13 (2), Wis. Admin. Code. In addition, the rule will set requirements for trawling gear for lake whitefish that differ slightly from gear requirements for other species. For commercial fishers that choose to use the video surveillance option, installation of the video system is estimated to cost \$7,000 per trawling vessel. Trawls are expected to cost up to \$10,000 per fishing vessel, if the commercial fisher does not already own appropriate trawling gear. However, since the use of trawling over other methods of harvesting lake whitefish is voluntary, only commercial fishers that choose to trawl may incur the costs associated with complying with the monitoring, reporting and gear requirements.

Sport anglers, fishing guides and related businesses may be indirectly affected due to changes in the type of gear used in the area of Lake Michigan near Two Rivers. Reduction in the use of trap nets due to increased trawling could reduce the incidence of boat entanglement with nets, and because trawling does not overlap as much with the sport fishing season as the use of trap nets, the incidence of sport and commercial fishers encountering one another may also diminish.

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.

**Agency Small Business Regulatory Coordinator:**

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Dated at Madison, Wisconsin \_\_\_\_\_

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

Preston D. Cole, Secretary