

## **Notice of Hearing**

The Department of Natural Resources announces that it will hold a public hearing on an emergency rule FH-28-19 (E) to revise ch. NR 25, relating to harvest management regulations in the Lake Superior fishery, at the time and place shown below.

### **Hearing Information**

Date: February 12, 2020

Time: 6 p.m.

Location: Northern Great Lakes Visitor Center, 29270 County Hwy G, Ashland, WI 54806

### **Rule Information:**

This emergency rule closely follows language for the in-progress permanent rule, for which the hearing was held in September 2019. Emergency rule FH-28-19 (E) will maintain regulatory consistency for Lake Superior commercial fishers while the permanent rule is under review.

In December 2018, the Department signed an agreement with the Bad River and Red Cliff Bands of the Lake Superior Chippewa tribes pertaining to fish harvest allocation and harvest management of the shared Lake Superior fishery. This rule implements portions of the 2018 – 2028 Lake Superior Fishing Agreement by updating the total allowable commercial harvest for lake trout, revising the requirements for using and marking nets and other gear, modifying certain areas in which commercial fishing is allowed and making minor revisions to harvest reporting requirements and the timeframe for returning unused trout tags. These updates aim to maintain healthy target and non-target fish populations while serving the needs of state and tribal commercial fishers, tribal home use fishers and state recreational anglers.

### **Accessibility (Choose either version)**

Pursuant to the Americans with Disabilities Act, reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Please call Meredith Penthorn, 608-316-0080 with specific information on your request at least 10 days before the date of the scheduled hearing.

-OR-

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 February 12, 2020. 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: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto:DNRAAdministrativeRulesComments@wisconsin.gov)

**Initial Regulatory Flexibility Analysis:** The items proposed in this rule may result in implementation or compliance costs relating to net marking and reporting. Certain new requirements apply to the placement and marking of nets in waters of Lake Superior that aim to standardize regulations between the state and the tribes, which may require some adjustments in gear use by state commercial fishers. A minor update to electronic fish harvest reporting system rules also removes the requirement for commercial fishers to print and sign any biweekly reports that the system generates for that commercial operation. An estimate of the cost for each business is not known at this time, but the impact is expected to be minimal, if any.

When assessing the effects of the rule on state commercial fishers, the changes to harvest allocations and seasons are likely to result in minimal economic impacts. The average dockside value for all species harvested by state commercial fishers from 2015 - 2017 is approximately \$1.08 million. Total allowable catch for lake trout by state commercial fishers will increase by 440 fish in WI-2 and decrease by 430 fish in WI-1, resulting in a similar annual total dockside value for future catches as under previous rules. Due to the minimal changes in total allowable catch for lean lake trout and no changes for cisco (lake herring) or whitefish, the annual dockside value for commercially harvested fish in Lake Superior is not expected to deviate significantly from the current value as a result of these rules.

The effect of this rule on tourism in the Lake Superior area is also likely to be minimal, since past spending patterns remained unaffected during other regulation changes. Direct visitor spending in Bayfield County increased from \$46.5 million in 2016 to \$47.7 million in 2017, despite early closure of the recreational lake trout fishery and removal of a summer restricted area that was previously open only to recreational fishing. Direct visitor spending in Ashland County similarly increased from \$34.9 million

in 2016 to \$35.1 million in 2017, and Iron County direct visitor spending increased from \$19.6 million in 2016 to \$20.5 million in 2017.

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:**

Emma Esch (608) 266-1959

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

STATE OF WISCONSIN

DEPARTMENT OF NATURAL RESOURCES

By \_\_\_\_\_

Preston D. Cole, Secretary