

BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
FH-25-12

NOTICE IS HEARBY GIVEN THAT pursuant to and interpreting ss. 29.014(1), 29.041, and 29.519(1m)(b), Stats., the Department of Natural Resources will hold a public hearing on revisions to ch. NR 25, Wis. Adm. Code, in permanent rule Order FH-25-12 relating to the number, placement, and removal of commercial fishing trap nets in the Restricted Use Area of Lake Superior.

NOTICE IS HEREBY FURTHER GIVEN THAT the hearings will be held on:

November 7, 2013
Thursday

Bayfield Ranger Station, 141 S. Third Street in Bayfield WI, 54814
6:00 p.m.

Availability of Rules and Submitting Comments:

The proposed rule supporting documents may be reviewed and comments electronically submitted at the following internet site: <http://adminrules.wisconsin.gov>. A copy of the proposed rules and supporting documents may also be obtained from Kate Strom Hiorns, DNR P.O. Box 7921, Madison, WI 53707-9721; kathryn.stromhiorns@wisconsin.gov.

Written comments on the proposed rule may be submitted via U.S. mail or email to Kate Strom Hiorns at the addresses noted above. Written comments, whether submitted electronically or by U.S. mail, will have the same weight and effect as oral statements presented at the public hearings. Comments may be submitted until November 8, 2013.

Analysis Prepared by the Department of Natural Resources:

This rule is being proposed 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.

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 resulting in expensive repair costs.

The rule lists three changes:

- 1) Commercial fishers would be 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.
- 2) Trap nets would be excluded from a "zone of safe passage" within the Restricted Use Area to address safety concerns with recreational boaters and anglers.
- 3) The Code would be 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.

Agency contact person:

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NOTICE IS HEREBY FURTHER GIVEN THAT pursuant to ss. 227.114 and 227.137, Wis. Stats., it is anticipated that the proposed rules will have minimal economic impact on small businesses. The Department conducted an economic impact analysis by contacting businesses, business and fishing associations, local governmental units, and individuals. The Department determined that this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state. The Department's Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us or by calling (608) 266-1959.

NOTICE IS HEREBY FURTHER GIVEN THAT the Department has made a preliminary determination that this action does not involve significant adverse environmental effects and does not need an environmental analysis under ch. NR 150, Wis. Adm. Code. However, based on the comments received, the Department may prepare an environmental analysis before proceeding with the proposal. This environmental review document would summarize the Department's consideration of the impacts of the proposal and reasonable alternatives.

NOTICE IS HEREBY FURTHER GIVEN THAT 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 Kate Strom Hiorns at (608) 266-0828 with specific information on your request at least 10 days before the date of the scheduled hearing.

Dated at Madison, Wisconsin _____
STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary