

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 Lake Michigan whitefish management and Great Lakes commercial harvest reporting, at the time and place shown below.

Hearing Information

Date: January 4, 2022

Time: 6 p.m.

Virtual Location Link: [Zoom](#) or by phone at 1-312-626-6799, Meeting ID 844 2172 8819

Rule Information: This rule updates the total allowable commercial harvest of lake whitefish for all three zones of Lake Michigan. Updates are necessary to respond to the changing distribution and population dynamics of lake whitefish, as revealed through recent lake whitefish population modeling in Lake Michigan, including Green Bay. If the lake whitefish population is not managed appropriately, the sustainability of the shared commercial and recreational whitefish fishery may be compromised. The rule also implements a restricted area for trap nets to minimize the incidental catch of bycatch in Lake Michigan whitefish netting operations. A permit would be required to use trap nets in the proposed restricted area. Minimizing bycatch is important because Lake Michigan also supports a sport fishery, with lake trout a key species in Lake Michigan proper and walleye, yellow perch, northern pike, smallmouth bass and muskellunge occupying Green Bay. This rule also requires electronic reporting for all Great Lakes commercial fishers, which provides quicker, more accurate access to harvest data than biweekly paper reporting. Electronic reporting has been a priority for managing commercial fisheries for many years, but to date, only a subset of fishers has utilized the electronic reporting system.

Accessibility

For the hearing or visually impaired, non-English speakers, or those with other personal circumstances which might make communication at the meeting/hearing difficult, DNR will, to the maximum extent possible and with reasonable advance notice, provide aids including an interpreter, or a non-English, large-print, or recorded version of hearing documents. To access these resources, please contact the email address or phone number listed below as soon as possible.

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 is available here:

<https://dnr.wi.gov/files/pdf/forms/8300/8300-014.pdf>. Pre-registration is strongly encouraged if you plan to provide spoken comments during the hearing. To pre-register, please download and complete the fillable [Hearing Appearance form](#) and send it to Meredith.Penthorn@wisconsin.gov.

Written comments and any questions on the proposed rules should be submitted by January 4, 2022 to:

Department of Natural Resources
Attn: Meredith Penthorn
P.O. Box 7921
101 S. Webster Street,
Madison, WI 53707-7921
Meredith.Penthorn@wisconsin.gov

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

Comments can be made at: DNRAAdministrativeRulesComments@wisconsin.gov

The rule may be reviewed, and comments made at:
<http://docs.legis.wisconsin.gov/code/chr/hearings>.

Initial Regulatory Flexibility Analysis:

This rule will have a minimal impact overall, but is anticipated to positively impact commercial fishing businesses that fish for whitefish in Green Bay. The exact amount that each commercial fisher may gain due to the increased allowable harvest in Zone 1 waters of Green Bay is unknown. Currently, nine commercial fishing licensees actively fish for whitefish in Green Bay, and additional commercial fishers may be able to purchase quota in Green Bay to fish there, thereby benefitting from this increase. Assuming a dockside value of \$2 per pound for whitefish based on average dockside values over the past five years, a whitefish allowable harvest increase in Zone 1 of 437,815 pounds could convey up to a \$875,630 dockside value benefit to the commercial fishing industry, which would translate into additional income once the fish are sold at wholesale and retail prices. Commercial fishers that fish in Zone 2, which falls across northern Green Bay and Lake Michigan, may experience a negative economic impact from this rule only if they are unable to harvest as much whitefish as in the past due to limits on Green Bay and Lake Michigan whitefish harvest in Zone 2. Over the past 10 years, total harvest in Zone 2 has not approached the current Zone 2 allowable harvest limit, and over the past 8 years and with the 5-year average commercial harvest, the Zone 2 actual harvest has remained below the proposed Zone 2 allowable harvest, so this rule and its adjustments to the Zone 2 may not impact the amount of whitefish commercial fishers are able to harvest and therefore may not have an economic impact. Additionally, this rule would continue to allow commercial fishers with Zone 2 individual licensee catch quota allocations to fish anywhere in Zone 2 (including the Green Bay portion, with a higher concentration of whitefish), until the harvest limits for Zone 2 are reached. In Zone 3, the allowable harvest will not change, so no negative impact from this rule is expected for Zone 3 commercial whitefish fishers due to harvest limits. Therefore, this rule is expected to have a minimal economic impact on Zone 2 fishers and Zone 3 fishers.

This rule would require harvest reports to be entered electronically. EFHRS will require the commercial fisher or crew member to have access to a smartphone or computer to enter the electronic reports, and those that do not have a phone or computer would have to purchase such a device. According to the Pew Research Center¹, an estimated 85 percent of American adults owns a smartphone. With 46 licensed commercial fishers operating in Green Bay and Lake Michigan and 8 in Lake Superior, therefore, an estimated 7 commercial fishers in Lake Michigan and 1 in Lake Superior may not have a smartphone for entering reports electronically. However, some of these commercial fishers may have a computer for entering the reports, and crew members of licensees may also have an electronic device to enter the reports for the licensee's commercial fishing operations. With this information, and estimating that a low-cost smartphone and basic data plan can be obtained for about \$120 per year, the impact to each commercial fishing licensee and the industry overall is likely to be very minimal, about \$960 per year in total at maximum.

1. Demographics of mobile device ownership and adoption in the United States. (2021, April 07). Retrieved June 28, 2021, from <https://www.pewresearch.org/internet/fact-sheet/mobile/>

While this rule will not impose any additional regulations on sport fishers or related fishing businesses, nor will it directly contribute to user conflicts with sport fishers, sport fishers, fishing guides and associated businesses may be impacted indirectly if the increased Zone 1 allowable harvest limit in this rule leads to additional commercial fishing activities in Green Bay. Sport fishing attracts many anglers to the area each year and contributes \$264.3 million in direct and indirect impacts to the Green Bay-area economy annually through fishing expenditures (bait shops, outfitters, guide services, etc.) and related spending (travel, hotels, restaurants, taverns, etc.)², and the ice fishery and walleye fishery are increasing in popularity among sport fishers. This rule may or may not result in changes to commercial fishing activity in Lake Michigan and Green Bay. Of note, sport fishers are concerned about the impacts of additional commercial fishing on bycatch of walleye, pike, perch and other game fish species, as well as the effects on whitefish, especially in Green Bay. Because this rule will not inherently increase commercial fishing activity, and because both the commercial and sport fisheries are subject to a variety of influencing factors (weather, ice conditions, prey availability, fish distribution, etc.), economic impacts on the sport fishery and related businesses due to commercial fishing activity are unquantifiable at this time and are indirectly related to implementation of and compliance with this rule. However, this rule does include measures to maintain the shared fishery and balance user conflicts between sport and commercial fishers. Requiring electronic harvest reporting for commercial fishers will allow the department to obtain expeditious access to catch data for proper management of the fishery. This rule also creates a restricted area for trap nets in southern Green Bay to help reduce the potential for user conflicts, bycatch of game fish, and mortality of sublegal whitefish.

2. Winden, Matthew, John Stoll, Kara Bennett and Russ Kashian. "[The Economic and Fiscal Impact of Green Bay Recreational Fishing](#)." University of Wisconsin-Whitewater, 2018.

Agency Small Business Regulatory Coordinator:

Emma Esch (608) 266-1959

emma.esch@wisconsin.gov