

## Notice of Hearing

The Department of Natural Resources announces that it will hold a public hearing on an emergency rule FH-10-21(E), to revise ch. NR 25, relating to Lake Michigan whitefish management, at the time and place shown below.

### Hearing Information

Date: February 14, 2022

Time: 3 p.m.

Virtual Location Link: Online by [Zoom](#) or by phone at 1-312-626-6799, Meeting ID 852 6839 9053

**Rule Information:** This emergency rule is a continuation of emergency rule FH-28-20 (E), implemented in 2021, and maintains the harvest increase of lake whitefish in Zone 1 of Green Bay at 569,788 pounds. This rule also implements associated regulations in Green Bay to ensure that the additional harvest is sustainable and does not threaten populations of species susceptible to becoming bycatch, such as walleye and other game fish species. The Green Bay lake whitefish population supports a commercial fishery as well as a sport fishery, which has been increasing in popularity in recent years. The components of this rule aim to provide additional commercial harvest opportunities while maintaining the quality sport fishery for whitefish and preventing detrimental impacts to populations of game fish that may be caught as bycatch in whitefish netting operations.

### 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](mailto:Meredith.Penthorn@wisconsin.gov).

Comments on the proposed rule must be received on or before February 14, 2022. Written comments may be submitted by U.S. mail, 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.wisconsin.gov/news/input/ProposedEmergency.html>

Comments can be made at: [DNRAAdministrativeRulesComments@wisconsin.gov](mailto: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 would not impose any different impacts beyond those resulting from emergency rule FH-28-20 (E). These rules, in combination, are likely to provide an economic benefit to small commercial fishing businesses that target whitefish in Green Bay due to the continuation of the quota increase in Green Bay, and, by extension, the businesses that purchase whitefish or their parts to sell to consumers. The exact amount that each commercial fisher may gain in the short-term and long-term due to the increased quota is unknown since the quota increase has been in place for less than one year. 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 be able to fish, thereby benefitting from this increase.

However, since commercial fishers would be required to utilize the electronic fish harvest reporting system to report whitefish and bycatch catch, this rule may have a very minimal impact on some fishers. While some commercial fishers already possess a phone or computer to enter the harvest reports, others may not own such technology and would either have to purchase it or ask someone else to assist in entering the information. Two licensees that fish for whitefish in Green Bay may or may not have an electronic device such as a computer or smartphone to report electronically, and four licensees transfer whitefish quota to other fishers, so the recipients of the quota may or may not have an electronic device. Assuming \$120 per year as the cost for a basic, inexpensive smartphone with a limited data plan, the estimated total cost to commercial fishers without electronic devices is \$720 or less.

The rule will not directly impact sport fishing businesses, but sport fishing businesses and anglers may have a perception of increased user conflict due to additional commercial fishing effort in Green Bay. Since the Green Bay fishery is a shared fishery between sport and commercial fishers, close monitoring of the impacts of the increased Zone 1 quota through this rule will be important for ensuring that the welfare of sport fishing businesses is also protected.

The proposed rule would not contain any design or operational standards for commercial fishers.

### **Agency Small Business Regulatory Coordinator:**

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