

11hr\_AC-NR\_CRule\_11-008\_pt01



(FORM UPDATED: 08/11/2010)

## WISCONSIN STATE LEGISLATURE ... PUBLIC HEARING - COMMITTEE RECORDS

2011-12

(session year)

Assembly

(Assembly, Senate or Joint)

Committee on Natural Resources...

### COMMITTEE NOTICES ...

- Committee Reports ... **CR**
- Executive Sessions ... **ES**
- Public Hearings ... **PH**

### INFORMATION COLLECTED BY COMMITTEE FOR AND AGAINST PROPOSAL

- Appointments ... **Appt** (w/Record of Comm. Proceedings)
- Clearinghouse Rules ... **CRule** (w/Record of Comm. Proceedings)
- Hearing Records ... bills and resolutions (w/Record of Comm. Proceedings)  
(**ab** = Assembly Bill)                      (**ar** = Assembly Resolution)                      (**ajr** = Assembly Joint Resolution)  
(**sb** = Senate Bill)                              (**sr** = Senate Resolution)                              (**sjr** = Senate Joint Resolution)
- Miscellaneous ... **Misc**

\* Contents organized for archiving by: Stefanie Rose (LRB) (August 2013)

## Assembly

### Record of Committee Proceedings

#### **Committee on Natural Resources**

##### **Clearinghouse Rule 11-008**

Relating to commercial fishing in outlying waters.  
Submitted by Department of Natural Resources.

May 18, 2011            Referred to Committee on Natural Resources.

June 22, 2011            No action taken.

June 22, 2011            **PUBLIC HEARING HELD**

Present:    (14)    Representatives Mursau, Rivard, Williams,  
   Nerison, Steineke, Tiffany, Stroebel, Litjens,  
   Mason, Molepske Jr, Danou, Clark, Milroy and  
   Hulsey.  
Absent:      (2)    Representatives Kleefisch and Severson.  
Excused:    (0)    None.

##### Appearances For

- None.

##### Appearances Against

- None.

##### Appearances for Information Only

- Mike Staggs, Madison — Wisconsin Department of Natural Resources
- Chris Groth, Madison — Wisconsin Department of Natural Resources

##### Registrations For


- Frank Lasee, Madison — Senator, Wisconsin 1st Senate District

##### Registrations Against

- George Meyer, Madison — Wisconsin Wildlife Federation

##### Registrations for Information Only

- None.

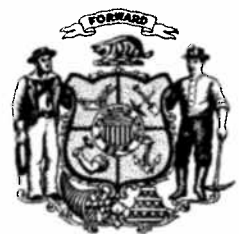


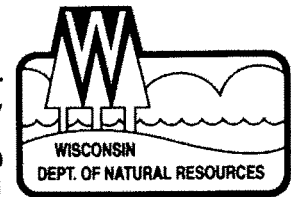
---

Tim Gary  
Committee Clerk



# WISCONSIN STATE LEGISLATURE





Testimony of the Department of Natural Resources  
Clearinghouse Rule 11-008

The matter before the Assembly Natural Resources Committee relates to the fishing of commercial trap nets which are a commonly used gear in Wisconsin waters of the Great Lakes. There is a long history of controversy in their use. Trap nets (drawing on reverse) capture fish alive which allows the fisherman to sort their catch and successfully release any undersized or game fish. In contrast, non-target fish caught in gillnets – another commonly used commercial gear – suffer high rates of mortality. Trap nets, however, are substantial pieces of netting solidly anchored to the bottom and can represent a navigation hazard particularly to sport anglers trolling with downriggers which can become snagged in the nets. Over the years, the Department has encouraged the use of trap nets, and adjusted rules to minimize conflicts with sport trollers where possible. The situation has been most controversial near the ports of Manitowoc, Two Rivers and Sheboygan where the placement of trap nets overlaps with areas of high sport trolling use during summer months. Starting in 1989, trap net fishing in this area has been either prohibited or restricted to small areas during the months of July and August. Despite the potential for conflict, through 2010 there were no records of any boating accident attributable to trap nets.

Unfortunately, the controversy was reignited when in late June, 2010 a boat trolling near Sheboygan became entangled in a trap net. Our investigation revealed that the captain – who was an experienced Great Lakes angler - had seen the net marking buoys but was unsuccessful in avoiding the trap net and freeing his vessel after a downrigger had become entangled in a buoy line. The boat subsequently capsized and one angler tragically died of a heart attack before rescue. In response to this incident, the Department received two formal petitions to further restrict the use of trap nets near those ports during the months of June, July and August. One petition would have totally banned the use of trap nets, while the other would have prohibited their use within 5 miles of major ports.

The Department participated in meetings with various sport and commercial groups, held formal public hearings on these petitions, and formally investigated the risks associated with navigation on the Great Lakes. Based on the results of those efforts the Natural Resources Board concluded that the navigation risks posed by trap nets were no greater than other potential hazards, that the proposed restrictions would have significant economic impacts on the affected commercial fishermen, and that enhanced net marking and education would be more likely to improve overall boater safety. The Natural Resources Board approved three permanent rule changes:

1. Require standardized trap net marking for all waters of the Great Lakes. The drawing depicts the marking system which is similar to what was required already on Lake Michigan. Nets in Lake Superior had been required to have only a single buoy.
2. Enhance the marking requirements by requiring reflective tape on all marker buoy staffs. This will allow boaters to detect the presence of marker buoys during low light periods using spotlights.
3. Adjust the boundaries of the July and August trap net zones to ensure that all parts of the trap nets are within the zone which involved extending the western boundary from the 75 to the 60 foot depth contour. A diagram on the back shows the location of the zones. From 1989 to 2004 trap nets were entirely prohibited in these waters in those months. The zones were created in 2004 to allow for some limited commercial fishing in restricted (and well publicized) areas that recreational anglers could avoid. During the hearings it was discovered that the 2004 rules for some reason allowed net leads to extend outside of the zone. The adjustment to 60 feet represents a codification of current netting practices but will allow anglers more certainty in net locations.

The NRB further directed the Department to continue its enhanced education efforts which include a comprehensive web page (<http://dnr.wi.gov/fish/greatlakes/trapnets.htm>), brochures, postings at landings, public service announcements on local radio and television, and working in partnership with University of Wisconsin Sea Grant to collect and make available the actual GPS coordinates of trap nets.

The NRB also implemented these rules on an emergency basis so they would be in effect for the 2011 fishing season. As part of the emergency rule, there is also a requirement that anglers carry wire cutters sufficient to cut themselves free should a downrigger cable become snagged in a trap net or other obstruction. This requirement was not included in the permanent rules because it is outside of the scope of the original public hearings. The Department will be holding formal permanent rule public hearings on this requirement in the near future.

