

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

NR 20, Fishing in Inland and Outlying Waters; NR 25, Commercial Fishing in Outlying Waters

3. Subject

Lake trout harvest limits in Lake Superior, FH-17-16(E)

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses **(if checked, complete Attachment A)**

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the Rule

The welfare of state-licensed commercial fishers, Chippewa tribal commercial fishers, recreational fishers, and associated businesses is threatened by a decline in the lake trout population in the Apostle Islands vicinity of Lake Superior. The emergency rule is necessary to implement harvest limits and other reasonably related changes stemming from discussions regarding the Lake Superior Fishing Agreement for the 2016-17 lake trout harvest seasons.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

Commercial fishers, Chippewa tribal commercial fishers, recreational fishers, and associated businesses are the business sectors that may be affected by the proposed rules.

An assessment of lake trout populations in the Apostle Islands region of Lake Superior has been conducted by a Wisconsin State-Tribal Technical Committee. Based on those results and recommendations from the Committee, the harvest quotas associated with the Lake Superior Fishing Agreement have been re-negotiated. The department has met with the state-licensed commercial fishing representatives and held public meetings over the past several years to inform stakeholders of the current status of lake trout in Wisconsin waters of Lake Superior and to discuss lake trout regulation options.

To help determine the bag and size limit changes for recreational fishing, the department had an online survey open from October 25 to November 15 and held two public meetings in October 2016 to gather input on regulation options. Each option was presented showing its level of risk associated with meeting or exceeding the recreational fishing quota before the season ends in September 2017. Based on written and verbal public comments and results from the survey, the most biologically and socially acceptable bag and size limit regulations were selected. Regulation options for 2016-2017 were affected by public concern and new research on hooking mortality on released lake trout suggesting post-release mortality to be as high as 38%. To account for release mortality regulation options lowered the minimum length limit to 15 inches or factored in a mortality adjustment for released fish.

A public hearing for the emergency rule will be held within 45 days of rule promulgation.

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11. Identify the local governmental units that participated in the development of this EIA.

N/A

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

This rule imposing harvest reductions is necessary in order to ensure a sustainable lake trout fishery over the long-term, an economic and natural resource benefit for all affected. The rule may have a moderate economic impact in the Lake Superior region, but an exact amount of impact is unknown at this time.

Commercial fishers, Chippewa tribal commercial fishers, recreational fishers, and associated businesses are the business sectors that may be affected by the proposed rules. The department has met with the state-licensed commercial fishing representatives and held public meetings over the past several years to inform stakeholders of the current status of lake trout in Wisconsin waters of Lake Superior and to discuss lake trout regulation options. This emergency rule actually establishes higher limits for both commercial and recreational fishing than those implemented by an emergency rule during the 2014-15 season.

Impact on commercial fishing businesses may be buffered by the ability to transfer individual license catch quotas – through lake trout tags designated for use in WI-1 and WI-2 – between state-licensed commercial fishers. Quota transfers are already a common practice that are approved and documented by the department, as authorized by s. NR 25.08. In addition, this emergency rule puts in place higher limits for both commercial and recreational fishing than those implemented by an emergency rule during the 2014-15 season.

Minimal to no impact is expected for businesses or business associations that do not rely on harvest of lake trout (e.g., charter fishers that promote catch and release, commercial fishers that use trap nets). It may be a positive impact for fishing guides and charter businesses because the rule increases the overall trout recreational daily bag limit. Anglers will be able to take up to 2 or 3 lake trout per day in addition to up to 5 other trout per day.

The rule does not impose any compliance or reporting requirements nor would any design or operational standards be contained in the rule. 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.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The rule imposing harvest revisions is necessary in order to ensure a sustainable lake trout fishery over the long-term, an economic and natural resource benefit for all affected. The rule may have a moderate economic impact in the Lake Superior region, but an exact amount of impact is unknown at this time.

14. Long Range Implications of Implementing the Rule

The continued decline of the lake trout population necessitates harvest reductions in order to ensure a sustainable lake trout fishery over the long-term.

15. Compare With Approaches Being Used by Federal Government

Federal regulations allow states to manage the fisheries and wildlife resources and state-owned lands located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Of the four adjacent states, only Minnesota and Michigan have lake trout fisheries on the Great Lakes. The commercial harvest of lake trout from Minnesota waters of Lake Superior is limited to a population assessment fishery. In Michigan

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waters of Lake Superior there is no state-licensed commercial fishery, but tribal harvest is guided by the same modeling approach as in Wisconsin, although harvest limits are much lower than in Wisconsin.

17. Contact Name Terry Margenau, Lake Superior Fisheries Supervisor	18. Contact Phone Number 715-779-4035
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ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

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2. Summary of the data sources used to measure the Rule's impact on Small Businesses

The department met with the state-licensed commercial fishing representatives and held multiple public meetings in the past several years to inform stakeholders of the status of lake trout in Wisconsin waters of Lake Superior and to discuss lake trout regulation options for the 2016-17 fishing season.

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

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5. Describe the Rule's Enforcement Provisions

The rule will be enforced by Department Conservation Wardens under the authority of chapter 29, Stats., through routine patrols, record audits of wholesale fish dealers and state-licensed commercial fishers, and follow up investigations of citizen complaints.

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

Yes No
