

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-23-18

Relating to: The 2019 Fisheries Management housekeeping rule amending Chs. NR 20 to 26 relating to minor revisions to fishing regulations on inland, outlying and boundary waters

Rule Type: Permanent

1. Finding/nature of emergency (Emergency Rule only):

This will be a permanent rule.

2. Detailed description of the objective of the proposed rule:

These rules are minor in nature and mainly clarify regulations, correct outdated language and drafting errors, and address inconsistencies in administrative code language. Specifically, these rules will amend fishing regulations found in Chs. NR 20-26, Wis. Admin. Code.

Items within this rule package would accomplish the following:

1. Remove a provision specifying that the tribes may enact special size and bag limits on the Lac du Flambeau reservation that apply to non-tribal anglers. These provisions are no longer needed with the transition to Ceded Territory walleye regulations, which occurred in 2015 and established a standard set of regulations that account for but are independent from tribal walleye declarations.
2. Apply regulations that are consistent between connected waterbodies.
3. Allow harvest of white perch on boundary, waters consistent with regulations on Lake Michigan.
4. Correct inconsistencies in season dates within management zones.
5. Eliminate special walleye regulations for Sherman Lake in Iron County so that they are consistent with regulations for surrounding waterbodies in the county.
6. Restore regulations on certain waters that were modified in error during the department's previous review of statewide fishing regulations. The results of this review were codified in spring hearings and ceded territory walleye rules.
7. Clarify license, tag and other identification requirements for the sturgeon spearing season.
8. Update language relating to sturgeon spearing regulations to clarify that artificial lights are illegal for sturgeon spearing but not other types of fishing.
9. Provide that a DNR customer ID is an acceptable alternative to a customer's name and address for marking an ice fishing shelter.
10. Include inland trout and salmon "county base" regulations in a provision that allows the department to simplify by eliminating special regulations by reverting to statewide regulations to fulfill management goals on waterbodies.

11. Update rules to clarify that tagging wild fish is allowed for the purposes of a fishing contest with the authorization of the department. The department has already been granting permission for this under existing policy.
12. Correct outdated boundaries and points of reference.
13. Update cross-reference citations, road names on maps, and application forms and make administrative code language consistent with recently enacted legislation.
14. The department may include other minor, non-controversial rule proposals including ones which have passed at the annual Spring Fish and Wildlife Hearings as advisory questions by the Conservation Congress.

Additional rule changes of a similar nature to those discussed above may also be considered.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

Bag limits, season dates, harvest methods and size limits in various waters throughout the state are outlined in ch. NR 20, Wis. Admin. Code. Chs. NR 21 – 23 describe current harvest regulations for both recreational and commercial harvesters on Wisconsin's boundary waters. Ch. NR 25 addresses the methods and size limits for commercial fishing. The proposed rules are compatible with existing policies that aim to regulate fish harvest for conservation purposes. These rules will have minimal impact on anglers.

If these rule changes are not pursued, some sections of administrative code may remain inconsistent or unclear when compared to current policies, or may fail to reflect updated regulations. This could impact the department's ability to enforce fishing regulations. However, Wisconsin's fisheries resources will still retain some protection under existing regulations.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 29.014, Wis. Stats., "rule-making for this chapter," grants the department the authority to establish and maintain open and closed seasons, bag limits, size limits and other conditions that will conserve fish populations and provide good fishing opportunities for the citizens of the state.

Section 29.041, Wis. Stats provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

An estimated 80 hours of staff time will be required to develop these rules and hold public hearings.

6. List with description of all entities that may be affected by the proposed rule :

These rules will primarily affect recreational anglers, but impacts will be very minor. The adjustments proposed in this rule will not result in substantial changes to policy, and anglers likely already comply with the proposed regulations.

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

No federal regulations apply. States possess inherent authority to manage the fishery and wildlife resources within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Registrar.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

Economic impacts are expected to be minimal, if any. The regulations proposed in this rule will mainly correct inconsistencies or oversights in administrative code language. The rule is mainly applicable to individual anglers and imposes no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding one public hearing in spring 2019 at a location to be determined. Additional hearings may be held if public interest in this rule warrants additional opportunities for public comment.

Contact Person: Meredith Penthorn, Bureau of Fisheries Management regulatory policy specialist; 608-316-0080; Meredith.Penthorn@wisconsin.gov