

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-15-20

Relating to: Reorganizing Wisconsin boundary waters fishing regulations, Chs. NR 20 – 23 and 26

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:

This rule will streamline the fishing regulations chapters of administrative code (chs. NR 20 – 23) to consolidate boundary waters regulations and reduce the number of regulations that are duplicated across chapters.

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:

The rules addressing fishing regulations in boundary waters between Wisconsin shared with Iowa, Michigan and Minnesota are split into three different chapters, and an additional chapter covers fishing regulations for waters entirely in Wisconsin. This structure requires readers to consult up to four different chapters of administrative code to determine the rules and regulations for fishing the boundary waters. This rule will restructure existing administrative code to consolidate rules, reduce duplicative provisions and eliminate unnecessary codes, including organizing existing rules into one or more new subchapters. This rule may also update cross-references and geographical descriptions, correct errors and include other changes of a housekeeping nature to improve clarity of administrative code. This rule will not substantively impact existing regulations; changes will be minor in nature.

This rule may also include other changes reasonably related to those described above.

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 :

Development of this rule is estimated to require 100 hours of staff time. This will include internal meetings and time required to hold a public hearing.

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

This rule will primarily affect recreational anglers, but impacts will be very minor. Anglers already comply with existing fishing regulations contained in these chapters. The adjustments proposed in this rule will not result in substantial changes to existing policy.

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 Register.

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

Economic impacts will be minimal, if any. This rule is intended to reorganize, consolidate and simplify administrative code structure, and no costs to individual anglers or businesses are anticipated.

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

The Department anticipates holding one public hearing in the month of July 2021. Hearing cities will be: Madison, WI.

The Department will hold this hearing in this location to obtain public feedback on this rule.

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