

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-16-20

Relating to: Reorganizing Ch. NR 25 commercial fishing and wholesale fish dealing regulations

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:

The purpose of this rule is to restructure, reorganize and simplify ch. NR 25, “Commercial Fishing – Outlying Waters.” These changes will aid the department and stakeholders in interpreting and implementing this chapter. This rule will also include minor changes to update maps or geographical boundaries, improve regulatory consistency, correct errors, and clarify existing regulations.

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:

Ch. NR 25 regulates commercial fishing and wholesale fish dealing activities. Under its existing structure, many rule provisions are grouped into relatively few sections, with sometimes confusing organization and language. This rule may reorganize ch. NR 25 into subchapters to improve navigability within the chapter, as well as more clearly associate relevant regulations with the regulated entities to which they apply. This rule may also improve language clarity to reduce areas of confusion, correct errors, and improve consistency with statutes and recently enacted legislation. This rule may create new subchapters within ch. NR 25 to better organize rule provisions. This rule may also review and revise the existing primary and secondary port designations for commercial fishers, including ports used under ice conditions, with the aims of better aligning port designations with current commercial fishing activities and providing clarity and flexibility to commercial fishers and the department. The rule will not substantively change existing regulations in ch. NR 25, such as quotas, gear restrictions, reporting requirements, and open seasons; changes will be minor and of a housekeeping 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):

Under s. 29.014 (1), Stats., “Rule-making for this chapter,” the department is directed to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

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

Section 29.519 (5), Stats. authorizes the department to determine the methods that commercial fishers must use to submit commercial fishing records and reports.

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

Approximately 100 hours will be necessary for rule development, including internal meetings and holding a public hearing.

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

Ch. NR 25 impacts licensed commercial fishers and wholesale fish dealers, but any impacts resulting from this rule are expected to be very minor. The main purpose of this rule is clarification and reorganization of existing regulations. This will facilitate rule interpretation and compliance for licensees and other stakeholders. This rule will not make any major changes to existing commercial fishing or fish distribution 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. None of the rule proposals violate or conflict with federal regulations.

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

This rule will have a minimal economic impact, if any. The rule is not anticipated to impose any additional costs on individual commercial fishers, wholesale fish dealers or small businesses.

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 these hearings in these locations to obtain public feedback on these minor updates.

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