

ADMINISTRATIVE RULES FISCAL ESTIMATE AND ECONOMIC IMPACT ANALYSIS

Type of Estimate and Analysis

Original Updated Corrected

Administrative Rule Chapter, Title and Number

Chapter NR 19 Miscellaneous Fur, Fish, Game, and Outdoor Recreation; NR 19.058

Subject

Requiring sport anglers trolling on outlying waters to carry wire cutters for emergency release from entanglement with trap nets or other obstructions

Fund Sources Affected

Chapter 20 , Stats. Appropriations Affected

GPR FED PRO PRS SEG SEG-S

Fiscal Effect of Implementing the Rule

No Fiscal Effect
 Indeterminate

Increase Existing Revenues
 Decrease Existing Revenues

Increase Costs
 Could Absorb Within Agency's Budget
 Decrease Costs

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

State's Economy
 Local Government Units

Specific Businesses/Sectors
 Public Utility Rate Payers

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

Yes No

Policy Problem Addressed by the Rule

Trap nets or other fixed structures on the lake bottom can pose a risk to sport trollers whose lures and downriggers can become entangled in the trap net ropes. This rule would address safety concerns and require trollers to have direct and immediate access to a wire cutter or other device capable of severing any line pulled behind a boat.

The rule reflects an effort by the Department to take steps to minimize the risk of conflicts between sport trollers and commercial trap nets. This change reflects the judgment of Fisheries and Law Enforcement staff following examination of Great Lakes accident data, discussions with appropriate sport and commercial advisory groups and the Natural Resources Board, and internal discussions.

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)

Sport anglers who fish by trolling in a boat on outlying waters will be required to have direct and immediate access to a wire cutter or other hand-held device on board capable of immediately severing any fishing line or cable being used in the water behind the boat. This may impact some anglers who need to purchase wire cutters or a similar device, which is not a substantial cost. A quick online search for the cost of wire cutters showed prices ranging from \$3 to \$56. The rule will be enforced by Department conservation wardens under the authority of chapters 23 and 29, Wis. Stats., through routine patrols and with a total citation penalty of \$243.

This rule does not impose any compliance or reporting requirements on businesses, business sectors, public utility rate payers, or local governmental units. The Department has determined that this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state.

Economic Impact - Request for Comments

Prior to the January 30-February 13 open period for economic impact comments, the Department requested comments from the Lake Michigan and Lake Superior Commercial Fishing Boards, 17 port city mayors offices and the same cities' chambers of commerce, the Wisconsin Wildlife Federation, Wisconsin Conservation Congress, Wisconsin Federation of Great Lakes Sport Fishing Clubs, UW Sea Grant, and the Great Lakes Indian Fish and Wildlife Commission, as well as posted the proposed rule documents to the Department website and the Wisconsin Administrative Rules website. The Department received the following two comments:

Tom Kocourek, President, Northeastern Wisconsin Great Lakes Sport Fishermen

As President of the Northeastern Wisconsin Great Lakes Sport Fishermen's organization I am speaking on behalf of our 650 members. I am aware of this proposal and do not see it as having a negative impact on our local community or the fishing community. The proposed rule adds an element of safety to fishermen using downrigger equipment and I am confident that the vast majority of fishermen currently using downrigger equipment already have such wire cutter equipment on board their boats.

Michael J. LeClair, President of Susie-Q Fish Company, Two Rivers, WI

I am a whitefish trap net fisherman out of Two Rivers, Wisconsin. The rule you have proposed, FH-21-11, would greatly **help** my business. When the sport fishers get their downrigger balls caught in our net, they become entangled. Then, the sport fishers try to pull them out and rip large holes in our nets. These holes make our nets inefficient at catching whitefish, which hurts our business. This rule would help stop these sport fishers from putting holes in our nets. This rule would also protect sport fishers and stop any possible lawsuits that might occur, if any sport fishers become entangled in our nets. A lawsuit would hurt our business. This rule would protect us.

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

Current Department policy reflects legislative intent to accommodate both sport and commercial fishing in the Great Lakes. In June 2010, the fishing gear of a recreational fishing boat became entangled in a commercial trap net buoy line near Sheboygan. The boat capsized and one of the fishermen subsequently died of a heart attack. This incident re-ignited a long-standing controversy regarding where and when commercial trap nets should be allowed in southern Lake Michigan. Subsequently in April 2011, the Natural Resources Board (NRB) approved permanent rule changes related to the marking and placement of trap nets (FH-50-10, CR 11-008). The NRB also implemented these rules on an emergency basis so they would be in effect for the 2011 fishing season (FH-10-11E). As part of the emergency rule, there was also a requirement that sport anglers on outlying waters carry wire cutters sufficient to cut themselves free should a downrigger cable become snagged in a trap net or other obstruction. That requirement was not included in the permanent rule because it was outside of the scope of the original public hearings, but it is addressed by this rule proposal.

The alternative would be to not require wire cutters on board trolling boats on outlying waters, which is the current law. Although the overall risk of accidents attributable to tangling in trap nets may be small compared with other hazards such as collisions, the consequences for sport anglers can be serious. Four out of the 82 reportable boating accidents on Lake Michigan during the years 2000 through 2010 in the U.S. Coast Guard's Boating Accident Report Database were associated with trolling. Reportable accidents are those causing death, injury requiring medical attention, or property damage in excess of \$2,000. The tragic incident near Sheboygan was one of the accidents in this 11-year period in which the activity was trolling and the cause was "struck submerged object."

Long Range Implications of Implementing the Rule

There would be no implementation costs for the Department and no expected costs or impacts on small businesses. Compliance costs would be minimal for individual sport anglers who need to purchase wire cutters.

Through education, having wire cutters on board sport trolling boats will become a common and easy to comply with safety measure, similar to having life jackets on board all boats.

Compare With Approaches Being Used by Federal Government

The Department is not aware of any existing or proposed federal regulation that would govern commercial fishing in Wisconsin's waters of Lake Michigan and Green Bay or Lake Superior.

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

None of the adjacent states require wire-cutting equipment to be on board boats.

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