

Report From Agency

REPORT TO LEGISLATURE

NR 19, 20, 21, 22, 23, 25, and 26, Wis. Adm. Code
Minor changes to rules regulating fishing and harvest of turtles

Board Order No. FH-19-12
Clearinghouse Rule No. 13-001

Basis and Purpose of the Proposed Rule

This rule is being proposed to make changes to sections of NR 19, 20, 21, 22, 23, 25, and 26, Wis. Adm. Code, relating to the regulation of fishing and harvest of turtles. The goal is to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The rule is in response to recent legislative changes and to the interests of the public and both Law Enforcement and Fisheries Management staff. The objectives are to:

- add language to respond to newly created statutory language,
- remove sections of code that are outdated or have been replaced by other statute or code changes,
- correct errors that occurred during the drafting of rules, and
- add or repeal language to clarify intent of original rules.

Summary of Public Comments

During the economic impact analysis open comment period, the department received one comment from the Milwaukee Great Lakes Sport Fishing Club which stated it was in favor of amending rules to make it easier to donate fish to local charities in Milwaukee. No other comments were received during rule promulgation.

Modifications Made to Rule

The rule was modified slightly since it was submitted to the Legislative Council Rules Clearinghouse on January 2, 2013. Section 3 was added and sections 4, 5, and 6 were amended based on further legal review of statutory changes made to the Natural Waterbody Permit program in 2011 Wisconsin Act 207. The enactment date for Section 45 was changed so the hook size and night fishing prohibitions on the Menominee River would be removed as soon as possible rather than waiting until April 1, 2014. All changes suggested by the Legislative Council to improve style and use of plain language were made.

Appearances at the Public Hearing

A public hearing was held on January 31, 2013, in Madison at the Department of Natural Resources Office Building, 101 S. Webster St. at 2:00 pm. No one attended the hearing or provided hearing comments.

Changes to Rule Analysis and Fiscal Estimate

The rule analysis was modified as suggested by the Legislative Council to remove references to "housekeeping" and "non-substantive changes." The fiscal estimate was similarly modified, but the expected fiscal effect remains the same.

Response to Legislative Council Rules Clearinghouse Record

All recommendations made in the Legislative Clearinghouse report have been incorporated in the final version of the rule.

Final Regulatory Flexibility Analysis

The proposed rule will have minimal to no impact on businesses and members of the public. As with any change in regulations, there will be a requirement for anglers to learn the new rules. However, a majority of this rule change clarifies code to reflect existing policies with which anglers must already comply. The Fisheries Management Bureau works to notify the public of new regulations via press releases, the internet, and fishing regulations pamphlets.

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. It is not expected that there will be any economic impact directly related to these rule changes on anglers or fishing-related businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. No fiscal impacts are expected for public utility rate payers or local governmental units.

The goal is to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters.

This determination was made after the Department requested economic impact comments from Wisconsin Conservation Congress, WI Wildlife Federation, Great Lakes Indian Fish & Wildlife Commission, WI Association of Lakes, WI Bow Hunters Association, WI Archery Alliance, WI Traditional Archers, WI Federation of Great Lakes Sport Fishing Clubs, WI Council of Sport Fishing Organizations, Federation of Fly Fishers - Wisconsin Council, Musky Clubs Alliance of Wisconsin, Inc., Salmon Unlimited, Trout Unlimited - WI Council, Walleyes for Tomorrow, WI Bass Federation, Izaak Walton League-Wisconsin Division, Lake Michigan Fisheries Forum, Wisconsin Aquaculture Association, American Fisheries Society-Wisconsin Chapter, Natural Resources Foundation of WI, Gathering Waters, River Alliance of Wisconsin, UW Sea Grant, League of WI Municipalities, WI Towns Association, WI Counties Association, Northeast WI Great Lakes Sport Fishermen, and Great Lakes Sport Fishermen of Milwaukee. Proposed rule documents were also posted on the Department website and the Wisconsin Administrative Rules website.