1. Type of Estimate and Analysis 2. Date ☑ Original □ Updated □ Corrected 10/09/23 3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) FH-10-22 - Chapter NR 26 "Fish Refuges" 4. Subject 5. Fish Refuge Establishment 6. Chapter 20, Stats. Appropriations Affected □ GPR □ FED □ PRO □ PRS □ SEG 6. Chapter 20, Stats. Appropriations Affected □ Indeterminate □ Decrease Existing Revenues □ Increase Costs □ Decrease Costs □ Decrease Costs □ Indeterminate □ Decrease Existing Revenues □ Increase Costs □ Decrease Costs □ Indeterminate □ Decrease Existing Revenues □ Could Abortb Within Agency's Budget 8. The Rule Will Impact the Following (Check All That Apply) □ Specific Businesses/Sectors □ Local GovernmentUnits □ Public Utility Rate Payers □ Associate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, pers . 227.137(3)(b)(1). So 1. Okoid Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2, 24 Period, pers . 227.137(3)(b)(2)? □ New Bis So So and Aborts With Revis Paysing and Revis Paysing and Revis Paysing Ababits The Rule geswill protectifs hin areas where they congregate and a			
	1. Type of Estimate and Analysis	2. Date	
FH-10-22 - Chapter NR 26 "Fish Refuges" 4. Subject Fish Refuge Establishment 5. Fund Sources Affected GPR PED PRO PRS SEG SEG 7. Fiscal Effect of Implementing the Rule Increase Costs Decrease Existing Revenues Could Absorb Within Agency's Budget 8. The Rule Will Impact the Following (Check All That Apply) Specific Businesses/Sectors Sources Affected State's Economy Small Businesses (If checked, complete Attachment A) Small Businesses (If checked, complete Attachment A) 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? Uves SMo 11. Policy Problem Addressed bythe Rule This rule establishes a fish refuges covering walleyes protectifish in areas where they congregate and are more vulnerable to angler fishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletz AP ark. Dam on the Miwaukee River that are important spawning thabitat to walleye associated with the popular Witnehago System walleye Bishers. These they congregate and are more vulnerable to angler fishing pressure. This rule will also establish fish refuges mortal fish refuges will enaly (uvenile walleyee associated with the popular Witnehago System walleye Bishers. These they congregate and are more vulnerable to overthat was endoted governmental Units, and Individual's that may be Affected by the Proposed Rule Matwere Contacted for Comments. </td <td>⊠Original □Updated □Corrected</td> <td>10/09/23</td>	⊠Original □Updated □Corrected	10/09/23	
Fish Refuge Establishment 5. Fund Sources Affected PRO PRO PRS SEG SEG-SEG-SEG-SEG-SEG-SEG-SEG-SEG-SEG-SEG-		se Number if applicable)	
GPR FED PRO PRS SEG SEGS 7. Fiscal Effect of Implementing the Rule Increase Existing Revenues Decrease Costs Decrease Costs Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget 8. The Rule Will Impact the Following (Check All That Apply) Specific Businesses/Sectors Local Government Units Public Utility Rate Payers 10. Would Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). 50 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? Yes SMo 11. Policy Problem Addressed bythe Rule This rule establishes a fish refuge encompassing a new fish passage on the Miwaukee River and several fish refuges covering walleye spawning markes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fish in areas where they congregate and are more vulnerable to angler fish will congregate with an adjating the river, and the fish refuge will protect fish as they migrate to their spawning habitator walleye associated with the oppolary Winney Boystem walleye fisher. These fish refuges winning that are importants pawning thabitator walleye associated with the oppolary System walleye fisher. These fish refuges and your disturbance as the adults pawn in the spring and the eggs and young fish develop. Aso, this rule will establish a mechani			
Mon Fiscal Effect Increase Existing Revenues Increase Costs Increase Costs Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget 8. The Rule Will Impact the Following (Check All That Apply) Specific Businesses/Sectors Local Government Units Public Utility Rate Payers Small Businesses (if checked, complete Attachment A) 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). 50 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? Pres ØNo 11. Policy Problem Addressed bythe Rule This rule establishes a fish refuge encompassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to anglerifshing pressure. This rule will as pay in the refuges in sign and the eige and young fish develop. Also, this rule will establish a fish refuge around a fish passage ent to the Kletzsch Park Dam on the Milwaukee River and several fish refuges will protect datult and juvenile walley for a shaw in the oppular Winnebago System walleye fishery. These fish erfuges will protect adult and juvenile walleye fishery in the vill as a pay in the sping and the eggs and young fish develop. Also, this rule will also ont be economicallyimpacted by this rule, but may need to adjust the area		6. Chapter 20, Stats. Appropriations Affected	
State's Economy Specific Businesses/Sectors Dubic Utility Rate Payers Small Businesses (if checked, complete Attachment A) 9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). 50 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? Yes No 11. Policy Problem Addressed bythe Rule This rule establishes a fish refuge compassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River, Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fish ing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzsch Park Dam on the Milwaukee River where fish will congregate while navigating the river, and the fish refuge will protect fish as they migrate to their spawning habitator walleye associated with the popular Winnebago System walleye fishery. These fish refuges will protect adult and juvenile walleye from disturbance as the adults spawn in the spring and the eggs and young fish develop. Also, this rule will establish a mechanism for establishing temporary fish refuges to address emerging conditions that concentrate fish, making them vulnerable to overharvest. 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule thatwere Contacted for Comments. 13. Identify the Local Governmental Units	No Fiscal Effect Increase Existing Revenues		
 \$0 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)? Yes <u>Mo</u> 11. Policy Problem Addressed by the Rule This rule establishes a fish refuge encompassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzsch Park Dam on the Milwaukee River where fish will congregate while navgating the river, and the fish refuge adjacent to the Wolf River. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River that are importants pawning habitat upstream of the dam. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River that are importants pawning habitat upstream of the dam. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River. That and juvenile walleye fishery. These fish refuges will protect adult and juvenile walleye many of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. 12. Summaryof the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units are not expected to be impacted economically by this rule. Individual anglers will also not be economically by this rule. Individual anglers will also not be conomically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges will also not othe grave when fishing is notallowed in the refuge areas. The public will have an opportunity to comment on potential economic impacts of the proposed rule during the solicitation of comments. 13. Identify th	□ State's Economy □ Sp □ Local Government Units □ Pu	blic Utility Rate Payers	
 10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, pers. 227.137(3)(b)(2)? Yes ⊠No 11. Policy Problem Addressed by the Rule This rule establishes a fish refuge encompassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzsch Park Dam on the Milwaukee River where fish will congregate while navgating the river, and the fish refuge will protect fish as they migrate to their spawning habitat upstream of the dam. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River that are important spawning habitat for walleye associated with the popular Winnebago System walleye fishery. These fish refuges will protect adult and juvenile walleye form disturbance as the adults spawn in the spring and the eggs and young fish develop. Also, this rule will establish a mechanism for establishing temporaryfish refuges to address emerging conditions that concentrate fish, making them vulnerable to overharvest. 12. Summaryof the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Businesses and local governmental units are not expected to be impacted economicallyby this rule. Individual anglers will also not be economicallyimpacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is notallowed in the refuge areas. The public will have an opportunity to commenton potential economic impacts of the proposed rule during the solicitation of comments. 13. Identify the Local Governmental Uni		al Governmental Units and Individuals, per s. 227.137(3)(b)(1).	
Any 2-year Period, pers. 227.137(3)(b)(2)? □ Yes ⊠ No 11. Policy Problem Addressed by the Rule This rule establishes a fish refuge encompassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzch Park Dam on the Milwaukee River where fish will congregate while navigating the river, and the fish refuge will protect fish as they migrate to their spawning habitat upstream of the dam. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River that are important spawning habitat walleye from disturbance as the adults spawn in the spring and the eggs and young fish develop. Also, this rule will establish a mechanism for establishing temporaryfish refuges to address emerging conditions that concentrate fish, making them vulnerable to overharvest. 12. Summaryof the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Businesses and local governmental units are notexpected to be impacted economicallyby this rule. Individual anglers will also not be economically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is notallowed in the refuge areas. The public will have an opportunity to comment on potential economic impacts of the proposed rule during the solicitation of comments. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None will be directly i		al Governmental Units and Individuals Be \$10 Million or more Over	
 Policy Problem Addressed by the Rule This rule establishes a fish refuge encompassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzsch Park Dam on the Milwaukee River where fish will congregate while navigating the river, and the fish refuge will protect fish as they migrate to their spawning habitat upstream of the dam. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River that are important spawning habitat to walleye associated with the popular Winnebago System walleye fishery. These fish refuges will protect dalt and juvenile walleye from disturbance as the adults spawn in the spring and the eggs and young fish develop. Also, this rule will establish a mechanism for establishing temporaryfish refuges to address emerging conditions that concentrate fish, making them vulnerable to overharvest. 12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Businesses and local governmental units are not expected to be impacted economically by this rule. Individual anglers will a lso not be economically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is not allowed in the refuge areas. The public will have an opportunity to comment on potential economic impaces of the proposed rule during the solicitation of comments. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None will be directly impacted by the rule, but will have an opportunity to comment during the solicitation of commen	Any 2-year Period, pers. 227.137(3)(b)(2)?		
 spawning marshes adjacent to the Wolf River. Fish refuges protectifs in a reas where they congregate and are more vulnerable to anglerfishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzsch Park Dam on the Milwaukee River where fish will congregate while navigating the river, and the fish refuge will protect fish as they migrate to their spawning habitat upstream of the dam. This rule will also establish fish refuges in sixmarshes adjacent to the Wolf River that are important spawning habitat for walleye associated with the popular Winnebago System walleye fishery. These fish refuges will protect adult and juvenile walleye from disturbance as the adults spawn in the spring and the eggs and young fish develop. Also, this rule will establish a mechanism for establishing temporaryfish refuges to address emerging conditions that concentrate fish, making them vulnerable to overharvest. 12. Summaryof the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments. Businesses and local governmental units are not expected to be impacted economically by this rule. Individual anglers will a lso not be economically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is not allowed in the refuge areas. The public will have an opportunity to comment on potential economic impacts of the proposed rule during the solicitation of comments. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None will be directly impacted by the rule, but will have an opportunity to comment during the solicitation of comments . 14. Summaryof 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 Imple			
 that may be Affected by the Proposed Rule that were Contacted for Comments. Businesses and local governmental units are not expected to be impacted economically by this rule. Individual anglers will a lso not be economically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is not allowed in the refuge areas. The public will have an opportunity to comment on potential economic impacts of the proposed rule during the solicitation of comments. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None will be directly impacted by the rule, but will have an opportunity to comment during the solicitation of comments . 14. 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) This rule is not expected to have any economic or fiscal effects on businesses, rate payers, local governmental units, or the state's economy. 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term. 	spawning marshes adjacent to the Wolf River. Fish refuges protect angler fishing pressure. This rule will establish a fish refuge around River where fish will congregate while navigating the river, and the f upstream of the dam. This rule will also establish fish refuges in six habitat for walleye associated with the popular Winnebago System walleye from disturbance as the adults spawn in the spring and the mechanism for establishing temporary fish refuges to address emer	fish in areas where they congregate and are more vulnerable to I a fish passage next to the Kletzsch Park Dam on the Milwaukee ish refuge will protect fish as they migrate to their spawning habitat (marshes adjacent to the Wolf River that are important spawning walleye fishery. These fish refuges will protect adult and juvenile eggs and young fish develop. Also, this rule will establish a	
 be economically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is not allowed in the refuge areas. The public will have an opportunity to comment on potential economic impacts of the proposed rule during the solicitation of comments. 13. Identify the Local Governmental Units that Participated in the Development of this EIA. None will be directly impacted by the rule, but will have an opportunity to comment during the solicitation of comments . 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economyas a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule is not expected to have any economic or fiscal effects on businesses, rate payers, local governmental units, or the state's economy. 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term. 			
 None will be directly impacted by the rule, but will have an opportunity to comment during the solicitation of comments . 14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economyas a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule is not expected to have any economic or fiscal effects on businesses, rate payers, local governmental units, or the state's economy. 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term. 	be economically impacted by this rule, but may need to adjust the a year when fishing is not allowed in the refuge areas. The public will	area where they fish to avoid the fish refuges during the times of	
Governmental Units and the State's Economyas a Whole (Include Implementation and Compliance Costs Expected to be Incurred) This rule is not expected to have any economic or fiscal effects on businesses, rate payers, local governmental units, or the state's economy. 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term.	,		
 state's economy. 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term. 	Governmental Units and the State's Economyas a Whole (Inclu Incurred)	ude Implementation and Compliance Costs Expected to be	
This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term.		us messes, rate payers, local governmental units, or the	
the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term.		5	
	the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term.		

habitats at all.

This rule will also implement fish refuges covering several walleye spawning marshes adjacent to the Wolf River. These fish refuges will protect walleye as they move into the marshes to spawn during the spring spawning period and when the eggs and young fis h are developing. Protection of these marshes has been a high priority for some time since other fishing activities in the marshes can interrupt spawning and reduce survival of the eggs and young fish during the spring spawning season. If this rule is not implemented, the disturbance to spawning and young walleye will likely increase due to fishing pressure in the spring when walleye are mor e concentrated and other fish are moving as well.

This rule will also provide flexibility to the department to establish tem porary fish refuges in light of an emerging condition that causes fish to congregate and become vulnerable to harvest, such as a construction project or habitat project.

16. Long Range Implications of Implementing the Rule

The long-range implications are expected to be similar to the short-range implications in that the fish refuges will protect fish as they move to their spawning waters or recover from changing conditions in the waterbody. The ability of fish to move into their spawning habitats to reproduce and seek areas in which they can rest and replenish the waterbody will help sustain these fisheries into the future.

17. Compare With Approaches Being Used by Federal Government 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 Fe deral Register.

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

Fisheries management rules are generally similar in the states surrounding Wisconsin. Specific regulations may differ for species among the surrounding states, but the general principles are similar. Michigan and Minnesota al so utilize fish refuges or fish sanctuaries to protect fish in sensitive areas.

19. Contact Name	20. Contact Phone Number
Meredith Penthorn	608-316-0080

This document can be made available in alternate formats to individuals with disabilities upon request.

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

Less Stringent Compliance or Reporting Requirements

Less Stringent Schedules or Deadlines for Compliance or Reporting

Consolidation or Simplification of Reporting Requirements

Establishment of performance standards in lieu of Design or Operational Standards

Exemption of Small Businesses from some or all requirements

Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form) □ Yes □ No