

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original   <input type="checkbox"/> Updated   <input type="checkbox"/> Corrected</p>	<p>2. Date 01/17/19</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) FH-08-18, affecting ch. NR 1</p>	
<p>4. Subject Aquaculture and fish farms</p>	
<p>5. Fund Sources Affected <input type="checkbox"/> GPR   <input type="checkbox"/> FED   <input type="checkbox"/> PRO   <input type="checkbox"/> PRS   <input type="checkbox"/> SEG   <input type="checkbox"/> SEG-S</p>	<p>6. Chapter 20, Stats. Appropriations Affected</p>
<p>7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect   <input type="checkbox"/> Increase Existing Revenues   <input type="checkbox"/> Increase Costs   <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate   <input type="checkbox"/> Decrease Existing Revenues   <input type="checkbox"/> Could Absorb Within Agency's Budget</p>	
<p>8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy   <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units   <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses <b>(if checked, complete Attachment A)</b></p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0</p>	
<p><b>These changes mainly affect fisheries management operations of the Department of Natural Resources</b></p>	
<p>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)? <input type="checkbox"/> Yes   <input checked="" type="checkbox"/> No</p>	
<p>11. Policy Problem Addressed by the Rule The Wisconsin Department of Natural Resources was directed by 2017 Act 21 to promulgate rules on the extent and role of genetics in the department's fish stocking strategies, as well as rules standardizing the department's fish donation procedures. The department does not currently have rules addressing either provision.</p>	
<p>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. This rule may impact fish farms and other private aquacultural entities. However, the impacts are likely to be beneficial, as the rule will establish policies that will improve the potential for collaboration between these entities and the department.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA. Governments that may have an interest in this rule will be contacted.</p>	
<p>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) These rules revise the department's fish stocking policies in a way that will likely produce economic benefits to the aquaculture industry and potentially the state economy. The rule will not impose new compliance or reporting requirements or design or operational standards for businesses.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule The department is required to implement this rule as a result of 2017 Act 21. Benefits will include flexibility for the department to provide appropriate genetic strains of fish to private aquaculturists, and a procedure for the department to accept donations of excess live fish and fish eggs from private aquaculturists that can be used in the department's fish culture and stocking efforts. This rule lays the groundwork for partnerships between the department and the aquaculture</p>	

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industry to achieve stocking goals for certain fish species in Wisconsin waters.

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### 16. Long Range Implications of Implementing the Rule

The long-range implications of implementing this rule will be similar to the short-term implications. The rule will provide additional flexibility to the department and private aquaculturists when raising and stocking live fish and fish eggs.

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### 17. Compare With Approaches Being Used by Federal Government

No federal regulations apply to activities that occur entirely within the state. States possess inherent authority to manage the fishery and wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register.

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

Minnesota statutes allow the Department of Natural Resources to sell or barter fish fry or eggs at the cost of production and allow the department to sell fish or fish eggs from the state hatchery at fair market value to private hatcheries. In Iowa, licensed aquaculturists may only obtain fish from public waters of the state as authorized by the director of the Department of Natural Resources. Rules in Michigan and Illinois do not currently provide for the state to supply fish to private aquaculturists.

Michigan statutes specify that genetically engineered fish may not be introduced, and the Michigan Department of Natural Resources internal policy on stocking describes the guidelines for maintaining genetic integrity in stocked waters. No other neighboring states have established rules or policy relating to the role of genetics in stocking.

Illinois law prohibits the importation or transportation of species susceptible to viral hemorrhagic septicemia without permission from the Department of Natural Resources. Viral hemorrhagic septicemia is not well established in other neighboring states, so regulations are limited to best management practices for preventing the introduction of the disease.

All of Wisconsin's neighboring states have rules in place for reviewing and reclassifying potential and confirmed invasive and non-native species.

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## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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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)

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

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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:

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

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5. Describe the Rule's Enforcement Provisions

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6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes    No
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