

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-08-20

Relating to: Guide licenses and reporting requirements; ch. NR 20

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:

This rule will address reporting requirements for licensed fishing guides in Lake Michigan, Lake Superior, and Green Bay to make them consistent and clear. While existing rules can require fishing guides to report fish harvest information to the department, the reporting requirements currently established in administrative code are too general to provide adequate data for fisheries management decision-making and provide clarity to fishing guides and the public. Enhanced guide reporting will provide important data on fish harvest that will be used in conjunction with commercial fish harvest reports to develop and monitor sustainable quotas for whitefish, lake trout, cisco and other game fish. Guide reporting for fish species managed under a quota in the Great Lakes is of key interest, because this data helps track fish harvest rates and ensure that quotas are not exceeded in any given year.

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:

Under existing rules, licensed guides are required to report fish harvests on forms furnished by the department. Section NR 20.65, Wis. Admin. Code, requires all guides operating in the outlying waters of Lake Superior, Lake Michigan and Green Bay to report the quantity and variety of fish taken and other information relating to fishing activities, as required by the department.

Because the existing reporting requirements in s. NR 20.65 are very general, the information that fishing guides report is not consistent and therefore does not provide useful data that can be used for fisheries modeling and management. The

current rule was created over 40 years ago and does not reflect the types of information that would be useful to track for emerging sport fisheries. The sport fishery for whitefish is significantly more important today than it has been historically. The department collects detailed information from commercial fishers and it is now appropriate to collect more information from people who guide anglers. Additionally, because the existing rule does not establish reporting deadlines, compliance is low—about 75 percent of licensed whitefish fishing guides do not report their fishing trips at all.

Similar but more detailed rules are in place for charter captains licensed under s. 29.514, Stats., that guide anglers in sport trolling for salmon and trout. Those rules require charter captains to submit a monthly sport trolling fishing report and provide a specific timeline for submittal of the reports. Those rules also establish the types of information that the department requires as part of the monthly sport trolling report form.

The proposed permanent rule would establish specific criteria for fishing guide reporting on Lake Michigan, Lake Superior, and Green Bay, including waters for which guide reporting would be required, methods and timelines for submitting reports to the department, which may include electronic submission, and procedures for notifying the department prior to a guided fishing trip. This rule will also include parameters to report when and where guide reporting is required, which may include number of hours per fishing trip, number of fish of a specific species taken and released, number of clients fishing during a given time frame, and other similar information. The proposed rule may also establish a streamlined procedure for making the list of species or waters for which the department is requiring reporting easily available to the public.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 23.09 (2) (intro.) authorizes the department to promulgate rules, conduct studies, investigations and surveys, and establish services to carry out the conservation purposes outlined in s. 23.09 (1), including the protection, development and use of natural resources. Section 23.09 (2) (km) further authorizes the department to “develop an information system to acquire, integrate and disseminate information” on aquatic resources. Guide reporting provides an important source of information on sport fish harvest, which can be incorporated into quotas for the sustainable use of fishery resources.

Section 29.512 (1), Stats. requires any person guiding others in fishing in exchange for compensation to be issued a guide license, and requires guide licensees to comply with the requirements of ch. 29, Stats. Subject to s. 29.411, Stats., guides must cooperate with a department employee conducting a fish census. These two provisions provide that the department may obtain fish census information from licensed guides.

Section 29.514 (2), Stats. requires records of the number of each type of fish taken under a sport trolling license, and authorizes the department to specify other information that sport trolling licensees must report for guiding on outlying waters.

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

The department estimates that this rule will require 200 hours of staff time, including meetings to develop rule language and conducting public hearings.

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

Licensed fishing guides in Lake Michigan, Lake Superior, and Green Bay will be the primary entity affected by these rules. While fishing guides are required to report harvest data to the department under existing rules, reporting is very rarely done in practice. This rule would require all licensed fishing guides to comply with specific reporting requirements established in the rule.

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. 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 Federal Register.

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, on licensed guides. The types of information required to be reported under the proposed rule would not generate any costs. The method for reporting may minimally impact some guides if electronic reporting is mandatory and those guides do not already possess an electronic device such as a computer or cell phone to enter the reporting information.

This rule will not contain any design or operational standards, but will contain new reporting requirements that will apply to licensed guides and sport trolling guide licensees.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding one public hearing in the month of April, 2021. The hearing city will be: Green Bay, WI.

The department will hold the hearing in this location to obtain public feedback on the proposed guide reporting requirements in an area popular among sport fishing guides.

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Preston D. Cole, Secretary

Date Submitted