

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-14-20

Relating to: The 2021 Fisheries Management housekeeping rule amending chs. NR 19 – 26 and relating to minor changes to fishing regulations on inland, outlying and boundary waters

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:

These rules are minor in nature and mainly clarify regulations, correct outdated language and drafting errors, and address inconsistencies in administrative code language. Specifically, these rules will amend fishing regulations found in Chs. NR 20-26, Wis. Admin. Code.

Items within this rule package may address the following:

1. Establish that rough fish may be taken by hand year-round in trout streams for waters in which this is not clear in administrative code.
2. Apply regulations that are consistent between connected waterbodies.
3. Clarify the criteria and processes for commercial fishing studies authorized by the department.
4. Clarify regulations for spearfishing on certain public lands closed to weapons use.
5. Review and revise trolling regulations on Wisconsin-Michigan boundary waters for consistency with Vilas County inland waters, and clarify trolling regulations for anglers with disabilities.
6. Rectify regulations on certain waters that were modified in error during previous reviews of statewide fishing regulations. The results of these reviews were codified in past spring hearings rules.
7. Correct inconsistencies in season dates within management zones and between connected waters.
8. Clarify inconsistent terminology used when regulating educational activities.
9. Create and revise definitions used in chs. NR 19 – 26 to better describe fishing regulations and activities.
10. Remove obsolete regulations for species that no longer occupy the waterbody.
11. Refine confounding rules relating to fishing tournaments that are exempt from requiring a fishing tournament permit.
12. Correct outdated or unclear boundaries and points of reference.

13. Update cross-reference citations, road names on maps, and application forms and make administrative code language consistent with recently enacted legislation.

14. The department may include other minor, non-controversial rule proposals including ones which have passed at the annual Spring Fish and Wildlife Hearings as advisory questions by the Conservation Congress.

Additional rule changes of a similar nature to those discussed above may also be considered.

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:

Bag limits, season dates, harvest methods and size limits in various waters throughout the state are outlined in ch. NR 20, Wis. Admin. Code. Chs. NR 21 – 23 describe current harvest regulations for both recreational and commercial harvesters on Wisconsin's boundary waters. Ch. NR 25 addresses the methods and size limits for commercial fishing. The proposed rules are compatible with existing policies that aim to regulate fish harvest for conservation purposes. These rules will have minimal impact on anglers.

If these rule changes are not pursued, some sections of administrative code may remain inconsistent or unclear when compared to current policies, or may fail to reflect updated regulations. This could impact the department's ability to enforce fishing regulations. However, Wisconsin's fisheries resources will still retain some protection under existing regulations.

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

Section 29.014, Stats., "rule-making for this chapter," grants the department the authority to establish and maintain open and closed seasons, bag limits, size limits and other conditions that will conserve fish populations and provide good fishing opportunities for the citizens of the state.

Section 29.041, Stats. provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 23.09 (2), Stats., authorizes the department to conduct studies and investigations, including entering into cooperative agreements with other persons or agencies and receiving funds from public or private sources for research projects.

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

An estimated 80 hours of staff time will be required to develop these rules and hold public hearings.

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

These rules will primarily affect recreational anglers, but impacts will be very minor. The adjustments proposed in this rule will not result in substantial changes to policy, and anglers likely already comply with the proposed regulations.

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):

Economic impacts are expected to be minimal, if any. The regulations proposed in this rule will mainly correct inconsistencies or oversights in administrative code language. The rule is mainly applicable to individual anglers and imposes no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

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

The Department anticipates holding one public hearing in the month of July 2021. Hearing cities will be: Madison.

The Department will hold these hearings in these locations to obtain public input on these minor rule changes.

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