

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-16-21

Relating to: Reporting requirements for sport trolling licensees

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 would improve the timeliness and accuracy of reporting by charter captains on Lake Michigan, Lake Superior and Green Bay through the implementation of universal electronic reporting. This rule would therefore make reporting methods consistent with those for commercial fishers and fishing guides on the Great Lakes. Electronic reporting provides timelier access to reporting data that are used for managing trout and salmon populations in conjunction with creel surveys and moored boat fishing reports.

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:

Charter captains are licensed under an outlying waters sport trolling license in s. 29.514, Stats., to guide anglers in trolling for salmon and trout on Lake Michigan and Lake Superior. Under current rule and statutes, charter captains are required to submit reports of their activities to the department on forms provided by the department. This rule may update the form of reporting for charter captains in s. NR 20.60, Wis. Admin. Code to encompass an electronic report form, and may modify the associated timelines for reporting while remaining within the statutory limits. This rule may also clarify language relating to the information required on the report form to appropriately reflect current fisheries management needs.

Alternatives include maintaining the existing reporting system, which requires the department to manually enter monthly reports into an electronic format. This system does not provide timely access to reporting information for monitoring trout and salmon fisheries.

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

Section 29.514, Stats., establishes the outlying water sport trolling license for charter captains. This section directs sport trolling licensees to keep records regarding activities conducted under the license. The department is authorized to specify the information required on the report and the manner of the report. This section further specifies that reports must be submitted on or before the 10th day of each month.

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

100 hours of staff time will be needed to draft the rule and hold hearings.

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

This rule will affect charter captains in Lake Michigan (including Green Bay) and Lake Superior.

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:

While charter captains are required by state and federal law to possess a valid U.S. Coast Guard operator's license and follow those requirements, no other federal regulations specifically relating to trip reporting 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 may have a minimal economic impact for charter captains and sport trolling businesses that do not already have a smartphone or similar device for entering the trip reports. In those cases, costs would include procurement of a smartphone and basic data plan. A full economic impact analysis will be conducted during promulgation of the rule.

This rule is not expected to result in any other costs or contain design or operational standards aside from the revised reporting requirements for charter captains.

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

The department anticipates holding one public hearing in the month of November 2022. If not held virtually, the hearing city will be: Green Bay, WI.

The department will hold these hearings in these locations to obtain input from charter captains on the outlying waters.

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Submitted