

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: FH-14-22

Relating to: Minor changes to fishing regulations on inland, outlying and boundary waters (the 2023 Fisheries Management housekeeping rule); Chs. NR 19 - 26

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These rules are minor in nature and mainly clarify regulations, correct outdated language and drafting errors, and address inconsistencies in administrative code language.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 19-26, Wis. Admin. Code.

Items within this rule package may address the following:

1. Apply regulations that are consistent between connected waterbodies.
2. Make fish refuge dates consistent within certain counties when possible, and restore fish refuge boundaries that were removed in error.
3. Clarify that dead fish that have tested positive for a transmissible fish disease may not be used as bait.
4. Correct and update outdated or unclear boundaries, points of reference, and waterbody names, and correct drafting errors.
5. Correct inconsistencies in season dates within management zones and between connected waters.
6. Create and revise definitions used in chs. NR 19 – 26 to better describe fishing regulations and activities.

7. Update cross-reference citations, road names on maps, and application forms and make administrative code language consistent with recently enacted legislation.
8. Update administrative code with regulation simplifications and alternate size or bag limits implemented in accordance with s. NR 20.35.
9. Specify that a person transporting fish taken during a fishing tournament is exempt from the possession limit for the species when the fish are being transported to a food distribution service as defined in s. 29.001 (28), Stats., to allow these fish to be properly utilized by food pantries.
10. 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 or the department.

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 26 lists fish refuges of the state, and ch. NR 19 contains miscellaneous regulations pertaining to fish and wildlife. 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 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.

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 29.403 (1g), Stats., requires the department to authorize and create rules regulating fishing tournaments, including the overall scope of the tournament program.

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

An estimated 100 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 August 2023. Hearing cities will be: Virtual or Madison, WI.

The department will hold these hearings in these locations to gain public input on these minor fishing regulation changes.

**Contact Person:** Meredith Penthorn, Fisheries Management Policy Specialist, 608-316-0080, [Meredith.Penthorn@wisconsin.gov](mailto:Meredith.Penthorn@wisconsin.gov)