

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

<p>1. Type of Estimate and Analysis</p> <p><input checked="" type="checkbox"/>Original <input type="checkbox"/>Updated <input type="checkbox"/>Corrected</p>	<p>2. Date</p> <p>10/09/23</p>
<p>3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable)</p> <p>FH-10-22 – Chapter NR 26 “Fish Refuges”</p>	
<p>4. Subject</p> <p>Fish Refuge Establishment</p>	
<p>5. Fund Sources Affected</p> <p><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</p> <p><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)</p> <p><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 (if checked, complete Attachment A)</p>	
<p>9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1).</p> <p>\$0</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)?</p> <p><input type="checkbox"/>Yes <input checked="" type="checkbox"/>No</p>	
<p>11. Policy Problem Addressed by the Rule</p> <p>This rule establishes a fish refuge encompassing a new fish passage on the Milwaukee River and several fish refuges covering walleye spawning marshes adjacent to the Wolf River. Fish refuges protect fish in areas where they congregate and are more vulnerable to angler fishing pressure. This rule will establish a fish refuge around a fish passage next to the Kletzsch Park Dam on the Milwaukee River where fish will congregate while navigating the river, and the fish refuge will protect fish as they migrate to their spawning habitat upstream of the dam. This rule will also establish fish refuges in six marshes adjacent to the Wolf River that are important spawning habitat for walleye associated with the popular Winnebago System walleye fishery. These fish refuges will protect adult and juvenile walleye from disturbance as the adults spawn in the spring and the eggs and young fish develop. Also, this rule will establish a mechanism for establishing temporary fish refuges to address emerging conditions that concentrate fish, making them vulnerable to overharvest.</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.</p> <p>Businesses and local governmental units are not expected to be impacted economically by this rule. Individual anglers will also not be economically impacted by this rule, but may need to adjust the area where they fish to avoid the fish refuges during the times of year when fishing is not allowed in the refuge areas. The public will have an opportunity to comment on potential economic impacts of the proposed rule during the solicitation of comments.</p>	
<p>13. Identify the Local Governmental Units that Participated in the Development of this EIA.</p> <p>None will be directly impacted by the rule, but will have an opportunity to comment during the solicitation of comments.</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)</p> <p>This rule is not expected to have any economic or fiscal effects on businesses, rate payers, local governmental units, or the state's economy.</p>	
<p>15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule</p> <p>This rule will implement a fish refuge to help protect fish in the waters surrounding and within a newly constructed fish passage around the Kletzsch Park Dam on the Milwaukee River. The fish passage and accompanying fish refuge will protect fish as they migrate upstream to their spawning habitats to be able to replenish fish populations for the benefit of the fishery in the short-term and long-term. If this rule is not implemented, fish will be vulnerable to fishing in and around the new fish passage and may not reach their spawning</p>	

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habitats at all.

This rule will also implement fish refuges covering several walleye spawning marshes adjacent to the Wolf River. These fish refuges will protect walleye as they move into the marshes to spawn during the spring spawning period and when the eggs and young fish are developing. Protection of these marshes has been a high priority for some time since other fishing activities in the marshes can interrupt spawning and reduce survival of the eggs and young fish during the spring spawning season. If this rule is not implemented, the disturbance to spawning and young walleye will likely increase due to fishing pressure in the spring when walleye are more concentrated and other fish are moving as well.

This rule will also provide flexibility to the department to establish temporary fish refuges in light of an emerging condition that causes fish to congregate and become vulnerable to harvest, such as a construction project or habitat project.

16. Long Range Implications of Implementing the Rule

The long-range implications are expected to be similar to the short-range implications in that the fish refuges will protect fish as they move to their spawning waters or recover from changing conditions in the waterbody. The ability of fish to move into their spawning habitats to reproduce and seek areas in which they can rest and replenish the waterbody will help sustain these fisheries into the future.

17. Compare With Approaches Being Used by Federal Government

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.

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

Fisheries management rules are generally similar in the states surrounding Wisconsin. Specific regulations may differ for species among the surrounding states, but the general principles are similar. Michigan and Minnesota also utilize fish refuges or fish sanctuaries to protect fish in sensitive areas.

<p>19. Contact Name Meredith Penthorn</p>	<p>20. Contact Phone Number 608-316-0080</p>
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ATTACHMENT A

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)

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

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:

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

5. Describe the Rule's Enforcement Provisions

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

Yes No
