Form 1100-003P (Rev. 09/15)

Wisconsin Department of Natural Resources
Natural Resources Board Agenda Item

Item No. 3.C.2.

SUBJECT:
Request that the Board approve the statement of scope for Board Order FH-10-16 and conditionally approve the public hearing notice for FH-10-16 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse proposed rules affecting chs. NR 19-26 related to fishing regulations on inland, outlying, and boundary waters.

FOR: May 2016 Board meeting

PRESENTER'S NAME AND TITLE: Kate Strom Hiorns, Fisheries Policy Specialist

SUMMARY:

With this rule, the department will make changes to some fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. Fishing regulations are in place to help meet management goals and objectives for waters and their fish species, such as providing a trophy walleye fishery or a bass fishery that maximizes predation on smaller fishes. New regulations are proposed when management goals have changed or the department must address a critical need, such as a fish population decline.

The regulation proposals included in this rule are based on surveys and analyses conducted by fish biologists and input from local stakeholders and the Wisconsin Conservation Congress. All proposals are peer-reviewed for justification, enforceability, and completeness by department Bureaus of Fisheries Management, Law Enforcement, and Legal Services.

Any rule changes may be pursued that would address size limits, bag limits, season, and other fishing regulations. After internal department review, a full list of proposals will be provided to the Natural Resources Board in January 2017 and brought to public hearings statewide in April 2017.

RECOMMENDATION: That the Board approve the statement of scope and conditionally approve the public hearing notice for Board Order FH-10-16 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse.

LIST OF ATTACHED MATERIALS:
Statement of scope
Governor approval of statement of scope

Approved by	Signature	Date
Justine Hasz, Bureau Director	Justine R Hasz	4-25-16
Sanjay Olson, Division Administrator	[illegible]	4-25-16
Cathy Stepp, Secretary	[illegible]	5-2-16

cc: Board Liaison - AD/8 Program attorney – LS/8 Department rule officer – LS/8

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-10-16

Relating to: Fishing regulations on inland, outlying, and boundary waters that will be proposed at the 2017 Fish and Wildlife Spring Hearings (NR 19-26)

Rule Type: Permanent

1. Finding/nature of emergency:

The rule will be proposed as a permanent rule.

2. Detailed description of the objective of the proposed rule:

With this rule, the department will make changes to some fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. Fishing regulations are in place to help meet management goals and objectives for waters and their fish species, such as providing a trophy walleye fishery or a bass fishery that maximizes predation on smaller fishes. New regulations are proposed when management goals have changed or the department must address a critical need, such as a fish population decline.

The regulation proposals included in this rule are based on surveys and analyses conducted by fish biologists and input from local stakeholders and the Wisconsin Conservation Congress. All proposals are peer-reviewed for justification, enforceability, and completeness by department Bureaus of Fisheries Management, Law Enforcement, and Legal Services.

Any rule changes may be pursued that would address size limits, bag limits, season, and other fishing regulations. After internal department review, a full list of proposals will be provided to the Natural Resources Board in January 2017 and brought to public hearings statewide in April 2017.

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:

The general policy behind fishing regulations is to protect and enhance fish populations while providing diverse fishing opportunities throughout the State. That policy will be continued and enhanced by these rule changes. Based on the management goals for individual waters and species, the department strives to provide:

- consumptive opportunities where anglers can fish for a meal from a self-sustained, slow-growing fish population;
- quality and memorable opportunities where anglers can catch large fish and the density of adult fish in the populations are sustained or increased; and
- trophy opportunities where anglers can catch large trophy-size fish and the survival of older and larger fish is increased.

Most recreational fishing regulation changes are updated in Administrative Code every two years. Not making the proposed rule changes would result in less than optimal management of fish populations in the waterbodies and reduced fishing opportunities for resident and visiting anglers. However, existing regulations would remain in place to provide some level of continued protection of fish resources.

4. Detailed explanation of statutory authority for the rule:

Section 23.09 (2) (c), Stats., provides that the department may designate fish refuges to secure the perpetuation and adequate supply of any species of fish and provide safe retreats in which fish may breed and replenish adjacent fishing waters.

Section 29.014 (1), Stats., directs the department to establish and maintain conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

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

Section 29.053 (2), Stats., provides that the department may establish conditions governing the taking of fish for the state as a whole, for counties or parts of counties, or for waterbodies or parts of waterbodies. It also allows the department to establish a fishing season on specified bodies of water in certain urban areas to allow fishing only by persons who are under 16 years old or who are disabled, as specified in s. 29.193 (3) (a), (b), or (c), Stats.

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

Approximately 250 hours

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

The proposed rule will primarily affect recreational anglers. As with any change in regulations, there will be a requirement for anglers to learn the new rules. The department works to notify the public of new regulations via press releases, the internet, and fishing regulations pamphlets.

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:

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

8. Anticipated economic impact of implementing the rule:

It is not expected that there will be any economic impact or change directly related to these rule changes (Governor's Executive Order 50, level 3 economic impact analysis of minimal to no economic impact less than $50,000). The proposed rule will primarily affect recreational anglers. Regulations are already in place and this rule is intended to continue protection and enhancement of the State's fish resources. One purpose of the rule is to help maintain the general economic impact of fishing throughout Wisconsin.

The department will conduct an economic impact analysis to determine if any individuals, businesses, local governments, or other entities expect to be adversely affected economically by the rule. The proposed rule would not impose any reporting requirements on small businesses nor would any design or operational standards be contained in the rule. The rule would not allow for the potential to establish a reduced fine for small businesses, nor would it establish "alternative enforcement mechanisms" for "minor violations" of administrative rules made by small businesses.

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

Public hearings will occur at the Fish and Wildlife Spring Hearings all 72 counties in the month of April 2017.

The department will hold these hearings in these locations to get statewide public input on all proposals. The draft list of questions that will be on the Spring Hearings questionnaire will be provided to the Natural Resources Board in January 2017.

Contact Person: Kate Strom Hiorns, Fisheries Policy Specialist, 608-266-5206

/S/ Kurt Thiede
Department Head or Authorized Signature

4/4/16
Date Submitted

SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. BOX 7863
MADISON, WI 53707

April 21, 2016

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

RE: Scope Statement for NR 19-26 (FH-10-16) relating to fishing regulations on inland, outlying, and boundary waters that will be proposed at the 2017 Fish and Wildlife Spring Hearings

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on April 5, 2016, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapters NR 19-26 (FH-10-16) of the Wisconsin Administrative Code. You may send the scope statement to the Legislative Reference Bureau for publication pursuant to Wisconsin Statutes § 227.135(3).

Sincerely,

Scott Walker
Governor