

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:**

Request that the Board approve the statement of scope for Board Order FH-06-16, and conditionally approve the public hearing notice for Board Order FH-06-16 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for proposed rules affecting chs. NR 19-26 related to minor changes to Fisheries administrative code.

**FOR: May 2016 Board meeting**

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

**SUMMARY:**

The proposed rule addresses minor changes to administrative code relating to the regulation of fishing. The rule is being pursued to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The objectives are to:

- remove sections of code that are outdated or have been replaced by other statute or code changes,
- correct errors that occurred during the drafting of rules, and
- add or repeal language to clarify intent of original rules.

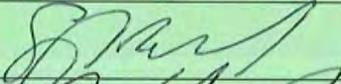
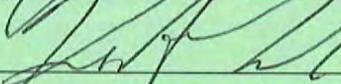
Rule elements will include things such as:

- spelling corrections to waterbody names recently added to code,
- clarifying in code that certain lakes are part of a chain of lakes and should be regulated as such,
- providing more plain language in code to make the original intent clear,
- returning a refuge to code that was mistakenly removed with previous rule changes,
- updating the listing of trout stream regulations that were entered incorrectly (such as clarifying boundaries or including a north fork of a stream under the same regulation as the main branch),
- defining a minnow trap more clearly to match how they are enforced, and
- other minor changes that meet the intent of the scope statement.

**RECOMMENDATION:** That the Board approve the statement of scope and conditionally approve the public hearing notice for **Error! Reference source not found.** 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		3-21-16
Sanjay Olson, Division Administrator		3-25-16
Cathy Stepp, Secretary		4/22/16

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule officer - LS/8

# STATEMENT OF SCOPE

## Department of Natural Resources

Rule No.: FH-06-16

Relating to: Minor changes to fisheries administrative code - NR 19-26

Rule Type: Permanent

### 1. Finding/nature of emergency (Emergency Rule only):

Proposed as permanent rule only.

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

The proposed rule addresses minor changes to administrative code relating to the regulation of fishing. The rule is being pursued to ensure the rule language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The objectives are to:

- remove sections of code that are outdated or have been replaced by other statute or code changes,
- correct errors that occurred during the drafting of rules, and
- add or repeal language to clarify intent of original rules.

Rule elements will include things such as:

- spelling corrections to code language (for example, misspelling of waterbody names recently added to code),
- clarifying in code that certain lakes are part of a chain of lakes and should be regulated as such,
- providing more plain language in code to make the original intent clear,
- returning a refuge to code that was mistakenly removed with previous rule changes,
- updating the listing of trout stream regulations that were entered incorrectly (such as clarifying boundaries or including a north fork of a stream under the same regulation as the main branch), and
- defining a minnow trap more clearly to match how they are enforced.

Many of these corrections are already common to the public in regulations booklets or local knowledge. Code will be updated to reflect that information.

Additional rule changes may be pursued which are reasonably related to those discussed here, including additional corrections or updates that are found during development of the rule.

### 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:

This rule is not expected to change any current practices or policies. The current use of fishing regulations to help manage angler activity and fish populations will remain in place. An alternative is to not do a rule change, but these changes are necessary for public awareness and for proper management of the State's fisheries resources.

During 2015, the department implemented several major rule changes that affected fishing regulations statewide. Working through these rule changes concurrently and compiling regulation changes from

multiple employees around the State (prior to and during 2015) resulted in some minor errors that will be corrected with this rule.

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

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.

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

Approximately 175 hours

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

The proposed rule will have minimal impact on members of the public. As with any change in regulations, there will be a requirement for anglers to learn the new rules. However, a majority of this rule change clarifies code to reflect existing policies for which anglers must already comply. The Fisheries Management Bureau 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 directly related to these rule changes. 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. The proposed rule does not impose any compliance or reporting requirements on small businesses 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 during summer 2016 in Madison. The rule includes minor changes to fishing regulations and is not expected to be controversial.

**Contact Person:** Kate Strom Hiorns, Fisheries Policy Specialist, 608-266-2506

  
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Department Head or Authorized Signature

1/28/16  
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Date Submitted



**SCOTT WALKER**  
**OFFICE OF THE GOVERNOR**  
**STATE OF WISCONSIN**

P.O. Box 7863  
MADISON, WI 53707

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February 12, 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-06-16) relating to minor changes to fisheries**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on January 29, 2016, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapters NR 19-26 (FH-06-16) 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