



Notice Date: November 7, 2012

Subject: Request for economic impact of proposed changes in Natural Resources Board Order FH-19-12 relating to housekeeping corrections, clarifications, and updates to outdated code regarding fishing in inland, outlying, and boundary waters.

Comment Period: November 7 through November 21

The Department of Natural Resources is conducting an economic impact analysis (EIA) of its rule proposal, FH-19-12. The rule is being submitted to ensure the language that governs fishing in inland, outlying, and boundary waters is accurate and properly reflects the desired management of Wisconsin waters. The rule is in response to recent statutory changes and to the interests of the public and both Law Enforcement and Fisheries Management staff. The objectives of FH-19-12 are to:

- add language to respond to newly created statutory language,
- remove sections of code that are outdated or have been replaced by other statute or code changes,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.

Notice is hereby given that the Department will accept written comments on the EIA until November 21, 2012. The Department is gathering information to determine if there is an economic effect of the proposed rule on specific businesses, business sectors, public utility ratepayers, local governmental units, and the state economy as a whole. Information and advice is requested from businesses, business associations, local governmental units, and individuals that may be affected economically by the proposed rule.

Would you, your business, your association, or your local unit of government be affected economically if this rule implemented the following:

- Corrections to Wisconsin-Michigan boundary water regulations, including restoring night fishing and removing a hook gap restriction on the Menominee River and closing spearing for rough fish on all WI-MI boundary waters. A rule implemented in 2009 unexpectedly changed the regulations on boundary waters. Department of Natural Resources staff from both states met in 2011 and agreed to return night angling, hook size, and spearing regulations to how administrative code was previously enforced and for consistency between state regulations. Regulations will match Michigan regulations and are intended to improve public understanding of rule enforcement on these shared waters.
- An extension of an existing fish refuge boundary on Wingra Creek in Dane County. The extension is requested because a rebuilt and extended platform next to the refuge reduces protection for fish populations in this refuge area.
- No possession limit for food distribution services that lawfully receive fish for purposes of redistribution. This clarifies in code the existing law enforcement policy on fish donations.
- Making ice shelter labeling rules the same on boundary waters as on inland waters. Owners will not be required to post their names and addresses on fishing shelters that are occupied or otherwise in use.
- Clarifications in code that setlines and set or bank poles are authorized methods for taking turtles.
- Clarifications in code that trolling is allowed for disabled persons.
- Removals of unnecessary notations of a 40-inch size limit for muskellunge in code. A minimum size limit of 40 inches is the general inland waters size limit for muskellunge and is indicated in a separate code section.
- Removals of expired or incorrect language for regulations in Iowa County, Langlade County, Oneida County, Polk County, Sheboygan County, and Vilas County.
- Clarifications on boundaries of trout regulations on the East Fork of Raccoon Creek (also known as Paddock Creek) in Rock County. Original code language was unclear and resulted in enforcement issues.

Trout have only been stocked in the East Fork of Raccoon Creek and the regulation applies only to that section.

- Preventing overlapping start and end dates of differing regulations for walleye, sauger, and hybrids on the Fox River downstream from the DePere Dam. Currently, the early season regulation begins on March 2 while the alternate regulation ends on the first Sunday in March. These dates may overlap in certain years.
- Removing notations of expired fish refuges in NR 26.
- Corrections and removal of expired language within NR 25, rules governing commercial fishing in outlying waters, and adding the Old Stone Quarry to the list of secondary ports where fish are landed by commercial fishers.

This rule would also make amendments to rules in order to match recently changed statutory language, including code language changes regarding:

- fish farms in natural waterbodies (2011 Wisconsin Act 207),
- fishing for rough fish with a crossbow under the same circumstances as with a bow and arrow and adding Asian carp to the definition of rough fish (2011 Wisconsin Act 180),
- allowing 12- and 13-year olds to apply for a sturgeon spearing license (2011 Wisconsin Act 168),
- providing free fishing during the third weekend in January each year when no license is required to fish in inland, outlying, and boundary waters (2011 Wisconsin Act 168), and
- deleting minimum harvest requirements for commercial fishing in the Great Lakes (2011 Wisconsin Act 177).

If you expect to be affected economically by this rule proposal please provide as much information as possible to the Department regarding:

1. any implementation or compliance costs you would expect to incur,
2. quantifiable benefits of the proposed rule, or
3. how the proposed rule would negatively affect your overall economic competitiveness, productivity, or jobs.

If requested, the Department will coordinate with local governments in the preparation of the EIA.

Please indicate whether you are responding as a business, small business, business association, local governmental unit, or individual. A small business is defined as an independently owned and operated business that is not dominant in its field and which employs 25 or fewer full-time employees or which has gross annual sales of less than \$5,000,000.

The proposed rule may be reviewed at:

<http://dnr.wi.gov/topic/fishing/rules/> or <http://adminrules.wisconsin.gov>

To request this material in an alternative format, please call Kate Strom Hiorns at (608) 266-0828 with specific information on your request by November 14, 2012.

Comments are due and shall be postmarked no later than November 21, 2012. Please provide your email address or phone number in order for the department to contact you if additional information is needed. Written comments on economic effects of the proposal may be submitted via U.S. mail or email to:

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