

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

SUBJECT:

Request that the Board approve the statement of scope for Board Order FH-16-21, and conditionally approve the public hearing notice for Board Order number FH-16-21 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for proposed rules affecting chapter NR 20 related to reporting requirements for sport trolling licensees.

FOR: April 2022 Board meeting

PRESENTER'S NAME AND TITLE: Meredith Penthorn, Fisheries Management policy specialist

SUMMARY:

The Governor approved the statement of scope for Board Order FH-16-21 on February 3, 2022, and the Joint Committee for the Review of Administrative Rules did not request a preliminary public hearing on the scope statement. If the scope statement for FH-16-21 is approved, the department may begin drafting the rule language. As required by statute, the department may not begin work on the content of the proposed rule until the scope statement is approved. Once the rule is drafted, the department will seek public comment on the economic impact of the rule and on the proposed rule language. The 30-month time frame for submission of a final rule to the legislature for approval expires on August 14, 2024.

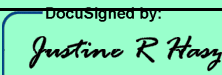
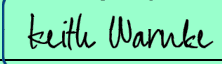
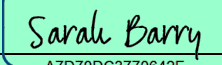
The rule associated with this scope statement would require electronic reporting for charter captains (those required to be licensed to guide anglers in sport trolling for trout and salmon in the Great Lakes), and may clarify elements of the reporting form to better provide information important to fisheries management. This would make reporting methods consistent with those for fishing guides and commercial fishers on the Great Lakes.

RECOMMENDATION: That the Board approve the statement of scope for Board Order FH-16-21 and conditionally approve the public hearing notice for Board Order FH-16-21 and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- Statement of Scope
- Governor's Approval of Statement of Scope
- Public Comments Summary
- (insert document name)
- (insert document name)
- (insert document name)

For

Approved by	Signature	Date
Justine Hasz, Fisheries Management bureau director		3/15/2022 8:49 AM CDT
Keith Wanke, FWP division administrator		3/21/2022 8:05 AM CDT
Preston D. Cole, Secretary		3/21/2022 12:55 PM CDT

cc: Board Liaison - AD/8
Department Tribal Liaison - AD/8

Program attorney - LS/8 by Sarah Barry Department rule officer - LS/8

DS
WR

This page was intentionally left blank.

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-16-21

Relating to: Reporting requirements for sport trolling licensees

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:

This rule would improve the timeliness and accuracy of reporting by charter captains on Lake Michigan, Lake Superior and Green Bay through the implementation of universal electronic reporting. This rule would therefore make reporting methods consistent with those for commercial fishers and fishing guides on the Great Lakes. Electronic reporting provides timelier access to reporting data that are used for managing trout and salmon populations in conjunction with creel surveys and moored boat fishing reports.

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:

Charter captains are licensed under an outlying waters sport trolling license in s. 29.514, Stats. to guide anglers in trolling for salmon and trout on Lake Michigan and Lake Superior. Under current rule and statutes, charter captains are required to submit reports of their activities to the department on forms provided by the department. This rule may update the form of reporting for charter captains in s. NR 20.60, Wis. Admin. Code to encompass an electronic report form, and may modify the associated timelines for reporting while remaining within the statutory limits. This rule may also clarify language relating to the information required on the report form to appropriately reflect current fisheries management needs.

Alternatives include maintaining the existing reporting system, which requires the department to manually enter monthly reports into an electronic format. This system does not provide timely access to reporting information for monitoring trout and salmon fisheries.

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

Section 29.514, Stats., establishes the outlying water sport trolling license for charter captains. This section directs sport trolling licensees to keep records regarding activities conducted under the license. The department is authorized to specify the information required on the report and the manner of the report. This section further specifies that reports must be submitted on or before the 10th day of each month.

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

100 hours of staff time will be needed to draft the rule and hold hearings.

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

This rule will affect charter captains in Lake Michigan (including Green Bay) and Lake Superior.

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:

While charter captains are required by state and federal law to possess a valid U.S. Coast Guard operator's license and follow those requirements, no other federal regulations specifically relating to trip reporting 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):

This rule may have a minimal economic impact for charter captains and sport trolling businesses that do not already have a smartphone or similar device for entering the trip reports. In those cases, costs would include procurement of a smartphone and basic data plan. A full economic impact analysis will be conducted during promulgation of the rule.


This rule is not expected to result in any other costs or contain design or operational standards aside from the revised reporting requirements for charter captains.

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

The Department anticipates holding one public hearing in the month of November 2022. If not held virtually, the hearing city will be: Green Bay, WI.

The Department will hold these hearings in these locations to obtain input from charter captains on the outlying waters.

Contact Person: Bradley Eggold, 414-303-0138, Bradley.Eggold@wisconsin.gov.

DocuSigned by:

A7D79DC3770842F...
For Preston D. Cole, Secretary
1/24/2022 | 1:55 PM CST
Date Submitted



Tony Evers

Office of the Governor | State of Wisconsin

February 3, 2022

By Electronic Mail Only

Dear Secretaries and Agency Heads:

On this day, I approved the following statements of scope pursuant to Wis. Stat. § 227.135(2):

- A statement of scope by the Department of Natural Resources, submitted January 24, 2022, relating to reporting requirements for sport trolling licensees (Wis. Admin. Code ch. NR 20); and
- An emergency statement of scope by the Wisconsin Elections Commission, submitted February 1, 2022, relating to correction of absentee ballot certificate envelopes (Wis. Admin. Code ch. EL 6); and
- A statement of scope by the Wisconsin Elections Commission, submitted January 21, 2022, relating to certification and training of municipal clerks (Wis. Admin. Code ch. EL 12); and
- A statement of scope by the Wisconsin Elections Commission, submitted January 21, 2022, relating to polling place emergency planning (Wis. Admin. Code ch. EL 15); and
- A statement of scope by the Controlled Substances Board, submitted January 26, 2022, relating to scheduling 4,4'-Dimethylaminorex (Wis. Admin. Code ch. CSB 2.91).

Please direct any questions about this letter to my deputy policy director, Katie Domina.

Sincerely,

A handwritten signature in black ink that reads "Tony Evers".

Tony Evers
Governor

cc: Ryan Nilsestuen, chief legal counsel (ryan.nilsestuen1@wisconsin.gov)
Katie Domina, deputy policy director (katherine.domina1@wisconsin.gov)
DOA State Budget Office (SBOAdminRules@spmail.wi.gov)
Emma Esch, DNR (emma.esch@wisconsin.gov)
Jim Witecha, WEC (james.witecha@wisconsin.gov)
DSPS (DSPSAdminRules@wisconsin.gov)