

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input checked="" type="checkbox"/> Original <input type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 10/5/2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NR 25, Commercial Fishing: Outlying Waters	
4. Subject FH-02-20, Lake Michigan whitefish management and Great Lakes commercial harvest reporting	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input checked="" type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input checked="" type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input checked="" type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input checked="" type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input checked="" type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$960  Implementation and compliance costs to commercial fishers due to this rule will mainly stem from the electronic reporting requirement. Individual Zone 2 commercial whitefish fishers may experience an economic impact if the revised total allowable commercial harvest impacts their actual harvest of whitefish (which is not expected), but the impact to commercial fishers overall is expected to be minimal.	
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)? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
11. Policy Problem Addressed by the Rule This rule updates the total allowable commercial harvest of lake whitefish for all three zones of Lake Michigan. Updates are necessary to respond to the changing distribution and population dynamics of lake whitefish, as revealed through recent lake whitefish population modeling in Lake Michigan, including Green Bay. If the lake whitefish population is not managed appropriately, the sustainability of the shared commercial and recreational whitefish fishery may be compromised. The rule also implements a new restricted area to minimize the incidental catch of bycatch in Green Bay whitefish trap netting operations. Minimizing bycatch is important because Lake Michigan also supports a sport fishery, with lake trout a key species in Lake Michigan proper and walleye, yellow perch, northern pike, smallmouth bass, lake whitefish and muskellunge occupying Green Bay. The rule requires whitefish fishers in Lake Michigan and Green Bay to report the name and location of trap nets to gain better data on the use of trap nets for whitefish fishing. This rule also requires electronic reporting for all Great Lakes commercial fishers, which provides quicker, more accurate access to harvest data than biweekly paper reporting. Electronic reporting has been a priority for managing commercial fisheries for at least a decade, but to date, only a subset of fishers have utilized the electronic reporting system.	
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. Commercial fishing businesses, fish markets and businesses that use fish products, and individual commercial fishers may be impacted by this rule, and have provided some input during the preliminary public hearing and public meetings for this rule. Sport fishers and fishing guide businesses may be indirectly impacted by the rule due to redistribution of	

## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

commercial fishing effort in Lake Michigan and Green Bay. Impacted groups will have an opportunity to comment on this economic impact analysis through a posting on the department's website.

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13. Identify the Local Governmental Units that Participated in the Development of this EIA.

Local governments in the vicinity of Lake Superior, Lake Michigan and Green Bay will be contacted for input on this EIA.

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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)

Lake Michigan/Green Bay whitefish management

This rule will have a minimal impact overall, but is anticipated to positively impact commercial fishing businesses that fish for whitefish in Green Bay. The exact amount that each commercial fisher may gain due to the increased allowable harvest in Zone 1 waters of Green Bay is unknown. Currently, nine commercial fishing licensees actively fish for whitefish in Green Bay, and additional commercial fishers may be able to purchase quota in Green Bay to fish there, thereby benefitting from this increase. Assuming a dockside value of \$2 per pound for whitefish based on average dockside values over the past five years, a whitefish allowable harvest increase in Zone 1 of 437,815 pounds could convey up to a \$875,630 dockside value benefit to the commercial fishing industry, which would translate into additional income once the fish are sold at wholesale and retail prices. Commercial fishers that fish in Zone 2, which falls across northern Green Bay and Lake Michigan, may experience a negative economic impact from this rule only if they are unable to harvest as much whitefish as in the past due to limits on Green Bay and Lake Michigan whitefish harvest in Zone 2. Over the past 10 years, total harvest in Zone 2 has not approached the current Zone 2 allowable harvest limit, and over the past 8 years and with the 5-year average commercial harvest, the Zone 2 actual harvest has remained below the proposed Zone 2 allowable harvest, so this rule and its adjustments to the Zone 2 may not impact the amount of whitefish commercial fishers are able to harvest and therefore may not have an economic impact. Additionally, this rule would continue to allow commercial fishers with Zone 2 individual licensee catch quota allocations to fish anywhere in Zone 2 (including the Green Bay portion, with a higher concentration of whitefish), until the harvest limits for Zone 2 are reached. In Zone 3, the allowable harvest will not change, so no negative impact from this rule is expected for Zone 3 commercial whitefish fishers due to harvest limits. Therefore, this rule is expected to have a minimal economic impact on Zone 2 fishers and Zone 3 fishers.

Great Lakes electronic harvest reporting

This rule would require harvest reports to be entered electronically. EFHRS will require the commercial fisher or crew member to have access to a smartphone or computer to enter the electronic reports, and those that do not have a phone or computer would have to purchase such a device. According to the Pew Research Center (1), an estimated 85 percent of American adults owns a smartphone. With 46 licensed commercial fishers operating in Green Bay and Lake Michigan and 8 in Lake Superior, therefore, an estimated 7 commercial fishers in Lake Michigan and 1 in Lake Superior may not have a smartphone for entering reports electronically. However, some of these commercial fishers may have a computer for entering the reports, and crew members of licensees may also have an electronic device to enter the reports for the licensee's commercial fishing operations. With this information, and estimating that a low-cost smartphone and basic data plan can be obtained for about \$120 per year, the impact to each commercial fishing licensee and the industry overall is likely to be very minimal, about \$960 per year in total at maximum.

1. Demographics of mobile device ownership and adoption in the United States. (2021, April 07). Retrieved June 28, 2021, from <https://www.pewresearch.org/internet/fact-sheet/mobile/>

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## **ADMINISTRATIVE RULES**

### **Fiscal Estimate & Economic Impact Analysis**

#### Impacts to the Sport Fishing Community

While this rule will not impose any additional regulations on sport fishers or related fishing businesses, nor will it directly contribute to user conflicts with sport fishers, sport fishers, fishing guides and associated businesses may be impacted indirectly if the increased Zone 1 allowable harvest limit in this rule leads to additional commercial fishing activities in Green Bay. Sport fishing attracts many anglers to the area each year and contributes \$264.3 million in direct and indirect impacts to the Green Bay-area economy annually through fishing expenditures (bait shops, outfitters, guide services, etc.) and related spending (travel, hotels, restaurants, taverns, etc.) (2), and the ice fishery and walleye fishery are increasing in popularity among sport fishers. This rule may or may not result in changes to commercial fishing activity in Lake Michigan and Green Bay. Of note, sport fishers are concerned about the impacts of additional commercial fishing on bycatch of walleye, pike, perch and other game fish species, as well as the effects on whitefish, especially in Green Bay. Because this rule will not inherently increase commercial fishing activity, and because both the commercial and sport fisheries are subject to a variety of influencing factors (weather, ice conditions, prey availability, fish distribution, etc.), economic impacts on the sport fishery and related businesses due to commercial fishing activity are unquantifiable at this time and are indirectly related to implementation of and compliance with this rule. However, this rule does include measures to maintain the shared fishery and balance user conflicts between sport and commercial fishers. Requiring electronic harvest reporting for commercial fishers will allow the department to obtain expeditious access to catch data for proper management of the fishery. This rule also creates a restricted area for trap nets in southern Green Bay to help reduce the potential for user conflicts, bycatch of game fish, and mortality of sublegal whitefish.

2. Winden, Matthew, John Stoll, Kara Bennett and Russ Kashian. "The Economic and Fiscal Impact of Green Bay Recreational Fishing." University of Wisconsin-Whitewater, 2018.

This rule may have a minimal fiscal impact on the department for fully implementing the electronic fish harvest reporting system for all Great Lakes commercial fishers. However, these expenses can be absorbed in the agency's budget, and the benefits of timelier, more accurate commercial fishing reports for monitoring and managing commercially important fisheries will offset short-term expenses.

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#### 15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

This rule will benefit the Lake Michigan whitefish fishery, which is shared between the commercial and sport fishers, to ensure that a harvestable population remains for both commercial and sport fishers well into the future. Some of the key provisions in the rule align the zone-specific allowable harvest with the current distribution of whitefish in Lake Michigan (including Green Bay), to allow commercial fishers to fish where the whitefish population has grown while limiting fishing in areas that have shown signs of whitefish population decline. This rule utilizes a model approach to setting total allowable commercial harvest (TACs) for Green Bay and Lake Michigan, and allowable harvest for each of the three zones, so that these numbers can be adjusted along data analysis timelines without requiring rulemaking each time. Currently, there is no alternative to rule-making in order to adjust the total allowable commercial harvest or how the TACs are divided between the zones. However, the department will continue to inform and work with the Lake Michigan Commercial Fishing Board and other stakeholders when the population models are run and the TACs change.

By fully implementing electronic harvest reporting, this rule will greatly benefit fisheries management in both Lake Michigan and Green Bay through timelier and more accurate datasets gained from all commercial fishers. If this rule is not implemented, commercial fishers could continue to report electronically, but only on a voluntary basis. This would perpetuate issues the department has experienced in using harvest data to properly manage the fishery, and would also require the department to maintain two reporting systems for commercial fishers, at additional expense to the department due to the time required to enter all of the paper reports into an electronic format for data analysis.

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## ADMINISTRATIVE RULES

### Fiscal Estimate & Economic Impact Analysis

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16. Long Range Implications of Implementing the Rule

The long range implications include maintaining a harvestable lake whitefish population in Lake Michigan, allowing commercial fishers to make better use of Green Bay whitefish stocks while managing user conflicts between sport fishers and commercial fishers in Green Bay, and gaining better harvest reporting data from Great Lakes commercial fishers. Electronic harvest reporting will help cultivate a more accurate long-term harvest dataset for managing all Great Lakes commercial fisheries.

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17. Compare With Approaches Being Used by Federal Government

No federal statutes or regulations apply. States possess inherent authority to manage the fishery and wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register.

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

Along with Wisconsin, Michigan and Illinois are the only adjacent states with a Lake Michigan commercial fishery. In Michigan, lake whitefish is the focus of the commercial fishery. In addition to the large commercial gill and trap net fishery, a small trawling fishery that focuses on smelt and lake whitefish has operated in Michigan waters of Green Bay since the 1960s. Illinois has a very limited commercial fishery on Lake Michigan. Both states have established quotas, gear requirements and other restrictions for commercial fishing in Lake Michigan.

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19. Contact Name	20. Contact Phone Number
Meredith Penthorn	608-316-0080

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This document can be made available in alternate formats to individuals with disabilities upon request.

## ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

### ATTACHMENT A

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

The department receives information on commercial fishing from the Lake Michigan Commercial Fishing Board, and gathers some information from sport fishing through creel surveys and contacts from local businesses and sport fishing organizations.

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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

By requiring electronic harvest reporting instead of allowing both paper and electronic harvest reporting, this rule standardizes reporting methods for commercial fishers. However, this rule does allow commercial fishers some flexibility in the methods for submitting electronic harvest reports, allowing them to first record the information on a paper form before entering the information electronically by the end of the day.

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5. Describe the Rule's Enforcement Provisions

DNR law enforcement routinely conducts checks of Great Lakes commercial fishers, which will continue under this rule.

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

- Yes    No
-