

STATE OF WISCONSIN  
DEPARTMENT OF ADMINISTRATION  
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE  
101 EAST WILSON STREET, 10TH FLOOR  
P.O. BOX 7864  
MADISON, WI 53707-7864  
FAX: (608) 267-0372

## 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 01/28/2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NR 20, Fishing: Inland Waters; Outlying Waters	
4. Subject FH-08-20 - Guide licenses and reporting requirements	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input 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 type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input checked="" 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 <b>(if checked, complete Attachment A)</b>	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). Approximately \$2160 or less	
<p>The only costs would be for guides that do not already possess an electronic device such as an internet-capable phone for reporting.</p>	
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 Under existing rules, licensed guides are required to report fish harvests, but the exact data requested and form of submission are not clear and the current rules create challenges for effective enforcement. As a result, the data that the department receives from licensed Great Lakes fishing guides is not sufficient for proper management of sport fisheries. Section NR 20.65, Wis. Admin. Code, requires all guides operating in the waters of Lake Superior, Lake Michigan and Green Bay to report the quantity and variety of fish taken and other information relating to fishing activities, as required by the department. This rule would improve the specificity and enforceability of guide reporting requirements, for clearer and more consistent reporting moving forward. The data gained through guide reporting is directly used to manage game fish populations, and is of special importance for managing emerging sport fisheries such as the Green Bay lake whitefish sport fishery.	
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. The department will contact individuals, businesses, and others with an interest in this rule's economic impacts during rule development.	
13. Identify the Local Governmental Units that Participated in the Development of this EIA. None	
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) This rule will have a minimal economic impact, if any, on licensed guides and guiding businesses. The types of information required to be reported under the proposed rule would not generate any costs. The method for reporting	

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(electronic submission) may minimally impact some guides under mandatory electronic reporting if those guides do not already possess an electronic device such as a computer or cell phone to enter the reporting information. The department does not have an estimate of how many guides do not already own such a device. However, the department estimates that about 95 fishing guides (not including charter services that guide in sport trolling for trout and salmon) operate in the Great Lakes. According to the Pew Research Center (1), an estimated 81 percent of American adults owns a smartphone. Based on this estimate we assumed that about 18 fishing guides do not own a phone with internet access. Assuming that a cheap smartphone and plan would cost about \$120 a year, the total compliance cost for the group of fishing guides without phones would be approximately \$2160 per year.

This rule will not contain any design or operational standards but will contain new reporting requirements that will apply to licensed fishing guides, including those who guide in trolling for species other than trout and salmon.

1. Demographics of mobile device ownership and adoption in the United States. (2020, June 05). Retrieved February 23, 2021, from <https://www.pewresearch.org/internet/fact-sheet/mobile/>

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

This rule will provide much-needed data on guided fishing trips and recreational fish harvest to complement data from commercial fishing operations in the Great Lakes. These data are used to manage Great Lakes fish populations, including those that both sport and commercial fishers utilize, at sustainable levels. Under current rules, not all guides report to the department as required, and the missing data from the guides that are not reporting may comprise a substantial proportion of the total Great Lakes fishing guide reporting dataset. The department has observed a decrease in the number of guides reporting in recent years, and without enhanced reporting requirements under this rule, the number of guides reporting could continue to decline, negatively impacting the department's datasets and fish population modeling.

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#### 16. Long Range Implications of Implementing the Rule

The main long-term benefit is larger and more accurate datasets to use when managing Great Lakes fish populations.

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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)

In Michigan, charter captains (both sport trolling charter captains and those using other fishing methods) in the Great Lakes are required to submit monthly reports to the Michigan Department of Natural Resources using an electronic system. The reports contain information on lake fished, date, specific location and hours fished, total number of anglers, total catch of major species, targeted species, and sea lamprey presence on certain salmonids. The Michigan DNR collects this data by sending a notification of reporting requirements to charter captains either by email or by hard-copy mailing, and then follows up with an additional postcard or mail notification and law enforcement contacts for those charter captains that have not yet submitted reports. According to the Michigan DNR, this approach resulted in a 99 percent compliance rate in 2019-20.

Illinois also considers charter boats to include those taking anglers on paid fishing trips for any kind of sportfish. The Illinois DNR requires charter sportfishing boat operators to complete daily catch reports, all of which are due by the 15th of the following month. Those who do not comply may be subject to penalties and may not be able to obtain a charter boat permit in future years.

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Minnesota requires licensed Lake Superior fishing guides (including charters) to submit monthly fishing reports by the 10th of the following month during the fishing season. Those that do not submit reports three times in a 2-year period may not be eligible for a guide license for up to three years.

Iowa does not require guiding licenses or guide reporting.

19. Contact Name Meredith Penthorn, Fisheries Management policy specialist	20. Contact Phone Number 608-316-0080
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**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)

This rule will have a minimal economic impact, if any, on licensed guides and guiding businesses. The types of information required to be reported under the proposed rule would not generate any costs. The method for reporting (electronic submission) may minimally impact some guides under mandatory electronic reporting if those guides do not already possess an electronic device such as a computer or cell phone to enter the reporting information. According to the Pew Research Center (1), an estimated 81 percent of American adults owns a smartphone, so using this estimate, we assumed about 18 fishing guides do not own a phone with internet access. Assuming that a cheap smartphone and plan would cost about \$120 a year, the total compliance cost for the group of fishing guides without phones would be approximately \$2160 per year.

This rule will not contain any design or operational standards, but will contain new reporting requirements that will apply to licensed fishing guides, including those who guide in trolling for species other than trout and salmon.

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

The department does not have adequate reporting data from the licensed guides that will be affected by this rule; therefore, there is not a standard for comparison of how this rule will impact guides compared to previous rules.

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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:

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4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

Specifying the annual reporting requirements rather than requiring guide reporting in all areas of the Great Lakes at all times of year and for all species will alleviate the reporting burden for some guides while allowing the department to collect data needed to manage fish populations.

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5. Describe the Rule’s Enforcement Provisions

The timeframes for reporting and more specific information required will assist law enforcement agents in verifying that guides are reporting their catch accurately and on time.

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

- Yes
  - No
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