

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

SUBJECT:

Request that the Board approve the statement of scope for Board Order FH-13-14 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for proposed rules affecting ch. NR 25 related to implementing a web-based Electronic Fish Harvest Reporting System (EFHRS) for licensed commercial fishers of the Great Lakes.

FOR: October 2014 Board meeting

PRESENTER'S NAME AND TITLE: Tom Hansen, Administrative Warden

SUMMARY:

Administrative code requirements currently apply to an outdated electronic fish harvest reporting system (EFHRS). The proposed rules will create the necessary procedures and direct commercial fishers to use a new EFHRS that is currently under development for recording and reporting all elements of their commercial catch. Recognizing that a small percentage of the commercial fishers may not own computers or may not be comfortable with electronically submitting their daily fishing activity reports, the Department will allow these commercial fishers to continue reporting with the current biweekly paper system until they decide to retire from the industry or become comfortable with use of the new technology.

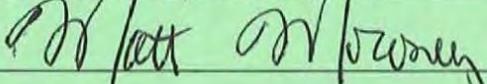
The proposed rule would implement commercial fishing reporting procedures for a web-based electronic fish harvest reporting system that utilizes current technology and meets recommendations requested by the commercial fishing industry in the June 2000 Commercial Fisheries Task Force.

No economic impact is anticipated as a result of this rule change.

RECOMMENDATION: That the Board approve the statement of scope for **Error! Reference source not found.** and conditionally approve the public hearing notice 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
Ron Bruch, Bureau Director		08/28/14
Russ Rasmussen, Division Administrator		9/10/14
Cathy Stepp, Secretary		10/6/14

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule officer - LS/8

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-13-14

Relating to: Electronic fish harvest reporting system (NR 25.13, Wis. Adm. Code)

Rule Type: Permanent

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

Not applicable

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

The department is seeking to amend s. NR 25.13, Wis. Adm. Code, in order to implement a web-based Electronic Fish Harvest Reporting System (EFHRS) for licensed commercial fishers of the Great Lakes.

The current s. NR 25.13(5), Wis. Adm. Code, directs commercial fishers to use a discontinued, obsolete EFHRS and is not applicable to the next generation EFHRS under development. The revised rules will create the necessary procedures and direct the commercial fishers to use the new EFHRS for recording and reporting all elements of their commercial catch. Recognizing that a small percentage of the commercial fishers may not own computers or may not be comfortable with electronically submitting their daily fishing activity reports, the department will allow these commercial fishers to continue reporting with the current biweekly paper system until they decide to retire from the industry or become comfortable with use of the new technology.

Additional rule changes may be pursued which are related to implementation of a new EFHRS.

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:

The development of an EFHRS was the cornerstone of June 2000 Commercial Fisheries Task Force recommendations and the subsequent revisions of Wisconsin's commercial fishing laws. The overall goal was to improve compliance with Wisconsin's commercial fishing regulations and enhance the management of the Great Lakes fisheries resources.

During the Task Force meetings, subsequent legislative hearings, and Natural Resource Board proceedings, the department made the commitment to create and implement an EFHRS with specific objectives to:

- 1) **Enhance law enforcement:** Provide DNR law enforcement staff with reported catch weights within 24 hours of harvest to facilitate monitoring of commercial fishers for compliance with fish harvest quotas and reporting requirements.
- 2) **Streamline business processes:** Streamline required reporting processes and reduce the paperwork burden for both the commercial fishers and the department (the commercial fishers would be entering, proofing and certifying all of their own daily commercial fishing activity data).

Section NR 25.13, Wis. Adm. Code, directed all commercial fishers to file their daily fishing activity reports electronically by July 1, 2010, at which time the paper reporting system was expected to be discontinued. However, the department was unable to develop the expected EFRHS, resulting in commercial fishers continuing to report their daily fishing activities via the biweekly paper reporting system described in ss. NR 25.13(2) and (3), Wis. Adm. Code.

At the beginning of the initial EFHRS project development, both Department of Administration (DOA) and Department of Natural Resources (DNR) information technology requirements prohibited non-DNR computers from connecting to and submitting data directly to the DNR network. This restriction coupled with severe budgetary constraints forced the department to attempt development of a stand-alone, non-state network connected computer system utilizing available, obsolete technology. It was evident during 2012 field tests with Lake Superior and Lake Michigan commercial fishers that this original EFHRS system did not streamline business processes, reduce paperwork or save either the commercial fishers or the department time in completing and processing the required daily fishing activity reports. In August 2012, the decision was made to discontinue the EFHRS project due to identified inefficiencies and obsolete technology (both hardware and software that were no longer supported). As a result, the commercial fishers have continued to use the biweekly paper reporting system for recording all elements of their Great Lakes commercial fish catch.

Multiple commercial fishers have indicated that they would prefer a web-based reporting system that would allow them to utilize their own computers and high speed internet connections for filing fishing reports. A federal grant has been obtained through the U.S. Fish and Wildlife Service to develop a new web-based EFHRS that will allow Great Lakes commercial fishers to electronically submit their daily fishing activity reports directly to the department via their own computers - and eventually smart phones - utilizing their high-speed Internet carriers. The department expects the new web-based EFHRS to be completed by November 30, 2014.

The proposed rule would implement commercial fishing reporting procedures for a web-based electronic fish harvest reporting system that utilizes current technology and meets recommendations requested by the commercial fishing industry in the June 2000 Commercial Fisheries Task Force.

The alternative is to repeal s. NR 25.13(5), Stats., and continue to only use the inefficient biweekly paper reporting system of ss. NR 25.13(2) and (3), Wis. Adm. Code.

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.

Section 29.519 (5) (b), Stats., requires each commercial fisher to maintain and submit records to the department on their daily fishing activities in the form and manner required by the department.

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

Approximately 150 hours

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

The rule would affect licensed commercial fishers on Lake Michigan (65 licenses) and Lake Superior (10 licenses).

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:

The department is not aware of any existing or proposed federal regulation that would govern commercial fishing in Wisconsin's waters.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have a significant economic impact on small businesses):

No economic impact is anticipated as a result of this rule change. If a commercial fisher does not own or have ready access to an Internet connected computer, they will be allowed to continue reporting via the existing biweekly paper reporting system. The proposal will update rule language on how commercial fishing electronic harvest reports may be made. No harvest quota or fishing effort changes will be included in the rule.

No economic impact is expected for small businesses as a result of these rule changes. During rule development, the proposed rule will be available for review and comment at <https://health.wisconsin.gov/admrules/public/Search>.

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

The department anticipates holding two public hearings in early 2015. The hearings will be held in Green Bay and Bayfield.

The department will hold the hearings in these locations to gather potential comments from Great Lakes commercial fishers who fish Wisconsin waters of Lake Michigan and Lake Superior.

Contact Person: Kate Strom Hiorns, (608) 266-0828 or Tom Hansen, (920) 662-5438

Department Head or Authorized Signature

Date Submitted



SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

August 27, 2014

Cathy Stepp
Secretary
Wisconsin Department of Natural Resources
101 South Webster St.
P.O. Box 7921
Madison, WI 53707-7921

RE: Scope Statement for FH-13-14 relating to electronic fish harvest reporting system (NR 25.13, Wis. Adm. Code)

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on August 11, 2014, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapter FH-13-14 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