

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:31-3-11

Rule Type: Amendment

Rule Title/Tagline: Fishing guides.

Agency Name: Department of Natural Resources

Division: Division of Wildlife

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I. Rule Summary

1. Is this a five year rule review? Yes
 - A. What is the rule's five year review date? 8/4/2023
2. Is this rule the result of recent legislation? No
3. What statute is this rule being promulgated under? 119.03
4. What statute(s) grant rule writing authority? 1531.06, 1531.08, 1531.10
5. What statute(s) does the rule implement or amplify? 1531.06, 1531.08, 1531.10, 1533.51, 1533.511
6. Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires? No
 - A. If so, what is the citation to the federal law or rule? Not Applicable
7. What are the reasons for proposing the rule?

This rule establishes the qualifications for a Lake Erie fishing guide license and the terms, conditions, and restrictions of the license.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

It is proposed to amend this rule to remove the requirement that applicants for an Ohio fishing guide license obtain and submit their United States Coast Guard Merchant Mariner Credential along with their application and fee if the applicant will not take clients on their vessel for hire. The proposed change would expand the exemption already provided for ice fishing guides to other types of guiding services. This will reduce the regulatory burden on the businesses that are fishing guides that do not take clients onto their vessels for hire and would not otherwise need to obtain the Coast Guard license.

It is proposed to amend this rule to refer to guides that operate within the Lake Erie fishing district, which will align this rule with 1533.51 of the Revised Code.

It is further proposed to rename this rule as "1501:31-3-11 | Fishing guides in the lake Erie fishing district." for clarification based on where this rule applies.

- 9. Does the rule incorporate material by reference? No**
- 10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.**

Not Applicable

- 11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

Not Applicable

II. Fiscal Analysis

- 12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

This will have no impact on revenues or expenditures.

0

This change will not affect fees, require additional personnel, or require additional equipment. This rule modification will have no impact on the agency's revenue or expenditures.

- 13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Not Applicable.

- 14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**

- 15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

- 16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable.

III. Common Sense Initiative (CSI) Questions

- 17. Was this rule filed with the Common Sense Initiative Office? Yes**

- 18. Does this rule have an adverse impact on business? Yes**

- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? Yes**

This rule establishes the qualifications for a license to be a fishing guide in the Lake Erie fishing district and the license terms, conditions, and restrictions as provided for in Ohio Revised Code 1533.51. This rule requires that a person have a valid U S Coast Guard Merchant Mariner Credential to operate as an Ohio fishing guide when the guide will take clients on their vessel for hire.

- B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Violations of this rule may result in charges of a misdemeanor of the first degree.

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

A U.S. Coast Guard Merchant Mariner Credential must be obtained prior to applying for an Ohio fishing guide license when the guide will take clients on their vessel for hire. The fees for this credential cost between \$95 to \$280. This

credential is valid for five years. The Ohio fishing guide license costs \$50 and is required by 1533.51 of the Revised Code.

- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

- A. How many new regulatory restrictions do you propose adding to this rule? 0
- B. How many existing regulatory restrictions do you propose removing from this rule? 1

1501:31-3-11(A) - This paragraph shall not apply to fishing guides who use their licenses only to guide fishermen to ice shanties.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
- D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable