

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:31-13-07

Rule Type: Amendment

Rule Title/Tagline: Special fishing regulations for water areas owned or controlled by the division of wildlife.

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? 8/8/2022

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, 1533.37, 1533.02

6. What are the reasons for proposing the rule?

This rule regulates activities on areas owned, administered, or under control of the Division of Wildlife open as public fishing areas.

7. 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 by removing the site-specific references to three units of rod and

line. It is proposed to allow three units of rod and line statewide.

It is proposed to amend this rule to identify the areas where a permit is still required following the acquisition of AEP ReCreation lands and the renaming of "Gavin" to the "Southern Ohio Recreation Area".

It is further proposed to amend this rule to consolidate and simplify language to make it easier to read and understand.

- 8. Does the rule incorporate material by reference? No**
- 9. 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

- 10. 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

- 11. 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.

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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.

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

Not applicable.

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

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

16. Was this rule filed with the Common Sense Initiative Office? No
17. Does this rule have an adverse impact on business? No
- A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No
 - 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? No
 - C. Does this rule require specific expenditures or the report of information as a condition of compliance? No
 - 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 Restrictions (This section only applies to agencies indicated in R.C. 121.95 (A))

18. 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? 21

1501:31-13-07(A) - All areas closed to fishing shall be posted with signs.

1501:31-13-07(L)(1) - External fuel tanks are prohibited.

1501:31-13-07(M)(1) - External fuel tanks are prohibited.

1501:31-13-07(N)(2) - External fuel tanks are prohibited

1501:31-13-07(Q)(2) - It shall be unlawful for any person at Pymatuning lake to cut or use a hole in the ice for fishing purposes that is larger than ten inches between the farthest points as measured in any direction.

1501:31-13-07(Q)(3) - It shall be unlawful for any person at Pymatuning lake to take minnows by means of a minnow trap which measures more than twenty-four inches in its greatest overall length, or more than twelve inches in its greatest overall width, or have openings larger than one inch in diameter.

1501:31-13-07(Q)(4) - It shall be unlawful for any person at Pymatuning lake to take minnows with a seine or dip net having a side of such seine or dip net that exceeds forty-eight inches in length, or having a size of the mesh in such seine or dip net which measures not less than one-eighth inch on a side or larger than one-half inch on a side.

1501:31-13-07(Q)(6) - It shall be unlawful for any person to take or possess a walleye less than fifteen inches, or a muskellunge less than thirty inches, or a largemouth or smallmouth bass less than twelve inches, or a crappie less than nine inches while at, on, or when returning from Pymatuning lake.

1501:31-13-07(Q)(7) - It shall be unlawful for any person to take or possess frogs, turtles, and tadpoles from Pymatuning lake at any time except from July first to October thirty-first, both dates inclusive.

1501:31-13-07(Q)(8) - It shall be unlawful for any person at Pymatuning lake to take or have in possession in any one day more than fifteen frogs or fifteen tadpoles.

1501:31-13-07(Q)(8) - Frogs shall not be taken with the aid of a light or by means of firearms.

1501:31-13-07(Q)(9) - It shall be unlawful for any person at Pymatuning lake to take more than ten turtles in any one day (except snapping turtles-unlimited).

1501:31-13-07(Q)(14) - Pennsylvania fishermen angling from the shore on the Ohio side of Pymatuning lake must have an Ohio non-resident fishing license.

1501:31-13-07(Q)(15) - Ohio fishermen angling from the shore of the Pennsylvania side of Pymatuning lake must have a Pennsylvania non-resident license.

1501:31-13-07(Q)(16) - It shall be unlawful for any person to take fish in any manner other than with up to three hand lines, up to three units of rod and line, or a combination of up to three hand lines or units of rod and line in the aggregate from Pymatuning lake, except carp and suckers may be taken with longbow and arrow or a spear from said lake.

1501:31-13-07(Q)(17) - It shall be unlawful for any person to possess a fish in any form or condition other than in the round while on a boat or when unloading the fish from a boat, while wading or while fishing from shore on the Ohio side of Pymatuning lake.

1501:31-13-07(Q)(17) - It shall be unlawful to possess or transport a fish taken from Pymatuning lake unless the fish is in the round or complete fillet until a person reaches their permanent residence or until the fish is being prepared for immediate consumption.

1501:31-13-07(Q)(10) - It shall be unlawful for any person to take crayfish, mussels, and larval aquatic insects at any time from Pymatuning lake.

1501:31-13-07(Q)(17) - Frozen fish must be transported in such a way the fillets can be easily identified and counted.

1501:31-13-07(V) - It shall be unlawful to engage in fishing in the lake Erie sport fishing district, the eastern fishing unit of the Ohio river, or the western fishing unit of the Ohio river with more than three hand lines, three units of rod and line, or a combination of up to three hand lines or units of rod and line in the aggregate.

1501:31-13-07(W) - All definitions set forth in rule 1501:31-1-02 of the Administrative Code shall apply to this rule.

- C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.**