

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 1501:31-13-11

Rule Type: Rescission

Rule Title/Tagline: Special Ohio river fishing regulations.

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, 1533.02
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 fishing regulations for the eastern and western fishing units of the Ohio River.
8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

It is proposed to rescind and replace this rule.

- 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.

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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.

- 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? No
18. 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 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? 12

1501:31-13-11(C)(3) - It shall be unlawful to take or possess a largemouth bass, spotted bass or smallmouth bass less than twelve inches in length or a muskellunge or tiger muskie less than thirty inches in length.

1501:31-13-11(A) - The eastern fishing unit of the Ohio river shall consist of those counties bordering the state of West Virginia and more specifically the counties of Columbiana, Jefferson, Belmont, Monroe, Washington, Athens, Meigs, Gallia, and that portion of Lawrence east of the West Virginia and Kentucky state lines.

1501:31-13-11(A) - Provided further, it shall be unlawful to take or possess any fish contrary to this rule or any other division of wildlife rule when within a quarter mile of the Ohio river or its embayment areas and tributaries to the first riffle or dam in the eastern fishing unit of the Ohio river.

1501:31-13-11(B) - It shall be unlawful for any person to take or possess more than two muskellunge, or six largemouth, smallmouth, or spotted bass singly or in the aggregate in any one day in the area prescribed in paragraph (A) of this rule.

1501:31-13-11(B)(1) - It shall be unlawful for any person to take or possess a muskellunge or tiger muskie less than thirty inches in length, in the area prescribed in paragraph (A) of this rule.

1501:31-13-11(B)(2) - It shall be unlawful for any person to take or possess more than thirty striped bass, hybrid striped bass, or white bass, singly or in the aggregate of which no more than four may be more than fifteen inches in length in any one day in the area prescribed in paragraph (A) of this rule.

1501:31-13-11(B)(3) - It shall be unlawful to take or possess a largemouth bass, smallmouth bass or spotted bass less than twelve inches in length from the area described in paragraph (A) of this rule.

1501:31-13-11(B)(4) - It shall be unlawful to take or possess more than thirty black or white crappie singly or in the aggregate in any one day from the area described in paragraph (A) of this rule.

1501:31-13-11(B)(5) - It shall be unlawful for any person to take or possess more than six saugeyes, six walleyes, or six sauger, singly or in the aggregate in any one day from the area describe in paragraph (A) of this rule.

1501:31-13-11(C) - The western fishing unit of the Ohio river shall consist of those counties bordering the state of Kentucky and more specifically that portion of Lawrence county west of the Kentucky and Ohio border and the entire counties of Scioto, Adams, Brown, Clermont, and Hamilton.

1501:31-13-11(C) - Provided further, it shall be unlawful to take or possess any fish contrary to this rule or any other division of wildlife rule when on or within a quarter mile of the Ohio river or in its embayment areas and tributaries to the first riffle or dam in those counties or portions thereof in the western fishing unit of the Ohio river.

1501:31-13-11(C)(1) - It shall be unlawful for any person to take or possess more than six largemouth, smallmouth, or spotted bass singly or in the aggregate, or more than two muskellunge or tiger muskie singly or in the aggregate, or thirty black or white crappie singly or in the aggregate in any one day in the area prescribed in paragraph (C) of 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.**
- D. Please justify the adoption of the new regulatory restriction(s).**

Not Applicable