

SUBJECT: Information Item: Spring Hearing/Meeting Fisheries Management Advisory Question Results

FOR: MAY 2012 BOARD MEETING

TO BE PRESENTED BY / TITLE: Kate Strom Hiorns, Fisheries Policy Specialist

SUMMARY:

At the April 9, 2012, spring hearings/meetings of the Wisconsin Conservation Congress, the Fisheries Management Program presented advisory questions about types of regulations for which angler preferences are somewhat unknown. The questions were intended to start discussions about how and why to develop and use regulations. Answers to the questions - along with discussions with fisheries biologists, conservation wardens, and a possibly more in-depth public survey if funding is available - will help us determine how to both provide better access to information and increase opportunities to fish.

Final Fisheries advisory question results are included in the background memo. It is also noted whether the Department plans to advance a related rule proposal.

RECOMMENDATION: Informational item. No action needed.

LIST OF ATTACHED MATERIALS:

No Fiscal Estimate Required

Yes Attached

No Environmental Assessment or Impact Statement Required

Yes Attached

No Background Memo

Yes Attached

APPROVED:

Michael Stagg
Bureau Director,

4/25/2012
Date

Kenneth A. Johnson
Administrator,

5/1/2012
Date

Walter W. Jorjany
Secretary, Cathy Stepp

5/7/12
Date

cc: NRB Liaison
DNR Rules Coordinator

Kate Strom Hiorns FH/4

CORRESPONDENCE/MEMORANDUM

DATE: April 25, 2012
TO: Natural Resources Board
FROM: Cathy Stepp
SUBJECT: Spring Hearing/Meeting Fisheries Management Advisory Question Results

The Department has committed to continued participation in annual spring meetings with the Wisconsin Conservation Congress. The April 9, 2012, spring hearing/meeting was similar to traditional "spring hearings" and was held in every county of the state. Only advisory questions were presented by the Department, with 23 of the 38 developed by the Fisheries Management Program.

Fisheries Management asked questions designed to help determine ways to provide better access to information and to increase fishing opportunities, as well as provide general advice for developing new fishing regulations. The questions and their results are listed below. It is also noted whether the Department currently plans to advance a related rule proposal.

FISHERIES MANAGEMENT ADVISORY QUESTIONS
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Fishing regulations are used as a tool to ensure good fishing exists into the future. The Department has used different types of fishing regulations in order to:

- control angler impacts on fish populations;
- maintain numbers and size of fish in a lake or stream;
- provide different types of fishing experiences, such as fishing for dinner or for a trophy fish; and
- make access to fishing as fair as possible.

In 2011, the governor's office sent a letter to the Wisconsin Conservation Congress asking for recommendations to reduce hunting, fishing, and trapping regulation complexity. The Department is currently working on a review of fishing regulations and input from the Congress and spring meeting attendants is valuable. Answers to the following questions will help us determine some ways to provide better access to information, increase opportunities to fish, and improve the overall fishing experience.

Question 16: Fishing Seasons

Fishing season closures are generally implemented to protect fish populations from angling during periods of high vulnerability, during spawning times, or when large numbers of fish are congregated in relatively small areas and vulnerable to illegal methods. If populations are overharvested when they are vulnerable, there may be poor fishing during the rest of the year and long-term impacts on the fish population. Closed seasons can function to defer harvest, maintaining good numbers of adult fish to a time period when they are less vulnerable and more anglers have an opportunity to participate in the fishery. Having a traditional "opening day" may also be a benefit of closed seasons. Anticipation for the opener stimulates interest and enthusiasm of anglers and "opening day" events can result in local economic benefits.

However, season closures are not as effective as bag or length limits to manage a fish population because harvest is often only deferred until the open season. It has also proven difficult to set effective season dates at a state or regional level because spawning dates vary greatly for different species, parts of the state, and from year to year. In addition, data have not recently been analyzed to determine whether catch rates differ for species with year round open seasons at spawning or other times of the year.

- If the Department finds that closed seasons are not biologically necessary to protect certain fish populations, would you support rule changes that would open fishing seasons year round?

16. YES 2427; 61 counties NO 1382; 8 counties TIE 3 counties

Fisheries has no specific rule proposals at this time. The Department received two written comments on this question prior to the spring hearings. Both were identical and stated that they were against fishing during spawning seasons, except for rough fish.

Question 17: Management Zones

Wisconsin fishing regulations are currently applied to waters statewide, by county, by individual waterbody, or by northern and southern management zones. Currently there are northern and southern bass management zones divided by State Trunk Highways 77, 27, and 64 and by State Trunk Highway 29 east of the Fox River. In addition, there are northern and southern muskellunge and northern pike management zones divided by U.S. Highway 10. These zones were put in place because spawning and growing seasons may differ from northern to southern Wisconsin. However, they may not be effective because of variation in spawning and growing seasons within the zones and from year to year. Using a statewide regulation would reduce complexity of regulations.

- If the Department finds that management zones are not biologically necessary to protect or improve certain fish populations, would you prefer removing northern and southern zones and instead using statewide regulations?

17. YES 2399; 60 counties NO 1267; 11 counties TIE 1 county

Fisheries has no specific rule proposal to remove any management zones at this time, but it will present an option to change regulations within the northern bass zone at the 2013 spring hearings.

Questions 18-20: Motor Trolling (WCC included a statewide trolling question on their side of the questionnaire – see below)

“Motor trolling” is trailing a lure, bait, or similar device used to attract or catch fish from a boat while being propelled (forwards or backwards) by a motor or a sail or while being towed by a boat being propelled by a motor or sail. Casting and immediate retrieval of a bait or lure while being propelled by a motor or a sail is not motor trolling. Where trolling is allowed, anglers may use up to 3 lines (effectively 3 hooks, baits, or lures).

Currently, rules governing motor trolling differ across the inland waters of Wisconsin, and no substantive biological justification can be provided for the current situation. In 18 counties throughout the state, motor trolling is specifically allowed on all waters; in 45 counties, one or more specifically named waters are open to motor trolling; and in 9 counties, all waters are specifically closed to motor trolling.

Wisconsin is the only state that maintains any statewide or regional restrictions on trolling.

Motor trolling has been controversial because trolling may take up more acreage per angler than casting and could result in higher user conflicts among anglers. However, allowing trolling may not result in any change in the level of user conflicts, given the number of other recreational boaters and jet skiers

currently using lakes and large rivers. A 2010-11 statewide mail survey of musky anglers found that conflicts with speed boats, jet skis, etc., was the 4th highest ranking problem in musky fishing; and conflicts with other anglers ranked 16th out of 18 identified problems. In addition, if motor trolling were legalized statewide, 91% of musky anglers indicated that they would engage in some amount of trolling. In 1998, the Department proposed a rule change at the spring hearings to allow motor trolling with one hook, bait, or lure in all areas closed to trolling. The result was 1,322 YES to 1,969 NO, with 34 counties in favor and 35 against. Since then, two region-wide proposals have passed to open entire counties to trolling, including several counties in south central and northwest Wisconsin.

- Would you support rule changes that would allow motor trolling statewide with the current allowable 3 lines per angler?
18. YES 1379; 16 counties NO 2258; 56 counties
- Would you support rule changes that would allow motor trolling statewide with up to 2 lines per angler?
19. YES 1327; 14 counties NO 2237; 54 counties TIE 4 counties
- Would you support rule changes that would allow motor trolling statewide with only 1 line per angler?
20. YES 1420; 19 counties NO 2127; 52 counties TIE 1 county

Related WCC question: QUESTION 75. Allow Motor Trolling Statewide

Motor trolling is trailing a lure, bait, or similar device used to attract or catch fish from a boat while being propelled (forward or backward) by a motor or a sail. Currently, motor trolling is illegal except in some counties, specified waters, and for certain disabled anglers.

Some anglers feel that allowing motor trolling statewide would reduce complexity, simplify fishing regulations, increase angling opportunity, reduce unnecessary confusion and citations, and remove any confusion about dragging suckers while musky fishing. Motor trolling is allowed in all waters of surrounding states and Ontario, without any adverse effects. If trolling were allowed statewide it would remove confusion on where you can and cannot legally motor troll, and would eliminate the need for "position fishing" rules and disabled motor trolling permits.

75. YES 1928; 53 counties NO 1576; 18 counties TIE 1 county

Based on the supportive vote for the simpler, less confusing Congress question – and if the NRB agrees – Fisheries plans to present a similar proposal at the 2013 spring hearings that would allow motor trolling statewide with 3 hooks, baits, or lures. The Department received one written comment on Questions 18-20 that expressed general opposition to motor trolling based on potential clashes between trollers and other boats, and a concern for overharvest of resources by "an effective, low-skill angling tactic." The angler opposed any change in trolling regulations for northern Wisconsin musky lakes. In response, the Fisheries program does not believe that allowing trolling will result in any change in the level of user conflicts, given the number of other recreational boaters and jet skiers already using lakes and large rivers. In addition, given the restrictive bag and size limits already in place, the Department does not believe that motor trolling will result in overharvest of fish.

Questions 21-26: Access to Regulations

The hook and line fishing regulations booklets for game fish and trout are written to include the majority of information in one place that an angler would need to know when fishing with hook and line in Wisconsin. Regulation booklets are made available wherever licenses are sold. In addition, regulations can be found at the Department website and by checking signs posted at waters. The Department would like to know more about what sources anglers use to access regulation information. Please indicate all sources you have used to access fishing regulations.

- Do you use the printed regulation booklet to find out what regulations apply?
21. YES 3543; 72 counties NO 205; 0 counties
- Do you use online regulations to find out what regulations apply?
22. YES 1936; 33 counties NO 1730; 32 counties TIE 7 counties
- Do you use posted signs at the water to find out what regulations apply?
23. YES 3233; 72 counties NO 439; 0 counties
- Do you use other anglers to find out what regulations apply?
24. YES 1793; 32 counties NO 1818; 35 counties TIE 5 counties
- Do you typically not check what regulations apply?
25. YES 361; 1 county NO 3151; 71 counties
- If one was made available, would you use a DNR Fishing Wisconsin App on a smart phone to find out waterbody and regulation information?
26. YES 1575; 10 counties NO 2061; 60 counties TIE 2 counties

Fisheries does not have a rule proposal related to regulation access, but has been working towards additional methods for access to regulation information. In addition to the printed regulations booklet, there is a new, online, searchable database for anglers to access lake regulations. It can be accessed through dnr.wi.gov/topic/fishing/regulations or directly at http://infotrek.er.usgs.gov/apex/f?p=wdnr_fishing_regulations:home. Anglers can search by county or lake name to find what regulations apply. Joanna Griffin and Jon Hansen in Fisheries have been the main developers behind this significant resource.

In addition, 43% of people who answered question 26 said they would use a smart phone App. Fisheries is currently developing a GPS-linked Wisconsin Fishing App that will be an important resource for younger or more technologically savvy anglers. After some technology issues are resolved, the App will provide anglers easy access to lake location and species information, regulations, consumption advisories, and other helpful information to improve fishing access.

Questions 27-31: Regulation Development

Fisheries management goals may be statewide or regional or designed for specific waterbodies. There may be more than one regulation option to help meet a management goal, and the same regulation on different waters may not have the same result. They can affect anglers and fish populations very differently because of location, the mix of species, habitat condition, and several other factors. Fewer and more uniform regulations throughout the state may be less complex, but may not manage some waters to

meet their needs. The following questions will help advise the Department when initiating and developing new fishing regulations. It may also help determine what fishing regulation changes could be made with little to no impact to a fishery, but that may reduce complexity for staff and anglers.

- Is it important to you to have identical bag limits for a fish species on all inland waters, even if it means that some waters are not managed to their greatest potential and the diversity of angling opportunities is decreased?
27. YES 869; 1 county NO 2847; 71 counties
- Is it important to you to have identical length limits for a fish species on all inland waters, even if it means that some waters are not managed to their greatest potential and the diversity of angling opportunities is decreased?
28. YES 943; 0 counties NO 2774; 71 counties TIE 1 county
- Is it important to you to have identical seasons for a fish species statewide, even if it means that some waters are not managed to their greatest potential?
29. YES 976; 2 counties NO 2601; 68 counties TIE 2 counties

Border waters shared with neighboring states may differ from inland waters because the border waters, such as the Mississippi and Menominee rivers, span many miles and include varying habitats and species. Although attempts are made to keep regulations the same on those waters between neighboring states, they may differ because natural resource departments have preferences for different regulations.

- Is it important to you to have border water regulations that are consistent with inland/statewide regulations?
30. YES 1476; 13 counties NO 2060; 57 counties TIE 2 counties
- Is it important to you to have border water regulations that are consistent with neighboring states' border water regulations?
31. YES 1879; 48 counties NO 1694; 23 counties TIE 1 county

The responses from meeting attendees suggest that many anglers are content with a diversity of regulation options that result in a diversity of angling opportunities. However, there were significant numbers of attendees that indicated a preference for simpler regulations. Fisheries is currently reviewing its fishing regulations in response to an internal desire to develop a regulations strategy and for potential ways to reduce complexity. It will use these results to evaluate alternatives that will balance these competing interests.

Questions 32-34: Fishing Licenses

Wisconsin's fisheries management programs – stocking, habitat restoration and improvement, fish population surveys, access development, and aquatic education – are all primarily funded by revenues from fishing license sales. To make sure these costs are fairly distributed to all users, resident and nonresident anglers over the age of 16 need some kind of fishing license. Wisconsin is unusual among other states in that it offers a great number of license types: annual, senior, junior, disabled, armed forces, 1-day, 2-day, 4-day, 15-day, husband and wife, family, trout and salmon stamps, sturgeon tags, and hunting combinations. Some people think having many options better serves anglers needs, some people think the large number of choices is overly confusing.

- Would you prefer that Wisconsin simplify its fishing license structure by eliminating less popular license types?
32. YES 1528; 19 counties NO 2152; 51 counties TIE 2 counties
- Would you prefer that Wisconsin eliminate separate stamps and tags, and instead roll those costs into the annual or short term license options?
33. YES 1253; 3 counties NO 2484; 68 counties TIE 1 county

As in most states, fishing license options differ for Wisconsin residents and nonresidents. Nonresidents have more short term license options, but are charged significantly higher fees than residents for comparable licenses. A resident annual fishing license, for example, is \$20 while the comparable nonresident annual license is \$50. Although higher license fees for nonresidents are a long standing tradition, the reason why this is done is unclear. Fisheries management programs receive very little additional revenue from resident taxes, such as income taxes, and higher license fees likely discourage nonresidents from buying fishing licenses. In addition, we spend considerable resources verifying residency and issuing separate licenses. A simplified alternative may be to have general license types for all anglers, regardless of residence, that are set at an intermediate price that maintains current revenue levels.

- Should Wisconsin simplify its fishing license structure by issuing the same types of licenses to anglers at an intermediate price regardless of their residency?
34. YES 514; 0 counties NO 3263; 72 counties

Most attendees favor maintaining higher license fees for nonresidents and a diversity of licensing alternatives, including separate stamps with segregated program revenues. Changes in licensing would require statute changes by the Legislature.

Question 35: Rough Fish Spearing

Spearing includes the use of spears, bow and arrow, spear guns, and other similar devices to catch fish. Spearing is only allowed sunrise to sunset when there is an open season, except bow and arrow may be used day or night. There are no size or bag limits statewide for spearing rough fish, which are considered undesirable species. Those rules are fairly consistent throughout the state, but spearing season dates vary greatly. Some counties allow spearing year-round in all waters, while others are closed year-round. Some seasons run April through March, and others are open May to November. Spearing may be closed because of harvest concerns for non-rough fish species, but it is already illegal to spear those fish unless there is a designated season, such as the sturgeon spearing season. Spearing season rules were put in place at different times and a statewide review of spearing seasons is currently being conducted.

- Would you support efforts to simplify and, where applicable, make spearing season dates the same?
35. YES 2353; 66 counties NO 1078; 6 counties

Fisheries has no related rule proposals at this time, but it intends to review spearing season dates. A proposal may be ready for the 2013 rules package.

Question 36: Lead Tackle

The Natural Resources Board asked the Department in March 2011 to move forward with a pilot project to evaluate angler acceptance of non-toxic fishing tackle. The proposed project would require anglers fishing Escanaba, Nebish, and Palette lakes in the Northern Highlands Fishing Research Area in Vilas County to use non-lead sinkers, jigs, and weights if they weigh less than 1 ounce or are smaller than 1-inch in any dimension. The purpose of the project is to protect loons and other waterbirds that have been shown to ingest smaller sizes of tackle and to increase public awareness of the hazard that small sizes of lead-containing tackle pose to waterbirds.

- Would you support requiring anglers to use non-lead sinkers, weights, jigs, and hooks if they are less than 1-inch length in any dimension and less than 1-ounce in weight on Escanaba, Nebish, and Palette lakes in Vilas County?

36. YES 1646; 26 counties NO 1703; 40 counties TIE 6 counties

Although there has been much discussion on the need to reduce lead in Wisconsin's lakes and streams, and past support from the Conservation Congress on more general advisory questions, there was substantial opposition to this advisory question on restricting the use of lead tackle. Because this proposal was initiated at the request of Natural Resources Board members, we seek guidance from the Board on whether to include this proposal in the 2013 rules package. Tackle would be restricted on Escanaba, Nebish, and Palette lakes if the overall dimension of any part of a jig, weight or lure is less than 1 inch AND it contains any lead. If the overall weight of a jig, weight or lure is less than 1 ounce AND it contains any lead, it also would not be legal. These measurements are related to what size of lure can be ingested by a loon.

Questions 37-38: Fish Refuges

Fish refuges are established to prevent the harvest or disturbance of fish in, on, or along certain waters. Similar to closed seasons, refuges are often created to protect fish populations from angling or illegal harvest methods during periods of high vulnerability where large numbers of fish congregate. Most fish populations are already protected by appropriate bag or size limits. Refuges are usually established to address enforcement concerns, such as snagging spawning fish or anglers catching fish in a closed season and claiming they are fishing for fish that have an open season. Refuges are easy to enforce and can be effective, but do restrict good fishing opportunities. All refuges must be posted and anglers must look for signs before fishing. Posting of all refuges requires considerable time and money and can create confusion for anglers.

- If the Department finds that fish populations can be adequately protected by other regulations such as season, bag, or size limits in certain refuge areas, would you prefer removing those fish refuges?

37. YES 1715; 41 counties NO 1790; 29 counties TIE 2 counties

- Would you prefer that the Department publish a comprehensive list of refuges instead of posting signs at all refuges?

38. YES 1604; 27 counties NO 1900; 41 counties TIE 4 counties

Fisheries has no related rule proposals at this time, but, in order to possibly eliminate refuges or consolidate refuge dates, it intends to review existing refuges along with the Bureau of Law Enforcement.