

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

SUBJECT:

Request that the Board approve the Statement of Scope for Board Order FH-34-13 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for, proposed rules affecting chapter NR 20 related to trolling regulations on inland waters of Wisconsin

FOR: January 2014 Board meeting

PRESENTER'S NAME AND TITLE: Kate Strom Hiorns, Fisheries Policy Specialist

SUMMARY:

"Trolling" means trailing a lure or bait from a boat being propelled by means other than drifting or rowing. Under current rules, trailing a sucker or other minnow behind a boat while under power, however briefly, is considered trolling. Trolling is currently allowed on all waters in 18 counties; on one or more specific waters in 45 counties (105 total waters); and on the boundary waters with IA, MN, and MI (except Vilas County boundary waters).

At the 2013 Spring Hearings, the Department proposed allowing trolling with 3 "lines" (i.e., hooks, baits, or lures) per angler statewide. At their annual meeting in Eau Claire after the hearings, the Conservation Congress developed a compromise to accommodate the wishes of counties that did not support trolling with 3 "lines" per angler. Based on several local resolutions, the Conservation Congress and Department recommended allowing trolling with 1 "line" per angler in 17 counties and trolling with up to 3 "lines" per angler in all other counties. The compromise proposal was adopted by the Natural Resources Board at its June 2013 meeting. However, after submitting the rule to the Governor's Office of Regulatory Compliance, it requested that the Department obtain additional public input on the trolling proposal.

Allowing trolling with at least 1 "line" per angler statewide would: 1) eliminate confusion about where trolling is legal; 2) allow anglers to trail a sucker or other minnow while under power anywhere in the State; 3) eliminate the need for disabled anglers to apply for trolling permits; and 4) provide additional fishing opportunities for anglers who may have more difficulty fishing by other methods.

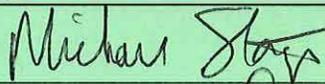
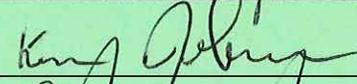
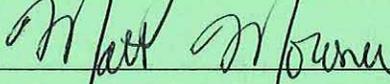
A public hearing would be held at the Fish and Wildlife Spring Hearings on April 14, 2014.

Minimal economic impact (Level 3)

RECOMMENDATION: That the Board approve the Statement of Scope for Board Order FH-34-13 and conditionally approve the public hearing notice and notice of submittal of proposed rules to the Legislative Council Rules Clearinghouse for.

LIST OF ATTACHED MATERIALS (check all that are applicable):

- | | |
|--|---|
| <input type="checkbox"/> memo to the Board | <input checked="" type="checkbox"/> Attachments to background memo |
| <input type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input type="checkbox"/> Environmental assessment or impact statement |
| <input type="checkbox"/> Response summary | <input type="checkbox"/> Board order/rule |

Approved by	Signature	Date
Mike Staggs, Bureau Director		11/22/2013
Ken Johnson, Division Administrator		12/2/13
Cathy Stepp, Secretary		12/19/13

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-34-13 (2nd Submission)

Relating to: Fishing regulations related to trolling on inland waters of Wisconsin

Rule Type: Permanent

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

The rule will be proposed as a permanent rule.

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

This rule is being pursued in order to allow some form of trolling on all inland waters in Wisconsin, which would simplify current regulations and reduce confusion between trolling and position fishing.

Trolling means fishing by trailing any lure, bait, or similar device that may be used to attract or catch fish from a boat propelled by a means other than drifting or rowing. Drifting or "row trolling" is allowed in all waters statewide. Position fishing means fishing from a boat in a manner where the fishing line extends vertically into the water while the boat is maneuvered by the use of a motor. Position fishing could be a musky angler fishing with a sucker as bait while maneuvering the boat, but the fishing line would have to remain vertical. If it is trailed out behind the boat or fished under a bobber, then a significant part of the fishing line is no longer vertical in the water and the person is then motor trolling, which is prohibited on many waters. Many anglers want the option to trail a fishing line behind their boat while maneuvering the boat and not need to worry whether the line is staying completely vertical in the water. Allowing trolling in all inland waters may remove the need to define position fishing and allow anglers to trail bait behind their boats as well as do other forms of trolling, such as using planar boards that extend fishing lines far from the boat while motoring through the water.

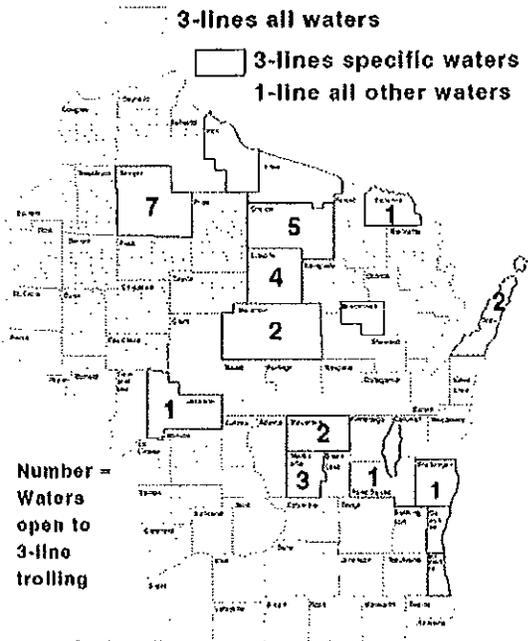
Additional rule changes may be pursued which are reasonably related to those discussed in this scope statement.

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:

Trolling is currently allowed for certain disabled anglers by special permit and on all waters in 18 counties; on one or more waters in 45 counties (105 total waters); and on all boundary waters with IA, MN, and MI, except in Vilas County boundary waters with MI. Motor trolling is also allowed in all surrounding states and provinces, with no known adverse biological effects.

- In a 1993 study, the Department compared catch rates and sizes of fish caught from creel surveys conducted from 1980-90 and found no significant differences for walleyes, northern pike, or muskellunge. The same study also found that these species were no more vulnerable to trolling than still fishing in small lakes (<500 acres) versus larger lakes.
- More recently, the Department compared catch and harvest statistics for muskellunge in 189 creel surveys conducted from 1998-2011 and found no significant differences in lakes where trolling was allowed and where it was prohibited. The Department has analyzed available biological information and found no evidence of biological impacts caused by trolling.

Proposal removed from previous rule:



This rule process will present the combined one- and three-hooks, baits, or lures per angler trolling option, as well as discuss alternative options that would help further simplify the trolling regulations.

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.

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

Approximately 250 hours

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

The proposed rule will primarily affect sport anglers. As with any change in regulations, there will be a requirement for anglers to learn the new rules. The Fisheries Management Bureau works to notify the public of new regulations via press releases, the internet, and fishing regulations pamphlets.

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:

Authority to promulgate fishing regulations is granted to states. No changes would violate or conflict with federal regulations.

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

Minimal to no economic impact. (Level 3)

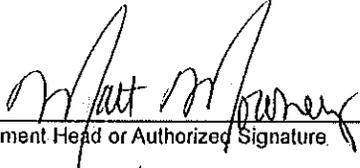
It is not expected that there will be any economic impact directly related to these rule changes. The proposed rule will primarily affect sport anglers. Regulations are already in place and this rule is intended to continue protection and enhancement of the State's fish resources.

The Department will conduct an economic impact analysis to determine if any individuals, businesses, local governments, or other entities expect to be adversely affected economically. The proposed rule would not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

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

The Department anticipates utilizing the Fish and Wildlife Spring Hearings held in each county of the State in April 2014 to officially gather public input on the rule.

Contact Person: Kate Strom Hiorns, 608-266-0828



Department Head or Authorized Signature

11/13/13

Date Submitted

Draft Spring Hearing Question X. Allow Trolling Statewide

“Trolling” means trailing a lure or bait from a boat being propelled by means other than drifting or rowing. Under current rules, trailing a sucker or other minnow behind the boat while under power, however briefly, is considered trolling. Trolling is currently allowed on all waters in 18 counties; on one or more specific waters in 45 counties (105 total waters); and on the boundary waters with IA, MN, and MI (except Vilas County boundary waters). Trolling is not allowed on any other waters, except that certain disabled anglers can troll anywhere by special permit.

At the 2013 Spring Hearings, the Department proposed allowing trolling with 3 “lines” (i.e., hooks, baits, or lures) per angler statewide. At their annual meeting in Eau Claire after the hearings, the Conservation Congress developed a compromise to accommodate the wishes of the counties that did not support trolling with 3 “lines” per angler. Based on several local resolutions, the Conservation Congress recommended allowing trolling with 1 “line” per angler in the following 17 counties (except for 31 waters already open to trolling with 3 “lines”): Door, Florence, Fond du Lac, Iron, Jackson, Lincoln, Marathon, Marquette, Menominee, Milwaukee, Oneida, Ozaukee, Sawyer, Sheboygan, Vilas, Washington, and Waushara. All other counties would be open to trolling with up to 3 “lines” per angler.

The compromise proposal was adopted by the Natural Resources Board at their June 2013 meeting. However, the Governor’s Office of Regulatory Compliance requested that the Department obtain additional public input on the trolling proposal, which is why it is being presented here.

Trolling has no known adverse biological effects where this method is already allowed, neither in Wisconsin nor in surrounding states and provinces. Allowing trolling with at least 1 “line” per angler statewide would: 1) eliminate confusion about where trolling is legal; 2) allow anglers to trail a sucker or other minnow while under power anywhere in the State; 3) eliminate the need for disabled anglers to apply for trolling permits; and 4) provide additional fishing opportunities for anglers who may have more difficulty fishing by other methods.

- Do you favor this compromise trolling proposal, which would allow trolling with 1 “line” (i.e., hook, bait, or lure) per angler in the 17 counties listed above (except the 31 waters already open to trolling) and would allow trolling with 3 “lines” per angler in the other 55 counties?

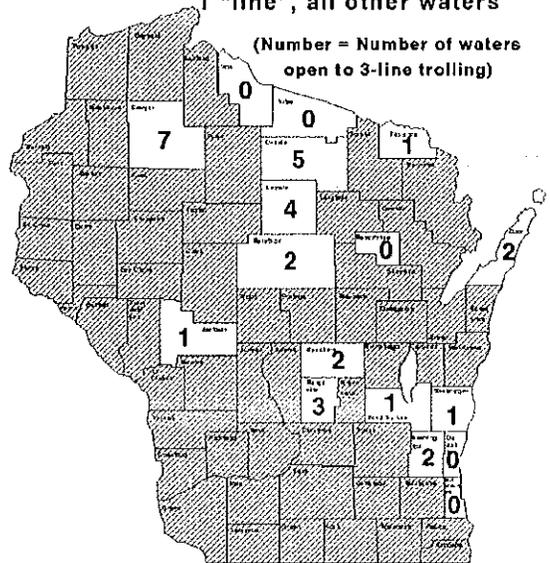
Compromise Proposal

▨ 3 “lines”, all waters

□ 3 “lines” (specified waters);

1 “line”, all other waters

(Number = Number of waters open to 3-line trolling)





SCOTT WALKER
OFFICE OF THE GOVERNOR
STATE OF WISCONSIN

P.O. Box 7863
MADISON, WI 53707

November 21, 2013

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

**RE: Revised Scope Statement for FH-34-13 modifying Chapters NR 20 and 23
relating to fishing regulations related to trolling on inland waters of Wisconsin**

Dear Secretary Stepp,

I hereby approve the statement of scope submitted on November 14, 2013, pursuant to Wisconsin Statutes § 227.135, in regards to a proposed rule modifying Chapters NR 20 and 23 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