

Report From Agency

REPORT TO LEGISLATURE

NR 20 and 23, Wis. Adm. Code
Changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin

Board Order No. FH-18-12
Clearinghouse Rule No. 13-019

Basis and Purpose of the Proposed Rule

The proposed rule addresses changes to fish size limits, bag limits, seasons, and other regulations to help meet management goals and objectives for waters and their fish species. Management goal examples include providing a trophy walleye fishery or a bass fishery that maximizes predation on smaller fishes. New regulations are proposed when management goals have changed or the Department must address a critical need, such as a major fish population decline. The rule proposals are based on evaluations conducted by fish biologists and input solicited from stakeholders.

Summary of Public Comments

No comments were received during the economic impact analysis open comment period held November 23 to December 7, 2012. Public hearings were held in each county of the State on April 8, 2013, also known as the Fish and Wildlife Spring Hearings. The Fisheries rule proposals were presented as questions 1-32 in the Spring Hearings questionnaire that was distributed to the 6,096 hearing attendees statewide. Public input was collected through electronic ballots distributed at each meeting. All but one of the Fisheries proposals received a statewide majority of supportive (yes) votes, as shown in the table on the next page. One proposal (question 13) - to change length and bag limits for walleye, bass, and northern pike on Park Lake and the Fox River in Columbia County - had a tie vote within Columbia County, but the Department is moving forward with the proposal because it is expected to help reduce the number of detrimental fish in the waterbodies and meet objectives in the 2009 Park Lake Comprehensive Management Plan.

Below is a summary of written comments the Fisheries Management Bureau received by mail or email before April 9, 2013. "Votes" and comments submitted by mail or email were not tallied along with electronic ballots at the Spring Hearings.

- Q1. Allow rough fish harvest within 200 feet of a fishway, lock, or dam
 - One "vote" in support
- Q4. Northern Bass Management Zone catch and release season for smallmouth bass only
 - Three "votes" in support
 - Four comments in support
 - One comment opposed
- Q6. Allow trolling on all inland waters with up to three hooks, baits, or lures
 - One "vote" in support (no address)
 - Five comments in support (Couderay, WI; 2-Chippewa Flowage; and 2-Dane County)
 - Two "votes" opposed (no address)
 - Twenty-five comments opposed (15 from Vilas or Oneida counties, 5 from unknown location, 2 from Chippewa Flowage area, 2 from Dane County, 1 from Washburn County)
- Q7. Alternate length and bag limits under certain conditions
 - One comment in support
- Q9. Length limit for muskellunge in Lake Michigan waters
 - One comment in support
- Q10. Ceded territory length limit adjustments
 - One comment in support (Vilas County)
- Q28. Length and bag limits for bass and walleye on Big Chetac Lake, Sawyer County

- One comment in support and to also apply the same regulations on Birch Lake, which is connected to Big Chetac. These two lakes already share a special panfish regulation.

Ques #	Question Description	State Votes Yes	%age of Total	State Votes No	%age of Total	State Result	Result By County (Yes/No/Tie)	Local County Votes Yes/No	Local Cnty Result
Statewide Fisheries Rule Changes									
1	Rough fish harvest within 200 feet of a fishway, lock, or dam	3900	80.3%	959	19.7%	Yes	72/0/0		
2	Sturgeon spearing hours on the Winnebago System	3544	80.8%	843	19.2%	Yes	72/0/0		
3	Rough fish spearing seasons	3881	84.4%	716	15.6%	Yes	72/0/0		
4	Apply Northern Bass Management Zone catch and release season to smallmouth bass only	2877	63.2%	1672	36.8%	Yes	66/6/0		
5	Length and bag limits for walleye on the Wisconsin River	3305	77.9%	938	22.1%	Yes	70/2/0		
6	Allow trolling statewide	2391	46.3%	2775	53.7%	No	44/27/1		
7	Alternate length and bag limits under certain conditions	3208	68.8%	1452	31.2%	Yes	68/2/2		
8	Lead tackle restriction on Escanaba, Nebish, and Palette lakes, Vilas County	2560	54.9%	2100	45.1%	Yes	34/37/1	Vilas 78/104	
9	Length limit for muskellunge in Lake Michigan waters	2992	68.6%	1367	31.4%	Yes	66/5/1		
10	Ceded territory walleye or muskellunge bag and length limit adjustments	3849	82.5%	819	17.5%	Yes	72/0/0		
Local Fisheries Rule Changes									
11	Length and bag limits for walleye on Silver Lake, Barron County	2166	68.5%	998	31.5%	Yes	65/4/3	43-19	Yes
12	Length and bag limits for northern pike in Diamond Lake, Bayfield County	2133	72.4%	813	27.6%	Yes	67/2/3	30-5	Yes

13	Predator fish in Park Lake and the Fox River, Columbia Cty	2106	72.3%	808	27.7%	Yes	66/4/2	33-33	Tie
14	Urban fishing program designation in Dane County	2163	74.0%	760	26.0%	Yes	69/2/1	275-160	Yes
15	Length and bag limits for walleye on Beaver Dam Lake and Mill Creek, Dodge County	2207	77.4%	643	22.6%	Yes	70/2/0	81-20	Yes
16	Length and bag limits for walleye on Lake Nebagamon, Douglas County	2095	76.5%	644	23.5%	Yes	68/2/2	29-7	Yes
17	Length limits for walleye on Minong Flowage and Cranberry Lake, Douglas and Washburn counties	1947	70.9%	799	29.1%	Yes	70/1/1	Douglas 20-17, Washburn 32-10	Yes
18	Bass protected slot size limit on Half Moon Lake, Eau Claire County	1978	74.8%	666	25.2%	Yes	66/3/3	55-3	Yes
19	Length and bag limits for walleye on Patten Lake, Florence County	2141	82.5%	454	17.5%	Yes	70/0/2	26-2	Yes
20	Bass protected slot size limit on Trump Lake, Forest County	1828	72.5%	694	27.5%	Yes	66/3/3	23-5	Yes
21	Length and bag limits for walleye on Sandy Beach Lake, Iron County	2050	82.5%	434	17.5%	Yes	72/0/0	13-0	Yes
22	Length and bag limits for northern pike on Lake Six, Iron County	1875	76.4%	579	23.6%	Yes	71/0/1	13-0	Yes
23	Length and bag limits for catfish in Yellowstone Lake, Lafayette County	2086	80.6%	501	19.4%	Yes	71/1/0	36-2	Yes
24	Lake Tomah rehabilitation and predator protection, Monroe County	1853	74.9%	620	25.1%	Yes	65/5/2	43-4	Yes
25	Bag limit for panfish in Thompson Lake, Pepin County	1962	76.9%	589	23.1%	Yes	70/2/0	13-8	Yes
26	No minimum length limit for bass on Balsam Lake, Polk County	1963	74.9%	659	25.1%	Yes	70/1/1	96-13	Yes

27	Urban fishing program designation in Rock County	1962	77.8%	561	22.2%	Yes	71/1/0	56-19	Yes
28	Length and bag limits for bass and walleye in Birch and Big Chetac Lake, Sawyer and Washburn county	1964	76.1%	617	23.9%	Yes	69/2/1	Sawyer 57-11, Washburn 29-9	Yes
29	Bass protected slot size limit on Bass Lake, St. Croix County	1825	74.7%	618	25.3%	Yes	64/5/3	39-8	Yes
30	Control of exotic species in Sparkling Lake, Vilas County	2185	79.3%	571	20.7%	Yes	68/3/1	133-30	Yes
31	Urban fishing program designation in Waukesha County	1951	76.4%	604	23.6%	Yes	71/1/0	102-26	Yes
32	Bag limit for panfish on Little Hills Lake, Waushara County	1845	71.6%	732	28.4%	Yes	66/5/1	23-7	Yes

Modifications Made to Rule

The rule was modified since it was submitted to the Legislative Council Rules Clearinghouse on March 1, 2013.

- All changes were made as suggested by the Legislative Council.
- Birch Lake in Sawyer and Washburn counties was included with regulations originally intended only for Big Chetac Lake in Sawyer County (Question 28). The rule applies a daily bag limit of 5 fish and no minimum length limit on largemouth and smallmouth bass and a daily bag limit of 3 fish and 18-inch minimum length limit on walleye, sauger, and hybrids on Big Chetac Lake, Sawyer County, and connected Birch Lake, Sawyer and Washburn counties. These connected lakes already share a special panfish regulation.
- The trolling proposal (Question 6) in the rule was initially modified based on comments and votes received prior to and during the spring hearings, discussions with Wisconsin Conservation Congress delegates, and decisions made by the Natural Resources Board. The original proposal would have allowed trolling on all inland waters statewide with up to three hooks, baits, or lures. It would have simplified regulations by eliminating confusion about where trolling is or is not allowed and would have eliminated the need to define "position fishing," which means fishing in a manner where the line extends vertically into the water while the boat is maneuvered by the use of a motor.

The rule was modified to allow trolling on all inland waters statewide with one hook, bait, or lure. In addition, trolling would have been allowed with up to three hooks, baits, or lures in most counties of the State and some individual waters. However, after submitting the rule to the Governor's Office of Regulatory Compliance, it notified the department of its disapproval of the rule. The Governor's Office suggested removing all changes that affect trolling because of inadequate public review of the modification. The rule was amended and all existing trolling rules will remain unchanged.

Appearances at the Public Hearing

Public hearings were held in each county of the State on April 8, 2013, also known as the Fish and Wildlife Spring Hearings. The Fisheries rule proposals were presented as questions 1-32 in the Spring Hearings questionnaire that was distributed to the 6,096 hearing attendees statewide.

Changes to Rule Analysis and Fiscal Estimate

Changes were made to the rule analysis and fiscal estimate to reflect the modifications to the rule noted above.

Response to Legislative Council Rules Clearinghouse Record

All recommendations made in the Legislative Clearinghouse Report have been incorporated in the final version of the rule.

Final Regulatory Flexibility Analysis

The proposed rule will have minimal to no impact on businesses and members of the public. As with any change in regulations, there will be a requirement for anglers to learn the new rules. However, the Fisheries Management Bureau works to notify the public of new regulations via press releases, the internet, and fishing regulations pamphlets.

The Department has determined that this rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of this state. It is not expected that there will be any economic impact directly related to these rule changes on anglers or fishing-related businesses. The proposed rule does not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule. No fiscal impacts are expected for public utility rate payers or local governmental units.

The goal is to ensure the rule language that governs fishing in inland, outlying, and boundary waters properly reflects the desired management of Wisconsin waters.

This determination was made after the Department requested economic impact comments from Wisconsin Conservation Congress, WI Wildlife Federation, Great Lakes Indian Fish & Wildlife Commission, WI Association of Lakes, WI Bow Hunters Association, WI Archery Alliance, WI Traditional Archers, WI Federation of Great Lakes Sport Fishing Clubs, WI Council of Sport Fishing Organizations, Federation of Fly Fishers - Wisconsin Council, Musky Clubs Alliance of Wisconsin, Inc., Salmon Unlimited, Trout Unlimited - WI Council, Walleyes for Tomorrow, WI Bass Federation, Izaak Walton League-Wisconsin Division, Lake Michigan Fisheries Forum, Wisconsin Aquaculture Association, American Fisheries Society-Wisconsin Chapter, Natural Resources Foundation of WI, Gathering Waters, River Alliance of Wisconsin, UW Sea Grant, League of WI Municipalities, WI Towns Association, WI Counties Association, Northeast WI Great Lakes Sport Fishermen, and Great Lakes Sport Fishermen of Milwaukee. Proposed rule documents were also posted on the Department website and the Wisconsin Administrative Rules website.