

Report From Agency

REPORT TO LEGISLATURE

NR 20 and 23, Wis. Adm. Code

Board Order No. FH-34-13
Clearinghouse Rule No. 14-029

Basis and Purpose of the Proposed Rule

The proposed rule would make modifications to chs. NR 20 and 23 pertaining to trolling on inland and boundary waters of Wisconsin.

This rule allows trolling on all inland waters in Wisconsin, which would 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 on 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. An angler fishing with a sucker or other live bait trailing behind the boat while the motor is running is considered to be trolling, which is currently prohibited on many waters. Many anglers would like to have the option of trailing a bait or lure behind the boat without having to worry about whether they are considered to be trolling. Allowing trolling statewide would:

- 1) Simplify regulations by eliminating confusion about where trolling is or is not allowed;
- 2) Allow anglers to trail at least 2 suckers, minnows or other baits or lures behind a moving motor boat, whether or not the occupants are casting other lures;
- 3) Eliminate the need for disabled anglers to apply for trolling permits, unless they want to troll with more than one hook, bait, or lure in "1-line" trolling waters; and
- 4) Provide additional fishing opportunities for anglers who may have difficulty fishing by other methods.

The rule allows fishing by the method of trolling on all inland waters with one hook, bait, or lure and – depending on location – with up to three hooks, baits, or lures. In waters where trolling is allowed with only one hook, bait, or lure per person, the following additional conditions apply: 1) no more than two fishing lines may be used from a boat to fish by the method of trolling; and 2) any line used to fish by the method of trolling is limited to one hook, bait or lure per line. As directed by the Natural Resources Board, the rule has a 3-year sunset date and will expire on May 4, 2018, immediately prior to the general fishing season opening day.

Summary of Public Comments

Public hearings were held in each county of the State on April 14, 2014. Public input was collected through electronic ballots distributed at each meeting and also through written comments received by the Fisheries Management Bureau on or before April 14, 2014.

This rule proposal was presented as question 1 in the Spring Hearing questionnaire distributed to the 7,053 hearing attendees statewide. This proposal received a statewide majority of favorable (yes) votes. The voting results at the Spring Hearings were 3,646 (62%) in support, 2,250 (38%) against the compromise proposal. Among counties, 61 (85%) were in support, and 11 (15%) were against allowing trolling with at least 1 line per angler. The Bureau of Fisheries Management also received nine written comments on the proposed rule, 5 in favor and 4 in opposition.

Q1. Allow trolling statewide - Trolling means trailing a lure or bait from a boat propelled by a means other than drifting or rowing. It is generally prohibited, except where specifically authorized by rule. Trolling is currently allowed on all waters in 18 counties; on one or more waters in 45 counties (105 total waters); on all boundary waters with IA, MN, and MI, except in Vilas County boundary waters with MI, and for certain disabled anglers by special permit. Under current rules, trailing a sucker or other minnow behind a moving boat while occupants are casting and retrieving another lure is not allowed on waters closed to trolling. However, "position fishing" is fishing in a manner where the line extends vertically into the water while the boat is




maneuvered by the use of a motor and is not considered trolling. This method is allowed on all waters statewide.

Motor trolling is already allowed on many Wisconsin waters, as well as in all surrounding states and provinces, with no known adverse effects. Allowing trolling with a least 1 line per angler on all waters statewide would:

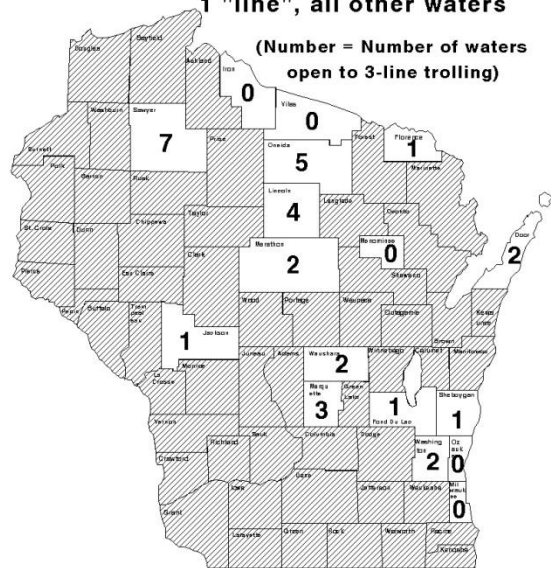
- 1) simplify regulations by eliminating confusion about where trolling is or is not allowed (with at least 1 line per angler);
- 2) allow moving boats to trail suckers or other minnows while occupants are casting on all waters;
- 3) virtually eliminate the need to define “position fishing;”
- 4) eliminate the need for disabled anglers to apply for trolling permits; and
- 5) provide additional fishing opportunities for anglers who may have difficulty fishing by other methods.

This compromise proposal was developed after the 2103 Spring Hearings. The Bureau of Fisheries Management worked closely with Conservation Congress delegates to obtain additional input on county preferences for trolling. The map below depicts the compromise reached that would allow trolling statewide with only 1 “line” (i.e., hook, bait, or lure) per angler in 17 counties (with the exception of 31 waters within those counties, which are already open to trolling with 3 lines per angler), as well as the remainder of the state (55 counties), where trolling would be allowed with up to three hooks, baits, or lures person (as is already the case in many of these waters). The Board approved this compromise at its May 22, 2013, meeting. However, with consent from the Board, these trolling changes were not be made to Administrative Code. The Governor’s Office of Regulatory Compliance stated that the compromise did not have adequate public comment and disapproved of the trolling changes. The Office requested that the trolling compromise be brought back to future Spring Hearings for public input.

Compromise Proposal

-  3 "lines", all waters
-  3 "lines" (specified waters);
-  1 "line", all other waters

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



Modifications Made

After public hearings in April 2014 and public appearances at the May 2014 Natural Resources Board meeting, the rule was amended to In waters where trolling is allowed with only one hook, bait, or lure per person, the following additional conditions apply: 1) no more than two fishing lines may be used from a boat to fish by the method of trolling; and 2) any line used to fish by the method of trolling is limited to one hook, bait or lure per line. As directed by the Natural Resources Board, the rule has a 3-year sunset date and will expire on April 27, 2018, immediately prior to the general fishing season opening day.

Appearances at the Public Hearing

This rule proposal was presented as question 1 in the Spring Hearing questionnaire distributed to the 7,053 hearing attendees statewide. This proposal received a statewide majority of favorable (yes) votes. The voting results at the Spring Hearings were 3,646 (62%) in support, 2,250 (38%) against the compromise proposal. Among counties, 61 (85%) were in support, and 11 (15%) were against allowing trolling with at least 1 line per angler.

Changes to Rule Analysis and Fiscal Estimate

The above modifications were added to the rule analysis and no changes were made to the fiscal estimate.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on style and placement in administrative code and clarity, grammar, and punctuation.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse.

Final Regulatory Flexibility Analysis

The rule will primarily affect sport anglers. It is not expected that there will be any economic impact directly related to these rule changes. The department conducted an economic impact analysis and determined that no individuals, businesses, local governments, or other entities are expected to be affected economically by this rule. 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.

Response to Small Business Regulatory Review Board Report

The Small Business Regulatory Review Board did not prepare a report on this rule proposal.