

## Clearinghouse Rule 14-029

Report to  
Legislative Council Rules Clearinghouse  
NR 20 and 23, Wis. Adm. Code  
Natural Resources Board Order No. FH-34-13

### Wisconsin Statutory Authority

Sections 29.014(1) and 29.041, Stats., have been interpreted as giving the department the authority to make changes to fishing regulations on inland, outlying, and boundary waters of Wisconsin.

### Federal Authority

Not applicable

### Comparison of Adjacent States

Motor trolling has been allowed for decades in Michigan (3 lines) and Minnesota (1 line). Trolling is allowed in Illinois provided the angler has not more than three poles and lines with not more than two hooks or lures on each. Iowa anglers may not use more than two lines or more than two hooks on each line when still fishing or trolling; if trolling and bait casting, one cannot use more than two trolling spoons or artificial baits on one line. A third line may be used when possessing a valid third line fishing permit.

### Court Decisions Directly Relevant

Not applicable

### Analysis of the Rule - Rule Effect - Reason for the Rule

This rule would 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. 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.

Restrictions on motor trolling are inconsistently applied across the inland waters of Wisconsin. There is no biological justification for this inconsistency from lake-to-lake or county-to-county; angling success (catch rates) and harvest of muskellunge, walleye, or northern pike do not differ between casting and trolling. Also, a variety of interpretations still exist among anglers regarding the differences between "motor trolling" and "position fishing." For example, the practice of drifting with live bait and occasionally repositioning the boat, usually with an electric motor (often while also casting and retrieving an artificial lure), is specifically prohibited, yet many anglers believe this method is consistent with the definition of "position fishing." There are two primary concerns related to motor trolling: first, that trolling will result in more conflicts among anglers on small lakes, and second, that trolling negatively impacts the size-structure of fish populations (mainly muskellunge). However, the department has had no reports of user conflicts from the considerable number of waters already open to motor trolling, even though most are less than 400 acres in size.

Allowing trolling statewide would:

- 1) simplify regulations by eliminating confusion about where trolling is or is not allowed;
- 2) allow moving boats to trail behind suckers or other minnows while occupants are casting on all waters;
- 3) eliminate the need for disabled anglers to have to apply for trolling permits; and

4) provide additional fishing opportunities for anglers who may have difficulty fishing by other methods.

In 2012, attendees of the statewide Spring Fish and Wildlife Hearings voted in favor of a Conservation Congress advisory question to allow motor trolling statewide, with 1,928 people in favor and 1,576 people opposed. In a 2010-11 statewide mail survey, 64% of musky anglers reported doing some amount of trolling for muskellunge in Wisconsin during 2010, and 91% indicated they would do some amount of trolling if it were legalized statewide.

A 2013 rule (FH-18-12) proposed by the department originally included a trolling proposal that would have allowed trolling on all inland waters statewide with up to three hooks, baits, or lures per angler (three is the maximum number of hooks, baits, or lures that a person may use while hook and line fishing). After public hearings in each county and discussions with Wisconsin Conservation Congress delegates, the rule was modified to allow trolling on all inland waters statewide with one hook, bait, or lure per angler, and allowing trolling 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 requested that the department remove all trolling elements from the rule and obtain additional public input on a trolling proposal.

Agency Procedures for Promulgation

Public hearings in each county of the state on 4/14/14; Natural Resources Board final adoption; Governor's Office of Regulatory Compliance final approval; followed by legislative review

Description of any Forms

Not applicable

Name and Telephone Number of Agency Contacts

Linda Haddix, Bureau of Legal Services – (608) 266-1959