

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

SUBJECT:

Request that the Board adopt Board Order FH-34-13, proposed rules affecting chapter NR 20 related to trolling regulations on inland waters of Wisconsin

FOR: May 2014 Board meeting

PRESENTER'S NAME AND TITLE: Steve Hewett, Chief, Management Section, Bureau of Fisheries Management

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 105 specific waters within 45 counties where trolling is not allowed county-wide; 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. This proposal was defeated by a vote of 2,391 Yes to 2,775 No, but was supported in 44 counties, with 27 counties opposed and 1 tied. Subsequently, 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 on all waters in 17 counties (except for 31 waters already open to trolling, which would remain at 3-"lines" per angler) 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. Subsequently, the Governor's Office of Regulatory Compliance requested that the Department obtain additional public input on the compromise proposal. In response, public hearings were held as part of the Spring Fish and Wildlife Hearings on April 14, 2014. This compromise proposal was supported by 3,646 (yes) to 2,250 (no), with 61 counties in favor and 11 in opposition.

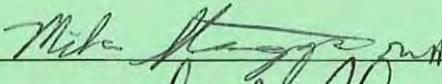
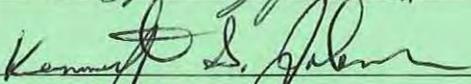
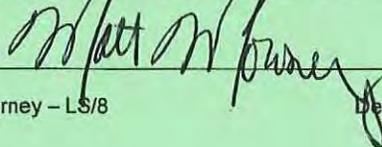
Allowing trolling with at least 1 "line" per angler statewide would: 1) eliminate confusion about where trolling is legal; 2) allow anglers to trail a sucker or other minnow while under power anywhere in the State; 3) eliminate the need for disabled anglers to apply for trolling permits; and 4) provide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

The Department believes this rule will have minimal (level 3) economic impact.

RECOMMENDATION: That the Board adopt Board Order FH-34-13.

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

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

Approved by	Signature	Date
Mike Staggs, Bureau Director		4/23/14
Ken Johnson, Division Administrator		4/25/14
Cathy Stepp, Secretary		4/30/14

cc: Board Liaison - AD/8

Program attorney - LS/8

Department rule coordinator - LS/8

DATE: April 16, 2013

TO: All Members of the Natural Resources Board

FROM: Cathy Stepp, Secretary

SUBJECT: Background memo on Board Order FH-34-13, related to trolling on the inland waters.

I am requesting that the Natural Resources Board adopt Board Order FH-34-13, a rule package to amend NR Ch. 20, Wis. Admin. Code., relating to trolling on inland waters.

1. Subject of Proposed Rule:

The proposed rule would make modifications to chapter NR 20 pertaining to trolling on the inland waters of Wisconsin. These changes are proposed for the optimum use and enjoyment of Wisconsin's fishery resources, pursuant to s. NR 1.01.

2. Background:

The Department uses different types of fishing regulations in order to control angler impacts on fish populations, maintain numbers and sizes of fish in a lake or stream, provide different types of fishing experiences, and make access to fishing as fair as possible.

This rule change proposal was submitted by the statewide Muskellunge Standing Team in response to several citizen resolutions that had been introduced and supported during the Conservation Congress Spring Fish and Wildlife Hearings. At the 2013 Spring Hearings, the department proposed allowing trolling with 3 "lines" (i.e., hooks, baits, or lures) per angler statewide. Shortly after the 2013, the Conservation Congress, at their annual meeting in Eau Claire, developed a compromise to accommodate the wishes of some 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 May 22, 2013 meeting (FH-18-12). However, the Governor's Office of Regulatory Compliance requested that the department obtain additional public input on the trolling proposal, which is why it was presented at the 2014 Spring Fish and Wildlife Hearings. This proposal has been peer-reviewed for justification and enforceability by Fisheries Management supervisors and the Bureau Director, species management teams, and the Bureaus of Law Enforcement and Legal Services. The proposal was discussed with Wisconsin Conservation Congress members and was presented at the 2014 Fish and Wildlife Spring Hearings. This proposal will simplify regulations relating to trolling and "position fishing".

3. Why is the rule being proposed?

"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). 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.

Restrictions on motor trolling are inconsistently applied across the inland waters of Wisconsin with no biological justification for this inconsistency from lake-to-lake or county-to-county. This contributes to a very complicated mix of regulations with no real or substantive biological or sociological justification for the current situation. One of the major reasons for this proposal relates to the continued confusion that exists between what constitutes "trolling" versus "position fishing". This has led to confusion among anglers, and several resolutions from citizens have attempted to address this situation. From the perspective of muskellunge anglers, the practice of drifting with live suckers (often while also casting an artificial lure) has long been a popular technique. This practice, which includes occasional repositioning of the boat, usually with an electric motor, is specifically prohibited, yet many anglers believe this method is consistent with the definition of "position fishing."

4. Summary of the rule.

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. Trolling means trailing a lure or bait from a boat propelled by a means other than drifting or rowing. SECTION 1 of this rule adds pedaling and paddling to the list of propulsion methods which, if utilized while trailing a lure or bait, would not constitute trolling.

SECTION 2 (amending s. NR 20.06(1)) provides for trolling with one hook, bait, or lure statewide, except on specifically identified waters, where trolling would be allowed with up to 3 hooks, baits, or lures.

SECTION 3 (creating s. NR 20.15(4)), identifies counties where trolling would be allowed with three hooks, baits, or lures on all waters. These counties include: Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marinette, Monroe, Oconto, Outagamie, Pepin, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, Sauk, Shawano, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Waukesha, Waupaca, Winnebago, and Wood.

SECTIONS 7, 11, 13, 18, 19, 21, 23, 31, 33, 37 and 41 (amendments throughout NR 20.20 and NR 23) identify specific waters where trolling would be allowed with three hooks, baits, or lures in counties where all other waters are limited to trolling with one hook, bait, or lure. These waters include: Clark and Kangaroo Lakes, Door County; Halsey Lake, Florence County; Arbutus Lake, Jackson County; Spirit River flowage, Wisconsin river downstream from CTH A including sloughs, bayous and flowages upstream to the first dam or highway bridge, except Lake Mohawksin, Lincoln County; Big Eau Pleine reservoir upstream to the first state hwy. 153 bridge, Wisconsin river including sloughs, bayous and flowages upstream to the first dam or highway bridge (the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the south-bound lane of Interstate 39), Marathon County; Buffalo lake, Mason lake, Fox river downstream from Buffalo lake, and Lake Winnebago system waters, Marquette County; Columbus lake, Rainbow flowage, Sugar Camp lake, Thunder lake and Willow flowage, Oneida

County; Chetac lake, Grindstone lake, Lac Courte Oreilles lake, Nelson lake, Round lake, Whitefish lake, and Windigo lake, Sawyer County; Sheboygan marsh, Sheboygan County; and Big Cedar and Pike lakes, Washington County.

The number of hooks, baits, or lures allowed for trolling on the inland tributaries to Lake Michigan and Green Bay will match the number allowed in the respective counties. Trolling with up to 3 hooks, baits, or lures will be allowed on all Lake Winnebago system waters. There is no change to trolling rules on outlying waters or on WI-MN, WI-IA or WI-MI boundary waters (except for boundary waters of Vilas County), where trolling is already allowed with up to three hooks, baits, or lures. Trolling with 1 hook, bait, or lure will now be allowed on WI-MI boundary waters of Vilas County, which currently have no trolling allowed.

5. How does this proposal affect existing policy?

This proposal does not change existing policy behind regulating angler harvest. Fishing regulations are intended to provide diverse fishing opportunities throughout the State and that policy will be continued and enhanced by these rule changes. Motor trolling is already allowed on many Wisconsin waters, as well as in all surrounding states and provinces, with no known adverse effects. Angling success (catch rates) and harvest of muskellunge, walleye, or northern pike do not differ between casting and trolling. 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.

6. Has Board dealt with these issues before?

On May 22, 2013, the Natural Resources Board approved Order FH-18-12 (see section 2, above). Subsequently, the Governor’s Office of Regulatory Compliance requested that the Department conduct additional public hearings on the compromise proposal, which was developed in response to comments received during the 2013 Spring Hearings.

If approved by the Board, the proposal would to effect upon publication of in the state register, likely sometime during the 2015-16 fishing season.

7. Who will be impacted by the proposed rule? How?

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.

8. Soliciting public input on economic impact synopsis

No comments were received during the economic impact analysis open comment period held November 23 to December 7, 2012. The Fiscal Estimate/Economic Impact Analysis is attached.

9. Environmental Analysis

This is a Type III action under Chapter NR 150, Wis. Admin. Code. No environmental assessment is required.

10. Small Business Analysis

The proposed rule will primarily affect sport anglers. It is not expected that there will be any economic impact directly related to these rule changes. 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 Summary – Public Hearing Synopsis

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, 2013.

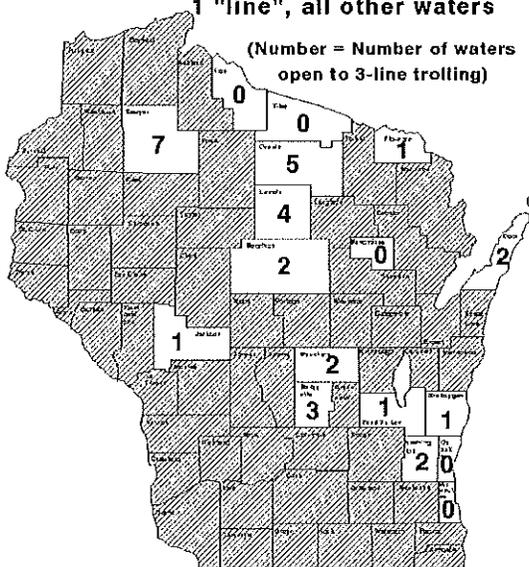
This rule proposal was presented as question 1 in the 2014 Spring Hearing questionnaire distributed to the 7,053 hearing attendees statewide. This proposal received a statewide majority of favorable (yes) votes. The voting results at the Spring Hearings were 3,646 (62%) in support, 2,250 (38%) against 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 10 written comments on the proposed rule, 5 in favor and 5 in opposition.

The Department is requesting adoption of the proposed compromise rule. If approved, this proposed rule would effect by about July 2015, at the earliest.

Compromise Proposal

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

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



ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis

Original Updated Corrected

2. Administrative Rule Chapter, Title and Number

NR 20, Fishing: Inland Waters; Outlying Waters and NR 23, Wisconsin-Michigan Boundary Waters

3. Subject

Trolling regulations on inland and boundary waters of Wisconsin

4. Fund Sources Affected

GPR FED PRO PRS SEG SEG-S

5. Chapter 20, Stats. Appropriations Affected

6. Fiscal Effect of Implementing the Rule

No Fiscal Effect Increase Existing Revenues Increase Costs
 Indeterminate Decrease Existing Revenues Could Absorb Within Agency's Budget
 Decrease Cost

7. The Rule Will Impact the Following (Check All That Apply)

State's Economy Specific Businesses/Sectors
 Local Government Units Public Utility Rate Payers
 Small Businesses (if checked, complete Attachment A)

8. Would Implementation and Compliance Costs Be Greater Than \$20 million?

Yes No

9. Policy Problem Addressed by the 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 angler confusion between trolling and position fishing.

10. Summary of the businesses, business sectors, associations representing business, local governmental units, and individuals that may be affected by the proposed rule that were contacted for comments.

For comments on the economic impact of the rule, the department will be contacting the Wisconsin Conservation Congress, the Wisconsin Counties Association, League of Wisconsin Municipalities, tribal entities, and many other angling associations throughout the state.

11. Identify the local governmental units that participated in the development of this EIA.

If any local governmental units request to coordinate with the department on preparation of the EIA they will be listed here.

12. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

It is not expected that there will be any economic impact directly related to these rule changes. The proposed rule does not apply directly to businesses, but to sport anglers. The rule is not expected to have an effect on small 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.

13. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

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

ADMINISTRATIVE RULES

Fiscal Estimate & Economic Impact Analysis

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.

14. Long Range Implications of Implementing the Rule
No state fiscal impact is expected.

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.
-

15. Compare With Approaches Being Used by Federal Government

Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

16. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

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.

A 2013 department rule (FH-18-12) 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.

17. Contact Name

Tim Simonson

18. Contact Phone Number

608-266-5222

This document can be made available in alternate formats to individuals with disabilities upon request.

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
DETERMINATION OF WEPA COMPLIANCE
FOR BOARD ORDER FH-34-13**

FINDINGS OF FACT

1. On January 22, 2014, the Department received authorization from the Natural Resources Board (Board) to proceed with the rulemaking related to trolling on inland and boundary waters of the state.
2. The Department prepared proposed rules as Board Order FH-34-13.
3. The Department made a preliminary determination that promulgation of the proposed rules constituted a Type III action under s. NR 150.03(6)(b)3.b., Wis. Adm. Code.
4. On January 22, 2014, the Board approved the Department's request to publish a public hearing notice and hold public hearings on proposed rules in Board Order FH-34-13.
5. In the Notice of Public Hearing dated March 14, 2014, for the proposed rules, the Department included its preliminary determination that adoption of the proposed rules would not involve significant adverse environmental effects and would not need an environmental analysis under ch. NR 150, Wis. Adm. Code. The Notice included a statement that, based on comments received, an environmental analysis may be prepared before proceeding with the adoption of the proposed rules.
6. Public hearings were held in each of the 72 Wisconsin counties on April 14, 2014. The public comment period closed that same day.
7. No comments were received on the Department's preliminary determination that an environmental analysis under ch. NR 150, Wis. Adm. Code, would not be needed.
8. Effective April 1, 2014, ch. NR 150, Wis. Adm. Code, was repealed and recreated.
9. Under current NR 150.10(1m)(a) the Department must conduct a strategic analysis for all new or revised administrative rules if the rule involves unresolved conflicts concerning alternative uses of available resources and the Department has substantial discretion in formulating important provisions of the rule.
10. The proposed rules in Board Order FH-34-13 do not involve unresolved conflicts concerning alternative uses of available resources. Although the proposed rules address expanding the use of trolling as a method of fishing, they do not alter the underlying regulations concerning the type, number and size of fish which may be harvested.
11. The current s. NR 150.20(1) and (1m) establish that an environmental analysis is required for all department actions not specifically exempt by statute nor defined as minor actions.
12. The current s. NR 150.20(2)(b) provides that the Department may determine under s. NR 150.35 that there is equivalent analysis for a specific action which satisfies the requirement for an environmental analysis.
13. The rulemaking process for Board Order FH-34-13 evaluated environmental impacts and alternatives, and provided for public disclosure and input.

CONCLUSIONS OF LAW

14. A strategic analysis under the current s. NR 150.10 (1m), Wis. Adm. Code, is not required for Board Order FH-34-13 because the proposed rules do not involve unresolved conflicts concerning alternative uses of available resources.
15. The Department has determined the rulemaking process for Board Order FH-34-13 to be an equivalent analysis action, under current s. NR 150.20(2)(b), Wis. Adm. Code.
16. The Department has complied with WEPA, pursuant to both the former ch. 150, and the current ch. NR 150, Wis. Adm. Code, for Board Order FH-34-13.

**ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
REPEALING, RENUMBERING, AMENDING, AND CREATING RULES**

The statement of scope for this rule, SS 153-13, was approved by the Governor on November 21, 2013, published in Register No. 696 on December 14, 2013, and approved by the Natural Resources Board on January 22, 2014. This permanent rule was approved by the Governor on _____.

Wisconsin Natural Resources Board proposes an order to repeal NR 20.20(1)(a), (2)(a), (3)(a), (4)(a)1., (6)(a), (7)(a), (9)(a), (10)(a), (11)(a), (12)(a), (13)(a), (14)(a), (16)(a)1., (17)(a), (18)(a), (21)(a), (22)(a), (24)(a), (25)(a), (28)(a), (29)(a), (30)(a)1., (32)(a), (33)(a), (34)(a)1., (38)(a), (43)(a), (45)(a)1., (47)(a), (49)(a), (50)(a), (51)(a), (52)(a)1., (53)(a), (54)(a)1., (55)(a), (56)(a), (58)(a), (60)(a), (61)(a), (65)(a)1., (66)(a), (68)(a)1., (69)(a), (71)(a), and (72)(a); to renumber NR 20.20(4)(a)2., (16)(a)2., (30)(a)2., (34)(a)2., (45)(a)2., (52)(a)2., (54)(a)2., (65)(a)2., and (68)(a)2.; to amend NR 20.03(40), 20.06(1), 20.20(15)(a)1., (19)(a)1., (27)(a)1., (35)(a)1., (37)(a)1., (39)(a)1., (44)(a)1., (57)(a)1., (59)(a)1., (67)(a)1., (73)(a) and 23.08; and to create NR 20.15(4) relating to fishing regulations on inland and boundary waters of Wisconsin.

FH-34-13

Analysis Prepared by Department of Natural Resources

- 1. Statutes interpreted.** 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.
- 2. Statutory authority.** Sections 29.014(1) and 29.041, Stats.
- 3. Explanation of agency authority to promulgate the proposed rules under the statutory authority.** 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.

- 4. Related statutes or rules.** N/A

5. Plain language analysis 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 would allow trolling on all inland waters in Wisconsin with at least 1 line per angler, 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 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 with at least 1 line per angler on all inland waters essentially eliminates the need to define position fishing. Allowing trolling statewide would:

- 1) Simplify regulations by eliminating confusion about where trolling is or is not allowed;

2) Allow anglers to trail suckers, minnows or other lures behind a moving boat, whether or not the occupants are casting other lures; 3) Eliminate the need for disabled anglers to apply for trolling permits; 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. Trolling means trailing a lure or bait from a boat propelled by a means other than drifting or rowing. SECTION 1 of this rule adds pedaling and paddling to the list of propulsion methods which, if utilized while trailing a lure or bait, would not constitute trolling.

SECTION 2 (amending s. NR 20.06(1)) provides for trolling with one hook, bait, or lure statewide, except on specifically identified waters, where trolling would be allowed with up to 3 hooks, baits, or lures.

SECTION 3 (creating s. NR 20.15(4)), identifies counties where trolling would be allowed with three hooks, baits, or lures on all waters. These counties include: Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marinette, Monroe, Oconto, Outagamie, Pepin, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, Sauk, Shawano, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Waukesha, Waupaca, Winnebago, and Wood.

SECTIONS 7, 11, 13, 18, 19, 21, 23, 31, 33, 37 and 41 (amendments throughout NR 20.20 and NR 23) identify specific waters where trolling would be allowed with three hooks, baits, or lures in counties where all other waters are limited to trolling with one hook, bait, or lure. These waters include: Clark and Kangaroo Lakes, Door County; Halsey Lake, Florence County; Arbutus Lake, Jackson County; Spirit River flowage, Wisconsin river downstream from CTH A including sloughs, bayous and flowages upstream to the first dam or highway bridge, except Lake Mohawksin , Lincoln County; Big Eau Pleine reservoir upstream to the first state hwy. 153 bridge, Wisconsin river including sloughs, bayous and flowages upstream to the first dam or highway bridge (the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the south-bound lane of Interstate 39), Marathon County; Buffalo lake, Mason lake, Fox river downstream from Buffalo lake, and Lake Winnebago system waters, Marquette County; Columbus lake, Rainbow flowage, Sugar Camp lake, Thunder lake and Willow flowage, Oneida County; Chetac lake, Grindstone lake, Lac Courte Oreilles lake, Nelson lake, Round lake, Whitefish lake, and Windigo lake, Sawyer County; Sheboygan marsh, Sheboygan County; and Big Cedar and Pike lakes, Washington County

All remaining sections repeal or renumber existing rule language for counties that will now be governed by SECTION 3. The number of hooks, baits, or lures allowed for trolling on the inland tributaries to Lake Michigan and Green Bay will match the number allowed in the respective counties. Trolling with up to 3 hooks, baits, or lures will be allowed on all Lake Winnebago system waters. There is no change to trolling rules on outlying waters or on WI-MN, WI-IA or WI-MI boundary waters (except for boundary waters of Vilas County), where trolling is already allowed with up to three hooks, baits, or lures. Trolling with 1 hook, bait, or lure will now be allowed on WI-MI boundary waters of Vilas County, which currently have no trolling allowed.



6. Summary of and comparison with existing or proposed federal statutes and regulations. Authority to promulgate fishing regulations is granted to states. None of the proposed changes violate or conflict with federal regulations.

7. Comparison with rules in adjacent states. Statewide 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.

8. Summary of factual data and analytical methodologies. Restrictions on motor trolling are inconsistently applied across the inland waters of Wisconsin with no biological justification for this inconsistency from lake-to-lake or county-to-county. This contributes to a very complicated mix of regulations with no real or substantive biological or sociological justification for the current situation. One of the major reasons for this proposal relates back to the continued confusion that exists between what constitutes “trolling” versus “position fishing”. This has led to confusion among anglers, and several resolutions from citizens have attempted to address this situation. From the perspective of muskellunge anglers, the practice of drifting with live suckers (often while also casting an artificial lure) has long been a popular technique. This practice, which includes occasional repositioning of the boat, usually with an electric motor, is specifically prohibited, yet many anglers believe this method is consistent with the definition of “position fishing.” Angling success (catch rates) and harvest of muskellunge, walleye, or northern pike do not differ between casting and trolling. 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. 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.

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.

9. Analysis and supporting documents used to determine effect on small business or in preparation of an economic impact analysis. It is not expected that there will be any economic impact directly related to these rule changes. The proposed rule does not apply directly to businesses, but to sport anglers. The department will conduct an economic impact analysis to determine if any individuals, businesses, local governments, or other entities expect to be affected economically.

10. Effects on small business. The rule is not expected to have an effect on small 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.

11. Rules proposed by the Department of Veterans Affairs. No information

12. Agency contact person.

Tim Simonson
Department of Natural Resources
P.O. Box 7921
Madison, WI 53707-7921
Telephone: (608) 266-5222
Email: timothy.simonson@wisconsin.gov

13. Place where comments are to be submitted and deadline for submission. Comments on this proposed rule were submitted to the agency contact person listed above. The deadline for written comments was April 14, 2014.

SECTION 1. NR 20.03(40) is amended to read:

NR 20.03(40) "Troll" or "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, pedaling, paddling, or rowing. Casting and immediate retrieval of a bait, lure or similar device while the motor is running or position fishing is not trolling.

SECTION 2. NR 20.06(1) is amended to read:

NR 20.06(1) Fish in inland waters by the method of trolling with more than one hook, bait, or lure except where specifically authorized in ~~s. 20.15(4)~~ or NR 20.20 or as provided in s. 29.193 (1m), Wis. Stats.

SECTION 3. NR 20.15(4) is created to read:

NR 20.15(4) Fish by the method of trolling with up to 3 hooks, baits, or lures on all inland waters located in the following counties: Adams, Ashland, Barron, Bayfield, Brown, Buffalo, Burnett, Calumet, Chippewa, Clark, Columbia, Crawford, Dane, Dodge, Douglas, Dunn, Eau Claire, Forest, Grant, Green, Green Lake, Iowa, Jefferson, Juneau, Kenosha, Kewaunee, La Crosse, Lafayette, Langlade, Manitowoc, Marinette, Monroe, Oconto, Outagamie, Pepin, Pierce, Polk, Portage, Price, Racine, Richland, Rock, Rusk, Sauk, Shawano, St. Croix, Taylor, Trempealeau, Vernon, Walworth, Washburn, Waukesha, Waupaca, Winnebago, and Wood.

SECTION 4. NR 20.20(1)(a), (2)(a), (3)(a) and (4)(a)1. are repealed.

SECTION 5. NR 20.20(4)(a)2. is renumbered NR 20.20(4)(a)I.

SECTION 6. NR 20.20(6)(a), (7)(a), (9)(a), (10)(a), (11)(a), (12)(a), (13)(a), and (14)(a) are repealed.

SECTION 7. NR 20.20(15)(a)1. is amended to read:

NR 20.20(15) DOOR (for species or waters not listed, including Green Bay, Lake Michigan and their tributaries, see sub. (73))

(a) All species	1. Clarks lake, Kangaroo lake	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	-------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 8. NR 20.20(16)(a)1. is repealed.

SECTION 9. NR 20.20(16)(a)2. is renumbered NR 20.20(16)(a)1.

SECTION 10. NR 20.20(17)(a) and (18)(a) are repealed.

SECTION 11. NR 20.20(19)(a)1. is amended to read:

NR 20.20(19) FLORENCE (for species or waters not listed, see sub. (73))

(a) All species	1. Halsey lake	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	----------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 12. NR 20.20(21)(a), (22)(a), (24)(a), and (25)(a) are repealed.

SECTION 13. NR 20.20(27)(a)1. is amended to read:

NR 20.20(27) JACKSON (for species and waters not listed, see sub. (73))

(a) All species	1. Arbutus lake	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	-----------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 14. NR 20.20(28)(a), (29)(a) and (30)(a)1. are repealed.

SECTION 15. NR 20.20(30)(a)2. is renumbered NR 20.20(30)(a)1.

SECTION 16. NR 20.20(32)(a), (33)(a) and (34)(a)1. are repealed.

SECTION 17. NR 20.20(34)(a)2. is renumbered NR 20.20(34)(a)1.

SECTION 18. NR 20.20(35)(a)1. is amended to read:

NR 20.20(35) LINCOLN (for species or waters not listed, see sub. (73))

(a) All species	1. Spirit River flowage, Wisconsin river downstream from CTH A including sloughs, bayous and flowages upstream to the first dam or highway bridge, except Lake Mohawksin	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 19. NR 20.20(37)(a)1. is amended to read:

NR 20.20(37) MARATHON (for species and waters not listed, see sub. (73))

(a) All species	1. Big Eau Pleine reservoir upstream to the first state hwy. 153 bridge, Wisconsin river including sloughs, bayous and flowages upstream to the first dam or highway bridge, except the eastern boundary of the Wisconsin River and Peplin and Johnson Creeks and the Little Eau Claire River, at Lake DuBay, is the south-bound lane of Interstate 39	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 20. NR 20.20(38)(a) is repealed.

SECTION 21. NR 20.20(39)(a)1. is amended to read:

NR 20.20(39) MARQUETTE (for species or waters not listed, see sub. (73))

(a) All species	1. Buffalo lake, Mason lake, Fox river downstream from Buffalo lake, <u>Lake Winnebago system waters</u>	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	----------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 22. NR 20.20(43)(a) is repealed.

SECTION 23. NR 20.20(44)(a)1. is amended to read:

NR 20.20(44) ONEIDA (for species or waters not listed, see sub. (73))

(a) All species	1. Columbus lake, Rainbow flowage, Sugar Camp lake, Thunder lake and Willow flowage	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	-------------------------------------------------------------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 24. NR 20.20(45)(a)1. is repealed.

SECTION 25. 20.20(45)(a)2. is renumbered 20.20(45)(a)1.

SECTION 26. NR 20.20(47)(a), (49)(a), (50)(a), (51)(a) and (52)(a)1. are repealed.

SECTION 27. 20.20(52)(a)2. is renumbered 20.20(52)(a)1.

SECTION 28. NR 20.20(53)(a) and (54)(a)1. are repealed.

SECTION 29. 20.20(54)(a)2. is renumbered 20.20(54)(a)1.

SECTION 30. NR 20.20(55)(a) and (56)(a) are repealed.

SECTION 31. NR 20.20(57)(a)1. is amended to read:

NR 20.20(57) SAWYER (for species or waters not listed, see sub. (73))

(a) All species	1. Chetac lake, Grindstone lake, Lac Courte Oreilles lake, Nelson lake, Round lake, Whitefish lake, Windigo lake	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 32. NR 20.20(58)(a) is repealed.

SECTION 33. NR 20.20(59)(a)1. is amended to read:

NR 20.20(59) SHEBOYGAN (for species or waters not listed, including Lake Michigan and its tributaries, see sub. (73))

(a) All species	1. Sheboygan marsh	a. Motor trolling is allowed <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	--------------------	-------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 34. NR 20.20(60)(a), (61)(a), and (65)(a)1. are repealed.

SECTION 35. 20.20(65)(a)2. is renumbered 20.20(65)(a)1.

SECTION 36. NR 20.20(66)(a) is repealed.

SECTION 37. NR 20.20(67)(a)1. is amended to read:

NR 20.20(67) WASHINGTON (for species or waters not listed, see sub. (73))

(a) All species	1. Big Cedar lake, Pike lake	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)	As specified in this subsection or sub. (73)
-----------------	------------------------------	---------------------------------------------------------------------------	----------------------------------------------	----------------------------------------------	----------------------------------------------

SECTION 38. NR 20.20(68)(a)1. is repealed:

SECTION 39. 20.20(68)(a)2. is renumbered 20.20(68)(a)1.

SECTION 40. NR 20.20(69)(a), (71)(a) and (72)(a) are repealed.

SECTION 41. NR 20.20(73)(a) is amended to read:

NR 20.20(73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) TO (72)

(a) All species	1. Green Bay, Lake Michigan, Lake Superior, <u>Lake Winnebago system waters, all Lake Michigan and Green Bay tributaries in Brown, Kenosha, Kewaunee,</u>	a. Motor trolling is permitted <u>with up to 3 hooks, baits, or lures</u>	As specified in this subsection	As specified in this subsection	As specified in this subsection
-----------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------	---------------------------------------------------------------------------	---------------------------------	---------------------------------	---------------------------------

Manitowoc,
Marinette,
Oconto, and
Racine counties

<p>2. Peshtigo river upstream to the first railroad bridge, Marinette county; Oconto river and tributaries except the Little river downstream from highway 141, Oconto county</p>	<p>a. From September 15 to the first Saturday in May only hooks with a one-half inch gap or less may be used while hook and line fishing.</p>	<p>As specified in this subsection</p>	<p>As specified in this subsection</p>	<p>As specified in this subsection</p>
<p>3. Lake Michigan tributaries; Peshtigo river upstream from the first railroad bridge to the first dam, Marinette county; Little river downstream from highway 141, Oconto county; Oconto river upstream from the upstream side of the highway 141 bridge to the first dam, Oconto county; and all other tributary streams, rivers and ditches - excluding the Menominee river- to Green Bay upstream to the first dam or lake</p>	<p>a. In addition to the restrictions under pars. (b) to (o), all of the following restrictions apply: Motor trolling is permitted in Lake Michigan tributaries of Racine county. From September 15 to the first Saturday in May only hooks with a one-half inch gap or less may be used and hook and line fishing is prohibited from one-half hour after sunset to one-half hour before sunrise. From September 15 to December 31, fishing by any method is prohibited from one-half hour after sunset to one-half hour before sunrise.</p>	<p>As specified in this subsection</p>	<p>As specified in this subsection</p>	<p>As specified in this subsection</p>
<p>4. Lake Winnebago system waters</p>	<p>a. Motor trolling is permitted except on the Wolf river from its mouth at Lake Poygan upstream to the dam in the city of Shawano, and all its tributaries upstream to the first dam,</p>	<p>As specified in this subsection</p>	<p>As specified in this subsection</p>	<p>As specified in this subsection</p>

~~including Cincoe and
Partridge lakes in
Winnebago,
Waupaca,
Outagamie and
Shawano counties.~~

SECTION 42. NR 23.08 is amended to read:

NR 23.08 **Motor trolling.** ~~Fishing from a motor-driven boat when the motor is running or from any boat in tow of a motor-driven boat when the motor is running~~ Trolling with up to 3 hooks, baits, or lures is authorized on all Wisconsin-Michigan boundary waters except Vilas county waters, where trolling is only authorized with 1 hook, bait, or lure.

SECTION 43. EFFECTIVE DATE. This rule shall take effect on the first day of the month following publication in the Wisconsin Administrative Register, as provided in s. 227.22(2)(intro.), Stats.

SECTION 44. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Cathy Stepp, Secretary

(SEAL)