BEFORE THE
DEPARTMENT OF NATURAL RESOURCES

NOTICE OF PUBLIC HEARING
Natural Resources Board Order FH-34-13

NOTICE IS HEREBY GIVEN THAT pursuant to ss. 227.16 and 227.17, Stats, the Department of Natural Resources, hereinafter the Department, will hold a public hearing on Board Order FH-34-13 affecting chs. NR 20 and 23, relating to trolling regulations on inland and boundary waters of Wisconsin on the date and at the time and locations listed below.

Hearing Information

Date and Time
April 14, 2014 at 7:00 p.m.

Locations (listed by County)

Adams - Adams County Courthouse County Board Room, 400 Main Street, Friendship, WI 53934
Ashland - Ashland County Court House 3rd Floor Court Room, 201 Main Street West, Ashland, WI 54806
Barron - Barron County Government Center Auditorium, 335 E Monroe Avenue, Barron, WI 54812
Bayfield - Drummond Civic Center, 52540 Front Avenue, Drummond, WI 54832
Brown - NWTC Corporate Conference Center Room CC210, 2740 W Mason St., Green Bay, WI 54307
Buffalo - Alma High School Gymnasium, S1618 State Road 35, Alma, WI 54610
Burnett - Burnett County Government Center Room 165, 7410 County Road K, Siren, WI 54872
Calumet - Calumet County Courthouse Room B025, 206 Court Street, Chilton, WI 53014
Chippewa - Chippewa Falls Middle School, 750 Tropicana Boulevard, Chippewa Falls, WI 54729
Clark - Greenwood High School Cafetorium, 306 W Central Avenue, Greenwood, WI 54437
Columbia - Poynette Village Hall, 106 S Main Street, Poynette, WI 53955
Crawford - Prairie du Chien High School, 800 E Crawford Street, Prairie du Chien, WI 53821
Dane - Middleton High School Performing Arts Center, 2100 Bristol Street, Middleton, WI 53562
Dodge - Horicon Marsh International Ed. Center Lower Auditorium, N7725 STH 28, Horicon, WI 53032
Door - Sturgeon Bay High School Commons, 1230 Michigan Street, Sturgeon Bay, WI 54235
Douglas - Solon Springs High School, 8993 E Baldwin Avenue, Solon Springs, WI 54873
Dunn - Dunn County Fish and Game Club, 1600 Pine Avenue, Menomonie, WI 54751
Eau Claire - CVTC Business Ed. Center Room 103, 620 W Clairemont Ave., Eau Claire, WI 54701
Florence - Florence Natural Resources Center, 5631 Forestry Drive, Florence, WI 54121
Fond du Lac - Theisen Middle School, 525 E Pioneer Road, Fond du Lac, WI 54935
Forest - Crandon High School, 9750 US Highway 8 West, Crandon, WI 54520
Grant - Lancaster High School Auditorium, 806 E Elm Street, Lancaster, WI 53813
Green - Monroe Middle School, 1510 13th Street, Monroe, WI 53566
Green Lake - Green Lake High School Small Gymnasium, 612 Mill Street, Green Lake, WI 54941
Iowa - Dodgeville High School Gymnasium, 912 Chapel Street, Dodgeville, WI 53533
Iron - Mercer Community Center, 2648 W Margaret Street, Mercer, WI 54547
Jackson - Black River Falls Middle School LGI Room, 1202 Pierce Street, Black River Falls, WI 54615
Jefferson - Jefferson County Fair Park Activity Center, 503 N Jackson Avenue, Jefferson, WI 53549
Juneau - Olson Middle School Auditorium, 508 Grayside Avenue, Mauston, WI 53958
Kenosha - Bristol School District #1 Gymnasium, 20121 83rd Street, Bristol, WI 53104
Kewaunee - Kewaunee High School Little Theater, 911 3rd Street, Kewaunee, WI 54216
La Crosse - Onalaska High School Performing Arts Center, 700 Hilltopper Place, Onalaska, WI 54650
Lafayette - Darlington Elementary School Lg. Group Room, 11630 Center Hill Rd., Darlington, WI 53530
Langlade - Antigo High School Volm Theater, 1900 10th Avenue, Antigo, WI 54409
Lincoln - Merrill High School Auditorium, 1201 N Sales Street, Merrill, WI 54452
Manitowoc - UW-Manitowoc Theatre, 705 Viebahn Street, Manitowoc, WI 54220
Marathon - D.C. Everest Middle School Auditorium, 9302 Schofield Avenue, Weston, WI 54476
Marinette - Wausaukee High School Auditorium, N11941 Highway 141, Wausaukee, WI 54177
Marquette - Montello High School Community Room, 222 Forest Lane, Montello, WI 53949
Menominee - Menominee County Courthouse, W3269 Courthouse Lane, Keshena, WI 54135
Milwaukee - Nathan Hale High School Auditorium, 11601 W Lincoln Avenue, West Allis, WI 53227
Monroe - Meadowview School Cafetorium, 1225 N Water Street, Sparta, WI 54656

Oconto - Suring High School Cafeteria, 411 E Algoma Street, Suring, WI 54174
Oneida - James William Middle School, 915 Acacia Lane, Rhinelander, WI 54501
Outagamie - Riverview Middle School Auditorium, 101 Oak Street, Kaukauna, WI 54130
Ozaukee - Webster Middle School Commons, W75 N624 Wauwatosa Road, Cedarburg, WI 53012
Pepin - Pepin County Government Center County Board Room, 740 7th Avenue West, Durand, WI 54736
Pierce - Ellsworth High School Auditorium, 323 Hillcrest Street, Ellsworth, WI 54011
Polk - Unity High School Auditorium, 1908 State Hwy 46, Balsam Lake, WI 54810
Portage - Ben Franklin Junior High School Auditorium, 2000 Polk Street, Stevens Point, WI 54481
Price - Price County Courthouse Boardroom, 126 Cherry Street, Phillips, WI 54555
Racine - Union Grove High School, 3433 S Colony Avenue, Union Grove, WI 53182
Richland - Richland County Courthouse, 181 W Seminary Street, Richland Center, WI 53581
Rock - Milton High School Auditorium, 114 W High Street, Milton, WI 53563
Rusk - Ladysmith High School Auditorium, 1700 Edgewood Avenue East, Ladysmith, WI 54848
Saint Croix - St. Croix Central High School Commons, 1751 Broadway Street, Hammond, WI 54015
Sauk - UW-Baraboo Campus, Lecture Hall A-4, 1006 Connie Road, Baraboo, WI 53913
Sawyer - Winter High School Auditorium, 6585 Grove Street, Winter, WI 54896
Shawano - Shawano Middle School Room LGI, 1050 S Union Street, Shawano, WI 54166
Sheboygan - Plymouth High School Auditorium, 125 Highland Avenue, Plymouth, WI 53073
Taylor - Taylor County Multipurpose Meeting Room, Hwy 64/Hwy 13, Medford, WI 54451
Trempealeau - Whitehall City Center Gymnasium, 18620 Hobson Street, Whitehall, WI 54773
Vernon - Viroqua High School Commons, 100 Blackhawk Drive, Viroqua, WI 54665
Vilas - St. Germain Elementary School Gymnasium, 8234 Hwy 70 West, St. Germain, WI 54558
Walworth - Delavan-Darien High School LGR Room 124/125, 150 Cummings Street, Delavan, WI 53115
Washburn - Spooner High School Auditorium, 801 County Highway A, Spooner, WI 54801
Washington - Washington County Fair Park, 3000 Hwy PV, West Bend, WI 53095
Waukesha - Waukesha Co. Tech. Coll., Richard Anderson Center, 800 Main Street, Pewaukee, WI 53072
Waupaca - Waupaca High School Performing Arts Center, E2325 King Road, Waupaca, WI 54981
Waushara - Waushara Co. Court House Board Room 265, 209 S Saint Marie St., Wautoma, WI 54982
Winnebago - Webster Stanley Middle School Auditorium, 915 Hazel Street, Oshkosh, WI 54901
Wood - Pittsville School District Admin. Building Auditorium, 5459 Elementary Ave., Pittsville, WI 54466

Reasonable accommodations, including the provision of informational material in an alternative format, will be provided for qualified individuals with disabilities upon request. Contact Kari Lee-Zimmerman by email kari.leezimmerman@wisconsin.gov or by calling (608) 266-0580. A request must include specific information and be received at least 10 days before the date of the scheduled hearing.

Availability of the Proposed Rules and Fiscal Estimate
The proposed rule and supporting documents, including the fiscal estimate, may be viewed and downloaded from the Administrative Rules System Web site which can be accessed through the link https://health.wisconsin.gov/admrules/public/Home. If you do not have Internet access, a printed copy of the proposed rule and supporting documents, including the fiscal estimate, may be obtained free of charge by contacting Tim Simonson, Department of Natural Resources, Bureau of Fisheries Management 101 S. Webster St, Madison, WI, 53703, or by calling 608-266-5222.

Submitting Comments
Comments on the proposed rule must be received on or before April 14, 2014. Written comments may be submitted by U.S. mail, fax, email, or through the Internet and will have the same weight and effect as oral statements presented at the public hearing. Written comments and any questions on the proposed rules should be submitted to:

Tim Simonson
Department of Natural Resources
Bureau of Fisheries Management
101 S Webster St, Madison, WI 53703

Phone: 608-266-5222
Email: timothy.simonson@wisconsin.gov
Internet: Use the Administrative Rules System website accessible through the link provided

Analysis Prepared by the Department of Natural Resources

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.

Plain language analysis of the proposed rule
The proposed rule would make modifications to portions of chs. NR 20 and 23 pertaining to trolling fishing regulations on inland and boundary waters of Wisconsin.

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. 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.

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.

The rule allows fishing by the method of trolling on all inland waters with one hook, bait, or lure and – depending on location – 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, and Section 1 will also include means other than pedaling or paddling.

Section 2 (amending s. NR 20.06(1)) allows trolling with one hook, bait, or lure statewide and applies county-wide to Iron, Menominee, Milwaukee, Ozaukee, and Vilas counties. It also applies county-wide to Fond du Lac and Waushara counties, with the exception of Lake Winnebago system waters in those counties that allow 3 hooks, baits, or lures when trolling.

Exceptions to the one hook, bait, or lure rule are listed in Section 3 (creating s. NR 20.15(4), covering 55 counties) and Sections 16, 20, 25, 32, 33, 35, 37, 48, 50, 55, 60, and 61 (amendments throughout s. NR 20.20 and NR 23). All other sections repeal existing rule language for counties that will now be governed by Section 3, which allows trolling with up to three hooks, baits, or lures per person. Door, Florence, Jackson, Lincoln, Marathon, Marquette, Oneida, Sawyer, Sheboygan, and Washington counties will allow trolling with 3 hooks, baits, or lures on waters where it is currently allowed and trolling with 1 hook, bait, or lure on all other waters in the county. The number of hooks, baits, or lures allowed on Lake Michigan and Green Bay tributaries will match the number allowed in their respective counties. All Lake Winnebago system waters will allow trolling with up to 3 hooks, baits, or lures. There is no change to trolling rules on outlying waters and WI-MN, WI-IA, and WI-MI boundary waters, which already allow trolling with up to three hooks, baits, or lures except on WI-MI boundary waters of Vilas County which will allow trolling with only 1 hook, bait, or lure.

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.

Comparison with rules in 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.

Summary of factual data and analytical methodologies
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.

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.

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.

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.

The Small Business Regulatory Coordinator may be contacted at SmallBusiness@dnr.state.wi.us, or by calling (608) 266-1959.

Environmental Analysis
The Department has made a 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. However, based on comments received, an environmental analysis may be prepared before proceeding. This analysis would summarize the Department's consideration of the impacts of the proposal and any reasonable alternatives.

Fiscal Estimate Summary

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.

Dated at Madison, Wisconsin 3-14-14

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By Cathy Stepp
Cathy Stepp, Secretary