

## **Report From Agency**

### **REPORT TO LEGISLATURE**

NR 20 Wis. Adm. Code

Related to fishing regulations on inland, outlying, and boundary waters, the 2017 fisheries management spring hearing agenda.

Board Order No. FH-10-16

Clearinghouse Rule No. 17-012

#### Basis and Purpose of the Proposed Rule

With this rule, the department will make changes to certain fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. Fishing regulations are in place to help meet management goals and objectives for waters and their fish species, such as 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 fish population decline.

The regulation proposals included in this rule are based on surveys and analyses conducted by fish biologists and input from local stakeholders and the Wisconsin Conservation Congress. All proposals are peer-reviewed for justification, enforceability, and completeness by department Bureaus of Fisheries Management, Law Enforcement, and Legal Services.

Based on the management goals for individual waters and species, the department strives to provide:

- consumptive opportunities where anglers can fish for a meal from a self-sustained, slow-growing fish population;
- quality and memorable opportunities where anglers can catch large fish and the density of adult fish in the populations are sustained or increased; and
- trophy opportunities where anglers can catch large trophy-size fish and the survival of older and larger fish is increased.

Most recreational fishing regulation changes are updated in Administrative Code every two years. Not making the proposed rule changes would result in less than optimal management of fish populations in the waterbodies and reduced fishing opportunities for resident and visiting anglers. However, existing regulations would remain in place to provide some level of continued protection of fish resources.

#### Summary of Public Comments

The results of voting on each proposal at public hearings, the department's recommendation, and the results of consideration by the Conservation Congress at its annual convention are summarized in Table 2.

#### Written Comments

In addition to voting on April 10, the department received a handful of written comments and phone calls during the official comment period. Most were simple statements of support or opposition and are summarized in Table 1 below.

Table 1.

Statewide Department Questions		Ayes	Noes
19	Motor trolling regulations	1	3
20	Local hearing process	3	3
Department Questions Primarily of Local Interest		Ayes	Noes
21	Bass harvest opportunity	3	2
22	Walleye—Fond du Lac, Kenosha, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Vilas counties	4	1
23	Jackson, Monroe, Trempealeau, and La Crosse counties	2	2
24	Trout—Sawyer County	2	2
25	Trout—Langlade County	4	
26	Bass harvest opportunity—Adams, Marquette, Florence, Polk, Sauk, and Walworth counties	4	
27	Bass harvest opportunity—Forest and Oconto counties	2	2
28	Quality bass management—Bayfield, Douglas, and Sawyer counties	4	
29	Bass research—Vilas County	4	
30	Quality bass management—Dane, Vilas and Lincoln counties	4	
31	Quality muskellunge management—Dane, Lafayette, Portage, Sawyer, and Vilas counties	4	
32	Quality muskellunge management—Adams, Chippewa, Columbia, Dane, Juneau, Marinette, Oneida, Rusk, Sauk, Vilas, and Walworth counties	5	
33	Quality Northern Pike management—Waukesha County	3	1
34	Northern Pike harvest opportunity—Racine County	2	2
35	Quality panfish management—Oconto, Oneida, and Rock counties	4	
36	Quality panfish management—Iron County	4	
37	Panfish harvest opportunity—Racine County	2	2
38	Quality panfish management—Price County	2	2
Natural Resources Board Advisory Question		Ayes	Noes
39	Quality muskellunge management	1	3

**Table 2 – Summary of April 10, 2017 Spring Hearing Voting**

2017 Attendance: 5,073

Appendix 2	2017 Fisheries Management Rule Proposals	Statewide Votes Yes	Percentage of Total	Statewide Votes No	Statewide Result	Counties Approving	Counties Rejecting	Counties Tie	Counties Not Voting	Local County Result- All Counties Yes
19	Trolling	2217	58.4%	1581	Yes	57	15	0	0	
20	Local hearing process	2273	67.8%	1079	Yes	70	2	0	0	
21	Bass harvest opportunity	2305	61.2%	1462	Yes	63	8	1	0	
22	Walleye—Fond du Lac, Kenosha, Racine, Rock, Sheboygan, Walworth, Washington, Waukesha, and Vilas counties	2302	69.4%	1017	Yes	64	8	0	0	No*
23	Jackson, Monroe, Trempealeau, and La Crosse counties	1663	57.0%	1253	Yes	56	14	2	0	Yes
24	Trout—Sawyer County	1304	45.0%	1593	No	28	37	7	0	Tie
25	Trout—Langlade County	2318	84.5%	424	Yes	71	1	0	0	Yes
26	Bass harvest opportunity—Adams, Marquette, Florence, Polk, Sauk, and Walworth counties	2056	72.7%	773	Yes	68	2	2	0	Yes
27	Bass harvest opportunity—Forest and Oconto counties	1941	72.4%	739	Yes	69	2	1	0	Yes
28	Quality bass management—Bayfield, Douglas, and Sawyer counties	2019	73.6%	726	Yes	68	3	1	0	No*
29	Bass research—Vilas County	2022	76.0%	640	Yes	67	3	2	0	Yes
30	Quality bass management—Dane, Vilas and Lincoln counties	1959	68.6%	898	Yes	59	13	0	0	No*
31	Quality muskellunge management—Dane, Lafayette, Portage, Sawyer, and Vilas counties	2208	69.1%	989	Yes	57	11	4	0	Yes
32	Quality muskellunge management—Adams, Chippewa, Columbia, Dane, Juneau, Marinette, Oneida, Rusk, Sauk, Vilas, and Walworth counties	2208	67.4%	1066	Yes	54	16	2	0	No*
33	Quality Northern Pike management—Waukesha County	2092	76.5%	641	Yes	68	3	1	0	Yes
34	Northern Pike harvest opportunity—Racine County	1934	71.7%	764	Yes	67	5	0	0	Yes
35	Quality panfish management—Oconto, Oneida, and Rock counties	2248	76.6%	685	Yes	70	2	0	0	Yes
36	Quality panfish management—Iron County	2181	74.9%	730	Yes	67	4	1	0	Yes
37	Panfish harvest opportunity—Racine County	1856	67.9%	876	Yes	64	7	1	0	Yes
38	Quality panfish management—Price County	2017	75.4%	658	Yes	68	2	2	0	Yes
39	Hook-and-line muskellunge harvest tag	1912	50.6%	1865	Yes	30	39	3	0	
	22* Rejecting counties: Sheboygan 45/46, Washington 44/59									
	24* Sawyer 42/42									
	28* Rejecting county: Douglas 10/29									
	30* Rejecting county: Lincoln 12/28									
	32* Rejecting county: Rusk 5/21									

Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

Support for the department’s motor trolling proposal was strong at the statewide level. In the seven counties where trolling with only one line per person would be allowed, support was also generally strong (Table 3.). In the 15 counties where the proposal was not supported the margin of opposition was very narrow except in two including Sawyer, where the issue enjoys keen interest. For Sawyer, we have recommended switching the county so that it would be among the handful of counties where trolling is only allowed with one line per person. Also in Sawyer County, on seven waterbodies where motor trolling has historically been allowed, trolling with up to three lines per person would continue to be allowed.

Table 3.

<b>One-line counties in 2017 rule proposal</b>	<b>Counties voting no in 2017</b>	<b>Ayes/Noes</b>
	Bayfield	20 / 23
	Clark	12 / 13
	Dane	143 / 236
	Douglas	15 / 17
	Dunn	11 / 13
Florence		16 / 6
Iron	Iron	7 / 16
	Jefferson	23 / 28
	Kewaunee	10 / 14
Lincoln		23 / 12
	Manitowoc	32 / 35
	Marathon	32 / 38
	Marquette	14 / 17
	Milwaukee	66 / 79
Oneida		58 / 35
	Sawyer	50 / 74
Sheboygan		56 / 32
	Trempealeau	10 / 11
Vilas		48 / 28
Waupaca		31 / 17
	Waushara	15 / 16

Quality bass management regulations were not supported in Douglas County (Lower Eau Claire, Nebagamon, Bond, Upper St. Croix, and Whitefish lakes). Based on hearing comments and subsequent discussion that our local biologist had with Douglas County constituents we have observed that the majority of dissenting votes came from people who were concerned about Lake Nebagamon. In this board order we recommend not advancing a regulation change for Lake Nebagamon as a compromise. Lower Eau Claire, Bond, Upper St. Croix, and Whitefish lakes would be advanced as initially proposed.

Comments the department received from the Legislative Council Clearinghouse have been incorporated. The report is included with this green sheet package. The changes are organizational or remedial in nature.

### Changes to Rule Analysis and Fiscal Estimate

The rule analysis was modified to reflect the changes described in the section above related to modifications following hearings and response to Legislative Council Rules Clearinghouse Report. The modifications will not result in any state fiscal impact and that analysis was not modified.

### Final Regulatory Flexibility Analysis

These rules, and the legislation which grants the department rule making authority, do not have a significant fiscal effect on the private sector or small businesses. These rules are applicable to individual sportspersons and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule. Therefore, under s. 227.19 (3m) Stats., a final regulatory flexibility analysis is not required.

### Response to Small Business Regulatory Review Board Report

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