

DATE: August 25, 2015

TO: Senator Tom Tiffany, Chair, and members of the Senate Committee on Sporting Heritage, Mining, and Forestry

FROM: Secretary Cathy Stepp and the Department of Natural Resources Bureau of Fisheries Management

SUBJECT: Clearinghouse Rule 15-023 Relating to fishing regulations on inland, outlying, and boundary waters of Wisconsin

Clearinghouse Rule 15-023 will make changes to fish size limits, bag limits, seasons, and other regulations related to fishing in inland, outlying, and boundary waters. The rule updates fishing regulations in response to management goals, fisheries biologist recommendations, and public comments. Fishing regulations are intended to protect and enhance fish populations while providing diverse fishing opportunities throughout the State. That policy will be continued and enhanced by these rule changes.

Public hearings for the rule, called the Spring Fish and Wildlife Public Hearings, occurred on April 13, 2015. A total of 4,610 people attended the hearings held in every county of the State. All Fisheries regulation change proposals in CR15-023 were supported by at least 62% of people who voted at the Spring Hearings.

The rule includes several regulation changes on individual lakes around the state; removes or modifies 51 of the 140 existing fish refuges, resulting in 110 inland fish refuges; makes Wisconsin and Minnesota muskellunge and lake sturgeon regulations consistent on the boundary waters; and defines "Asian carp" and requires that they are eviscerated and not revivable when transported within or through Wisconsin. We would be happy to answer questions on any of these proposals, but there are two larger packages of regulation changes that we want to discuss more in-depth today.

Inland Trout Regulations

The Department's Trout Management Team launched a statewide effort in 2011 to review inland trout fishing regulations. Stakeholder input was solicited through a series of public meetings, an online survey, and mail surveys of lapsed and current inland trout anglers. In addition, we formed a Trout Management Task Force of about 40 people from around Wisconsin in early 2013 to get input and develop goals for the future of Wisconsin's trout fisheries. Fisheries biologists also held a series of public meetings in September 2014 to discuss specifics of the trout regulation proposal. In general, stakeholders asked for more quality fishing opportunities, less confusing regulations, and fewer special regulations.

The rule's inland trout regulation proposals resulted from this expansive public input effort and were supported by votes at the Spring Hearings, including:

- For all inland lakes and ponds, implement a consistent statewide open season from the first Saturday in May to the first Sunday in March and a daily bag and size limit that matches the county base regulation;
- Expand trout fishing seasons on inland streams and connected springs and spring ponds by:
 - beginning the early catch and release season on streams where it currently exists on the first Saturday in January and ending on the Friday preceding the first Saturday in May, and

- extending the end of the trout open harvest season by two weeks from September 30 to October 15; and
- Change inland trout size limits and bag limits in every county of the state, which reduces the number of special regulation types, allows additional harvest opportunities, improves the range of sizes of trout, protects species from harvest in some waters, and expands opportunities to catch trophy-sized trout in other waters.

These trout regulation proposals reduce the number of special regulations from 41 to 10 and create more uniformity and clear regulation boundaries along trout streams. Regulations will more often span the full length of a stream or change at explicit boundaries, such as bridges or road crossings.

Panfish Regulations

This rule also includes new panfish regulations that will be applied to approximately 100 lakes around the State. The Department's Panfish Management Team has been gathering public input on panfish management since 2013. Stakeholders were engaged in various ways, including a short online survey, approximately 30 public meetings, booths at various sports shows, and numerous meetings with lake associations, fishing groups, and the Conservation Congress. The take home message was very mixed regarding panfish regulations. Equal numbers of anglers were satisfied with the current panfish management approach compared to those who wanted some changes, therefore, no statewide regulation change was pursued. However, anglers consistently wanted changes at certain lakes that were not meeting their potential, mostly where "keeper size" panfish are hard to come by.

The proposed panfish regulations are the product of this public input—we are trying to identify the best regulation to improve average length of panfish on underachieving lakes. About 100 lakes were selected based on specific criteria and public input. Places where available data suggest there is enough growth potential to increase the average size of panfish if angler harvest is reduced. It is unclear what the best regulation is to help these lakes – which regulation is effective but still acceptable to anglers? One of three different regulations will be applied to each selected lake and we will evaluate biological and social performance over the next 5 years. The three regulations are:

- 25/10 - a total of 25 panfish may be kept per day but no more than 10 of any one species
- Spawning season 15/5 - a total of 25 panfish may be kept per day except during May and June when a total of 15 panfish may be kept per day, but no more than 5 of any one species
- 15/5 - a total of 15 panfish may be kept per day, but no more than 5 of any one species year round

Starting in 2021, we will bring the initial results to the public for feedback and input on how to proceed. The goal is to identify the most effective yet socially acceptable regulation and adopt it as the tool to address similar underachieving lakes. The panfish regulations on these selected lakes will sunset in 2026, ensuring we complete an evaluation and identify an optimal regulation in a timely manner.

If approved, rule proposals in CR15-023 will go into effect prior to the 2016-17 fishing season.

Thank you for the opportunity to testify today. We would be happy to answer any questions you may have.

Good morning Chair Tiffany, and Vice Chair Roth, and members of the Senate Committee on Sporting Heritage, Mining and Forestry.

My name is Henry Koltz, and I am a former Chair of Wisconsin Trout Unlimited, and a current National Trustee for Trout Unlimited nationally.

I am resident of Brookfield, Wisconsin. *in Waukesha County*

Trout Unlimited is a statewide organization with over 5,500 members, situated in 21 chapters which cover the entire geographic footprint of Wisconsin. We are a 501(c)3 nonprofit organization, dedicated to Wisconsin and its coldwater resources. Our members are entirely volunteers, and they perform our mission through in stream restoration work, through working with kids to get them outdoors, and through working with disabled U.S. Military veterans.

TU does not endorse any one type of angling. Whether it is fly fishing, spin fishing, or using bait, so long as an angler cares about coldwater and fishes within posted regulations, then they have TU's support. In fact, at our youth camp this past year, Wisconsin TU taught kids how to fly fish, but also how to fish with and make spinners, and also how to fish for trout using live bait.

In short, we have no prejudices based on what is tied on the terminal end of an angler's line.

I would like to start my comments by discussing the importance of angling in Wisconsin.

A 2013 study by the American Sportfishing Association – or the ASA – found that Wisconsin ranked 9th out of all States with over 1.4 BILLION DOLLARS in annual fishing-related retail expenditures.

an countless protected right in our state

Presumably a good deal of those expenditures involved products produced by companies based right here in Wisconsin. Those companies are some of the best known in the field, such as Frabil, Mepps, Uncle Josh's, AMS, St. Croix, Eskimo, and Fin-Tech, just to name a few. And that is to say nothing of the countless bait and tackle and fly shops that dot Wisconsin's map.

And it makes sense that we'd have a multitude of fishing companies here in Wisconsin, because as the ASA report pointed out, Wisconsin is the 3rd ranked fishing destination in the United States.

Each year, over 335,000 non-resident anglers travel to Wisconsin. When they travel here, they buy bait. They buy flies. They purchase gasoline, and food, and they stay at

hotels. Some like Wisconsin and its angling opportunities so much that they buy land, use local builder to put up homes or to improve existing structures, and they pay taxes.

The result is that, according to the ASA report, angling supports over 21,000 jobs, and results in over 665,000 MILLION DOLLARS in salaries and wages being paid to those jobholders each year.

The ASA report also points out that angling results in over 148 MILLION DOLLARS in annual local and state tax revenue.

In sum, according to the ASA, recreational angling in Wisconsin results in an over 2.2 BILLION DOLLAR ANNUAL ECONOMIC IMPACT.

Quite simply, angling, and the waters that people fish in, are an incredibly important economic engine in Wisconsin, and good for its people, good for its tax base, and good for jobs.

According to data from DNR, in the 2011-2012 fiscal year, 142,564 inland trout stamps, and 141,624 great lakes trout stamps were purchased – or a total of 284,188 trout related stamps. To put that in to perspective, the next nearest stamp sales were for turkey hunting, with 111,461 stamps being sold in that time frame. In fact, the number of trout-related stamp sales is greater than all other types of hunting stamp sales combined. (200,835 total – pheasant 34,653, turkey 111,461, waterfowl 54,721)

and its based on solid work by DNR & state wildlife

I provide this information, because I think it is incredibly important to realize what we are dealing with here. This is no small thing, either in terms of active participants, or in terms of its impact on Wisconsin's economy, and jobs. And this is a system that is working

And to its credit, DNR has given review of trout regulations the attention that it deserves.

This has not been a seat of the pants, make a change just to make a change process.

In fact, what we are here about today started in 2011, when DNR launched its efforts to review inland trout fishing regulations. That effort commenced with a series of public meetings, across the state. As part of that effort, DNR utilized a survey, which was available at public comment meetings to complete in person, and which was also available to be completed on line. Residents from nearly every Wisconsin county (69 out of 72) completed the survey, as well as 291 respondents from out of state. The survey included questions regarding:

- Trout angling preferences
- Trout stream characteristics,
- Trout stream access

- Trout stream habitat
- Trout angling regulations
- Perceptions of changes in trout fisheries over time
- Trout fishing seasons
- and overall satisfaction with DNR programs related to trout angling.

In addition to public meetings and survey work, I might add, DNR and its trout fisheries staff gave numerous presentations, over years, at Trout Unlimited meetings, both chapter and state based. *the copy of*

Trout Unlimited has been involved and an active participant in the trout regulation review process from its initiation.

The result of DNR's extensive work performing surveys, interacting with the public, taking and thoughtfully analyzing comment, and working with concerned stakeholders is a new regulation package.

That package will allow anglers a longer season to fish, both opening the season earlier, and extending the season later. That should only magnify the economic impacts I just discussed.

The package will eliminate a five day closure that had occurred roughly midway through the season. Again, more time to fish means more impact. *economic*

And the package will make trout fishing regulations more uniform across the state.

First, the package will align the trout fishing season for lakes with the general fishing season's opening and closing dates. There will no longer be staggered season openings and closures. *based on species p-2002,*

Trout Fishing regulation categories will be reduced, from four to three. Easier to understand.

Each county will have one base regulation. *Easy to understand. sometimes*

Special regulations – which are *often* necessary to protect streams based on biological reasons – have been reduced from over 40 categories to just 10.

Finally, the new package will ensure that fishing regulations will no longer change at obscure points, such as unsigned county borders, or railroad bridges. In short, the new regulations package ensures that there are uniform regulations governing the entire length of streams, and within geographical areas.

reasonable.
It could not be more ~~simple~~.

The new package uses a color coded system. Green, Yellow and Red.

Green means go and fish, with no length limit on kept fish or the type of manner in which anglers can fish.

Yellow means that there is a length limit and a bag limit on how many fish may be kept, but still no restrictions on how an angler can fish.

Red means that special regulations may be in place, and that an angler should check the regulation book to make sure how they can fish, and what can be kept. The Red category, as I understand it, is biologically necessary to protect specific streams, but effects only a very small percentage of Wisconsin's trout water.

And that's it. Green, Yellow, Red. It's as simple as the stoplights we all see every day.

So in sum, the new regulation package greatly simplifies Wisconsin's trout regulations, and is the result of a long, thoughtful process where DNR engaged the public, worked with its biologists, interacted with concerned stakeholder groups, and created a set of rules that have been discussed, have been widely disseminated, are well known, and were voted for approval overwhelmingly by Wisconsin sportsmen through the Conservation Congress process.

In truth, NO ONE is going to like every regulation proposal that comes down. Such is the lot of any one system required to govern hundreds of thousands of users with different ideas who approach one sport from very different viewpoints.

But as the economic figures and stamp sales that I've recited above show – although everyone might not agree with every facet of our regulations – they are working. Trout fishing right now in Wisconsin is as good as it has ever been. We have more miles of designated trout streams than ever before, the sport is drawing anglers from far and wide, and resulting in a profound economic impact.

Wisconsin Trout Unlimited has always followed the science, and we ~~do so once again~~ here today.

support the process
and supported science based management,
wide. lay the proper VOTD's edge.



Best of the weekend: Former DNR biologist draws citation in act of 'civil disobedience'



6 HOURS AGO • BY CHRIS HUBBUCH

COON VALLEY – Roger Kerr wasn't surprised when the warden showed up at his Boscobel home in May. After all, he had sent an invitation.

The 75-year-old angler and retired biologist even provided a written statement describing how he'd gone fishing with night crawlers in early April, taking three trout home with him.

All of which is illegal during the early catch-and-release season.

Kerr, who spent some four decades with the Wisconsin Department of Natural Resources, was well aware.

But the former fisheries manager thinks overregulation is to blame for a decline in fishing on some of the nation's premier trout streams, and after 12 years of arguing with the agency, he decided to take his case to court in hopes jurors will be sympathetic to his cause.

"I'd been trying to get a court case over trout rules for years," he said.

In a letter to the editor published in the Boscobel Dial, Kerr announced his plans to harvest trout from Richland Creek and invited warden Cody Adams to ticket him.

"Please give me a citation for harvesting trout illegally from Richland Creek," he wrote. "I mainly drive a white Ford pickup truck with a topper, so if you see my truck along Hwy. 60 please come and check me and give me a ticket for keeping trout when the harvest season is closed. I want to challenge this rule in court."

Kerr went on to note it was his fourth attempt to get a citation.

He fished the Crawford County stream during the winter catch-and-release season, when only artificial lures are allowed. He also took eight trout -- three more than the limit -- from two Grant County streams on opening day.

For these violations he was issued two citations. Both are noncriminal violations with potential fines up to \$4,305 and loss of fishing privileges for up to a year.

Too many trout

Over the past 40 years, the loss of farms and introduction of conservation practices, combined with aggressive resource management, vastly improved the condition of southwest Wisconsin's trout habitat.

Biologists -- including Kerr -- began stocking streams with wild fish, which established self-sustaining populations at the same time as anglers were embracing catch-and-release practices.

As a result, trout populations boomed, and many local streams are now overpopulated, which results in smaller fish.

Kerr blames the overpopulation on complex regulations -- reduced bag limits, restrictions on lures, and the winter catch-and-release season -- which he says drove away the bait anglers who eat their catch.

"The DNR made it so tough for those types of anglers that tens of thousands of them said to hell with it," he said.

DNR officials say they cannot talk about Kerr while his case is pending.

But Jordan Weeks, who manages the 1,500 miles of classified trout streams in La Crosse, Monroe, Vernon and Crawford counties, said he's long heard gripes about overly complex rules.

While conceding that regulations could be simplified, Weeks dismisses the notion that they're scaring off anglers.

"If you can drive a car, you should be able to figure out what the regulation is," Weeks said. "If you can't, you probably shouldn't be out there."

Still, there's little to worry about -- as long as you use artificial lures and throw back your catch.

"The regulations aren't kind to bait fishermen," said Jay Thurston, a Viroqua-based angler and author of several trout fishing books.

Either way, it's not clear whether regulations are to blame for the trout proliferation.

"By the late '80s or early '90s, artificial or fly fishing was the bait of choice," said Dave Vetrano, a DNR fisheries biologist who retired in 2010. "The regulations hadn't changed. The clientele base had changed."

Weeks, who is 38 and grew up watching sport fishing shows like Bassmasters, said those in his generation and younger grew up with a catch-and-release mentality.

"The ethics have changed," he said. "Not just with trout -- with almost every other species we manage, except pan fish."

Vetrano said he would love to see people take and eat more trout, but changing the regulations won't help.

He points to a 2008 survey of anglers on two stretches of Timber Coulee, one restricted to artificial lures and catch-and-release, the other with a five-fish limit: There was almost no difference in the number of fish taken.

"The bag limits really don't mean anything," he said. "The clientele we have don't keep fish."

'A kind of religion'

Even 12 years after his retirement, Kerr is well known to those in the DNR and Trout Unlimited, a national conservation organization with nearly 150,000 members dedicated to preserving the nation's coldwater fisheries.

"When I left I had a one-inch thick file of Roger Kerr letters," Vetrano said. "I understand his concerns, but his approach is a little simplistic."

"Everybody in the state is familiar with him," said Rick Kyte, a past president of the local Trout Unlimited chapter. "He was kind of a thorn in my side when I was president."

Kerr and other bait anglers argue fly fishing elitists have taken over Trout Unlimited, thumbing their noses at catch-and-eat bait fishermen and highjacking the DNR regulatory process.

"They worship trout," he said. "And they don't want people to eat trout."

Thurston won't argue with the first part of that statement.

Now 81, the retired school principal caught his first trout at age 9 and has been hooked ever since. Despite fishing twice a week, he hasn't kept a trout since 1982.

"They're just too valuable to be caught only once," he said. "It gets to the point that it's like a religion. You just thoroughly enjoy watching them swim."

He agrees eating trout is good for people and the fish population, but don't expect him to bring any home.

"At this point I can't do it," he said. "I'm so into releasing them and giving a gift to another angler."

Jim Cox, president of the Coulee Region chapter of Trout Unlimited, said the organization's goal is simply to preserve habitat and making streams accessible.

"He thinks that Trout Unlimited is taking control of the trout," Cox said. "That was never our purpose ... it's mainly just to keep the habitat going."

Thurston, a charter member of Trout Unlimited, said while the DNR does pay attention to TU, it's only natural given the group's status as the nation's largest trout conservation organization.

And those who fish most often are the ones most likely to show up in force when the DNR makes new rules.

Underlying Kerr's argument is a sense that the region has become a playground for urban professionals who descend on the streams each weekend often with thousands of dollars of fly fishing gear. Meanwhile locals are afraid of getting fined if they drop a worm in the wrong creek.

Dan Flaherty is an avid trout angler, fishing usually twice a week – and always with bait.

His father, of the same name, was one of the founding members of the local Trout Unlimited chapter. He is credited with introducing Wisconsin's trout stamp, which generates extra revenue for trout habitat restoration.

But Flaherty said his father, who died last year, became disenchanted with the group as he got older.

"At some point it became primarily fly fishermen and they snubbed their nose at bait fishermen," he said.

That's a common sentiment among bait anglers, but one that doesn't sit well with Trout Unlimited members.

"There's no signs out there stating you have to fish all the streams with a fly," Cox said. "I'm happy to see anybody out there fishing."

Thurston agrees the current regulations favor the catch-and-release crowd, but he doesn't mind.

"I don't mind having them come because it's a boost to the economy," he said. "I can still go out during the week and have a stream to myself ... We have plenty of water for everybody."

A delicate balance

As a fisheries manager, Weeks is tasked with crafting regulations that protect the resource while maximizing opportunity to fish. For some that means an opportunity to take fish to eat, for others it's catching 30 fish and letting them go, while still others want to land a 20-inch trophy.

"The common misconception is we pander to certain groups," Weeks said. "I try to get everyone a piece of the pie ... No one group gets everything they want."

Weeks said he must strike a delicate balance with a goal of pleasing divergent interests. And the state is not a uniform ecosystem: what works in the densely populated southwestern streams might not fly up north.

"We have to walk a fine line between science and what the public desires," Weeks said. "If we do stuff that's going to destroy our fishery, that's a fail."

Weeks acknowledges that many of the streams in southwest Wisconsin are overpopulated, and he's hoping that limited changes in coming years will provide evidence to evaluate the impact of regulations.

Kyte said TU is not opposed to change but doesn't want regulations guided by popular opinion.

"We're all in favor of simplifying the regulations," he said. "We have to let this be guided by science. Do some measuring, some analysis and see what the results are."

Too busy to fish

Kerr says his protest is not about him but the "thousands of fishermen in southwest Wisconsin" who gave up the sport.

On a branch of the Timber Coulee Creek on Friday morning, Kerr had the stream nearly to himself.

"For a trout guy, there's no better place in the world than right here," Kerr said. "This is one of the best trout stream complexes in America. And who's fishing it? Nobody."

Kerr notes that between 1984 and 2008, the share of local anglers fishing southwest Wisconsin streams dropped from 90 percent to 15. But the overall number dropped 61 percent in that same time frame.

People simply don't fish as much as they used to.

Those in Trout Unlimited and the DNR say the decline in participation has little to do with regulation. Fish simply can't compete with video games, computers, smart phones and team sports.

In fact, a 2011 survey of lapsed anglers found the No. 1 reason was time constraints, followed by age and health concerns. Only 12 percent cited regulations as a leading factor.

"It's hard to get kids out fishing," Vetrano said. "We're seeing a difficulty in all of the (outdoor) sports – hunting and fishing."

Even Kerr knows this. He's seen it with his own grandchildren.

"I had them out fishing when they were 10, 12," he said. "Then they got into sports. That was the end of fishing."

Civil disobedience

Kerr has proposed returning to a seven-month trout season, allowing bait fishing and harvesting of trout in March and April, at least in the western corner of the state where trout are abundant; increasing bag limits; and doing away with patchwork regulations, which vary from creek to creek, or even on a single creek.

The DNR is moving toward changing regulations.

Among proposed rule changes for 2016 are a 10-fish limit with no size restriction on four creeks and a unified system of labeling – green, yellow and red – to indicate the level of restrictions on a stream.

But Kerr was upset that the plan did not provide for bait fishing and harvest during the early season.

"That's what really made me angry," he said. "That stimulated me to engage in civil disobedience."

Kerr, who was cited for violations in both Crawford and Grant counties, is hoping for a jury nullification – in which jurors follow their conscience rather than the letter of the law – when his cases come up later this summer.

"If they follow the letter of the law, he's going to be found guilty," said his attorney, Lynn Rider. "We don't have a lot to argue."

Rider admits it's a long shot.

"There aren't many people willing to spend thousands of dollars to fight a legal battle you're going to lose," she said. "All for a ticket."

"For a trout guy, there's no better place in the world than right here. This is one of the best trout stream complexes in America. And who's fishing it? Nobody." Roger Kerr, former DNR biologist

August 25, 2015

Dear Members of the Senate Committee on Sporting Heritage, Mining, and Forestry,

My name is Michael Kuhr and I am a 3rd generation Wisconsin trout angler. I have recently served 5 years on the Wisconsin Conservation Congress as part of the Trout Study Committee. I am currently the Vice Chair for Wisconsin Trout Unlimited, a conservation organization dedicated to ensuring future generations have access to cold, clean, fishable water.

Like my father and grandfather before me, I have come to love the experience that is trout fishing in Wisconsin. Whether it's dunking live bait, flipping spinners, or tossing flies (we do it all), what I appreciate most is the opportunity to explore our state's designated trout waters. These are special places and the time spent on the water is surely not time wasted.

I've been told by folks much older than I, that this is the best trout fishing has ever been in Wisconsin. I understand that this is no coincidence, and that much work has been put into the fishery to get it to where it is today. Now it's up to us to carry that work forward.

I have been following very closely the DNR's recent review of the Trout Regulations. I would like to applaud the Department's efforts for including the public in this process. I've attended public meetings, answered an angler's survey, attended meetings of the Trout Task Force, reviewed the DNR's rule change proposal, and voted in favor of it at the Spring Hearings.

Rule changes proposed by the DNR will simplify the category system, expand fishing opportunities in the early season, and allow for more harvest during the regular season. These changes will also give local DNR staff the tools they need to effectively manage our trout waters.

Ultimately, this proposal is about making sure the next generation of trout anglers will have the opportunity to experience all that is trout fishing in Wisconsin. I urge the Committee and your colleagues in the Legislature to support the Department's proposal.

Thank you for your time and for your commitment to public service.

Sincerely,
Mr. Michael Kuhr
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Monona, WI 53716
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(414) 588-4281

August 19, 2015

RE: Clearinghouse Rule 15-023

Panfish Changes 25/10 & 15/5

Dear Senator Tiffany and Committee Members:

Please **do not** allow this change to go forward for these 4 reasons.

1. **Many resorts** on these lakes will probably go out of business because other lakes in the same area will still have 25 fish limits. Why should a panfish angler go to their lake? Bad for tourism.
2. The DNR fish managers did not have enough time to make up a good plan.
3. Many of the lakes already have a stunted panfish population, and forage base and habitat should also be considered.
4. **Any data that the DNR compiles will not be accurate** because anglers that target panfish will just go to a different lake where they can catch their 25 limits.

Thank you,

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