

Clearinghouse Rule 17-041

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

The statement of scope for this rule, SS 101-16, was approved by the Governor on October 25, 2016, published in Register No. 730B October 31, 2016 and approved by the Natural Resources Board on December 14, 2016. This emergency rule was approved by the Governor on _____.

The Wisconsin Natural Resources Board proposes an order to amend NR 20.20 (73) (n) 2. and 3. related to the lake trout bag limit and season for Lake Michigan.

FH-21-16

Analysis Prepared by the Department of Natural Resources

Statutory Authority and Explanation of Agency Authority: The department is directed under s. Section 29.014 (1), Stats., to establish and maintain any bag limits and 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.

Statutes Interpreted and Explanation: The department is directed under s. Section 29.014 (1), Stats., to establish and maintain any bag limits and 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.

Related Statute or Rule: The department has also promulgated a companion emergency rule, Board Order FH-20-16(E), which will contain provisions of this rule. The emergency rule was authorized by the same scope statement.

Plain Language Rule Analysis: These rules will modify the bag limit and open season regulations for lake trout in Lake Michigan and assure a sustainable lake trout and salmon fishery over the long-term.

SECTION 1 establishes a continuous open season and increases the bag limit for lake trout from 2 to 5 in most of Lake Michigan. Beginning in 2022 the season framework will revert back to a 2 fish bag limit with fishing allowed from March 1 through October 31.

Federal Regulatory Analysis: States may manage the fish and wildlife resources located within their boundaries provided they do not conflict with regulations established in the Federal Register. None of these rule changes violate or conflict with the provisions established in the Federal Code of Regulations.

Comparison with rules in Adjacent States: Individual state or provincial agencies are responsible for managing fisheries within their state boundaries and each jurisdiction has their own decision making process. However, all states and provinces that border a Great Lake are signatory to the Joint Strategic

Plan for Management of Great Lakes Fisheries and have collaboratively developed Fish Community Objectives for each of the Great Lakes through their individual Lake Committees.

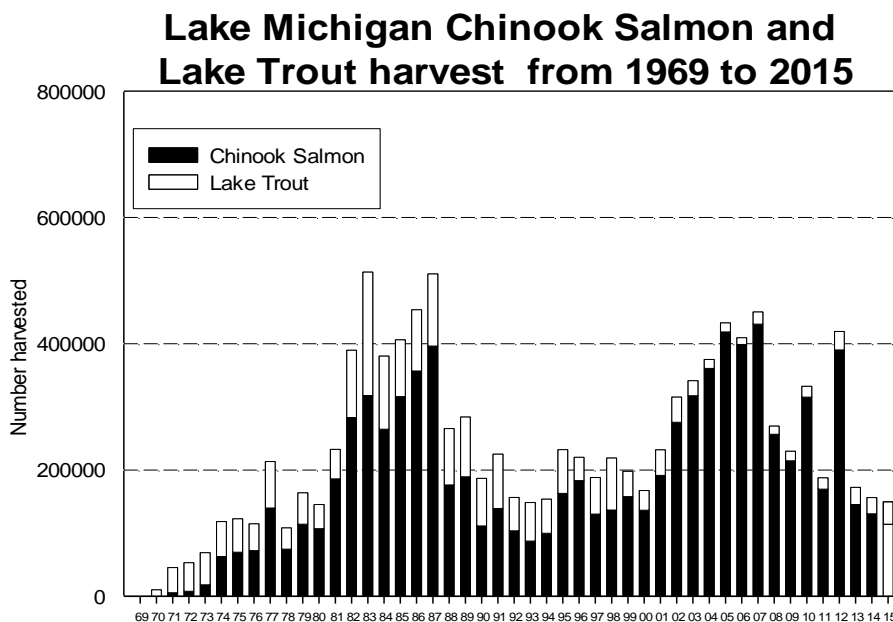
State agencies work together through the Lake Committee process to assure that Great Lakes management actions are communicated and discussed among the state and provincial jurisdictions. The Lake Michigan Committee has the following members on it: one representative from each state (Michigan, Wisconsin, Illinois, and Indiana) and one representative from the Chippewa-Ottawa Resource Authority.

Summary of Factual Data and Analytical Methodologies: These rules are necessary in order to ensure a sustainable Lake Michigan trout and salmon fishery over the long-term that provides economic and natural resource benefits for all affected. The rule expands Lake Michigan lake trout harvest limits and season lengths. These changes will allow Wisconsin anglers to have increased fishing opportunities on Lake Michigan and possibly increase their harvest of lake trout.

The proposed rule will:

- Increase the lake trout daily bag limit for all Wisconsin waters of Lake Michigan from 2 daily to 5.
- Change the current March 1 to October 31 open season to a year-round open season in Wisconsin waters of Lake Michigan, except that the Mid Lake Reef Complex under NR 20.03 (23) would remain a closed area.
- Beginning in 2022 the season framework will revert back to a 2 fish bag limit with fishing allowed from March 1 through October 31. This sunset may be repealed prior to 2022 if population monitoring identifies that the more liberal season framework is sustainable.

Lake trout harvest, seasons, and refuges were established by each agency to maximize the chances that the rehabilitation objectives set for lake trout were achievable. Data have shown that Wisconsin anglers could harvest around 80,000 lake trout and not jeopardize the chances for lake trout rehabilitation in Lake Michigan. Over the last 20 years, Wisconsin anglers have consistently harvested very low numbers of lake trout, averaging only 29,500 fish per year.



In recent years, the Lake Michigan Committee has recommended and the states approved several chinook salmon stocking reductions to match predators with available prey (alewife). These reductions in 1998, 2006 and most recently in 2013 were mostly tied to Chinook salmon with no other species taking any appreciable reductions in stocking numbers. In 2016, the Lake Michigan Committee recommended another chinook salmon stocking reduction. In conjunction, this rule would allow increased harvest of lake trout, reducing the number of trout in the lake and decreasing the predation pressure on alewives. The changes to lake trout bag limits, season lengths and refuge areas would also provide more fishing opportunities and respond to angler desires. This rule focuses on lake trout in order to balance management options among species that prey on alewives.

Anticipated Private Sector Costs and Economic Impact of Implementing the Rule: Because of the increased bag limit and longer season, the rule is expected to have a positive economic impact on recreational angling businesses, including fishing guides and charter fishing businesses. (Governor's Executive Order 50, none or minimal economic impact - less than \$50,000). We expect the impact to be minimal, however.

Lake Michigan offers a massive and diverse sport fishery. Lake trout are harvested in areas accessible primarily to anglers and charters with specialized gear. These anglers also pursue several other species of trout and salmon. The availability and bag limit for lake trout may not be the primary motivating factor in people's decisions to go fishing on lake Michigan, hire a chartered trip, or to invest in the type of gear that is necessary. The availability of lake trout does contribute greatly to the opportunities available and the very high quality of the Lake Michigan fishery. These rules will maintain these excellent fishing opportunities as well as the economic benefits of spending by anglers.

Each year, Wisconsin's Great Lakes fishing opportunities draw some 178,000 anglers (as measured by the sale of the Great Lakes Salmon and Trout stamp) who spend more than 1.2 million days fishing. According to the American Sport fishing Association, these anglers contribute \$114.3 million to the economy through direct retail expenditures and generate more than \$12.5 million in state and local tax revenue.

Effects on Small Business: Because of the increased bag limit, longer season, and additional areas that allow lake trout fishing, the rule is expected to have a positive economic impact on recreational angling businesses, including fishing guides and charter fishing businesses. (Governor's Executive Order 50, none or minimal economic impact - less than \$50,000). The department is conducting an economic impact analysis to gather comments from any individuals, businesses, local governments, or other entities that expect to be affected economically by the rule change.

The rule is necessary in order to ensure a sustainable lake trout fishery over the long-term that provides an economic and natural resource benefit for all affected. The rule does not impose any compliance or reporting requirements nor would any design or operational standards be contained in the rule.

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SECTION 1. NR 20.20 (73) (n) 2. and 3. are amended to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER RESTRICTIONS (SIZE)
NR 20.20 (73)					
(n) Trout and salmon	2. Green Bay, major Green Bay tributaries, all other waters of Lake Michigan, Lake Michigan tributaries		Continuous except that <u>beginning in 2022</u> the open season for lake trout is March 1 to October 31	5 in total but <u>except that beginning in 2022</u> only 2 may be lake trout	10
	3. All other tributary streams, rivers and ditches to Green Bay upstream to the first dam or lake		First Saturday in May to the first Sunday in March	5 in total but <u>except that beginning in 2022</u> only 2 may be lake trout	10

SECTION 10. 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 11. 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)