

Report From Agency

REPORT TO LEGISLATURE

NR 20, Wis. Adm. Code

Board Order No. FH-25-19
Clearinghouse Rule No. 20-066

Basis and Purpose of the Proposed Rule

This rule will extend the existing catch-and-release regulation for walleye through April 1, 2025 on the Minocqua Chain of Lakes (consisting of Kawaguesaga, Minocqua, Mid, Mud, Little Tomahawk and Tomahawk lakes), and then will establish a protective walleye harvest regulation to go into effect for the 2025 fishing season and beyond. A walleye rehabilitation program has taken place on the Minocqua Chain for the past six years to restore a naturally reproducing walleye population with good recruitment and size structure, which necessitated several years of no harvest. The current catch-and-release regulation has been extended through emergency rules for the 2020 and 2021 fishing seasons. While 2021 population surveys confirmed that the walleye population has reached established goals, significant natural reproduction is not yet present.

Summary of Public Comments

Maintaining catch-and-release regulations through 2025 will allow the department and partners to see if this continued protection increases natural reproduction on the Minocqua Chain.

The extension of the catch-and-release regulation was recommended by the partner group working on Minocqua Chain issues, and represents a more conservative approach to walleye management in light of the issues recently observed with natural reproduction and sex ratios. However, the department also recognizes that the goal for the Minocqua Chain is to cultivate a walleye fishery with good population density, recruitment, and a harvest component, given the popularity of these waters among residents and tourists alike.

In 2015, Walleyes for Tomorrow negotiated with the DNR and Lac du Flambeau tribe to not harvest walleye as part of a 10-year agreement to achieve population goals of 3/acre in Lake Minocqua and Kawaguesaga and 2/acre in Lake Tomahawk. One of the other main goals was natural reproduction, and the rationale for why this should be done includes the disparity in the ratio of males to females in stocked extended growth walleye, with almost all being female. The partner group feels very strongly that natural reproduction will occur if the ratios can get back in balance, especially considering the increased spawning activity on spawning structures installed in the lake. If harvest is opened too soon, the walleye population densities may go down again. All partners are committed to improving the walleye population.

The proposed regulations of catch-and-release until 2025 and a limited harvest regulation beginning with the May 2025 fishing season opener are based on discussions within the partner group as well as the 10-year walleye management plan for the Minocqua Chain. It is unknown if the female-dominated sex ratios on Minocqua and Kawaguesaga will impact recruitment, but this is not the sex ratio we see in lakes supported by strong natural reproduction and it is a cause for concern. Additional years of catch-and-release will allow more time for the walleye population to increase. On the other hand, biotic and abiotic conditions on the Minocqua Chain, such as fish community composition and environmental factors, may present a challenge to reestablishment of natural reproduction. The department will continue to utilize scheduled Minocqua Chain assessments and discussions with stakeholders to monitor the walleye fishery up to and beyond implementation of the limited harvest regulation in 2025.

We're going through a period of catch-and-release but know there are issues with natural reproduction. What studies are being done to address this problem?

Research studies are in progress both on the Minocqua Chain and other lakes in northern Wisconsin to assess potential causes of walleye decline, including bass-walleye studies in which the department implemented a no minimum length limit for bass, a protective 18-inch minimum length limit for walleye, and additional stocking for walleye. In another study, potential fish competitors for walleye are being removed from a lake to determine if this will benefit walleye. Another study is evaluating forage abundance for walleye, and another is researching population bottlenecks. A comparative study is also examining habitat characteristics in lakes with solid walleye populations and those with declining populations.

While it's good that there will not be any tribal spearing during the catch-and-release period, the tribal spearing of spawning walleye is likely causing the walleye population decline, and once the chain is opened up in 2025, spearing will be detrimental to the population.

I am strongly opposed to extension of the catch-and-release regulation. Restricting harvest for anglers doesn't address the impacts of tribal spearing, and just moves fishing pressure to other lakes in the area.

Harvest is a form of mortality, resulting in removal of fish from the population. It does not matter to the fish population whether walleye are harvested by hook-and-line, spearing, netting or other methods. We just need to keep overall mortality low enough to maintain the population. In lakes where both tribal harvest and hook-and-line angling occurs, we find that tribal harvest and angling harvest are generally similar. The department does not have the ability to directly set tribal harvest levels, but we are committed to working with Lac du Flambeau to maintain tribal harvest at a level comparable to angler harvest on Minocqua Chain. We will also monitor the walleye harvest closely as it reopens. We have not observed any indication that fishing pressure that may have shifted from the Minocqua Chain to other waterbodies is having any negative impacts. However, this is another reason to allow some limited harvest of walleye on Minocqua Chain in 2025.

A limit of one walleye and 18-inch minimum length limit will be little better than the catch-and-release fishery, and very damaging to walleye fishing opportunities since anglers won't want to fish there if they can only keep one walleye instead of three elsewhere. Under the catch-and-release regulations, there should have been natural reproduction by now, and a put-and-take fishery is a better option for anglers and tourists. Currently, the Minocqua Chain has abundant walleyes under 20 inches that cannot be harvested.

The department acknowledges these concerns, and understands that some anglers, businesses and the local tourist industry would benefit from the opportunity to keep walleye again. We have also heard from some anglers who like the catch and release opportunity and would like us to keep it in place. The proposed rule maintains conservative regulations to ensure that the walleye population recovery continues once harvest resumes. This will also help the population remain at or above the recently achieved population density goals.

The bass population seems stunted and overabundant; are there studies on bass and species other than walleye, and plans to reduce the bass population to bring it back in balance and reduce impacts on walleye?

It is possible that abundant bass or other species are having some impacts on walleye. Bass populations are much higher on the chain now than when walleye were doing well out there, and while there is no conclusive evidence that bass and walleye are in competition, it is certainly a concern that bass (and other species) may be limiting the walleye population. The Minocqua Chain will be surveyed with spring population estimates for walleye and other species, in addition to a creel survey, once walleye harvest is again open.

Modifications Made

The department modified the rule in response to public comments and Minocqua Chain partner group feedback, which favored continuation of the catch-and-release regulation again until the end of the Minocqua Chain 10-year walleye management plan. Therefore, this rule continues the catch-and-release regulation to April 1, 2025, and after that, the limited harvest regulation of an 18-inch minimum length limit, 22-28-inch protected slot, and daily bag limit of 1 would go into effect.

Appearances at the Public Hearing

Three people submitted appearance slips for the public hearing in favor of the rule, with no appearance slips in opposition to the rule.

Gregg Walker, Walleyes for Tomorrow
Lynda Bany, self
John Peterson, self

Changes to Rule Analysis and Fiscal Estimate

Changes to the plain language analysis included an explanation of why the catch-and-release regulation would be extended through 2025, to give the Minocqua Chain walleye population a chance to regain natural reproduction.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse submitted comments on statutory authority, form, style and placement in administrative code, and clarity, grammar, punctuation and use of plain language.

Changes to the proposed rule were made to address all recommendations by the Legislative Council Rules Clearinghouse, except for those discussed below.

The administrative register numbers for the related emergency rules were not added to the “related rules” section alongside the department’s emergency rule numbers due to an oversight, but those numbers are as follows:

EmR 2004: FH-24-19 (E), Minocqua Chain walleye harvest regulations
EmR 2104: FH-17-20 (E), Minocqua Chain walleye harvest regulations

Final Regulatory Flexibility Analysis

The proposed rule is expected to have a minimal economic impact, if any, since it is not changing the existing catch-and-release regulations until 2025, and then will allow for some harvest of walleye, which may indirectly benefit small businesses such as bait shops, guide businesses and the hospitality industry. The rule will mainly affect individual anglers and does not directly affect businesses. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units as a result of this rule. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

Response to Small Business Regulatory Review Board Report

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