

DATE: December 21, 2009

TO: Natural Resources Board

FROM: Matt Frank

SUBJECT: FH-03-10 Request for authorization of public hearings on proposed fishing regulation changes for 2010 Spring Fish and Wildlife Rules Hearings.

### **BACKGROUND**

The Department recommends that the revisions to Administrative Code proposed herein be presented at the Spring Fish and Wildlife Rules Hearings April 12, 2010. These proposals are suggested by the Bureaus of Fisheries Management and Law Enforcement to address fisheries management and law enforcement issues related to management of recreational fishing in Wisconsin's inland and boundary waters. The proposals were developed by the Bureaus of Fisheries Management and Law Enforcement with input from the Bureau of Legal Services, and considerable public input. Representatives of both the Conservation Congress Executive Committee and the Great Lakes Indian Fish and Wildlife Commission were part of discussions regarding advancement of these proposals. Many of these proposals have been discussed with committees or county delegations of the Conservation Congress.

### **SUMMARY OF THE RULE**

The attached rule order proposes the following modifications to Administrative Code:

#### **Proposals of statewide and regional interest and significance**

In general, the proposals considered to be of statewide or regional significance are those in which proposed changes to Administrative Code affect boundary or Great lakes waters or large waters with a high statewide public profile, or where changes represent a broad change in management policy.

1. Motor trolling: This rule would permit motor trolling county-wide in Ashland, Iron, Price and Sawyer counties.
2. Chippewa Flowage angling regulations: This rule would allow fishing from the first Saturday in May to the first Sunday in March for all gamefish species except muskellunge and walleye and change the panfish daily bag limit to 10 fish daily bag limit for all panfish all season while creating a year-round open season for panfish on the Chippewa Flowage. Currently, fishing for any gamefish is prohibited between November 30 and the first Saturday in May, and panfish bag limits are 25 with no more than 15 crappie from the first Saturday in May until November 30 and 15 but no crappie from December 1 to the first Sunday in March.

3. St. Croix River sturgeon: This rule would create a catch-and-release season for Lake Sturgeon on the St. Croix River from October 1 to 15. This section of the St. Croix River is Wisconsin-Minnesota boundary water, and this change would make Wisconsin rules consistent with Minnesota rules.
4. Wisconsin-Michigan bass harvest: This rule would extend the open fishing season for largemouth and smallmouth bass on Wisconsin-Michigan boundary waters from November 30 to December 31. This would make Wisconsin and Michigan boundary rules for bass harvest consistent.
5. Restoration of waters primarily managed for walleyes: Twenty-one lakes in Barron, Bayfield, Burnett, Polk, Rusk, Sawyer, and Washburn counties are waters in which restoration of natural walleye reproduction is the primary management objective. Each had a walleye population sustained by natural reproduction within the past twenty years, but for unknown reasons reproduction significantly declined in recent years and stocking is now needed to maintain their fisheries. Naturally reproducing walleye populations generally have an adult population 3-5 times greater than stocked walleye populations. To address this walleye population decline, the department is proposing a three component experimental restoration program, two parts of which involve changes to angling regulations: the department proposes increasing the minimum length restriction for walleye to 18 inches and reducing the daily bag limit from 5 to 3 on these lakes, while eliminating the minimum length restriction for largemouth and smallmouth bass (bag limits will remain at 5 fish/ day). The department will also focus on stocking large fingerling walleye in many of these lakes as a short-term bolster for the population.

The lakes included in the proposal are: Bear, Horseshoe (T36N, R14E, S3, 115 ac.), Lower Turtle, and Upper Turtle (Barron County), Owen (Bayfield County), Big McKenzie and Middle McKenzie (Burnett/ Washburn Counties), Big Butternut, Half Moon, Pipe, and Ward (Polk County), Chain, Clear, Island, and McCann (Island Chain, Rusk County), Chippewa Flowage, Nelson, Sissabagama, and Whitefish (Sawyer County), and Long and Nancy (Washburn County).

#### Proposals of local interest and significance:

In general, the proposals considered to be of local significance are those in which minor adjustments are made to Administrative Code. These are generally adjustments to angler daily bag limits and/or rules governing what sizes of fish may be harvested, or opening and closing dates for open seasons within individual water bodies.

The Department proposes to:

6. increase the minimum size restriction for Walleye in Metonga lake (Forest County) from 15 to 18 inches and decrease the bag limit from 5 to 3;

7. increase the minimum size restriction for bass in Marion Pond (Waupaca County) from 14 inches to 18 inches and reduce the daily angler bag limit from 5 to 1 and increase the minimum size restriction for northern pike in Marion Pond from no minimum to 26 inches and reduce the daily angler bag limit from 5 to 2. This rule would expire on April 1, 2016;
8. eliminate the following fish refuges: on the Chippewa Flowage for 500 feet below Moose Lake (Sawyer County), on Spider Creek between Spider Lake and State highway 77 (Sawyer County), on Island Creek between Island and Black Dan Lakes (Sawyer County), on Malviney Creek (Sawyer County), on the unnamed tributary of Lake Chetac from Lake Chetac to 1000 feet upstream (Sawyer County), on the Brunet River from Lake Winter to 500 feet downstream (Sawyer County), on the Couderay River from the Grimh (Radisson) Dam to 500 feet downstream (Sawyer County) and on the Little Turtle River and Turtle-Flambeau Flowage 200 feet upstream of Popko's Circle Road until 200 feet downstream of Popko's Circle Road (Iron Co.);
9. prohibit night fishing from September 15 to the first Saturday in May in the section of the Oconto river from the upstream side of the US 141 Bridge to the Stiles dam (Oconto County);
10. replace the current no minimum length limit and 14 to 18 inch protected slot with no minimum length limit but only 1 fish over 14" and increase the daily bag limit from 3 to 5 for walleye on the Three Lakes chain, Oneida County;
11. replace the no minimum length limit but only 1 fish over 14" with a 15" minimum length limit for walleye on Sevenmile lake, Oneida County;
12. make permanent the 45 inch minimum size restriction for muskellunge in Little St. Germain Lake (Vilas County). This regulation was scheduled to expire November 30, 2011;
13. increase the minimum size restriction for northern pike on Big Muskego Lake including Bass Bay (Waukesha County) from 26 inches to 40 inches and reduce the daily bag limit from 2 to 1 fish;
14. decrease the minimum length restriction on trout in the Waupaca River downstream of River Road to the Waupaca County line (Waupaca County) to 7 inches for all trout from 12 inches for brown trout and rainbow trout, and 8 inches for brook trout. It also increases the daily angler bag from 3 to 5 for trout;
15. and to standardize trout regulations for all of the Wolf River (Langlade County), allowing hook and line fishing only with artificial lures from the First Saturday in May at 5:00am until September 30 with a bag limit of 3 and a maximum size of 12

inches. The catch-and-release season from October 1 to November 15 will be retained.

### **POLICY IMPACTS**

The proposed rule will not result in major changes to existing policy.

### **PREVIOUS ACTION**

The Board has not previously taken action on any of the proposed items.

### **IMPACTS ON THE PUBLIC**

The proposed rules will have minimal impact on members of the public. As with any change in regulation, there will be a requirement for anglers to learn the new rules. The FM Bureau works to notify the public of new regulations via press releases, the Internet, and fishing regulations pamphlets.

### **ENVIRONMENTAL ASSESSMENT**

This is a Type III action under Chapter NR 150, Wis. Adm. Code, therefore no EA is required.

### **SMALL BUSINESS ANALYSIS**

The proposed rules do not impose any compliance or reporting requirements on small businesses nor are any design or operational standards contained in the rule.

### **INITIAL REGULATORY FLEXIBILITY ANALYSIS**

- A.1. Describe the compliance and/or reporting requirements imposed on small business.

No reporting requirements are imposed by this Order.

2. Can these compliance and/or reporting requirements be made less stringent for small business? Explain.

Not applicable.

- B.1. Describe the schedules or deadlines for compliance or reporting imposed on small business.

Not applicable.

2. Can these schedules or deadlines be made less stringent for small business? Explain.

Not applicable.

- C. Can the compliance or reporting requirements for small business be consolidated or simplified? Explain.

Not applicable.

- D. Can performance standards be established for small businesses in lieu of design or operational standards? Explain.

Not applicable.

- E. Can small business be exempted from any or all requirements of the rule? Explain.

Not applicable.

- F. Initial Regulatory Flexibility Analysis

1. Describe the type of small business that will be affected by rule.

Changes to fishing regulations have no regulatory effect on small businesses.

2. Briefly explain the reporting, bookkeeping and other procedures required for compliance with the rule.

Not applicable.

3. Describe the type of professional skills necessary for compliance with the rule.

Not applicable.