

Clearinghouse Rule 11-049

Report to
Legislative Council Rules Clearinghouse
NR 25, Wis. Adm. Code
Natural Resources Board Order No. FH-25-11

Wisconsin Statutory Authority

Pursuant to ss. 23.11(1), 29.014(1), 29.041, 29.519(1m)(b), and 227.11(2)(a), Wis. Stats., interpreting ss. 29.014(1), 29.041 and 29.519(1m)(b), Wis. Stats., the Department of Natural Resources will hold public hearings on revisions to ch. NR 25, Wis. Adm. Code relating to commercial fishing in outlying waters.

Federal Authority

Not applicable.

Court Decisions Directly Relevant

None.

Analysis of the Rule – Rule Effect – Reason for the Rule

The Bureau of Fisheries Management recommends promulgating administrative rules that amend s. NR 25.05(1)(c), Wis. Adm. Code, related to commercial fishing in outlying waters. The rule adds six days to the commercial harvest season for whitefish from Lake Michigan and Green Bay.

The Natural Resources Board approved an emergency rule (FH-22-11E) in October 2011 to extend the whitefish season on Lake Michigan and Green Bay for six days. The extended season in October 2011 was for the benefit of Wisconsin commercial fishing businesses. The proposed rule permanently changes the open season for whitefish on Lake Michigan and Green Bay by adding six days to the open season. The proposed rule changes the season end date to October 31.

Commercial harvesting of yellow perch, rainbow smelt, and chubs has declined significantly since 1990. As a result, whitefish are now the mainstay of the commercial fishery in Lake Michigan. The Department estimates that the value to the commercial fishing industry of extending the whitefish season by six days is approximately \$161,300 annually. This is a wholesale value which would increase if some of the catch is marketed retail, however, there are no available numbers for retail sales or value. The Department has received comments from commercial fishers indicating that the six day extension provided in the emergency rule was economically beneficial to their businesses.

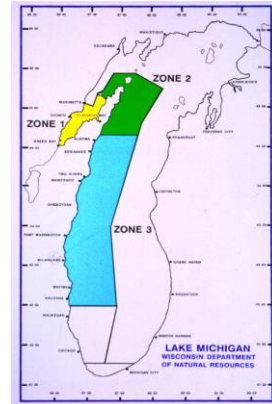
The October 25 closure date was established around 1970 and was implemented when whitefish populations were in a much more reduced state, but recovering. Current abundance and recruitment data indicate Wisconsin's population is healthy. This fishery is managed through a quota system that controls the total annual harvest. In addition, anecdotal information indicates that fish are spawning at a later date than they have historically, possibly as a result of increasing average water temperatures. Department biologists have considered the impact of the proposed permanent rule change on the whitefish population and spawning season and believe that the additional six days will not threaten whitefish stocks in Wisconsin waters.

The total reported whitefish harvest (pounds dressed weight) for the past five years indicates that commercial fishers are catching significantly fewer pounds of whitefish than in past years. In addition, as shown in the table below, the whitefish harvest limit was not reached in the 2010-11 fishing year, which

ran from July 2010 to June 2011, and it is expected that additional harvest will not harm the whitefish population.

2010-11* Whitefish Harvest - Lake Michigan				
Harvest Zone	Whitefish Quota Holders	Harvest Limit (pounds)	Reported Harvest (pounds)	Percentage of Limit
1	23	362,185	263,633	73%
2	31	2,166,329	1,025,648	47%
3	12	351,487	270,395	77%

*July 2010-June 2011



If the season is extended to October 31 on a permanent basis, the Department has projected an added harvest of 137,184 pounds each year, which is the average harvest during October 20-25 over the last five years. As of December 2, 2011, commercial fishers reported harvesting 78,416 pounds of whitefish and 3,642 pounds of whitefish eggs during October 26-31, 2011, but not all harvest data had been reported. It is not expected that harvest throughout an extended season would exceed the annual harvest quota.

The rule change was requested by the Lake Michigan Commercial Fishing Board, which was established under s. 15.345, Wis. Stats., and which advises the Department regarding commercial fishing issues on the Great Lakes.

Agency Procedures for Promulgation

Public hearing, Natural Resources Board final adoption, Governor’s Office of Regulatory Compliance final approval, followed by legislative review

Description of any Forms (attach copies if available)

None

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