

Report to
Legislative Council Rules Clearinghouse
NR 20 and 25, Wis. Adm. Code
Natural Resources Board Order No. FH-13-16

Wisconsin Statutory Authority: Sections 29.014(1), 29.041 and 29.519(1m)(b), and 227.4, Stats.

Federal Authority: The department is not aware of any existing or proposed federal regulation that would govern fishing in Wisconsin's waters of Lake Superior.

Comparison of Adjacent States: Minnesota and Ontario establish a cisco harvest quota similar to this proposed rule. Michigan waters, under the Chippewa Ottawa Resource Authority, have a closed season and other Michigan waters have a limitation on the effort allowed, or the length of net and gear used to catch cisco.

Court Decisions Directly Relevant: None

Analysis of the Rule - Rule Effect - Reason for the Rule: Cisco are a key species in the Lake Superior ecosystem and are harvested in Wisconsin waters for commercial, recreational, and subsistence purposes by state licensees and members of the Red Cliff and Bad River Bands of Lake Superior Chippewa Indians. This rule is needed to manage the long-term sustainability of the cisco population. Currently the commercial harvest season is open year-round and there is no size limit or harvest quota in place for cisco. The recreational angling season is open year round in Lake Superior with a 10-fish daily bag limit per person and no size limit. Only a few hundred cisco are harvested by recreational anglers each year.

Maintaining a healthy cisco population is important for several reasons:

- Cisco are an important species for both recreational and commercial harvest. Cisco contribute to the local economy through the tourism and commercial fishing industries.
- Cisco are an important food chain link between trophic levels. They link the lower (zooplankton) to the upper (lake trout) trophic levels. Cisco are an important forage food for lake trout, a popular species which is seeing a decline.
- A decline in cisco could have negative consequences on whitefish and other near-shore fish, because the eggs of cisco are an important part of other species' diets.
- Cisco reproduction is variable, with populations relying on strong year classes (fish born in the same year) to sustain them. This unpredictable year to year recruitment into the population can make cisco vulnerable to overfishing.
- The linkage between Wisconsin's waters and those of other states and jurisdictions are not totally understood. It is possible that harvest in Wisconsin waters affects populations elsewhere in Lake Superior.

SECTION 1 establishes that the total allowable annual harvest of cisco by state fishers in Wisconsin waters of Lake Superior will not exceed 7.5 percent of the most recent estimate of the biomass of cisco in Lake Superior. The department conducts hydroacoustics surveys to determine the biomass estimate, and harvesting up to 7.5 percent of the total cisco biomass each year is expected to be a sustainable level for the cisco population.

SECTION 1 also states that the total allowable state harvest in the waters of Lake Superior may not exceed 1,497,900 round weight pounds in a calendar year. State commercial fishers must limit their total targeted harvest of cisco using gill nets from October 1 through December 31 to 1,317,900 round weight pounds. Throughout the year, state licensed commercial fishers, recreational fishers, and department assessment surveys may harvest up to an additional 180,000 round weight pounds. The department shall subdivide the 180,000 pounds among the user groups.

SECTION 2 establishes that the total allowable annual cisco commercial harvest quota shall be split equally among each of the 10 state commercial fishing licenses in Lake Superior as individual licensee catch quotas.

SECTION 3 states that license holders may transfer individual licensee catch quotas for cisco to another license holder, an existing process for other commercial species.

SECTION 4 applies additional phone reporting requirements for harvest of cisco. From October 1 through December 31, commercial licensees who have harvested 70 percent or more of their individual licensee catch quotas for cisco must submit a daily fishing report to the department. Daily fishing reports shall be submitted by calling a phone number provided by the department.

Agency Procedures for Promulgation: We will hold public hearings, followed by adoption by the Natural Resources board and legislative review.

Description of any Forms (attach copies if available). None.

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