

Report From Agency

REPORT TO LEGISLATURE

NR 20 Wis. Adm. Code
Related to the lake trout bag limit and season for Lake Michigan.
Board Order No. FH-21-16

Clearinghouse Rule No. 17-041

Basis and Purpose of the Proposed Rule

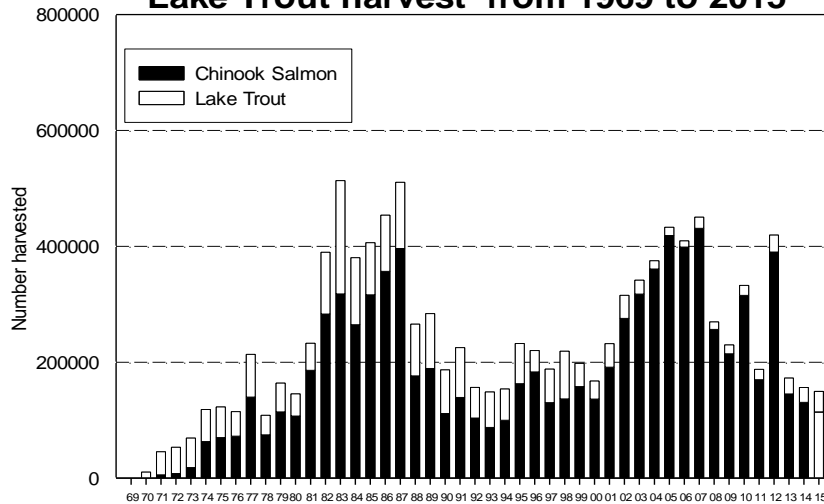
These rules are necessary in order to ensure a sustainable Lake Michigan trout and salmon fishery over the long-term that provides economic and natural resource benefits for all affected. The rule expands Lake Michigan lake trout harvest limits and season lengths. These changes will allow Wisconsin anglers 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 2021 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 This sunset may be repealed prior to 2021 if population monitoring identifies that the more liberal season framework is sustainable.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.

Lake Michigan Chinook Salmon and Lake Trout harvest from 1969 to 2015



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.

Summary of Public Comments

2017

A public hearing was held on June 22, 2017 at the UW Milwaukee School of Freshwater Sciences in Milwaukee. The hearing was lightly attended. We attribute the moderate interest to the fact that extensive public involvement has been ongoing since 2016. Additionally, comparable emergency rules were already in effect and appeared to be supported by anglers and others who benefit from the fishery.

Five people attended the June hearing. Two registered in support of the proposal and one registered “as interest may appear.” Two people registered in opposition of the rule and noted that they would be supportive if an opportunity for commercial fishing for lake trout were part of the rule package. The department acknowledges that some commercial fishers are interested in being able to harvest lake trout. However, commercial fishing was not a topic of the public involvement process that resulted in this rule and is not within the statement of scope that was approved for this rule.

Additionally, a public meeting was held on January 27, 2017 in Cleveland, WI to specifically gather public input on the proposal. A two week comment period allowed those who could not

attend or watch the recorded meeting to provide input. Most of the comments favored increasing the bag limit of lake trout and opening the season to year round fishing.

2016

This rule was developed following an extensive public involvement process. From June 27 to 30, meetings were held in Cleveland in Manitowoc County, Milwaukee, and Green Bay. Following the meetings, public comments were taken through July. A Lake Michigan fishery forum was held on August 29. At the forum anglers, charter captains, businesses, conservation groups and other stakeholders were provided a draft plan for the future management of the salmon and trout fishery and there were opportunities for discussion and comment on the plan.

The department used this input to develop an innovative and balanced plan that maintains the recreational, economic, and biological benefits of the fishery. In addition to changes in lake trout management, the plan also includes changes in stocking; stakeholder supported collaborative efforts such as increased use of net pens to boost survival; enhanced marketing of the Lake Michigan fishery; and more involvement of stakeholders in data collection.

Modifications Following Hearings and Response to Legislative Council Rules Clearinghouse Report

Following hearings this rule was modified so that the season and bag limit modifications will sunset in the year 2021 instead of 2022.

The Legislative Council Rules Clearinghouse prepared a report on the permanent version of this rule and suggested minor revisions relation to form and placement in the code. All of the recommended changes have been made.

Final Regulatory Flexibility Analysis

These rules are applicable to individual anglers and impose no compliance or reporting requirements for small business, nor are any design or operational standards contained in the rule.

Response to Small Business Regulatory Review Board Report

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

Because of the increased bag limit and longer season for 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). 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.