

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH-29-20 (E) and FH-30-20

Relating to: Lake trout harvest and season in Lake Michigan (Ch. NR 20)

Rule Type: Both Permanent and Emergency

1. Finding/nature of emergency (Emergency Rule only):

The welfare of recreational angling businesses and recreational anglers operating in Lake Michigan and Green Bay depends on healthy lake trout and salmon fisheries. Providing continued good lake trout harvest opportunities for recreational anglers and associated businesses is especially important given the economic hardships and increased interest in fishing that have emerged as impacts of the 2020 COVID-19 pandemic. For the 2020 fishing seasons, the department sold 137,721 Great Lakes salmon and trout stamps, an increase of 14 percent over 2019. Additionally, many recreational anglers and charter businesses specifically target chinook salmon, which compete with lake trout for food. Chinook salmon feed primarily on alewives and the alewife population decline in Lake Michigan threatens the valuable chinook salmon fishery in the lake. Lake trout also consume alewives as part of their overall diet and are not currently as desirable by angling businesses (guides and charter boats) as chinook.

A combination of emergency and permanent rules were implemented in 2017 and 2018 to allow anglers to make immediate use of the lake trout available for harvest through a continuous season and daily bag limit of five. Those regulations will sunset in 2021. Because the COVID-19 pandemic did not allow for meaningful data collection during the 2020 field season, the department only has two full years of data, which is inadequate to justify reverting to the previous regulations of a lake trout harvest season from March 1 to October 31 and bag limit of 2 lake trout. This rule would extend fishing opportunities and allow harvest of lake trout, keeping lake trout in balance within the fish community and decreasing the predation pressure on alewives. The department finds that an emergency rule is necessary to extend these lake trout harvest and season regulations for the 2021 fishing season.

2. Detailed description of the objective of the proposed rule:

The purpose of the emergency and permanent rules is to extend the Lake Michigan and Green Bay lake trout harvest limits and season lengths. Modifications to these rules will provide Wisconsin anglers with increased fishing opportunities on Lake Michigan and Green Bay and possibly increase their harvest of lake trout. Monitoring of the recreational lake trout fishery indicates that harvest is comfortably below the existing lake trout harvest limit for Lake Michigan and Green Bay.

The proposed rule will:

- Maintain the lake trout daily bag limit of 5 (in combination with salmon) in all Wisconsin waters of Lake Michigan and Green Bay. In the absence of a rule, the bag limit would revert to 2 lake trout per day.
- Extend the current continuous open season in Wisconsin waters of Lake Michigan and Green Bay, except for the Mid Lake Reef Complex (defined in NR 20.03(23)). In the absence of a rule, the season would open on March 1 and run to October 31.

The department may also pursue other changes reasonably relating to the sustainable use of lake trout in Lake Michigan and Green Bay.

3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

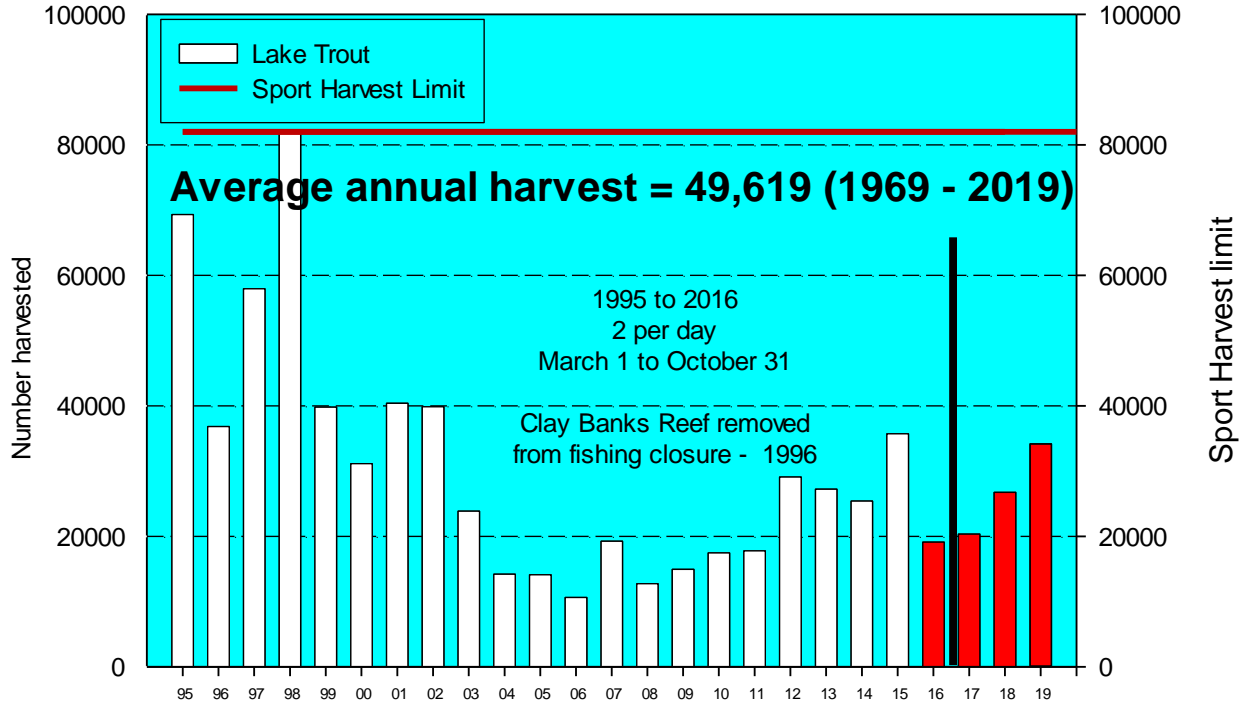
Individual state or provincial agencies are responsible for managing fisheries within their state boundaries, and each jurisdiction has their own decision-making process. However, all states and provinces that border a Great Lake are signatory to the Joint Strategic Plan for Management of Great Lakes Fisheries and have collaboratively developed Fish Community Objectives for each of the Great Lakes through their individual Lake Committees.

State agencies work together through the Lake Committee process to ensure that Great Lakes management actions are communicated and discussed among the state and provincial jurisdictions. The Lake Michigan Committee has the following members on it: one representative from each state (Michigan, Wisconsin, Illinois, and Indiana) and one representative from the Chippewa-Ottawa Resource Authority.

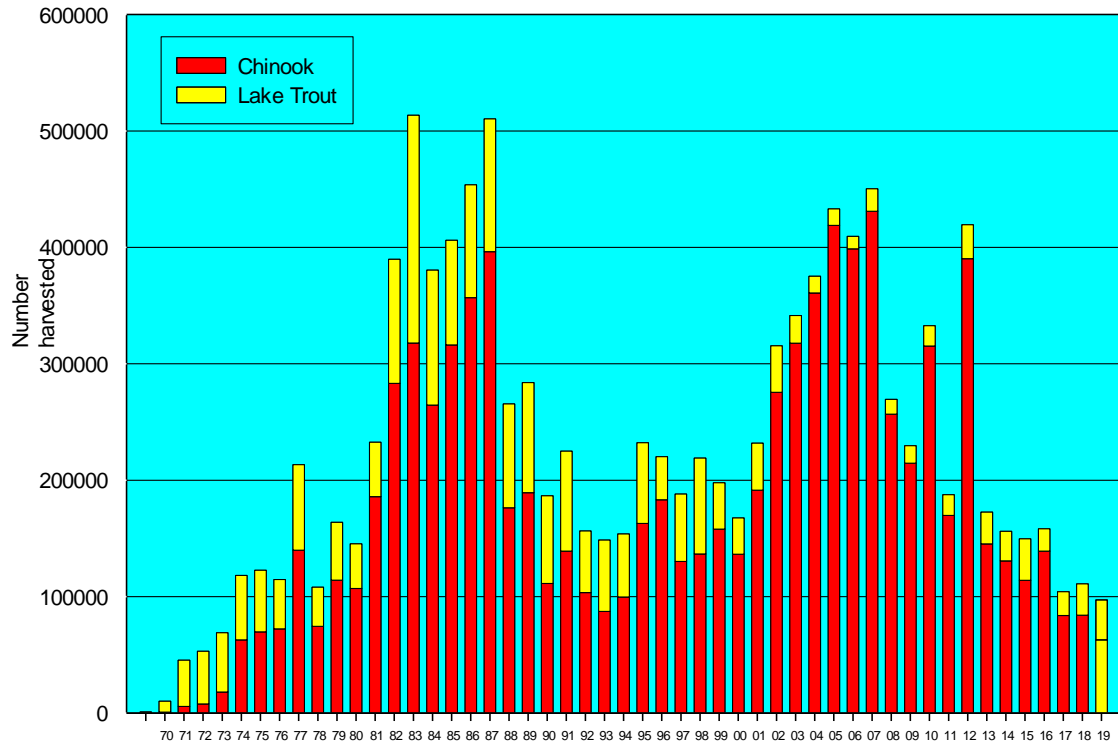
Lake trout harvest, seasons, and refuges were established by each agency to maximize the chances that the rehabilitation objectives set for lake trout were achievable. Data have shown that Wisconsin anglers could harvest around 80,000 lake trout and not jeopardize the chances for lake trout rehabilitation in Lake Michigan, and harvest levels from 2017 to 2019 are comfortably below that level. Over the last 20 years, Wisconsin anglers have consistently harvested very low numbers of lake trout, averaging only 23,722 fish per year.

[See pdf for image]

Lake Michigan Lake trout harvest from 1995 to 2019



Wisconsin Lake Michigan Chinook Salmon and Lake Trout harvest from 1969 to 2019



The department recently increased the number of chinook salmon stocked into Lake Michigan and Green Bay at the request of anglers and charter businesses. The increased number of chinook salmon present in this put-grow-take fishery will further pressure the alewife prey base shared between lake trout and non-native salmonids. This rule focuses on lake trout in order to balance management options among species that prey on alewives.

4. Detailed explanation of statutory authority for the rule (including the statutory citation and language):

Section 29.014(1), Stats., directs the department to establish and maintain any bag limits and conditions governing the taking of fish that will conserve the fish supply and ensure the citizens of this state continued opportunities for good fishing.

Section 29.041, Stats., provides that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

5. Estimate of amount of time that state employees will spend developing the rule and of other resources necessary to develop the rule :

Employees will spend approximately 250 hours developing the rules.

6. List with description of all entities that may be affected by the proposed rule :

- Recreational fishers on Lake Michigan and Green Bay
- Recreational fishing guides and charter fishing businesses

7. Summary and preliminary comparison with any existing or proposed federal regulation that is intended to address the activities to be regulated by the proposed rule :

No federal statutes or regulations apply. States possess inherent authority to manage the fishery and wildlife resources located within their boundaries, except insofar as preempted by federal treaties and laws, including regulations established in the Federal Register.

8. Anticipated economic impact of implementing the rule (note if the rule is likely to have an economic impact on small businesses):

Because of the larger bag limit and longer season, the rule is expected to have a positive economic impact on recreational angling businesses, including fishing guides and charter fishing businesses. When a permanent rule is pursued, the department will conduct an economic impact analysis to gather comments from any individuals, businesses, local governments, or other entities that expect to be affected economically by the rule change.

The rule is necessary in order to ensure a sustainable lake trout fishery over the long-term that provides an economic and natural resource benefit for all affected. The rule does not impose any compliance or reporting requirements nor would any design or operational standards be contained in the rule.

The department and UW-Sea Grant conduct annual meetings with the Lake Michigan Fisheries Forum, comprised of recreational anglers, recreational fishing businesses, and other stakeholders. These meetings include updates on lake trout and salmon stocking and associated regulations.

9. Anticipated number, month and locations of public hearings:

The department anticipates holding one public hearing in the month of June 2021 for the emergency rule and one public hearing in the month of September 2021 for the permanent rule. Hearings will be held in Cleveland, WI or virtually.

The department will hold these hearings in these locations to gain public input on extension of the existing regulations.

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