

Report From Agency

REPORT TO LEGISLATURE

NR 25, Wis. Adm. Code

Board Order No. FH-26-12
Clearinghouse Rule No. 13-111

Basis and Purpose of the Proposed Rule

The rule is necessary to implement lake trout commercial harvest limits. It reduces the annual commercial fishing harvest limit for lake trout on Lake Superior and places reduced bag limits on recreational fishing if the recreational lake trout harvest exceeds specified limits.

The continued, persistent decline in lake trout population abundances in the Apostle Islands vicinity of Lake Superior and predicted further declines necessitate harvest reductions in order to ensure a sustainable lake trout fishery over the long-term. Lake trout harvest limits were negotiated in October 2013 among the Department of Natural Resources and the Red Cliff and Bad River Bands of Lake Superior Chippewa and those changes must be ordered through administrative code. The rule elements are a result of regular negotiations stipulated in the State-Tribal Lake Superior Agreement.

Summary of Public Comments

No public hearing attendees registered or spoke in opposition to the proposed rule. Attendees had several questions for the rules expert about harvest levels, what affects the population levels, and how levels are measured. Two attendees then spoke in support of the rule to control harvest and said they approve of the harvest limits being spread among commercial and sport fishers.

Modifications Made

No modifications were made to the rule in response to public comments.

Appearances at the Public Hearing

At the hearing held on January 15, 2014, eight people appeared at the hearing. Attendees included the president and two members of the Apostle Islands Sport Fishing Association (all in support of rule), a commercial fisher/commercial fishing board member (support or opposition not indicated on appearance slip), and four individuals (two registering in support and two with no indication).

Changes to Rule Analysis and Fiscal Estimate

No changes were made to the rule analysis or fiscal estimate as a result of public comments. The economic impact analysis (EIA) was updated after the EIA comment period held in October and November 2013, during which the department received comments from Halvorson Fisheries, LLC, and the Red Cliff Band of Lake Superior Chippewa. These state and tribal commercial fishers assumed the economic impact of the permanent rule is greater than the department's estimate. The economic impact was estimated by the department using available reported data from 2012 dockside values of lake trout and whitefish sales, as well as commercial fishing harvest reports submitted to the department. Commercial fishers and tribes are not required to submit any additional economic information to the department, therefore the estimate of minimal economic impact was the best analysis based on available data. In addition, if the rule is not put in place, the estimate of negative economic impact would be much greater. Allowing harvest at current quota limits is not biologically sustainable. If no action is taken, the continued decline and potential collapse of the lake trout fishery in Lake Superior would result in greater income losses to both state and tribal commercial fishers, as well as businesses that support recreational lake trout fishing.

Response to Legislative Council Rules Clearinghouse Report

The Legislative Council Rules Clearinghouse had no comments or changes in its report submitted on 1/6/14.

Final Regulatory Flexibility Analysis

Minimal economic impact is expected overall for businesses, business associations, public utility rate payers, or local governmental units. The proposed rule would not adversely affect in a material way the economy, a sector of the economy, productivity, jobs, or the overall economic competitiveness of the State.

The proposed rule change would impact commercial and recreational fishers. No compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

If no action is taken, the continued decline and potential collapse of the lake trout fishery in Lake Superior would result in income losses to both state and tribal commercial fishers, as well as businesses that support recreational lake trout fishing.

Response to Small Business Regulatory Review Board Report

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