

STATEMENT OF SCOPE

Department of Natural Resources

Rule No.: FH- 20-16(E) and FH-21-16

Relating to: Lake Trout Harvest, Season, and Refuge in Lake Michigan (Ch. NR 20)

Rule Type: Emergency and Permanent

1. Finding/nature of emergency:

The welfare of recreational angling businesses and recreational anglers is threatened by a decline in the alewife forage base in Lake Michigan. Chinook salmon feed primarily on alewife and the alewife population decline 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. This rule would allow increased fishing opportunities and harvest of lake trout, reducing the number of trout in the lake and decreasing the predation pressure on alewives. The department finds that an emergency rule is necessary to implement lake trout harvest, season and refuge changes for the 2017 fishing season.

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

The purpose of the emergency rule, and a possible permanent rule, is to amend the Lake Michigan lake trout harvest limits, season lengths, and refuges. Modifications to these rules 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 (currently 2 lake trout per day)
- Change the current March 1 to October 31 open season to a year-round open season in Wisconsin waters of Lake Michigan, except for the Mid Lake Reef Complex (defined at NR 20.03(23))
- Remove the year-round closed season in the Mid Lake Reef Complex to allow fishing for lake trout from January 1 through September 30

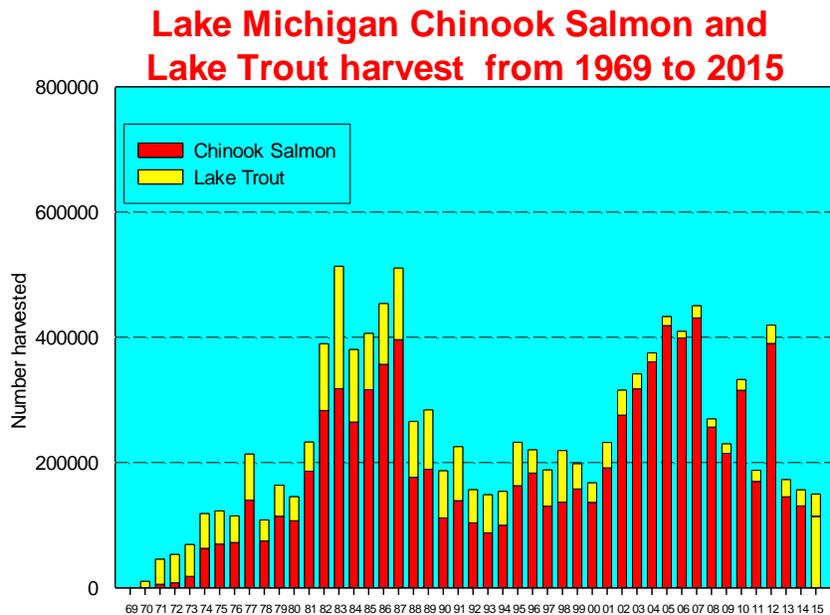
3. Description of the existing policies relevant to the rule, new policies proposed to be included in the rule, and an analysis of policy alternatives:

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 assure 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. Over the last 20 years, Wisconsin anglers have consistently harvested very low numbers of lake trout, averaging only 29,500 fish per year.

(See PDF for image.)



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.

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 of all entities that may be affected by the proposed rule:

- Recreational fishers on Lake Michigan
- 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 regulations apply. None of the rule proposals violate or conflict with federal regulations.

8. Anticipated economic impact of implementing the rule:

Because of the increased bag limit, longer season, and additional areas that allow 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) If 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 recently concluded a series of three meetings in late June to inform stakeholders on stocking plans for chinook salmon. As part of these meetings, the Department engaged stakeholders on a variety of management options that could also be implemented to increase angler activity on Lake Michigan. Lake trout bag limits and seasons were discussed with them during the meetings. Many stakeholders at the meeting expressed interest in harvesting more lake trout immediately to reduce the number of trout in the lake, thereby decreasing the predation pressure on alewives. Comments received via email also were in favor of changing the regulations for lake trout. Since the stocking plans are slated to begin in 2017, the public believes that changes to lake trout regulations should change prior to the start of the 2017 fishing season. These rules changes would likely receive large support from stakeholders.

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

The Department will hold two public hearings (Green Bay and Milwaukee) within 45 days after the emergency rule is in effect to collect additional public input on the rule.

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