

**Wisconsin Department of Natural Resources  
Natural Resources Board Agenda Item**

**SUBJECT:** The 2022 Fisheries Management Spring Hearings agenda of advisory questions

**FOR:** February 2022 Board meeting

**TO BE PRESENTED BY:** Meredith Penthorn, Fisheries Management policy specialist

**SUMMARY:**

In even years, the Bureau of Fisheries Management proposes advisory questions of statewide or regional significance at the Spring Fish and Wildlife Hearings. Depending on the public feedback received on these questions, corresponding rule proposals may be developed for a future odd-year Spring Hearings.

The list of Fisheries Management 2022 advisory questions will include:

- A question on modifying the northern zone muskellunge season structure to provide harvest opportunity earlier in May, which would make the musky season structure consistent across the state.
- Two questions on broad-scale walleye regulation changes in response to public feedback during the process of updating the statewide walleye management plan.
- A question on whether to require small fishing tournaments (those that do not require a permit under current rules) to self-register with the department to provide better data on the distribution, number and frequency of small tournaments.
- A question on allowing non-commercial harvest of minnows from VHS-affected waters, where personal minnow harvest is currently prohibited, but prohibiting transport of live minnow bait away from the water of harvest regardless of the source of the bait.
- A set of questions on lake sturgeon hook and line season options to provide more sturgeon fishing opportunities.
- Questions on making the St. Croix (Wisconsin-Minnesota boundary waters) game fish regulations consistent, developing more appropriate catfish regulations, and establishing a fish refuge. These proposals have been developed jointly with the Minnesota DNR.

**RECOMMENDATION:** Information only.

**LIST OF ATTACHED MATERIALS (check all that are applicable):**

- Background memo  Type name of attachment if applicable  
 Type name of attachment if applicable  Type name of attachment if applicable

Approved by	Signature	Date
Justine Hasz, Fisheries Management bureau director	<small>DocuSigned by:</small> <i>Justine R Hasz</i> <small>258C7DEA9052409...</small>	1/27/2022   8:26 AM CST
Keith Warnke, FWP division administrator	<small>DocuSigned by:</small> <i>Keith Warnke</i> <small>8D89747CE78D4CA...</small>	1/27/2022   9:51 AM CST
For Preston D. Cole, Secretary	<small>DocuSigned by:</small> <i>Sarah Barry</i> <small>A7D70DC3770642F...</small>	1/31/2022   12:39 PM CST

cc: Board Liaison – AD/8

by Sarah Barry

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**CORRESPONDENCE/MEMORANDUM**

DATE: January 27, 2022

TO: All Members of the Natural Resources Board

FROM: Preston D. Cole, Secretary

SUBJECT: Background memo relating to the 2022 Fisheries Management Spring Fish and Wildlife Hearing agenda

We are presenting our agenda of fisheries-related advisory questions to the Natural Resources Board for informational purposes prior to bringing them to the 2022 Spring Fish and Wildlife Hearings in order to gauge public opinion. These advisory questions will be presented at the hearings held jointly with the Conservation Congress on the second Monday in April.

**Background:**

Annually, the Bureau of Fisheries Management develops proposals and advisory questions on a variety of subjects, primarily relating to fisheries harvest management regulations. The statewide April Spring Fish and Wildlife Hearings/meeting are the traditional vehicle for citizen input. The origins of these questions and proposals are most often: 1) local fisheries biologists who have been working with local groups and individuals and department staff specialists from the bureaus of fisheries, law enforcement, and customer service and licensing, 2) publicly supported Conservation Congress advisory questions from prior years that were forwarded by the congress' executive council and supported by data from the Bureau of Fisheries Management; or 3) advisory questions suggested by the natural resources board.

In 2022, all questions asked at the hearings will be advisory-only and are not rule change proposals. The department will hold hearings on a spring hearing rules package again in 2023 and subsequent odd-numbered years. In 2023, the topics of voting will include Conservation Congress spring hearing advisory questions which were supported in voting and after congress consideration in 2021 and 2022.

*Summary of Fisheries Management Advisory Questions*

The list of Fisheries Management 2022 advisory questions will include:

- A question on modifying the northern zone muskellunge season structure to provide harvest opportunity earlier in May, making the musky season structure consistent across the state.
- Two questions on broad-scale walleye regulation changes in response to public feedback during the process of updating the statewide walleye management plan.
- A question on whether to require small fishing tournaments (those that do not require a permit under current rules) to self-register with the department to provide better data on the distribution, number and frequency of small tournaments.
- A question on allowing non-commercial harvest of minnows from VHS-affected waters, where personal minnow harvest is currently prohibited, but prohibiting transport of live minnow bait away from the water of harvest regardless of the source of the bait.

- A set of questions on lake sturgeon hook and line season options to provide more sturgeon fishing opportunities.

- Questions on making the St. Croix (Wisconsin-Minnesota boundary waters) game fish regulations consistent, developing more appropriate catfish regulations, and establishing a fish refuge. These proposals have been developed jointly with the Minnesota DNR.

**2022 DNR Fisheries Management Advisory Questions**

**1. Northern Zone muskellunge season structure**

The current Southern Zone (inland waters south of Highway 10/Waldo Blvd) season runs from the first Saturday in May to Dec. 31 (ice angling allowed), and the Northern Zone (inland waters north of Highway 10, Waldo Blvd—excluding WI/MN boundary waters) season runs from the Saturday prior to Memorial Day to Dec. 31 (on open water only-ice angling prohibited). The proposed season structure is an open harvest season running from the first Saturday in May to December 31 on open water only, which would apply statewide and would eliminate the need for muskellunge zones.

This proposal would apply a uniform season structure for muskellunge in Wisconsin. It would not change the daily bag limit of 1 fish at least 40” in total length. It would also eliminate the need for muskellunge zones and would simplify regulations. It would include an “open water only” component which would change the southern zone rule to no longer allow ice angling for muskellunge prior to Dec 31. A citizen resolution was introduced in Vilas and Oneida Counties in 2019 and a Conservation Congress advisory question to change the season to the first Saturday in May with May being catch and release for muskellunge in the Northern Zone was supported by spring hearing attendees in 2020.

The management goal is to simplify regulations and to provide additional angling opportunity for muskellunge. Under the current zonal system there are two separate muskellunge harvest openers. In the South Zone, anglers can legally fish muskellunge beginning the first Saturday in May, while in the North Zone they cannot legally target muskellunge until the Saturday before Memorial Day. This system has been in place for over 50 years. Common reasoning for the current rule includes protection of fish during the spawn and fear of illegal capture via foul hooking. However, there is a lack of sufficient published research available to support these reasons. Furthermore, studies like Flink et. al. 2021 (*Fisheries*) indicate that angling for naturally reproducing spawning pike (a very closely related species) had no adverse effects at a population level.

Wisconsin also currently has a year-round catch-and-release season for bass. This season allows anglers to target bass statewide all year long. At times anglers may claim to be fishing for bass while attempting to catch and release muskellunge, walleye, or northern pike during traditionally closed seasons. Opening the muskellunge season statewide at the same time as other gamefish seasons leads to simplified regulations and more angling opportunity.

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**1. Do you favor implementing a standard season structure statewide (including boundary waters and the Great Lakes) for muskellunge with opening day of the harvest season beginning the first Saturday in May and extending to December 31 in open water only?**

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1. Yes \_\_\_ No \_\_\_ No opinion \_\_\_

**2. Walleye statewide bag limit**

Walleye, sauger, and their hybrids are managed with a variety of site-specific regulations throughout Wisconsin, but the current standard outside of the Wisconsin Ceded Territory is a 5-fish daily bag limit for walleye, sauger, and their hybrids, with a 15-inch minimum length limit. The 5-fish daily bag limit standard has been in place since 1949, with length limits being more commonly adjusted to manage walleye and sauger harvest in the intervening years, notably becoming more restrictive after 1989. The distribution of sauger in Wisconsin is generally restricted to the state’s large river systems; where walleye and sauger co-occur in the state the species are typically managed together under the same bag limit. In 2015, a region-wide 3-fish daily bag limit was established for walleye in the Wisconsin Ceded Territory (comprising the northern 1/3 of the state), and more recently, the Winnebago system adopted a 3-walleye/sauger daily bag limit. Additionally, all waters in six southeastern counties (Kenosha, Racine, Sheboygan, Walworth, Washington, Waukesha) and two east-central counties (Shawano and Waupaca) have 3-walleye/sauger daily bag limits. Many other individual waters outside these areas also have a 3-daily bag limit for walleye and sauger.

Recent public opinion surveys and other outreach related to an update of Wisconsin’s Walleye Management Plan found that significant public concern exists about increasing angling pressure and harvest of walleye in regions where bag limits remain at 5 walleye/sauger per day.

This proposal is to gauge support for reducing the standard daily bag limit for walleye, sauger, and their hybrids on all inland waters from 5 per day (combined walleye/sauger/hybrids) to 3 per day (combined walleye/sauger/hybrids). Great lakes and border waters would not be included in this change and some may continue to have bag limits that are higher than 3.

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**2. Do you favor a statewide walleye bag limit of 3 per day on all inland waters? Bag limits for Great Lakes (including Green Bay) and Wisconsin-Iowa, Wisconsin-Minnesota, and Wisconsin-Michigan boundary waters would be unchanged, as would any water with a bag limit currently lower than 3.**

2. Yes\_\_\_ No\_\_\_ No opinion\_\_\_

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**3. Walleye rehabilitation regulation**

The Wisconsin DNR currently uses an 18-inch minimum length limit and 3-fish daily bag limit or 28-inch minimum length limit and 1-fish daily bag limit in walleye population rehabilitation scenarios. Rehabilitation may be needed for a variety of reasons, including reduced natural reproduction and/or decreasing adult density. In these cases, a rehabilitation regulation is intended to reduce harvest and protect adult walleye long enough to give them several chances to spawn before becoming available to harvest.

However, recent data suggest that different harvest restrictions may be more appropriate in walleye population rehabilitation situations. Ideally, a new rehabilitation regulation would reduce harvest and allow adult abundance to increase, without totally closing harvest opportunities if such complete closure is not warranted. In most cases other rehabilitation actions (stocking, habitat evaluations and improvements, etc.) would be expected to accompany a rehabilitation regulation.

A regulation consisting of a minimum length limit of 18 inches, protected slot (no harvest) from 22-28 inches, and daily bag limit of 1 is proposed to allow walleye to reach spawning size while providing some limited opportunities for harvest.

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**3. Would you favor the DNR adding a rehabilitation regulation to the management toolbox that reads as follows: 18” minimum length limit, no harvest of walleye from 22-28 inches, and a 1-**

3. Yes\_\_\_ No\_\_\_ No opinion\_\_\_

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minnow species. Over 50 invasive carp were captured in the Mississippi River in 2021, spurring ongoing monitoring and mitigation efforts.

Since 2010, the department has received periodic requests to review these rules and allow more opportunities for personal bait harvest from VHS-affected waters. This rule change would allow personal collection and use of minnows on all VHS-affected waters, but to be enforceable, no live minnows, including “unused” minnows purchased from a bait dealer, could be transported away from these waters. A new rule may include requirements to disinfect minnow harvesting gear before moving it to another waterbody. In addition, consistent with current rules, no commercial bait harvest by bait dealers from VHS-affected waters would be allowed.

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<b>5. Do you support allowing personal bait harvest of minnows from VHS-affected waters, using legal nets and traps, as long as no live minnows are moved away from the waterbody of harvest regardless of source of the minnows?</b>	5. Yes__	No__	No opinion__
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**6 – 7. Sturgeon hook and line season opportunities**

Lake sturgeon hook and line opportunities in Wisconsin vary based on location. Lake sturgeon can legally be targeted on specified inland waters and WI/MI boundary waters with hook and line during the hook and line harvest season which runs from the first Saturday in September to September 30. It is illegal to target lake sturgeon, including for catch and release, on other inland waters or outside the hook and line harvest season on specified waters. On Wisconsin-Minnesota border waters the season varies depending on location, but in general is more liberal and encompasses approximately a 9-month catch and release season, which excludes the spring timeframe to protect spawning fish. Additionally, there is no lake sturgeon season on WI/IA border waters, while on Lake Superior the season runs year-round. Typical fishing methods used for targeting lake sturgeon are also used by catfish and rough fish anglers. Habitat utilization by lake sturgeon, catfish and rough fish overlap as well. Therefore, lake sturgeon are caught routinely during the closed season and it is difficult to determine if anglers are illegally targeting lake sturgeon during this time.

Recently, the DNR conducted a lake sturgeon hooking mortality study to determine if expanding sturgeon angling opportunities would have negative biological effects on their populations. This study took place on multiple lake sturgeon fisheries throughout the state and across a range of water temperatures. No lake sturgeon mortality was observed during the two-weeks post-angling event. Additionally, physiological impacts of the angling event on individual sturgeon was low with a high proportion of individuals in all locations considered recovered immediately and not impaired post-angling. It is anticipated that expanding the catch and release opportunities will have very little, if any, negative impacts on lake sturgeon populations.

Lake sturgeon surveys conducted by the DNR around the state show strong sturgeon populations in most waterbodies where lake sturgeon exist. Surveys also have shown populations growing in size in waterbodies that previously had small or remnant populations of lake sturgeon.

Furthermore, expanding the catch and release season and standardizing regulations were identified as tactics under Objective 4.2 of the Wisconsin’s Sturgeon Management Plan: 1.) Standardize sturgeon fishing regulations to the greatest degree possible; 2.) Use best available information to evaluate risks of expanding both harvest and catch and release opportunities for Lake Sturgeon. Options should include both opening new waters to hook and line angling and potential changes in season structure.

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<b>6. Do you favor creating a catch-and-release season for lake sturgeon on a subset of waterbodies already open to lake</b>	6. Yes	No__	No opinion
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**sturgeon hook and line harvest? This proposal would maintain the existing hook and line harvest season, and anglers would not need a harvest tag to catch and release lake sturgeon.**

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**7. Would you support expanding hook and line catch-and-release opportunities to additional waters where lake sturgeon populations are determined to be healthy enough to support these activities?**

7. Yes\_\_\_ No\_\_\_ No opinion\_\_\_

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### **8 – 10. St. Croix River (Wisconsin-Minnesota boundary waters) game fish regulation changes**

The Minnesota and Wisconsin DNRs are jointly reviewing fishing regulations on the lower St. Croix River from Taylors Falls, MN/St. Croix Falls, WI, downstream to Prescott, WI. Bag and size limits on the border waters have been largely unchanged since the 1940s and 1950s. The last regulation changes in WI/MN waters were in 1990, when minimum size limits were implemented for Walleye (15 inches) and Bass (14 inches). For example, prior to 1980, Muskellunge and other species not specifically listed with border waters seasons and limits were regulated by the inland regulations of the state in which taken. Once a Muskellunge daily limit was established on MN/WI border waters in 1980, the daily limit of 1 has remained consistent while the harvest season varied over time, and the minimum length limit, originally set at 30 inches, has gradually increased. The most recent change in the Muskellunge minimum length limit occurred in 2015 when it increased to 50 inches.

The St. Croix River is a fertile river that contains a highly diverse and productive fishery despite increasing habitat alterations, pollution inputs, increasing urbanization and high fishing pressure. Currently, most fish species populations in the St. Croix provide great fishing and populations are generally stable and require no stocking with the exception of Muskellunge. However, adaptive management is necessary with the increases in fishing pressure and other stressors on the fishery including water quality, vegetation changes, and presence of invasive species. Invasive bighead and silver carp could also add additional stress to the fish community in the future. In addition to the diverse fishery, the river also boasts one of the most diverse native mussel communities in the region which are heavily linked to the fish community present. Different fish species serve as the host for specific mussel species, which cannot complete their life cycle without a healthy fish population. Therefore, harvest rates of the fish populations must also be a consideration when evaluating the impacts to the native mussel communities.

Currently, the St. Croix River fishing season dates include a closed season for gamefish species which include Largemouth Bass, Northern Pike, Walleye and Sauger. However, the current open season dates are different between these species which further complicates these regulations. Currently, the Largemouth Bass and Smallmouth Bass open season runs from the Saturday preceding Memorial Day through March 1 while the open season for Northern Pike, Walleye and Sauger runs from the Saturday nearest May 1 through March 1. The St. Croix River open seasons also differs from the current Mississippi River continuous open season. Simplifying these regulations and placing a continuous open season for gamefish on the St. Croix River would reduce confusion regarding the beginning of each species' open season and would enhance conservation warden's ability to enforce these regulations. This would also match the Mississippi River's current open continuous gamefish season further simplifying regulations.

Fishing regulations on the river have generally been more permissive (high bag limits, generous season on all species, etc.) than on inland waters of either state. Even though the fishery has held up well, there is concern among biologists and anglers that the fishery may not be able to withstand these stressors and high levels of harvest going into the future. The review of existing regulations is an opportunity to be proactive and potentially make adjustments that will protect the quality of the fishery and the fishing



opportunities that currently exist. These regulation changes would also attempt to simplify border water regulations by matching the current regulations on the Mississippi River.

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**8. Would you support the Wisconsin DNR working with the Minnesota DNR to establish game fish regulations and a continuous season for the St. Croix River from Taylors Falls downstream to Prescott that are consistent with those of the Mississippi River?**

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8. Yes\_\_\_ No\_\_\_ No  
opinion\_\_\_

#### 9. Channel and Flathead Catfish

Fisheries data show that Channel and Flathead Catfish populations are healthy; however, abundances of both species is low compared to statewide averages including the Mississippi River. The size structure of both species is high with trophy-sized catfish making up approximately 32% of the population for Flathead Catfish according to a recent survey. Catfish have historically been managed for high harvest, including commercial fishing. A recent tagging study indicated higher harvest rates of catfish in the St. Croix compared to upper Mississippi River pools in Minnesota. Large catfish, particularly Flathead Catfish, are a long-lived species that can attain large sizes and provide trophy fishing opportunities. Fish also become concentrated in late summer and winter months increasing their vulnerability to harvest. Flathead Catfish commonly reach a weight of over 50 pounds in the St. Croix River, which is by far the largest of any gamefish species in the river other than Lake Sturgeon. Flathead Catfish are also a top-level predator that could aid in controlling invasive carp. Channel catfish are the host species for the federally endangered Winged Mapleleaf Mussel which is currently only found in 5 rivers across the United States with the St. Croix being one of them. Flathead Catfish are longer lived, reach larger sizes and generally less fecund and prolific compared to Channel Catfish. Habitat requirement also differ for each species throughout the year as well as preferred food sources. Therefore, because of these differences in life histories between the species, managing the species with separate regulations is recommended to effectively manage the populations for future sustainability.

Catching more large/trophy size Flathead Catfish was rated most important by respondents in a recent angler survey completed on the Mississippi River. The Minnesota and Wisconsin DNRs jointly recommend managing the species with separate regulations for Flathead and Channel Catfish.

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**9. Do you support the Wisconsin DNR establishing separate bag limits for each catfish species in the St. Croix River from Taylors Falls downstream to Prescott concurrently with Minnesota?**

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9. Yes\_\_\_ No\_\_\_ No  
opinion\_\_\_

#### 10. Fish Refuge-St. Croix River

The proposed fish refuge on the St. Croix River would designate the area upstream of the State Highway 8 bridge to the St. Croix Falls dam in Polk County as a fish refuge beginning with the normal gamefish season closure in March through June 1st. Fisheries data has documented walleye migrating back downstream post-spawn into mid-May, therefore an end date of June 1<sup>st</sup> will protect the majority of fish as they migrate back downstream following spawning. This refuge would begin implementation simultaneously with the proposed continuous open season for gamefish. This refuge would apply to all species in order to enhance enforcement of the regulation and protect species including Walleye, Sauger, Northern Pike, Muskellunge and Lake Sturgeon during the critical spawning period for these species. The majority of these species migrate upstream for spawning purposes in the spring and are forced to congregate below the dam. The fish refuge would protect approximately 0.75 miles of river from fishing pressure during the spawn.

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**10. Do you favor establishing the fish refuge season above the State Highway 8 bridge to the St. Croix Falls dam from March 1 to June 1 in the St. Croix River, Polk County concurrently with Minnesota?**

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10. Yes \_\_\_ No \_\_\_ No opinion\_\_\_

**Drafter:** Meredith Penthorn (questions drafted by Fisheries Management staff)