

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

Item No. 4.H.

SUBJECT:

Request that the Board adopt Board Order FH-25-19, proposed rules affecting chapter NR 20 related to Minocqua Chain walleye harvest regulations.

FOR: June 2021 Board meeting

PRESENTER'S NAME AND TITLE: John Kubisiak, Treaty Unit Fisheries Team Supervisor

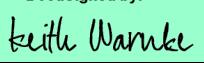
SUMMARY:

A zero bag limit, catch-and-release-only season is currently in place for walleye in waters of the Minocqua Chain of Lakes in Oneida County, and was extended through emergency rules FH-24-19 (E) and FH-17-20 (E). This regulation was implemented to stabilize a decline in the walleye population on these lakes and allow time for the population to rebuild and natural reproduction and recruitment to be restored. Although monitoring efforts demonstrate that the population is recovering, the department and stakeholders determined that additional years of the catch-and-release regulation are needed to achieve management goals for the Minocqua Chain walleye fishery, specifically natural reproduction. This permanent rule continues the catch-and-release regulation until April of 2025, and thereafter establishes a limited harvest regulation of a daily bag limit of 1 and minimum length limit of 18 inches except walleye from 22 to 28 inches may not be kept. This limited harvest regulation is expected to allow for some harvest of walleye while continuing the walleye rehabilitation effort on the Minocqua Chain.

RECOMMENDATION: That the Board adopt Board Order FH-25-19.

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

- | | |
|---|---|
| <input checked="" type="checkbox"/> background memo | <input type="checkbox"/> Attachments to background memo |
| <input checked="" type="checkbox"/> Fiscal estimate and economic impact analysis (EIA) form | <input checked="" type="checkbox"/> Board order/rule |
| <input checked="" type="checkbox"/> Response summary | <input type="checkbox"/> (insert document name) |

Approved by	Signature	Date
Justine Hasz, Fisheries Management bureau director	DocuSigned by: 	6/9/2021 1:58 PM CDT
Keith Warnke, FWP division administrator	DocuSigned by#00... 	6/10/2021 11:20 AM CDT
Preston D. Cole, Secretary	DocuSigned by#4CA... 	6/11/2021 5:08 PM CDT

cc: Board Liaison - AD/8

Program attorney – LS/8

Department rule officer – LS/8



6/10/2021 | 10:07 PM CDT

CORRESPONDENCE/MEMORANDUM

DATE: May 28, 2021

TO: All Members of the Natural Resources Board

FROM: Preston D. Cole, Secretary

SUBJECT: Background memo on Board Order FH-25-19, relating to Minocqua Chain walleye harvest regulations

1. Subject of Proposed Rule:

The proposed rule addresses walleye fishing regulations on the Minocqua Chain of Lakes in Oneida County, including both short-term and long-term regulations

2. Background:

The Minocqua Chain is comprised of 6 lakes and encompasses just over 5,880 acres of water. Gamefish species include musky, walleye, largemouth and smallmouth bass, and northern pike. Panfish species include bluegill, black crappie, yellow perch, and pumpkinseed. The chain is centered on the Town of Minocqua and receives a great deal of pleasure boat traffic and fishing pressure since the area is a highly regarded tourist destination.

Historically, walleye reproduced naturally on Lakes Minocqua and Kawaguesaga (Tomahawk has a long history of walleye stocking); however, recruitment failures were documented in these lakes beginning in the mid-2000s with a commensurate decline in adult walleye numbers. A comprehensive stocking plan was initiated for Lakes Minocqua and Kawaguesaga beginning in 2012 which includes stocking large fingerling walleye in odd-numbered years. In even-numbered years, Lake Tomahawk receives large fingerling walleye.

Monitoring efforts for the Minocqua Chain walleye population include comprehensive surveys of the entire chain every 10 years and annual fall electrofishing surveys. Walleye population estimates were completed on Minocqua Lake during spring 2019 and 2021; on Kawaguesaga Lake during 2019, 2020 and 2021 and on Tomahawk Lake in 2021. Monitoring has shown that although the walleye population is still sustained through stocking, some limited natural reproduction is occurring (Figure 1).

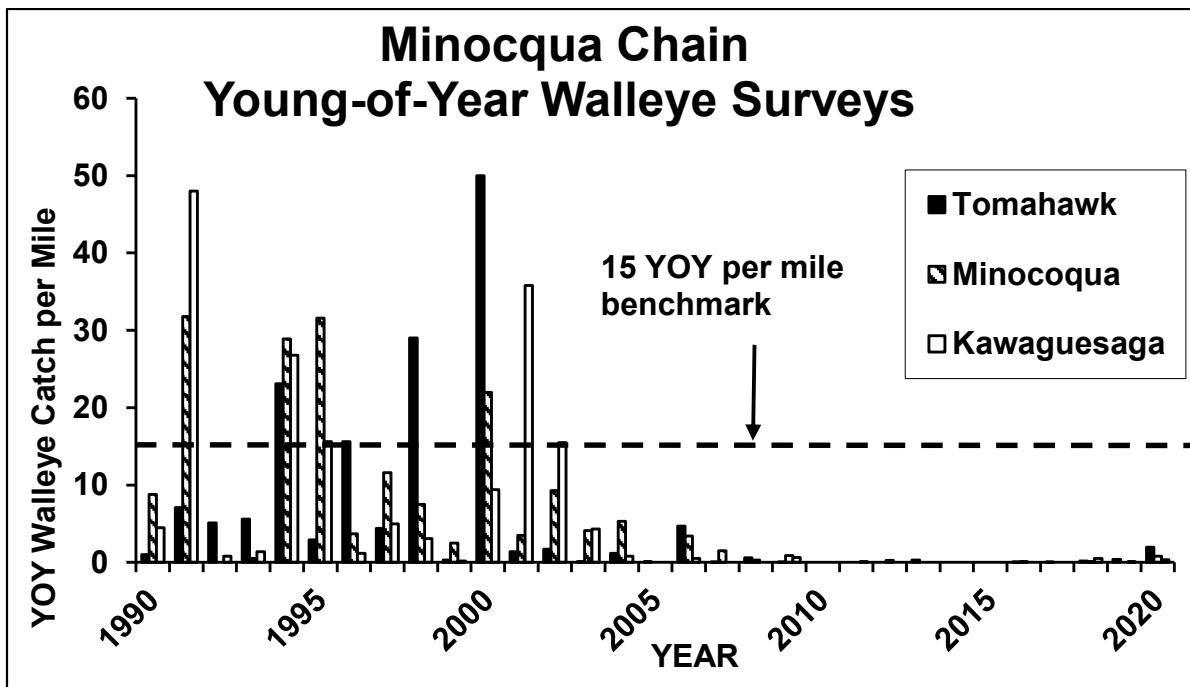


Figure 1. Young-of-year walleye catch per mile of shoreline in the Minocqua Chain. A catch of about 10 to 15 per mile generally results in a noticeable year class in future years, and one moderate to strong year class is needed about every 3-4 year to sustain a population. A high catch of 70 per mile in 2000 was truncated for scale.

3. Why is the rule being proposed?

This rule serves a twofold purpose: to extend the walleye catch-and-release season on the Minocqua Chain of Lakes through April of 2025 and to implement a permanent limited-harvest regulation to take effect ahead of the May 2025 fishing season opener. Because the Minocqua Chain is popular among both state and tribal anglers, the catch-and-release regulation was extended through emergency rules beginning in 2020 to ensure a sustainable walleye population while the department and partners continued to collect the necessary data to serve as a foundation for the permanent rule.

The department and partners including representatives from the Great Lakes Indian Fish and Wildlife Committee, Lac du Flambeau Band of Lake Superior Chippewa Indians, Wisconsin Valley Improvement Company, Walleyes For Tomorrow, Mid Lake Protection and Management District, Minocqua/Kawaguesaga Lakes Protection Association, Inc., and Tomahawk Lake Association drafted a 2015-2025 rehabilitation plan for Minocqua Chain and continue to meet approximately twice per year to monitor progress on the Minocqua Chain walleye rehabilitation project.

The 2021 spring surveys revealed that the walleye population had indeed achieved the goals of 2-3 walleyes per acre; however, evidence of significant natural reproduction was still lacking. In addition, the department noted an emerging issue with walleye sex ratios in stocked fish, which is resulting in a much higher female:male ratio than expected under natural conditions. Due to concerns over walleye reproduction, the partner group again recommended extending the catch-and-release regulation, through the end of the 10-year Minocqua Chain management plan (2025). Extending catch-and-release and following it with a restrictive harvest regulation will allow the walleye population to continue increasing and provide the best opportunity for successful natural reproduction to resume.

4. Summary of the rule.

The rule will extend the zero bag limit, catch-and-release-only season for walleye until April 2025, and thereafter will establish a permanent, limited-harvest regulation of a daily bag limit of 1 walleye and a minimum length limit of 18 inches except that walleye from 22 to 28 inches may not be kept. This permanent regulation is expected to provide some harvest opportunity for those anglers who would like to keep a walleye, but will not threaten the continued walleye rehabilitation effort.

Public input

The department has met with partners and stakeholders during 2020 and 2021 to obtain feedback on walleye regulation options moving forward. The department conducted a public input survey to gauge public preferences for extending the catch-and-release regulation or opening the Minocqua Chain to limited harvest; 68 percent of respondents favored continuing the catch-and-release season until the start of the May 2022 fishing season. For extending the catch-and-release regulation for additional time, comments were more mixed but generally in favor. Comments and department responses are summarized in Appendix A.

5. How does this proposal affect existing policy?

This rule is a continuation of existing policy. It will extend the existing catch-and-release regulation on the Minocqua Chain and implement a limited harvest regulation to follow. This is the same limited harvest regulation being advanced on four other walleye lakes of concern in the region.

6. Has Board dealt with these issues before?

The Board approved the scope statement for this rule at the January 2020 Natural Resources Board meeting. The Board adopted emergency rule FH-24-19 (E) at the February 2020 meeting, and adopted emergency rule FH-17-20 (E) at the December 2020 meeting.

7. Who will be impacted by the proposed rule? How?

This emergency rule will mainly impact individual anglers, but impacts are likely to be minimal because anglers have already experienced the catch-and-release-only regulation for several years. Extending the regulation has been publicly supported by partners and local anglers, as they recognize that delaying reimplementation of a harvest season will allow the walleye population to reach sustainable levels and provide good fishing opportunities in the future. Once the Minocqua Chain is opened to limited harvest, anglers and local businesses will benefit from the limited harvest opportunity while still retaining a healthy Minocqua Chain walleye population.

8. Soliciting public input on economic impact synopsis

The Great Lakes Indian Fish and Wildlife Commission, lake associations, business associations, the local chamber of commerce, local bait shops, and anglers participated in public meetings held in Minocqua prior to development of this rule. The department solicited public comments during the emergency and permanent rule development processes as well, prior to the proposal to extend the catch-and-release regulation through 2025, with no comments received on the economic impacts of the proposed rules.

9. Small Business Analysis

The proposed rule is expected to have a minimal economic impact, if any, since it is not changing the existing regulations until 2025, and then will allow for some harvest of walleye, which may indirectly benefit small businesses such as bait shops, guide businesses and the hospitality industry. The rule will mainly affect individual anglers and does not directly affect businesses. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units as a result of this rule. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

Appendix A: Response Summary

DATE: May 28, 2021

TO: All Members of the Natural Resources Board

FROM: Preston D. Cole, Secretary

SUBJECT: Response summary for FH-25-19, relating to Minocqua Chain walleye harvest regulations

During the public hearing stage of this rule, the department received three spoken comments (2 in favor of the rule, 1 not stating a position) during the public hearing, 2 written comments in favor of the rule, 2 written comments opposed to the rule, and 1 written comment not stating a position on the rule. Not including DNR staff, 22 people attended the public hearing. The general comments are summarized below.

Maintaining catch-and-release regulations through 2025 will allow the department and partners to see if this continued protection increases natural reproduction on the Minocqua Chain.

The extension of the catch-and-release regulation was recommended by the partner group working on Minocqua Chain issues, and represents a more conservative approach to walleye management in light of the issues recently observed with natural reproduction and sex ratios. However, the department also recognizes that the goal for the Minocqua Chain is to cultivate a walleye fishery with good population density, recruitment, and a harvest component, given the popularity of these waters among residents and tourists alike.

In 2015, Walleyes for Tomorrow negotiated with the DNR and Lac du Flambeau tribe to not harvest walleye as part of a 10-year agreement to achieve population goals of 3/acre in Lake Minocqua and Kawaguesaga and 2/acre in Lake Tomahawk. One of the other main goals was natural reproduction, and the rationale for why this should be done includes the disparity in the ratio of males to females in stocked extended growth walleye, with almost all being female. The partner group feels very strongly that natural reproduction will occur if the ratios can get back in balance, especially considering the increased spawning activity on spawning structures installed in the lake. If harvest is opened too soon, the walleye population densities may go down again. All partners are committed to improving the walleye population.

The proposed regulations of catch-and-release until 2025 and a limited harvest regulation beginning with the May 2025 fishing season opener are based on discussions within the partner group as well as the 10-year walleye management plan for the Minocqua Chain. It is unknown if the female-dominated sex ratios on Minocqua and Kawaguesaga will impact recruitment, but this is not the sex ratio we see in lakes supported by strong natural reproduction and it is a cause for concern. Additional years of catch-and-release will allow more time for the walleye population to increase. On the other hand, biotic and abiotic conditions on the Minocqua Chain, such as fish community composition and environmental factors, may present a challenge to reestablishment of natural reproduction. The department will continue to utilize scheduled Minocqua Chain

assessments and discussions with stakeholders to monitor the walleye fishery up to and beyond implementation of the limited harvest regulation in 2025.

We're going through a period of catch-and-release but know there are issues with natural reproduction. What studies are being done to address this problem?

Research studies are in progress both on the Minocqua Chain and other lakes in northern Wisconsin to assess potential causes of walleye decline, including bass-walleye studies in which the department implemented a no minimum length limit for bass, a protective 18-inch minimum length limit for walleye, and additional stocking for walleye. In another study, potential fish competitors for walleye are being removed from a lake to determine if this will benefit walleye. Another study is evaluating forage abundance for walleye, and another is researching population bottlenecks. A comparative study is also examining habitat characteristics in lakes with solid walleye populations and those with declining populations.

While it's good that there will not be any tribal spearing during the catch-and-release period, the tribal spearing of spawning walleye is likely causing the walleye population decline, and once the chain is opened up in 2025, spearing will be detrimental to the population.

I am strongly opposed to extension of the catch-and-release regulation. Restricting harvest for anglers doesn't address the impacts of tribal spearing, and just moves fishing pressure to other lakes in the area.

Harvest is a form of mortality, resulting in removal of fish from the population. It does not matter to the fish population whether walleye are harvested by hook-and-line, spearing, netting or other methods. We just need to keep overall mortality low enough to maintain the population. In lakes where both tribal harvest and hook-and-line angling occurs, we find that tribal harvest and angling harvest are generally similar. The department does not have the ability to directly set tribal harvest levels, but we are committed to working with Lac du Flambeau to maintain tribal harvest at a level comparable to angler harvest on Minocqua Chain. We will also monitor the walleye harvest closely as it reopens. We have not observed any indication that fishing pressure that may have shifted from the Minocqua Chain to other waterbodies is having any negative impacts. However, this is another reason to allow some limited harvest of walleye on Minocqua Chain in 2025.

A limit of one walleye and 18-inch minimum length limit will be little better than the catch-and-release fishery, and very damaging to walleye fishing opportunities since anglers won't want to fish there if they can only keep one walleye instead of three elsewhere. Under the catch-and-release regulations, there should have been natural reproduction by now, and a put-and-take fishery is a better option for anglers and tourists. Currently, the Minocqua Chain has abundant walleyes under 20 inches that cannot be harvested.

The department acknowledges these concerns, and understands that some anglers, businesses and the local tourist industry would benefit from the opportunity to keep walleye again. We have also heard from some anglers who like the catch and release opportunity and would like us to keep it in place. The proposed rule maintains conservative regulations to ensure that the walleye

population recovery continues once harvest resumes. This will also help the population remain at or above the recently achieved population density goals.

The bass population seems stunted and overabundant; are there studies on bass and species other than walleye, and plans to reduce the bass population to bring it back in balance and reduce impacts on walleye?

It is possible that abundant bass or other species are having some impacts on walleye. Bass populations are much higher on the chain now than when walleye were doing well out there, and while there is no conclusive evidence that bass and walleye are in competition, it is certainly a concern that bass (and other species) may be limiting the walleye population. The Minocqua Chain will be surveyed with spring population estimates for walleye and other species, in addition to a creel survey, once walleye harvest is again open.

Drafter: Meredith Penthorn, John Kubisiak and Todd Kalish

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES Fiscal Estimate & Economic Impact Analysis

1. Type of Estimate and Analysis <input type="checkbox"/> Original <input checked="" type="checkbox"/> Updated <input type="checkbox"/> Corrected	2. Date 05/24/2021
3. Administrative Rule Chapter, Title and Number (and Clearinghouse Number if applicable) NR 20, Fishing: Inland Waters; Outlying Waters	
4. Subject FH-25-19, Minocqua Chain walleye harvest regulations	
5. Fund Sources Affected <input type="checkbox"/> GPR <input type="checkbox"/> FED <input type="checkbox"/> PRO <input type="checkbox"/> PRS <input type="checkbox"/> SEG <input type="checkbox"/> SEG-S	6. Chapter 20, Stats. Appropriations Affected
7. Fiscal Effect of Implementing the Rule <input checked="" type="checkbox"/> No Fiscal Effect <input type="checkbox"/> Increase Existing Revenues <input type="checkbox"/> Increase Costs <input type="checkbox"/> Decrease Costs <input type="checkbox"/> Indeterminate <input type="checkbox"/> Decrease Existing Revenues <input type="checkbox"/> Could Absorb Within Agency's Budget	
8. The Rule Will Impact the Following (Check All That Apply) <input type="checkbox"/> State's Economy <input type="checkbox"/> Specific Businesses/Sectors <input type="checkbox"/> Local Government Units <input type="checkbox"/> Public Utility Rate Payers <input type="checkbox"/> Small Businesses (if checked, complete Attachment A)	
9. Estimate of Implementation and Compliance to Businesses, Local Governmental Units and Individuals, per s. 227.137(3)(b)(1). \$0	

The rule extends an existing catch-and-release regulation for walleye on the Minocqua Chain of Lakes and then implements a limited harvest regulation in administrative code moving forward. No implementation or compliance costs are expected to be incurred.

10. Would Implementation and Compliance Costs Businesses, Local Governmental Units and Individuals Be \$10 Million or more Over Any 2-year Period, per s. 227.137(3)(b)(2)?

Yes No

11. Policy Problem Addressed by the Rule

This rule will extend the existing walleye catch-and-release regulation on the Minocqua Chain of Lakes (consisting of Kawaguesaga, Minocqua, Mid, Little Tomahawk and Tomahawk lakes) until 2025, then implement a limited harvest regulation. The catch-and-release regulation, established to allow the walleye population to recover from a population decline, sunsetted in April 2020 and has been extended through emergency rules. The catch-and-release regulation has allowed walleye stocked into these waters to continue to replenish populations on the Minocqua Chain. The Lac du Flambeau Chippewa tribe also agreed to maintain the catch-and-release only regulation as long as the state also does so, so the Minocqua Chain will remain closed to tribal spearing in concert with the emergency and permanent rules. This rule will also establish a limited harvest regulation of an 18-inch minimum length limit, except that walleye from 22 to 28 inches may not be kept, and a daily bag limit of 1.

12. Summary of the Businesses, Business Sectors, Associations Representing Business, Local Governmental Units, and Individuals that may be Affected by the Proposed Rule that were Contacted for Comments.

The Great Lakes Indian Fish and Wildlife Commission, lake associations, business associations, the local chamber of commerce, local bait shops, and anglers participated in public meetings held in Minocqua prior to development of this rule.

13. Identify the Local Governmental Units that Participated in the Development of this EIA.
No local governments participated in the development of this EIA.

14. Summary of Rule's Economic and Fiscal Impact on Specific Businesses, Business Sectors, Public Utility Rate Payers, Local Governmental Units and the State's Economy as a Whole (Include Implementation and Compliance Costs Expected to be Incurred)

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES **Fiscal Estimate & Economic Impact Analysis**

The proposed rules are expected to have a minimal economic impact, if any. The rule will mainly affect individual anglers and does not directly affect businesses. There may be a slight economic benefit to these rules due to shifting from a catch-and-release management strategy to one that allows limited angler harvest with the permanent rule. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units as a result of the rules. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

15. Benefits of Implementing the Rule and Alternative(s) to Implementing the Rule

The rules will allow for limited harvest after years of catch-and-release fishing, which helped build the walleye population. A more sustainable walleye population will contribute to improved fishing opportunities for all anglers. Allowing limited harvest after years of catch-and-release-only fishing will provide anglers a catch-and-keep fishing experience. Not implementing the rules would mean that the Minocqua Chain would revert to inappropriate harvest regulations for walleye (18-inch minimum length limit and daily bag limit of 2). The increased harvest pressure could reverse the positive trend of population growth, resulting in a failure of the walleye population to meet management goals and remain self-sustaining.

16. Long Range Implications of Implementing the Rule

These rules will contribute to a healthier, more sustainable walleye population and the reduced need for stocking walleye in the Minocqua Chain of Lakes

17. Compare With Approaches Being Used by Federal Government

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

18. Compare With Approaches Being Used by Neighboring States (Illinois, Iowa, Michigan and Minnesota)

Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons and bag and size limits may differ for species among the surrounding states, but the general principles are the same. Michigan, Minnesota, Iowa, and Illinois all have statewide seasons and bag and size limits for fish species, along with special or experimental regulations on individual waters.

Notably, Minnesota established a catch-and-release only regulation for walleye on Mille Lacs to address walleye population decline and low walleye recruitment. The catch-and-release-only season was in effect for three years. The Minnesota DNR manages Mille Lacs jointly with the Ojibwe tribes, similar to the cooperative approach for managing the Minocqua Chain by the Wisconsin DNR and Ojibwe tribes.

19. Contact Name

Meredith Penthorn

20. Contact Phone Number

608-316-0080

This document can be made available in alternate formats to individuals with disabilities upon request.

STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION
DOA-2049 (R09/2016)

DIVISION OF EXECUTIVE BUDGET AND FINANCE
101 EAST WILSON STREET, 10TH FLOOR
P.O. BOX 7864
MADISON, WI 53707-7864
FAX: (608) 267-0372

ADMINISTRATIVE RULES
Fiscal Estimate & Economic Impact Analysis

ATTACHMENT A

1. Summary of Rule's Economic and Fiscal Impact on Small Businesses (Separately for each Small Business Sector, Include Implementation and Compliance Costs Expected to be Incurred)

2. Summary of the data sources used to measure the Rule's impact on Small Businesses

3. Did the agency consider the following methods to reduce the impact of the Rule on Small Businesses?

- Less Stringent Compliance or Reporting Requirements
- Less Stringent Schedules or Deadlines for Compliance or Reporting
- Consolidation or Simplification of Reporting Requirements
- Establishment of performance standards in lieu of Design or Operational Standards
- Exemption of Small Businesses from some or all requirements
- Other, describe:

4. Describe the methods incorporated into the Rule that will reduce its impact on Small Businesses

5. Describe the Rule's Enforcement Provisions

6. Did the Agency prepare a Cost Benefit Analysis (if Yes, attach to form)

- Yes
- No

Rev. 3-27-2019

The statement of scope for this rule, SS 115-19 was approved by the Governor on November 21, 2019, published in Register No. 768A1 on December 2, 2019, and approved by the Natural Resources Board on January 21, 2020. This rule was approved by the Governor on insert date.

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to **amend** NR 20.20 (44) (g) 3., relating to Minocqua Chain walleye harvest regulations.

FH-25-19

Analysis Prepared by the Department of Natural Resources

1. Statute Interpreted: Sections 29.014 (1), 29.041, and 29.053 (2), Stats., have been interpreted as authorizing the department to make changes to Wisconsin fishing rules.

2. Statutory Authority: Sections 29.014 (1), 29.041, and 29.053 (2), Stats., authorize these rules.

3. Explanation of Agency Authority:

Section 29.014, Stats., “rule-making for this chapter,” grants the department the authority to establish and maintain open and closed seasons, bag limits, size limits and other conditions that will conserve fish populations and provide good fishing opportunities for the citizens of the state.

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

Section 29.053 (2), Stats., provides that the department may establish conditions governing the taking of fish for the state as a whole, for counties or parts of counties, or for waterbodies or parts of waterbodies.

4. Related Statutes or Rules:

Emergency rule FH-24-19 (E) and proposed emergency rule FH-17-20 (E) extended the existing catch-and-release regulation for an additional year while the permanent rule is in development.

5. Plain Language Analysis:

This rule will extend the existing catch-and-release regulation for walleye through April 1, 2025 on the Minocqua Chain of Lakes (consisting of Kawaguesaga, Minocqua, Mid, Mud, Little Tomahawk and Tomahawk lakes), and then will establish a protective walleye harvest regulation to go into effect for the 2025 fishing season and beyond. A walleye rehabilitation program has taken place on the Minocqua Chain for the past six years to restore a naturally reproducing walleye population with good recruitment and size structure, which necessitated several years of no harvest. The current catch-and-release regulation has been extended through emergency rules for the 2020 and 2021 fishing seasons. While 2021 population surveys confirmed that the walleye population has reached established goals, significant natural reproduction is not yet present.

Following the end of the catch-and-release regulation, this rule establishes a harvest slot limit for walleye, where the minimum length limit is 18 inches and walleye between 22 and 28 inches may not be kept. The daily bag limit will be set at one walleye.

Rev. 3-27-2019

6. Summary of, and Comparison with, Existing or Proposed Federal Statutes and Regulations:

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

7. If Held, Summary of Comments Received During Preliminary Comment Period and at Public Hearing on the Statement of Scope:

The department was not directed to hold a preliminary public hearing on the statement of scope for this rule.

8. Comparison with Similar Rules in Adjacent States:

Fisheries management rules are generally similar in the states surrounding Wisconsin. Each bordering state regulates fishing by the use of seasons, bag limits and size limits. Specific seasons and bag and size limits may differ for species among the surrounding states, but the general principles are the same. Michigan, Minnesota, Iowa, and Illinois all have statewide seasons and bag and size limits for fish species, along with special or experimental regulations on individual waters.

Notably, Minnesota established a catch-and-release only regulation for walleye on Mille Lacs to address walleye population decline and low walleye recruitment, and Wisconsin employed a similar strategy with the catch-and-release regulation that is currently in place for the Minocqua Chain. The catch-and-release-only season on Mille Lacs was in effect for three years before harvest was allowed again. The Minnesota DNR manages Mille Lacs jointly with the Ojibwe tribes, similar to the cooperative approach for managing the Minocqua Chain by the Wisconsin DNR and Ojibwe tribes.

9. Summary of Factual Data and Analytical Methodologies Used and How Any Related Findings Support the Regulatory Approach Chosen:

The Minocqua Chain is comprised of 6 lakes and encompasses just over 5,880 acres of water. Gamefish species include musky, walleye, largemouth and smallmouth bass, and northern pike. Panfish species include bluegill, black crappie, yellow perch, and pumpkinseed. The chain is centered on the Town of Minocqua and receives a great deal of pleasure boat traffic and fishing pressure, due to the area being a highly regarded tourist destination.

Historically, walleye reproduced naturally on Lakes Minocqua and Kawaguesaga (Tomahawk has a long history of walleye stocking); however, recruitment failures were documented in these lakes through the mid-2000s with a commensurate decline in adult walleye numbers. A comprehensive stocking plan was initiated for Lakes Minocqua and Kawaguesaga beginning in 2012 which included stocking large fingerling walleye in odd-numbered years. In even-numbered years, Lake Tomahawk receives large fingerling walleye.

A stakeholder group has been monitoring this fishery closely over the past 5 years. This group developed a management plan with specific goals to be met by 2025. The plan defined a goal of 3 adult walleye per acre in Lakes Minocqua and Kawaguesaga lakes by 2021 and 2 adult walleye per acre in Lake Tomahawk by 2021. Additionally, the plan identified a natural reproduction benchmark of 10 – 15 young-of-year walleye captured per mile of shoreline on all lakes in the chain. A ‘catch and immediate release’ walleye regulation was established for the Minocqua Chain in 2015 to help achieve these goals. The department

Rev. 3-27-2019

has conducted surveys of walleye populations frequently during the past several years, and the catch-and-release regulation was based on fall electrofishing data collected between 2014-2019, and walleye population estimates conducted in 2009, 2015, 2019, 2020 and 2021.

Stocking efforts and periodic monitoring of the fishery show that the chain is responding in a positive direction. A local stakeholder group with representatives from DNR Fisheries Management, Great Lakes Indian Fish and Wildlife Commission (GLIFWC), Wisconsin Valley Improvement Company, Lac du Flambeau Tribe, Walleyes For Tomorrow and three lake associations have met regularly to monitor progress on this project. By recommendation of this group, the catch-and-release regulation was extended for one additional year to allow the department and partners time to discuss permanent regulation options that would be best suited to building a sustainable walleye fishery with sufficient natural reproduction and recruitment. The partner group also strongly favored continuation of the catch-and-release regulation until 2025 since the walleye population had not yet achieved natural reproduction by 2021.

The fishery will be monitored closely following implementation of this rule change through spring population surveys and fall electrofishing, followed by a chain-wide angler creel survey in 2025, to ensure that harvest is not detrimental to walleye recovery efforts.

10. Analysis and Supporting Documents Used to Determine the Effect on Small Business or in Preparation of an Economic Impact Report:

The department anticipates a minimal economic impact, if any, as a result of this rule. Catch-and-release fishing has been in place for the past six years, so this rule will not immediately change the types of fishing activities that anglers and local businesses can conduct. Because this rule will allow limited harvest after several years of catch-and-release-only fishing under previous rules, local anglers and businesses are not anticipated to experience any negative economic impacts, and may experience a slight economic benefit from the rehabilitated fishery.

11. Effect on Small Business (initial regulatory flexibility analysis):

This rule will mainly affect individual anglers and will not impose implementation or compliance costs on small businesses. The proposed rule is expected to have a minimal economic impact, if any, since it is not changing the existing regulations until 2025, and then will allow for some harvest of walleye, which may indirectly benefit small businesses such as bait shops, guide businesses and the hospitality industry. No expenses are imposed on businesses, business associations, public utility rate payers, or local governmental units as a result of this rule. No additional compliance or reporting requirements will be imposed on small businesses as a result of these rule changes.

12. Agency Contact Person: Todd Kalish, P.O. Box 7921, Madison, WI 53707;
Todd.Kalish@wisconsin.gov; 608-225-5826 and Meredith Penthorn, P.O. Box 7921, Madison, WI 53707; Meredith.Penthorn@wisconsin.gov; 608-316-0080

13. Place where comments are to be submitted and deadline for submission:

Written comments may be submitted at the public hearings, by regular mail, fax or email to:
Meredith Penthorn
Department of Natural Resources
P.O. Box 7921
608-316-0080; Meredith.Penthorn@wisconsin.gov

Written comments may also be submitted to the Department at

Rev. 3-27-2019

DNRAdministrativeRulesComments@wisconsin.gov.

The hearing date and the comment submission deadline will occur on May 24, 2021.

Rule Text

SECTION 1. NR 20.20 (44) (g) 3. is amended to read:

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (BOTH DATES INCLUSIVE)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(44) ONEIDA (For species or waters not listed, see sub. (73)).					
(g) Walleye, sauger and hybrids	3. Minocqua chain (Jerome lake, Kawaguesaga lake, Mid lake, Minocqua lake, Mud lake, Minocqua thoroughfare, Tomahawk thoroughfare, Little Tomahawk lake, Tomahawk lake, and connecting waters combined)	a. Hook and line	First Saturday in May to the first Sunday in March	0, catch and release only, until April 1, 2020 <ins>2025</ins> , when it becomes 2 in <ins>total 1 in total</ins>	On April 1, 2020 <ins>2025</ins> , the size limit becomes 18 <u>except the</u> <u>possession of</u> <u>fish between 22</u> <u>and 28 is</u> <u>prohibited</u>

SECTION 2. EFFECTIVE DATE. This rule takes effect on the first day of the month following publication in the Wisconsin Administrative Register as provided in s. 227.22 (2) (intro.), Stats.

SECTION 3. BOARD ADOPTION. This rule was approved and adopted by the State of Wisconsin Natural Resources Board on [DATE].

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN

Rev. 3-27-2019

DEPARTMENT OF NATURAL RESOURCES

BY _____

Preston D. Cole, Secretary

(SEAL)