

Frequently asked questions about the 2018-2028 Lake Superior Fishing Agreement
January 28, 2019

*Please note that this FAQ document is not meant to be a comprehensive list of questions and responses. If there are questions you believe should be added and addressed in this document, please send them to: **DNRLakeSuperiorPlan@Wisconsin.gov***

Comment: Anglers were not represented during negotiations.

Response: As a representative of the State, the Department gathered and considered input from all stakeholder groups, including anglers. For example, the Department hosted two public meetings per year from 2015 through 2018 to discuss stakeholder objectives and priorities for the negotiations and held seven public meetings to gather stakeholder input on Lake Superior management goals and issues for purposes of developing a management plan and further informing the negotiations. In addition, local staff and Department staff had numerous conversations with individuals and organizations through normal communication channels and attendance at stakeholder group meetings. The information that was gained from these efforts was used during the negotiations.

Comment: Netting should not be expanded to new areas. Specifically, areas around Long Island in the south channel.

Response: The Department appreciates the importance of commercial fishing net restrictions to anglers. Over 300 square miles in Wisconsin waters of Lake Superior have limited to no commercial fishing allowed under the new agreement. The department also worked to maintain and remove two commercial fishing allowances previously recognized within the over 450 square miles of two refuge areas to improve the protection these areas provide for the benefit of all users. Therefore, over half of Wisconsin jurisdictional waters of Lake Superior are protected from or have restrictions on commercial fishing activities. The area near the south channel remains open to recreational fishing but will also provide a nearshore area for Bad River fishers to safely harvest fish from small boats with their traditional methods. Further, the area near Long Island will be closed to fishing by state and Red Cliff commercial fishers.

Comment: Netting should not be expanded during the spawning season.

Response: To maintain the success of the current management system while still providing commercial opportunities to harvest lake whitefish, the parties agreed to an experimental 21-day October whitefish season. The data suggests that growth of whitefish has declined since effort limitation began and that lake whitefish density has increased. Together these indicate that lake whitefish density is too high. Allowing more harvest is anticipated to improve growth rates and ultimately increase the value of the commercial industry while providing recreational anglers the opportunity to harvest large whitefish. The experimental season will run prior to lake

whitefish spawning at a time when lake trout and lake whitefish are spatially segregated. Thus, there is expected to be only a small amount of incidental harvest on lake trout. Further the restrictions requiring commercial fishers to still possess lake trout tags will limit the number of commercial fishers that will participate. Since this is designed as an experiment and the fishery will be monitored and evaluated by the parties, there will be opportunities to adjust or discontinue to minimize any unforeseen consequences. Monitoring will include on-board monitoring to document any bycatch and harvest, biweekly commercial reports, current department survey efforts, and enforcement efforts. This monitoring will aid in making science-based recommendations on the experimental October whitefish season.

Comment: The new agreement will hurt the local economy.

Response: The Department feels that the agreement as a whole will improve the Lake Superior fisheries in Wisconsin and therefore benefit the local economy. Data suggests that increased harvest of lake whitefish could increase whitefish growth, which in turn would increase the value of the commercial fishery. If the abundance of lake whitefish is reduced, so too would lake whitefish predation on cisco (lake herring) eggs. A decrease in predation would improve cisco populations and lead to improved lake trout populations. Collectively, these trends could increase the quality of the recreational fishery and attract more anglers to the area to the benefit of the local economy. Additionally, there are over 300 square miles of Wisconsin Waters of Lake Superior that have limited to no commercial fishing allowed, which provides opportunity for recreational fishers to fish in areas with lessened interaction with commercial operations.

Comment: Why are negotiations confidential? Is there any way for there to be better communication about negotiations?

Response: During prior treaty rights litigation, the state and tribes entered into a stipulation which reserved issues related to Lake Superior for the consideration by the court at a later date. This enabled the parties to enter into settlement negotiations, which are conducted in a confidential manner. Wisconsin law acknowledges the confidential nature of negotiations and settlement discussions. ss. 19.85(1)(e) and 904.08 Wis. Stats. The agreement represents the most recent settlement agreement of the parties in lieu of litigation. Despite the confidentiality of the negotiations, the Department works diligently to gather and represent stakeholder perspectives.

Comment: How is noncompliance with the agreement enforced?

Response: Each party enacts regulations to implement the agreement and is responsible for enforcing those regulations against the individuals regulated by that party. Law enforcement officers of all three parties work cooperatively to exchange information and discuss issues to ensure a uniform and coordinated approach for the benefit of the fishery. Through this

collaborative enforcement approach if a violation of the agreement is documented appropriate enforcement follow through occurs from the corresponding state or tribal jurisdiction.

Comment: Why allow gillnets since they are indiscriminate in the fish that are caught? What is the level of bycatch in gillnets?

Response: Gillnet mesh size is restricted to minimize nontarget capture (bycatch). Although nontarget capture does occur it is monitored by onboard monitoring and if higher numbers of incidental catch were detected changes to existing regulations could be implemented to reduce population-level effects on nontarget fishes. The commercial industry is regulated with effort limitations based on the safe harvest of lake trout; therefore, commercial operators work to avoid lake trout harvest to try and increase the amount of effort they are allotted.

Other sport fish (Coho Salmon, Chinook Salmon, Brown Trout, Rainbow Trout, Splake, Brook Trout, Smallmouth Bass, Northern Pike) are occasionally caught in large mesh gill nets but are not allowed to be sold and therefore are released by state-licensed commercial fishermen. The other sport fish bycatch made up 0.5% of the total fish captured in gillnets in 2018, based on monitoring data. Sport fish catch per unit effort averages 0.28 fish per 1,000 feet or roughly 1 fish per 4,000 feet of net.