

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, Wis. 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, Wis. 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 establish a protective walleye harvest regulation on the Minocqua Chain of Lakes (consisting of Kawaguesaga, Minocqua, Mid, Little Tomahawk and Tomahawk lakes) to replace the existing catch-and-release regulation for walleye. 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, extended through emergency rules, is slated to sunset in May 2021. The department anticipates that by 2021, adult walleye numbers will reach established goals and natural reproduction will occur, allowing an opportunity for limited harvest.

This rule establishes a harvest slot limit for walleye, where the minimum length limit is 18 inches, walleye between 22 and 28 inches may not be kept, and only one walleye larger than 28 inches may be kept. The daily bag limit will be set at one walleye.

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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. 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.

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

The Minocqua Chain is comprised of 5 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 benchmark of 10 – 15 young-of-year walleye per mile on all lakes in the chain as well as natural reproduction as goals. A ‘catch and immediate release’ walleye regulation was established for the Minocqua Chain in 2015 to help achieve these goals. The department 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 2005, 2015, and 2019.

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

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Flambeau Tribe, and Walleyes For Tomorrow 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.

Following additional monitoring, which has revealed that the adult walleye population has reached target goals in the chain, stakeholder and partner feedback and GLIFWC involvement have expressed support for opening the fishery to limited harvest. The fishery will be monitored closely following implementation of this rule change through creel surveys and fall electrofishing, followed by a chain-wide comprehensive survey in 2025, to ensure that harvest is not detrimental to walleye recovery efforts.

9. 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. Because this rule will allow limited harvest after several years of catch-and-release-only fishing, local anglers and businesses are not anticipated to experience any negative economic impacts, and may experience a slight economic benefit from the rehabilitated fishery.

10. 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. This rule applies a limited harvest regulation that may benefit anglers and fishing-related businesses.

11. Agency Contact Person: Mike Vogelsang, 8770 Hwy J, Woodruff, WI 54568; Michael.Vogelsang@wisconsin.gov; 715-367-1616 and Meredith Penthorn, P.O. Box 7921, Madison, WI 53707; Meredith.Penthorn@wisconsin.gov; 608-316-0080

12. 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 DNRAdministrativeRulesComments@wisconsin.gov.

Hearing dates and the comment submission deadline are to be determined.

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)
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(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, when it becomes 2 in total-1 in total	On April 1, 2020, the size limit becomes 18-18 except the possession of fish between 22 and 28 is prohibited and only one fish may be longer than 28
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SECTION 2. EFFECTIVE DATE. This rule shall take effect on June 1, 2021.

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
DEPARTMENT OF NATURAL RESOURCES

BY _____

Preston D. Cole, Secretary

(SEAL)