Form 1100-001
(R 2/07)

NATURAL RESOURCES BOARD AGENDA ITEM

Item No. 3.B.1

SUBJECT: Revision to NR 20 - Emergency regulation change regarding hook and line lake sturgeon fishing

FOR: JUNE **BOARD MEETING**

TO BE PRESENTED BY: Mike Staggs, FH/4

SUMMARY:

An increase in angling pressure directed at lake sturgeon, particularly from nonresident anglers, has led to a steady increase in the number of lake sturgeon harvested annually during the hook and line season. Exploitation in some lake sturgeon fisheries has been recently estimated to be between 20-30%. An annual exploitation rate of 5% has been a long standing management goal for lake sturgeon in Wisconsin. The over exploitation of a long-lived, slow growing species can have a severe impact on the sustainability of the population.

The proposed rule change would increase the minimum length limit of lake sturgeon from its current 50" limit to a 60" limit and reduce the season length from 6 weeks to 4 weeks on all inland waters where lake sturgeon are now harvested. The regulation change would significantly reduce the number of lake sturgeon harvested each year (up to 80%). The rule change would likely affect sturgeon anglers' (both resident and nonresident) opportunities to harvest a fish, but will ultimately provide protection to Wisconsin's sturgeon populations.

RECOMMENDATION: Adopt Emergency Rule Order FH-29-07(E)

LIST OF ATTACHED MATERIALS:

No	☐	Fiscal Estimate Required	Yes	☑	Attached
No	☐	Environmental Assessment or Impact Statement Required	Yes	☑	Attached
No	☐	Background Memo	Yes	☑	Attached

APPROVED/

Bureau Director, — Date 05/21/2007

Administrator, — Date 5/24/07

Secretary, Scott Hassett — Date 6/1/07

cc: Laurie J. Ross - AD/5
Scott Hassett, AD/5
Todd Ambs, AD/5
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Carol Turner, LS/5
Paul Neumann, MB/5
Tom Van Haren, LE/5
Karl Scheidegger, FM/4

CORRESPONDENCE/MEMORANDUM

State of Wisconsin
Bureau of Fisheries Management

DATE: May 14, 2007 FILE REF: 3600/kjs

TO: Natural Resources Board Members

FROM: Scott Hassett, Secretary

SUBJECT: Lake Sturgeon Management - Regulation Change Proposal

The Department is proposing to revise the regulations for harvesting lake sturgeon from Wisconsin's inland waters.

Background

The distribution status of the lake sturgeon, *Acipenser fulvescens*, around the Midwest is generally considered uncommon to rare. However, the waters of Wisconsin collectively possess one of the largest self-sustaining populations of lake sturgeon in the world. Because of the biological characteristics of the species (e.g., slow growing, late-to-mature), populations may be easily impacted in exploited fisheries. In recent years, biologists have become concerned about increasing trends in lake sturgeon harvest and angler pressure. It is critical that any regulation proposal address these concerns. Displacement of anglers from one fishery to another because of different regulations, illegal harvest, and group bagging are additional challenges facing the management of lake sturgeon in Wisconsin.

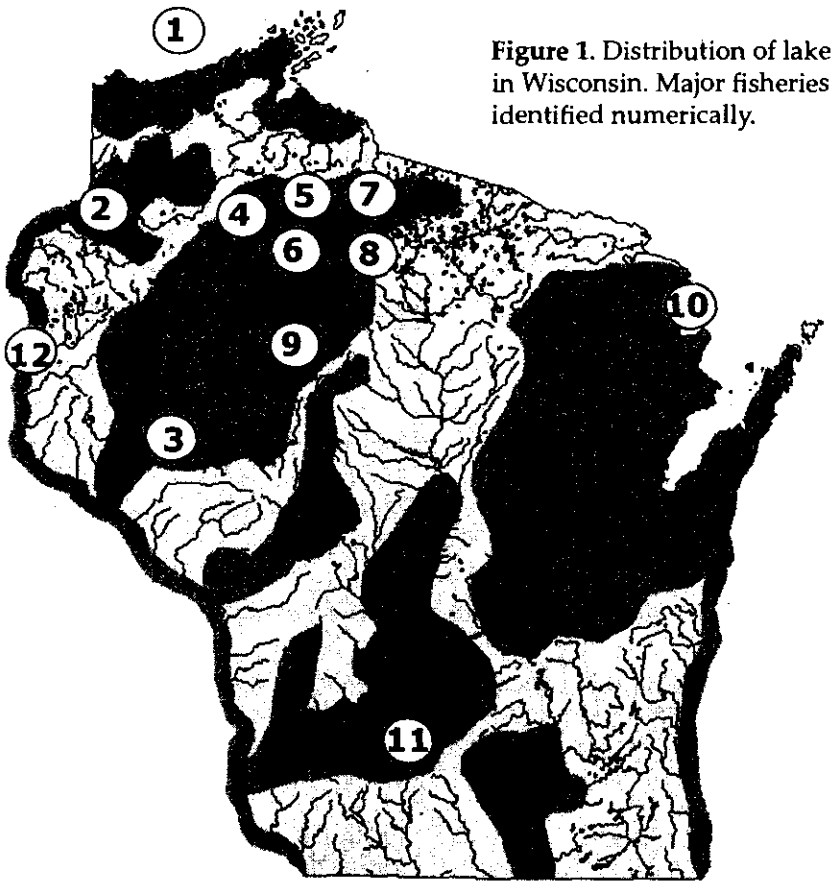

Figure 1. Distribution of lake sturgeon in Wisconsin. Major fisheries are identified numerically.

Hook and Line Fisheries. - There are basically 12 areas where lake sturgeon may be harvested by hook and line (Figure 2). For the most part, these areas coincide with the lake sturgeon distribution in Wisconsin, although some major systems are not open to lake sturgeon angling (i.e., Fox/Wolf and the Mississippi rivers):

1) Lake Superior
2) Yellow Lake downstream to the Danbury Dam, including LIttle Yellow Lake and Danbury Flowage
3) Main stem Chippewa River and impoundments
4) West Fork Chippewa River including Chippewa Flowage upstream to Moose Lake Dam
5) East Fork Chippewa River including impoundments and drainage lakes
6) Butternut Lake
7) North Fork of the Flambeau River in Ashland, Price, Sawyer, and Iron (up to the TFF Dam) counties
8) South Fork Flambeau River
9) Jump River below the North and South Forks
10) Menominee River (WI/MI Boundary Water)
11) Lower Wisconsin River below the Wisconsin Dells Dam
12) St. Croix River below St. Croix Falls (WI/MN Boundary Water)

Harvest Registration System. - To gain an understanding of the magnitude of lake sturgeon hook and line harvest, a mandatory registration system was implemented in 1983. To legally harvest a lake sturgeon, anglers had to obtain a free tag and were required to register all harvested sturgeon.

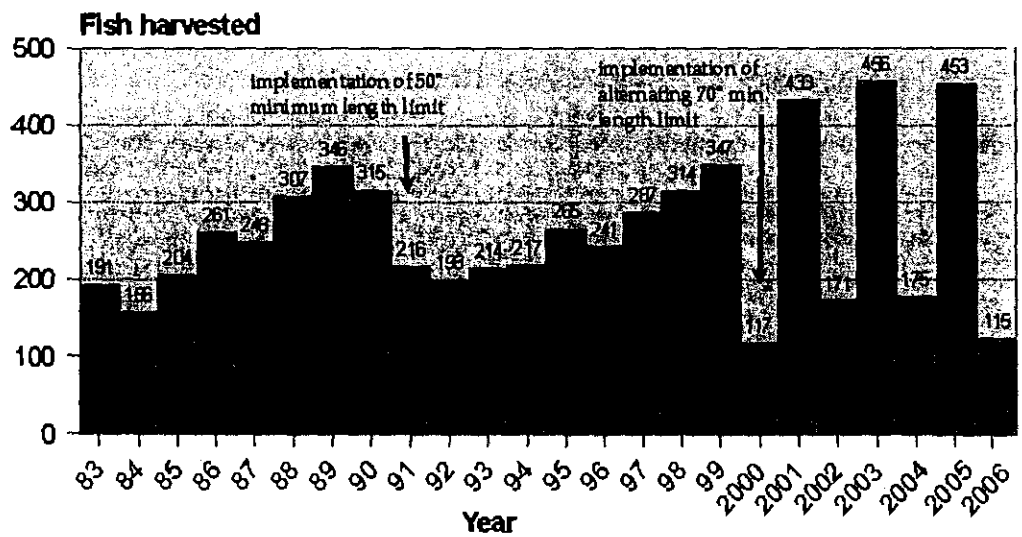

Figure 2. Hook and line lake sturgeon harvest, 1983 to present

Since the inception of the registration program, a number of regulation changes have been implemented to address harvest concerns: 1) In 1991, the minimum length limit on lake sturgeon was increased from 45" to 50". Harvest was reduced by close to 40% the following year. 2) In 2000, in an effort to reduce harvest on the Wisconsin and Menominee rivers, the minimum length limit was alternated from 50" in even years to 70" in odd years. In effect, this rule made one year harvestable and the following year catch and release because the absence of large, 70"+ fish in both river systems.

The Fisheries Management program has historically attempted to manage sturgeon fisheries by limiting exploitation to 5% of the adult stock. To meet that goal, the Lake Winnebago spear fishery, for example,

has had to continually modify regulations over the years on the Winnebago (and Upriver Lakes) system. Managing a variety of river systems can be challenging because you not only have to manage a system, but sections or "fragments" of systems that may have different sturgeon population characteristics. Summaries of the three major hook and line fisheries (Menominee River, Lower Wisconsin River, and Lower Chippewa River) including population characteristics, harvest and angler pressure, and recommended regulation changes follow:

MENOMINEE RIVER

Licensed, modern day harvest of lake sturgeon on the Menominee river has occurred since 1946. The harvest in 1983, the first year of mandatory registration, was 19 sturgeon and the minimum length limit was 50". The bag limit was reduced from 2 to 1 fish per season in 1992. In 2000, the minimum length limit differed in alternating years with a 70" limit in even years and a 50" limit in odd years. The hook and line harvest of lake sturgeon from the Menominee river has steadily increased over the past 15 years: 80 in 1989, 109 in 1998, 167 in 1999, 185 in 2001, and 210 in 2003. No fish were harvested in the three 70" length limit years (2000, 2002, and 2004). While the alternating year's length limits reduced the overall harvest, the average harvest for the last 7 years (1999- 2005) was 105 fish.

Spring 2005 population estimates showed that there were 203 lake sturgeon greater than or equal to 50 inches in total length at White Rapids; 60 fish at Grand Rapids, and 317 fish below the Menominee Dam. The 2003 harvest below those 3 dams was White Rapids 43 fish, Grand Rapids 12 fish, and 155 fish below the Menominee Dam with exploitation estimates of 21%, 20%, and 49%, respectively. A high exploitation rate and dominant representation by lake sturgeon in the 50-55" length class reflects a harvest that exceeds acceptable guidelines. Harvest (in excess of 70%) below the last dam (Menominee Dam) does not support objectives of the Menominee River fisheries plan and suggestions for restoration by the Great Lakes Fishery Commission's Lake Michigan Technical Committee. An increase of the minimum length limit would allow a conservative fishery, will severely curtail harvest and allow female lake sturgeon to spawn twice before harvest. A reduction in the length of season will allow for better management of the fishery by fisheries and law enforcement staff.

Regulation change on the Menominee River. – A boundary water regulation proposal was included in the 2006 Fish and Wildlife Spring Hearing Questionnaire. The WDNR and Michigan DNR jointly proposed that 1) the fishery be catch and release only below the Menominee Dam (the last dam on the system), 2) there be a 60-inch minimum length limit on all waters above the Menominee Dam, and 3) the season length be reduced to the first Saturday in September to September 30th. Because over 70% of the harvest on the Menominee River occurs below the Menominee Dam, this harvest is impacting broader restoration efforts in northern Lake Michigan. The proposed rule changes were intended to stabilize and increase the population size of lake sturgeon in the river.

Regulation Update: The above regulation package was implemented on the Menominee River for the 2006 hook and line season. One fish was harvested during the 2006 season. Although the new regulations should improve the sturgeon population in the Menominee River, it could very well displace anglers and increase the harvest pressure on other sturgeon populations that are regulated under a more liberal set of rules.

LOWER WISCONSIN RIVER

Mandatory annual harvest registration was began in 1983. This has allowed the collection of information on both numbers and sizes of harvested fish. Since 1997 an effort has been made to obtain sex information on harvested fish. In 2005 a new study began involving PIT tagging of fish sampled from the Wisconsin

Dells Dam during the spring spawning period (shocking, netting) and fall sampling of fish below the Prairie du Sac Dam by gill netting.

For Lake Wisconsin, harvest was considerably higher in 1991 under the 45" size limit, averaging 56 per year. Since 1991 and the implementation of the 50" length limit, harvest has dropped to 11-13 fish per year. Part of this decline is due to the higher length limit, but a separate study compared creel census of 1979 and 1997. It found angling pressure to have dropped from 13,000 hours to 4,000 hours. At the Dells Dam, harvest has remained fairly constant with 9-14 fish taken per year over the period of 1983-2005. Below the Prairie du Sac dam, an increasing harvest trend is evident: about 20 fish per year from 1983-1995, 36 fish per year during 1996-1999 and, since the alternating 50"/70" seasons during 2000-2005, 66 fish per year during the three 50" seasons. This increased harvest trend has become of particular concern. The lower Wisconsin River (93 miles) finds limited harvest of only 1 fish per year.

Exploitation / Population Estimates. - Of the 100 legal-sized fish PIT-tagged during spawning below the Dells Dam, only 1 fish was recorded by the registration stations during the fall angling season. Thus, 1% exploitation is occurring on the Lake/Dells fishery. A fall population estimate was conducted below the Prairie du Sac Dam in 2005 because of the increasingly high harvest in that area. A Schumacher-Eschmeyer multiple survey estimate was used with adjustment for 24 harvested tagged fish that occurred during the angling season. Calculations estimated 203 legal size fish after the season with a 95% confidence interval of 172 – 248. Adding the 75 harvested fish to the estimate equals a pre-season population of 278 and an exploitation rate of 75/278 or 27%. A mark/harvest value of 17 harvested PIT-tagged fish to the pre-season tagged number of 47 equals an estimated exploitation rate of 36%. These estimates are extremely high for a sturgeon fishery and completely out-of-line with the 5% exploitation management goal.

Although the length frequency and sex ratio of harvested sturgeon shows a similar distribution as the Lake/Dells fishery, the increase in number of fish harvested and the confirmed exploitation rate near 30% below the Prairie du Sac Dam is alarming. Such a harvest rate can not be sustained for slow growing, long lived fish. Assuming a safe annual exploitation value of 5%, harvest of this fishery needs to be reduced to 12-15 fish per year.

The source of the fishery below the Prairie du Sac Dam is not totally known, but a previous radio tracking study by the USGS found fall upstream movement of Pool 10-Mississippi River fish to the dam and return following the spring spawning period. Of 5 fish tagged in Pool 10 by DNR Prairie du Chien personnel in the fall of 2005, one was recaptured by this study at the Prairie du Sac Dam. The lake sturgeon fishery in the Mississippi River is closed to harvest. Significant movement over the dam was also noted by a DNR sturgeon study during 1979-81.

Simulation Model. – Fishery Analysis and Simulation Tools (FAST) were used to model the effects of harvest and varying length limits on estimated yield from the Wisconsin River. The population was modeled under a 50" minimum length limit, a 55" minimum length limit, a 50-59" slot length limit, a 60" minimum length limit, and a 65" minimum length limit. Results of the exercise showed that a 60" minimum length limit provided the most desirable results: a reduction in harvest, fish could spawn several times before harvest, and could reduce harvest and manage the fishery without a need for a limited entry fishery. A 60" minimum length limit would put more pressure on the larger adult females, but may very well reduce the overall exploitation on mature females.

LOWER CHIPPEWA RIVER

Sturgeon harvest in the lower Chippewa River is separated into seven river sections because of six hydropower dams on the river that segment fish populations. In downstream order the seven sections are: Holcombe Flowage and its tributaries upstream to the first dam, Cornell Flowage, Old Abe Lake, Lake Wissota, Chippewa Falls Flowage, Dells Pond, and below the Dells dam. Since the beginning of the registration sys-

tem, harvest has steadily increased in the Lower Chippewa River with a low of 13 fish registered in 1983 and a high of 102 fish registered in 2001. Since 1991, the size structure of sturgeon in the harvest has decreased. However, size structure varies widely by river section. River sections with the highest harvest levels show a general decrease in size structure and average size, which may be an indication of over-harvest in these sections. Harvest has been significantly reduced in Lake Wissota with the creation of a fish refuge below Jim Falls Dam in 2002 (37 fish in 2001; 0 fish in 2002), but anglers appear to have shifted their effort to the Chippewa Falls and Holcombe flowage areas. Evidence suggests that anglers may be diverting their efforts to the Chippewa River because of the annual 50" minimum length limit on the Chippewa River, whereas the Wisconsin and Menominee rivers have the alternating 50" - 70" minimum length limit. Harvest by non-resident anglers has increased and now comprises a greater percentage of the total harvest.

Interest in the inland hook and line season for lake sturgeon continues to grow based on the increasing number of sturgeon tags being issued. In 2004, the West Central Region of the Department of Natural Resources (WCR) experienced a 33% increase in the number of tags issued.

In recent years, a number of complaints have been received regarding alleged, intentional snagging and group bagging below the Wissota dam. Illegal harvest may have accounted for up to 32% of the total harvest in Chippewa Falls Flowage. There is a concern that illegal harvest is becoming more widespread in the river, with group bagging being the most common violation.

Reduction in harvest levels is recommended to protect sturgeon populations in the lower Chippewa River. Any change in sturgeon hook and line regulations should address the following: 1) reduce harvest levels of females; 2) attempt to maintain an annual exploitation rate at or near 5% of the population level; 3) improve the age and size structure of the sturgeon population; 4) improve the capabilities of law enforcement staff to enforce lake sturgeon regulations; and, 5) maintain reasonable opportunities for sturgeon anglers.

LAKE STURGEON HARVEST TAG

Beginning with the 2006 hook and line season, those anglers who wished to harvest a lake sturgeon had to purchase a sturgeon harvest tag ($20 resident fee, $50 nonresident fee). If an angler chose to purchase a patron license, he/she received a sturgeon harvest tag with the purchase. Slightly over 1,100 resident harvest tags and 182 nonresident harvest tags were purchased during the 2006 hook and line season. The number of harvest tags issued through the patron license is unknown. It is unclear how the tag system will affect harvest. In a survey of sturgeon anglers conducted in 1998, many anglers indicated they would stop sturgeon fishing before they would pay for a sturgeon license. The presence of the sturgeon harvest tag may reduce harvest just by the unwillingness of anglers to purchase the tag. Under the current regulations, anglers can continue to fish for sturgeon by catch and release only with a general fishing license.

PUBLIC INPUT

Angler Survey. - To obtain angler input on a proposed rule change, a survey was distributed before the 2006 hook and line sturgeon season to bait shops in areas near the major hook and line sturgeon fisheries (i.e., Flambeau, Chippewa, and Wisconsin rivers). The survey and the results are included in Figure 3. The typical respondent was an experienced, middle-aged male sturgeon angler that, for the most part, believed that a regulation change was not necessary. Many respondents thought that sturgeon were being overprotected, were dissatisfied with the requirement to purchase a harvest tag, and believed the fee for a nonresident harvest tag should be increased. Based on other comments, there appears to be a need for some educational material on sturgeon life history and the importance of conservatively managing the species.

Wisconsin's Sturgeon Management at a Crossroads

Advisory team proposes regulation changes to protect species, DNR needs angler input

Madison, WI. - The waters of Wisconsin collectively possess one of the largest self-sustaining populations of lake sturgeon in the world. Because of the biological characteristics of the species (e.g., slow growing, late-to-mature), populations are susceptible to overharvest by anglers. During the past several years, biologists have put Wisconsin's sturgeon populations under a microscope. They have recorded a significant, increasing trend of participation in the sport that has resulted in increased numbers of fish being harvested. **Harvest levels that, over time, may deplete our lake sturgeon populations and make them very difficult to recover.** Consequently, a diverse, statewide sturgeon advisory team has proposed several regulation options to address increased trends in angling pressure and lake sturgeon hook and line harvest.

MANAGEMENT GOAL
Provide angling opportunities and, at the same time, protect existing populations from high levels of harvest.

REGULATION OPTIONS

Increase the minimum length limit to 60" and shorten the season from 6 weeks to 4 weeks. - Advantages: 1) Would provide harvest opportunity for all anglers; 2) Will most likely reduce harvest on females overall. Females in the 50"-59" range will be protected (they are not protected now under the existing regulation) and will be allowed to reproduce several times before reaching harvestable size; 3) This regulation would reduce overall harvest of sturgeon by upwards of 80%; 4) A shortened season may reduce harvest, but more importantly, would allow law enforcement to concentrate more effectively on sturgeon enforcement. Disadvantages: 1) A 60" minimum length limit will focus harvest on the large, mature females.

Complete harvest closure (catch and release fishing only). - Advantages: 1) This option would allow sturgeon angling opportunities; 2) Would reduce harvest by completely eliminating the opportunity to harvest; 3) Season length would not be an issue. Disadvantages: 1) Very restrictive; 2) No harvest opportunity

Implement a quota system or limited entry program. - A quota would consist of identifying a total number of fish that could be harvested and closing the season once that number (quota) was reached. A limited entry program would require a drawing for X amount of tags. Advantages: 1) Provides anglers with harvest opportunity; 2) Gives ultimate control over sturgeon harvest. Disadvantages: 1) Would need good assessment of all populations to set a quota; 2) Administration of program may be complex and costly for the number of sturgeon that could be harvested; 3) A quota system would result in a very short season (1 week); 4) A limited entry program limits harvest to a small group of anglers - "luck of the draw"

WE WANT YOUR INPUT 155 respondents

Please take a few minutes and complete this short survey. We appreciate your willingness to help with our sturgeon management efforts.

Angler Gender: ☐ male 80.6% ☐ female 14.2%

Angler age: ☐ < 20 3.8% ☐ 21-30 4.5% ☐ 31-40 9.6% ☐ 41-50 27.6% ☐ 51-60 24.3% ☐ 61-70 19.9% ☐ >70 10.3%

Sturgeon Fishing Experience: ☐ 1st year 4.8% ☐ 1-5 21.9% ☐ 6-10 19.2% ☐ 11-20 15.1% ☐ 21-30 15.8% ☐ >30 23.3%

I would support the following regulation proposal and its implementation by the 2007 hook and line sturgeon angling season: (please check only one box)

- ☐ Increase the minimum length limit from 50" to 60" and reduce the season from 6 to 4 weeks. 12.9%
- ☐ Eliminate harvest completely and offer only catch and release fishing for lake sturgeon 7.9%
- ☐ Implement a quota system or a limited entry program 4.9%
- ☐ No regulation change - keep things the way they are 58.3%
- ☐ Other 15.9% (remove harvest fee, slot length limit, overprotecting sturgeon, increase nonresident fee)

Figure 3. Angler survey distributed to local bait shops near major hook and line sturgeon fisheries.

RECOMMENDATION

Significance. – Angling for lake sturgeon is a popular pastime for resident anglers and becoming more and more popular for nonresident anglers. The ALIS indicates that there were roughly 7,000 to 10,000 sturgeon tags issued annually from 2000 to 2004. Thirty percent of the tags were issued to nonresidents. The majority of nonresident tags were given to Illinois residents. Participation levels of all sturgeon anglers continue to increase.

Affected Parties. - A regulation change will affect hook and line anglers (both resident and nonresident) and the businesses (sport and bait shops) that cater to sturgeon anglers. Some have suggested that reduced opportunities for harvest will economically impact local bait and sport shops. Others have said that some fisheries are dominated by catch and release anglers, so the lack of harvest opportunities would be less contentious.

Alternative Course of Action. - There are a number of available options: 1) we can choose to implement no regulation change and see how the harvest tag fee system may or may not reduce harvest, 2) we could increase the minimum length limit to a point that would reduce harvest or, depending on the final value, eliminate harvest altogether (basically catch and release angling), 3) we could shorten the season and attempt to reduce harvest with fewer available angling days (although there is considerable variability in when fish are harvested among fisheries), or 4) we could implement a limited entry and permit drawing system where we could provide the ultimate control over the number of legally harvested fish.

Recommended Course of Action. – Given the existing information available on Wisconsin's inland sturgeon fisheries and the results of the FAST modeling exercise on the lower Wisconsin River, the following regulation package is recommended: Increase the minimum length limit to 60" on all inland waters and reduce the season by two weeks to the first Saturday in September to September 30. A 60" minimum length limit will reduce the statewide harvest of lake sturgeon by close to 80%. The uniform regulation proposal is intended for all inland waters to minimize concerns about angler displacement. The reduced season length will eliminate the late-season harvest and allow a more concentrated effort of enforcement by conservation warden staff.

The current proposal is not intended to be an "end-all" regulation. We will continue to develop management strategies that will benefit Wisconsin's sturgeon populations and continue to provide sturgeon angling opportunities.

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2048 (R10/2000)

Fiscal Estimate — 2007 Session

☒ Original	☐ Updated	LRB Number	Amendment Number if Applicable
☐ Corrected	☐ Supplemental	Bill Number	Administrative Rule Number FH-29-07(E)

Subject

Chapter NR 20 - Fishing; Inland Waters; Outlying Waters

Fiscal Effect

State: ☒ No State Fiscal Effect
☐ Indeterminate

Check columns below only if bill makes a direct appropriation or affects a sum sufficient appropriation.

☐ Increase Existing Appropriation ☐ Increase Existing Revenues
☐ Decrease Existing Appropriation ☐ Decrease Existing Revenues
☐ Create New Appropriation

☐ Increase Costs — May be possible to absorb within agency's budget.
☐ Yes ☐ No

☐ Decrease Costs

Local: ☒ No Local Government Costs
☐ Indeterminate

1. ☐ Increase Costs
☐ Permissive ☐ Mandatory
2. ☐ Decrease Costs
☐ Permissive ☐ Mandatory
3. ☐ Increase Revenues
☐ Permissive ☐ Mandatory
4. ☐ Decrease Revenues
☐ Permissive ☐ Mandatory
5. Types of Local Governmental Units Affected:
☐ Towns ☐ Villages ☐ Cities
☐ Counties ☐ Others _____
☐ School Districts ☐ WTCS Districts

Fund Sources Affected

☐ GPR ☐ FED ☐ PRO ☐ PRS ☐ SEG ☐ SEG-S

Affected Chapter 20 Appropriations

Assumptions Used in Arriving at Fiscal Estimate

This emergency rule package makes the following changes to the harvest of inland populations of lake sturgeon:

1) It increases the minimum length limit of lake sturgeon from 50" to 60" in inland waters where lake sturgeon are now harvested by hook and line.
2) It reduces the season length from 6 weeks to 4 weeks. Currently the open season for hook and line lake sturgeon is the First Saturday in September to October 15. The proposed season length would run from the First Saturday in September to September 30.

The proposed changes have no fiscal impact on state or local government.

Long-Range Fiscal Implications

none

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	**Telephone No.**	**Date (mm/dd/ccyy)**
	266-2794	05-17-07

Fiscal Estimate — 2007 Session

Page 2 Assumptions Narrative Continued

LRB Number	Amendment Number if Applicable
Bill Number	Administrative Rule Number FH-29-07(E)

Assumptions Used in Arriving at Fiscal Estimate – Continued

Wisconsin Department of Administration
Division of Executive Budget and Finance
DOA-2047 (R10/2000)

Fiscal Estimate Worksheet — 2007 Session

Detailed Estimate of Annual Fiscal Effect

☐ Original	☐ Updated	LRB Number	Amendment Number if Applicable
☐ Corrected	☐ Supplemental	Bill Number	Administrative Rule Number FH-29-07(E)

Subject

Chapter NR 20 - Fishing; Inland Waters; Outlying Waters

One-time Costs or Revenue Impacts for State and/or Local Government (do not include in annualized fiscal effect):

Annualized Costs:	Annualized Fiscal Impact on State Funds from:	
A. State Costs by Category	Increased Costs	Decreased Costs
State Operations — Salaries and Fringes	$	$ -
(FTE Position Changes)	(FTE)	(- FTE)
State Operations — Other Costs		-
Local Assistance		-
Aids to Individuals or Organizations		-
Total State Costs by Category	$	$ -
B. State Costs by Source of Funds	Increased Costs	Decreased Costs
GPR	$	$ -
FED		-
PRO/PRS		-
SEG/SEG-S		-
State Revenues — Complete this only when proposal will increase or decrease state revenues (e.g., tax increase, decrease in license fee, etc.)	Increased Revenue	Decreased Revenue
GPR Taxes	$	$ -
GPR Earned		-
FED		-
PRO/PRS		-
SEG/SEG-S		-
Total State Revenues	$ 0	$ - 0

Net Annualized Fiscal Impact

	State	Local
Net Change in Costs	$	$
Net Change in Revenues	$	$

Prepared By:	Telephone No.	Agency
Joe Polasek	266-2794	Department of Natural Resources
Authorized Signature	Telephone No.	Date (mm/dd/ccyy)
	266-2794	05-17-07

ORDER OF THE STATE OF WISCONSIN NATURAL RESOURCES BOARD
AMENDING RULES

The Wisconsin Natural Resources Board proposes an order to amend NR 20.20 (2) (bm), (6) (bm), (7) (b), (9) (am), (17) (bm), (18) (bm), (26), (am), (47) (bm), (51) (bg), (55) (bg), (57) (c), (61) (ag), and (73) (e) (3) relating to the hook and line harvest of lake sturgeon.

FH-29-07(E)

Analysis Prepared by the Department of Natural Resources

1. Statutes interpreted: ss 23.09 (2) (intro), 29.014 (1), 29.041, and 227.11 (2) (a) and 227.24 (1) (a), Stats.

2. Statutory Authority: ss 29.014, 29.041, 227.24, and 29.192 (3), Stats.

3. Explanation of agency authority to promulgate the rules under the statutory authority: Section 23.09 (2) (intro), Stats., grants the department general authority to adopt rules for the protection, development and use of forests, fish and game, lakes, streams, plant life, flowers and other outdoor resources in this state.

Sections 29.014 (1) and 29.041, and 29.192 (3), Stats., grant rule making authority to the department to establish and maintain open and closed seasons for fish and any bag limits, size limits, rest days and conditions governing the taking of fish that will conserve the fish and game supply and ensure the citizens of this state continued opportunities for good fishing, and provide that the department may regulate fishing on and in all interstate boundary waters and outlying waters.

Section 227.11 (2) (a), Stats., expressly confers rulemaking authority on the department to promulgate rules interpreting any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute. Finally, s. 227.24 (1) (a), Stats., authorizes state agencies to promulgate a rule as an emergency rule without complying with the notice, hearing and publication requirements under ch. 227, Stats., if preservation of the public peace, health, safety or welfare necessitates putting the rule into effect prior to the time it would take effect if the agency complied with the procedures.

4. Related statute or rule: None.

5. Plain language analysis of the proposed rule: Order FH-29-07(E) revises the existing regulations on the inland populations of lake sturgeon harvested by hook and line.

SECTIONS 1 through 13 increase the minimum length limit for lake sturgeon in inland waters from 50" to 60" and reduce the season length from 6 weeks to 4 weeks.

6. Summary of and preliminary comparison with any existing or proposed federal regulation: None

7. Comparison of similar rules in adjacent states (Minnesota, Iowa, Illinois and Michigan): Fisheries Management is generally similar in the states surrounding Wisconsin. All the bordering states regulate fishing by the use of seasons, bag limits, and length limits. Specific seasons, bag, and length limits may differ for species across the states; however, the general principles are similar. Minnesota, Iowa, and Illinois all have statewide seasons, bag, and length limits for fish species, along with special or experimental regulations on individual waters.

8. Summary of the factual data and analytical methodologies that the agency used in support of the proposed rule and how any related findings support the regulatory approach chosen for the

rule: The rule proposal was developed by fisheries staff to address sturgeon management concerns. The proposal was supported by the Sturgeon Management Assessment Team (internal and external advisory team). The rule was reviewed for need and adequacy and approved by the Fisheries Management Board.

9. Any analysis and supporting documentation that the agency used to determine in the rule's effect on small businesses under s. 227.114, Stats., or that was used when the agency prepared an economic impact report: Small businesses related to hook and line lake sturgeon fishing may be affected by the rule. However, we currently have no basis for quantifying the economic impacts of the rule.

10. Effect on small business, including how the rule will be enforced: Small businesses related to hook and line lake sturgeon fishing may be affected by the rule. The rule will be enforced by Department conservation wardens, county district attorneys, and county circuit courts through the use of citations and civil or criminal complaints under the provisions of ch. 29, Stats.

11. Agency contact person:

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SECTION 1. NR 20.20 (2) (bm) is amended to read:

NR 20.20(2) ASHLAND (for species or waters not listed, including Lake Superior, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bm) Lake sturgeon	1. East Fork Chippewa river, including sloughs bayous and flowages, including Pelican Lake, and North Fork Flambeau River, including sloughs, bayous and flowages.	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 2. NR 20.20 (6) (bm) is amended to read:

NR 20.20(6) BUFFALO (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bm) Lake sturgeon	1. Chippewa river	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 3. NR 20.20 (7) (b) amended to read:

NR 20.20(7) BURNETT (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(b) Lake sturgeon	1. Yellow lake, Little Yellow lake, Danbury, flowage, Yellow river from Yellow lake downstream to the Danbury dam	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 4. NR 20.20 (9) (am) is amended to read:

NR 20.20 (9) CHIPPEWA (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(am) Lake sturgeon	1. Chippewa river including Holcombe flowage, Cornell flowage, Old Abe lake, Jump river	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 5. NR 20.20 (17) (bm) is amended to read:

NR 20.20 (17) DUNN (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bm) Lake sturgeon	1. Chippewa river	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 6. NR 20.20 (18) (bm) is amended to read:

NR 20.20(18) EAU CLAIRE (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bm) Lake sturgeon	1. Chippewa river including Dells pond	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 7. NR 20.20 (26) (am) amended to read:

NR 20.20 (26) IRON (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(am) Lake sturgeon	1. North Fork Flambeau river downstream from Turtle Flambeau flowage dam	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 8. NR 20.20 (47) (bm) is amended to read:

NR 20.20 (47) PEPIN (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bm) Lake sturgeon	1. Chippewa river	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 9. NR 20.20 (51) (bg) is amended to read:

NR 20.20 (51) PRICE (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bg) Lake sturgeon	1. Butternut lake, North Fork Flambeau river including sloughs, bayous and flowages, South Fork Flambeau river including sloughs, bayous, and flowages, Jump river downstream from the confluence of the north and south forks	a. Hook and line. Tag required (see s. NR 20.07).	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 10. NR 20.20 (55) (bg) is amended to read:

NR 20.20 (55) RUSK (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(bg) Lake sturgeon	1. Chippewa river including sloughs, bayous and flowages, Jump river, South Fork Flambeau river	a. Hook and line. Tag required (see s. NR 20.07)	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 11. NR 20.20 (57) (c) is amended to read:

NR 20.20 (57) SAWYER (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(c) Lake sturgeon	1. Chippewa river including sloughs, bayous and flowages, including Radisson flowage, East Fork Chippewa river including sloughs, bayous and flowages including Blaisdell lake, Hunter lake, Barker lake, West Fork Chippewa river downstream from Moose lake dam including sloughs, bayous and flowages, including Chippewa flowage, North Fork Flambeau river including sloughs, bayous and flowages, South Fork Flambeau river including sloughs, bayous and flowages	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 12. NR 20.20 (61) (ag) is amended to read:

NR 20.20 (61) TAYLOR (for species or waters not listed, see sub. (73))

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(ag) Lake sturgeon	1. Jump river	a. Hook and line.	First Saturday in September to ~~October 15~~ September 30	1 per season	~~50~~ 60

SECTION 13. NR 20.20 (73) (e) 3. is amended to read:

NR 20.20 (73) SPECIES OR WATERS NOT LISTED IN SUBS. (1) to (72)

COUNTY AND SPECIES	WATERS	AUTHORIZED METHODS	OPEN SEASON (both dates inclusive)	DAILY BAG LIMIT	MINIMUM LENGTH OR OTHER SIZE RESTRICTIONS (INCHES)
(e) Lake sturgeon	3. Lower Wisconsin River downstream from Wisconsin Dells dam	a. Hook and line.	First Saturday in September ~~to October 15~~ September 30	1 per season	~~50 in odd numbered years, 70 in even-numbered years~~ 60

SECTION 14. **STATEMENT OF EMERGENCY.** The Department of Natural Resources finds that an emergency exists and the foregoing rules are necessary to prevent excessive harvest of lake sturgeon from the inland waters of Wisconsin during the 2007 hook and line season.

An increase in angling pressure directed at lake sturgeon, particularly from nonresident anglers, has led to a steady increase in the number of lake sturgeon harvested annually during the hook and line season. Exploitation in some lake sturgeon fisheries has been recently estimated to be between 20-30%. An annual exploitation rate of 5% has been a long standing management goal for lake sturgeon in Wisconsin. The over exploitation of a long-lived, slow growing species can have a severe impact on the sustainability of the population. The proposed regulation change would significantly reduce the number of lake sturgeon harvested each year (up to 80%)

SECTION 15. **EFFECTIVE DATE.** These rules shall take effect upon publication in the official state newspaper, as provided in s. 227.24 (1) (d), Stats. Notwithstanding the effective date of these rules, they shall remain in effect for 150 days from the effective date of Order No. FH-29-07(E), unless extended pursuant to s. 227.24 (2), Stats.

SECTION 16. **BOARD ADOPTION.** The foregoing emergency rule was approved and adopted by the State of Wisconsin Natural Resources Board on _____.

Dated at Madison, Wisconsin _____.

STATE OF WISCONSIN
DEPARTMENT OF NATURAL RESOURCES

By _____
Scott Hassett, Secretary

(SEAL)