

Regulation Proposal Form

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Proposal Title Modify daily spearing hours for lake sturgeon on the Winnebago Syst	
Author Ron Bruch	Date 10/27/2011
Location Information:	
Affected water(s) Lakes Winnebago, Butte des Morts, Winneconne, and Poygan	
County Winnebago/Waushara	WBIC(s) 131100, 139900, 241600, 242800
Upstream/downstream boundaries, if applicable—Law Enforcement should be consulted Downstream - Neenah and Menasha dams; Upstream - the mouths of the Wolf and upper Fox R	
Will this regulation affect Ceded Territory water and are there any anticipated impacts to tribal fisheries? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Current Regulation

NR 20.10
NR 20.10 Special sturgeon spearing restrictions. No person may do any of the following:
NR 20.10(10)
(10) Possess a sturgeon unless each person who has speared a sturgeon during the open season for spearing sturgeon exhibits the sturgeon , with the person's sturgeon carcass tag attached as required by s. 29.237, Stats., to a warden or other authorized department personnel at an official sturgeon registration station. Sturgeon shall be intact and registered at a station on Lake Winnebago if speared in Lake Winnebago. Sturgeon shall be intact and registered at a station on Lake Butte des Morts, Winneconne or Poygan if speared in Lake Butte des Morts, Winneconne or Poygan. Sturgeon shall be exhibited at a sturgeon registration station not later than 1:30 p.m. on the day speared. The registration tag shall remain attached and locked to the sturgeon until the carcass is prepared for final consumption.

NR 20.10(10m)
(10m) Fish for sturgeon during the open season by the method of spearing or possess or control a spear or similar device within a fishing shelter on Lake Winnebago system waters from 12:30 p.m. until 6:30 a.m. of the following day.

Proposed Regulation

NR 20.10
NR 20.10 Special sturgeon spearing restrictions. No person may do any of the following:
NR 20.10(10)
(10) Possess a sturgeon unless each person who has speared a sturgeon during the open season for spearing sturgeon exhibits the sturgeon , with the person's sturgeon carcass tag attached as required by s. 29.237, Stats., to a warden or other authorized department personnel at an official sturgeon registration station. Sturgeon shall be intact and registered at a station on Lake Winnebago if speared in Lake Winnebago. Sturgeon shall be intact and registered at a station on Lake Butte des Morts, Winneconne or Poygan if speared in Lake Butte des Morts, Winneconne or Poygan. Sturgeon shall be exhibited at a sturgeon registration station not later than 2:00 p.m. on the day speared. The registration tag shall remain attached and locked to the sturgeon until the carcass is prepared for final consumption.

NR 20.10(10m)
(10m) Fish for sturgeon during the open season by the method of spearing or possess or control a spear or similar device within a fishing shelter on Lake Winnebago system waters from 1:00 p.m. until 7:00 a.m. of the following day.

Management Goal

Summary statement that characterizes the desired fishery (e.g. provide a naturally reproducing harvest-oriented walleye fishery; provide a bass fishery dominated by large adults that maximizes predation on smaller fishes)

Provide an annual sturgeon spear fishery on the Winnebago Pool lakes that maximizes spearing opportunities and maintains annual harvest at or below 5% the harvestable stock of lake sturgeon in the Winnebago System

Description of the Water(s) and Fishery

Provide a brief description of the water(s), past regulations and other management actions. Summarize all applicable fisheries data, particularly from surveys meeting protocols (Table 1).

The spear fishery for lake sturgeon on the Winnebago System is managed through a harvest cap system that has been in place since 1999, along with numerous other regulations that were developed primarily since 1993 to maintain a robust, self-sustaining lake sturgeon population and a sustained harvest management system that currently produces over 1500 fish in the harvest annually. Mandatory registration has been in place since 1955 and since 1996 DNR fisheries staff has run all of the registration stations (currently 11) for the entire spearing season. This management system is viewed by other states, provinces, and countries as a world model for effective management of a sturgeon population and fishery. The lake sturgeon population in the Winnebago System is very stable and appears to be at or approaching carrying capacity. Annual exploitation averages about 4% for adult females and 2.5% for adult males. Current spawning stock is composed of approximately 30,000 males and 16,500 females. Assessments focus on spring spawning and winter harvest surveys which provide the data necessary to estimate stock size, set harvest caps, track exploitation, and engage the public. A 60 year-120 age class catch at age model is also used to track fishing and natural mortality rates, recruitment, and juvenile and adult stock size.

Management Objective(s)

a) Goals are general, objectives are specific. Objectives are used to evaluate the effectiveness of your action and determine if you have achieved your goal. Provide a management objective that is specific, measurable, able to be achieved, related to the goal, and has a temporal component (e.g. increase walleye harvest rate to 0.1 fish/hour while maintaining recruitment at or above 10 YOY/mile within 5 years; increase largemouth bass RSD14 to 35 and bluegill RSD8 to 15 within 5 years)

Limit annual exploitation of juvenile female, adult female, and male lake sturgeon in the Winnebago System to no more than 5% of the respective stock size of each group.

b) Describe how the management objective and associated target levels for metrics were developed (e.g. lake management plan, stakeholder meeting, comparison to other water(s)).

The management program was developed and is maintained jointly by DNR and the Winnebago Citizens Sturgeon Advisory Committee - a group of representatives of over 30 sturgeon, conservation, and sportsmen's organizations pulled together by Ron Bruch in 1993 to address sturgeon management issues on the system. The group continues to be active today in 2011 with membership now including the Menominee Indian Tribe of Wisconsin.

Current Problem

Use survey data or provide context for a similar water or group of waters (e.g. lake type, watershed) to demonstrate how the fishery is not meeting the desired management objective. Identify hypothesized problem(s) you hope to address.

The current spear fishing day of 6 hours from 6:30 AM to 12:30 PM was adopted in 2004 to cut down on the daily harvest and make the spearing season last longer. Following the implementation of the harvest cap system in 1999, a "race-horse" fishery developed; and, given spearkers could spear from midnight to 6 PM on any given spearing day at the time, daily harvest rates were high due to concentrated and sustained effort each day. The new hours implemented in 2004 significantly reduced daily spearing effort and subsequently harvest, thus shifting the spearing seasons lasting 2-4 days to seasons lasting an average of 10 days or more.

The current problem that has evolved is that at the current start of the spearing day it is still relatively dark at 6:30 AM during the 1st week of the spearing season, and spearkers are concerned about the safety of driving to their shanties to be set up in time to start fishing at 6:30 AM. This was especially a problem during the 2011 season when warm weather the 1st week of the season caused ice conditions to deteriorate and over 20 vehicles went through the ice on the second Saturday of the season. The Winnebago Citizens Sturgeon Advisory Committee has voted to support a rule change to move the start and finish of the spearing day back 1/2 hour to allow spearkers time to travel during lighted hours to their shanties in the morning and create a safer travel situation. The new hours being proposed would allow spearing between 7 AM and 1 PM each day the spearing season is open (instead of the current 6:30 AM to 12:30 PM), and that spearkers would be required to be at a DNR registration station with their fish by 2 PM (instead of the current 1:30 PM) the same day.

Proposed Regulation Justification

How is the regulation change expected to meet your objective(s)? Demonstrate expected results of the regulation using tools such as modeling, comparisons to other waters, peer-reviewed literature, etc...

The regulation change proposed will not at all affect or change our ability meet sturgeon management objectives on the Winnebago System.

Evaluation Plan

Provide a suggested plan and timeline for evaluating whether the objectives are met in response to the regulation change. Indicate potential courses of action if objectives are not being met. If proposed regulation is not part of the "toolbox" (Table 2) the evaluation plan needs to be additionally detailed with an explanation of how the costs of evaluation will be covered. Objectives will stay the same and are not affected by this rule proposal if it is implemented. Proposal is being forwarded at the request of sturgeon spearers concerned for public safety.

Previous Action

Include details on previous regulation proposals that were intended to address the current problem, if applicable.

NA

Public Participation in Developing Proposed Regulation

Was input solicited from stakeholders when developing the proposed regulation change? Include documented comments from affected user groups (positive and negative), contacts made with local Conservation Congress Representatives, lake associations, angler groups, etc...

The Winnebago Citizens Sturgeon Advisory Committee voted to support this proposal at their annual meeting held in Keshena, WI on Saturday October 22, 2011 (25 in favor and 2 opposed)

Small Business and Fiscal Effect

Explain who is likely to be economically impacted and in what way. If possible, provide estimates.

If the number of vehicles that drop through the ice of the Winnebago Lakes decreases as a result of this rule, the only business that could potentially be negatively affected are salvage companies that charge customers to recover their vehicles from the bottom of the lakes after they drop through the ice. Other local businesses such as restaurants, convenience stores, etc that currently are positively impacted by sturgeon spearings should see no change to their business. Sturgeon spearing has a positive economic impact of \$3.5 million dollars to the local economy annually.

Draft Question: for inclusion in Spring Hearing questionnaire

This proposal would (insert proposed regulation):Modify the hours to legally spear sturgeon on Lakes Winnebago, Butte des Morts, Winneconne, and Poygan from 6:30 AM - 12:30 PM to 7:00 AM - 1:00 PM, and modify the time deadline for sturgeon spearers to register their fish the day they spear it from 1:30 PM to 2:00PM.

The Management Goal is:Provide an annual sturgeon spear fishery on the Winnebago Pool lakes that maximizes spearing opportunities and maintains annual harvest at or below 5% the harvestable stock of lake sturgeon in the Winnebago System

This regulation proposal is one tool to help meet the management goal because: Provides

Do you favor : Yes

Fish Team Supervisor Regulation Proposal Review Checklist

Proposal Title Modify daily spearing hours for lake sturgeon on the Winnebago Syst		
Author Ron Bruch	Reviewer Ron Bruch	Date 10/27/2011
Location Information		
Affected waterbody(ies)? Lakes Winnebago, Butte des Morts, Winneconne, and Poygan		
County Winnebago/Waushara	WBIC(s) 131100, 139900, 241600, 242800	
Upstream/downstream boundaries, if applicable Downstream - Neenah and Menasha dams; Upstream - the mouths of the Wolf and upper Fox R		
Fish Team Supervisor Reviewer Notes: This proposal will not affect the annual harvest since we have the harvest cap system in place to control harvest. If more fish are speared because spearers will in effect get an extra 15 minutes of daylight to see down their holes each day, the harvest would not affect the exploitation rates, but could potentially shorten season length by a day.		

Recommended Action by Fish Team Supervisor

Approve Reject

Regional Fish Supervisor Regulation Proposal Review Checklist

Proposal Title Modify daily spearing hours for lake sturgeon on the Winnebago Syst		
Author Ron Bruch	Reviewer Randy Schumacher	Date 11/1/11
Regional Fish Supervisor Reviewer Notes: I support this proposed regulation change.		

Recommended Action by Regional Fish Supervisor

Approve Reject

Species Team Regulation Proposal Review Checklist

Proposal Title Modify daily spearing hours for lake sturgeon on the Winnebago Syst		
Author Ron Bruch	Reviewer Sturgeon Team	Date 12/14/11
Species Team Reviewer Notes: <ul style="list-style-type: none"> • I think the Draft question portion needs to be clearer about writing the background information and the proposed question "Do you favor...". Where is the draft question? • Will regulation really work to delay people from traveling on the ice before light? Is it enforceable? • The proposal seems reasonable, justifiable, and complete • Seems reasonable, no concerns or comments • The proposal may not achieve its intended effect on public safety because some spearers will continue to cross the ice in darkness. Similar to big game hunters, those spearers concerned about safety probably wait for daylight, regardless of when the season opens. • It sounds like this is a safety issue that has been properly vetted by the public/sturgeon community and there are no real economic concerns. The proposal will not affect exploitation. • No issues, recommend approval • Okay with proposal; makes sense to me 		

Recommended Action by Species Team

Approve Reject