



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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DATE: September 15, 2009

TO: Ed Harvey, Chair, Wisconsin Conservation Congress
Dale Maas, Chair, WCC Great Lakes Committee

FROM: Mike Staggs, Director, Bureau of Fisheries Management

SUBJECT: Fisheries responses to 2009 Congress Advisory Questions- Great Lakes Committee

Dear Ed and Dale:

I directed fisheries staff to draft responses to each of the Congress Advisory Questions supported by the public at the 2009 spring hearings, which were reviewed and approved by the DNR Fisheries Management Board.

Question 75- Restrict commercial fishing in select Lake Michigan grids

Response:

The Lake Michigan Fisheries Team reviewed advisory question #75 which stated "Would you support recommending that the Department of Natural Resources take action to protect yellow perch by prohibiting all commercial fishing in grids 1901, 1902 and 2002 as identified in the map?" After careful review, we have decided to not recommend it as a Department of Natural Resources rule proposal for the 2010 Spring hearings for the following reasons.

- 1) Based on commercial fishing reports, there is no reported commercial fishing in grid 1901.
- 2) The commercial fishing for bloater chubs comprises a substantial (over 95%) component of the fishing in grids 1902 and 2002.
- 3) Commercial fishing for bloater chubs has decreased substantially in grids 1902 and 2002 in the past few years. Less than 1,000 pounds of chubs have been caught in grid 1902 for 3 of the last 4 years and no chubs have been caught in grid 2002 in the last 5 years.
- 4) A huge majority of the bloater chubs have been caught in water deeper than 175 feet, well outside the depth range of yellow perch. In grid 1902, the percentages of bloater chubs harvested in water deeper than 175 were 99% in 1998, 64% in 1999, 90% in 2000, 88% in 2001, 97% in 2002, 94% in 2003, 100% in 2004, 100% in 2005, 100% in 2006, 99% in 2007 and 100% in 2008. In grid 2002 the percentages of bloater chubs harvested in water deeper than 175 were 7% in 1998, 11% in 1999, 59% in 2000, 53% in 2001 and 69% in 2003.
- 5) According to bottom trawl information from the United States Geological Service, the mean depth of capture for yellow perch in Port Washington and Waukegan (the two closest index sites) has remained less than 131 feet for all years between 1995 and 2008.
- 6) Our onboard commercial monitoring during bloater chub lifts showed that of 435 monitored lifts from 1988 to 1998 only 17 lifts contained incidentally caught yellow perch comprising of 28 individuals.
- 7) Information from LE wardens on depths of commercial nets shows that chub nets are almost exclusively in water greater than 200 feet.

The main rationale behind the prohibition of commercial fishing in grids 1901, 1902 and 2002 is to protect yellow perch from being incidentally caught. Information provided above clearly shows that fishing in these grids has dropped substantially of the last 5 years and that yellow perch are not caught in these depth ranges where bloater chub fishing occurs.

The Department of Natural Resources will continue to review new information regarding the commercial fisheries for bloater chubs in these and other areas of Lake Michigan. If the incidental catch of yellow perch or any other species becomes too high and threatens the health of that particular population, we will propose rule changes to address those issues.

Question 85- Increased size limit on muskellunge, Green Bay and related waters

Response:

The Lake Michigan Fisheries Team and the Wisconsin Muskellunge Management Team reviewed advisory question #85 which stated "Would you support increasing the size limit on muskellunge from 50 to 54 inches in the following waters: Lake Michigan north of Waldo Boulevard, Manitowoc, Sturgeon Bay, the waters of Green Bay proper, the Fox River upstream to the DePere dam, and the tributary streams considered outlying waters?"

After careful review, we are not recommending a rule change proposal for the 2010 spring hearings. However, we are willing to work with the Conservation Congress and other interested user groups to review the management objectives in our current Green Bay Great Lakes Spotted Muskellunge Management plan as a necessary first step in considering any changes in our current management strategies such as stocking and regulations. This decision is based on this information:

- 8) There is no evidence of over-harvest of muskellunge from Green Bay. Less than 2% of caught fish were harvested in 2007 and no harvest was estimated in 2008 by WDNR Lake Michigan Creel Survey.
- 9) The current 50 minimum length limit protects mature female fish for 7-8 years of spawning, preventing recruitment overfishing.
- 10) WDNR spring and fall surveys show that the population of muskellunge in Green Bay is continuing to increase in abundance and in average size.

The main rationale stated in question #85 is to prevent overharvest of muskellunge. Information provided above clearly shows that the current 50 inch minimum length limit is adequate to protect the population from over exploitation.

However the Department recognizes that this fishery because of its high profile and excellent potential to grow large muskellunge could be managed with goals other than those in the current Green Bay Great Lakes Spotted Muskellunge plan. The plan currently has no specific goal to manage the quality of the fishery, only the goal of restoring a naturally reproducing strain of Great Lakes muskellunge – a goal which has not yet been reached. The minimum length limit was increased from 40 to 50 inches in 2003 to increase protection of spawning age females. Further increases in the minimum length limit are not necessary to protect the ability of the population to reproduce but could be implemented in an attempt to improve the size structure and trophy potential of the fishery.

The Department of Natural Resources recognizes that there is a desire of anglers to manage this fishery as a truly unique opportunity to catch exceptional sized muskellunge in Wisconsin. The department also recognizes the need for greater local input from all interested stakeholders. This winter the local fisheries staff in Green Bay are planning on holding stakeholder input sessions that will lead to a re-writing of the Green Bay Great Lakes Spotted Muskellunge Management Plan to address the desires of anglers to manage this fishery for its trophy potential. If in the re-written management plan a strategy of changing the rules currently regulating the fishery are suggested

to reach an identified objective then WDNR fisheries staff will bring forward the appropriate rule change proposal at that time.

Question 86- Creating a size limit on northern pike in the waters of Green Bay

Response:

The Lake Michigan Fisheries Team and Northern Pike team reviewed advisory question #86 which stated "Would you support creating a catch and release slot size of 30 inches to 40 inches on northern pike in the waters of Green Bay. The daily bag limit would remain 5 fish with only one fish allowed over 40 inches?" After reviewing this question, we have decided to not recommend it as a Department of Natural Resources rule proposal for the 2010 Spring Hearings for the following reasons.

- 1) Creel surveys do not indicate an overharvest of fish within the 30 to 40 inch slot limit. Based on both summer and winter creel surveys, the average length of northern pike harvested in Wisconsin waters of Green Bay has been 28 inches for several years. This average is improved from the mid 20-inch range in the late 1980's and most of the 1990's.
- 2) A slot limit as proposed above would likely increase harvest on smaller fish by essentially being a 30 inch maximum regulation, which would not be beneficial in this system. Any future slot limit on pike should take into consideration length, age, and growth of the population, and would likely be a protected slot with lower minimums and maximums.
- 3) Despite approval in statewide voting, the proposal was defeated in 4 of 5 counties that surround Green Bay.

The Northern Pike team plans to re-evaluate the current regulation categories, reassess the management interest for pike, and review what other states have learned about pike regulations and consider how this knowledge could apply to Wisconsin waters.

CC: Kurt Thiede, AD/8
FM Board
Bill Horns, DNR Great lakes Committee liaison
WCC Great Lakes Committee members

