



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: October 12, 2009
REVISED: October 29, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: Special Fishing Regulations for Coolwater Species on Select Lakes
(FO-206) – FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to provide for better protection and preservation of fish, game and birds.

Discussion and Background:

On October 8, 2009 Director Humphries signed a version of FO-206 that added special fishing regulations for coolwater species on several lakes. FO-206 is being resubmitted, however, because a regulation to manage harvest of walleyes from Mullett Lake (Cheboygan County) by State-licensed recreational anglers may be necessary. This potential change is required under protocols established in the 2007 Inland Consent Decree (Decree), which is an agreement between the 1836 Tribes, the State of Michigan and the United States (parties). The Decree establishes guidelines under which the Tribes manage hunting, fishing, and gathering activities of their members in the 1836 Treaty-ceded area of Michigan, and the State does the same for State-licensed hunters and anglers.

The Decree places special emphasis on harvest of walleyes by both Tribal subsistence fishers and State-licensed recreational anglers. The Decree established that, in general, a safe harvest of walleyes by all parties combined in any given year should not exceed 35% of the estimated number of adult walleyes in a lake. To ensure this caveat is met, the parties agreed to use one of two different protocols; threshold-level procedures and allocation-based procedures.

Under threshold-level procedures, the Tribes agreed to manage the harvest of walleyes from lakes by their members such that their harvest would not exceed 5% of the estimated population

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake
STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528
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of adult walleyes on lakes less than 1,000 acres, and would not exceed 10% on lakes of 1,000 acres or larger. Under this protocol it is generally true that changes to regulations for State-licensed anglers will not be necessary, since harvest of walleyes from most lakes by State-licensed anglers rarely exceeds 25% of the estimated population of adult walleyes in those lakes. Thus, the combined harvest by the parties will, in most cases, meet the general caveat in the Decree that no more than 35% of the estimated number of adult walleyes in a lake would be harvested in a given year.

The parties also recognized that the subsistence needs of the Tribes might not be met in some instances under threshold-level procedures. The parties agreed, therefore, to include a protocol in the Decree whereby the Tribes can declare up to 17.5%, or one half, of the safe harvest of 35%. Known as allocation-based procedures, this protocol requires the State and the Tribes to take specific management and enforcement actions on each lake on which the Tribes invoke allocation-based procedures. Such actions are necessary to ensure that the combined harvest of walleyes in a given year by all parties from any lake declared under allocation-based procedures does not exceed 35% of the estimated number of adult walleyes in that lake. Since harvest of walleyes on many lakes by State-licensed anglers often exceeds 17.5% of the estimated population of adult walleyes in those lakes, it is generally true that changes to regulations for State-licensed anglers may be necessary on a given lake when allocation-based procedures are invoked by the Tribes. Such changes are to ensure harvest of walleyes by State-licensed anglers does not exceed 17.5% of the estimated population of adult walleyes in that lake.

With that background, a regulation change to manage harvest of walleyes from Mullett Lake (Cheboygan County) by State-licensed recreational anglers is, given current circumstances, necessary under the Decree. In 2009 the State conducted a survey of the population of walleyes in Mullett Lake, which resulted in an estimate of 2,648 adult walleyes in the lake. Although a low population estimate was expected, the estimate of adult walleyes in Mullett lake calculated this year is well below our worst predictions. In turn, the Tribes determined this would limit harvest by their members to 265 adult walleyes in 2010 under threshold-based procedures, far below their anticipated need for subsistence. Thus, some of the Tribes informed the State they were invoking allocation-based procedures on Mullett Lake.

As stated above, allocation-based procedures require that harvest of adult walleyes by the State and the Tribes cannot exceed 35% of the estimated population of walleyes, or 926 fish in the current case of Mullett Lake. The Decree further requires the State and Tribes to split the available harvest in a given year under allocation-based procedures. Thus harvest of adult walleyes from Mullett Lake in 2010 by State-licensed anglers cannot exceed 463 fish in 2010, which is also true for Tribal fishers.

Under allocation-based procedures, the Tribes agreed to strictly monitor the harvest of adult walleyes by their members any time fishing occurs, and to end their fishing season immediately when the harvest level is reached. The State cannot accomplish similar, real-time fishery management for State-licensed anglers via our creel survey methodology since the lag time between data collection and actual estimates being available is typically one month and sometimes more. Even if this process could be speeded up, it is nearly impossible for the State to shut down a sport fishery mid-year. Therefore, we must rely on *a priori* establishment of

fishing regulations to ensure that harvest of adult walleyes by State-licensed anglers does not exceed the State's allocation.

Given the very low harvest level of 463 adult walleyes and the problems inherent in managing such a low number in a recreational fishery, we are currently recommending that the bag limit for harvest of walleye on Mullett Lake by State-licensed anglers be set to zero (0) for the 2010 fishing season (April 1, 2010 through March 21, 2011). This recommendation may change prior to a final action being taken on this Order. We will continue to work with the Tribes to determine if there are alternatives under the Decree, other than invoking allocation-based procedures, which would resolve the issue at hand. Additionally, we are conducting a creel survey on Mullett Lake this year, the results from which we are analyzing now to determine if a shortened season or a bag limit less than the statewide limit of five (5) but greater than zero (0) will reduce harvest by State-licensed anglers to the maximum currently allowed under allocation-based procedures.

Recommendation:

The bag limit for harvest of walleye on Mullett Lake by State-licensed anglers will be zero (0) for the 2010 fishing season (April 1, 2010 through March 21, 2011) pending further review.

This order was submitted for information and consideration at the November 5, 2009 Natural Resources Commission meeting. This item appeared on the Department's October 2009 calendar and may be eligible for approval on December 3, 2009.

Kelley D. Smith, Chief
Fisheries Division

Russ Mason, Ph.D., Chief
Wildlife Division

David E. Freed, Chief
Land and Facilities

Ronald A. Olson, Chief
Parks and Recreation Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division

Gary Hagler, Chief
Law Enforcement Division

Arminda S. Koch
Resource Management Deputy

I approve the staff recommendation.

Rebecca A. Humphries
Director

Date Approved

ORDER

SPECIAL FISHING REGULATIONS FOR COOLWATER SPECIES ON SELECT LAKES

By authority conferred on the Department of Natural Resources by sections 41101 through 41105 of 1994, PA 451, as amended, being MCL 324.41101 through 324.41105, the Director of the Department of Natural Resources on December 3, 2009, ordered that for a period **NOT TO EXCEED** of five years, the following special regulations are established for the listed lakes:

ALGER COUNTY

Echo and Duck Lakes on Grand Island

1. Smallmouth bass:
 - (a) Possession Limit: zero (0).

BARRY COUNTY

Thornapple Lake

1. Muskellunge:
 - (a) Minimum size: 50 inches.

Williams Lake

1. Possession limit: zero (0).
2. Season: Last Saturday in April – December 15.

CASS COUNTY

Corey Lake (T6S, R13W, S24)

1. Largemouth bass:
 - (a) Minimum size: 10 inches.

Stone Lake (T6S, R15W, S35)

1. Largemouth bass:
 - (a) Minimum size: 10 inches.

CHEBOYGAN COUNTY:

MULLETT LAKE

1. **POSSESSION LIMIT FOR WALLEYE IS ZERO (0).**

CRAWFORD COUNTY

Wakeley Lake (T26N, R2W, S23)

1. Gear Restrictions: Artificial lures only. It shall be unlawful to use or possess live bait, dead bait, organic or processed food or scented material at any time on the shore or water.
2. Season: June 15 - August 31.
3. Possession limit: zero (0). Catch and release only.

DICKINSON COUNTY

Hamilton, Louise, and Mary Lakes (T39N, R28-29W)

1. Largemouth and smallmouth bass:
 - (a) Possession limit: zero (0) from Last Saturday in May - June 20.

GRAND TRAVERSE COUNTY

Arbutus Lake

1. Largemouth and smallmouth bass:
 - (a) Minimum size: 10 inches.

Spider Lake (T26N, R10W, S9,10)

1. Largemouth and smallmouth bass:
 - (a) Minimum size: 10 inches

IONIA COUNTY

Woodward Lake (T8N, R6W, S8)

1. Walleye:
 - (a) Possession limit: zero (0).

IRON COUNTY

Fire Lake

1. Largemouth and smallmouth bass:
 - (a) Possession limit: one (1).
 - (b) Minimum size: 18 inches

Indian Lake

1. Largemouth and smallmouth bass:
 - (a) Possession limit: one (1).
 - (b) Minimum size: 18 inches.

Ottawa Lake

1. Largemouth and smallmouth bass:
 - (a) Possession limit: zero (0).

Winslow Lake (T46N, R36W, S36)

1. Walleye:
 - (a) Possession limit: zero (0).

KALKASKA COUNTY

Cub Lake (T27N, R5W, S19)

1. Largemouth and smallmouth bass:
 - (a) Minimum size: 10 inches.

LAKE COUNTY

Big Bass Lake (T20N, R14W, S34)

1. Largemouth and smallmouth bass:
 - (A) Minimum size: 10 inches.

LEELANAU COUNTY

North Manitou Lake (T32N, R14W, S29, 32)

1. Gear Restrictions: Artificial lures only. It shall be unlawful to use or possess live bait, dead bait, organic or processed food or scented material at any time on the shore or water.
2. Largemouth and smallmouth bass:
 - (a) Possession limit: one (1).
 - (b) Minimum size: 18 inches.

Florence Lake (T31N, R15W, S9)

1. Gear Restrictions: Artificial lures only. It shall be unlawful to use or possess live bait, dead bait, organic or processed food or scented material at any time on the shore or water.

LUCE COUNTY

Twin Lakes (T45N, R10W, S10,11)

1. Largemouth and smallmouth bass:
 - (a) Possession limit: one (1).
 - (b) Minimum size: 18 inches.

MARQUETTE COUNTY

Deer Lake Basin (T48N, R27W, S27, 28, 29, 32, 33, 34), Carp River downstream from M-28 (T47N, R27W, S4) and all other tributaries to Deer Lake Basin

1. Gear Restrictions: Artificial lures only. It shall be unlawful to use or possess live bait, dead bait, organic or processed food or scented material at any time on the shore or water.
2. Possession limit: zero (0). Catch and release only.

Fish Lake (T47N, R29W, S5, 6, 8)

1. Largemouth and smallmouth bass:
 - (a) Possession limit: one (1).
 - (b) Minimum size: 18 inches.

MONTMORENCY COUNTY

North and South Blue and Robarge (Pike) Lakes

1. Gear Restrictions: Artificial lures only.
2. Season: Last Saturday in April - September 30.
3. Possession limit: zero (0). Catch and release only.

NEWAYGO COUNTY

Sand Lake (T11N, R13W, S19)

1. Channel catfish, flathead catfish, and bullhead:
 - (a) Possession limit: zero (0).

Brush Lake (T14N, R12W, S1)

1. Channel catfish, flathead catfish, and bullhead:
 - (a) Possession limit: zero (0).

Baptist Lake (T11N, R11W, S23, 24)

1. Channel catfish, flathead catfish, and bullhead:
 - (a) Possession limit: zero (0).

OGEMAW COUNTY

Jewett Lake (Rifle River Recreation Area)

1. In addition to a valid Michigan fishing license, anglers must possess a valid Jewett Lake fishing permit.
2. Gear Restrictions: Artificial lures only.
3. Season: May 15 – September 30.
4. Possession limit: zero (0).

ONTONAGON COUNTY

Lake of the Clouds (T15N, R43W, S21,22)

1. Gear Restrictions: Artificial lures only. It shall be unlawful to use or possess live bait, dead bait, organic or processed food or scented material at any time on the shore or water.
2. Smallmouth bass:
 - (a) Possession limit: zero (0).

ST. JOSEPH COUNTY

Corey Lake (T6S, R12W, S17, 18, 19, 20, 29)

1. Largemouth bass:
 - (a) Minimum size: 10 inches.

Sand Lake (T6S, R10W, S27, 34)

1. Flathead catfish:
 - (a) Possession limit: zero (0).

Big Pleasant Lake

1. Largemouth bass:
 - (a) Minimum size: 10 inches.

WASHTENAW COUNTY

Horseshoe Lake

1. Largemouth bass:
 - (a) Possession limit: one (1).
2. Northern pike:
 - (a) Possession limit: one (1).
3. Bluegill, pumpkinseed, redear, green sunfish, black and white crappies, warmouth bass, and rock bass:
 - (a) Possession limit: ten (10).

This order shall be assigned number FO-206.10A, and is entitled "Special Fishing Regulations for Coolwater Species on Select Lakes."

This order supersedes the order entitled "Special Fishing Regulations for Coolwater Species on Select Lakes," which was signed October 8, 2009, and was scheduled to be effective April 1, 2010.

~~This order shall take effect April 1, 2010, and shall remain effective through March 31, 2015.~~ **THIS ORDER SHALL TAKE EFFECT ON APRIL 1, 2010. THIS ORDER SHALL REMAIN IN EFFECT UNTIL MARCH 31, 2015 OR UNTIL THIS ORDER IS AMENDED/RESCINDED, WHICHEVER COMES FIRST. ALTHOUGH THIS ORDER MAY BE REVIEWED AND AMENDED ON AN ANNUAL BASIS, A REVIEW OF THIS ORDER SHALL OCCUR NO LATER THAN AUGUST 1, 2014.**

Issued on the _____ day of _____, 2009.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters
Chairperson

Teresa Gloden
Executive Secretary