STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: October 11, 2010

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes, and White Bass (FO-215)

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

Fisheries Order 215 governs statewide regulations for anglers who fish for coolwater species of fish, including largemouth bass, smallmouth bass, northern pike, walleye, muskellunge, channel catfish, flathead catfish, yellow perch, sunfishes, and white bass. In this Order we are recommending changes to daily possession limits for coolwater species of gamefish, as well as to the daily possession limit for walleyes on Lake Erie.

Proposed Changes to Daily Possession Limits for Coolwater Species of Gamefish

Daily possession limits for species of gamefish have been listed in statute for many years. With the passage of PA 30 of 2010, however, all references to daily possession limits were removed from statute and the Legislature delegated authority to the Department to set daily possession limits through Fisheries Orders. A thorough review of all Fisheries Orders revealed that daily possession limits for sunfish and white bass were not included in any other Order. As a result, sunfish and white bass have been added to this Order to establish a statewide, daily possession limit for each species.

Proposed Changes to the Daily Possession Limit for Walleyes on Lake Erie

Walleyes inhabiting Lake Erie are migratory. These fish travel the length of the lake, crossing State and international boundaries. As a result, management of walleyes in Lake Erie is shared between Michigan, Ohio, Pennsylvania, New York, and Ontario. The need to manage walleyes equitably between these jurisdictions led to the development of a lakewide quota system in the early 1980s. Each jurisdiction's share of the annual total allowable catch (TAC) for walleye is

reported in March of each year by the Lake Erie Committee, which is under the aegis of the Great Lakes Fishery Commission.

The current process in Michigan for adjusting regulations, such that harvest by State-licensed recreational anglers does not exceed our share of the TAC, requires us to make changes to regulations at least six months in advance of when the data have been synthesized and a final recommendation for the annual TAC has been made by the Lake Erie Committee. Thus, the risk for being too strict or too liberal in the regulation process is very high, which hurts fishing in the former case and may cause harm to the population of walleyes in the latter case. Both outcomes are unacceptable and both are preventable by using a new approach to setting regulations.

Calculating a daily possession limit in response to real-time data analyses minimizes the risk of being too strict or too liberal when setting a regulation to ensure we stay within our share of the TAC. This flexible structure allows the daily possession limit to increase or decrease in relation to Michigan's share of the actual TAC, as set by the Lake Erie Committee using the most current estimate of the population of walleyes in Lake Erie. Since this is the same regulation process used by the Ohio Department of Natural Resources, the proposed sliding scale based on the TAC will also ensure the daily possession limit in Michigan is the same as that for anglers fishing in Ohio's waters of Lake Erie. This proposed structure allows for a simple and consistent regulation that is transparent to all anglers.

The proposed regulation process and structure was brought to the members of Fisheries Division's Lake Erie/Lake St. Clair Citizens' Fishery Advisory Committee, who unanimously approved of the concept.

Recommendation

It is our recommendation that the changes to fishing regulations proposed in Fisheries Order 215 that are summarized above be approved to take effect on April 1, 2011. Some of the recommended changes will correct technical issues related to daily possession limits for some coolwater species of gamefish that resulted from the passage of PA 30 of 2010. Other recommended changes will provide regulatory flexibility when dealing with the multi-jurisdictional management of walleyes in Lake Erie. This will improve upon our ability to protect and enhance the population of walleyes in Lake Erie by providing for a complete review of assessment data before regulatory options are developed.

This Order is being submitted for information at the November 4, 2010 Natural Resources Commission meeting. This item appeared on the Department's October 2010 calendar and may be eligible for approval on December 2, 2010.

Kelley D. Smith, Chief
Fisheries Division

Russ Mason, Ph.D., Chief
Wildlife Division

Ronald A. Olson, Chief
Recreation Division

Lynne M. Boyd, Chief
Forest Management Division

Gary Hagler, Chief
Law Enforcement Division

Mindy Koch, Deputy Director
Resource Management

Frank Ruswick, Deputy Director
Stewardship

I approve the staff recommendation.

Rebecca A. Humphries
Director

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Date Approved

ORDER

STATEWIDE COOLWATER REGULATIONS FOR LARGEMOUTH BASS, SMALLMOUTH BASS, NORTHERN PIKE, WALLEYE, MUSKELLUNGE, CHANNEL CATFISH, FLATHEAD CATFISH, ~~AND~~ YELLOW PERCH, SUNFISHES, AND WHITE BASS

By authority conferred on the Department of Natural Resources and Environment by sections 41101 through 41105 **AND 48721** of 1994 PA 451, being MCL 324.41101 through 324.41105 **AND 324.48721**, the Director of the Department of Natural Resources and Environment on November 4, 2010 ordered that for a period ~~of~~ **NOT TO EXCEED** five years, the statewide seasons, size limits, and **DAILY** possession limits on all state waters shall be as listed below, except as otherwise ordered:

A. STATEWIDE SEASONS

A person shall not take, catch, or kill or attempt to take, catch or kill any of the species of fish named in this Order except during the ~~open~~ **POSSESSION** seasons that are specified below for each species of fish named in this Order.

1. Largemouth bass and smallmouth bass
   a. Lake St. Clair, St. Clair River, Detroit River
      i) The ~~open~~ possession season shall be the third Saturday in June though December 31.
      ii) Catch-and-immediate-release fishing shall be permitted from the last Saturday in April to the Friday before the third Saturday in June. All bass caught during this period shall be immediately returned to the water.
   b. Lake Michigan within one-half mile of the following islands of the Beaver Island Archipelago – Beaver, Garden, High, and Hog, all in Charlevoix County
      i) The ~~open~~ **POSSESSION** season shall be July 1 through December 31.
      ii) Catch-and-immediate-release fishing shall be prohibited on these waters prior to the ~~open~~ **POSSESSION** season.
   c. All other waters not otherwise closed to fishing
      i) The ~~open~~ possession season shall be the Saturday before Memorial Day through December 31.
      ii) Catch-and-immediate-release fishing shall be permitted from the last Saturday in April to the Friday before Memorial Day on all waters in the Lower Peninsula, including waters of the Great Lakes in the Lower Peninsula. Bass caught during this period shall be immediately returned to the water.
      iii) Catch-and-immediate-release fishing shall be permitted from May 15 to the Friday before Memorial Day on all waters in the Upper Peninsula, including waters of the Great Lakes in the Upper Peninsula. Bass caught during this period shall be immediately returned to the water.
2. Walleye, northern pike, **AND** muskellunge~~, and tiger muskellunge~~
   a. Michigan's waters of Green Bay from the mouth of the Menominee River northward to the latitudinal line (45 degrees 15 minutes) located approximately 3 miles south of Rochereau Point
      i) The ~~harvest~~ **POSSESSION** season for walleye shall be open for the entire year.

ii) The ~~harvest~~ **POSSESSION** season for northern pike~~,~~ **AND** muskellunge~~, and tiger muskellunge~~ shall be May 15 through March 15.

b. All other inland, Great Lakes, and connecting waters of the Upper Peninsula not otherwise closed to fishing

i) the ~~open~~ **POSSESSION** season shall be from May 15 through March 15.

c. Inland waters of the Lower Peninsula not otherwise closed to fishing

i) The ~~open~~ **POSSESSION** season shall be from the last Saturday in April through March 15.

d. Lake St. Clair, the St. Clair River, and Detroit River

i) The ~~open~~ **POSSESSION** season for muskellunge shall be the first Saturday in June through December 15.

ii) The ~~open~~ **POSSESSION** season for walleye and northern pike shall be open for the entire year.

e. All other Great Lakes and connecting waters of the Lower Peninsula not otherwise closed to fishing

i) The ~~open~~ **POSSESSION** season shall be open for the entire year.

3. Flathead catfish, channel catfish**, YELLOW PERCH, SUNFISHES, AND WHITE BASS**

A. ALL WATERS NOT OTHERWISE CLOSED TO FISHING

I) THE POSSESSION SEASON SHALL BE open for the entire year.

~~4. Yellow perch: Open all year.~~

B. STATEWIDE SIZE LIMITS AND DAILY POSSESSION LIMITS: ~~(except as otherwise provided)~~

SPECIES	MINIMUM SIZE LIMIT	DAILY POSSESSION LIMIT
Largemouth bass Smallmouth bass	14 inches	Five (5) in **ANY** combination, except no more than two (2) northern pike
Walleye (**See Note 1**)	15 inches, except 13 inches on Lake St. Clair and St. Clair River	
Northern pike	24 inches	
Flathead catfish	15 inches	
Muskellunge	42 inches	One (1)
Channel catfish	12 inches	Ten (10)
Yellow perch	No size limit	Fifty (50)

SPECIES	MINIMUM SIZE LIMIT	DAILY POSSESSION LIMIT
SUNFISHES: BLACK CRAPPIE BLUEGILL GREEN HYBRID LONGEAR PUMPKINSEED REDEAR ROCK BASS WARMOUTH WHITE CRAPPIE	NO SIZE LIMIT	TWENTY-FIVE (25) IN ANY COMBINATION
WHITE BASS	NO SIZE LIMIT	TWENTY-FIVE (25) ON GREAT LAKES, LAKE ST. CLAIR, ST. MARYS RIVER, ST. CLAIR RIVER, AND DETROIT RIVER; TEN (10) ON INLAND WATERS

Note 1: The following waters have daily possession limits for walleye that differ from the statewide daily possession limit:

1. St. Clair River beginning at the Ft. Gratiot Light and Lake St. Clair:
   a. the daily possession limit may include one (1) additional walleye.
2. Michigan's waters of Green Bay (from the mouth of the Menominee River northward to the latitudinal line (45 degrees 15 minutes) located approximately 3 miles south of Rochereau Point:
   a. March 2 through the Friday before the first Saturday in May the daily possession limit shall be one (1) walleye; and
   b. the first Saturday in May through March 1 the daily possession limit shall be five (5) walleyes.
3. **LAKE ERIE:**
   A. APRIL 1 THROUGH APRIL 30, 2011 THE DAILY POSSESSION LIMIT SHALL BE FIVE (5) WALLEYES.
   B. BEGINNING MAY 1, 2011, THE DAILY POSSESSION LIMIT FOR WALLEYE WILL BE BASED ON MICHIGAN'S SHARE OF THE ANNUAL TOTAL ALLOWABLE CATCH (TAC) FOR WALLEYE PURSUANT TO THE CATEGORIES IN THE TABLE BELOW. THE TAC IS REPORTED IN MARCH OF EACH YEAR BY THE LAKE ERIE COMMITTEE, WHICH IS UNDER THE AEGIS OF THE GREAT LAKES FISHERY COMMISSION.
      I) THE DAILY POSSESSION LIMIT FOR WALLEYE WILL TAKE EFFECT ON MAY 1 OF EACH YEAR AND WILL BE IN PLACE THROUGH APRIL 30 OF THE FOLLOWING YEAR.

II) PRIOR TO MAY 1 EACH YEAR, A NOTICE OF THE DAILY POSSESSION LIMIT WILL BE POSTED ON THE DNRE'S WEBSITE (WWW.MICHIGAN.GOV/DNRFISHING), NOTED IN A STATEWIDE NEWS RELEASE, AND NOTED IN PRINTED MATERIAL THAT WILL BE MADE AVAILABLE TO THE PUBLIC VIA VARIOUS OUTLETS.

IF MICHIGAN'S SHARE OF THE ANNUAL TAC IS	THEN THE DAILY POSSESSION LIMIT FOR WALLEYE SHALL BE
GREATER THAN 108,364	SIX (6)
96,958 TO 108,364	FIVE (5)
85,551 TO 96,957	FOUR (4)
74,144 TO 85,550	THREE (3)
62,737 TO– 74,143	TWO (2)
LESS THAN 62,737	ONE (1)

This Order shall be assigned number FO-215.11, and is entitled "Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, ~~and~~ Yellow Perch, **SUNFISHES, AND WHITE BASS**."

This Order supersedes the Order entitled "Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, and Yellow Perch", which became effective April 1, 2010 and is assigned number FO-215.10.

THIS ORDER SHALL TAKE EFFECT ON APRIL 1, 2011. THIS ORDER SHALL REMAIN IN EFFECT UNTIL MARCH 31, 2016 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, 2015.

Issued on the _____ day of _____, 2010.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this Order.

Timothy L. Nichols
Chairperson

Deb Whipple
Executive Secretary