STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

LATE MEMO

SUBMITTED: October 18, 2010

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Sturgeon Regulations – Statewide (FO-240)

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

Based on guidelines established in the Department's Lake Sturgeon Rehabilitation Strategy, harvest by State-licensed recreational anglers of lake sturgeon on Black Lake (Cheboygan County) has been strictly regulated under an annual harvest quota of 5 fish since 1999. The quota is established by FO-240, and is communicated to anglers through the annual fishing guide.

Because of ongoing rehabilitation efforts in cooperation with Sturgeon for Tomorrow and Michigan State University, the population of lake sturgeon in Black Lake has increased since 1999 and there is a need to be more flexible in setting harvest regulations. The current process for adjusting regulations related to harvest of lake sturgeon on Black Lake does not allow us to respond quickly to analyses of data related to the population abundance of lake sturgeon.

Calculating a harvest quota in response to real-time analyses of data minimizes the risk of being too strict or too liberal when setting a regulation. This flexible structure also allows the harvest quota to be increased or decreased in relation to population data analyzed by biologists each fall. This proposed structure is similar to what is being proposed for managing the daily possession limit for walleyes in Lake Erie, and it allows for a simple and consistent regulation that is transparent to all anglers.

The proposed regulation process and structure was discussed with the members of Sturgeon for Tomorrow, and they approve of the concept.

Recommendation

It is our recommendation that the changes to fishing regulations proposed in Fisheries Order 240 be approved, and that these changes take immediate effect. The recommended changes will provide regulatory flexibility when dealing with the recreational fishery for lake sturgeon on Black Lake. This will improve upon our ability to protect and enhance the population of lake sturgeon in Black Lake by providing for a complete review of assessment data before regulatory options are proposed.

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

Kelley D. Smith, Ph.D., Chief
Fisheries Division

Lynne M. Boyd, Chief
Forest Management Division

Russ Mason, Ph.D., Chief
Wildlife Division

Ronald A. Olson, Chief
Recreation 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

_____
Date Approved

ORDER

STURGEON REGULATIONS - STATEWIDE

By authority conferred on the Department of Natural Resources and Environment by sections 41101 through 41105 of 1994 PA 451, as amended, being MCL 324.41101 through 41105, the Director of the Department of Natural Resources and Environment on December 2, 2010 ordered that for a period not to exceed five years the following regulations shall apply to fishing for lake sturgeon and to the take of lake sturgeon.

1) Fishing for Lake Sturgeon

   A) Except on waters where harvest of lake sturgeon is allowed as specifically identified in paragraph 5) Special Provisions, fishing for lake sturgeon on all waters of the State shall be catch-and-immediate-release using hook-and-line gear.

2) Lake Sturgeon Tag

   A) An angler shall obtain a non-transferable lake sturgeon tag prior to fishing for lake sturgeon.

3) Registration of Harvested Lake Sturgeon

   A) On waters where harvest of lake sturgeon is allowed as specifically identified in paragraph 5) Special Provisions:

      i) An angler shall immediately tag a lake sturgeon that is harvested with a validated lake sturgeon tag described in paragraph 2) Lake Sturgeon Tag.

      ii) Except as otherwise specifically provided in paragraph 5) Special Provisions, an angler shall register a lake sturgeon that is harvested within 24 hours at a designated registration site. Designated registration sites may be found online at www.michigan.gov/dnrfishing.

4) Harvest Limit

   A) On waters where harvest of lake sturgeon is allowed as specifically identified in paragraph 5) Special Provisions, an angler shall not harvest more than one (1) lake sturgeon per year.

5) Special Provisions

   A) Lake St. Clair and the St. Clair River (St. Clair, Macomb, and Wayne Counties)

      i) Fishing seasons

         a) The hook-and-line harvest season for lake sturgeon shall be July 16 through September 30, inclusive.

         b) The hook-and-line, catch-and-immediate-release season for lake sturgeon shall be October 1 through November 30, inclusive.

         c) Fishing for lake sturgeon shall be prohibited from December 1 through July 15, inclusive.

      ii) Size Limit

         a) Between 42 and 50 inches, inclusive.

B) Otsego Lake (Otsego County)

i) Fishing seasons

a) The hook-and-line harvest season for lake sturgeon shall be July 16 through March 15, inclusive.

b) Fishing for lake sturgeon shall be prohibited from March 16 through July 15, inclusive.

ii) Size Limit

a) 50 inches minimum.

C) Black Lake (Cheboygan County)

i) Fishing seasons

a) The spearing and hook-and-line harvest season for lake sturgeon shall be the first Saturday in February through the following Wednesday, inclusive, or until the harvest quota has been reached, whichever comes first.

b) Fishing for lake sturgeon shall be prohibited from the end of the harvest season through the first Friday in February, inclusive.

ii) Size Limit

a) No minimum size limit.

iii) Harvest Quota

~~a) The total harvest by all anglers combined shall not exceed five (5) lake sturgeon per year.~~

A) THE DIRECTOR OF THE DEPARTMENT WILL SET A HARVEST QUOTA FOR THE FISHING SEASON AS ESTABLISHED IN PARAGRAPH 5) C) I) NO LATER THAN JANUARY 15 EACH YEAR.

B) ON OR BEFORE JANUARY 15 EACH YEAR, A NOTICE OF THE HARVEST QUOTA WILL BE POSTED ON THE DEPARTMENT'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.

C) THE TOTAL HARVEST BY ALL ANGLERS COMBINED FOR THE FISHING SEASON AS ESTABLISHED IN PARAGRAPH 5) C) I) SHALL NOT EXCEED THE LIMIT SET BY THE DIRECTOR EACH YEAR AS ESTABLISHED IN PARAGRAPH 5) C) III).

iv) Spearing and Hook-and-Line Daily Fishing Time

a) Spearing and hook-and-line fishing for lake sturgeon shall be allowed between 8:00 AM and 2:00 PM on each day that the fishing season as established in paragraph 5) C) i) remains open.

v) Anglers Registering to Fish

a) Prior to fishing, an angler shall register on-site each day and obtain a flag each day.

b) An angler shall prominently display the flag obtained at registration each day. The flag shall be displayed outside the entryway to the shanty being used, and shall be displayed for the entire time of fishing for lake sturgeon each day.

vi) Registration of Harvested Lake Sturgeon

a) A lake sturgeon that is harvested shall be immediately registered with Dpertment personnel, and that lake sturgeon shall be subject to internal examination of reproductive organs by the Department personnel.

D) Menominee River

i) All regulations governing fishing for lake sturgeon and the take of lake sturgeon in the Menominee River system are established in Fisheries Order 205: Michigan-Wisconsin Boundary Water Regulations.

E) All Other Waters of the State not specifically Identified in this Paragraph 5) Special Provisions
   i) Fishing seasons
      a) The hook-and-line, catch-and-immediate-release fishing season shall be July 16 through November 30, inclusive.
      b) Fishing for lake sturgeon shall be prohibited from December 1 through July 15, inclusive.

This Order is assigned number FO-240.11, and is entitled "Sturgeon Regulations – Statewide".

This Order supersedes the Order entitled "Sturgeon Regulations – Statewide", which became effective January 7, 2010 and is assigned number FO-240.10.

This Order shall take immediate effect. 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