JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: August 17, 2009
RESUBMITTED: September 14, 2009
RESUBMITTED: October 12, 2009

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:

Fisheries Division has been working with Sturgeon for Tomorrow (SFT) to improve the process for the Black Lake special lake sturgeon spearing/angling season that takes place in February each year. Currently, the fishery is managed through a special drawing where anglers call the local fisheries unit and apply. With this system, however, there is the possibility of long seasons which may be attributed to factors such as water clarity and lack of fish movement. These long seasons often take a significant toll on Department of Natural Resources (DNR) Fisheries and Law Enforcement budgets. For this reason, and because we are confident the fishery can be efficiently managed under a different scenario that protects the Black Lake sturgeon population from over-harvest, we propose establishing a shorter season where anglers are allowed to participate at will with certain daily constraints, eliminating the special drawing-based system. While we are not recommending a specific quota at this time, we support developing a new allowable harvest quota based on the sturgeon population dynamics in Black Lake and sound biological principles for sustainability (e.g., incorporating gender of a harvested fish as a strong consideration). Whatever the outcome, development of a new quota must be consistent with the Division's rehabilitation strategy for lake sturgeon.

Historically, details of the Black Lake sturgeon fishery/lottery drawing were contained in this Fisheries Order. The timing of our current regulation cycle and subsequent fishing guide production is not favorable to this type of process. We are proposing, instead, to move these details (fishing times, registration details, reporting, etc.) into another document. The quota,

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season, and minimum size limits will be kept as part of the order. This will allow greater flexibility for DNR staff, constituent groups, and the general public to modify conditions or guidelines of this unique fishery on an annual basis.

A meeting between DNR Fisheries Division, Law Enforcement Division, and SFT was held on March 12, 2009. Basic principles related to the sturgeon fishery on Black Lake derived from our own experience and study, along with a review of Wisconsin's Lake Winnebago sturgeon management, were agreed upon at that meeting, and they support this idea.

Recommendation:

This order was submitted for information and consideration at the September, October, and November 2009 Natural Resources Commission meetings. This item appeared on the Department's August 2009 calendar and is 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

STURGEON REGULATIONS - STATEWIDE

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 41105, the Director of the Department of Natural Resources on December 3, 2009, ordered that for a period of five years the following regulations shall apply to the take of lake sturgeon:

1. Lake Sturgeon Fishing Tag:
   AN ANGLER SHALL OBTAIN A TAG TO FISH FOR LAKE STURGEON PRIOR TO FISHING FOR LAKE STURGEON. AN ANGLER SHALL IMMEDIATELY TAG A LAKE STURGEON THAT IS HARVESTED WITH A VALIDATED LAKE STURGEON HARVEST TAG AND THE ANGLER SHALL REGISTER THE LAKE STURGEON HARVESTED AND TAGGED WITHIN 24 HOURS AT A DESIGNATED REGISTRATION SITE (AVAILABLE ONLINE AT WWW.MICHIGAN.GOV/DNRFISHING).

   BLACK LAKE:
   ANGLERS PARTICIPATING IN THE WINTER FISHING SEASON FOR LAKE STURGEON ON BLACK LAKE SHALL REGISTER ON-SITE EACH DAY PRIOR TO FISHING. A LAKE STURGEON THAT IS HARVESTED SHALL BE IMMEDIATELY REGISTERED (INCLUDING INTERNAL EXAMINATION OF REPRODUCTIVE ORGANS) WITH DNR PERSONNEL.

2. Waters Open to Lake Sturgeon Harvest:
   Black Lake (Cheboygan County)
   Lake St. Clair/St. Clair River (St. Clair, Macomb, and Wayne Counties)
   Otsego Lake (Otsego County)
   Menominee River (See FO-205 Michigan-Wisconsin Boundary Water Regulations)

3. Harvest Limit: for Anglers:
   An angler may harvest no more than one (1) lake sturgeon per year.

4. **HARVEST QUOTAS FOR LAKES:**
   BLACK LAKE:
   THE TOTAL HARVEST OF LAKE STURGEON BY ALL ANGLERS SHALL NOT EXCEED FIVE (5) LAKE STURGEON PER YEAR.

5. Size Limit:
   Otsego Lake:
   50 inches minimum.
   Lake St. Clair and St. Clair River:
   Between 42 and 50 inches, inclusive.
   Black Lake:
   No minimum size limit.

6. Seasons:

Great Lakes and Connecting waters (except Lake St. Clair and St. Clair River) and all inland waters (except Otsego Lake):
Hook and line catch and release season: July 16 through November 30, inclusive.

Lake St. Clair and the St. Clair River:
Hook and line possession season: July 16 through September 30, inclusive.
Hook and line catch and release season: October 1 through November 30, inclusive.

Otsego Lake:
Hook and line possession season: July 16 through March 15, inclusive.

Black Lake:
SPEARING/HOOK AND LINE POSSESSION SEASON: THE FIRST SATURDAY IN FEBRUARY THROUGH THE FOLLOWING WEDNESDAY, INCLUSIVE, OR UNTIL THE HARVEST QUOTA HAS BEEN REACHED, WHICHEVER COMES FIRST.

This order shall be assigned number FO-240.10, and is entitled "Sturgeon Regulations – Statewide."

This order supersedes the order entitled "Sturgeon Regulations – Statewide," effective April 1, 2008, and assigned number FO-240.08.

This order shall take immediate effect, and shall remain effective through March 31, 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