



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
RESUBMITTED: November 9, 2009
RESUBMITTED: December 7, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: Sturgeon Regulations – Statewide (FO-240)

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

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production is not favorable to this type of process. We are proposing, instead, to move these details (registration details, reporting, etc.) into another document. The quota, season, fishing times, 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, November, and December 2009 Natural Resources Commission meetings. This item appeared on the Department's August, September, October, November, and December 2009 calendars and is eligible for approval on January 7, 2010.

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 January 7, 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.
 - 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 harvest season remains open as established in paragraph 5) C) i) Fishing Seasons.
 - 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 DNR personnel, and that lake sturgeon shall be subject to internal examination of reproductive organs by the DNR 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 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. 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 _____, 2010.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters
Chairperson

Teresa Gloden
Executive Secretary