STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: May 14, 2010

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: State-Licensed Commercial Fishing (FO-243)
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:

The attached amendment to Fisheries Order 243 addresses an important issue affecting the use of deep-water large-mesh trap nets by the state-licensed commercial fishery. It is an issue of longstanding concern to the Michigan Fish Producers Association (MFPA) and has been presented several times over the years to the Department of Natural Resources and Environment (Department) for resolution. Recent developments including the collection of biological data and implementation of a maximum 150-foot depth restriction for trap nets by the State of Wisconsin have provided the Department with adequate information to address this issue.

On Great Lakes waters, large-mesh trap nets target whitefish and are set soon after ice-out in the spring. With the exception of a spawning closure in November, they are fished each month that open water is accessible. State-licensed commercial fishermen using these trap nets were restricted by statute to fishing a maximum depth of 90 feet until 2005 when an analysis of Department studies conducted in Michigan waters indicated that increasing trap-net depth to 130 feet would not have detrimental effects on the resource. At that time Fisheries Order 243.05 was signed allowing trap net fishing to 130 feet.

In the years that have followed, the MFPA has requested the Department consider increasing the maximum allowable fishing depth even further. Data analysis performed by the State of Wisconsin on its commercial trap net fishery as well as implementation of a 150-foot depth restriction in Wisconsin waters have shown no adverse affects on the resource. Based on the information from Wisconsin, we believe that increasing the maximum allowable trap net depth in Michigan's waters another 20 feet, from 130 to 150 feet, will not significantly alter the make up of the commercial harvest nor will it negatively affect sublegal whitefish or non-target species such as lake trout and walleye. A deeper net set also further decreases conflicts with sport

anglers by dispersing the limited number of commercial nets over a wider area of the lake. Finally, this amendment is supported by the MFPA as well as the Lake Huron, Lake Michigan, and Lake Superior Citizen's Fishery Advisory Committees. We have discussed this order with the Law Enforcement Division and they are in concurrence with our recommendation.

Recommendation:

This order is being submitted for information and consideration at the June 3, 2010 Natural Resources Commission meeting. This item appeared on the Department's May 2010 calendar and may be eligible for approval on July 8, 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
Recreation Division

Lynne M. Boyd, Chief
Forest Management Division

Gary Hagler, Chief
Law Enforcement Division

Mindy Koch, Deputy Director
Resource Management

I approve the staff recommendation.

Rebecca A. Humphries
Director

Date Approved

FO-243.10A

ORDER

STATE-LICENSED COMMERCIAL FISHING

By authority conferred on the Department of Natural Resources and Environment by section 46701 of 1994 PA 451, being MCL 324.46701, the Director of the Department of Natural Resources and Environment on July 8, 2010 ordered that for a period not to exceed five years, the following regulations are established for state-licensed commercial fishing:

1. State-licensed commercial trap net fishing in water depths of up to ~~130~~ **150** feet in Lakes Huron, Michigan, and Superior under licenses issued by the Director.

2. The commercial harvest of chubs (Coregonus hoyi) in Lake Michigan north of Grand Haven under licenses issued by the Director.

This order modifies conditions as set forth in MCL 324.47309 (h and i) of 1994, PA 451, Administrative Rule 299.1074(b, c, and e) and Administrative Rule 299.1075(3).

This order shall be assigned number FO-243.10A, and is entitled "State-Licensed Commercial Fishing."

This order supersedes the order entitled "State-Licensed Commercial Fishing," effective April 1, 2010, and assigned number FO-243.10.

Per MCL 324.46702, this order shall take effect 30 days after being issued. This order shall remain in effect through 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