



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED: August 18, 2014
RESUBMITTED: September 15, 2014

MEMORANDUM TO THE DIRECTOR

Subject: Fisheries Order 240.14
Sturgeon Regulations - Statewide (FO-240)

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes Director and/or the Commission to provide for better protection and preservation of fish, game and birds.

Discussion and Background:

Fisheries Order 240 governs lake sturgeon fishing opportunities including the special winter harvest season for Black Lake. Lake sturgeon populations are annually assessed in Black Lake and harvest is shared with the tribal governments within the 1836 Treaty Area. Harvest allocations are stipulated by the 2007 Consent Decree and may vary annually depending on population abundances and other fishery components. The Department proposes to remove the specific conditions currently listed in the Order including: season length, size limit, harvest quota, fishing hours, angler registration, and fish registration listed under Black Lake because some of these conditions are administrative while others are subject to change annually. The Department proposes to replace the provisions with the following information – Black Lake (Cheboygan/Presque Isle County) – the Director and the Commission will set conditions for the fishing season no later than January 15 each year and posted to the Department website. Conditions including season length, size limit, harvest quota, fishing hours, angler registration, and fish registration will all be included in a Natural Resources Commission memo presented for approval during the January 2015 meeting. The Department recommends this proposed regulation take immediate effect upon signature for implementation for the February 2015 season.

Issue Pros and Cons

The removal of several conditions from the Order will allow for greater flexibility when recommending regulations for future Black Lake sturgeon fishing seasons. Variation in the annual harvest allocation will be easier to accommodate since the timeframe for change would be shortened. Additionally, weather conditions can vary from year to year and a more flexible process will allow the Department to adjust and provide the best opportunities for our anglers.

However, some anglers may prefer having the specific regulatory conditions listed in the Order.

Neighboring States

Minnesota and Wisconsin both regulate the limited lake sturgeon seasons that are very similar to Michigan's that include harvest tags and specific harvest seasons.

Biological

There are no biological issues regarding the proposed. Lake sturgeon populations are closely monitored and population metrics are well understood.

Social

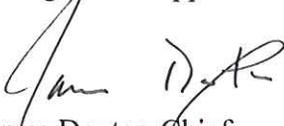
The Department does not anticipate social concern given that the proposed changes are largely administrative. However sturgeon anglers may wonder why the language was removed and contact the Department for clarification. The proposed changes will allow for greater flexibility which can also lead to improved customer service when opportunities arise.

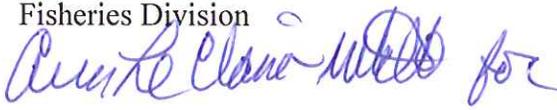
Economic

The Department does not expect the proposed change to have any significant budgetary or personnel implications.

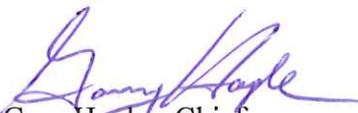
Recommendation:

This order was submitted for information on September 11, 2014, at the Natural Resources Commission Meeting. This item appears on the Department's September 2014 calendar and may be eligible for approval on October 9, 2014.


James Dexter, Chief
Fisheries Division


Russ Mason, Ph.D., Chief
Wildlife Division


Ronald A. Olson, Chief
Parks and Recreation Division


Gary Hagler, Chief
Law Enforcement Division


Bill O'Neill, Chief
Forest Resources Division


William E. Moritz, Ph.D.
Natural Resources Deputy

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

Keith Creagh, Director

Date

FISHERIES ORDER

STURGEON REGULATIONS - STATEWIDE

Order 240.14

By authority conferred on the Director and/or the Natural Resources Commission by Part 411 of 1994 PA 451, MCL 324.41101 to 324.41105, it is ordered that effective October 9, 2014, the following section(s) of the Fisheries Order shall read as follows:

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/Presque Isle County) – the Director and the Commission will set conditions for the fishing season no later than January 15 each year and will be posted on the DNR website.
- 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-240.14, and is entitled "Sturgeon Regulations – Statewide."

This Order supersedes the Order entitled "Sturgeon Regulations – Statewide," effective January 12, 2012, and assigned number FO-240.12.

This Order shall take immediate effect. This Order shall remain in effect until this Order is amended/rescinded.

Issued on this 9th day of October, 2014.

Approved as to matters over which the Director has authority.

Keith Creagh
Director