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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: August 18, 2014

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Michigan-Wisconsin Boundary Waters (Formerly FO-205)  
Fisheries Conservation Order Amendment No. 3 of 2014  
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and/or the Commission to issue orders to regulate the taking of fish in the waters of this state.

Discussion and Background:

The Department proposes to reduce the walleye daily possession limit from five to three fish in Lac Vieux Desert Flowage in Gogebic County. The 4,300 acre Lac Vieux Desert Flowage is an impounded reservoir and is one of several boundary waters shared with Wisconsin. The flowage forms the headwaters of the Wisconsin River system and is regarded as the home for the Lac Vieux Desert (LVD) Band of Lake Superior Chippewa Indians. The flowage has had a historically important walleye fishery which has been in a significant decline over the past 10 years. The walleye fishery has declined to the point whereby the LVD Band has forgone their spring spear fishing rights to protect the remaining stocks of walleye in the flowage. A large-lake fisheries survey was conducted on the flowage in 2012, coupled with a sport angler creel census. The analysis of the survey data concluded that the walleye population is significantly reduced from historic levels and anglers are catching walleye very infrequently (estimated harvest rate of 23 hours per walleye). Several meetings have occurred with the State of Wisconsin, the LVD Band and the State of Michigan over the past three years to discuss the walleye population and associated regulations for the Lac Vieux Desert Flowage. Wisconsin and the LVD Band requested that Michigan reduce the walleye daily possession limit.

Wisconsin reduced the daily possession limit to two walleye on Lake Vieux Desert several years ago in response to LVD's decision to cancel their spring walleye spear fishing harvest. Wisconsin is undertaking a large effort to adjust the walleye daily possession limit from two to three to match Michigan's proposed change. This is a good example of all parties working collectively to improve angling opportunities and simplify regulations.

*Issue Pros and Cons*

The proposed change will align Michigan with Wisconsin's proposed possession limit. The proposed change also demonstrates a collaborative regulatory approach from Michigan, the LVD Band and Wisconsin.

*Neighboring States*

Wisconsin's daily possession limit is currently set at two walleye per day and they are proposing to increase their walleye possession limit to three which will result in a uniform regulation for all sport anglers. Management actions for this water involve an aggressive walleye stocking program conducted by Wisconsin and LVD Band to enhance the walleye population in the flowage.

*Biological*

A large-lake fisheries survey and creel census was conducted in 2012 and the data indicates that the walleye population has significantly declined in the Lac Vieux Desert Flowage. As a result, Michigan is proposing to modify the daily possession limit to protect walleye from harvest while instituting a uniform walleye daily possession limit with Wisconsin. Angler catch data indicated that anglers are catching walleye infrequently. Last, an aggressive walleye stocking program has been initiated by Wisconsin to enhance the walleye population in the flowage.

*Social*

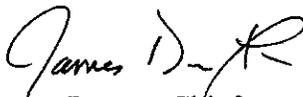
Local resorts have an interest in a viable walleye fishery and they have indicated their support for a reduced walleye possession limit to try and recover this population. Anglers currently do not target walleye to any extent. Management actions are intended to improve the walleye fishery which will benefit all anglers.

*Economic*

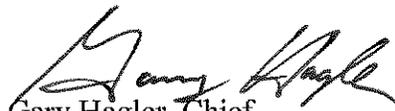
The Department does not expect the proposed change to have any significant budgetary or personnel implications. Local resorts could see some level of economic gain from a recovered walleye fishery.

Recommendation:

This order is being submitted for information and consideration. This item appears on the Department's August 28 calendar and may be eligible for approval on October 9, 2014.



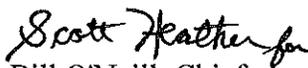
James Dexter, Chief  
Fisheries Division



Gary Hagler, Chief  
Law Enforcement Division



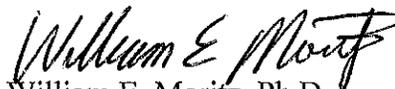
Russ Mason, Ph.D., Chief  
Wildlife Division



Bill O'Neill, Chief  
Forest Resources Division



Ronald A. Olson, Chief  
Parks and Recreation Division



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

# **FISHERIES CONSERVATION ORDER**

## **Amendment No. 3 of 2014**

By authority conferred on the Director and/or the Natural Resources Commission by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered that effective April 1, 2015, the following section(s) of the Fisheries Order shall read as follows:

### **4.2 Michigan-Wisconsin boundary waters. (Formerly FO-205)**

- 1) Sec. 4.2 The following rules and regulations govern fishing in the waters which form a common boundary between the States of Michigan and Wisconsin. These rules and regulations supersede all others governing fishing on Michigan-Wisconsin boundary waters that in any way conflict. Where regulations of Michigan and Wisconsin differ, persons shall comply with the regulations of the state in whose territorial waters they are fishing. The interstate boundary waters include the following:
  - a) The Lake Michigan waters between the breakwalls at the mouth of the Menominee River beginning at an imaginary line drawn between the most lakeward point of each breakwall: Menominee County, Michigan; Marinette County, Wisconsin.
  - b) Menominee River, its Sloughs and Impoundments: Menominee, Dickinson, Iron Counties, Michigan; Florence, Marinette Counties, Wisconsin; Brule River, Iron County, Michigan; Florence and Forest Counties, Wisconsin; Brule Island Impoundment, upstream to a line running east-west through the first island upstream from the junction of the Brule and Paint Rivers, Iron County, Michigan; Florence County, Wisconsin; Smoky Lake, Iron County, Michigan; Vilas County, Wisconsin; Norwood Lake, Lac Vieux Desert, Crystal Lake, Mill Lake, Big Bateau Lake, Mamie Lake, West Bay Lake, Big Lake, Crampton Lake, Plum Lake, Tenderfoot Lake, Roach Lake, Little Presque Isle Lake, Cyrus Lake, Basin Lake, Stateline Lake, Gogebic County, Michigan; Vilas County, Wisconsin; East Fork Montreal River up to the mouth of Layman Creek, Gogebic County, Michigan; Iron County, Wisconsin; Montreal River, Gogebic County, Michigan; Iron County, Wisconsin. Note: underlined portions are Michigan waters.
- 2) Fishing methods on Michigan-Wisconsin boundary waters.
  - a) Except as otherwise provided, no person shall take fish by any means other than with hook-and-line.
  - b) Up to three lines with a total of three (3) hooks or baits may be used.
  - c) Lines must be attended at all times.
  - d) A person may not fish for any fish by any means during the closed season on trout in the Brule River upstream from US-2 bridge (T41N, R32W, S9) Iron County, Michigan, and the Montreal River above the Superior Falls Flowage.
  - e) Dip nets not exceeding nine (9) feet square or in diameter without walls may be used in the Menominee River (except from Hattie Street Bridge in Marinette-Menominee to the first dam upstream and within 200 feet of all other dams) from April 1 - May 14, inclusive for taking of suckers, redhorse, carp, smelt, and burbot.
  - f) Fish shanties used in ice fishing must be legibly marked with the name and address of owner. Persons placing a shanty on these waters shall remove the shanty by midnight of March 15.
  - g) A person may fish from a motorboat with the motor running or a sailboat under sail except in Wisconsin boundary waters of Vilas County.
  - h) All residents of Michigan and Wisconsin holding a resident sport fishing license from their respective state, or residents of states other than Michigan and Wisconsin holding a sport fishing license issued by either Michigan or Wisconsin, may fish in the boundary waters.
  - i) Crayfish may not be possessed or used for bait on Michigan-Wisconsin boundary waters.
  - j) The following table provides the open season, possession limit, minimum size limit, and species on specific waters:

Species	Waters	Fishing and Possession Seasons	Daily Possession Limit	Minimum Size Limit
Trout and Salmon	Montreal & Menominee Rivers from their mouths to first dam upstream and Smoky Lake	Open all year	5	10 inches
	Menominee & Montreal Rivers above the first dam and Brule River from its mouth to the US Highway 2 Bridge	Last Saturday in April through September 30	5	7 inches
	Brule River upstream from US Highway 2	Last Saturday in April through September 30	5	Brook Trout - 8 inches; Brown Trout - 12 inches
Smallmouth and Largemouth Bass	All boundary waters	First Saturday in May through the Friday before the third Saturday in June	0	Catch-and-Immediate-Release
		The third Saturday in June through November 30	5 in combination	14 inches
Walleye and Sauger	All boundary waters except as otherwise provided in this paragraph  Rivers and Impoundments  Rivers and Impoundments (see subsection 3)	1 <sup>st</sup> Saturday in May through March 1	5 in combination	15 inches
		March 2 through the Friday before 1 <sup>st</sup> Saturday in May	1	15 inches
		1 <sup>st</sup> Saturday in May through March 1	5 in combination	15 inches
Northern Pike	All boundary Waters	1 <sup>st</sup> Saturday in May through March 1	5	None
Bluegills, Sunfish, Crappies, and Yellow Perch	All boundary waters	Open all year	25 in combination	None
Muskellunge (including Tiger Muskellunge) (see subsection 11)	All boundary waters	May 15 through November 30	1 fish per angling season	40 inches (see subsection 11)
Lake Sturgeon (see subsection 12)	All boundary waters	1 <sup>st</sup> Saturday in September through September 30	1 fish per angling season	60 inches
Channel Catfish	All boundary waters	Open all year	10	None
Lake Whitefish and Cisco	All boundary waters	Open all year	10	None
All others	All boundary waters	Open all year	None	None

**3) On Lac Vieux Desert Flowage, the daily possession limit for walleye shall be three (3) in combination from 1<sup>st</sup> Saturday in May through March 1.**

~~3)4~~ A non-transferable Muskellunge Harvest Tag must be obtained prior to harvesting any muskellunge (including tiger muskellunge) in Michigan waters. A muskellunge shall be immediately released or tagged with a validated Muskellunge Harvest Tag. Muskellunge harvest is limited to one (1) muskellunge per angler per year (April 1 – March 31, inclusive). For the Menominee River, from Hattie Street Dam downstream to the end of the breakwalls in Green Bay, the minimum size limit for muskellunge is 50 inches.

4)5) A non-transferable Lake Sturgeon Fishing Permit and Harvest Tag prior to fishing for lake sturgeon. A lake sturgeon shall be immediately released or immediately tagged with a validated Lake Sturgeon Harvest Tag and be registered within 24 hours at a designated registration site (site information is available online at [www.michigan.gov/fishing](http://www.michigan.gov/fishing)). Lake sturgeon harvest is limited to one (1) lake sturgeon per angler per year (April 1 – March 31, inclusive). For the Menominee River, from Hattie Street Dam downstream to the end of the breakwalls in Green Bay, the possession limit for lake sturgeon is zero (0), catch-and-immediate-release only.

Issued on this 11th day of September, 2014.

Approved as to matters over which the Natural Resources Commission has authority.

J.R. Richardson, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director