



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: August 17, 2015  
RESUBMITTED: September 14, 2015

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 205.16  
Michigan-Wisconsin Boundary Waters

Authority:

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

Discussion and Background:

The Department proposes to extend harvest protection on Lake Sturgeon upstream from the Hattie Street Dam in the Menominee River. The Hattie Street Dam is the lowermost dam on the Menominee River, and is approximately 2.5 miles upstream from Green Bay. Prior to 2006, Lake Sturgeon fishing regulations allowed recreational harvest with an alternating minimum size limit of 50 inches and 70 inches annually. In 2005, a large number of Lake Sturgeon were recreationally harvested in the Menominee River below the Hattie Street Dam. As a result, managers in both states recommended a catch-and-immediate-release (CIR) regulation be placed on the Menominee River from the Hattie Street Dam downstream to the end of the breakwalls on Lake Michigan to protect this important population from overharvest.

Additionally, there is a known river resident populations of Lake Sturgeon upstream of the Hattie Street Dam on the Menominee River. The first population is found between the Hattie Street Dam and the Grand Rapids Dam and another population exists upstream from the Grand Rapids Dam. Both Michigan and Wisconsin allow a hook-and-line fishery each year in September that allows for the recreational angler harvest of one (1) Lake Sturgeon per year with a minimum size limit of 60 inches. Since the adoption of the 60-inch minimum size limit in 2006, 10 Lake Sturgeon have been reported as harvested above the Hattie Street Dam.

Beginning in the spring of 2015, adult Lake Sturgeon exceeding 60 inches were transported (April, May, and October) upstream past the Park Mill Dam via a fish elevator at the Hattie Street Dam. The transplanted fish will have access to an additional 20 miles of stream up to the Grand Rapids Dam. The intent of transplanting fish is to allow access to additional spawning grounds and to improve natural recruitment of lake sturgeon. It's highly probable that Lake Sturgeon caught by anglers in this between Hattie Street Dam and Grand Rapids Dam would most likely be fish that were transported. Movement of these fish upstream from the current CIR zone into the harvest zone is problematic for Lake Sturgeon rehabilitation efforts. Therefore, the Department recommends matching Wisconsin's current regulatory efforts to expand the CIR zone upstream to the Grand Rapids Dam. This will allow for better protection of Menominee River Lake Sturgeon transported above the Hattie Street Dam.

*Issue Pros and Cons*

Expanding the CIR zone will allow for greater protection of Lake Sturgeon, a state-listed Threatened species. Transporting fish above the Hattie Street Dam will benefit Lake Sturgeon rehabilitation efforts by granting access to important spawning habitat. Anglers will still be able to fish CIR recreationally for this valued species. However, there is a potential loss of angler harvest from which is currently allowed. Michigan and Wisconsin officials believe that this will have a minimal impact, given that Lake Sturgeon harvest has been very low due to low population numbers.

*Neighboring States*

Michigan and Wisconsin have a longstanding agreement to manage the shared waters together. Both agencies meet annually to share information to aid in the management of these important resources.

*Biological*

Dams installed many decades ago have restricted the Lake Sturgeon's ability to access critical spawning habitat for these long-lived species. Managers have developed a plan to effectively transport adult Lake Sturgeon above the lower dams so these fish can spawn naturally in the Menominee River system. This action would benefit the Lake Sturgeon population by increasing natural reproduction.

*Social*

People are in support of protecting important rare and threatened fish like Lake Sturgeon. Anglers have indicated their continued support to help foster Lake Sturgeon rehabilitation efforts.

*Economic*

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

Recommendation:

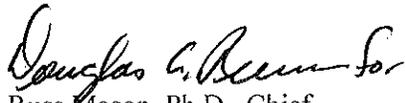
This Order was submitted for information on September 10, 2015, at the Natural Resources Commission Meeting. This item appears on the Department's September 2015 calendar and may be eligible for approval on October 8, 2015.



James Dexter, Chief  
Fisheries Division



Gary Hagler, Chief  
Law Enforcement Division



Russ Mason, Ph.D., Chief  
Wildlife Division



Bill O'Neil, Chief  
Forest Resources Division



Ronald A. Olson, Chief  
Parks and Recreation 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

## Michigan-Wisconsin Boundary Waters Order 205.16

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 and Part 491 of 1994 PA 451, MCL 324.48701 to 324.48740 and MCL 324.49101 to 324.49103, it is ordered that effective April 1, 2016, the following section(s) of the Fisheries Order shall read as follows:

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 in which fishing is to be governed by the special regulations are:

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.

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.

Regulations: Except as otherwise expressly provided, no person shall take fish by any means other than with hook-and-line; nor at any time other than the open season; nor have in his or her possession any fish in excess of the daily creel or possession limit, or fish of less than the legal minimum size.

Species	Waters	Open Seasons	Daily Possession Limit	Minimum Size Limit
Trout & Salmon	Montreal & Menominee Rivers from their mouths to first dam upstream and Smoky Lake	No closed season	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 Bass & Largemouth Bass	All boundary waters	First Saturday in May through the Friday before the third Saturday in June	0	---
		The third Saturday in June through November 30	5 in combination	14 inches
Walleye & Sauger	All boundary waters except as otherwise provided in this paragraph	1 <sup>st</sup> Saturday in May through March 1	5 in combination	15 inches
	Rivers and Impoundments	March 2 through the Friday before 1 <sup>st</sup> Saturday in May	1	15 inches
	Rivers and Impoundments (See Note 1)	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	No closed season	25 in combination	None
Muskellunge (including Tiger Muskellunge) (See Note 2)	All boundary waters	May 15 through November 30	1 fish per angling season (See Note 2)	40 inches
Lake Sturgeon (See Note 3)	All boundary waters	1 <sup>st</sup> Saturday in September through September 30	1 fish per angling season (See Note 3)	60 inches
Channel Catfish	All boundary waters	No closed season	10	None
Lake Whitefish & Cisco (Lake Herring)	All boundary waters	No closed season	10	None
All others	All boundary waters	No closed season	None	None

Note 1 – 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.

Note 2 - 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.

Note 3 - 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 Grand Rapids 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.

#### LEGAL FISHING METHODS:

1. Up to three lines with a total of three (3) hooks or baits may be used.
2. Lines must be attended at all times.
3. A person may not fish for any fish by any means during the closed season on trout in the Brule River upstream from US Highway 2 bridge (T41N, R32W, S9) Iron County, Michigan, and the Montreal River above the Superior Falls Flowage.
4. 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 for taking of Suckers, Redhorse, Carp, Smelt, and Burbot.
5. 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.
6. A person may fish from a motorboat with the motor running or a sailboat under sail except in Wisconsin boundary waters of Vilas County.
7. 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.
8. Crayfish may not be possessed or used for bait on Michigan-Wisconsin boundary waters.

This Order shall be assigned number FO-205.16, and is entitled "Michigan-Wisconsin Boundary Waters Regulations."

This Order supersedes the Order entitled "Michigan-Wisconsin Boundary Waters," which became effective April 1, 2015, and is assigned number FO-205.15.

This Order shall take effect on April 1, 2016, and shall remain in effect until amended/rescinded.

Issued on this 8th day of October, 2015.

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

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director