STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

RODNEY A. STOKES
DIRECTOR

SUBMITTED: September 19, 2011
RESUBMITTED: October 17, 2011

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Michigan-Wisconsin Boundary Waters Regulations (FO-205)

**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 Order 205 governs Michigan-Wisconsin boundary water regulations for anglers who fish in the shared waters of both jurisdictions. The Michigan–Wisconsin boundary waters are managed jointly in cooperation with Wisconsin DNR since they are shared waters. Both agencies meet annually to review regulations and initiate changes as appropriate. We are proposing one change to this Order involving the daily possession limit for lake whitefish and cisco (lake herring). Current regulations in effect for these species in the boundary waters include: an open all year season, no minimum size limit, and an unlimited daily possession limit for these. We are recommending a change to the daily possession limit for both species from unlimited to a combined 10 fish daily possession limit. The Wisconsin DNR is currently pursuing the same 10 fish daily possession limit for these boundary waters in their regulation process.

Managers believe that an unlimited daily possession limit may be unsustainable. The main concern involves the potential for anglers to overharvest migratory runs of these two species in the lower Menominee River. Managers want is to encourage reasonable harvest practices and resource stewardship to minimize the waste of fish resources. A 10 fish daily possession limit will ultimately mirror Wisconsin's limit both in the boundary waters and Wisconsin's jurisdictional waters of northern Green Bay, providing for consistent regulations. This proposed change will result in protecting lake whitefish and cisco (lake herring) from excessive harvest, while allowing a reasonable harvest fishery for our anglers.

This proposed regulation change has been discussed and supported with local groups including M&M Great Lakes Sport Fishermen, the Bays de Noc Great Lakes Sport Fishermen, Inc., and the Bay Area Economic Club.

Other changes to this Order involve a revision to the authority section and other text which had previously been abbreviated.

**Recommendation**

It is our recommendation to make the change as proposed above to establish a 10 fish daily possession limit for lake whitefish and cisco (lake herring) for the Michigan-Wisconsin boundary waters. This will allow for reasonable harvest of these species while protecting both from overharvest.

This Order was submitted for information at the October 13, 2011 meeting of the Natural Resources Commission. This Order is being resubmitted for action at the November 10, 2011 meeting of the Natural Resources Commission. This item appeared on the Department's October 2011 calendar, and is eligible for approval on November 10, 2011.

James L. Dexter, Acting Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

Russ Mason, Ph.D., Chief
Wildlife Division

Lynne M. Boyd, Chief
Forest Management Division

Ronald A. Olson, Chief
Parks and Recreation Division

Kelley D. Smith, Ph.D.
Acting Natural Resources Deputy

I approve the staff recommendation.

Rodney A. Stokes, Director

Date

# ORDER

## MICHIGAN-WISCONSIN BOUNDARY WATERS REGUALTIONS

Under the authority of section 49102 of 1994 PA 451, as amended, being MCL 324.49102, the Director of the Department of Natural Resources on November 10, 2011, ordered that for a period not to exceed five years, the following regulations shall apply on the Michigan-Wisconsin boundary waters to provide uniform regulations for common waters shared with Wisconsin.

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 | 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 |
| SM/LM 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 | 1st Saturday in May through March 1 | 5 in combination | 15 inches |
| | Rivers and Impoundments | March 2 through the Friday before 1st Saturday in May | 1 | 15 inches |
| | Rivers and Impoundments | 1st Saturday in May through March 1 | 5 in combination | 15 inches |
| Northern Pike | All boundary Waters | 1st 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 | All boundary waters (see Note 1) | May 15 through November 30 | 1 | 40 inches (see Note 1) |
| Lake Sturgeon (see Note 2) | All boundary waters (see Note 3) | 1st Saturday in September through September 30 | 1 per season | 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 - 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 2 - A lake sturgeon fishing tag must be obtained prior to any lake sturgeon fishing. All lake sturgeon harvested shall be immediately tagged with a validated lake sturgeon harvest tag and be registered within 24 hours at a designated registration site (available online at www.michigan.gov/dnrfishing).

Note 3 - For the Menominee River, from Hattie Street Dam downstream to the end of the breakwalls in Green Bay, the daily possession limit for lake sturgeon is (0), catch and 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-205.12, and is entitled "Michigan-Wisconsin Boundary Waters."

This Order supersedes the Order entitled "Michigan-Wisconsin Boundary Waters," effective on April 1, 2010 and was assigned number FO-205.10.

This Order shall take effect on April 1, 2012. This Order shall remain in effect until March 31, 2017 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, 2016.

Issued on the _____ day of _____, 2011.

Rodney A. Stokes
Director

The Natural Resources Commission has reviewed this Order.

Timothy L. Nichols
Chairperson

Deb Whipple
Executive Secretary