



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: August 14, 2023
RESUBMITTED: September 18, 2023

<p><u>APPROVED</u></p> <p style="text-align: right;">,20</p> <hr/> <p style="text-align: center;">MICHIGAN NATURAL RESOURCES COMMISSION</p> <hr/> <p style="text-align: center;">(ASSISTANT TO THE COMMISSION)</p>
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MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 253.24
Great Lakes and Great Lakes Connecting Waters - Trout and Salmon Regulations

Authority:

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

Discussion and Background:

Fisheries Order 253 establishes regulations for trout and salmon in the Great Lakes and Great Lakes Connecting Waters. The Department proposes two changes for the order involving combining lake trout and splake sportfishing regulations across all Great Lakes and Great Lakes Connecting Waters (Connecting Waters) within each lake trout management unit and increasing the daily possession limit for lake trout and splake in the waters in Lake Huron lake trout management unit MH-1.

The Department recommends combining daily possession limits, seasons, and size limit regulations for lake trout and splake across all Great Lakes and Connecting Waters similar to what currently exists for Lake Huron lake trout management units MH-1 through MH-6. Splake are a hybrid between lake trout and brook trout that can exhibit characteristics of either parental species. Accurate identification requires examination of an internal organ called the pyloric caeca which cannot be conducted without culling the fish. Misidentification by anglers has resulted in law enforcement issues in the past whereby anglers have claimed that lake trout in their possession were actually splake and thus fell under different regulations. Given these identification and law enforcement concerns the recommendation is to treat lake trout and splake in combination.

The lake trout resource in MH-1 is shared by the State of Michigan (State) and five Tribal governments and has been managed under the terms of the 2000 Consent Decree for more than 20 years. Under this agreement, the State only receives 12% of the safe harvest limit for lake trout in MH-1. Because of this low allocation, the State's harvest does not have a biological impact on the lake trout population in MH-1; however, because recreational anglers have exceeded the annual harvest limit on numerous occasions, the State has been required to restrict the fishery to bring harvest in line with the harvest limit. In neighboring MH-2, the State receives 95% of the safe harvest limit under the terms of the 2000 Consent Decree. This has

resulted in a harvest limit well above State harvest levels, a stark contrast to the situation in MH-1.

For nearly four years, the State has been negotiating with Tribal governments and the Federal government for a successor to the 2000 Consent Decree. An updated agreement (proposed decree) is currently before the Federal court and all proceedings and filings are complete. We anticipate the court to order the proposed decree into effect sometime in August or September of 2023. One of the items in the proposed decree that will benefit recreational anglers in Lake Huron is a combination of management units MH-1 and MH-2. This means that the State's harvest limit for these two units will be combined. The State will receive 45% of the total harvest limit for the area of MH-1 and MH-2. This is expected to result in a harvest limit above what has ever been harvested by the State recreational fishery in these two management units.

Should the proposed decree go into effect, it presents an opportunity for the State to make the lake trout regulations in MH-1 consistent with those in MH-2, providing simplicity for recreational anglers.

The Department is recommending the following change to regulations for 2024 governing fishing for lake trout and splake in MH-1 to increase angler opportunity and make regulations between MH-1 and MH-2 consistent:

- Increase the lake trout and splake daily possession limit from two (2) lake trout and splake per day to no more than three (3) in combination.

The Department has communicated this change to the Lake Huron Citizen Fishery Advisory Committee (LHCFAC), and they support the increase in bag limit and simplification of regulations between MH-1 and MH-2.

Issue Pros and Cons

While the proposed decree is not yet in effect, as of this writing, it is anticipated that it will be by the time this regulatory change is enacted. If other information is received from the court, which indicates the proposed decree will not go into effect or will be delayed, the Department will evaluate this regulation change prior to it being up for action by the NRC.

Biological

There are no biological concerns associated with this change. The State's harvest limit that will govern MH-1 and MH-2 is expected to be well above recreational harvest levels under the proposed regulations.

Social

The Department has communicated this planned change with the LHCFAC, which is supportive of moving back to a 3-fish daily bag limit.

Economic

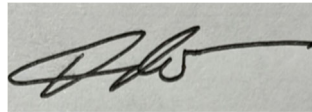
The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

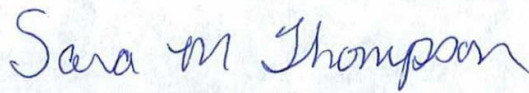
Relevant Divisions have contributed to the preparation of this order. This order was submitted for information and consideration on September 14, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's September 5, 2023, calendar and is eligible for approval on October 12, 2023.



Randy Claramunt, Chief
Fisheries Division



David Shaw, Chief
Law Enforcement Division



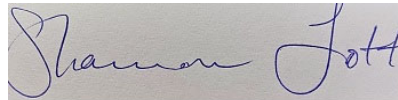
Sara Thompson, Chief
Wildlife Division



Jeffery J. Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Lott
Natural Resources Deputy

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

M. Scott Bowen, Director

Date

FISHERIES ORDER

Great Lakes and Great Lakes Connecting Waters - Trout and Salmon Regulations Order 253.24

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, it is ordered on October 12, 2023, the following section(s) of the Fisheries Order shall read effective April 1, 2024, as follows:

The following regulations are established in the Great Lakes and Great Lakes Connecting Waters for trout and salmon:

As used in this order the following definition is provided:

1. Great Lakes Connecting Waters: refers to specific bodies of water in Michigan that connect the Great Lakes. The designated connecting waters are the St. Marys River, the St. Clair River (begins at the Fort Gratiot Light), Lake St. Clair, and the Detroit River (begins at the imaginary line extending due south of the Windmill Point Light, Wayne County, and ending at the imaginary east/west line drawn through the most southernly point of Celeron Island).

Seasons--General

Except as otherwise noted in the following sections of this order, the fishing and possession seasons on the Great Lakes and Great Lakes Connecting Waters are open for the entire year for all trout and salmon.

Exceptions to the general possession season:

- 1) The possession season for Lake Trout and Splake shall be January 1 - September 30 in MM-1 through MM-5 in Lake Michigan.
- 2) The possession season for Lake Trout and Splake shall be open for the entire year in MM-6 through MM-8 in Lake Michigan.
- 3) The possession season for Lake Trout and Splake shall be January 1 - September 30 in MH-1 and MH-2 in Lake Huron.
- 4) The possession season for Lake Trout and Splake shall be open for the entire year in MH-3 through MH-6 in Lake Huron.

Size limits

Minimum size limit shall be 10 inches for all species of trout and salmon, except as follows:

- 1) Brook Trout
Lake Superior
a) MI-1 through MI-8: the minimum size limit for Brook Trout shall be 20 inches.
- 2) Lake Trout and Splake
Lake Michigan
a) MM-1 through MM-8: the minimum size limit shall be 15 inches.
Lake Huron
a) MH-1 through MH-6: The minimum size limit shall be 15 inches.
Lake Superior
a) MI-1 through MI-8: The minimum size limit shall be 15 inches, except that the daily possession limit shall not include more than one (1) Lake Trout 34 inches or greater.
- 3) Splake
Lake Michigan
~~a) MM-1 through MM-8: the minimum size limit shall be 15 inches.~~
Lake Huron

~~a) MH 1 through MH 6: The minimum size limit shall be 15 inches.~~

~~Lake Superior~~

~~a) MI 1 through MI 8: The minimum size limit shall be 15 inches.~~

Daily possession limits

Five (5) trout and salmon in any combination, except that the daily possession limit shall not include more than three (3) Brook Trout, Brown Trout, Rainbow Trout*, Lake Trout ~~and~~, Splake (combined, in any combination), or Atlantic Salmon. Additional exceptions are:

1) Lake Superior

a) The daily possession limit may include up to one (1) Brook Trout, except that the daily possession limit shall be zero (0) for Brook Trout within 4.5 miles of Isle Royale (waters of the Isle Royale National Park).

b) The daily possession limit may include up to five (5) Lake Trout and Splake (combined, in any combination) in MI-4, MI-5, MI-6, MI-7, and MI-8.

2) St. Marys River

a) ~~a)~~—The daily possession limit may include up to ten (10) Pink Salmon from the last Saturday in April ~~–~~ September 30.

~~3) Lake Huron~~

~~a) The daily possession limit may include up to two (2) Lake Trout and Splake, in any combination in management unit MH 1.~~

~~4)3) Lake Michigan~~

a) The daily possession limit may include up to two (2) Lake Trout and Splake (combined, in any combination) in management units MM-1, MM-2, MM-3, MM-4, and MM-5.

*Note: For the purpose of this order Rainbow Trout refers to both Rainbow Trout and Steelhead.

LAKE TROUT MANAGEMENT UNITS – Great Lakes

Lake Michigan

MM-1 is bounded on the southeast and south by the Michigan-Wisconsin boundary in Green Bay and on the east by a north-south line beginning near Fairport in Delta County at Longitude 086°40'W and extending south to the Wisconsin-Michigan border.

MM-2 is bounded on the west by MM-1, on the east by a north-south line beginning about 4 miles west of Seul Choix Point in Schoolcraft County at Longitude 086°00'W and extending southward to Latitude 45°20'N, and on the south by an east-west line at Latitude 45°20'N that extends west from Longitude 086°00'W to the Michigan-Wisconsin boundary.

MM-3 is bounded on the west by a north-south line from the shore about 4 miles west of Seul Choix Point in Schoolcraft County at Longitude 86°00'W and extending southward to its intersection with Latitude 45°10' N, on the east by the Mackinac Bridge, and on the south by an east-west line from Longitude 086°00'W at Latitude 45°10' N and extending eastward to the shore about 4 miles north of Eastport in Antrim County.

MM-4 includes all waters of Grand Traverse Bay south of Latitude 45°10'N.

MM-5 is bounded on the west by the Michigan-Wisconsin boundary, on the north by an east-west line beginning on the Michigan-Wisconsin boundary at Latitude 45°20'N and extending eastward along said latitude to Longitude 086°00'W, then southward along said longitude to Latitude 45°10'N, then eastward along said latitude to its intersection with the west shore of Leelanau County, and on the south by an east-west line beginning near Arcadia in Manistee County at Latitude 44°30'N and extending west to the Michigan-Wisconsin boundary.

MM-6 is bounded on the west by the Michigan-Wisconsin boundary, on the north by MM-5, and on the south by an east-west line from Little Sable Point in Oceana County at Latitude 43°40'N and extending westward to the Michigan-Wisconsin boundary.

MM-7 is bounded on the west by the Michigan-Wisconsin boundary, on the north by MM-6, and on the south by an east-west line from the Michigan shore about 4 miles north of Holland in Ottawa County at Latitude 42°50'N and extending westward to the Michigan-Wisconsin boundary.

MM-8 is bounded on the west by the Michigan-Wisconsin boundary and the Michigan-Illinois boundary, on the north by MM-7, and on the south by the Michigan-Indiana boundary.

Lake Huron

MH-1 is bounded on the west by the Mackinac Bridge, on the north by an east west line from the village of Detour in Chippewa County at Latitude 46°00'N to the west shore of Drummond Island and an east-west line from the east shore of Drummond Island at Latitude 46°00'N to the international boundary, and on the east and south by a line beginning where Longitude 083°30'W intersects the international boundary near Drummond Island in Chippewa County and extending southward along said longitude to Latitude 45°30'N, then extending westward along said latitude to Longitude 083°40'W, then extending southward along said longitude to shore about 3.5 miles southeast of Adams Point in Presque Isle County.

MH-2 is bounded on the north by MH-1, on the east by the international boundary, and on the south by an east-west line extending from the shore about one mile north of Black River in Alcona County at Latitude 44°50'N and extending eastward along said latitude to the International boundary.

MH-3 is bounded on the north by MH-2, on the east by the international boundary, and on the south by a line beginning on the shore on Au Sable Point in Iosco County at Latitude 44°20'N and extending eastward along said latitude to Longitude 083°10'W, then southward along said longitude to Latitude 44°10'N, then eastward along said latitude to the international boundary.

MH-4 is bounded on the north by MH-3 and on the east by a north-south line beginning on the shore about 2.6 miles southeast of Point aux Barques Lighthouse in Huron County at Latitude 44°00'N and extending eastward along said latitude to Longitude 082°40'W, then northward along said longitude to the southern boundary with MH-3 at Latitude 44°10'N.

MH-5 is bounded on the west by MH-4, on the north MH-3, on the east by the international boundary, and on the south by an east-west line beginning on the shore in the village of Forester in Sanilac County at Latitude 43°30'N and extending eastward along said latitude to the international boundary.

MH-6 is bounded on the north by MH-5, on the east by the international boundary, and on the south by the Blue Water Bridge in St. Clair County at Latitude 43°00'N.

Lake Superior

MI-1 is bounded on the west by the Michigan-Minnesota boundary, on the north by the international boundary, and on the south by a line beginning on the Minnesota boundary at Latitude 47°40'N extending eastward along said latitude to Longitude 088°30'W then northward along said longitude to Latitude 47°50'N then eastward along said latitude to Longitude 088°00'W then northward along said longitude to Latitude 48°00'N then eastward along said latitude to the international boundary.

MI-2 is bounded on the west by the Michigan-Minnesota and the Michigan-Wisconsin boundaries, on the north by MI-1, and on the east by a north-south line extending from the shore about 2.6 miles southwest of Fourteen Mile Point in Ontonagon County northward at Longitude 089°10'W to the southern border of MI-1 at Latitude 47°40'N.

MI-3 is bounded on the west by MI-2, on the north by MI-1, and on the east by a line extending northward from the shore about 1.4 miles east of Copper Harbor in Keweenaw County at Longitude 087°50'W to Latitude 47°30'N then eastward along said latitude to Longitude 087°40'W then northward along said longitude to the international border.

MI-4 is bounded on the west by MI-3, on the north by the international boundary, and on the southeast and east by a line beginning on the shore at Pine River Point in Marquette County at Longitude 087°50'W and extending northward along said longitude to Latitude 47°00'N then eastward along said latitude to Longitude 087°30'W then northward along said longitude to Latitude 47°10'N then eastward along said latitude to Longitude 087°20'W then northward along said longitude to Latitude 47°20'N then eastward along said latitude to Longitude 087°00'W then northward to the international boundary.

MI-5 is bounded on the west and north by MI-4 and on the east by a north-south line beginning on Laughing Fish Point in Alger County at Longitude 087°00'W and extending northward to Latitude 47°20'N.

MI-6 is bounded on the west by MI-4 and MI-5, on the north by the international boundary, and on the east by a north-south line beginning on Au Sable Point in Alger County at Longitude 086°10'W and extending northward to the international boundary.

MI-7 is bounded on the west by MI-6, on the north by the international boundary, and on the east by a north-south line beginning about four miles east of Crisp Point in Luce County at Longitude 085°20'W and extending northward to the international boundary.

MI-8 is bounded on the west by MI-7, on the north and east by the international boundary with the easternmost border formed by a line from Brush Point in Chippewa County to Point aux Pins Ontario in the upper St. Marys River.

Lake Trout Refuges – Great Lakes

The following areas are established as refuge areas for Lake Trout rehabilitation and shall be closed to the taking, keeping, and sport fishing for Lake Trout.

1) Lake Michigan (North part)

All waters enclosed within an area bounded by a line commencing at a point (45°30' north latitude, 85°15' west longitude) 7¼ miles due west of the northwest corner of Section 30, T36N, R6W, (Emmet County, Michigan) on the Lake Michigan shoreline; then proceeding due west for 12 miles (to 45°30' north latitude, 85°30' west longitude); then proceeding due north for 6 miles (to 45°35' north latitude, 85°30' west longitude); then proceeding due west for 8 miles (to 45°35' north latitude, 85°40' west longitude); then proceeding due north for 11¼ miles (to 45°45' north latitude, 85°40' west longitude); then proceeding due west 16 miles (to 45°45' north latitude, 86°00' west longitude); then proceeding due south for 40 miles (to 45°10' north latitude, 86°00' west longitude); then proceeding due east for 8½ miles (to 45°10' north latitude, 85°50' west longitude); then proceeding due north for 6 miles (to 45°15' north latitude, 85°50' west longitude); then proceeding due east for 7½ miles (to 45°15' north latitude, 85°40' west longitude); then proceeding due north for 6 miles (to 45°20' north latitude, 85°40' west longitude); then proceeding due east 16½ miles (to 45°20' north latitude, 85°20' west longitude) then proceeding due north 6 miles (to 45°25' north latitude, 85°15' west longitude); then, proceeding due east 4 miles (to 45°25' north latitude, 85°15' west longitude); then proceeding northerly to the point of beginning (45°30' north latitude, 85°15' west longitude).

2) Lake Michigan (Mid Lake)

All waters enclosed within an area bounded by a line commencing at a point 15 miles (43°40' north latitude, 86°50' west longitude) due west of the half (1/2) section line of Section 25, T15N, R19W, on the Lake Michigan shoreline (Oceana County); then proceeding 14.5 miles due west to the Michigan/Wisconsin boundary; then proceeding southerly along the boundary line to a point (43°03.5' north latitude, 87°05' west longitude) due west of the mouth of the Grand River (T8N, R16W, S30, Ottawa County) on the Lake Michigan shore; then proceeding due east 14 miles (to 43°03.5' north latitude, 86°50' west longitude); and then northerly to the point of beginning (43°40' north latitude, 86°50' west longitude).

3) Lake Huron (North end)

All waters enclosed within an area bounded by a line commencing at the southwest corner of Section 17, T41N, R5E (Chippewa County) on the Lake Huron shoreline for the point of beginning and proceeding due south 15 miles (to 45°45' North latitude, 83°50' west longitude), then proceeding due east 8 miles (to 45°45' North latitude, 83°40' west longitude); then proceeding 6 miles due south (to 45°40' North latitude, 83°40' west longitude); then proceeding due east to the Michigan-Ontario border; then proceeding northwesterly and then northeasterly along said border to a point due south of the southeast corner of Section 1, T41N, R7E (Chippewa County), on the said shoreline, and westerly along said shoreline to the point of beginning.

4) Lake Huron (6 Fathom Bank)

All waters enclosed within an area bounded by a line commencing at a point in Lake Huron at 45°00' north latitude, 82°45' E west longitude; then proceeding due east to the international boundary line between the U.S. and Canada; thence in a southeasterly direction to 44°40' north

latitude; thence due west to 44°40'north latitude, 82°45'E west longitude; then proceeding due north to the point of beginning.

This order shall be assigned number FO-253.24, and is titled "Great Lakes and Great Lakes Connecting Waters - Trout and Salmon Regulations".

This order supersedes the order titled "Great Lakes and Great Lakes Connecting Waters - Trout and Salmon Regulations," effective May 13, 2022, and was assigned number FO-253.22A.

This order shall take effect on April 1, 2024 and shall remain in effect until amended/rescinded.

Issued on this 12th day of October 2023.

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

Thomas Baird, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

M. Scott Bowen
Director