

**2018 Annual Report on Implementation of the 2000 Consent Decree
for 1836 Treaty-Ceded Waters of the Great Lakes**

Prepared for:

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Preface

This report provides detailed information regarding the implementation of the 2000 Consent Decree in the 1836 Treaty-ceded waters of the Great Lakes during 2018, as required by the September 27, 2001 Memorandum of Understanding between the State of Michigan, Department of Natural Resources (MDNR) and the Michigan United Conservation Clubs, Inc., Michigan Fisheries Resource Conservation Coalition, and Bay de Noc Great Lakes Sportfishermen, Inc.

FISHERIES

I. General Information

A. Large-mesh gill-net retirement

To reduce the amount of large-mesh gill net fished by tribal fishers, the Consent Decree called for the Sault Ste. Marie Tribe to remove at least 14 million feet of large-mesh gill-net effort from lakes Michigan and Huron by 2003. Removal of large-mesh gill-net effort by other tribes also counted towards this commitment. The amount of gill net retired is based on comparison with the average effort during the base years 1993 through 1998 (Table 1). Gill-net retirement has been accomplished through the trap-net conversion program and other methods.

The removal of large-mesh gill-net effort in lakes Huron and Michigan was successfully completed by 2003 when tribal fishers used approximately 25.5 million feet less than the 1993-1998 average. Large-mesh gill-net effort has increased since then; however, in 2018 the tribal gill-net effort in lakes Michigan and Huron was nearly 23 million feet less than the 1993-1998 average (Table 1).

Table 1. Amount of large-mesh gill-net effort (1,000s ft) in the 1836 Treaty-ceded waters of the Great Lakes during base years 1993 to 1998 and final effort in 2018.

Lake	Management Unit	Effort		2018 reduction ^b
		1993-98 ^a	2018	
Michigan	MM-123	17,912	5,279	12,633
	MM-4	1,794	842	952
	MM-5	240	0	240
Huron	MH-1	16,470	7,408	9,062
	MH-2	6	0	6
Superior	MI-6	780	905	(125 more)
	MI-7	2,028	1,636	392
	MI-8	6,578	6,978	(400 more)
Totals		45,808	23,048	22,760

^a Average annual effort during base years.

^b The relative reduction in 2018 (average effort in base years minus effort in current year).

B. Report from Modeling Subcommittee and modeling process description

The Modeling Subcommittee (MSC) of the Technical Fisheries Committee (TFC) prepares an annual report entitled “Status of Lake Trout and Lake Whitefish Populations in the 1836 Treaty-Ceded Waters of Lakes Superior, Huron, and Michigan, with Recommended Yield and Effort Levels” (referred to as the Status of the Stocks Report). The report detailing populations and harvest limits for fishing year 2018 was completed in August 2018. This and all previous versions are available on the 2000 Consent Decree page of the MDNR’s Tribal Coordination Unit website: https://www.michigan.gov/dnr/0,4570,7-350-79136_79236_84834_84838---,00.html

Statistical catch-at-age (SCAA) models are used to describe populations of lake trout and lake whitefish and to recommend the respective harvest limits. The modeling process begins by estimating parameters that describe each of the lake trout and lake whitefish stocks over time. Models are developed for the stocks in each defined Management Unit with data from both standard assessments and commercial and recreational fisheries. Age-specific abundance and mortality rates are estimated for each year that data are available. All models are tested for accuracy by comparing predictions to actual observations. The agreement between predictions and observations is measured by statistical likelihood. The set of parameters that gives the maximum likelihood (highest agreement) is used as the best estimate. After parameters are

estimated, the fish population is projected forward through the next fishing season in order to make short-term projections of harvest and yield that will meet criteria, such as target mortality rates and spawning stock biomass, set forth in the Consent Decree.

All fish populations are regulated by three key rates: growth, mortality, and recruitment. These are each estimated in the first stage of the modeling process and then incorporated into the projection models. Growth is described using mean length at age, which is fit to a nonlinear regression model since growth slows as fish approach a maximum size. Mortality is estimated from age structure data by examining the decline in catch at age across age classes. Generally, there is a steady decline in the relative abundance of successive age classes over time. Total mortality is comprised of fishing and natural mortality. Fishing mortality includes recreational, subsistence, and commercial harvest, as well as mortality of fish returned to the water due to injuries or stress associated with hooking, netting, or abrupt water temperature and depth changes. Harvest is monitored annually for each user group through direct reporting, wholesale fish reports, charter boat reports, and creel surveys. Models incorporate an estimate of hooking mortality (41%) that was updated in 2016 based on research completed in lakes Superior and Huron. Natural mortality is comprised of losses due to old age, disease, and predation. Natural mortality is generally estimated from an equation that relates the growth parameters of lake trout and lake whitefish to water temperature; however, in recent years the MSC is evaluating alternative means to estimate this parameter. Additionally, sea lamprey mortality is calculated from wounds observed during assessments, along with the estimated probability of surviving an attack. Finally, recruitment is the process of reproduction and growth to a certain size class that is beyond the initial period of high mortality. Recruitment may also imply the entry into a fishery of individuals of legal size for harvest. Most exploited fisheries demonstrate variable recruitment due to an assortment of abiotic or biotic conditions. Recruitment variability is measured by assessing the relative abundance of a single age class using a standard effort, location, and time of year. For example, managers may use the relative abundance of age-5 fish in spring gill-net surveys as an index of year-class strength. In the case of a fishery that relies almost entirely on stocking (e.g., lake trout in Lake Michigan), recruitment is essentially known.

To describe the dynamics of a population over time, modelers specify the initial numbers of fish at each age in the first year and recruitment of the youngest age in subsequent years. Currently, in lakes Michigan and Huron, lake trout recruitment is defined as the number of yearlings stocked

or migrating into an area less those migrating out of the area. However, natural reproduction of lake trout in Lake Huron has increased in recent years and is now accounted for by adjusting the estimated number of hatchery fish in the population by the proportion of wild fish captured in surveys, commercial nets, and recreational fishing gear. For wild lake trout (Lake Superior) and lake whitefish (all management units), recruitment is estimated from a Ricker stock-recruit function. In general, a stock-recruit relationship describes how the number of young fish (recruits) relates to the number of spawners that produced them.

After parameters have been estimated, the next step is the short-term projection of harvest limits. Harvest levels are set to not exceed target mortality rates set forth in the Consent Decree and are derived by applying various fishing mortality rates to the population abundance estimated at the start of the year. Target mortality rates are comprised of an assortment of age-specific mortality rates. Additionally, the target mortality rates are defined by taking into consideration the concept of spawning stock biomass per recruit, or the amount of spawning biomass that an average recruit is expected to produce. This provision ensures that there is an adequate amount of spawning stock per recruit and that more than one age class is contributing considerably to the spawning population. A more extensive and technical description of the entire modeling process is contained in the *Stock Assessment Models* section of the 2012 Status of the Stocks Report (this section was removed from the 2013 and subsequent Status of the Stocks Report).

C. Model estimates used during negotiation

During the final stages of negotiations in 1999, model estimates of harvest limits and total allowable effort were projected under presumed likely scenarios for the commercial and recreational fisheries over the life of the Consent Decree. For lake trout, the projections were separated into a phase-in period (where applicable), and rehabilitation period or sustainable management period. Phase-in periods were intended to allow for a more gradual transition to target mortality rates and final allocation percentages. For comparison, a reference period is also included for each Management Unit. For numerous reasons, many of these projections were not accurate and the fishery operates under harvest limits and regulations that differ considerably from the projections. These projections for lake trout and lake whitefish can be found in the appendices of past implementation reports, which are posted on the TCU website here: https://www.michigan.gov/dnr/0,4570,7-350-79136_79236_84834_84838---,00.html

II. Harvest Limits and TAE's (Total Allowable Effort)

A. Lake trout

As required by the Consent Decree, the MSC calculates annual harvest and effort limits for lake trout and provides these recommendations to the TFC. After reviewing the recommendations, the TFC must approve harvest and effort limits by April 30 of each year to be submitted to the Parties for final approval. In 2018, stipulations to the Consent Decree set harvest limits in MM-123, MM-4, and MM-5. In MM-123, the parties agreed to a stipulation in May 2017 that set harvest limits through 2020. The MM-4 and MM-5 stipulations have been in place since the mid-2000s and were the result of high levels of lamprey-induced mortality, which would otherwise severely restrict all lake trout fishing. Rates of Sea Lamprey induced mortality have been trending downward; however, the parties have not decided to change the stipulated harvest levels.

As in 2017, Lake Trout harvest limits for Lake Huron units MH-1 and MH-2 were not formally agreed to by the parties in 2018. The disagreements stem from the State's exceedance of the 2016 harvest limit and the question of whether the management units (MH-1 and MH-2) should be managed as one, under a single harvest limit. All data from northern Lake Huron is combined into a single population assessment for Lake Trout; however, the Tribal Parties did not agree that management should follow in a similar fashion. The harvest limits produced by the combined model in 2018 were unrealistically high. Biologists noted concerns about the model output and did not recommend it be used for management. The Parties agreed and did not adopt the model-produced harvest limits. In late 2018, the State pursued a reduction in the bag limit of Lake Trout from 3 fish to 2 fish for State anglers to be implemented in 2019, as a show of good faith and commitment to the Decree process, resulting from the 2016 exceedance of the harvest limit.

The Consent Decree has a provision that harvest limits in fully-phased units should not change by more than 15% over the previous year unless all the Parties agree a greater change is appropriate (referred to as the "15% rule"). In 2018, the MM-67 model-generated harvest limit was more than 15% lower than the prior year's harvest limit, and the actual limit was set utilizing the 15% rule. The harvest limit in MI-7 increased by more than 15%, but all Parties agreed to set the limit at the higher model value and waive the 15% rule. A map of the lake trout management units is provided at the end of this document (Figure 1), and the 2018 lake trout harvest and effort limits for each management unit are below in Table 2.

Table 2. Model estimates of harvest limits (HL; pounds) and total allowable effort (TAE; linear feet of gill net) for lake trout by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season (NA = not available).

Lake	Unit	Model-output HLs		Final HLs		Tribal TAE
		State	Tribal	State	Tribal	
Michigan	MM-123 ^a	44,175	397,554	80,000	550,000	10,380,000
	MM-4 ^a	56,971	69,632	77,200	94,300	957,000
	MM-5 ^a	49,758	33,172	58,800	39,200	244,000
	MM-67 ^b	148,817	16,535	207,195	23,021	NA
Huron	MH-1	102,185	749,360	NA	NA	NA
	MH-2	623,915	32,838	NA	NA	NA
Superior	MI-5	161,699	8,510	161,699	8,510	NA
	MI-6	97,944	97,944	97,944	97,944	3,089,000
	MI-7	51,880	121,053	51,880	121,053	11,024,000

^a Final HLs resulted from orders to amend the Consent Decree.

^b TFC invoked the 15% rule, limiting the HL to a 15% deviation from the 2017 harvest limit.

B. Lake Whitefish

As required by the Consent Decree, the MSC calculates annual lake whitefish harvest limits for shared management units and provides these recommendations to the TFC. For each whitefish management unit that is not shared, the tribes set a harvest regulation guideline (HRG) in accordance with their Tribal Management Plan. The MSC also generates recommendations for HRGs that are considered by each Tribe. After reviewing and discussing recommended harvest limits for lake whitefish, the TFC submits these harvest limits to the Parties for final approval by December 1 for the subsequent year. The TFC reached consensus on harvest limits for all shared whitefish management units for the 2018 fishing season. A map of lake whitefish management units is provided at the end of this document (Figure 2), and the 2018 lake whitefish harvest limits for each management unit are below in Table 3.

The MSC was able to generate model recommended harvest limits in all shared units and most non-shared units. The Leland/Frankfort unit (WFM-06) and the Muskegon unit (WFM-08) have been managed with constant harvest limits since 2011 and 2013, respectively. In 2017, these limits were substantially reduced, which was reflective of lower Lake Whitefish recruitment throughout Lake Michigan, and these lower limits remained in place for 2018. In non-shared units, the final tribal HRG was set lower than the model value in Northern Lake Huron, WFH-05, and WFM-02.

The MSC does not calculate recommended harvest limits in WFM-07 and WFS-06 due to limited fishery data, and the HRGs in these units were unchanged from 2017. The tribes used model-generated recommendations for HRGs in other units.

Table 3. Model estimates for harvest limits (HL; pounds) or harvest regulation guidelines (HRG; pounds) for lake whitefish by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season (NA = not available).

Lake	Unit	Final State HL	Model output Tribal HL	Final Tribal HL or HRG
Michigan	WFM-01	200,000	1,931,600	1,931,600
	WFM-02	-	699,200	362,300
	WFM-03	-	800,400	800,400
	WFM-04	-	427,200	427,200
	WFM-05	-	352,200	352,200
	WFM-06	37,500	82,040	87,500
	WFM-07 ^a	-	-	350,000
	WFM-08	225,000	194,315	275,000
Huron	(H01-H04 Combined)		438,700	379,900
	WFH-05	-	654,500	394,000
Superior	WFS-04	8,700	78,300	78,300
	WFS-05	45,900	241,000	241,000
	WFS-06 ^a	-	-	210,000
	WFS-07	-	689,200	689,200
	WFS-08	-	294,700	294,700

^a No model output

III. Harvest and Effort Reporting

A. State-licensed commercial and recreational fishing

1. Lake Trout

Lake trout harvest by the State of Michigan consists entirely of harvest by sport anglers. The harvest limits and reported harvest in Lake Superior represent lean lake trout only. Throwback mortality from the state recreational fishery (lake trout caught by hook and line that are returned to the water and subsequently die, 41% of released fish) was also estimated for each management unit and added to the weight of lake trout harvested for comparison to harvest limits.

Aside from the unique situation in Lake Huron, Lake Trout harvest by sport anglers in 2018 was below harvest limits in all management units except MM-4 and MM-5. The Lake Trout

fishery in MM-5 exceeded the limit by 2,903 lb or 4.9%. Because the State also exceeded the limit in 2017, the running three-year sum of deviations will be an important factor for 2019, as harvest can only exceed the limit by 9.3% before triggering a penalty. In MM-4 the State fishery exceeded the limit by 15,661 lb or 20.3%. This triggered a penalty, and the 2019 harvest limit will be reduced by the amount of the overage. The State has worked with stakeholders to adjust regulations to meet the lower limit. Although formal harvest limits were not agreed to by the Parties in 2018 for Lake Huron, one interpretation of the Consent Decree is that the 15% rule that limits deviations in a harvest limit to that amount, absent consensus by the parties to a larger change, would have applied. If this interpretation were applied and the State's 2018 limit in MH-1 was then reduced by the amount that exceeded the 2017 limit (per Decree rules), the State's 2018 Lake Trout harvest in MH-1 would have exceeded the limit by 12,082 lb, resulting in another penalty that would have to be applied to the 2019 fishing season. There were no issues with harvest in MH-2, regardless of how a limit could have been calculated. The sum of the State harvest in MH-1 and MH-2 would not have exceeded the limit had the units and harvest limits been combined into one for management purposes, as the State proposed throughout 2017 and 2018. In late 2018, the State took action to reduce the Lake Trout bag limit for sport anglers in MH-1 from 3 fish to 2 fish. State-licensed recreational harvest of primary species is listed below in Table 4, as is total effort for all species combined.

Table 4. Total effort, number, and weight (pounds) of estimated State-licensed recreational harvest for both creel and charter anglers, by lake trout management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season.

Lake	Management Unit	Total effort (angler hours)	Lake trout ^a		Walleye		Yellow perch		Chinook salmon		Coho salmon	
			Number	Weight	Number	Weight	Number	Weight	Number	Weight	Number	Weight
Michigan	MM-123	293,431	6,767	63,282	24,337	56,219	46,188	15,704	4,130	58,113	475	2,589
	MM-4	188,644	15,635	92,861	800	1,849	58,307	19,824	3,461	48,699	471	2,568
	MM-5	62,454	8,901	61,703	5	12	0	0	4,630	65,149	2,203	12,007
	MM-67	525,805	27,019	169,224	134	309	25,961	8,827	36,766	517,300	7,921	43,172
Totals		1,070,334	58,322	387,070	25,276	58,389	130,456	44,355	48,987	689,261	11,070	60,336
Huron	MH-1	170,216	10,100	54,772	1,641	6,008	25,096	7,529	4,882	46,035	46	186
	MH-2	41,106	6,880	43,074	1,355	4,961	0	0	531	5,009	123	490
Totals		211,322	16,980	97,846	2,996	10,969	25,096	7,529	5,413	51,044	169	676
Superior	MI-5 ^b	41,281	10,381	46,100	0	0	0	0	36	188	252	368
	MI-6	62,776	5,320	23,708	0	0	512	241	576	3,008	11,988	17,503
	MI-7	21,010	1,728	6,772	0	0	0	0	0	0	4,914	7,175
Totals		125,067	17,429	76,580	0	0	512	241	612	3,196	17,154	25,046
Grand totals		1,406,723	92,731	561,496	28,272	69,358	156,064	52,125	55,012	743,501	28,393	86,058

^a Weight of Lake Trout harvest shown in the table includes hooking mortality. Lake Superior lake trout number and weight do not include Siscowets.

^b Includes recreational harvest from entire unit; harvest from 1842 Treaty-ceded area was not removed.

2. Lake Whitefish

Lake whitefish harvest by state-licensed commercial fishers was effectively at or below harvest limits in all lake whitefish management units in 1836 Treaty waters. The commercial whitefish harvest reported in Table 5 includes catch from targeted effort (trap nets). Catch of lake whitefish in chub nets is minimal most years and was 0 pounds for 2018.

The largest monitored recreational fishery for whitefish historically occurred in WFM-05 (Grand Traverse Bay area). In 2011, the recreational harvest from Grand Marais (WFS-06) exceeded that from Grand Traverse Bay for the first time, and that pattern has continued through each year since. Recreational harvest of whitefish was estimated to be 208 fish in Grand Traverse Bay, and 15,281 fish in Grand Marais. The other area where recreational harvest of whitefish is common is Munising, where 2,773 fish were harvested in 2018. The State does not estimate targeted recreational effort for lake whitefish in these management units.

Table 5. Summary of state-licensed commercial lake whitefish harvest (pounds) and effort (trap-net lifts) by lake whitefish management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season.

Lake	Unit	Harvest	Effort
Michigan	WFM-01	69,514	0 ^a
	WFM-06	15,037	93
	WFM-08	160,375	299
Lake totals		244,926	392
Superior	WFS-04 ^b	8,550	45
	WFS-05	37,093	267
Lake totals		45,643	312
Grand totals		290,569	704

^aTrap-net effort in WFM-01 was zero, due to the fisher's exclusive use of a purse seine (38 hauls).

^bIncludes 1836 waters only.

B. Tribal commercial and subsistence fishing

Data in this section are as reported to the MDNR from the Chippewa Ottawa Resource Authority (CORA). The harvest values for 2018 are considered final. In 2015, Sault Tribe and the Grand Traverse Band removed the fisher identification numbers from their harvest data that is shared with the State and Federal governments. The claim was that the State and Federal

government had violated a confidentiality clause of the Consent Decree. The State disagreed with that position as these identification numbers are specifically required by the Consent Decree to identify fishers from one year to the next. Despite numerous efforts by the State to find common ground with the Tribes to allow for reinstatement of the identification numbers, they continue to be withheld. Their removal prevents the State from 1) evaluating patterns in the fishery, 2) conducting detailed analysis on harvest at the level of the individual fisher, and 3) comparing tribal catch reports to wholesale reports.

1. Lake trout

In areas where the tribes have implemented lake trout bag limits for gill-net fishers (MM-123 and MH-1), they are required to estimate mortality due to discarded lake trout. The 2018 estimates of discard mortality were 55,192 lb in MM-123 and 1,833 lb in MH-1. These amounts are added to their harvest totals when comparisons to harvest limits are made. Tribal harvest, reported in Table 6 below, was below established harvest limits in all management units.

Table 6. Summary of projected tribal commercial lake trout harvest (pounds) by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season. Gill-net harvest includes that from small-mesh and large-mesh gill nets.

Lake	Unit	Trap-net harvest	Gill-net harvest	Total harvest
Michigan	MM-123 ^a	0	442,484	442,484
	MM-4	1,687	91,537	93,224
	MM-5	0	0	0
	MM-67	724	0	724
Lake total		2,411	534,021	536,432
Huron	MH-1 ^a	5,570	221,443	227,013
	MH-2	0	0	0
Lake total		5,570	221,443	227,013
Superior	MI-5	0	0	0
	MI-6	0	33,145	33,145
	MI-7	0	14,063	14,063
	MI-8	1,488	31,243	32,731
Lake total		1,488	78,451	79,939
Grand total		9,469	833,915	843,384

^a Total values do not include estimated throwback mortality of 1,833 lb for MH-1 and 55,192 lb for MM-123.

2. Lake Whitefish

Lake whitefish harvest by Tribal commercial fishers was below the approved harvest limits and HRGs in all management units in 2018. In management units that are not shared, the tribes manage the fishery in accordance with the Tribal Plan and no penalty is incurred for overharvest. In shared whitefish management zones, overharvest penalties are incurred when a party exceeds the harvest limit by greater than 25%, although this provision of the Decree has never been triggered. In WFM-01, the Little Traverse Bay Bands licensed a fisher to conduct a gill-net assessment fishery in Big Bay de Noc. This effort began in 2017 and was permitted through the end of the current Consent Decree. The fisher is limited to 6,000 ft of gill net per day, filing regular harvest reports, and subject to onboard monitoring by tribal personnel for biological data collection. Summaries of his efforts are periodically provided to the TFC.

Table 7. Summary of preliminary tribal commercial lake whitefish harvest (pounds) and targeted effort (trap-net lifts or 1,000 feet of large-mesh gill net) by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season. Minor harvest from small-mesh gill nets is also included in gill-net harvest, but not effort.

Lake	Unit	Trap Nets		Gill nets		Total harvest
		Harvest	Effort	Harvest	Effort	
Michigan	WFM-01	360,826	2,108	19,256	128	380,082
	WFM-02	60,260	212	91,507	1,532	151,767
	WFM-03	42,014	545	102,751	1,560	144,765
	WFM-04	0	0	20,658	448	20,658
	WFM-05	2,325	45	8,044	292	10,369
	WFM-06	0	0	0	0	0
	WFM-07	1,174	26	0	0	1,174
	WFM-08	0	0	0	0	0
Lake totals		466,599	2,936	242,216	3,960	708,815
Huron	Northern	98,073	739	103,156	4,367	201,229
	WFH-05	28,570	37	0	0	28,570
Lake totals		126,643	776	103,156	4,367	229,799
Superior	WFS-04	0	0	0	0	0
	WFS-05	0	0	52,788	905	52,788
	WFS-06	3,701	28	20,542	819	24,243
	WFS-07	82,758	784	289,222	5,935	371,980
	WFS-08	156,874	938	69,989	1,788	226,863
Lake totals		243,333	1,750	432,541	9,447	675,874
Grand totals		836,575	5,462	777,913	17,774	1,614,488

3. Walleye

Commercial fishing for walleye is permitted in and around Grand Traverse Bay and the Manitou Islands, in northeastern Lake Michigan (Naubinway to Gros Cap), and around St. Martin's Bay and the Les Cheneaux Islands in Lake Huron. There are gear, season, depth, size, and area restrictions on the various walleye fisheries, though no harvest limits for the fishing season are set forth in the Consent Decree. In August 2018, the Consent Decree Parties agreed to a stipulation that allowed higher daily bag limits for walleye in particular grids in all three lakes.

The specifics of the stipulation can be reviewed from the TCU website: https://www.michigan.gov/dnr/0,4570,7-350-79136_79236_84834_84838-463908--,00.html

Walleye are occasionally harvested as incidental catch; thus, sometimes there is harvest with no effort listed for a unit because the fishers were targeting other species. The largest reported walleye harvest in 2018 occurred in Lake Huron unit MH-1 (37,123 pounds).

Table 8. Summary of tribal commercial walleye harvest (pounds) and targeted effort (trap-net lifts or 1,000 feet of small or large mesh gill net) by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season.

Lake	Unit	Trap nets		Gill nets		Total harvest
		Harvest	Effort	Harvest	Effort	
Michigan	MM-123	20	0	5,127	10	5,147
	MM-4	162	0	783	0	945
Lake totals		182	0	5,910	10	6,092
Huron	MH-1	545	0	36,578	466	37,123
Superior	MI-8	0	0	2,530	15	2,530
Grand totals		727	0	45,018	491	45,745

4. Yellow perch

Commercial fisheries for yellow perch exist in northeastern Lake Michigan around Grand Traverse Bay and the Manitou Islands, around the Beaver Islands, and near the northeastern shore. A yellow perch fishery also exists in Lake Huron around the Les Cheneaux Islands. The fishery has gear, depth, area, season, and size restrictions; though no harvest limits for the fishing season are set forth in the Consent Decree. The largest yellow perch harvest in 2018 was in MH-1 where 14,695 pounds were harvested (Table 9). Yellow perch are occasionally harvested as incidental catch, which is why often there is harvest with no effort listed for a unit because the fishers were targeting other species.

Table 9. Summary of tribal commercial yellow perch harvest (pounds) and targeted effort (trap-net lifts or 1,000 feet of large-mesh and small-mesh gill net) by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season.

Lake		Trap nets		Gill nets		Total
		Harvest	Effort	Harvest	Effort	Harvest
Michigan	MM-123	0	0	12,816	356	12,816
	MM-4	218	11	1,357	31	1,575
Lake totals		218	11	14,173	387	14,391
Huron	MH-1	0	0	14,695	607	14,695
Grand totals		218	11	28,868	994	29,086

5. Chinook and Coho salmon

Tribal commercial fisheries for salmon exist in northeastern Lake Michigan near shore from McGulpin Point south to Seven Mile Point, around the tip of the Leelanau Peninsula, and in Suttons Bay. Fisheries in northern Lake Huron exist in St Martin Bay, and near shore from Cordwood Point to Hammond Bay Harbor light. There is no target fishery for salmon in Lake Superior, but gill-net fishers can harvest these species as incidental catch. Fishing is restricted by season, gear, depth, and area; though no harvest limits are set. As in most years, the largest Chinook salmon harvest in 2018 occurred in Lake Huron unit MH-1 (Table 10). The 88,564 lb harvested in MH-1 is approximately half the 2017 catch. In recent years, Coho salmon have been primarily harvested from Lake Superior (Table 11).

Table 10. Summary of Tribal commercial Chinook salmon harvest (pounds) and targeted effort (trap-net or 1,000 feet of gill net) by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season.

Lake	Unit	Trap nets		Gill nets		Total harvest
		Harvest	Effort	Harvest	Effort	
Michigan	MM-123	0	0	1,039	0	1,039
	MM-4	0	0	1,349	0	1,349
Lake Total		0	0	2,388	0	2,388
Huron	MH-1	0	0	88,564	1,847	88,564
Grand totals		0	0	90,952	1,847	90,952

Table 11. Summary of Tribal commercial Coho salmon harvest (pounds) and targeted effort (trap-net lifts or 1,000 feet of gill net) by management unit in 1836 Treaty-ceded waters of the Great Lakes for the 2018 fishing season.

Lake	Unit	Trap nets		Gill nets		Total harvest
		Harvest	Effort	Harvest	Effort	
Michigan	MM-123	0	0	7	0	7
Superior	MI-6	0	0	97	0	97
	MI-7	0	0	76	0	76
	MI-8	63	0	4,302	9	4,365
Lake Total		63	0	4,475	0	4,475
Grand Totals		63	0	4,482	0	4,482

6. Subsistence fishing

Subsistence fishing as defined in the Consent Decree means taking fish for personal or family consumption and not for sale or trade. Tribal subsistence fishing is allowed in all 1836 Treaty-ceded waters with some exceptions. These exceptions include: no gill nets in lake trout refuges; no nets within 100 yards of a break wall or pier; no nets within a 0.3-mile radius of certain stream mouths (listed in section IV.C.8 of the Consent Decree); no prevention of fish passage into and out of streams that flow into 1836 Treaty waters; no gill nets or walleye possession in portions of the Bays de Noc during March 1 - May 15; no gill nets within 50 feet of other gill nets. Fishers

are limited to 100 pounds aggregate catch of all species in possession, and catch may not be sold or traded. Subsistence fishers may use impoundment gear, hooks, spears, seines, dip nets, and gill nets. Gill netting is limited to one 300-ft or smaller net per vessel per day. In the St. Marys River a single gill net may not exceed 100 ft in length. All subsistence gear must be marked clearly with floats and Tribal identification numbers. Tribal fishers must obtain subsistence licenses issued from their respective Tribe and must abide by provisions of the Tribal Code. Additionally, subsistence fishing with gill or impoundment nets requires a Tribal permit that may be limited in duration and by area. The Consent Decree states that MDNR is to be provided with copies of all subsistence licenses and permits and that data from the subsistence harvest reports of Tribal fishers shall be compiled by CORA and provided to the Parties within six (6) months. Final subsistence data for 2018 has been reported by the tribes and is included below in Tables 12 and 13.

Table 12. Summary of final tribal subsistence harvest (round pounds) with gill nets for each management unit by species for the 2018 fishing season.

Species / Unit	MH-1	MI-6	MI-7	MI-8	MM-123	MM-67	SMR	Total Harvest
Bass					100		2	102
Burbot		21		7	391			418
Brook trout		2						2
Brown trout		46			9	9		64
Bullhead					12			12
Carp					60			60
Lake herring	3	83		19			169	273
Lake trout	13	676		20	807	32		1,546
Menominee	190	41		9	31			271
Northern pike	21	16	15	34	1,804	5	774	2,670
Rainbow trout	3	142	78		1,032	235	8	1,497
Salmon	7	832	305	59	285		33	1,520
Smelt				85				85
Splake		132						132
Suckers	80	98		31	133		19	362
Sunfish					9			9
Walleye	83			14	2,344		957	3,399
Whitefish	115	316	31	88	1,352		153	2,054
Yellow perch	81				3,856		32	3,969
Totals	594	2,405	429	364	12,224	281	2,148	18,445
Effort (feet)	6,694	8,298	1,200	9,800	80,700	1,500	9,351	117,543

Table 13. Summary of final tribal subsistence harvest (round pounds) via snagging, traditional hook and line, tip-ups, dip nets, and spears (combined) for each management unit by species for the 2018 fishing season.

Species / Unit	MH-1	MI-5	MI-6	MI-7	MI-8	MM-123	MM-5	MM-6	SMR	Total
Atlantic Salmon	18								219	237
Bass						55			64	119
Burbot						5			113	117
Brown trout						1				1
Catfish									112	112
Carp									20	20
Goby	1									1
Lake herring	23								53	76
Lake trout	459	6		49	24	10			28	576
Muskellunge									26	26
Northern pike	222				59	444			2,471	3,196
Rainbow trout					16	121			32	169
Salmon	537		13		358	33			46	988
Splake	87				8					95
Sunfish						8			2	11
White bass									2	2
Walleye	48		17		117	429	10		4,123	4,743
Whitefish	45		13	490	558	30		33	298	1,466
White perch									1	1
Yellow perch	211				27	255	10		1,162	1,666
Totals	1,649	6	42	539	1,167	1,392	20	33	8,771	13,619

IV. Fisheries Contacts

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LAW ENFORCEMENT

I. Introduction and Staffing

The Great Lakes Enforcement Unit (GLEU) is housed within the Michigan Department of Natural Resources (MDNR) Law Enforcement Division (LED). The Unit is tasked with the monitoring and enforcement of aquatic species commercialization within the state as well as other Great Lakes protection issues. Areas of oversight include:

- 2000 Consent Decree
- State commercial fishery
- The wholesale fish industry
- Michigan's bait industry (wholesale, retail, and harvesters)
- Transportation and commercialization of aquatic invasive species
- Coastal zone management
- General marine enforcement

The 2000 Consent Decree details the allocation, management, and regulation of fishing in 1836 Treaty waters. The Decree also establishes a Law Enforcement Committee (LEC) as the primary body for consultation and collaboration on enforcement issues pertaining to the fishery in 1836 Treaty Waters of the Great Lakes. The LEC is composed of the chief law enforcement officer or designee of each tribe and the chief law enforcement officer or designee of the MDNR.

Under the Decree, each of the Tribes and the State shall commit one position as available to work with a mutual-aid enforcement team pool each year. The team shall engage in group patrols at least eight times per year, and those patrols are scheduled by the LEC. The LEC is required to meet four times a year, and the January meeting is to include a review of annual reports completed by each agency. This report provides a summary of enforcement activity for the MDNR Law Enforcement Division GLEU for 2018.

In 2017, GLEU was staffed by four Commercial Fish Specialists (CFS), one Commercial Fish Investigator (CFI), and one 2nd/Lt. Unit Supervisor. Two Commercial Fish Specialists and the single Commercial Fish Investigator retired during the fall and winter of 2017/2018. Promotions occurred during the spring of 2018 and the Great Lakes Enforcement Unit is currently staffed by six Commercial Fish Specialists, two Commercial Fish Investigators, and two 2nd/Lt. Unit Supervisors.

II. Equipment/Maritime Activity

For the 2018 season, the Great Lakes Enforcement Unit's vessels were utilized a total of 402 sea service hours. A total of 96 patrols were conducted along with an additional 14 patrols on vessels from outside of the Unit. A total of 4042.47 gallons of fuel was purchased for a total cost of \$13,852.20. PB 25-2 ("Rick Asher") was out of service from 7/10/18 to 09/16/18 (10 weeks) due to a cracked fuel tank.

The Unit's larger vessels and specialized equipment has always been an asset to the local districts, and in 2018 our officers were requested to render enforcement and security assistance at the following maritime events:

- Marinette Marine shipyard launch of LCS 17 class naval warship : USS Indianapolis
- Operation Northern Strike
- Chicago to Mackinac Island Sailboat Race
- Port Huron to Mackinac Island Sailboat race
- Menominee Waterfront Festival Fireworks display
- Labor Day Mackinac Bridge Walk
- Engineers Day at Sault Ste. Marie Locks
- Top O' Michigan Hydroplane Races.

In 2018, GLEU received a new trailerable Great Lakes commercial fishing enforcement vessel. The project had been put out for bids in 2017 and the contract was won by Pacific Boats of Marysville, Washington. Officers from GLEU worked extensively on providing specifications for the vessel to make it a highly mobile, maneuverable and effective commercial fishing enforcement patrol vessel. The new patrol vessel measures 30 feet in length with a 10-foot beam. It is outfitted with dual 250 hp Mercury outboards, state of the art electronics, FLIR system and net lifter. The vessel is currently deployed in the east end of the Upper Peninsula near Sault Ste. Marie.

Also, in 2018, funding was approved for an additional trailerable Great Lakes commercial fishing enforcement vessel. The project was put out for bids and the contract was won again by Pacific Boats of Marysville, Washington. The new patrol vessel will measure 34 feet in length with a 10-foot beam. It will be outfitted the same as the previous Pacific patrol vessel except that it will be equipped with dual 350 hp Mercury outboards. The vessel is expected to be delivered in the spring of 2019.

In 2018, GLEU received its second ROV (Remotely Operated Vehicle). The ROV is a PRO4 manufactured by VideoRay. It is outfitted with a high-resolution camera, sonar and a manipulator arm with several different configurations of grasping, cutting and sampling jaws. The ROV has

the capabilities to allow officers to conduct underwater operations without the necessity of a diver including but not limited to commercial fish net inspections, search and recovery in the event of a drowning incident, evidence recovery operations, shipwreck documentation and Homeland Security operations. This ROV is assigned to Cpl. Craig Milkowski in the northern Lower Peninsula at Mackinaw City.

III. Enforcement – Complaints and Violations

In 2018, Law Enforcement Division received a total of 101 commercial fishery related complaints. 32 concerned 1836 Treaty fishing, 1 concerned 1842 Treaty fishing and 23 concerned state commercial fishing. Within the state commercial fishery (including bait dealers, state commercial fish and wholesale fish), a total of 762 contacts were made, 258 inspections were conducted, 0 citations were issued, and 60 warnings (51 of which were due to delinquent reporting) were given. Within the tribal fishery, a total of 533 contacts were made, 125 inspections were conducted, 5 citations were issued, and 22 warnings were given. In addition, 6 referrals were made to tribal officers for follow up.

Table 14. 2018 Summary of LED Actions Regarding State Commercial Fishing Activities.

	Contacts	Complaints		Inspections	Arrests	Warnings	
		Delinquent Reporting	Other			Delinquent Reporting	Other
Bait Dealers	67	8	1	88	0	9	4
State Commercial	489	8	15	144	0	8	3
Wholesale	206	34	2	26	0	34	2

Table 15. 2018 Summary of LED Actions Regarding Great Lakes Tribal Fishing Activities.

	Contacts	Complaints	Inspections	Arrests	Warnings	Referrals
1836 Treaty Area	531	32	125	5	22	5
1842 Treaty Area	2	1	0	0	0	1

GLEU complaints, violations and activities of note related to the 1836 Treaty-ceded territory of the Great Lakes include the following:

- A Sault Ste. Marie tribal commercial fisher pled guilty to ten counts of falsifying catch reports charged by the Sault Tribe Prosecutor that was uncovered during Operation FFF. The fisher paid \$1,500 in fines.
- A state licensed wholesale fish dealer in Ludington pled guilty to a felony count of falsifying records in US District Court. The charge stems from Operation FFF. The wholesaler was sentenced to four months in federal prison and assessed \$270,000 in restitution. The amount was reduced to \$8,000 if paid within 90 days.
- GLEU officers spent time looking for subjects that were allegedly illegally gill netting walleye in the Bay de Noc area. Surveillance was conducted on suspect ice shanties; however, no activity was observed.
- A GLEU officer was patrolling Hammond Bay Harbor, when he encountered a fishing tug breaking ice trying to clear a path of travel. The officer contacted the vessel and its occupants at the dock. Upon making contact, the officer received a complaint from the captain reference his nets being lifted and fish stolen 15 times last year. Potential suspects were named. This situation will be monitored.
- A GLEU officer investigated a complaint of suspected illegal netting on Little Bay de Noc. Upon contact with the complainant, it was determined that the activity was likely tribal subsistence netting. The netting had occurred in January and February and the subjects had left the area and not been back. The complainant failed to promptly notify anyone of what he thought was an illegal activity until weeks after he last saw the subjects last lifting a net. The GLEU officer gave the complainant his contact information as the complainant was unwilling to call the RAP line and was asked that if he observed any suspicious activity, that he contact the officer immediately so it could be investigated. The complainant agreed to assist.
- SIU detectives and GLEU officers conducted covert patrols of the Bays de Noc area prior to the spring walleye run to identify potential surveillance opportunities.
- GLEU officers participated in a conference call meeting with the FACTS workgroup to work on testing the wholesale industry segment of the system. Considerable amount of time has been spent on fine tuning the electronic reporting system.

- A GLEU officer investigated a Facebook post of a subject selling fish. Further investigation revealed the subject to be a Bay Mills Indian Community commercial fisherman.
- A GLEU officer followed up on a suspicious Facebook post of subsistence fishermen fishing in Munuscong Bay. Attempts were made to locate possible areas that the fishermen might be accessing the bay now that Dan's is closed to vehicles. The activity is likely no longer ongoing, but LE efforts will continue.
- A GLEU officer followed up on an illegal disposal complaint. A ticket was issued, and a report generated.
- Training was conducted for GLEU officers with a step-by-step guide for how to download Fish Catch and Sales. This program will allow members to view wholesale records as needed for their investigations.
- GLEU officers conducted patrols of the Bays de Noc area during the spring walleye spawning run. Many tribal members with both subsistence licenses and inland spearing permits were contacted. All of the tribal subjects contacted were in compliance with regulations and the officers received several "Thank You's" for their patrol efforts.
- A GLEU officer received a complaint of trespass in the Rapid River area. Subjects that were attempting to take walleye under their tribal inland spearing permits were trespassing on the complainant's property along the Rapid River. The property owner was contacted but stated he was unable to id the subjects. The property owner was advised on posting his property and was asked that he contact the Report All Poaching hotline or the GLEU officer directly if the trespassing continued.
- A GLEU officer contacted three nontribal anglers attempting to catch "suckers", near a known hotspot for spawning walleyes. File checks were run and one of the individuals returned with a nationwide 10-10 pickup warrant. The officer called local dispatch to send another unit his way. While waiting for confirmation on the warrant, station 20 advised the actual person with the warrant had the same name and nearly the same birthdate; however, the angler the officer contacted was not the individual with the warrant.
- A GLEU officer contacted a fish hauler truck headed to Northport. The officer verified that the driver and the receiving organization had contacted Fisheries Division for a

stocking permit for 300 rainbow trout for a Kids fishing Day at the local Mill Pond. There were no violations.

- GLEU officers brought the 40' patrol vessel "Smith" from storage in Marinette to Cedar River Marina. New GLEU officers were briefed in pre-patrol inspection procedure and each had an opportunity to operate the "Smith" and conduct on-the-water net inspections. Several state commercial trap nets were inspected and found to be improperly marked. The commercial fisher was contacted, and enforcement action taken. The fisher re-contacted GLEU several days later to let him know that the deficiencies were corrected, and the nets were all now properly marked.
- GLEU officers responded to the Grand Marais area to investigate three different net complaints that were received. The tribal fisher in question was observed tending his net while the officers were on the water and the net was a legal distance from the pier head. No violations observed.
- FACTS (Fishing Activity & Catch Tracking System) will replace the current electronic reporting method for wholesalers later this year. GLEU investigator Cpl. Jon Busken was appointed as the lead wholesale trainer for FACTS. In this role Cpl. Busken will be responsible for handling questions and comments on the new system as well as training wholesalers on how to use the system. Cpl. Busken prepared a letter to send to all state licensed wholesalers to introduce himself and explain FACTS.
- GLEU has been requested to assist Legal Services with developing legal language regarding the anchorage area within the Straits of Mackinac. An emergency order is being drafted under the Marine Safety Act to establish a no anchoring zone in the straits as a result of the recent incident where a vessel had damaged underwater infrastructure by dragging an anchor.
- GLEU officers patrolled the Garden Bay area in Delta county on a net complaint. No net was found, and several sport anglers were checked.
- A GLEU officer assisted a D-2 officer on a marine patrol on Big Bay De Noc. Many anglers were checked. Several undersized walleyes were seized, and citations were issued.
- A GLEU officer received a complaint of an improperly marked gill net in Kemps Bay of the St. Marys River. The GLEU officer and a D-1 officer responded to the complaint. A search was conducted but the officers were not able to locate the net.

- A GLEU officer and a D-1 officer conducted a Memorial Day joint patrol on Munuscong Bay. Contact was made with multiple anglers fishing in a walleye tournament. While approaching a vessel, the officers noticed that an angler had brought four lines into the boat. Upon contacting the subject, the officers asked if the fisherman knew how many lines he was legally allowed to fish with. The anglers stated, “I don’t know. Four?” Enforcement action was taken.
- A GLEU officer met with the owners of Thill’s Fish House in Marquette to test the electronic FACTS (Fishing Activity & Catch Tracking System) reporting system. This was the first of multiple wholesalers to test FACTS prior to statewide implementation. The user was very impressed with FACTS, stating that it is much better than the current online report system.
- GLEU officers patrolled Lake Superior north of Grand Marais in response of a complaint of an unmarked gill net. The officers attempted to locate the net using both sonar and a grapple. The officers noted a suspicious reading on the sonar and attempted to grapple the object. However, the officers were unable to raise the object to identify it.
- A GLEU officer investigated an unflagged net complaint near the Pine River. The officer met the commercial fisher who owned the net and worked with him to get various staff floats that had been damaged by high winds properly marked again.
- A GLEU officer received a complaint from a charter boat captain out of Cheboygan, regarding a possible abandoned net off Poe Reef Light in Lake Huron. Follow up was conducted.
- GLEU constructed test net marking staffs for testing of various colors of staff flagging materials for marking tribal gill nets. The CORA LEC is currently looking at the issue regarding net markings and ways to improve and unify markings between tribal and state fishers.
- GLEU received a complaint from a SIU detective who had witnessed two anglers dump walleye carcasses at the local fish cleaning station, brag about how good the fishing was that morning, and launch their vessel back on the Escanaba River to attempt to catch over their daily limit of walleye. Several hours later the GLEU officer contacted with the anglers when they returned to shore. The anglers were excited to tell the officer about the four walleyes they had just caught. The GLEU officer interviewed the two anglers separately

and quickly obtained an over limit confession. The anglers voluntarily sent the pictures of their catch from earlier in the morning to the officer's phone. Enforcement action was taken.

- A GLEU officer inspected Peterson's Fish House in Fairport. Contact was made with multiple tribal commercial fishermen. The officer inspected the harvested whitefish for length and found several to be undersized; however, the poundage fell into the legal amount of by-catch under the CORA regulations.
- GLEU participated in multiple FACTS (Fishing Activity and Catch Tracking System) conference calls. Feedback from the wholesalers who tested the new electronic reporting system was presented. Electric Edge, the company that created the FACTS system, was able to make many of the changes the wholesalers suggested. On another call, GLEU briefed the Fisheries Division employees responsible for rolling FACTS out to commercial fishermen and charter boat operators on his findings from beta testing FACTS with wholesalers. Those on the call found GLEU's experiences with wholesaler's helpful for future FACTS roll outs. The FACTS committee also planned for the shutdown of the current wholesale purchase reporting system and the migration of users to FACTS.
- A GLEU officer responded to a complaint in Manistee County where it was reported that some commercial nets were not properly marked. The officer investigated the nets at the given location and determined they were in compliance with Consent Decree regulations. The complainant was notified of the officer's findings and the tribal fisher was also contacted regarding the complaint.
- A GLEU officer responded to the upper Little Bay de Noc area after multiple calls came into the Escanaba DNR office reporting an illegal gill net. The gill net was located, and it was determined that a local subsistence fisherman was legally exercising his tribal rights at a location and date that permitted by the 2000 Consent Decree. All the complainants were re-contacted. The net was also set far enough away from river mouths making it a legal set. The complainants advised this was the first time they had ever seen a subsistence net that far north in the bay.
- A GLEU officer investigated a complaint of poorly marked Wisconsin commercial fishing nets being placed over the Michigan/Wisconsin state line in Green Bay near Chambers Island. The Wisconsin fisher's nets were located and determined to be legally placed in

Wisconsin waters; however, an end of each net was placed right up to the state line. During the patrol, the officer also located numerous nets from a Michigan commercial fisher that was also placing his nets in Michigan waters right up to the state line.

- Several members of the GLEU attended the CORA LEC meeting in Sault Ste. Marie. In addition to enforcement efforts, cases, and complaints, the committee discussed a summary of the previous 2000 Consent Decree review regarding LE concerns and discussed strategies for moving ahead toward 2020. The net marking project was also discussed with net staffs displaying the color flagging to be tested being distributed to each tribal LE department. The committee will make future recommendations to the parties regarding net markings. The LEC presentation for the Executive Council meeting in August was also discussed which will include a brief presentation on the state's new FACTS program in conjunction with Fisheries Division staff.
- A GLEU officer and a D-2 officer received a complaint of a gill net set outside of the 1836 treaty area near the Escanaba Marina and Aronson Island. The officers contacted the owner of the gill net, an 1836 treaty tribal member, at the reported net location. The GLEU officer issued a citation to the tribal member for using illegal gear outside the treaty area.
- GLEU officers responded to an abandoned gill net complaint on the north east side of Mackinac Island. Approximately 2,000 feet of gill net was pulled from the water and it appeared that it had been abandoned for a significant amount of time. Identification numbers on the net were obtained and the investigation continues.
- A GLEU officer paired with a D-4 officer to conduct a patrol out to the Manitou and Fox Islands. State licensed nets were checked on the patrol, along with shipwrecks and a few marine contacts.
- A GLEU officer responded to a complaint of a net in Grand Traverse Bay south of Power Island, which is a spot that is not traditionally fished. The net was located, and it was found it to be a GTB Natural Resources Division net. The officer contacted the local DNR fisheries biologist who informed him that GTB biologists were missing a net. The officer then contacted GTB and provided them with the coordinates of where the net was located. GTB responded and recovered the net. GTB advised a second net is still missing. They were very thankful for the help in locating the lost net.

- GLEU officers worked a complaint from a D-3 fisheries biologist of dead salmon at Nunn's Creek in Lake Huron. A search of the area was conducted, but no fish were found.
- A GLEU officer received a complaint from a retired DNR fisheries technician of a floating trap net near Hessel in Lake Huron. The net was free floating, so despite that coordinates were given of the net's location, it had moved with the currents since the time it was initially reported. A search of the area was conducted by GLEU officers. The net was eventually located in 40 feet of water approximately 1 mile from its last known location. Contact was made with the tribal fisherman who had reported the net missing. The net was removed.
- GLEU officers participated in a CORA LEC patrol in Northern Lake Michigan targeting illegal commercial fishing activity. A complaint was received of an illegal/improperly marked gill net set off Barques Point near Manistique. The officers had GPS coordinates of the net and canvassed the area for quite some time but were unable to locate the net. The complainant advised he fished the same area later that night and he also agreed the net was no longer there.
- GLEU officers conducted a marine/commercial fish patrol on the waters of Green Bay along the Michigan/Wisconsin state line. The officers inspected several state trap nets in the area. The officers also recovered a staff float of a local state commercial fisher that was floating freely and was unattached to a trap net. Damage to the staff appeared to indicate that it might have been run over by a freighter. The fisher was notified, and the damaged staff was returned.
- A GLEU officer received a complaint from a fellow DNR employee who had been fishing on his day off and became entangled in a trap net that was not marked properly. GLEU investigated the complaint and observed a tribal fisherman who was lifting another unmarked trap net in the immediate area. Enforcement action taken.
- A GLEU officer investigated a "subsistence" netting complaint at the fish cleaning station in the Gladstone Harbor. Many filleted walleye carcasses over 15" were observed. The complainant had no real reason to suspect tribal activity other than the volume of fish being caught. The officer had a lengthy discussion with the complainant and explained tribal rights including the subsistence laws along with treaty area boundaries.

- A GLEU officer and two D-2 officers responded to an unmarked gillnet complaint near Minneapolis shoal in Lake Michigan. The officers utilized the 40-foot patrol boat “Smith” out of Cedar River due to the high winds and rough seas. For over an hour the officers dragged a grapple through the area in question but were not able to locate the net.
- While on a patrol on Lake Huron, GLEU officers received a complaint of a net in the area that wasn’t marked. The officers grappled the area, located the net and were able to tie a buoy to it. The net was removed on a later date.
- A GLEU officer issued a citation to a Tribal commercial fisherman for an illegally marked net. The fisherman was also warned for an unattended net. The citation was the result of a net that was pulled by GLEU officers roughly a month prior.
- A GLEU officer monitored the pulling of an abandoned trap net near Goose Island in northern Lake Huron. While in the area, the officer located yet another abandoned trap net. The net was marked with a buoy to warn boaters and anglers and the net location was turned over to the tribes for removal.
- A GLEU officer reports receiving multiple phone complaints from two charter boat captains out of Mackinaw City, claiming inappropriate/illegal activity on one another. Both captains claim that lines have been intentionally run down and they have been flashed by the other captain. The stories are the same; however, each captain points the finger at the other. The incident has been turned over to Mackinaw City Police Department, with further on water activities to be followed up on by GLEU and SIU.
- GLEU officers responded to the Grand Marais area reference an abandoned net complaint. The officers were able to locate the net but were unable to lift it due to its heavy weight. The net was marked with a staff buoy and plans were made to make a second attempt on a later date.
- GLEU officers paired with a Bay Mills tribal officer and patrolled the Detour area in reference to several complaints. A RAP complaint was followed up on; however, high winds prevented Officer’s from reaching the given location of a reported improperly marked net. Officer’s also looked for a sunken vessel that was reported to have sunk over one month prior. Again, due to high winds and heavy seas, officers could only make one pass in the area before heading back north up the St. Marys River. Officers then responded to an area on the north side of Drummond reference a complaint of another improperly

marked net. The officer's located the net and determined that in fact it was improperly marked (no king anchor marked or no ID #'s on staff). The Bay Mills Conservation Officer followed up with the owner and issued a citation.

- GLEU officers conducted a CORA patrol in the Straits of Mackinac. During the patrol, officers checked GPS coordinates regarding a possible abandoned commercial fishing net. After a thorough check of the area, a net was located. The net was marked for future removal.
- A GLEU officer received a complaint of subjects stealing artifacts from the shipwreck "Metropolis" located in East Grand Traverse Bay. The complainant was contacted who did an outstanding job documenting the MC numbers of the vessel as well as photographing the suspects on the water and the artifacts in their boat. The complainants followed the suspects back to port and photographed their vehicle license plate as they loaded and left. Upon receiving this information, the officer was able to identify two male suspects and a single female suspect. The two males were interviewed and admitted to stealing the artifacts from the shipwreck. At first, they indicated they had only taken one piece and directed the officer to its location where it was recovered. Upon reviewing the photographs and the recovered evidence, the officer realized it was not the same artifact that was visible in the boat from one of the photographs. Follow up contact was made, and the suspects turned over the remaining three pieces of ribbing taken from the wreck. Additional contact is being made with the state underwater archeologists and the Department of History for a final disposition on the items recovered. Charges are being sought through the Grand Traverse County Prosecutor's Office.
- GLEU officers and Bay Mills officers conducted a joint search off the mouth of the St. Mary's River at Detour Village for a sunken sport fishing vessel utilizing GLEU's sidescan sonar. The area where the vessel reportedly sank was thoroughly searched; however, sonar images of the area did not provide a location of the vessel. Officers will continue to expand the search area as the vessel may have been caught in currents after it was submerged and drifted out of the initial search area.
- A GLEU officer responded to a complaint of possible net line on the surface of the water on the east side of Mackinac Island. An improperly marked trap net was located. Contact was made with the fisherman thought to be the owner of the net. The tribal commercial

fisherman advised that the net became balled up due to high winds and they were planning on remove it very soon. The officer explained to the fisherman that this was a navigational hazard and it needed to be dealt with.

- Acting on a complaint received from one of the Charlevoix County Sheriff's Department dive team members, GLEU officers responded to a complaint of an abandoned net in Hammond Bay in Lake Huron. Officers responded to the site and attempted to locate the net. High winds hampered the effort; however, plans are being made to return for continuance of the search.
- GLEU officers investigated a complaint of a tribal fisher fishing in a closed area around Beaver Island for perch. The suspect fisher was interviewed in Naubinway when he returned to port. The fisher pointed out where he was fishing, which was just into the closed area. The fisher was educated regarding the legal area to fish.
- A GLEU officer patrolled the waters of Green Bay on the Nov. 1st state commercial fishing closure. 11 state licensed trap nets were located still in the water after the noon closure. Using the sonar on the 40' patrol vessel "Smith", he was able to determine the nets were not collapsed; however, it could not be determined if they were closed and unable to fish. Follow up will be done with one of GLEU's ROV's to determine if the nets are open or closed.
- A GLEU officer received a call from a commercial fisherman who advised that a sport angler had run into the wing on his trap net and the mesh was tangled in the prop. The commercial fisher advised the seas were rough and was concerned for the sport angler's safety. The officer was able to contact the sport angler that was caught in the trap net wing. The sport angler advised he had cut his vessel free of the trap net. The commercial fisher was advised of the status of the angler.
- A GLEU officer and a Bay Mills officer attempted to pull an unmarked gill net in the Whitefish Point area of Lake Superior. After pulling roughly 100' of gillnet, the net broke due to large amounts of drift wood caught in the net. After inspecting the portion of the net that was pulled, officers were able to determine that the net belonged to "Brown's Fisheries". After talking with several local fisherman, it was determined Brown's Fisheries quit fishing in the 1980's. The age of the net explained why the net had aluminum floats and woven cotton mesh material; and it also explained why the net was in such bad shape.

- A GLEU officer was contacted by a local wholesaler who was concerned about some of the “yellow pickerel” (walleye) fillets they were receiving from Canada. The Ontario Ministry of Natural Resources and Forestry was contacted, and it was determined the “suspect” fish were legal.
- A GLEU officer utilized the new GLEU ROV at Straits State Harbor in Mackinaw City. The harbormaster requested GLEU’s assistance in determining why a line was tied to the fishing pier and attached to an unknown object on the bottom. The ROV was deployed to inspect the suspicious situation and video was taken of the line wrapped around steel pilings on the bottom with several feet of line on the bottom as well. After reviewing the video, the line appears to possibly be an anchor line, and it is believed a boater tied the line to the pier with the intent to return to retrieve it. When time permits, the ROV will be sent down to cut and/or remove the line.
- Cheboygan DNR Waterways Office has requested GLEU use its locally stationed ROV to document unknown objects just outside the Straits State Harbor and check piers for possible structural damage.
- GLEU officers conducted an on the water patrol of Bays De Noc on the tribal commercial fishing closure (11/06). Despite rumors that tribal fishers were going to leave all their nets in the water (closed and unfishable) during the November fishing closure so they could resume fishing in December, all tribal trap nets except two appear to have been removed.
- During an on the water patrol in mid-November, GLEU officers contacted a state commercial fisher that had left nets in the water during the fishing closure. The fisher was removing the last of his nets from Green Bay between Cedar River and Menominee. The officers were able to observe that the nets were indeed closed and unfishable.
- GLEU officers checked numerous access sites along the Northern Lake Huron Shoreline and the Eastern Lake Superior shoreline on the Nov. 6th whitefish closure. No fishermen were believed to be out fishing in the area as of the noon closure deadline.
- A GLEU officer received a complaint from a D-1 officer regarding a bait shop offering uncured roe for sale. The officer researched the issue to learn that it is illegal to offer uncured roe for sale. Contact was made with the bait dealer and he was interviewed. It was determined that uncured roe was not being offered for sale.

- GLEU received information that the two suspects from a shipwreck artifact theft investigation plead guilty to 1-year misdemeanors. They were fined \$1,000 each, paid a total of \$1,450 in restitution, received 9 months of probation and given 20 days of community service each.

IV. Aquatic Invasive Species and Aquatic Disease

Preventing the spread of Aquatic Invasive Species such as Asian Carp, and fish diseases such as Viral Hemorrhagic Septicemia (VHSv) continue to be a topic of importance to the state, tribal, and federal governmental units around the Great Lakes region. Both of these threaten Michigan’s fishery populations and could have very detrimental effects on commercial and recreational fishing.

The GLEU represents LED as a member agency of the Asian Carp Task Force coordinated by the United States Fish and Wildlife Service. The task force is comprised of state, federal and provincial law enforcement agencies cooperating to enforce regulations pertaining to the sale and movement of Asian Carp. This exchange of information and combined enforcement efforts has enhanced LED’s ability to detect, interdict and prosecute for violations of transporting and marketing the fish. The GLEU provides training to other law enforcement agencies as well as outreach programs for the public in regards the identification, detection and interdiction of Asian Carp and other invasive species.

Table 16. 2018 Summary of LED Actions Regarding Aquatic Invasive Species.

	Contacts	Complaints	Inspections	Arrests	Warnings	Presentations	Trainings
Aquatic Invasive Species	250	19	128	0	11	10	3

The GLEU is the LED’s primary enforcement unit responsible for the monitoring of potential vectors that may spread invasive species/disease, as well as handling complaints concerning them. As part of this proactive involvement GLEU Officers have been involved in the following activities related to the 1836 Treaty-ceded territory of the Great Lakes:

- GLEU officers attended the Great Lakes Fishery Commission Law Enforcement Committee meeting in Toronto, Ontario. Numerous AIS items were on the agenda

including the continued work on the Governor's and Premier's AIS resolution and the law enforcement impact, training with the GLDIATR program for tracking internet movement of aquatic species, and on-site visits of several Asian food markets that import and sell live aquatic species.

- GLEU officers patrolled to Lapeer to inspect a truck from "Arkansas Pond Stockers" which was in Michigan selling live fish at several locations throughout the state. Due to a prior violation, Arkansas Pond Stockers is under court order to notify the state when they are entering Michigan and where they will be conducting business. An inspection of their live holding tanks revealed no violations.
- GLEU investigated potential illegal packaged bait at Gander Outdoors reference VHS certification. A GLEU officer recalled seeing packaged herring on the shelf while visiting the store on personal time. Although the herring was no longer there during the on-duty visit, the officer is following up with Fisheries Division on the legality of packaged baby shad observed at the business.
- A GLEU officer visited multiple pet supply stores in the Traverse City area for Organisms in Trade inspections. Two stores had live specimens and no violations were found in either business. Although Michigan species such as Milk snakes and painted turtles were found, the business had proper paperwork showing their origin and that they were bred from a recognized pet supplier in Florida.

V. Training, Education, and Public Outreach

Training, education and public outreach efforts conducted by unit officers includes the following (only activities pertinent to the 1836 Treaty-ceded territory of the Great Lakes are included):

- GLEU officers instructed at a four-day Fish Identification and Enforcement Training School at the Rose Lake Shooting Range in Bathe Township from October 1 thru October 4, 2018 for Conservation Officer Recruit Academy #9. The 24 new officers were provided training in topics including state and tribal commercial fishing, tribal subsistence fishing, fish species identification and enforcement, bait industry enforcement, aquatic invasive species identification and enforcement, fish hauler identification and coastal zone management enforcement. The recruits also participated in general enforcement scenarios.

Various techniques used by those intentionally violating regulations in these topics were also discussed.

- GLEU created a document at the request of the workgroup for the electronic reporting system comparing the current statutory requirements regarding commercial harvest, wholesale activities and those of the proposed statute rewrite and order.
- GLEU officers attended the Michigan Fish Producers Association in Traverse City. A brief unit update was given regarding the status of the unit and staffing. Fisheries division staff presented on activities including the proposed commercial fish statute.
- GLEU officers conducted a training session for the United States Coast Guard at the USCG Station in St. Ignace. Topics covered included state and tribal commercial fishing gear, markings, methods, and regulations; tribal subsistence fishing gear, markings, methods and regulations; and Aquatic Invasive Species identification and vectors of importation. The training was well received, and many positive comments were made about the training by the USCG personnel. GLEU officers were also asked about the potential for additional training sessions for other USCG stations.
- A GLEU officer prepared and delivered a recruiting presentation to 40 tribal youth at the Police Jr. Camp hosted by the Sault Ste. Marie Band of Chippewa Indians in Moran. The officer discussed conservation law enforcement, qualifications good candidates bring and the hiring process. The attendees who were selected from a long list of qualified applicants had many questions that the officer answered.
- GLEU conducted training with the GLEU's ROV. One of the Divisions water rescue training manikins was weighted and sunk in about 30' of water to simulate a drowning victim. The ROV's sonar and camera was utilized to search for and locate the training manikin. During the training, two large concrete anchors and chains used for positioning navigational buoys that were lost in Green Bay waters off the port of Cedar River were located.
- GLEU officers met at Fayette State Park on the Garden Peninsula. Training was conducted with GLEU'S new ROV in locating various objects and a manakin placed on the bottom of the Lake Michigan to simulate a drowning victim.
- GLEU supervision attended and instructed at the Tribal Cultural Awareness Training that was conducted for the conservation officers of Recruit School #9. The training is required

in order to allow for state officers to enforce provisions under the 2007 Inland Consent Decree with the 1836 Treaty tribes. The Sault Ste. Marie of Chippewa Indians tribal chairperson conducted cultural awareness training as well as a historical perspective on treaties and treaty rights.

Education efforts and meetings attended by Unit officers include the following:

- Lakes Huron, Michigan, Superior, Erie & St. Clair Citizens Fishery Advisory Committees
- Various Law Division District Meetings
- Michigan Fish Producers Association
- Quarterly AG's meeting
- 2020 Consent Decree prep meeting with Fisheries Division.
- AIS CORE team meeting.
- St. Marys River Walleye Club
- various public meetings related to CWD.
- Lake Huron Sea Grant meeting
- various CORA LEC meetings.
- Great Lakes Fishery Commission Law Enforcement Committee meeting
- Great Lakes and St. Lawrence Council of Governors and Premiers Joint Task Force meeting
- Michigan Underwater Salvage and Preserve Committee meeting
- Various local sport fishing and sportsmen clubs across the state

VI. Assistance to Other Agencies and Districts

The GLEU often works with officers from other agencies and jurisdictions as well as providing assistance to Conservation Officers from local Districts. Examples of this include the following:

- GLEU put together a document at the request of the working group for the electronic reporting system detailing the current statutory requirements regarding commercial harvest and wholesale and those of the proposed statute and order.
- GLEU participated in a harvest reporting workgroup meeting held in St. Ignace. The committee is comprised of a law enforcement and biological rep from the state, US Fish & Wildlife Service, each 1836 tribe and a commercial fisher from each tribe. The committee was formed to discuss fish harvest reporting mechanisms, management processes, and law enforcement issues in the current system and to try to identify potential improvements.
- GLEU attended the CORA LEC meeting in Manistee. Several ongoing topics were discussed including meetings with tribal judges and prosecutors, 2000 Consent Decree

review, recommended regulation changes, and the harvest reporting workgroup. The US Coast Guard requested tribal fishery enforcement training and it was decided that the state will team up with tribal officers to offer that training at the various USCG stations.

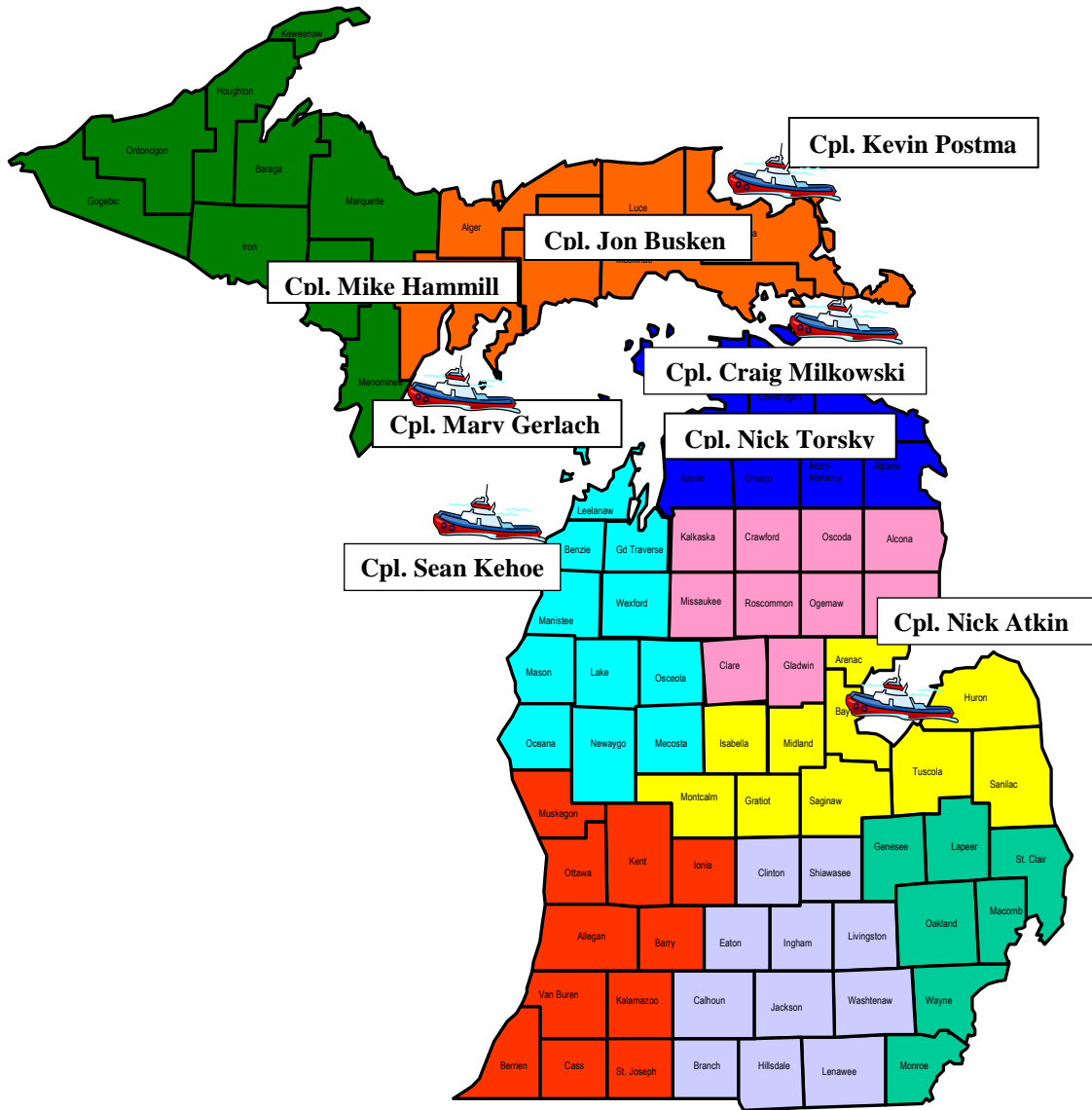
- GLEU contacted the US Coast Guard and arranged for the Cutter “HOLLYHOCK” to assist GLEU with the pulling of an abandoned trap net in northern Lake Huron near Goose Island.
- GLEU officers attended an International Border Enforcement Team meeting in Sault Ste. Marie. Numerous law enforcement agencies with interest in border enforcement from both the US and Canada were in attendance. Attending officers were briefed on the recent additions to the GLEU and how the new members will be able to help IBET’s mission.
- GLEU participated in weekly FACTS conference calls with representatives from Fisheries Division, DTMB and the Electric Edge Systems Group. The group is in the testing phase of the new electronic wholesale reporting module.
- GLEU attended the tribal harvest reporting workgroup meeting hosted by the Little Traverse Bay Band and held in Petoskey. The group, made up of state, federal, and tribal law enforcement and biologists, has been working on identifying harvest reporting issues and exploring new harvest reporting mechanisms. Wisconsin and Ohio DNR staff attended the meeting to present their electronic reporting mechanisms.
- GLEU attended a multi-agency intelligence briefing in Gaylord, sharing information on current and potential investigations into the illegal commercialization of various species.
- GLEU participated in numerous conference calls with representatives from Fisheries Division, DTMB and Electric Edge Systems Group pertaining to the new electronic reporting system, FACTS, on which GLEU has taken the lead role in representing the Law Enforcement Division.
- GLEU has been working with the Great Lakes Fish Commission Law Enforcement Committee, Great Lakes Fish Commission staff, and the Joint Forces Committee on putting together a joint committee meeting in October. The two committees have become linked due to the multi-party Memorandum of Understanding being utilized in the Aquatic Invasive Species resolution signed by the Great Lakes Governors and Premiers. The committees will meet to discuss AIS issues, receive major case management training,

learn the other committees focus and priorities as well as share other information involving activity in the Great Lakes Basin.

- A GLEU officer assisted D-4 COs in Northport due to increased perch fishing activity. During the patrol, there were an estimated 30-40 boats that COs checked with limits of perch. At the end of the day, the COs estimated that they counted approximately 2,000 perch for one day.
- GLEU received a complaint of smelt dippers taking over limits in the Grand Marais area. GLEU assisted D-2 officers with working the complaint. A D-2 officer conducted a covert patrol and played the role of a smelt dipper amongst the anglers in question. After a period of surveillance, uniformed officers were called in and all the anglers were checked. It was discovered that each group had at least one tribal member with them and the tribal member was doing the majority of the dipping. Prior research by the officers determined tribal members inland have no possession limit on smelt. Although no violations were noticed that night, information regarding other illegal activity and suspects was obtained.
- A GLEU officer assisted a D-2 officer on the opening day of walleye season. Upon contacting one of the first vessels of the day, the officers asked for the anglers fishing licenses. One of the anglers, a 22-year old, replied, “My mom was supposed to go to the gas station and buy it for me yesterday, but she forgot”. Enforcement action was taken.
- GLEU investigators met with Fisheries Division Tribal Unit biologists to discuss various topics, including tribal commercial and subsistence harvest and reporting, preparations for the 2020 Consent Decree, and the recently-introduced state commercial fishing laws.
- A GLEU officer paired with a Bay Mills Conservation Officer and checked numerous access sites along Lake Superior shore line for illegal commercial fishing activity.
- A GLEU officer paired with a Sault Tribe Conservation Officer and checked numerous access sites along Lake Huron shore line. Roughly a dozen state licensed recreational fishermen were checked; however, no contact was made with commercial fisherman on this day.
- A GLEU officer, along with DNR Fisheries personnel and DNR Legislative and Legal Affairs personnel, gave a presentation regarding Great Lakes Commercial Fishing and Consent Decree at the FOD in-service at Homestead Resort in Glen Arbor. There was approximately 40 people in attendance.

- A GLEU officer paired with a Sault Tribe officer and conducted a joint patrol in the Drummond Island area. One trap net with no identifying numbers was located as well as a second trap net that was set just inside water closed to commercial fishing. The Sault Tribe officer followed up with the fisherman responsible for both nets.
- A GLEU officer and a D-2 officer responded to Whitefish Bay in Lake Superior in the early morning hours to assist United States Coast Guard with evacuating a freighter that had caught fire. After launching the D-2 SAFE boat, the officers were called off the complaint as the fire had been extinguished and evacuation was no longer needed.
- A GLEU officer responded to a complaint of a possible plane crash south of Drummond Island in northern Lake Huron. The officer was joined by a MSP Trooper and they responded by boat to the location of the complaint. While in the area, a large aircraft was witnessed flying quite low and was emitting a blackish color exhaust. After talking with the complainant, it was determined that the low flying aircraft was likely the reason for the call due to the blackish color exhaust that complainant witnessed. Further air traffic control information confirmed the presence of a B-52 in the area around the time of the call. All other responding agencies were called off.
- GLEU assisted a DNR Environmental Conservation Officer by providing information regarding a potential violation of wetlands destruction and filling in along the bottom lands of the Great Lakes. A subject hauled in dozens of dump truck loads of fill along the shoreline in Menominee County on a piece of property listed for sale.
- A GLEU officer investigated a net complaint in the St. Marys River near Detour. Contact was made with the fisherman responsible for the nets and it was determined that the nets were legal. The GLEU officer paired with a Sault Tribe officer and attempted to look for two different nets in the Detour area which were believed to be abandoned; the nets were not located.
- GLEU participated in a LEC joint patrol with Sault Tribe Law Enforcement and Bay Mills Law Enforcement. CO's boarded a 55' commercial gill net tug and inspected their catch. No violations were observed.

Michigan Department of Natural Resources Great Lakes Enforcement Unit



VII. Law Enforcement Contacts (as of May 7, 2019)

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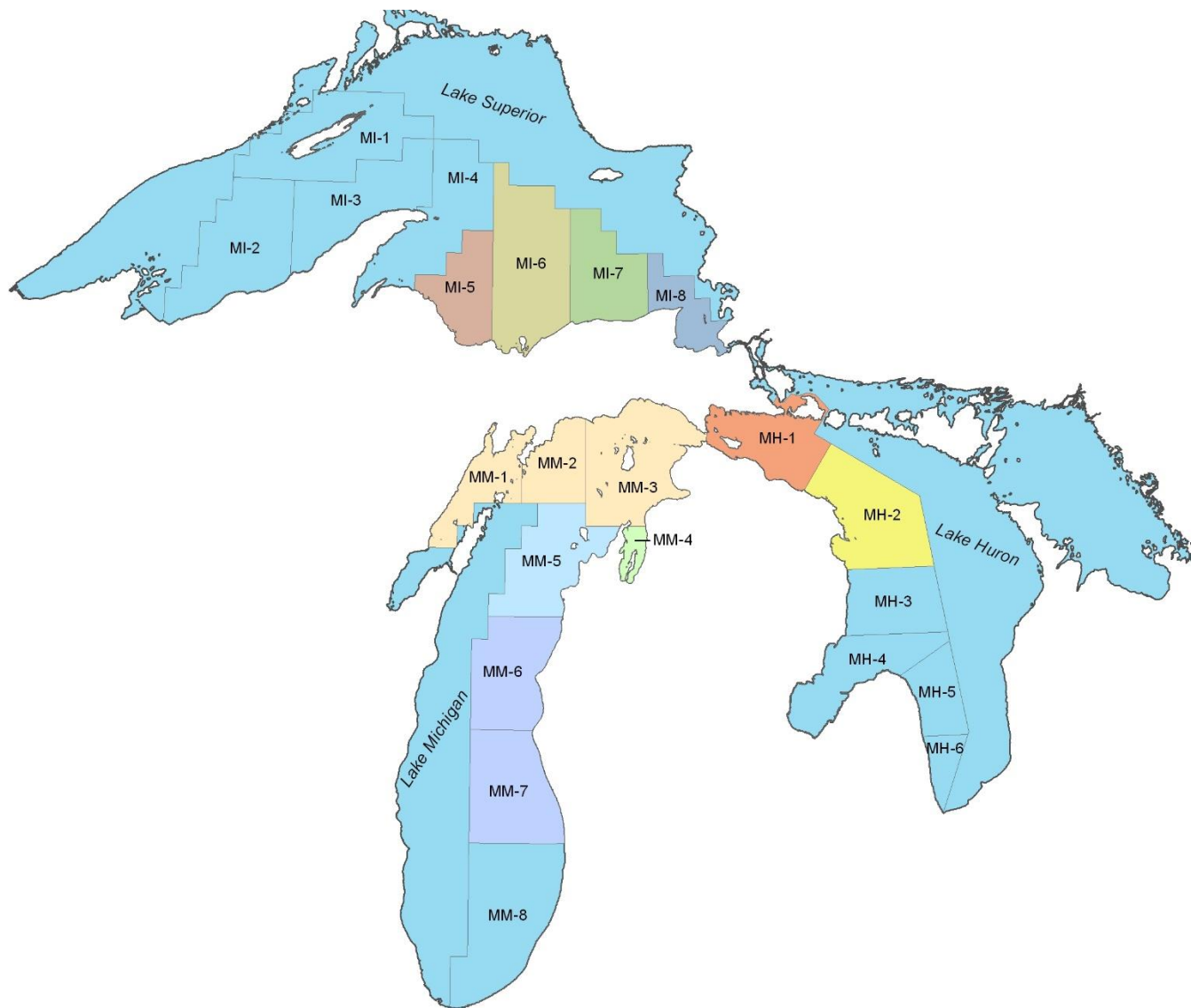


Figure 1. Lake Trout Management Units for Lakes Superior, Michigan and Huron.

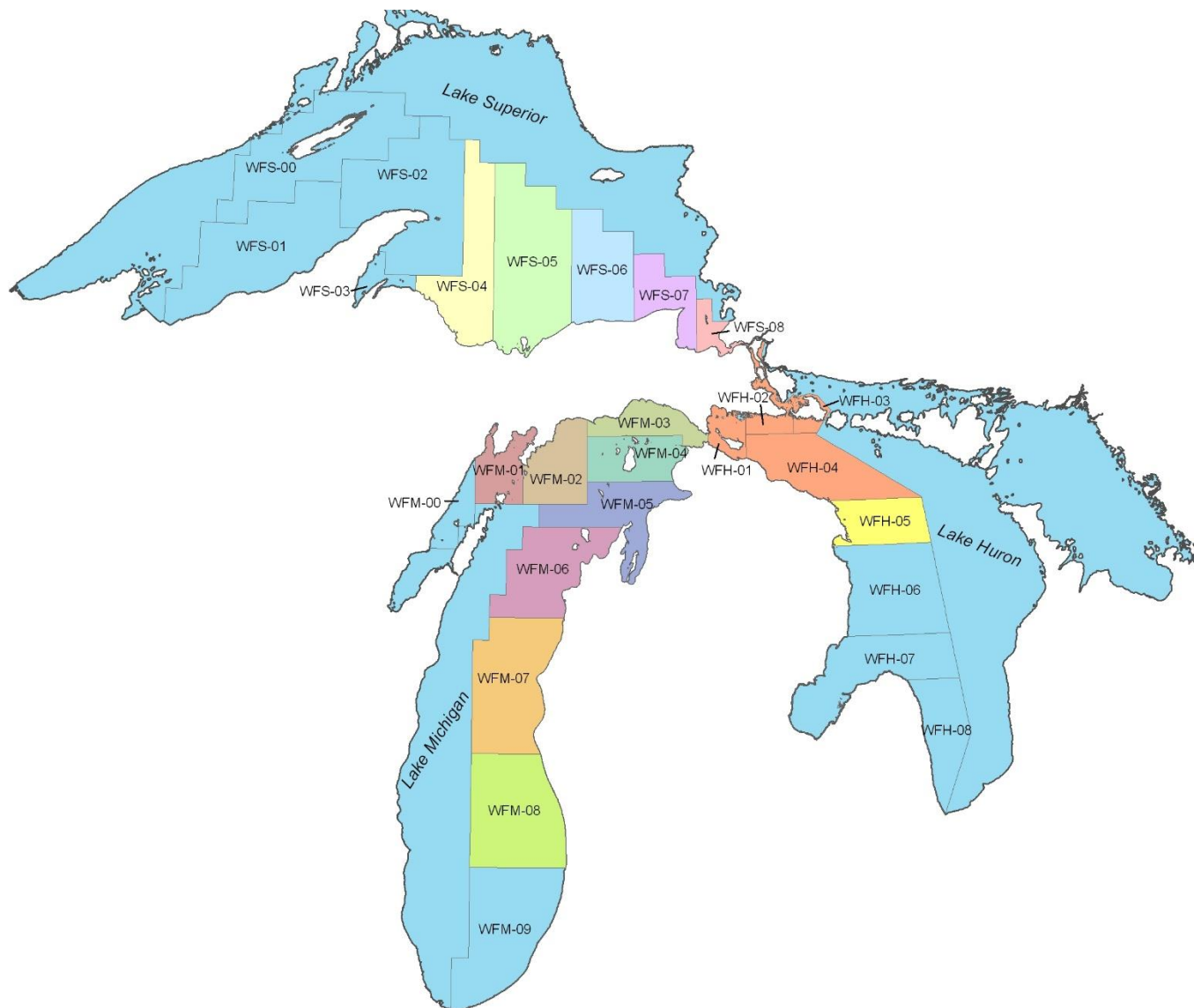


Figure 2. Lake Whitefish Management Units for Lakes Superior, Michigan and Huron.