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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: August 12, 2019

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 205.20
Michigan-Wisconsin Boundary Waters
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Fisheries Order 205 governs fishing regulations on the Michigan side of the Michigan-Wisconsin boundary waters, which are managed cooperatively with the State of Wisconsin. Fisheries and law enforcement staff meet annually from both states to discuss regulation proposals. Both parties have been working towards implementing similar regulations whenever possible to reduce regulatory complexities for anglers. The Department recommends modifying three regulations in the Order which will match Wisconsin's regulatory proposals: 50-inch muskellunge minimum size limit, a muskellunge possession season extension, and a bass possession season extension. Additional information is being added to the Order concerning mandatory reporting of lake sturgeon and muskellunge harvest to inform anglers of the process.

50 Inch Muskellunge Minimum Size Limit

Michigan raised the muskellunge minimum size limit (MSL) on the boundary waters from 40 inches to 42 inches at the onset of the 2018 fishing season. The change was implemented to match the statewide muskellunge minimum size limit while also increasing protection of this valued species. The size limit change resulted in two separate minimum size limit regulations for muskellunge in Michigan and Wisconsin portions of the boundary waters. Specifically, Wisconsin had a MSL of 40 inches and Michigan had a MSL of 42 inches. Since that time, Wisconsin managers have been reviewing their boundary water muskellunge minimum size limit regulation and have indicated their intention to enact a 50-inch minimum size limit for muskellunge in all Wisconsin boundary waters. After consideration and discussions with local anglers in Michigan, the Department is proposing to implement the same 50-inch minimum size limit on all boundary waters shared with Wisconsin. As a result, the recommended proposal would result in a uniform 50-inch minimum size limit regulation for muskellunge on all boundary waters and would be consistent with the existing exception for the Menominee River from the Hattie Street Dam downstream to the breakwalls of Green Bay which has been effective since April 1, 2005. This effort will simplify regulations for anglers in both states and allow muskellunge to live longer and reach larger sizes.

Muskellunge Possession Season Extension

Michigan and Wisconsin recommend extending the muskellunge possession season in the boundary waters. Michigan's current muskellunge possession season is from June 1 through November 30. The proposal will extend the possession season through December 31 and thus add 31 more days to the

existing regulation. Michigan implemented mandatory registration for all muskellunge harvested by anglers starting on April 1, 2018 and reporting indicates that 28 muskellunge were harvested statewide with no harvest reported from the boundary waters. In total, the harvest of seven muskellunge has been reported for the current fishing season. Given these results, managers feel that extending the harvest season would not have a negative effect on muskellunge populations. In addition, an increase in the size limit to 50 inches will provide additional protection for this species which is a popular catch-and-release species.

Bass Possession Season Extension

The Department proposes to extend the bass possession season by one month to be consistent with Wisconsin's bass possession season. This recommendation would also result in the boundary water bass possession season aligning with the statewide possession season closure date. Currently, the possession season for bass on the boundary waters is open on the third Saturday in June through November 30. The proposed season change will maintain open date of the third Saturday in June but would extend the closure date to December 31. This change will result in consistent regulations for shared boundary waters and would simplify regulations for anglers and law enforcement personnel. The possession season extension is not expected to have a negative effect on local bass populations as most bass are released by anglers unharmed.

Issue Pros and Cons

The three changes will result in uniform regulations for anglers fishing the shared boundary waters and make law enforcement easier. The bass season extension will also align with the statewide bass season regulation. The season extensions will result in more harvest opportunities while the higher size limit regulation will protect prized muskellunge from harvest until a later age enabling them to grow bigger. The recommended regulation would require anglers who catch a large muskellunge to release the muskellunge unless it has reached the new 50-inch minimum size limit. This could result in some anglers being discouraged about not being able to harvest large fish (e.g., 45-49.9 inches) that they still consider to be a trophy sized fish.

Biological

The season extensions should not result in any negative impacts to the fishery resource as bass and muskellunge are primarily caught and released by most anglers. The increase in the size limit for muskellunge will protect adult fish to larger sizes and allow them to live longer before being susceptible to angling harvest.

Social

Anglers are supportive of protecting muskellunge so they can reach larger sizes. Muskellunge and bass fisheries are valued by anglers and most fish are caught and returned to the water unharmed. Anglers are supportive of additional fishing opportunities when it poses no risk to the resource.

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 is being submitted for information and consideration. This item appeared on the Department's August 30, 2019 calendar and may be eligible for approval on October 10, 2019.



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FISHERIES ORDER

Michigan-Wisconsin Boundary Waters Order 205.20

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 and Part 491 of 1994 PA 451, MCL 324.48701 to 324.48740 and MCL 324.49101 to 324.49103, it is ordered on October 10, 2019, the following section(s) of the Fisheries Order shall read effective April 1, 2020, as follows:

The following rules and regulations govern fishing in the waters which form a common boundary between the States of Michigan and Wisconsin. These rules and regulations supersede all others governing fishing on Michigan-Wisconsin boundary waters that in any way conflict. Where regulations of Michigan and Wisconsin differ, persons shall comply with the regulations of the state in whose territorial waters they are fishing.

The interstate boundary waters in which fishing is to be governed by the special regulations are: The Lake Michigan waters between the breakwalls at the mouth of the Menominee River beginning at an imaginary line drawn between the most lakeward point of each breakwall: Menominee County, Michigan; Marinette County, Wisconsin.

Menominee River, its Sloughs and Impoundments: Menominee, Dickinson, Iron Counties, Michigan; Florence, Marinette Counties, Wisconsin; Brule River, Iron County, Michigan; Florence and Forest Counties, Wisconsin; Brule Island Impoundment, upstream to a line running east-west through the first island upstream from the junction of the Brule and Paint Rivers, Iron County, Michigan; Florence County, Wisconsin; Smoky Lake, Iron County, Michigan; Vilas County, Wisconsin; Norwood Lake, Lac Vieux Desert, Crystal Lake, Mill Lake, Big Bateau Lake, Mamie Lake, West Bay Lake, Big Lake, Crampton Lake, Plum Lake, Tenderfoot Lake, Roach Lake, Little Presque Isle Lake, Cyrus Lake, Basin Lake, Stateline Lake, Gogebic County, Michigan; Vilas County, Wisconsin; East Fork Montreal River up to the mouth of Layman Creek, Gogebic County, Michigan; Iron County, Wisconsin; Montreal River, Gogebic County, Michigan; Iron County, Wisconsin.

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

Species	Waters	Open Seasons (dates inclusive)	Daily Possession Limit	Minimum Size Limit
Trout & Salmon	Montreal & Menominee Rivers from their mouths to first dam upstream and Smoky Lake	Open all year	5	10 inches
	Menominee & Montreal Rivers above the first dam and Brule River from its mouth to the US Highway 2 Bridge	Last Saturday in April - September 30	5	7 inches
	Brule River upstream from US Highway 2	Last Saturday in April - September 30	5	Brook Trout - 8 inches; Brown Trout - 12 inches
Smallmouth Bass & Largemouth Bass	All boundary waters	Catch-and-immediate-release season: open all year	0	---
		Possession season: 3 rd Saturday in June - November 30/December 31	5 in combination	14 inches
Walleye (See Note 1) & Sauger	All boundary waters except as otherwise provided in this paragraph	1 st Saturday in May - March 1	5 in combination	15 inches
	Rivers and Impoundments	March 2 - the Friday before 1 st Saturday in May	1	15 inches
	Rivers and Impoundments	1 st Saturday in May - March 1	5 in combination	15 inches
Northern Pike	All boundary Waters	1 st Saturday in May - March 1	5	None
Bluegills, Sunfish, Crappies, and Yellow Perch	All boundary waters	Open all year	25 in combination	None
Muskellunge (including Tiger Muskellunge) (See Note 2)	All boundary waters	Catch-and-immediate-release season: open all year	0	---
		Possession season: first Saturday in June through November 30/December 31	1 fish per angling season	42-50 inches
Lake Sturgeon (See Note 3)	All boundary waters	1 st Saturday in September - September 30	1 fish per angling season	60 inches
Channel Catfish	All boundary waters	Open all year	10	None

Species	Waters	Open Seasons (dates inclusive)	Daily Possession Limit	Minimum Size Limit
Lake Whitefish, & Cisco (Lake Herring), and Round Whitefish (Menominee)	All boundary waters	Open all year	10	None
All others	All boundary waters	Open all year	None	None

Note 1 – On Lac Vieux Desert Flowage, the minimum size limit for walleye is 18 inches. The daily possession limit for Walleye shall be three (3) in combination from 1st Saturday in May - March 1.

Note 2 – For the Menominee River, from Hattie Street Dam downstream to the end of the breakwalls in Green Bay, the minimum size limit for Muskellunge is 50 inches. Anglers are required to register muskellunge (including tiger muskellunge) harvest within 24 hours online at www.michigan.gov/fishing. Anglers must report their harvest online (www.michigan.gov/registerfish), toll-free by calling 844-345-FISH(3474), or in person at any DNR Customer Service Center during normal state business hours with advanced notice of arrival. Muskellunge harvest is limited to one (1) Muskellunge per angler per year (April 1 – March 31).

Note 3 - For the Menominee River, from Grand Rapids Dam downstream to the end of the breakwalls in Green Bay, the possession limit for Lake Sturgeon is zero (0), catch-and-immediate-release only. Anglers are required to register Lake Sturgeon harvest within 24 hours. ~~at a designated registration site (site information is available online at www.michigan.gov/fishing)~~ Anglers must report their harvest online (www.michigan.gov/registerfish), toll-free by calling 844-345-FISH(3474), or in person at any DNR Customer Service Center during normal state business hours with advanced notice of arrival. Lake Sturgeon harvest is limited to one (1) Lake Sturgeon per angler per year (April 1 – March 31).

LEGAL FISHING METHODS:

1. Up to three lines with a total of three (3) hooks or baits may be used.
2. Lines must be attended at all times.
3. A person may not fish for any fish by any means during the closed season on trout in the Brule River upstream from US Highway 2 bridge (T41N, R32W, S9) Iron County, Michigan, and the Montreal River above the Superior Falls Flowage.
4. Dip nets not exceeding nine (9) feet square or in diameter without walls may be used in the Menominee River (except from Hattie Street Bridge in Marinette-Menominee to the first dam upstream and within 200 feet of all other dams) from April 1 - May 14 for taking of Suckers, Redhorse, Carp, Smelt, and Burbot.
5. A person may fish from a motorboat with the motor running or a sailboat under sail.
6. All residents of Michigan and Wisconsin holding a resident sport fishing license from their respective state, or residents of states other than Michigan and Wisconsin holding a sport fishing license issued by either Michigan or Wisconsin, may fish in the boundary waters.
7. Crayfish may not be possessed or used for bait on Michigan-Wisconsin boundary waters.

This Order shall be assigned number FO-205.20, and is titled "Michigan-Wisconsin Boundary Waters Regulations."

This Order supersedes the Order titled "Michigan-Wisconsin Boundary Waters," which became effective April 1, 2018, and is assigned number FO-205.18.

This Order shall take effect on April 1, 2020, and shall remain in effect until amended/rescinded.

Issued on this 10th day of October, 2019.

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

Vicki J. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director

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