



Michigan B.A.S.S. Nation



Dedicated to Youth, Conservation and Bass Anglers of Michigan

Web Site: <http://www.michiganbass.net>

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Michigan B.A.S.S. Nation
Michigan Catch-and-Immediate-Release Legalization Proposal

Michigan B.A.S.S. Nation desires the State of Michigan, Michigan Department of Natural Resources provide additional fishing opportunity, reduce confusion and conflict while simplifying fishing regulations enforcement, promote maximum in-state and out-of-state fishing tourism and encourage people to buy fishing licenses earlier in the year by allowing them to begin fishing for their favorite species whenever they choose, while managing Michigan fisheries statewide for the more numerous waters than can sustain more fishing opportunity rather than managing statewide for the less numerous waters that may be less productive by:

1. Removing statewide closed seasons for fish, replacing them with catch-and-immediate-release seasons. Anglers should be allowed to fish all year^ as long as they do not keep (possess) a fish that is not in open (catch-and-keep) season. The language in Michigan fishing guides under "It is unlawful to: Take or attempt to take fish outside of the open season for that species" would be replaced with "**It is unlawful to: Possess fish outside of the open season for that species**" with additional language clarifying that fish caught and immediately released are not considered in possession.
2. Amending by 5-year renewable fisheries order section 324.48716 Open seasons by species of fish, NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT) Act 451 of 1994 from present first sentence language (a) to new first sentence language (b):
 - a. OLD: "A person shall not take, catch, or kill or attempt to take, catch, or kill any fish of the species named in this section in any of the waters over which this state has jurisdiction except during the following open seasons:"
 - b. NEW: "**A person shall not possess any fish of the species named in this section in any of the waters over which this state has jurisdiction except during the following open seasons :**"

Exceptions we would accept:

- a. No fishing (taking or attempting to take) for fish that have no open season in Michigan (ex: grayling), or for species listed as threatened or endangered except as authorized by the MDNR.
- b. No fishing on waters where all fishing for all species is closed such as the closed period on certain listed inland trout and salmon waters, or closures defined in Exceptions to General Regulations by County.
- c. Special seasons defined for listed Michigan-Wisconsin Boundary Waters – see the latest Michigan fishing guide or Michigan.gov/fishingguide for Michigan-Wisconsin Boundary Water Regulations.
- d. Sylvania Wilderness Area – all fishing is closed before the last Saturday in April or after October 31.

Approved:

Authorized Signature:

Paul Suter STATE President

Date:

4-21-13

Having discussed closed seasons with anglers and fisheries biologists alike, including Michigan Department of Natural Resources (MDNR) staff, it is time for many good reasons to increase fishing opportunity in Michigan – ex: see Hunting and Fishing License Package Development Work Group Final Report, Wheatlake et al (2006). Angler attitudes and behavior have changed. Even attitudes of some MDNR fisheries biologist have changed away from using closed seasons.

Largemouth and smallmouth bass are an obvious candidate considering 83% to 90% of Michigan bass anglers state they voluntarily release most of the bass they catch (87% of charter guides and 92% of bass anglers on Lake St. Clair) – Schneider et al (1991), Thomas (2013). Many studies demonstrate that most other fisheries regulations targeted at bass will have little effect with such a high voluntary release rate already being practiced other than to withhold fishing opportunity. Of course, statewide closed seasons for bass are rare nationwide with only 4 states now having statewide closed bass seasons – Michigan, Wisconsin, Minnesota and Maine. See the Michigan Bass Season Change Proposal 4/21/2013 for more details.

What Michigan B.A.S.S. Nation (MBN) feels are most important now are concerns over declining angler participation, fishing license sales and a budget the MDNR can count on to continue to operate. MBN supported the new license fee package to start addressing some of these concerns. We feel the MDNR needs to partner with all anglers and promote more fishing opportunity to begin to address some of the other critical challenges to managing our natural resources. We do not feel many fisheries in Michigan are overharvested or over-pressured, supported recently a number of times by various MDNR personnel reporting at various meetings about walleye, perch and other species through creel survey and modeling information. We have abundant water, habitat and forage in general to spread out fishing pressure over a large amount of acreage due to our 30,000+ miles of river, 11,000 inland lakes and the Great Lakes waters Michigan is fortunate to have.

Many of our fisheries are self-sustaining with any fishing mortality being statistically insignificant due to catch-and-release ethics or low pressure, or the fish populations being in good enough shape to have any fishing mortality absorbed within the natural mortality that happens every year. We feel as long as we continue to clean up our water and concentrate on preserving good fish habitat, our fisheries can sustain much greater fishing pressure in most cases. We should manage our fisheries for more fishing opportunity considering the majority of the waters that can handle it, and deal with the smaller number of marginal waters by using local regulations the MDNR and/or the NRC has the authority already to enact.

And though older studies have stated anglers will oppose reinstating more restrictive fisheries regulations even when a fishery shows signs of serious trouble, the evolution in angler attitudes in practical situations demonstrate that is no longer always true. Examples the past few years include:

- Ohio bass anglers demanding the ODNR reduce opportunity by moving from an open bass season to a catch-and-release only during the approximate bass spawn on Lake Erie though study data did not support that this would improve bass fishing on Lake Erie;
- Illinois DNR changing bass fishing in many streams and rivers from open to catch-and-release only;
- Minnesota DNR changing their statewide smallmouth bass fishery to catch-and-release only after Labor Day based on one study of the movement and possible susceptibility of river smallmouth bass.

Michigan is losing out in a significant way by limiting fishing through too broad and wide use of closed seasons. We feel angler days could be greatly increased by eliminating restrictive regulations, helping increase fishing's important impact on our critical natural resource economy. We also feel an increase in participation and even license purchase is likely if more anglers are allowed to start targeting their preferred species earlier in the year since studies have shown the later in the year an angler is able to begin targeting their preferred species, the more likely the angler is to find a reason to skip purchasing a fishing license that season.

It is obvious at this time possibly more than any other that the MDNR needs more anglers fishing more often to remain able to effectively manage our natural resources. We believe having an effective, properly staffed MDNR is critical to the future of our important natural resource economy.

Along with this, MBN feels that having closed seasons for one game species on waters where other game species are in season promotes annual intra-angler infighting that does not help create an atmosphere conducive to getting more people fishing. We do not think many closed seasons provide the benefit intended, particularly if compliance is low and/or anglers catch a number of the closed species anyway incidental to fishing for legal fish that are in season. These situations create problems such as 'guilty by bass boat' for anglers who own a boat considered to be that type of boat. We have seen over a number of seasons now that this same issue occurs for other anglers who are categorized by assumption of the 'type' of lure they are using or the 'type' of boat they are using such as 'known' muskie anglers trying to fish for pike on Lake St. Clair when pike are open, but muskie are closed. We strongly feel the negatives to these types of situations far outweigh any benefit, particularly feeling that many times the expected benefit does not really exist.

We need to keep anglers in Michigan and attract more out-of-state anglers, many who are not familiar with closed seasons, to keep their natural resources tourism dollars spent in Michigan rather than surrounding states. We have the very abundant water along with the majority of healthy, self-sustaining fisheries to support this. Making Michigan a more angler-friendly state would have an impact on our natural resource economy. If there is limited or no scientific evidence a closure is actually needed, we should allow fishing every possible day of the year to maximize the number of potential angler-days. Many Michigan resident anglers claim they do not even know that it is illegal to try to catch a fish that is not in season.

Rather than manage our fisheries based on the lowest common denominator, increase the potential for fishing licenses sales earlier in the year and the potential for more angler days by opening as many closed seasons as possible. If any fish is in season on a body of water that can be taken by a lure that will also take other fish in that body of water, it does not make good sense to waste very limited resources, and promote angler infighting by having everyone trying to determine angler intent. The negatives outweigh the positives by a large margin in many, if not most cases.

Considering that most anglers rarely catch their limit of any fish, the feared impact of a large number of anglers damaging whole fisheries populations is usually a perceived issue, not a real issue. Regulations such as length limits, and occasionally bag limits, are more effective at managing fish populations than closed seasons, which is why so many states do not manage much or all of their fisheries with statewide closed seasons. Additionally, MBN is never in favor of regulations that are in place just to make enforcement easier and/or that punish the majority of good anglers because of a few bad anglers. We have laws to go after the bad anglers. More anglers on the water more often could monitor and report the bad anglers. We should not be losing a great deal of fishing opportunity and angler satisfaction because a few people choose to break the law and/or because we have a very limited number of people to try to enforce the law. Continuing to limit fishing opportunity unnecessarily is the best way to guarantee that we continue to have a few resources available to enforce natural resource law violations.

In general, MBN does not support regulations that withhold fishing opportunity for reasons such as:

- a. Making enforcement easier for other problems - ex: claimed problems of anglers saying they are fishing for one species while 'targeting' another - don't punish the many because of the few;
- b. Having our seasons approximate other states/provinces bordering seasons - ex: opening Lake St. Clair bass later than the rest of Michigan to be closer to Ontario's bass season. We have to question why Indiana border lakes aren't open all year to bass fishing if this is an important and necessary rationale?
- c. Managing problem waters and populations by limiting all waters to less fishing - managing to the lowest common denominator we call this. A lot more Michigan fishing opportunity would be possible if we

allowed more liberal fishing on the more numerous good waters and handled the few problem waters/populations with special regulations. The MDNR and/or now, the Natural Resources Commission already has the authority to enact spawning closures and scientifically necessary fisheries regulations, allowing them to protect populations that may be marginal, and though anglers prefer simpler regulations they have shown they are willing to accept exceptions when they appear to be scientifically necessary.

At the 2012 and 2013 outdoor shows I asked quite a few general anglers (not just bass anglers either) if they would take advantage of the opportunities to fish more if it were not illegal to catch certain species during certain times of the year. Of course, a fair number of anglers stated they did not know it was illegal to attempt to take certain fish when they are closed. Many stated they tend to let more fish go now than they used to. Many stated they would like to be able to fish whenever they are able to go without worrying about being hassled by other anglers or law enforcement as long as they don't have illegal fish in their perception. Only a small number stated that they believed any spawn needed to be protected or that they felt they would harm then when they were letting fish go right away if the fish was not in season.

Spring fishing is very good for many, and often many fish are more accessible to a larger variety of anglers from shore to boat anglers. Accessibility is a significant factor for people in deciding to buy a fishing license and go fishing. The affordability and having a better chance at catching fish are more important to lower income anglers. Angler recruitment and retention are critical to the future of our Michigan fisheries. Dann et al (2008), A Survey of Lapsed Anglers (2010)

It does not make good sense to remove a productive time of year from anglers because of a few bad anglers, or because a few people socially think certain spawning fish should be protected, especially when many studies show using fixed seasons to protect spawning have questionable effectiveness for many reasons most researchers are aware of. Hunters used to be greatly adverse to shooting does but eventually enough of them became informed enough about proper herd management that this additional opportunity was created. Some hunters still believe does should not be harvested, yet the many who are personally okay with it now have that opportunity thanks to educational efforts by the MDNR. We would like to see more public educational effort from the MDNR regarding fisheries management and are heartened by what we have seen and heard at many meetings with anglers and angler group representatives this year.

There is plenty of study data available that demonstrates the lack of effectiveness of many closed seasons. There are many positive and important gains to be had if Michigan reduces or eliminates many closed seasons. Some closed seasons make little sense such as stocking supported waters where there is little or no expectation of additional fish added to the population through spawning.

References:

1. Michigan Department of Natural Resources Work Group, Frank Wheatlake, Work Group Chair, Natural Resources Commission. Hunting and Fishing License Package Development Work Group. Final Report November 9, 2006.
2. Schneider, J.C., J.R. Waybrant, and R.P. O'Neal. 1991. Results of early season, catch-and-release bass fishing at six lakes. Michigan Department of Natural Resources, Fisheries Division, Technical Report 91-6. Ann Arbor.
3. Thomas, M., MDNR Lake St. Clair Fisheries Station: Based on creel survey data for Lake St. Clair from 2002 to 2004 (MDNR unpublished data), anglers released over 90% of the smallmouth bass they caught each year. We suspect that this pervasive practice of catch and release among smallmouth bass anglers

resulted in non-reporting of many tagged fish because anglers don't see the jaw tag, or do not want to stress the fish by taking the time to read the tag.

4. Daniel C. Gwinn, Micheal S. Allen. 2010. Exploring Population-Level Effects of Fishery Closures during Spawning: An Example Using Largemouth Bass. School of Forest Resources and Conservation, Institute of Food and Agricultural Sciences, University of Florida. Transactions of the American Fisheries Society 139:626–634, 2010, DOI: 10.1577/T08-089.1
5. National Survey of Fishing, Hunting and Wildlife Associated Recreation Survey (US Census Bureau, for the US Fish and Wildlife Service, 2006, 2001, 1996).
6. Black Bass Fishing in the U.S., Addendum to the 1996 National Survey of Fishing, Hunting and Wildlife-Associated Recreation (US Census Bureau, for the US Fish and Wildlife Service, 1996).
7. Schupp, B. D. 2002. The B.A.S.S. perspective on bass tournaments: a 21st century opportunity for progressive resource managers. Pages 715–716 in D. P. Philipp and M. S. Ridgway, editors. Black bass: ecology, conservation, and management. American Fisheries Society, Symposium 31, Bethesda, Maryland.
8. USFWS Fishing Licenses Sold by State by Year.
9. Bryant William C., Smith, Kelley D., 1988. Distribution and Population Dynamics of Smallmouth Bass in Anchor Bay, Lake St. Clair. MDNR Fisheries Research Report No. 1944.
10. Thomas, M., Wills, T., 2013. Status of the Fisheries in Michigan Waters of Lake Erie and Lake St. Clair, 2012. MDNR.
11. Dann, S. L., Alvarado, A., Palmer, D., Schroeder, B., Stephens, M. 2008. Angler Participation, Recruitment, and Retention in Michigan, 1995–2004: Using Data-mining Techniques for Customer Relationship Management. MDNR.
12. Southwick Associates Inc for the Recreational Boating & Fishing Foundation. 2010. A Survey of Lapsed Anglers.
13. Latta, W. C. 1975. Fishing regulations for smallmouth bass in Michigan. MDNR, Fisheries Research Report 1834, Ann Arbor, MI, USA.
14. Latta, W. C. 1975. Dynamics of bass in large lakes. Pages 175-182 in R. H. Stroud and H. Cleppers, editors. Black bass biology and management. Sport Fishing Institute, Washington, D.C., USA.
15. Mraz, D., S. Kmiotek, and L. Frankenburger. 1963. The largemouth bass: its life history, ecology and management. Wisconsin Conservation Department, Publication 232, Madison.
16. [DNR] Tournaments don't harm bass fishing, Press Release 5/2/2013, Jed Pearson, Indiana DNR fisheries biologist.
17. James R. Jackson and Thomas E. Brooking, Cornell Biological Field Station - Early Opening of Black Bass Fishing Seasons in New York State: A Review of Issues and Available Data (2004).