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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED:

February 17, 2015

MEMORANDUM TO THE DIRECTOR

Subject: Fisheries Order 215.15
Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass,
Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow
Perch, Sunfishes, and White Bass
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 215 establishes the statewide coolwater species sport fishing regulations. Regulation changes proposed for the Order include expanding bass fishing opportunities and increasing northern Lake Michigan walleye harvest opportunities. The liberalization of bass fishing opportunities involves a whole new adaptive approach on the way bass fisheries will be managed in Michigan.

Bass Season Change

In 2013, Fisheries Division received a proposal to modify existing bass fishing seasons from the fishing organization Michigan BASS Nation (MBN). MBN's proposal requested that a Catch-and-Immediate-Release (CIR) fishing season be instituted on waters all year outside of the possession season and that the Lake St. Clair possession season start a month earlier than it currently does. The proposal was submitted to the Division's external Warmwater Resources Steering Committee (WRSC) for review.

In preparation for the WRSC review, Fisheries Division personnel reviewed the division's efforts to regulate bass which included a literature review for bass fishing seasons. In summary, the literature and the division's efforts on this issue points to 1) increased risk to individual bass when fishing over spawning bass, 2) a higher risk of nest abandonment and/or loss when removing bass-even temporarily-from their nest, and 3) no observed population-level effects of early season CIR fishing.

In December 2013, the division discussed the MBN proposal internally. While division personnel could not reach consensus, valuable feedback was obtained from this discussion. An internal division workgroup was established to facilitate additional input from staff, Law Enforcement Division (LED) staff, the WRSC, and the general public to determine if changes to the current bass fishing season were warranted.

Outputs regarding the discussions and work on bass fishing seasons since December 2013:

- A survey was distributed to division biologists and LED staff in late January to assess their support, opposition, or concern over the MBN proposal. There was no consensus on the MBN proposal, yet there was general support for year-round CIR statewide, with some opposition. There also was majority support, not consensus, for CIR year round on Lake St. Clair (LSC). Some concerns expressed included: enforcement of fishing for bass while other seasons were closed, illegal harvest and/or harassment of spawning walleye and pike during early season, potential impacts of CIR on spawning bass, and increased user conflicts due to bass anglers fishing earlier than currently allowed.
- Follow up interviews were conducted with division staff in February and March to further explore their concerns over the MBN proposal. Also during this time, additional LED staff were invited to participate in the survey.
- Four bass regulation options were developed for feedback:
 - A) CIR fishing from the last Sat. in April (LP) or May 15 (UP) to the Fri. before Memorial Day. Harvest season from the Sat. before Memorial Day to Dec. 31. Harvest season for LSC and the St. Clair and Detroit Rivers from the third Sat. in June to Dec. 31 (Option A represents current regulations).
 - B) Maintain current harvest seasons for Lower Peninsula (LP), Upper Peninsula (UP), LSC and the St. Clair and Detroit Rivers, but allow CIR fishing for bass at all other times of the year.
 - C) Maintain current harvest seasons for LP and UP, but change the harvest opening date for LSC and the St. Clair and Detroit Rivers to the Saturday before Memorial Day. Allow CIR fishing for bass at all other times of the year.
 - D) Change the harvest opening dates to match the respective opening dates for walleye, northern pike, and muskellunge in the LP (last Saturday in April) and UP (May 15). Bass seasons would still close Dec. 31. Allow CIR fishing for bass at all other times of the year.
- In July, a public opinion survey was distributed via two methods; posting on the division website (open to all) and through a randomized mail survey (1000 randomly selected fishing license holders). The open survey resulted in 2,172 respondents, and the mail survey yielded 250 respondents. While there were subtle differences between the two surveys, the difference were mostly not significant. The key results include:
 - 73% trust the DNR to set fishing regulations
 - Nearly 90% of anglers rate current bass fishing in MI as good, very good, or excellent
 - 62% of anglers release ALL of the bass they catch
 - 70% support Option B, which proposes to maintain current bass harvest seasons and open CIR year round for bass statewide
 - 63% support Option A, which proposes no changes to current bass fishing regulations
 - 54% support Option D, which proposes to change the bass possession season with respective opening dates for walleye, northern pike, and muskellunge in LP (last Saturday in April) and UP (May 15) and open CIR year around
 - 46% support Option C, which proposes to maintain current harvest seasons for LP and UP, but change opening date for LSC, St. Clair and Detroit Rivers to Saturday before Memorial Day, and open CIR year round

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- Approximately 30% of open survey respondents (versus 5% of mail survey respondents) indicated they were members of an organized bass fishing tournament/group
- Nine public meetings were held throughout the state during the month of July to solicit public comments and opinions. Due to lower than expected turnout, it was difficult to assess general public support for any of the proposed options.
- Since December 2013, the WRSC has met several times, and most recently on August 19, 2014 to discuss the public opinion survey results. Many committee members recognized the high level of support to maintain the current harvest seasons and open CIR fishing all year statewide, and several members supported Option D) to modify the bass fishing harvest season to match the statewide harvest seasons for northern pike and walleye. There was not an option that received consensus from WRSC members.
- Fisheries Division Management Team (MT) met on August 20, 2014 to review the entire set of information on this issue and to discuss survey results. There was no consensus from MT members on any given option considering the diversity of public opinion.

Reviewing all data and survey results, there is no obvious bass fishing season modification that is clearly supported by the public and staff. Fisheries Division personnel are mixed on their support for modifying harvest seasons, and while there is no consensus for year round CIR seasons there was general support for this regulation option. LED staff supports CIR year round, and are neutral on modifying the harvest season. Looking strictly at the online public opinion survey, there is strong support for year round CIR while maintaining current harvest seasons. Several members of the WRSC support CIR year round while aligning the harvest season with pike and walleye and MBN supports this option, which is a change from their original proposal. Michigan United Conservation Clubs is also mirroring MBN's preference.

After reviewing all of the biological, social, and economical information the Department proposes the following regulation: CIR bass fishing all year, statewide, (unless otherwise closed to fishing), a new Catch-and-Delayed-Release (CDR) bass fishing season (prior to the possession season) for bass fishing tournaments registered with the Department where bass may be retained in a livewell until the tournament weigh in, a new requirement for bass fishing tournaments (utilizing public access sites) to register with the Department in order to be eligible to hold a CDR tournament, a requirement for tournament directors to provide all tournament participants with a unique verification document, and a requirement for tournament directors to report the results of their registered tournaments. Registration will occur through the Michigan Fishing Tournament Information System, a DNR web-based application that can be found on the Department's website. These modifications will result in a significant expansion of bass fishing opportunities for all anglers to engage in CIR fishing for bass earlier in the year than currently allowed, it will expand in a limited fashion bass tournament angler opportunities by allowing a new CDR tournament opportunity and it will provide the Department with large amounts of bass catch data from around the State.

Issue Pros and Cons

This proposal will increase CIR bass fishing opportunities for all anglers statewide and provide an additional opportunity for CDR tournament anglers (who register with the Department) to possess fish for later release after the weigh in. Additionally, this proposed regulation will eliminate the practice of unlawfully targeting bass prior to the possession season. This new adaptive approach will allow the Department to broaden relationships with bass tournament anglers as both groups work together towards increasing knowledge on Michigan's important bass populations.

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The regulation option preferred by MBN is not recommended by the Department due to uncertainty about increased harvest on bass populations by lengthening the harvest season.

Neighboring States and Provinces

In 2000, there were six states/provinces (ME, MI, MN, NY, VT, ON) with some type of closed fishing season for bass. When information was gathered again in 2013, two of the states (ME and NY) had modified their regulations and no longer have closed bass fishing seasons.

Biological

A majority of bass anglers voluntarily release the bass they catch. There does not appear to be evidence that increased fishing pressure under CIR or CDR rules will negatively affect Michigan's bass populations. However, there could be some instances where it may have a negative impact on some local populations.

Social

Bass fishing is extremely popular among a large component of Michigan anglers and throughout the nation. Nearly 70% of Michigan anglers identify themselves primarily as bass anglers. Many anglers are supportive of increasing bass fishing opportunities. The vast majority of bass anglers release all the bass they catch. These are positive changes for bass anglers.

Economic

The expansion of bass fishing opportunities (CIR and CDR) will likely promote more in-state and out-of-state anglers to fish Michigan waters. Nearly 70% of Michigan's 1.1 million anglers consider themselves bass anglers; a year around CIR regulation will likely improve local and regional economies by providing the ability to increase fishing effort for bass throughout the year. Additionally, increased angling activity was documented at Lake St. Clair as a result of developing regulations in 2006 that allowed for additional CIR fishing. Many anglers fishing LSC are not Michigan residents. Increasing the ability to possess bass through a CDR season may also increase the State's attraction for bass tournaments. B.A.S.S. Elite Series Tournaments on LSC have contributed as much as \$3 million to the local economy for on 3-day tournament. Finally, this recommendation could have a positive effect on fishing license sales and expand tourism activity to some areas of the state.

Green Bay Early Walleye Season Boundary Change

Fisheries Division proposes to expand the portion of Lake Michigan within Green Bay where an early walleye harvest regulation is in effect from March 2 to through the Friday before the first Saturday in May. The current regulation for Green Bay near the Menominee River allows harvest of one 15" or greater walleye per day from the mouth of the Menominee River to a latitudinal line (45 degrees/15 minutes) located approximately three miles south of Rochereau Point from March 2 to the Friday before the 1st Saturday in May. From May 2nd to March 1st, the harvest limit is five walleyes per day. The division proposes to extend the early walleye harvest season to include Menominee waters of Green Bay from the mouth of the Menominee River northward to the latitudinal line (45 degrees/30 Minutes) approximately six miles north of Cedar River and East to the longitudinal line (87 degrees/10 minutes) (Figure 1.). The proposed change will result in matching Wisconsin's regulations for Green Bay in Wisconsin waters.

Fisheries Division has conducted creel surveys in the northern Green Bay area since the late 1980's. The Marquette Fisheries Research Station also jaw tagged adult walleyes to evaluate movement, exploitation, and survival for walleyes in the bays de Noc, Cedar River, and Menominee River areas. These efforts provide background information on walleye survival, movement, and angler exploitation in the newly

proposed area. Our current walleye survival estimates for this area indicate that walleye populations can handle additional angling mortality. Angler exploitation of walleyes in the Cedar River is low at 7.5% compared to 10.4% Little Bay de Noc, 8.1% Big Bay de Noc, and 11.8% Menominee River. The current regulation has been in effect since 2006 and there have been no detectable negative effects on the walleye population in the Menominee River area. Therefore, the recommendation is to expand the waters covered by the early walleye harvest season to increase angler opportunities.

The proposal is supported by the following:

- Public meeting on March 20, 2014 in Escanaba where all attendees were supportive.
- Cedarville Township has submitted a letter in support for the proposal.
- The M&M Great Lakes Sportfishermen (Menominee area) has submitted a letter of support for the proposal.
- The Bays de Noc Great Lakes Sportfishermen (Escanaba/Gladstone area) support the proposal (March 11, 2014 Board of Director's meeting minutes).
- Several local businesses and elected officials in the Cedar River area were instrumental in meeting with Fisheries Division to have this change proposed.
- This proposal has the support of DNR law enforcement personnel.

Issue Pros and Cons

Expanding the boundary will result in more angler opportunities to fish for and harvest walleye in Green Bay. The new regulation will match Wisconsin's Green Bay walleye regulations in Wisconsin waters. Local sporting groups have requested the expansion and this is a positive change for all involved. There have been no cons identified.

Neighboring States

This regulation change does not involve a shared boundary water; however, anglers from Wisconsin and other states will be able to fish in these waters with a Michigan non-resident fishing license.

Biological

Estimates derived from annual fish surveys and creel information indicates that expanding the zone of the early walleye season will have no negative effects on the walleye population.

Social

Walleye fishing is extremely popular in this area. The increased walleye angling opportunity has a great deal of support from local angling groups as well as local businesses.

Economic

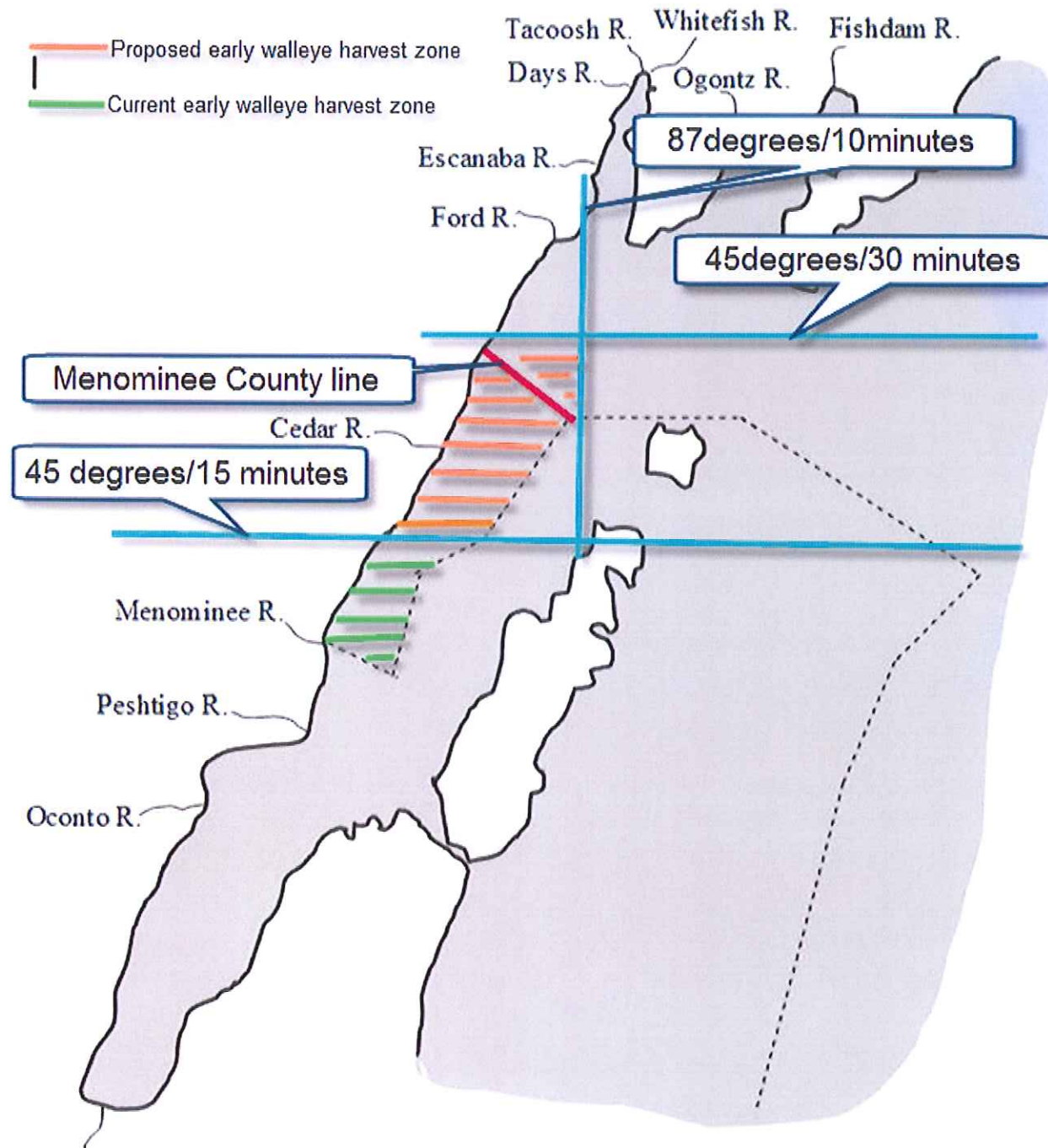
It is believed that this new opportunity will result in some type of economic gain for local businesses as popularity of this fishery increases and more anglers are drawn to the new area.

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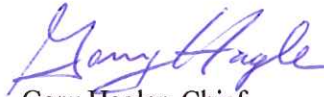
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Recommendation:

This order is being submitted for information and consideration. This item appears on the Department's March calendar and may be eligible for approval on April 9, 2015.



James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



Russ Mason, Ph.D., Chief
Wildlife Division



Bill O'Neill, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



William E. Moritz, Ph.D.
Natural Resources Deputy

FISHERIES ORDER

Statewide Coolwater Regulations For Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes, And White Bass Order 215.15

By authority conferred on the Director and/or the Natural Resources Commission by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered that effective April 9, 2015, the following section(s) of the Fisheries Order shall read as follows:

A. For the purpose of this Order the following definitions are provided:

- 1. Catch-and-Immediate-Release (CIR):** means the act of returning fish immediately to the water without injury and without holding in livewell or like object.
- 2. Catch-and-Delayed-Release (CDR):** means the act of holding fish in a livewell or like object with a delayed release of the fish. All fish must be released without injury as soon as possible after weigh in back into the water body where caught.
- 3. Fishing tournament:** means an organized competition among anglers with specific rules applying to that particular event.
- 4. Tournament registration:** means following the appropriate process to register a fishing tournament with the Department.

The statewide seasons, size limits, and daily possession limits on all state waters shall be as listed below, except as otherwise ordered:

AB. STATEWIDE SEASONS

A person shall not take, catch, or kill or attempt to take, catch or kill any of the species of fish named in this Order except during the ~~possession~~ seasons that are specified below for each species of fish named in this Order.

1) Largemouth bass and smallmouth bass:

a) CIR fishing shall be permitted all year.

a)b) On Lake St. Clair, St. Clair River, and Detroit River

i) The possession season shall be the third Saturday in June through December 31.

~~ii) Catch and immediate release fishing shall be permitted from the last Saturday in April through the Friday before the third Saturday in June. All bass caught during the period shall be immediately returned to the water.~~

b)c) On Lake Michigan within one-half mile of the following islands of the Beaver Island Archipelago – Beaver, Garden, High, and Hog, Charlevoix County

i) The possession season shall be July 1 through December 31.

~~ii) Catch and immediate release fishing shall be prohibited on these waters prior to the possession season.~~

e)d) All other waters not otherwise closed to fishing

i) The possession season shall be the Saturday before Memorial Day through December 31.

~~ii) Catch and immediate release fishing shall be permitted from the last Saturday in April to the Friday before Memorial Day on all waters in the Lower Peninsula, including waters of the Great Lakes in the Lower Peninsula. Bass caught during this period shall be immediately returned to the water.~~

~~iii) Catch and immediate release fishing shall be permitted from May 15 to the Friday before Memorial Day on all waters in the Upper Peninsula, including waters of the Great Lakes in the Upper Peninsula. Bass caught during this period shall be immediately returned to the water.~~

2) Walleye, northern pike, and muskellunge:

a) Michigan's waters of Green Bay from the mouth of the Menominee River northward to the latitudinal line (45 degrees 15 minutes) located approximately 3 miles south of Rochereau Point

i) The possession season for walleye shall be open for the entire year.

ii) The possession season for northern pike and muskellunge shall be May 15 through March 15.

b) All other inland, Great Lakes, and connecting waters of the Upper Peninsula not otherwise closed to fishing

i) The possession season shall be from May 15 through March 15.

c) Inland waters of the Lower Peninsula not otherwise closed to fishing

i) The possession season shall be from the last Saturday in April through March 15.

d) Lake St. Clair, the St. Clair River, and Detroit River

- i) The possession season for muskellunge shall be the first Saturday in June through December 15.
 - ii) The possession season for walleye and northern pike shall be open for the entire year.
 - e) All other Great Lakes and connecting waters of the Lower Peninsula not otherwise closed to fishing
 - i) The possession season shall be open for the entire year.
- 3) Flathead catfish, channel catfish, yellow perch, sunfishes, and white bass:
- a) All waters not otherwise closed to fishing
 - i) The possession season shall be open for the entire year.

BC. Statewide coolwater regulations; size limits and possession limits.

| Species | Minimum Size Limit | Daily Possession Limit |
|---|---|--|
| Largemouth Bass and Smallmouth Bass (See Note 1) | 14 inches | Five (5) per day in any combination, except no more than two (2) northern pike per day |
| Walleye (See Note 2) | 15 inches, except 13 inches on Lake St. Clair and St. Clair River | |
| Northern Pike | 24 inches | |
| Flathead Catfish | 15 inches | |
| Muskellunge (including Tiger Muskellunge) (See Note 3) | 42 inches | One (1) fish per angling season |
| Channel Catfish | 12 inches | Ten (10) per day |
| Yellow Perch (See Note 4) | No size limit | Fifty (50) per day |
| Sunfishes: Black Crappie, Bluegill, Green Sunfish, Hybrid Sunfish, Longear Sunfish, Pumpkinseed, Redear, Rock Bass, Warmouth, White Crappie | No size limit | Twenty-five (25) per day in any combination |
| White Bass | No size limit | Twenty-five (25) per day on Great Lakes, Lake St. Clair, St. Marys River, St. Clair River, and Detroit River; Ten (10) per day on inland waters |

Note 1: It shall be unlawful to possess any largemouth or smallmouth bass and any that are caught must be released immediately, in the area of the Huron River, Washtenaw County, starting at the

Mast Road Bridge in the Village of Dexter (T1S, R5E, S32) downstream to the Delhi Road Bridge (T2S, R5E, S2).

Note 2: The following waters have daily possession limits for walleye that differ from the statewide daily possession limit:

1. St. Clair River beginning at the Ft. Gratiot Light and Lake St. Clair:
 - a. The daily possession limit may include one (1) additional walleye.
2. Little Bay de Noc:
 - a. The daily possession limit shall not include more than one (1) walleye 23" or greater from Little Bay de Noc north of a line drawn from Peninsula Point Lighthouse to the mouth of the Ford River in Delta County.
3. Michigan's waters of Green Bay (from the mouth of the Menominee River northward to the latitudinal line (45 degrees 15 minutes) located approximately 3 miles south of Rochereau Point:
 - a. March 2 through the Friday before the first Saturday in May the daily possession limit shall be one (1) walleye; and
 - b. The first Saturday in May through March 1 the daily possession limit shall be five (5) walleyes.
4. Lake Erie:
 - a. April 1 through April 30, 2011 the daily possession limit shall be five (5) walleyes.
 - b. Beginning May 1, 2011, the daily possession limit for walleye will be based on Michigan's share of the annual total allowable catch (TAC) for walleye pursuant to the categories in the table below. The TAC is reported in March of each year by the Lake Erie Committee, which is under the aegis of the Great Lakes Fishery Commission.
 - i) The daily possession limit for walleye will take effect on May 1 of each year and will be in place through April 30 of the following year.
 - ii) Prior to May 1 each year, a notice of the daily possession limit will be posted on the DNR's website (www.michigan.gov/fishing), noted in a statewide news release, and noted in printed material that will be made available to the public via various outlets.

| Michigan TAC | Walleye Possession Limit |
|----------------------|--------------------------|
| greater than 108,364 | six (6) |
| 96,958 to 108,364 | five (5) |
| 85,551 to 96,957 | four (4) |
| 74,144 to 85,550 | three (3) |
| 62,737 to 74,143 | two (2) |
| less than 62,737 | one (1) |

Note 3: A non-transferable Muskellunge Harvest Tag must be obtained prior to harvesting any muskellunge. The tag has no cost and is available at all license vendors. A harvested muskellunge shall be immediately tagged with a validated Muskellunge Harvest Tag. Muskellunge harvest is limited to one (1) muskellunge per angler per year (April 1 – March 31).

Note 4: Yellow perch caught from Lake Huron waters of Mackinac County and the St. Mary's River and Lake Huron waters of Chippewa County shall be not less than 7 inches.

D. BASS FISHING TOURNAMENT REGULATIONS

1. **Registering a tournament with the Department involves logging into the following website <http://www.mcgi.state.mi.us/fishingtournaments/>.**
2. **In 2015, bass fishing tournaments registered with the Department shall be allowed to engage in CDR fishing registered at DNR public access sites:**
 - a. **From the last Saturday in April through the Friday before Memorial Day on all waters in the Lower Peninsula, including waters of the Great Lakes in the Lower Peninsula.**
 - b. **From May 15 through the Friday before Memorial Day on all waters in the Upper Peninsula, including waters of the Great Lakes in the Upper Peninsula.**
3. **In 2016 and thereafter, all fishing tournaments must be registered with the Department prior to taking place. CDR fishing is allowed:**
 - a. **From the last Saturday in April through December 31 on all waters in the Lower Peninsula, including waters of the Great Lakes in the Lower Peninsula.**
 - b. **From May 15 through December 31 on all waters in the Upper Peninsula, including waters of the Great Lakes in the Upper Peninsula.**
4. **Tournament directors are required to verify all tournament participants and provide a unique registration receipt to all participating anglers. Reporting of tournament results is also required by December 31.**

This Order shall be assigned number FO-215.15, and is entitled "Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes, and White Bass."

This Order supersedes the Order entitled "Statewide Coolwater Regulations for Largemouth Bass, Smallmouth Bass, Northern Pike, Walleye, Muskellunge, Channel Catfish, Flathead Catfish, Yellow Perch, Sunfishes, and White Bass," which became effective April 1, 2014, and is assigned number FO-215.14.

This Order shall take effect immediately upon signature and shall remain in effect until amended/rescinded.

Issued on this 19 day of March, 2015.

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

John Matonich, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director