

September 1, 2007

To:

Re: Proposed regulation changes on five coaster brook trout restoration “Research Areas”: on the Michigan Department of Natural Resources, Natural Resource Commission’s October 2007 agenda.

Executive Summary

The Michigan Department of Natural Resources (MDNR) Fisheries Division has proposed changing regulations on five Upper Peninsula streams from experimental regulations, “Research Areas”, designed to support coaster (migratory) brook trout restoration efforts to “Type 1” general regulations. The current experimental regulations limit harvest of brook trout to 1 fish 18 inches or greater in length, and provides for a longer closed season for brook trout beginning on August 1 rather than September 30. This is consistent with recommendations outlined in the Great Lakes Fishery Commission (2003) *A Brook Trout Rehabilitation Plan for Lake Superior*, and recognizes that mature coaster brook trout often begin their migrations from Lake Superior into streams during this time (they are protected with a 1 fish, 20 inch minimum length while in Lake Superior waters). Michigan Council of Trout Unlimited believes this recommended regulation change does not reflect sound science-based fisheries management, and has been arrived at without the full input of interested stakeholders. We are recommending that experimental regulations be dropped at two of the five streams, and maintained at the other three streams (in Pictured Rocks National Lakeshore), where wild migratory brook trout have recently been discovered, for the upcoming two year period. During that time we request that the MDNR Fisheries Division assist with the development of a rigorous management plan for coaster brook trout, in an open and transparent manner which is inclusive of all potentially interested stakeholders. At the end of two years, and with an agreed upon management plan in place, regulations on the remaining three streams can then be re-evaluated using specific management objectives. This letter explains the background information on this management issue, and describes in detail what Michigan Council of Trout Unlimited is requesting and why.

Michigan Council of Trout Unlimited (MCTU) is the coordination and representation for 23 local chapters of TU and over 7,000 individuals, devoted to the conservation, protection and restoration of Michigan’s coldwater fish and their watershed’s.

Background

Coaster brook trout (coasters), brook trout that utilize Lake Superior during their lifetime (instead of living exclusively in streams), are a native fish to Lake Superior and can grow to large sizes usually not attained by regular stream-only brook trout. In Michigan, and on the entire south shore of Lake Superior, the only known remaining naturally-reproducing population of these fish is in the Salmon-Trout River in Marquette County. Coasters were once extremely abundant, but have suffered from over-fishing, habitat degradation, and the introduction of non-native fishes (from MDNR Fish Division report). In an attempt to restore this fish to additional Michigan waters, the MDNR began stocking coasters from Lake Nipigon and Isle Royale into Hurricane Creek, Sevenmile Creek and Mosquito Creek in the Pictured Rocks National Lakeshore (PRNL) in 1997 and in the Little Carp River (Gogebic Co.) and Gratiot River (Keweenaw Co.) in 1999. Concomitant with these restoration efforts, research on many aspects of coaster behavior, genetics, stocking performance, habitat requirements, etc. was undertaken. The groups involved in these efforts included the MDNR, United States Fish and Wildlife Service (USFWS), National Park Service (NPS), Michigan Technological University, Northern Michigan University (NMU), numerous Michigan Chapters of Trout Unlimited (TU) and TU National. In 2000, to support the restoration efforts, “Research Area” designation was placed on the five streams, which limited anglers to harvesting only one fish, of at least 18 inches in length, and closed brook trout fishing on August 1st, instead of the traditional September 30th close date. This experimental regulation is based upon a recommendation in a Great Lakes Fish Commission report that states that in order for coaster restoration efforts to be successful, fish should be allowed to reach at least 17 inches and spawn multiple times before being susceptible to harvest, and in light of research showing that coasters often begin spawning migrations starting in August. Regulations in Lake Superior waters also reflect this objective with a minimum size of 20 inches required for brook trout harvest. These experimental regulations are currently labeled “Research Area” regulations.

Research Findings

Research conducted as part of this collaborative restoration effort has documented much useful information previously unknown about coasters. On the Little Carp River, few stocked coasters have returned to the river, and research indicates that habitat characteristics in this system may be suboptimal for coaster brook trout restoration. Fish stocked in the Gratiot River have not returned to the Gratiot River, but have been found in many other streams around the Keweenaw Peninsula. This could indicate that the Gratiot River may not be suitable habitat for coaster restoration but many other rivers in the area likely are. Research on the three streams in the PRNL has generated some surprising results. Approximately 10-15% of both stocked coasters and wild brook trout from these streams exhibit migratory “coaster” behavior and move between the streams and Lake Superior. This research was useful both in that it documented stocking efforts

were not effective, and that wild coaster brook trout were already present in these streams. TU has since then funded research to track the coasters' movements and habitat use in the nearshore waters of Lake Superior. Additional research, funded by the NPS and NMU, is also underway, on these three streams which relies upon comparing data collected in 2008 and 2009 to data collected during 2003 and 2004.

History on the Current Proposed Regulation Changes

Upon discovery of wild coaster brook trout presence in the PRNL, NPS officials requested that stocking of coasters (from Tobin Harbor, Isle Royale) be ceased to prevent genetic dilution of these wild populations until they are more fully understood. There is a long history of unique fish strains being wiped-out due to the stocking of other fish into the same waters by well-intentioned fisheries managers. However, as a result of the request to halt stocking activities in the three PRNL streams, the MDNR Lake Superior Basin Fisheries Management team declared that since stocking activity is ceased, that *Research Area* regulations should be removed immediately, and the regulations on all five coaster restoration streams should revert to *Type 1* general regulations which allow each angler to harvest five brook trout per day with a 7 inch minimum length, and an open season extending to September 30th.

Our Concerns

We believe the recommendation to cease stocking of coaster brook trout in the three PRNL streams is a precautionary measure based on sound fisheries science. It seeks to protect newly discovered populations of migratory brook trout, exhibiting coaster behavior to the same degree as known accepted populations of coaster brook trout. The discovery of new populations of coasters in Michigan waters should be an exciting and encouraging discovery. However, the suspension of stocking has perhaps been misinterpreted as an end to restoration efforts. Maintaining the more protective *Research Area* regulations is more important now than ever if we are going to be able to fully understand, protect, and recover the wild coasters recently discovered in PRNL.

Stocking is only one tool for the restoration of coaster brook trout and other fish. In fact, a recent scientific paper recommends that the best management strategy for coaster brook trout restoration in Lake Superior is implementation and enforcement of more restrictive harvest regulations, intensive habitat enhancement, and, notably, placing less emphasis on stocking efforts. This paper, "Management Perspectives on Coaster Brook Trout Rehabilitation in the Lake Superior Basin" (in press) is co-authored by researchers and managers from the Minnesota DNR, Wisconsin DNR, Ontario MNR, University of Wisconsin, Trout Unlimited, Emory University, USFWS, and the MDNR. The following relevant quotes are from that paper:

- "*Significant genetic problems can occur when high numbers of hatchery fish are stocked into waters with remnant wild populations (Ferguson 1990; Evans and Willox 1991; Utter 2003).*"

- *“Restrictive regulations that will support self-sustaining populations are essential for rehabilitation of brook trout, and should be implemented immediately to protect remnant stocks.”*

Management agencies, facing chronic budget woes, should be encouraged by these recommendations, as stocking is a very expensive restoration tool. Research is still ongoing, and is dependent upon maintaining the *Research Area* regulations. For experimental design purposes regulations need to remain consistent with those in 2003-2004.

We believe the *Research Area* regulations should remain in place in light of the ongoing research. Although stocking has indeed been discontinued, the restoration efforts and monitoring experiments most definitely continue. These requests have been voiced to the MDNR regional fish manager, MDNR Lake Superior Basin Coordinator, MDNR Lake Superior Management Team, and MDNR Fish Division Chief. We have been disappointed thus far with the lack of constructive responses to our concerns.

The underlying cause for this current management issue is the lack of a management plan for coaster restoration in Michigan waters. Following generally accepted practices for fisheries management, a management plan should be developed by the MDNR Fish Division, with input from all interested stakeholders in coaster brook trout restoration. Interested stakeholders could include MDNR, NPS, USFWS, Michigan Tech and NMU coaster brook trout researchers and experts, Great Lakes Fish Commission staff, and a variety of citizen groups including, for example, Trout Unlimited and local sportsmen's groups, or interested individual citizens. A management plan would result in agreed upon definitions, management objectives and management strategies, including timelines for re-evaluation and changes. Other Lake Superior Basin management agencies such as the Ontario Ministry of Natural Resources, Minnesota and Wisconsin Departments of Natural Resources have created such documents to guide coaster restoration activities. The MDNR Fish Division has noted this as an important activity to undertake, but has yet to do so.

The absence of such a management plan has led to a current lack of transparency, perception of a biased approach to coaster restoration, and caused the current conflict over the proposed regulation changes. At the most basic level, the lack of a MDNR management plan exacerbates this kind of conflict, because, for example, the stakeholders do not share a common definition of what constitutes a coaster brook trout. Most of the scientific community agrees that the definition of a coaster is based in its behavior of using large lake and stream habitats, whereas the implicit operating definition used by some MDNR employees appears to involve the maximum lengths of individual fish sampled in the current populations, and the relative rarity in which coasters are found in the basin. Conflicts and concerns are also present over the timelines in which research and harvest regulations may be in place. All of these stem from a lack of a transparent management process and plan.

Recommendations

- 1) On Hurricane Creek, Sevenmile Creek, and Mosquito Creek in the PRNL, where wild coaster brook trout have been discovered and fully-funded research is being conducted through August 2009, we request that the experimental *Research Area* designation and regulations be maintained through 2009. This is in recognition that there is a potentially valuable and rare resource present which warrants precautionary management and further research, and that the current regulations are meant to protect and support these research efforts which are still underway.

- 2) We do not oppose removal of the regulations on the Little Carp River and Gratiot River, where few to no coaster brook trout have been found to return to those rivers (and thus the regulations are not necessary).

- 3) We request that the MDNR initiate a process for development of a coaster brook trout restoration management plan, and that this process be transparent and inclusive of all stakeholders in coaster brook trout restoration. The goal for completion of the plan should be set no later than Fall of 2009, so that its objectives and recommendations may guide future restoration efforts, inform the development of future regulations for the three streams in PRNL in 2010, and avoid future conflicts.

Summary

We regret that the current management concerns were not satisfactorily addressed in the lower levels of the MDNR management process, and now must be considered by the MDNR Director and Commissioners. We understand and appreciate the numerous other conservation challenges facing our state currently. We hope you see our concerns and requests as quite reasonable, as we feel they are. In this time of decreased state budgets and decreased resources for the MDNR, we hope you see that there are many conservation partners striving to help with the management of our natural resources. Our requests do not require additional funds from the MDNR, rather they simply request the MDNR's support for their conservation partners' efforts toward restoring Michigan coaster brook trout. Thank you for your consideration of this matter.

Thank You for Your Consideration,

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