



October 20, 2017

**To: The Natural Resource Commission**  
**Re: UP Brook Trout Bag Limit proposed order**

Michigan Trout Unlimited is a Michigan non-profit, comprised of 20 local chapters around the State of Michigan, and 8,000 members. Our mission is the conservation, protection and enhancement of Michigan's coldwater fisheries and the watersheds that support them. Our vision is that our grandchildren will still have robust healthy coldwater fish populations to enjoy. While our membership is primarily anglers, we are a conservation organization by mission and practice. As such, our motto has always been, "take care of the fish and the fishing will take care of itself". We subscribe to the philosophy that what is good for the fish is good for the fisherman.

Four plus years ago, the NRC asserted interest in increasing the bag limit of brook trout in the Upper Peninsula (UP). A statewide angler survey was conducted by the DNR Fish Division at that time, focused on angler opinions about UP brook trout fishing. The results of that survey indicated a majority of anglers desired the bag limit to stay at 5 per day. At odds with NRC policies on considering more restrictive deer antler point restriction proposals which require a majority of public supporting, the NRC continued to pressure the DNR Director (with authority at the time for making Fisheries decisions) to list UP streams under a 10 fish per day bag limit (a liberalization of harvest with minority support). The NRC justified this direction on the premise that it believed it would increase angling on these waters. The result, was the DNR Fish Division experimentally listing 8 streams as 10 fish per day, to follow the precautionary principle and determine what effect if any the regulation would have. The DNR then spent considerable fiscal resources to conduct monitoring of these streams in order to understand the impacts of this regulation. This continued for 4 years, and cost several hundred thousand dollars of budget to accomplish (as reported by Fish Division).

Last year, the DNR reported results of those study efforts. Several lines of social surveys were conducted, creel surveys were conducted, and fish population surveys were conducted. The social surveys revealed several important findings. First, a majority of anglers did not support this bag limit, were concerned primarily with how many brook trout they might catch, not how many they would keep, and in many locations indicated they would fish these 10 fish bag limit streams less. Secondly, they found that the only strong demographic in support of the 10 fish bag limit was essentially 60 year old plus male anglers from the Western UP; indicating this would not get younger anglers out fishing these streams more frequently. Based on the creel studies that were done, no increases in angling on these streams was found, a rejection of the hypothesis asserted by the NRC. Further, fish population surveys were done on several streams. Only two pairs of study streams (paired treatments and controls) received surveys in all years, with creel surveys in most of the years, and were done with apriori experimental controls. In both of those study pairs, the same clear response was documented; brook

trout populations increased significantly in the controls (5 fish bag limit), and decreased significantly in the treatment streams (10 fish bag limit). This means, that while no overall increases in angling use were documented, that the higher bag limit resulted in decreases in brook trout populations, or population suppression (due to the intensity of harvest, not from angler use increasing). The data also showed that brook trout catch among anglers decreased throughout the summer in the 10 fish bag limit streams, while it stayed higher in the control streams, thus also affecting the success and satisfaction of other brook trout anglers.

The DNR Fish Division presented these results to the DNR Coldwater Resources Steering Committee, and the official, approved meeting minutes from that meeting, posted on the DNR website, reflected the clear interpretation of the study findings. From those minutes: *“Contrary to predictions going into the study, it was found that the ten-brook trout bag regulation had potential to negatively affect abundance and size structure of local brook trout populations and the opportunity for higher harvests did not result in increased angler activity. The audience commended Fisheries Division on their forthrightness in conducting the study and sharing findings. Dexter provided additional info on how study results will be incorporated into further discussion of this topic at the December NRC meeting.”*

Despite the investment of resources evaluating this regulation change, and the results it provided, the current NRC approved a resolution late last year, at the December NRC meeting, to have the DNR list all Type 1 streams in the UP as 10 brook trout bag limit. That’s appalling given the NRC’s statutory mandate to make such decisions using sound scientific principles. To liberalize harvest regulations knowing that you have evidence it will suppress fish populations (indeed, knowing the NRC has heard presentations on the stresses this species faces with climate change predictions), knowing the premise of increasing angling was not shown true, knowing a majority of anglers prefer the 5 fish bag limit and their fishing will be impacted by this change, and to still seek expansion of this is without explanation.

The NRC recently has proposed listing approximately 1,100 miles of UP streams under this 10 fish bag limit. It’s now up for your action next month. What is at stake is the public perception of the fitness of the NRC to discharge its mandates for scientific fish and wildlife management decisions. The NRC directed the Fish Division to bring it streams for listing under a 10 fish bag limit. The set of criteria it developed for selecting these streams is theoretically reasonable for reducing the possible impacts of this regulation. Those criteria do not represent a statement of where this regulation should be implemented, but where it is least likely to have negative impact. This is inherently a mitigating direction rather than an ideal management direction, and represents the influence of certain members of the NRC on this issue.

This set of criteria, while theoretically reasonable for reducing risk of negative impacts, has been applied to specific streams in a very non-scientific manner. The directive from some of the NRC was to try to find streams that fit these, but to find streams none-the-less. In all cases of the streams proposed for inclusion under this regulation, the DNR lacks complete essential information about any of them to confidently assess criteria fit. For example, two of the criteria are based on avoiding streams that serve as thermal refuge during the summer or that provide critical spawning or rearing habitat. Data is not present on these attributes for any of the stream systems proposed. Another example is that the DNR provided no data on the actual brook trout populations for the streams it listed. In several cases, the DNR noted that they stock brook trout in some of them. This was noted perhaps to argue that the populations are not robust or good there. The problem with this is that brook trout are stocked in some

places, where it's the only way to create a fishing opportunity for anglers where it otherwise would not. Are we now saying we are willing to fiscally subsidize expanded harvest with expensive hatchery operations? In yet other instances, the NRC directive to find streams to list has resulted in streams proposed that knowingly do not fit the criteria. The entire Paquin Creek watershed is currently proposed despite one of the criteria specifically saying it should not be applied to an entire watershed. Other examples include the W.Br. Huron River and Silver River--both of which are watersheds currently known to have coasters and under experimental coaster brook trout regulations--despite criteria stating they should not be considered in those circumstances. None of the streams are proposed with complete confidence in how they fit criteria, and many are proposed with no knowledge of them at all. Despite this, the NRC in October 2017, during the Fish & Wildlife committee meeting, further urged the DNR to also evaluate more streams next year, up to 2.5 times the amount that is tenuously proposed now. This should illustrate to any reasonable person, court or media outlet, that NRC member pressure on this issue is causing clear conflict with the mandate for the NRC to ensure scientific fish and wildlife management. You could also ask the staff involved in proposing streams, or who conducted the evaluation study, how scientific and objective they feel they've been allowed to be on this issue.

MITU has continuously communicated about this bag limit issue with DNR and NRC leadership, to try to find collegial and amicable ways to resolve it. Those have not worked, and the NRC or at least portions of it still appear to be headlong crusading for this ill-advised policy. MITU opposed this regulation 5 years ago for numerous reasons. Most all of those concerns were validated by the DNR experimental study of this regulation. We are now resolute in our opposition to this regulation. This issue has risen to public awareness, and conservationists around the state are fully aware of what's occurring within the NRC on this issue. Much is at stake with this decision. We hope the entire 7 person commission demonstrates with its votes that while it may struggle with certain decisions, it can ultimately uphold the charge for scientific fish and wildlife management.

Thank you for your concern and attention to the issues we raise here. We appreciate you giving it very careful reconsideration. If we can assist any of you by getting you access to detailed information or data on this topic, please do not hesitate to ask.

Respectfully,

Tom Quail – Chair

Greg Walz – Vice Chair

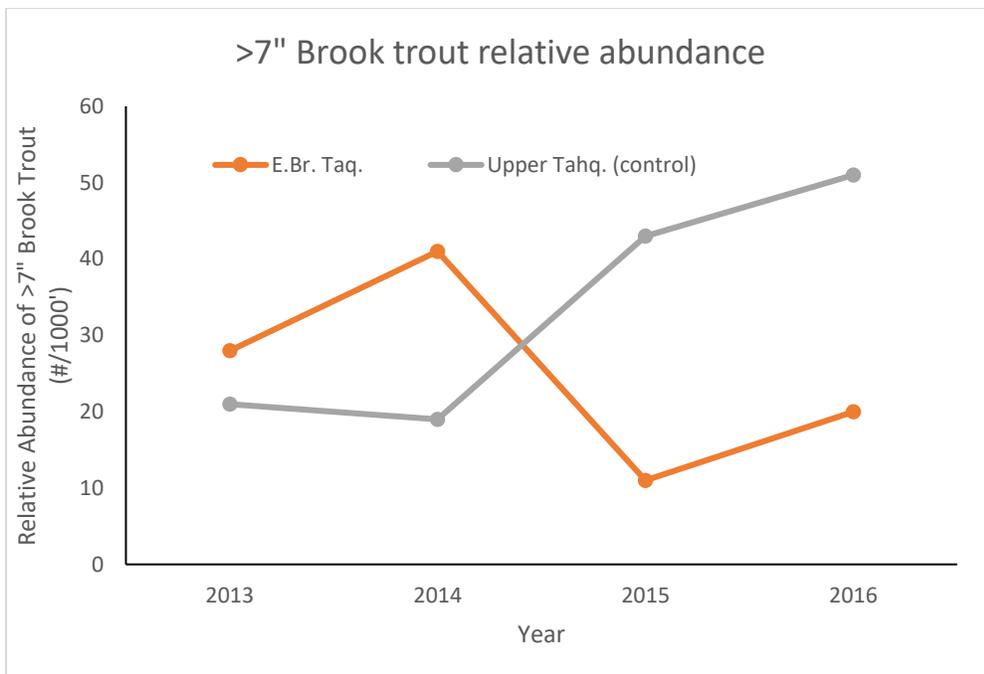
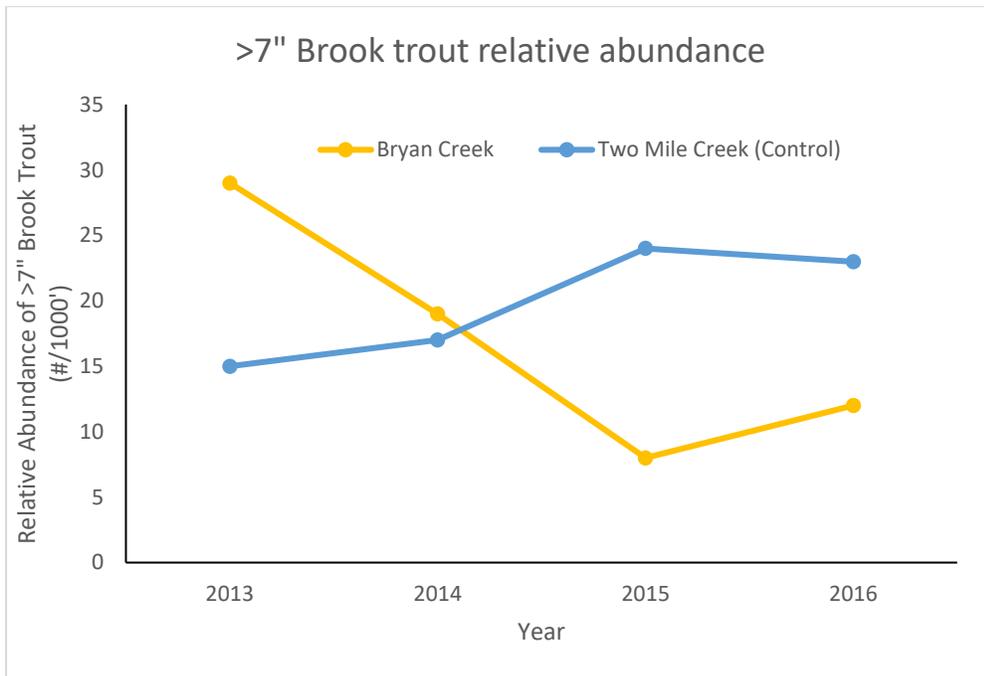
Bryan Burroughs – Executive Director

Bill Leder – Copper Country Chapter TU

Jim Cantril – Fred Waara Chapter TU

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Figures 1 and 2. Brook trout response within the two paired experimental streams.



DNR September 2016 Presentation of Experimental Study Results Presentation:

[http://www.michigantu.org/images/pdffiles/upbrooktroutbaglimitsfiles/10-Brook%20Trout%20Bag%20Summary%20CRSC%20Sep%2016%20\(002\).pdf](http://www.michigantu.org/images/pdffiles/upbrooktroutbaglimitsfiles/10-Brook%20Trout%20Bag%20Summary%20CRSC%20Sep%2016%20(002).pdf)