

New Regulations for the AuSable “Trophy Waters” in Mio

Good Progress, But Outcome Not Satisfying

Something unusual is taking place. Au Sable River users are agreeing about what regulations would be best for the trout fishery. Biological and creel surveys of the fisheries were conducted over the past several years, those data were analyzed and reported, presentations on the results were given, and the public decision-making process regarding the best regulations for the fishery was well-informed. All of this is good natural resources management. What's unusual is that there is regulation possible that would let the fishery reach its fullest trophy potential while allowing greater harvest opportunities; and the public is largely in agreement and supportive of it. Certainly sounds like a win-win? However, the DNR Fish Division is resistant to one key part of it.

The Fishery

The section of the lower Au Sable River, from the hydroelectric dam in Mio, downstream to McKinley, is commonly referred to as the “Trophy Waters”. It got this nickname from this section's unique ability to produce very large brown trout. Michigan is blessed with many great trout streams, but opportunities to catch brown trout from 20 - 30 inches are always special and rare. The Trophy Waters regularly provide such a trophy fishery. One of the reasons for this is also one of the biggest problems for this stretch of river – high water temperatures. The presence of the hydro-dam at Mio increases water temperatures in the river

downstream of it. Higher water temperature causes trout to grow faster, but also causes trout mortality to increase. When water temperatures regularly exceed about 70 degrees Fahrenheit trout begin to suffer, and as a population more and more fish die-off. Those that remain are few and far between, but often grow very fast and reach large trophy sizes (if they can survive). The Mio Dam creates such a situation. For brown trout it results in fewer fish, but large sizes. Rainbow trout are also stocked here and survey results show that most rainbow trout were disappearing from the Trophy Waters before they reached 13 inches. Rainbow trout are more willing to bite and are more easily caught by anglers, and often comprise the majority of a day's catch here. However, the minimum length to keep a rainbow trout has been 12”, meaning that most rainbows are caught, released, and subsequently die before being caught at a legal length to harvest.

The Current Regulations

In 2000, the state placed all trout streams into one of the seven regulation types for trout streams. The stretch of river from Mio Dam downstream to 4001 Bridge was divided up into three sections; the first was from Mio Dam downstream a short distance to the first powerlines, the second was from the powerlines downstream to McKinley Bridge, and the third was from McKinley Bridge to the 4001 Bridge. The first and last sections were placed into general regulation

type 2 (12” minimum length for browns and rainbows, 5 fish limit, open to all gear types, regular trout seasons applied). The middle segment remained in special regulations (none of the 7 types) due to ongoing research being conducted there. It was decided that more biological and social information needed to be collected to help inform which regulation was most appropriate. The regulations have been 15” minimum length for brown trout, 12” for rainbows, 2 fish limit, artificial lures or flies only, and the regular closed trout season applies (last Saturday in April through September 30).

The Information

Biological and social information has been collected for this section of river since 2000. MDNR staff reported the data and also used it to make predictions about what the fishery might be like under different types of regulations, using simulation models. This information was made public in the form of a “Status of the Fishery Report”, and can be found at the MDNR website at http://www.michigan.gov/documents/dnr/2007-22_225164_7.pdf. MDNR staff also presented this information at several “town hall” meetings, and to several angling groups that were interested. MDNR staff involved should be applauded for the efforts that were undertaken to help make sure the public and interest groups were well informed in this decision process.

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The results of all the information can be boiled down simply. Brown trout in this section of river have the ability to grow fast and reach trophy sizes. In order to make as many trophy brown trout here as possible “no-kill” regulations (or very high minimum lengths, like 20”) are needed. Enacting this type of regulation for brown trout would create more trophy browns in these waters. Rainbow trout however, are not surviving to make it past 13”, and with 12” minimum length these fish are not being utilized as much as possible. Lowering the minimum length for harvest would allow anglers greater harvest opportunities and increase the “return to creel”.

Picking a new regulation type

The DNR Fish Division presented the information about this fishery and then asked stakeholders to

indicate their preference for either Type 5, 6 or 7 special regulations. None of these three regulation types really fit this situation well. Each had a way of either limiting the potential of the fishery to produce trophy browns, or limiting the ability of anglers to utilize the fishery (through seasons, gear type or harvest restrictions). The public clearly voiced several priorities for these waters, 1) they want the unique trophy potential of this water to be fostered, 2) they want angling allowed year-round (with normal season for possession) to allow greater use of the river for anglers, 3) secondarily to those priorities, they want the greatest diversity of use possible. What the public presented to the DNR as the optimal regulation choice was; year-round fishing with the regular trout season

for possession, “no-kill” for brown trout, lowered minimum length for harvest of rainbow trout (down to 10”), and “artificials-only” gear types versus “flies-only”. This regulation would maximize the trophy potential of the fishery while maximizing the diverse use for the fishery as well. However, the DNR has an objective of keeping regulations “simple” on a statewide basis – and this “tailor-suited” regulation would be adding an exception – and presumably complexity to the statewide regulations.

The Solution & The Problem

The DNR has attempted to address this challenge by altering the definition of Type 6 regulations. There were only 3 sections of stream

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in the state listed under this category previously. The DNR has now proposed adding the Mio Trophy Waters, and altering the Type 6 regulations to be: open year-round to fishing (regular possession season for brown and brook trout, open all year for harvesting rainbows), 10" minimum length for rainbow trout (instead of 12"), 15" minimum length for brown trout (instead of 12"), and open to "artificial-only" gear types. This solution provides many of the important aspects of the regulation scenario preferred by stakeholders, with one critically important exception – it does not maximize the trophy producing potential of the fishery.

The DNR's data and harvest regulation models predicted that going with "no-kill" for brown trout instead of 15" minimum, could produce 125% more trophy brown trout (over 20" in length) here (950 versus 2110). While these are only predictions, they arise from the data

collected on this stretch of river, and encapsulate the ideas of DNR trout researchers and managers on how this fishery functions. What's more is that the DNR reached out to the public in many ways, soliciting its preferences for regulations on this piece of water. They received nearly 400 responses (a large response; comparable to that returned on the issue of 2 lines versus 3 for fishing all inland waters). Incredibly, 90% of respondents indicated that they preferred the "no-kill" option for brown trout (again, compared to about 75% that were in favor of moving towards 3 fishing lines instead of 2).

So, with biological data supporting "no-kill" for brown trout, and such clear support for it from the public, why has the DNR proposed keeping the 15" minimum length for brown trout on the Trophy Waters? They have stated that the 15" minimum is "protective enough", but have not offered evidence to defend it as the "best" option possible. Their proposal for the regulation is up "for action" at the December 4,

2008 meeting of the Natural Resources Commission. Our hope is that the proposed regulation is modified to include "no-kill" for brown trout (or at least a higher minimum length) before being accepted. Regardless of the final form of the regulation though, DNR staff did a great job of informing the public about the details of this fishery. With so many stakeholders now well-informed about the problems and potential of this fishery, discussions about these regulations will continue long after December 4th.

