

# Gear Restricted Nomination for Trophy Water of the Au Sable River

**Mio Dam to Powerlines (T26N, R2E, S4):** Open season for brown, rainbow & brook trout - last Saturday in April until September 30<sup>th</sup>; All Tackle; Possession – 5 trout total/only 3 can be 15 inches or greater; Size minimums – 10” brook, brown & rainbow; Extended season all year with rainbows (minimum size – 10 inches) allowed to be harvested (5 trout total/only 3 can be 15 inches or greater); No Kill brown and brook trout.

**Rationale:** This is the new Type 3 designation. This section, about a half mile long, has been Type 2 designation since 2000. It has worked out very well because the area is located close to the town of Mio and includes the MDOT-33 Access Point with a generous picnic area. People enjoy casual, relaxed fishing and, historically, many do keep their trout. There are also opportunities for walleye at the dam so Gear Restriction should not be applied. This should simplify the rules.

## Extended Season for Rainbow Trout

The *DNR Status of the Fishery Research Report* (Sendek & Nuhfer, 2007, p. 12)<sup>1</sup> makes it clear that carry over for rainbows from years 1-2 to 2-3 is dramatically low (2% on average). Year round harvest maximizes the potential usage of rainbows that would otherwise die. Second, given our request for No Kill on brown trout over the next 14 miles of river we feel year round harvest of rainbows is an attempt to compensate for the loss of this harvest opportunity.

**Powerlines (T26N, R2E, S4) to McKinley Bridge:** No Kill brown trout; Open season for rainbow trout (10 inches) or brook trout (7 inches) from last Saturday in April until September 30<sup>th</sup>; possession 2 trout; Flies and Artificials only, Extended season October 1 to 31, April 1 to last Friday in April, possession and minimum size for rainbow and brook trout the same as regular season, barbless hooks required at these times.

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<sup>1</sup> Sendek, S.P. & Nuhfer, A.J. (2007). Au Sable River, Mio Dam to Alcona Pond (T26N, R5E Section 33, 2005). Status of the Fishery Resource Report, Michigan Department of Natural Resources.

## Rationale:

### No Kill for Brown Trout

We strongly believe that there is no other section of river in the state of Michigan, other than what is already designated, that deserves a sporting regulation of No Kill more than this 14 mile reach. Brown trout grow well enough and live long enough to make a No Kill fishery effective in creating more trophy-sized fish (*Status of the Fishery Resource Report*, pp. 5, 7, 11, 15, see also Tables 11, 12 & 13). Harvest model simulations, using the data collected from 1999 to 2005, predict that No Kill regulations would produce from 20 – 125% more trophy brown trout (20" or greater) in this water depending on the level of past voluntary catch & release, effectively adding approximately 350 – 1200 more trophy brown trout to the river or 15 to 54 more per river mile, a significant amount<sup>2</sup>. The trophy producing characteristics of this water set it apart from other Michigan trout fisheries and should be nurtured for maximum yield<sup>3</sup>.

The science on No Kill or similar regulations designed to enhance sport fishing is, to be honest, mixed, but that is not to say work does not exist in support of it. Alomovar and Nicola (2004) demonstrate that angler exploitation (i.e., harvest) can degrade brown trout populations, especially the numbers of bigger fish. They believe some streams, based on the growth rate for the population, could benefit from more restrictive fishing regulations<sup>4</sup>. Work by Wisconsin DNR Biologist Larry Claggett – some already cited in the nomination by Anglers of the Au Sable – provides strong support for the use of more restrictive regulations<sup>5</sup> on some streams.

The Fish Division also solicited public input on regulations in 2008 for the Trophy Waters in several ways, nearly 400 responses were received. The largest preference recorded was for type 7 regulations (flies only gear and No Kill for all species) followed by No Kill for brown trout in light of greater harvest opportunities for rainbow trout. Combined, 90% of respondents who cast a vote at several DNR public meetings, or by letters and email, favored No Kill regulations for brown trout. We feel this is an unprecedented sign of public support.

To claim that "catch & release" trophy coldwater fishing is not wanted or cannot work is to ignore findings in this state and across the country. Social, biological and even economic factors indicate that having stretches of coldwater managed with sporting regulations can be a sound practice. Special No Kill sections on the "Holy Water" of the Upper Au Sable, as well as the South Branch have been very successful and turned those spots into international attractions generating economic gains that would otherwise go to some other state.

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<sup>2</sup> We have used all 22 miles of the reach for our calculations.

<sup>3</sup> Our examination of harvest model simulations was obtained through a Freedom of Information Act (FOIA Request Log #FIS00072). At the December, 2008 Natural Resource Commission Meeting it was suggested to us by former Fisheries Division employee, Kurt Newman, that the model specifications had been changed. If so, we would like the opportunity for our experts to analyze those conclusions.

<sup>4</sup> A. Almodovar & G.G. Nicola. (2004). Angling impact on conservation of Spanish stream-dwelling brown trout *Salmo trutta*. *Fisheries Management and Ecology*, 11, 173-182. The authors also provide a review of other studies in this realm that support or counter argue their findings.

<sup>5</sup> None of the streams had No Kill designation, but three had brown trout designations of one fish at 15, 18 or 20 inches per day. See Claggett, L. (October, 2007). Tailoring the take to the fishery. *Wisconsin Department of Natural Resources Magazine*.

The state of Michigan is well behind the curve in recognizing the importance of sporting regulations. Regardless of the biological arguments, which are open to interpretation and revision with each new research paper, anglers like water with sport regulations which are commonly defined as catch and release with flies and artificial lures only allowed, and progressive states are accommodating them. A recent survey of 496 stretches of gear restricted trout streams in Michigan and seven peer states – Wisconsin, Pennsylvania, Colorado, Montana, Wyoming, California and Idaho<sup>6</sup> found Michigan woefully lacking in such waters. For example:

- Michigan has 12 total stretches of gear restricted streams. The seven peer states have an average of 81.
- Michigan has seven stretches of artificial flies/lures only. The seven peer states have an average of 58.
- Michigan has three stretches of catch and release only trout angling. The seven peer states have an average of 39 all-species catch and release stretches. (When western states' cutthroat C&R restrictions are factored in, the average jumps to 64.)

Destination coldwater fisheries such as Vermont's Batten Kill, New York's Beaver Kill and Willowemoc, Maryland's Youghiogheny, Arkansas's White, and numerous western streams have enacted sporting regulations of catch and release with artificial flies and, in some instances, lures only<sup>7</sup>. The Trophy Water of the Au Sable is potentially as good as or better than any of these streams.

The Fisheries Division should recognize the vital social and economic value to these types of regulations just as their peer states have clearly done.

### **Size Limits**

Our requests for rainbow and brook trout size limits match the state proposals discussed in several Coldwater Advisory Committee meetings. The daily bag is the same as what is currently in place. The use of flies and artificial lures also continues a regulation that has been in place since 1976. This offers simplification.

### **Extended Season**

The case for an extended season involves several concerns. We do believe that both October and April should be open to No Kill fishing for browns, but harvest of rainbows and brook trout, on this stretch. Neither time should impose any hardship on the fish. We suggest use of barbless hooks at this time because of increased survival rates due to reduced handling time and less injury due to air (see Bakke, 2008 for literature review –

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<sup>6</sup> This investigation is the work product of John Bebow, a professional journalist and member of the Board of Directors for Anglers of the Au Sable. It will be part of an article that Mr. Bebow is working on for The RIVERWATCH, Anglers' newsletter. For inquiries please contact Mr. Bebow at [jbebow@sbcglobal.net](mailto:jbebow@sbcglobal.net).

<sup>7</sup> Hunt's research in Wisconsin indicates special regulation waters are used more often, attracted more non-local anglers, and have more return trips than non special regulation water – Hunt R.L., (1981). A successful application of catch and release regulations on a Wisconsin trout stream. *Wisconsin Department of Natural Resources, Technical Bulletin 119*, 30 pp.

www.nativefishsociety.org). Indeed, it opens the river to time frames that have become very popular on other year round inland fisheries and should offer an economic boomlet to the area.

We are hesitant of year round fishing for the following reasons.

First, shocking surveys have shown a steady decline in brown trout (44%) from 2000 to 2005 (*Status of the Fishery Resource Report*, Table 11)<sup>8</sup>. We are uncomfortable with five additional months of catch and release fishing until these population numbers stabilize.

Second, while the *Status of the Fishery Resource Report* indicates little recruitment (pp. 10-11) for brown trout in this section, developments in the summer of 2009 suggest that could change. An aerator installed by Consumers Energy designed to address the water temperature problem below Mio could increase survival for wild trout. It would be wise to close November and December, at least for the foreseeable future, to allow monitoring for this possibility.

Our final concern is the danger of winter ice between the Comins to McKinley stretch. Recent winters have made it apparent that ice can form above McKinley Landing and leave the river impassable for days, even weeks, at a time. We are concerned for the safety of those who might get caught in a situation where they have to abandon their boat and walk out. If the first two concerns are met then we would suggest opening only the Mio to Comins section to year round fishing because of the ice factor<sup>9</sup>.

### **The Question of FO 213**

FO 213 serves as the template for determining whether or not streams may be classified as Gear Restricted. The stretch under consideration clearly passes all tests except one. While the Powerlines to McKinley reach has excellent insect hatches, plenty of public access and is wide enough for fly casting, it does not have a self-sustaining brown trout population at present. We believe that this should not disqualify it for a number of reasons and offer a suggestion as to how the situation can be rectified. It is important to note this section, known as the Trophy Run of the Au Sable, has become prima facie evidence for the very philosophy as outlined on page 2 of the ORDER based on anglers' activities and expressed wishes; a desire to release fish and emphasis on pursuing larger fish. A point that was echoed, in part, by R.W. Wiley at the *Wild Trout VIII Symposium* in 2004: "Today, many anglers practice catch and release, suggesting that catching fish and releasing them has become more important than catching and keeping them."

The ORDER also states that "(s)pecial regulation waters are not only very popular, they can substantially increase the public value generated from Michigan's outstanding array of trout streams." A designation of No Kill on brown trout will elevate the Trophy Run back to national prominence with other nationally known trophy coldwater streams that have adopted sporting regulations. Many regions in the country have started promoting their resources with impressive success. For example, the Driftless Area that encompasses parts of Wisconsin, Minnesota,

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<sup>8</sup> Table 11 explains Numbers per Acre by Age but raw numbers also support this claim. For more information on the decline of brown trout see "Shocked" *Michigan Outdoor News*, March, 17, 2006, pp. 31, 37.

<sup>9</sup> Should the Mio to Comins stretch become open to year round fishing then we would support year round harvest of rainbow and brook trout with existing size minimums (10 and 7 inches respectively) and possession (2).

Iowa and Illinois is yielding a 1.1 billion dollar economic benefit annually<sup>10</sup>, and it's just one of many. After implementing catch and release, the Basalt Chamber of Commerce estimated in 1986 that spending directly attributable to the Fryingpan River to be between 1.2 and 1.6 million dollars with an overall economic benefit of 3.6 to 4.8 million dollars (Nickum, "Why Colorado Needs More Catch-and-Release," *High Country Angler*, Colorado Trout Unlimited, [www.hcamagazine.com](http://www.hcamagazine.com)). In this era of "Pure Michigan" and the transition to a more tourist-based economy it is imperative to make this change.

The social aspects of this nomination have already been mentioned and strongly favor our position. It is also important to note that the geographical diversity of the area will allow for anglers who wish to harvest trout plenty of opportunities to do so within a 10 to 15 minute drive in almost any direction from this section. Either side of the section, Mio Dam to Powerlines and McKinley Bridge to Loud Pond, allow for harvest of all species of trout with no gear restrictions (most all of the tributaries to the Trophy Water are Type 1 and should remain in that category.) The total length of the stretch to be nominated is about 14 miles so connectivity is not an issue as well

So what to do about the lack of a self-sustaining brown trout population? We have an idea. The recent installation of an aerator to address water temperatures may allow for more wild brown trout to survive. In time the brown trout may become a self-sustaining population. This trend can easily be monitored over the next five years since DNR will already be surveying the river to compare survival rates of the *Sturgeon River* brown trout, an experimental strain, with the *Wild Rose*, the existing strain. The native strain will also be recorded and it should be possible to determine if cooler summer water temperatures are producing more wild fish. Should this be the case then, after five years, DNR may consider eliminating brown trout plantings, or beginning a step down process. The stocking of rainbow trout, of course, is not affected because rainbows are allowed to be harvested.

It is also important to consider the following counterargument to the position against "protecting" planted fish.

Traditionally the utility of stocked fish has been defined "return to creel" factoring harvest as the sole value of a fish to anglers. In general, we do not oppose harvest of fish but find this definition to be limiting and short sighted. The fact is that anglers value the experience of successfully catching a fish more fundamentally, with harvest as a secondary value to this. Through sporting regulations and catch and release, trout may be "utilized" and valued more than once and, if it could be measured, the weighted value of that utilization should increase with each successful capture of an individual fish. Additionally, the primary value of capturing a fish would reasonably be expected to increase with increasing size of the fish. The optimization of the value of a stocked fish should therefore include the value of each encounter with an individual fish.

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<sup>10</sup> See "The Economic Impact of Recreational Trout Angling in the Driftless Area," Trout Unlimited, [www.tu.org/driftless](http://www.tu.org/driftless). Other recent studies include Minnesota (Gartner et al., [June, 2002]. Economic Impact and Social Benefits Study of Coldwater Angling in Minnesota. Prepared for Minnesota Department of Natural Resources) and Pennsylvania (Greene et al., [2004]. Angler Use, Harvest and Economic Assessment on Wild Trout in Pennsylvania. Prepared for Pennsylvania Fish and Boat Commission, Fisheries Management Division, Bellefonte, PA.

This is something to be strongly considered when making the counterargument against No Kill on planted fish from a fiscal standpoint. Where fish can attain large sizes, there exists an opportunity to greatly increase its overall value to the anglers of Michigan. That opportunity exists and is preferred by the anglers of this fishery. Further, it's easily imaginable to estimate the number of angler hours per capture in this fishery, and multiple that by the economic expenditure by anglers per angler hour – giving us an estimate of economic impact of each stocked fish to the economy versus the cost to produce it at the hatchery. This information would ultimately provide compelling justification for future general fund support of hatchery operations to a legislature interested in maximizing economic stimulus with its limited tax revenue.

Thorn, Anderson and Hendrickson (2000)<sup>11</sup> concede that successful restrictive regulations on brown trout are rare but can be determined through inquiry. In their eyes, the regulations themselves are, in effect, experiments. This position is echoed, to an extent, by Almodovar and Nicola (2004) who state, "The current declining trend of brown trout could be reduced by river-specific management and alternative fishing regulations," (p. 173)<sup>12</sup>. It's time for the crucial test below Mio to see if No Kill can maximize the potential of this fabled trophy stream. It's a needed attempt at adaptive management. To not do this is to dodge science and possible condemn this river, and the community surrounding it, to recreational and economic mediocrity.

In summary, we believe these Gear Restricted regulations offer fair, well reasoned and varied opportunities for anglers of every preference in this section. This request is biologically sound, economically enlightened, and socially supported. In fact, we believe it is more defensible and supported than the current regulations.

### **McKinley to 4001; Alcona Dam to South Branch River**

We are comfortable with McKinley to 4001 remaining Type 2 and reclassifying Alcona Dam to South Branch as Type 3.

We have received support for our list of nominations from Anglers of the Au Sable, the Mershon Chapter of Trout Unlimited, the Headwaters Chapter of Trout Unlimited and the Mason-Griffith Founders Chapter of Trout Unlimited. In the same spirit we have reviewed and agree with the nominations of Anglers of the Au Sable, the Mason-Griffith Founders Chapter of Trout Unlimited and the Headwaters Chapter of Trout Unlimited where there is consensus on specific stretches (we are unaware of a Mershon nomination.) Where there are differences between the groups then we hope to be part of the discussions to rectify them.

Implicit in our nomination is our support for gear restricted regulations as well as the research to support that designation. Michigan's diverse coldwater scenarios and varied angling interests on those waters demand this type of management where necessary.

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<sup>11</sup> Thorn, W.C., Anderson, C.S., and Hendrickson, D.L. (2000). Successful Restrictive Regulations for Brown Trout: Why Are They Rare? Pages in R. DuBois, K. Kayle, M. Ebbers, and S. Turner (editors). *Trout and the Trout Angler II*. American Fisheries Society, North Central Division, Salmonid Technical Committee, St. Paul Minnesota.

<sup>12</sup> The authors also discuss the role of science in fisheries management suggesting that it is limited. They also believe modeling might be too complex to offer useful information and should be simplified and more realistic.

We hope that you find our comments and suggestions rigorous, valid, fair and productive; and will consider modifying the proposal prior to enacting the change in regulation. We appreciate the opportunity to improve the fishery and continue to perfect its management. Thank you for your consideration of this request.

Sincerely,

Thomas Buhr, President - Au Sable Big Water Preservation Association