

**NRC reverses course, says Yoopers don’t need to eat 10 brook trout a day**

**January 10, 2020** – In an abrupt reversal of an appalling fact-free ruling that Michigan’s Natural Resources Commission issued in November, commissioners voted yesterday to reduce the daily bag limit of brook trout in 33 U.P. streams from 10 to five fish.

Department of Natural Resources spokesman Ed Golder told the BTC that commissioners withdrew the regulation permitting anglers to keep 10 brook trout per day after going into executive session to discuss a lawsuit that Michigan Trout Unlimited filed in Ingham County Circuit Court against the NRC on November 27. Golder said he didn’t want to speculate on what effect the TU lawsuit had on the commission’s decision, but said commissioners came out of the executive session and then voted twice – 4-2 to remove the 33 streams from the list of streams on which anglers could keep 10 brook trout, and 5-1 to impose a new limit of five fish on those streams.

He said the new regulation means that all so-called Type 1 trout streams in the U.P. have a five-fish daily possession limit for brook trout.

Michigan TU Executive Director Bryan Burroughs, who attended yesterday’s NRC meeting in Lansing, said he thought the departure of former Commission Chairwoman Vicki Pontz of Portland – whose term expired in December – and Governor Gretchen Whitmer’s appointment of Commissioner Anna Mitterling of Mason on December 18 were the decisive factors in the commission’s decision to reverse course.

He noted that Mitterling has a science background and said she was persuaded by TU’s and the DNR’s arguments that the 10-brook trout bag limit was not supported by either biological or social science. Mitterling is a biology professor at Lansing Community College and a former wildlife coordinator for the Michigan United Conservation Clubs.

“There is no doubt that our lawsuit had an effect on their decision, but I also don’t want to underplay that the commission composition changed and that probably had as much to do with the reversal as our lawsuit,” Burroughs said in an interview with the BTC. He added: “Certainly our lawsuit added a lot to the whole process. Nobody likes to be in a lawsuit. We’re all supposed to be conservation partners . . . so entering into something contentious is never good.”

TU sued the NRC after commissioners voted 3-2 – with two commissioners absent – on November 7 to keep the 10-brook trout limit in place. Voting for the higher bag limit were Pontz, Louise Klarr of Jackson and Chris Tracy of Richland, who sponsored the measure. They did so over the objections of DNR Director Daniel Eichinger and his staff.

Voting against the measure were commissioners John Walters of Vanderbilt and David Nyberg of Skandia. Nyberg is the only commissioner who lives in the U.P.

On Thursday, with Klarr absent, commissioners Walters, Nyberg, Mitterling and Rex Schlaybaugh Jr. voted in the majority on the first vote, with commissioners Tracy and Keith Creagh of Williamston voting to keep the 10-trout limit in effect, Gander said. Creagh is a former DNR director.

On the second vote, Gander said, Creagh switched to the majority.

As DNR director, Creagh had supported the 10-brook trout bag limit in select U.P. streams, Burroughs noted. That’s despite the fact that his agency’s own data showed that that the U.P. streams with a 10-brook trout daily limit had a 58% reduction in brook trout densities while streams with a five-trout limit showed a 47% increase in brook trout densities, TU noted in a lengthy report it submitted to the commission.

The TU document also shows that although commissioners who supported the 10-brook trout limit had hypothesized that the regulation would stimulate an increase in fishing pressure on the affected streams, DNR staff saw no increase in fishing on those streams.

With regard to social surveys, the TU report says that a majority of citizens who were surveyed by the DNR opposed the 10-brook trout daily limit. Support, it said, predominated in elderly fishermen who have been fishing for more than 60 years.

TU’s position has been opposed by the Upper Peninsula Sportsmen’s Alliance. The alliance’s chairman, 79-year-old Tony Demboski of Quinnesec, succinctly summarized his group’s position in an interview with Bridge magazine last March: Brook trout, Demboski said, are “one of the finest-eating fishes there is. What are you going to do with five brook trout? Nothing.”

Burroughs said TU will dismiss its lawsuit now that the issue is moot. “I think this is a big win for the commission in changing their course,” he said.