JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: August 17, 2009
RESUBMITTED: September 14, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Spawning Closures (FO-204)

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to provide for better protection and preservation of fish, game and birds.

Discussion and Background:

Three changes are being recommended to this order including the removal of two spawning closures and moving an existing fishing closure from FO-223 to this order. The two spawning closures recommended for removal involve the spawning closure on the Leland River (Leelanau County) closed October 1 - November 30 and the removal of the spawning closure on the Boardman River (Grand Traverse County) closed September 1 - October 31 from North Union Street Bridge in Traverse City downstream to US-31 Highway Bridge.

The Leland River spawning closure was enacted when the river had large spawning runs of lake trout, and was implemented primarily as a social regulation to discourage large crowds in the vicinity of "Fish Town." The Leland River no longer supports this large spawning run of lake trout which has declined over the years, and this closure precludes steelhead, chinook, coho, and brown trout angling opportunities during peak fishing times. The fish that enter the Leland River are likely strays originating from other rivers near by, such as the Platte or Boardman Rivers. In addition, the local conservation officers are supportive of eliminating this spawning closure. The Fishtown Preservation Society is very supportive of the increased angling opportunity this regulation change will provide.

The Boardman River spawning closure was implemented as a social regulation to preclude large numbers of anglers from congregating on private property. However, since this regulation has been in effect, the City of Traverse City has purchased most of the property on one side of the river. They have also built pedestrian walkways throughout this stretch of river. In addition, the local conservation officers are supportive of eliminating this spawning closure. Preliminary

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discussions with Traverse City officials have indicated support of this regulation change. In June, this topic will be presented to the Traverse City Commission. The other spawning closure on the Boardman River which closes 300' upstream or downstream of the Traverse City weir whenever it is in place is not being recommended for any change.

The spawning closure recommended to be added to this order involves the portion of the Black River between Kleber Dam and Red Bridge (T35N, R1E, S5), Cheboygan County closed for angling from April 1 – June 15. This closure has been in effect for several years to protect spawning lake sturgeon as part of the Fisheries Order (FO-223). Current regulations will remain in effect. FO-223 will be rescinded once this regulation is added to this order.

Recommendation:

This order was submitted for information and consideration at the August 13, 2009, Natural Resources Commission meeting. This item appeared on the Department's August 2009 calendar and may be eligible for approval on October 8, 2009.

Kelley D. Smith, Chief
Fisheries Division

Russ Mason, Ph.D., Chief
Wildlife Division

David E. Freed, Chief
Land and Facilities

Ronald A. Olson, Chief
Parks and Recreation Division

Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division

Gary Hagler, Chief
Law Enforcement Division

Arminda S. Koch
Resource Management Deputy

I approve the staff recommendation.

Rebecca A. Humphries
Director

_____
Date Approved

ORDER

SPAWNING CLOSURES

By authority conferred on the Department of Natural Resources by section 48718 of 1994 PA 451, as amended, being MCL 324.48718, the Director of the Department of Natural Resources on October 8, 2009, ordered that for a period of five years the following stream sections are closed to fishing to protect concentrations of spawning fish:

County	Area Closed	Closure Time
Alger	Rock River - between dam and its downstream-most foot bridge located downstream from M-28 (T47N, R21W, S15)	April 1 – June 30
Allegan	Swan Creek – from mouth upstream to Diversion Dam ("The Tubes"; T2N, R14W, S9)	September 1 – November 30
Alpena	Beaver Lake Pike Marsh (T30N, R5E, S35)	When marsh is in operation
Antrim	Intermediate River from Bellaire Dam to Highway M-88 Bridge	April 1 – May 14
Arenac, Bay	Pine River – upstream from State Road (T18N, R5E, S5)	March 16 – Friday before last Saturday in April
Arenac, Bay	Saganing Creek – upstream from State Road (T18N, R5E, S30)	March 16 – Friday before last Saturday in April
Baraga	Sturgeon River – from the Prickett Dam downstream to mouth of Clear Creek (T50N, R35W, S12)	April 1 – June 30
Bay	Kawkawlin River and all tributaries upstream from Euclid Avenue (T14N, R5E, S6)	March 16 – Friday before last Saturday in April
Benzie	Platte River from upper (hatchery) weir downstream to Platte Lake	January, February, March
Benzie	Platte River within 300 feet of the upper (hatchery) and lower weirs	Year around

Benzie	Betsie River – No fishing within 100 feet upstream and downstream from the lamprey barrier and fish passage facility (T25N, R15W, S2)	Year around
Charlevoix	Medusa Creek – Tributary to Lake Michigan (T34N, R8W, S28) and including an area of Lake Michigan in a radius of 100 feet from the mouth of Medusa Creek	Whenever weir is in place
Cheboygan	Black River - from Kleber Dam downstream to Red Bridge (T35N, R1E, S5), it shall be unlawful to take or attempt to take any species of fish	April 1 - June 15
Cheboygan	Lower Black River from Alverno Dam downstream to Mograin Bridge (T37N, R1W, S26)	April 1 – May 14
Cheboygan	Douglas Lake Pike Marsh (T37N, R3W, S8)	When marsh is in operation
Chippewa	Potaganissing River from Potagannising Dam downstream to Maxton Road (T42N, R6E, S15)	March 16 – May 14
Delta	Rapid River Borrow Pit (T41N, R21W, S34)	Year around
Grand Traverse	Boardman River within 300 feet upstream or downstream of weir in Traverse City	Whenever weir is in place
Iosco	East Branch AuGres River – between DNR lamprey weir and Legget Road (T21N, R6E, S10)	December 1 – day before last Saturday in April
Iosco	AuSable River – All that portion below the Foote Dam including the apron to 175 feet downstream from the dam	Year around
Iosco	Van Etten Creek from dam at Van Etten Lake to mouth at AuSable River (T24N, R9E, S27 & 34)	August 15 – November 30
Iosco	AuGres River from a point 50 feet upstream from the Allen (Cox) Road Bridge to 500 feet downstream (T21N, R6E, S31 & 32)	March 16 – Friday before last Saturday in April
Mackinac	Three Lake Huron bays in the Les Cheneaux Area including (1) Mackinac Bay, north of the Line beginning at Hessel Point and running easterly to the southeast tip of Lone Susan Island, thence easterly to the southeast tip of Echo Island, thence easterly to the mainland, (2) Shepard Bay, west of a line beginning at Connor Point and running northwesterly to Melcher's Point and (3) Flower Bay, bounded by a line beginning at Loon Point and running easterly to the northwestern tip of Hill Island, thence easterly following the north shoreline of Hill Island to the narrows between Flower Bay and Moscoe Channel, thence northerly across the narrows to the mainland, thence westerly following the shoreline back to the point of beginning	March 15 – May 14

Manistee	The southern end of Manistee Lake in the vicinity of the mouth of the Little Manistee River, being that area of Manistee Lake south of a line drawn from a squared red post, located 100 feet southeast of the launch ramp at the DNR Public Access Site on the east shore, extending southwesterly to a squared red post on the west shore located near the southern end of the Packaging Corporation of America Plant	September 6 – October 15 or whenever the established quota of chinook eggs are taken
Manistee	Little Manistee River from a point 300 feet downstream from the DNR weir (T21N, R16W, S25) to Manistee Lake	September 1 – November 14 and January 1 through March 31
Manistee	Little Manistee River within 300 feet of the DNR weir (T21N, R16W, S25)	Year around
Manistee	Little Manistee River from a point 300 feet upstream of the DNR weir to Spencers Bridge	January 1 – March 31
Marquette	Salmon-Trout River from lower falls (T51N, R28W, S13) to the mouth (T52N, R27W, S31)	August 15 – Friday before the last Saturday in April
Mason	Pere Marquette River within 300 feet upstream and downstream of the lamprey barrier	Year around
Mason	Pere Marquette River from 300 feet above the lamprey barrier upstream to the mouth of Black Creek	When the lamprey barrier is in operation
Midland	Tittabawassee River—between Sanford Dam and the mouth of the Salt River (T15N, R1W, S24)	March 16 – Friday before last Saturday in April
Midland	Tittabawassee River—between the Dow Dam and Gordonville Bridge (T13N, R2E, S1)	March 16 – Friday before last Saturday in April
Ontonagon	W. Br. Ontonagon River—from its confluence with the Victoria Hydro Station tail race (T50N, R39W, SE ¼ of the SW ¼ of S29) upstream to Victoria Dam	April 1 – June 10
Otsego	Otsego Lake Pike Marsh (T30N, R3W, S20)	When marsh is in operation
Presque Isle	Shuberts Creek (T33N, R7E) from Long Lake upstream to Clinton Creek Road (T33N, R7E, S14)	April 1 – May 14
Presque Isle	Grand Lake Pike Marsh (T34N, R7E, S21 & 22)	When marsh is in operation

Presque Isle	Swan River – from 300 feet above weir to mouth (T35N, R6E, S20 & 29)	Whenever weir is in place
Presque Isle	Rainy River from the confluence with Black Lake upstream to North Allis Road Bridge (T35N, R2E, S15)	April 1 – May 14
Roscommon	Backus Creek from its confluence with the Cut River (T23N, R3W, S22) upstream to Little Mud Lake Dam (T23N, R2W, S30)	March 23 – April 23
Roscommon	Cut River from its confluence with Backus Creek (T23N, R3W, S22) upstream to its outlet at Marl Lake (T24N, R3W, S34)	March 23 – April 23

This order shall be assigned number FO-204.10, and is entitled "Spawning Closures."

This order supersedes the order entitled "Spawning Closures," effective April 1, 2009, and assigned number FO-204.09.

This order rescinds the order entitled "Protection of Lake Sturgeon, Muskellunge, and Walleye on the Black, Indian, and Cheboygan Rivers" effective April 1, 2008, and assigned number FO-223.08.

This order shall take effect April 1, 2010, and shall remain effective through March 31, 2015.

Issued on the _____ day of _____, 2009.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters
Chairperson

Teresa Gloden
Executive Secretary