JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: October 12, 2009
RESUBMITTED: November 9, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Spearing Regulations – Statewide (FO-219)

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:

Two minor changes are recommended for this order. The title of this order is being recommended for change from "Waters Open to the Use of Spears and Bows" to "Spearing Regulations – Statewide." The change will better reflect regulations covered under this order and the Division's commitment to simplification of spearing regulations. Another change involves moving an existing provision formerly listed in FO-223 to this order. Therefore, the following provision is being recommended for addition to this order: From April 1 through June 15, it shall be unlawful to take or attempt to take any species of fish with a spear, bow and arrow or gaff hook from the Black, Indian, or Cheboygan Rivers in Cheboygan County. The provision has been in effect for several years to protect spawning lake sturgeon as part of Fisheries Order (FO-223). Current regulations will remain in effect without change.

Consequently, to avoid duplication and provide for further simplification, it is recommended that this order rescind FO-217.07.

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

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Recommendation:

This order was submitted for information and consideration at the November 5, 2009 Natural Resources Commission meeting. This item appeared on the Department's October 2009 calendar and is eligible for approval on December 3, 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

SPEARING REGULATIONS - STATEWIDE

Under the authority of section 48703 of 1994 PA 451, as amended, being MCL 324. 48703, the Director of the Department of Natural Resources on December 3, 2009, ordered that for a period of five years, the following spearing regulations – statewide are established for the following waters:

The seasons, waters, and species where a hand propelled spear may be used are as specified in the table below and lists which follow (except as otherwise prohibited). In addition, a bow, rubber-propelled spear, spring-propelled spear, or light may be used where noted.

SEASON	WATERS	SPECIES
December 1 – March 15	All waters (through the ice) except: Designated Trout Lakes (FO-200) and Streams (FO-210), and specific FO-220 waters. No muskellunge spearing on L. St. Clair, L. Erie, Detroit R., and St. Clair R.	Northern Pike Muskellunge
January 1 – end of February	L. St. Clair *(bow may be used)*	Yellow perch
January 1 – end of February	*(bow and light may be used)* Inland non-trout waters (through the ice): See FO-220.	Bowfin Carp Bullheads Gar Catfish Drum Cisco Whitefish Suckers Smelt
All year (**Note 1**)	*(bow and light may be used)* Great Lakes, L. St. Clair, St. Marys R., St. Clair R., and Detroit R.	
All year	Great Lakes	Burbot
April 1 - May 31 South of highway M-46	*(bow and light may be used)* All non-trout streams Trout streams in List A	Bowfin Carp Gar Suckers
April 15-May 31 Between highways M-46 and M-72		
May 1 - 31 North of highway M-72		
All Year	*(submerged under water with rubber or spring propelled spears only)* Waters in List B	
May 1 - August 15	*(bow and light may be used)* Inland non-trout waters	Bowfin Carp Gar
October 15 - December 31	*(light may be used)* Hubbard L. (Alcona Co.), Ottawa L., Chicagon L. (Iron Co.)	Carp Cisco Suckers Whitefish
November 1 - December 31	*(light may be used)* Elk L, Torch L, Clam R. (Grand Trav., Antrim, Kalkaska Cos.), Crystal L. (Benzie Co.) All inland non-trout waters in the lower peninsula counties lying wholly south of M-20 (including all of Huron, Sanilac, and Tuscola Cos.)	

Note 1: In Little Bay de Noc, bowfin, carp, and gar may be speared January 1 – end of February.

LIST A

TROUT STREAMS OPEN to the use of HAND PROPELLED SPEAR or BOW for taking BOWFIN, CARP, GAR, and SUCKERS

The following trout streams are open to the use of bow or hand propelled spear during the seasons indicated for taking bowfin, carp, gar, and suckers. Artificial lights may be used. Rubber and spring propelled spears may not be used in these trout streams.

ALCONA COUNTY

April 15 – May 31

Bryant Creek down from Vaughn Lake to Little Lake

May 1 – May 31

Buff Creek

Sucker Creek down from mouth of Vincent Creek (T27N, R8E, S9) to Hubbard Lake (T28N, R8E, S36)

ALGER COUNTY

May 1 – May 31

Big Indian River down from widewaters (T44N, R19W, S13) to Highway 13 Bridge

CASS AND ST. JOSEPH COUNTIES

April 1 – May 31

Dowagic Creek and tributaries from Bunker Lake outlet (T5S, R14W, S14) down to Goodenough Road (T5S, R14W, S16)

Rocky River down from Pioneer Road (T5S, R13W, S29) to Bent Road (T5S, R12W, S21)

CALHOUN COUNTY

April 1 – May 31

Nottawa Creek: From Calhoun County line (T4S, R8W, S31) upstream to T3S, R5W, S35

Rice Creek: South Branch Rice Creek from confluence of Rice Creek and Kalamazoo River (T2S, R6W, S25) upstream to Concord Road (Jackson County)

CHEBOYGAN COUNTY

April 1 - June 15 it shall be unlawful to take or attempt to take any species of fish with a spear, bow and arrow or gaff hook from the following waters:

Black River

Cheboygan River

Indian River

CHIPPEWA COUNTY

May 1 – May 31

Trout Creek down from Big Trout Lake (T42N, R3E, S31)

Prentiss Creek (T42N, R2E)

DELTA COUNTY

May 1 – May 31

All streams south of US-2 and tributary to Great Lakes waters east of Peninsula Point

Squaw Creek below County Road 513

EMMET COUNTY
May 1 – May 31
Carp Lake River from mouth up to old dam just above Wilderness Road

GOGEBIC COUNTY
May 1 – May 31
Gypsy (Sucker or Camp) Creek upstream to old road crossing (T50N, R45W, S31)
East Branch of Middle Branch of Ontonagon River down from Crooked Lake to north line of T45N, R40W, S34
Ohman's Creek upstream to east-west road in middle of T49N, R48W, S32

IRON COUNTY
May 1 – May 31
Briar Hill Creek
Holmes Lake Creek (T46N, R36W, S32) from outlet of lake 500 feet downstream
Swan Lake outlet
Winslow Creek (T45N, R36W, S2, 11) from the outlet of Winslow Lake to 1000 feet downstream

LUCE COUNTY
May 1 – May 31
Little Two Hearted River from mouth upstream to bridge on County Road 412 (T50N, R9W, S25)

MACKINAC COUNTY
May 1 – May 31
Doe Creek (T43N, R10W)
Foley Creek down from I-75
Hoban Creek down from US-2
Hudson Creek (T41N, R11W, S8)
Martineau Creek down from I-75
McClouds Creek
Milakokia River, Milakokia Lake down to Heinz Lake
Norton Creek from M-135 down to South Manistique Lake
Nunn's Creek from Highway M -134 to mouth
Pearson's Creek, T42N, R1W and R1E
Rabbits Back Creek down from Mackinac Trail
Scrams Creek (T42N, R11W, S11)
Taylor Creek (T43N, R12W, S2, 11, 12 and 13)

MANISTEE COUNTY
April 15 - May 31
Little Bear Creek down from Bear Lake to trunkline Highway US-31

MARQUETTE COUNTY
May 1 – May 31
Carp River down from the bridge (T47N, R27W, S9) to mouth in Deer Lake
Goldmine Creek from its mouth in Deer Lake (T28N, R27W, S29) for a distance of 1000 feet upstream
Middle Branch Escanaba River from County Road Bridge (T47N, R29W, S1) to Greenwood Reservoir
Spruce River down from the mouth of Mill Creek (T47N, R30W, S20)
Rock Lake outlet from Rock Lake to mouth (T47N, R27W, S4)

MASON COUNTY
April 15 – May 31
Sauble River from Freesoil Road down to Custer Road (T20N, R16W, S22)

MENOMINEE COUNTY
May 1- May 31
Cedar River from US-2 bridge down to bridge in middle of T38N, R26W, S15
Harter Creek downstream from CO 577
Pemenee Creek from the mouth of Dehaas Creek downstream to Menominee River
Wilson Creek (T38N, R25W, S7 and T38N, R26W, S12) from a point 1,000 feet above the Chicago & Northwestern Railway Bridge downstream to the junction with the Big Cedar River.

MISSAUKEE COUNTY
April 15 - May 31
Clam River down from mouth of Taylor Creek (T22N, R7W, S33) to Falmouth Dam
West Branch Muskegon River down from Goodrich Bridge (T23N, R5W, S29)

OCEANA COUNTY
April 15 - May 31
All drainage ditches in T15N, R15W and R16W

SCHOOLCRAFT COUNTY
May 1 – May 31
Delias River - in entirety
Kilpecker Creek from county line down to Thunder Lake

VAN BUREN COUNTY
April 1 - May 31
Dowagiac River and tributaries above 50th Street (T45N, R15W, S35)
Lake of the Wood Outlet to confluence with Dowagiac River (T45N, R15W, S34)

LIST B

WATERS OPEN to the USE of RUBBER and SPRING-PROPELLED SPEARS for taking BOWFIN, CARP, GAR, AND SUCKERS

The following listed waters are open all year to the taking bowfin, carp, gar, and suckers with rubber and spring-propelled spears. By statute, the person using the spear must be submerged in the water and have the spear under control by means of an attached line not exceeding twenty feet in length.

GREAT LAKES and CONNECTING WATERS OPEN ALL YEAR

Lake Superior *except* the North and South Portage Ship Canal and Huron Bay;
Lake Huron *except* Potagannissing Bay, Pike Bay, Island Harbor, Les Cheneaux Channels and within a three-mile radius of Fort Gratiot light (located at the upper end of the St. Clair River, St. Clair Co.);
Lake Michigan *except* Northport Harbor (Leelenau Co.) and that part of little Bay de Noc presently closed by statute to commercial fishing;
Lake Erie
Lake St. Clair
St. Mary's River
Detroit River

INLAND WATERS OPEN ALL YEAR

ALCONA COUNTY
Hubbard Lake

ALGER COUNTY
Grand Sable Lake

ALLEGAN COUNTY
Gun Lake

BARRY COUNTY
Duncan (T4N, R10W, S5, 6, 7), Gull, Gun, Leach (T4N, R8W, S32), Middle (T4N, R8W, S28, 32, 33), Payne (T3N, R10W, S17, 20), Pine (T2N, R9W, S8), and Wall (T2N, R9W) lakes.

BERRIEN COUNTY
Big Paw Paw Lake

BRANCH COUNTY
Coldwater Lake

CALHOUN COUNTY
Duck (T1S, R4W) and Goguac (T2S, R8W) lakes.

CASS COUNTY
Diamond Lake (T6S and T7S, R14W and R15W)

CHIPPEWA COUNTY
Carp Lake (T44N, R6W S22, 27) and Frenchman Lake (T44N, R6W, S26)

CLARE COUNTY
Long Lake (T20N, R4W, S22, 26, 27, 35)

CRAWFORD COUNTY
Jones Lake (T28N, R2W, S30, 31)

GENESEE COUNTY
Ponemah Lake (T5N, R6E, S21, 22)

HILLSDALE COUNTY
Bear Lake (T7S, R3W, S8, 17)

IOSCO COUNTY
Foote Impoundment (T24N, R8E)

JACKSON COUNTY
Michigan Center Chain of Lakes (Michigan Center, Price, Big and Little Olcott, Big and Little Wolf Lakes and connecting waters) (no spearing January-February)
Round Lake (T4S, R3E, S36), Wamplers Lake (T4S, R2E, S34, 35, 36)

KALAMAZOO COUNTY
Campbell (T2S, R10W, S3, 4), Gull (T1S, R9W and R10W), Indian (T3S and T4S, R10W) and Sugarloaf (T3S and T4S, R11W) lakes.

KALKASKA COUNTY
Big Twin Lake (T28N, R5W and R6W)

LAKE COUNTY
Idlewild Lake (T17N, R12W, S5, 6, 7, 8)

LENAWEE COUNTY
Devils (T5S and T6S, R1E), Evans (T5S, R3E, S6, 7), Round (T6S, R1E, S11)
Round (T5S, R2E and R3E), and Wamplers (T5S, R2E, S1, 2, 3) lakes

LIVINGSTON COUNTY
Portage (T1N, R4E and R5E) and Silver (T1N, R4E S33, 34) lakes.

LUCE COUNTY
Round Lake (T45N, R11W and R12W)

MASON COUNTY
Round Lake (T19N, R15W, S28, 29, 33)

MECOSTA COUNTY
Chippewa Lake (T16N, R8W)

OAKLAND COUNTY
Cass (T3N and T2N, R9E), Buckhorn (T4N, R7E, S21, 22, 27), Lakeville (T5N, R11E S15, 22, 27), Pine (T2N, R9E, S11, 12, 13, 14), Orchard (T2N, R9E), Oxbow (T3N, R8E), Union (T2N, R8E and R9E), and Walled (T1N and T2N, R8E) lakes.

OCEANA COUNTY
Stony (T13N and T14N, R18W) and Pentwater (T16N, R18W, S13, 14, 23, 24) lakes

OGEMAW COUNTY
Clear Lake (T23N, R1E, S2, 3, 10, 11)

ST. JOSEPH COUNTY
Fishers (T5S and T6S, R11W) and Klinger (T7S and T8S, R11W) lakes.

TUSCOLA COUNTY
Cat Lake (T11N, R10E, S7)

VAN BUREN COUNTY
Lake of the Woods (T4S, R14W and R15W) and Van Auken Lake (T2S, R16W, S28, 32, 33)

WASHTENAW COUNTY
Four Mile (T1S and T2S, R4E), Halfmoon Chain of Lakes (T1S, R3E and R4E), and Horseshoe (T1S, R6E, S8, 17) lakes; Huron River (T1S, T2S and T3S, R4E, R5E, R6E and R7E); Big and Little Portage Chain of Lakes (T1S, R4E, S1, 2, 11, 12); and Round (T4S, R3E, S31), Silver (T1S, R4E, S3), and Pleasant (T3S, R4E, S21, 22) lakes.

This order shall be assigned number FO-219.10, and is entitled "Spearing Regulations – Statewide."

This order supersedes the order entitled "Waters Open to the Use of Spears and Bows," effective November 6, 2008, and assigned number FO-219.08.

This order rescinds the order entitled "Order to Restrict Spearing Season," effective April 1, 2007, and assigned number FO-217.07.

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