STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: August 10, 2012

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Spearing Regulations – Statewide (FO-219)
FOR INFORMATION ONLY

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

Fisheries Order 219 governs statewide spearing regulations for anglers who fish with spear or bow. This Order sets the regulations for gear, seasons, species, and waters open to spearing activity. We are proposing to add crossbows to the Order in response to the recent passage of PA 245 effective July 2, 2012, which gave the department the authority to regulate the taking of fish with crossbows. Therefore, we propose to add crossbows to the list of acceptable gear types where bow and arrow may be used. This change will result in an increase to fishing opportunities for our anglers. Several minor clerical edits have also been made to the Order to help clarify information for anglers.

We have consulted with law enforcement personnel and they have indicated their support for the proposed changes.

Recommendation

It is our recommendation that the change proposed to Fisheries Order 219 as indicated above be approved to take effect on April 1, 2013. The recommended change will result in additional angling opportunities for our anglers by providing another gear type for anglers to choose from.

This Order is being submitted for information at the September 2012 meeting of the Natural Resources Commission. This Order will be resubmitted for action at the October 2012 meeting of the Natural Resources Commission. This item appeared on the Department's September 2012 calendar, and is eligible for approval on October 11, 2012.

James L. Dexter, Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

Russ Mason, Ph.D., Chief
Wildlife Division

Bill O'Neill, Chief
Forest Resources Division

Harold Hecht for
Ronald A. Olson, Chief
Parks and Recreation Division

William E. Moritz, Ph.D.
Natural Resources Deputy

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 October 11, 2012, ordered that for a period not to exceed five years, the following spearing regulations are established:

The seasons, gear, waters, and species where a spear ~~or~~, bow and arrow**, or crossbow** may be used are as specified in the table below and lists which follow (except as otherwise prohibited). Spearing gear shall be limited to: hand-propelled spear, rubber-propelled spear, spring-propelled spear, ~~or~~ bow and arrow**, and crossbow**. Artificial lights may be used. It shall be unlawful to use a rubber-propelled spear or a spring-propelled spear without being submerged and have the spear under control by means of an attached line not exceeding twenty feet in length. It is unlawful to spear any fish in a waterbody closed to fishing, except as noted in the spearing exceptions list.

SEASON	GEAR	*WATERS (see Note 1)	SPECIES
open for the entire year	Spear, ~~or~~ bow and arrow**, or crossbow**	ALL WATERS ***except:*** Designated Trout Lakes, and Designated Trout Streams	bowfin, bullheads, burbot, carp, catfish, drum, gizzard shad, goldfish, grass carp, lake herring (cisco), longnose gar, smelt, **suckers **(see Note 2)**, whitefish
December 1 through March 15 (through the ice)	hand-propelled spear	ALL WATERS ***except:*** Designated Trout Lakes and Designated Trout Streams,	northern pike and muskellunge

***Note 1** - Check the spearing exceptions lists **(below)** for regulations that differ from those listed in the table above.

****Note 2** - For the purpose of this Order the term suckers refers to: suckers (longnose, white, northern hog, spotted), redhorse (silver, golden, black, greater, shorthead), buffalo (bigmouth, black), lake chubsucker, and quillback carpsucker.

SPEARING EXCEPTIONS

LIST A – INLAND WATERS

WATERS CLOSED TO NORTHERN PIKE AND MUSKELLUNGE SPEARING
It shall be unlawful to fish by any means other than hook-and-line for northern pike or muskellunge in the following waters:

Alger County	Kingston Lake
Alpena and Montmorency Counties	Fletcher Floodwaters
Barry County	Thornapple Lake (from McKeown Rd T3N, R8W, S27 to Barger Rd T3N, R7W, S20)
Chippewa County	Caribou Lake
Clare County	Budd Lake
Clinton County	Lake Ovid
Delta County	Dana Lake
Dickinson County	East Lake, Island Lake, South Lake, and West Lake (all within Groveland Mines)
Iron County	Brule Lake, Chicagon Lake, Lake Emily, Paint Lake, Paint Pond (Brule Isle Imp.), Stanley Lake, and Swan Lake
Kent County	Campau Lake and Murray Lake
Keweenaw County	Lake Gratiot
Lenawee County	Lake Hudson
Luce County	Round Lake (North Manistique Lake)
Otsego County	Big Bear Lake
Roscommon County	Houghton Lake
Schoolcraft County	Grassy Lake and McKeever Lake
St. Joseph County	Long Lake (T6S, R12W, S7)
Van Buren County	Bankson Lake and Round Lake (T4S, R16W, S31)

WATERS WITH SPEARING AND GAFF HOOK RESTRICTIONS

Cheboygan County

April 1 through June 15, inclusive, it shall be unlawful to take or attempt to take any species of fish with spearing gear or gaff hook from the following waters:

Black River
Cheboygan River
Indian River

DESIGNATED TROUT STREAMS OPEN TO NORTHERN PIKE SPEARING

Cheboygan County

December 1 through March 15, inclusive.

Tower Pond: a hand-propelled spear may be used to harvest northern pike (through the ice).

DESIGNATED TROUT STREAMS OPEN TO SPRING SPEARING

The following designated trout streams are open to the use of spearing gear from April 1 through May 31, inclusive, for taking bowfin, bullheads, burbot, carp, catfish, drum, longnose gar, gizzard shad, goldfish, grass carp, lake herring (cisco), smelt, suckers (as listed above), and whitefish:

Alcona County

Bryant Creek from Vaughn Lake downstream to Little Lake
Buff Creek
Sucker Creek from confluence of Vincent Creek (T27N, R8E, S9) downstream to Hubbard Lake (T28N, R8E, S36)

Calhoun County

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)

Chippewa County

Trout Creek downstream of Big Trout Lake (T42N, R3E, S31)
Prentiss Creek (T42N, R2E,)

Delta County

Squaw Creek downstream of County Road 513

Mackinac County

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

Mason County

Sable River from Freesoil Road downstream to Custer Road (T20N, R16W, S22)

Van Buren County

Dowagiac River and tributaries upstream of 50th Street (T45N, R15W, S35)
Lake of the Wood Outlet to confluence with Dowagiac River (T45N, R15W, S34)

LIST B – GREAT LAKES AND CONNECTING WATERS

WATERS CLOSED TO MUSKELLUNGE SPEARING
It shall be unlawful to fish by any other means other than hook-and-line for muskellunge in the following waters:

Lake Erie
Lake St. Clair
Detroit River
St. Clair River

WATERS OPEN TO YELLOW PERCH SPEARING
January 1 through end of February, inclusive.

Lake St. Clair: a hand-propelled spear or bow and arrow may be used to harvest yellow perch.

This Order shall be assigned number FO-219.13, and is entitled "Spearing Regulations - Statewide."

This Order supersedes the Order entitled "Spearing Regulations - Statewide," which became effective April 1, 2012, and is assigned number FO-219.12.

This Order shall take effect on April 1, 2013. This Order shall remain in effect until March 31, 2018, or until this Order is amended/rescinded, whichever comes first. Although this Order may be reviewed and amended on an annual basis, a review of this Order shall occur no later than August 1, 2017.

Issued on the _____ day of _____, 2012.

Keith Creagh, Director

The Natural Resources Commission has reviewed this Order.

Timothy L. Nichols
Chairperson

Deb Whipple
Executive Secretary