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: Waters Open to the Use of Hand Nets (FO-229)

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:

One minor editorial modification is proposed for this order to correct an error. The following listing will be removed from Luce County: Torch Lake and all tributaries thereto for one-half mile above mouth. Torch Lake is listed appropriately in Houghton County and should be removed from Luce County. The remaining list of waterbodies and the existing regulations are accepted by anglers, fisheries biologists, and conservation officers. These regulations have not created any social or biological problems.

While Fisheries Orders issued under Part 487 of 1994 PA 451, have no expiration date, it is recommended that a five year expiration date be placed on the order. This will ensure that the order be reviewed at least once every five years which is consistent with orders issued under Part 411 of 1994 PA 451.

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

STEVENS T. MASON BUILDING • P.O. BOX 30028 • LANSING, MICHIGAN 48909-7528
www.michigan.gov/dnr • (517) 373-2329

Great Lakes, Great Times, Great Outdoors!

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

WATERS OPEN TO THE USE OF HAND NETS

By authority conferred on the Department of Natural Resources by section 48703 (4) of 1994 PA 451, as amended, being MCL 324.48703 (4), the Director of the Department of Natural Resources on October 8, 2009, ordered that the following waters are open to the taking of bowfin (dogfish), carp, gar, smelt, and suckers (including redhorse (mullet)) with a hand net during the seasons stated.

HAND NET DEFINED

For the purposes of this order, "hand net" means a mesh bag of webbing or wire suspended from a circular, oval, or rectangular frame of any size attached to a handle of any length, the provisions of MCL 324.48710 (2) notwithstanding.

GREAT LAKES, CONNECTING WATERS, and TRIBUTARIES

1. Waters open:

    a. All Great Lakes, L. St. Clair, St. Mary's R, St. Clair R., and the Detroit River.
    b. All tributaries to the waters in 1.a. (above) for a distance of one-half mile upstream (except that Thompson Creek, Schoolcraft County, is closed).
    c. Inland streams in the following list.

2 Season

    a. April 1 - May 31: Those waters in 1 (above) which are north of M-72;
    b. March 1 - May 31: Those waters in 1 (above) which are south of M-72:

INLAND STREAMS

Except as noted, the open season shall be April 1 – May 31 for those streams listed below:

ALGER COUNTY
Towes Creek
West Branch Whitefish River from Sea Lamprey Barrier (T44N, R21W, S29) downstream 500 feet to posted signs.

CHARLEVOIX COUNTY
Lake Charlevoix and tributaries to one-half mile upstream.

CHIPPEWA COUNTY
Trout Creek down from Big Trout Lake (T42N, R3E, S31)
Prentiss Creek (T42N, R2E)

DELTA COUNTY
Days River from sea lamprey barrier downstream for 500 feet.
Rapid River from Rapid River Falls (T24N, R21W, S19) down to County Road (in S15).
Escanaba River from mouth to 1st dam upstream of US-2.
Ford River down from Jaeger Road.

HOUGHTON COUNTY
Portage Lake and all tributaries thereto for one-half mile above mouth.
North and South Portage Canal and all tributaries thereto for one-half mile above mouth.
Torch Lake and all tributaries thereto for one-half mile above mouth.

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

MACKINAC COUNTY
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 (Note: Season is March 1 – May 31)
Little Bear Creek down from Bear Lake to trunkline Highway US-31

MENOMINEE COUNTY
Big Cedar River down from mouth of Elwood Creek (T35N, R25W, S11).

This order shall be assigned number FO-229.10, and is entitled "Waters Open to the Use of Hand Nets."

This order supersedes the order entitled "Waters Open to the Use of Hand Nets," effective September 16, 2002, and assigned number FO-229.03.

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