



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAUGH
DIRECTOR

SUBMITTED: July 13, 2015

MEMORANDUM TO THE DIRECTOR

Subject: Fisheries Order 204.16
Spawning Closures
FOR INFORMATION ONLY

Authority:

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

Discussion and Background:

Fisheries Order 204 governs spawning closures placed on specific locations to protect vulnerable fishery resources. It is recommended that one provision be modified and one provision be removed from the order.

The Rock River in Alger County has an existing spawning closure to protect migrating trout and salmon from April 1st through June 30th between the Rock River Dam and the downstream-most foot bridge from highway M-28, a distance of 100 feet. Before 2014, the Rock River Dam had operated without a Federal Energy Regulatory Commission (FERC) license. Although the dam now operates under a FERC license, drawdown recommendations presented by the Department that would provide sufficient flows were not incorporated into the new licensing certification. As a result, the flows below Rock River Dam are likely to create situations when migratory salmon and steelhead are extremely vulnerable, and the Department concludes that protections for fish concentrated below the dam are necessary. The Department recommends extending the existing limited spawning closure to apply all year to protect these migratory brook trout, steelhead, and salmon.

In 2012, the Betsie River in Benzie County experienced historically low water levels during the Chinook salmon and steelhead migration and these migratory fish were stranded at a pinch point in the lower Betsie River. Anglers became aware of these stranded fish and were very successful harvesting fish, often times using illegal methods. Accordingly, the Department implemented an emergency spawning closure. However, recent weather patterns have resulted in water levels returning to normal conditions. Therefore, the spawning closure placed on the Betsie River mouth is no longer necessary, and the Department recommends that it be removed from the order. This will result in removal of an unnecessary regulatory exception while increasing angler opportunities.

Issue Pros and Cons

Extending the Rock River closure will afford greater protection to migrating fish when they are vulnerable to exploitation while concentrated below the barrier. Removing the Betsie River from the closure list will simplify fishing regulations.

Biological

Fish concentrated below a dam that are unable to pass are highly susceptible to angling exploitation and need protection. Extending the closure in this section of Rock River will prevent anglers from targeting vulnerable fish when water levels are low and fish congregate below the barrier. The Betsie River closure is no longer needed because water levels have returned to normal and migrating fish will be able to access important spawning areas upstream.

Neighboring States

Other states use spawning closures to protect migratory fish communities from angler exploitation. This is an important fisheries management tool and anglers are accepting of this type of regulation.

Social

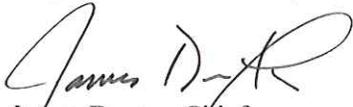
Most anglers support the ethical and sportsmanlike pursuit of fish and do not want valuable resources to be unfairly exploited. Therefore, it is important to many anglers that the Department act to protect highly vulnerable fishery resources from unfair chase. Anglers overwhelmingly support restrictions enacted to protect important game fish populations as they support removing the same restrictions when no longer necessary.

Economic

The Department does not expect the proposed change to have any significant budgetary or personnel implications.

Recommendation:

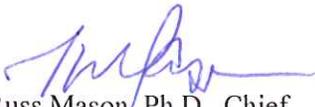
This order is being submitted for information and consideration. This item appears on the Department's August calendar and may be eligible for approval on September 10, 2015.



James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



Russ Mason, Ph.D., Chief
Wildlife Division



Bill O'Neill, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



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

FISHERIES ORDER

Spawning Closures Order 204.16

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, ordered on September 10, 2015, the following section(s) of the Fisheries Order shall read as follows:

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 Year around
Allegan	Swan Creek – from mouth upstream to Diversion Dam ("The Tubes"; T2N, R14W, S9)	September 1 – November 30
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	Betsie River from the Betsie Valley Trail Bridge (former RR trestle bridge) west into Betsie Bay to a line between the westernmost dock of the Northstar Marina and the westernmost dock of the East shore Marina.	Year-around until further notice
Benzie	Platte River from US-31 bridge at Veteran's Park downstream to Platte Lake	January 1 – March 31
Benzie	Platte River within 300 feet of the upper (hatchery) weir infrastructure	Whenever weir is in place

Benzie	Platte River within 300 feet of the lower weir infrastructure	Whenever weir is in place
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)	Whenever 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 (T40N, 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 Au Gres River – between DNR lamprey weir and Legget Road (T21N, R6E, S10)	December 1 – day before last Saturday in April
Iosco	Au Sable River – All that portion below the Foote Dam including the apron to 175 feet downstream from the dam	Year around
Iosco	Au Gres 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 – March 31
Manistee	Little Manistee River within 300 feet of the DNR weir (T21N, R16W, S25)	Year around
Manistee, Mason, Lake	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
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)	Whenever 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	Clinton Creek (T33N, R7E, S26)	April 1 – May 14
Presque Isle	Grand Lake Pike Marsh (T34N, R7E, S21 & 22)	Whenever 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-204.16, and is entitled “Spawning Closures.”

This Order supersedes the Order entitled “Spawning Closures,” which became effective April 9, 2015, and is assigned number FO-204.15.

This Order shall take effect immediately upon signature and shall remain in effect until amended/rescinded.

Issued on this 10th day of September, 2015.

Approved as to matters over which the Natural Resources Commission has authority.

John Matonich, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director