STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: August 15, 2016
RESUBMITTED: September 12, 2016

APPROVED
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION
_____
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 219.16
Bow, Spear, and Crossbow Fishing Regulations

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to regulate the taking of fish in the waters of this state.

Discussion and Background:

This Order covers fishing regulations for anglers using bow, spear, or crossbow to fish in Michigan. Three changes are being proposed for this Order. First, Big Bear Lake (Otsego County) and Caribou Lake (Chippewa County) are being proposed for removal from the list of waters closed to northern pike and muskellunge spearing. Second, Tower Dam Pond (Cheboygan County) is recommended for removal from the Order. Lastly, the title of the Order is recommended for a change to better clarify the regulations housed in this Order.

Big Bear Lake was closed to spearing for northern pike and muskellunge several years ago when it was designated as a Great Lake strain muskellunge broodstock water. Unfortunately, after several consecutive years of stocking Great Lake strain muskellunge into the lake, surveys have failed to capture any muskellunge. Therefore, managers believe that the muskellunge fall fingerling stocking survival was very low. As a result, muskellunge management is no longer being prescribed for Big Bear Lake and the spearing ban placed on muskellunge and northern pike is no longer warranted. Muskellunge fall fingerlings are a limited resource and it is preferred to utilize these important resources in the best locations possible for management success.

Caribou Lake was closed to northern pike and muskellunge spearing in the late 1980s when tiger muskellunge were stocked there. The tiger muskellunge program was ended in 1992 and while reviewing this Order the local staff reviewed the history of this regulation. There isn't a biological reason to maintain this closure so staff discussed the spearing ban on Caribou Lake with local anglers and during a public meeting in Sault Ste. Marie and there is support to remove the spearing ban. Therefore, the Department proposes that this spearing ban be lifted providing anglers with a new angling opportunity.

In 2014, Tower Dam Pond (Cheboygan County) was reclassified from the Type 1 designated trout stream classification to Type E lake regulations since it is an impoundment and not a stream. All Type E waters are open to spearing. The reclassification of Tower Dam Pond from a designated trout stream results in the opportunity to remove the Designated Trout Streams Open to Northern Pike Spearing category from this Order. Tower Dam Pond was the only water listed in this special category. No changes have been made to the spearing opportunities in Tower Dam Pond as spearing regulations remained constant throughout the reclassification process and this is the final step to clarify the regulations for this water.

Another change recommended for this Order involves changing the title from "Spearing Regulations – Statewide," to "Bow, Spear, and Crossbow Fishing Regulations," which better describes the regulations covered in this Order. Language has also been added to the Order in reference to which waters are classified as Designated Trout Lakes and Designated Trout Streams to help inform anglers. Designated Trout Waters are not open to spearing unless there is a listed exception allowing spearing.

Issue Pros and Cons
Muskellunge will no longer be stocked in Big Bear Lake; therefore, there is no reason to continue the ban on northern pike and muskellunge spearing to protect potential broodstock fish which have not been detected. Caribou Lake is no longer being stocked with tiger muskellunge and the spearing closure is no longer warranted. Removal of unnecessary fishing regulations is beneficial for the department as well as for anglers. However, some angling groups feel that the Big Bear Lake stocking program needs to be evaluated for a few more years before making this decision.

Biological
There is no biological reason to maintain Big Bear Lake as a muskellunge broodstock waterbody and no reason to maintain the spearing ban on muskellunge and northern pike. There is no evidence of natural reproduction of muskellunge on this waterbody or survival of the stocked fish.

Social
Anglers who spear will be supportive of lifting the spearing bans resulting in additional opportunities. Anglers who fish for muskellunge may not agree with the change to forgo muskellunge management in Big Bear Lake and may also disapprove of lifting the spearing ban.

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

Recommendation:

This Order was submitted for information and consideration. This item appeared on the Department's September 2016 calendar and may be eligible for approval on October 13, 2016.

James Dexter, Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

Russ Mason, Ph.D., Chief for
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

I have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

Keith Creagh, Director

Date

FISHERIES ORDER

Bow, Spear, and Crossbow Fishing Regulations
Order 219.16

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, it is ordered on October 14, 2016, the following section(s) of the Fisheries Order shall read as follows:

The seasons, gear, waters, and species where a spear, 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, 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 all year	spear, 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, cisco (lake herring), 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. Designated Trout Lakes are those lakes classified under Type A and Type D trout regulations (see FO-200). Designated Trout Streams are those listed in the following classifications: Type 1, 2, Gear Restricted Streams, Research Areas, and Brook Trout Research Areas. Most of the Type 3 and Type 4 streams are Designated Trout Streams (see FO-200 and FO-210).

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)
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)
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 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, cisco (lake herring), 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, bow and arrow, or crossbow may be used to harvest yellow perch.

This Order shall be assigned number FO-219.16, and is entitled "Bow, Spear, and Crossbow Fishing Regulations."

This Order supersedes the Order entitled "Spearing Regulations - Statewide," which became effective October 11, 2012, and is assigned number FO-219.12A.

This Order shall take immediate effect on October 14, 2016 and shall remain in effect until amended/rescinded.

Issued on this 13th day of October, 2016.

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