



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: August 15, 2011

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 spearing regulations statewide for anglers who harvest fish with spear or bow. This Order sets the regulations for gear, seasons, species, and waters open to spearing activity. We are recommending significant changes to this Order based upon a lengthy review of our spearing regulations. The recommended changes simplify spearing regulations and increase the diversity of fishing opportunities while maintaining effective protection to the resource.

In 2007, Fisheries Division established a Workgroup to formulate a strategy for modifying statute to simplify spearing regulations. After the formation of the Workgroup, an opportunity arose to revise statute and move the authority for spearing regulations from the Legislature to the Department. In October of 2008, the Department was granted authority for establishing and modifying spearing regulations through the issuance of a Fisheries Order. This was a significant change as spearing regulations had been set in statute for more than 50 years. Because the Department had limited authority to modify spearing regulations, what resulted was a complicated set of regulations that was difficult to convey to the fishing public. With the passage of Act 291 of 2008, the Division now can move forward with wholesale changes to spearing regulations.

The spearing Workgroup met on several occasions to review spearing regulations and to identify ways to simplify regulations. Each fisheries management unit was charged with reviewing spearing regulations in their waters and to recommend any changes. Informational surveys were developed and discussed at two statewide biologist conferences where breakout sessions were conducted and regulation proposals were drafted. As a result, a draft regulation package was prepared for review by the Coolwater Regulations Advisory Committee. This is a Fisheries Division based committee with invited stakeholder representation that provides advice and recommendations to the Division regarding regulations such as FO-219.

Over the past year, staff from Fisheries Division, have met several times with this committee to develop a proposal to improve spearing regulations.

Proposed changes to spearing regulations include:

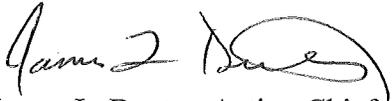
- Expanding the season for spearing opportunities on many waters;
- Expanding the waters where spearing opportunities exist;
- Expanding the type of gear that can be used;
- Expanding the list of species available for harvest to include gizzard shad;
- Moving spearing provisions listed in FO-220 to this Order;
- Elimination of some waters due to management changes; and
- Elimination of many restrictions and exceptions.

Prior to 2010 many Fisheries Orders contained regulations or references to spearing. As part of the simplification process, several of these Orders were rescinded and/or incorporated into other Orders, reducing the number of Orders dealing with spearing from seven to two. This is the final phase of the process as spearing regulations listed in FO-220 are being recommended for addition into this Order. Thus, FO-219 will rescind FO-220. As a result, all spearing regulations will be contained in this Order, except for the provision allowing lake sturgeon to be speared as listed in FO-240.

Recommendation

It is our recommendation that changes to spearing regulations proposed in Fisheries Order 219 that are summarized above be approved to take effect April 1, 2012. The recommended changes simplify spearing regulations, increase the diversity of spearing opportunities, and maintain the effectiveness of protection to the resource.

This Order is being submitted for information at the September 15, 2011 meeting of the Natural Resources Commission. This Order will be resubmitted for action at the October 13, 2011 meeting of the Natural Resources Commission. This item appeared on the Department's September 2011 calendar, and will be eligible for approval on October 13, 2011.



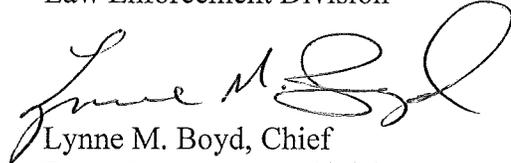
James L. Dexter, Acting Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



Russ Mason, Ph.D., Chief
Wildlife Division



Lynne M. Boyd, Chief
Forest Management Division



Ronald A. Olson, Chief
Recreation Division



Kelley D. Smith, Ph.D.
Acting Natural Resources Deputy

I approve the staff recommendation.

Rodney A. Stokes, Director

Date

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 13, 2011, ordered that for a period not to exceed five years, the following spearing regulations are established:

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 (<i>bow may be used</i>)	Yellow perch
January 1— end of February	(<i>bow and light may be used</i>) Inland non-trout waters (through the ice): See FO 220.	Bowfin Carp Bullheads Gar Catfish Drum Ciseco Whitefish Suckers Smelt
All year (Note 1)	(<i>bow and light may be used</i>) 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	(i) (<i>bow and light may be used</i>) 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	(<i>submerged under water with rubber or spring propelled spears only</i>) Waters in List B	
May 1— August 15	(<i>bow and light may be used</i>) Inland non-trout waters	Bowfin Carp Gar
October 15— December 31	(<i>light may be used</i>) Hubbard L. (Alcona Co.), Ottawa L., Chicagon L. (Iron Co.)	
November 1— December 31	(<i>light may be used</i>) Elk L, Torch L, Clam R. (Grand Travi., 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.)	Carp Ciseco Suckers Whitefish

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

The seasons, gear, waters, and species where a spear or bow 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). 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 lists.

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

*Check the spearing exceptions list for regulations that differ from those listed in the table above.

**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.

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~~

~~Dowagie 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 (Leelanau 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 Goguae (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), Buekhorn (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.

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:

- | | |
|--|---|
| Alpena County: Fletcher Floodwaters | Kent County: Campau Lake and Murray Lake |
| Barry County: Thornapple Lake (from McKeown Rd T3N, R8W, S27 to Barger Rd T3N, R7W, S20) | Keweenaw County: Lake Gratiot |
| Chippewa County: Caribou Lake | Lenawee County: Lake Hudson |
| Clare County: Budd Lake | Montmorency County: Fletcher Floodwaters |
| Clinton County: Lake Ovid | Otsego County: Big Bear Lake |
| Iron County: Brule Lake, Chicagon Lake, Paint Lake, Paint Pond (Brule Isle Imp.) and Stanley Lake | Roscommon County: Houghton 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, 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 downstream of 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 may be used to harvest yellow perch.

This Order shall be assigned number FO-219.12, and is entitled "Spearing Regulations - Statewide."

This Order supersedes the Order entitled "Spearing Regulations - Statewide," which became effective April 1, 2010 and is assigned number FO-219.10.

This Order rescinds the Order entitled "Special Muskellunge and Northern Pike Regulations," effective April 1, 2010 and assigned number FO-220.10.

This Order shall take effect on April 1, 2012. This Order shall remain in effect until March 31, 2017 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, 2016.

Issued on the _____ day of _____, 2011.

Rodney A. Stokes
Director

The Natural Resources Commission has reviewed this Order.

Timothy L. Nichols
Chairperson

Deb Whipple
Executive Secretary