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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: August 15, 2011
RESUBMITTED: September 19, 2011
RESUBMITTED: October 17, 2011
RESUBMITTED: November 14, 2011

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: Spearing Regulations - Statewide (FO-219)

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 an internal spearing 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 manage and convey to the fishing public. With the passage of Act 291 of 2008, the Division can now 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 (now renamed as the Warmwater Resources 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, goldfish, and grass carp;
- Consolidate spearing provisions listed in FO-220 (special Regulations for Muskellunge and Northern Pike with this Order;
- Elimination of spearing in some waters due to management changes; and
- Elimination of many restrictions and exceptions.

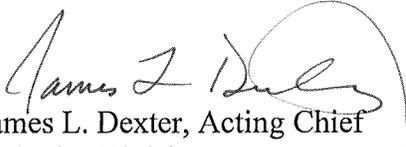
Prior to 2010, many Fisheries Orders contained regulations or references to spearing. As part of the simplification process, several of these Orders were rescinded and/or incorporated into other Orders, reducing the number of Orders dealing with spearing from seven to two. This is the final phase of the process as spearing regulations listed in FO-220 are being recommended for consolidation 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.

Based upon public comments received during this fall's regulation proposal process, we are recommending changes be made to one section of this Order. Many Upper Peninsula anglers voiced concern regarding the Department's original recommendation to remove twenty-two waters from List A, thus opening them to new spearing opportunities. Concern was raised about the protection of muskellunge populations in waters proposed for removal from the list as well as waters that were not originally on the list. After further review and consideration, the Department has determined that several waters should remain on List A plus several warrant addition to List A in order to best protect these rare and unique resources. Muskellunge are highly valued by a majority of anglers more for their catch and release than their harvest. Therefore, we are recommending that List A be modified to help protect and enhance muskellunge populations in eleven Upper Peninsula waters to address the issue raised by our anglers.

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 was submitted for information at the September, October, and November 2011 meetings of the Natural Resources Commission. This Order is being resubmitted for action at the December 8, 2011 meeting of the Natural Resources Commission. This item appeared on the Department's September, October, and November 2011 calendars, and is eligible for approval on December 8, 2011.

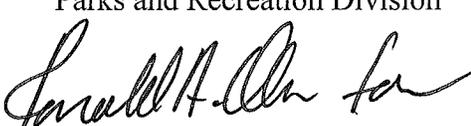

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Kelley D. Smith, Ph.D.
Acting Natural Resources Deputy

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 December 8, 2011, 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 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 list.

SEASON	GEAR	*WATERS	SPECIES
open for the entire year	spear or bow and arrow	ALL WATERS <i>except:</i> 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, 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), redbhorse (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 downstream of Mackinac Trail
Scrums 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-219.12, 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