



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



KEITH CREAGH  
DIRECTOR

SUBMITTED: December 20, 2012

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission  
Subject: Netting Regulations - (FO-229)  
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**

This Order covers statewide netting regulations for several species of fish. A legislative change through the passage of House Bill 5883 has now given the Department the authority to set netting regulations with Fisheries Orders. Additionally, netting regulations are currently found in three different Fisheries Orders and it is now proposed that they be consolidated. Therefore, we are recommending the following changes:

- 1) Expanding opportunities by opening the dip net season earlier in the year;
- 2) Add goldfish and gizzard shad to the list of species allowed for harvest with hand and dip nets;
- 3) Simplifying netting regulations by consolidating the seasons for the use of hand and dip nets statewide instead of by peninsula;
- 4) Modifying the name of the Order;
- 5) Adding cast net seasons and regulations due to statute changes;
- 6) Retaining other netting regulations that were previously listed in statute;
- 7) This Order will consolidate FO-221 "Banning of Dip Net Fishing on Certain Michigan Inland Streams" which was modified this fall and new version created for 2013 and FO-232 "Waters Open to Netting Burbot" into this Order.

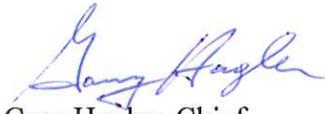
**Recommendation**

It is our recommendation that Fisheries Order 229 be updated with the proposed changes as summarized above to take effect upon February 7, 2013. This will increase angler opportunities while maintaining protection for the resource. Since this information will not be in the current fishing guide the Department will utilize the website and press releases to solicit these changes.

This Order is being submitted for information at the January 2013 meeting of the Natural Resources Commission. This Order will be resubmitted for action at the February 2013 meeting of the Natural Resources Commission. This item appeared on the Department's January 2013 calendar, and is eligible for approval on February 7, 2013.



James L. Dexter, Chief  
Fisheries Division



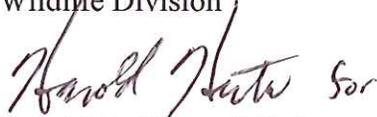
Gary Hagler, Chief  
Law Enforcement Division



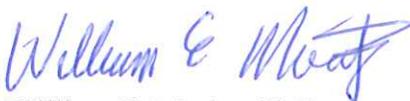
Russ Mason, Ph.D., Chief  
Wildlife Division



Bill O'Neill, Chief  
Forest Resources Division



Ronald A. Olson, Chief  
Parks and Recreation Division



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

# **ORDER**

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## **WATERS OPEN TO THE USE OF HAND-NETS NETTING REGULATIONS**

By authority conferred on the Department of Natural Resources by section **41101 through 41105, 48701, 48703, 48729 through 48731** of 1994 PA 451, as amended, being MCL 324.48703 (4), the Director of the Department of Natural Resources on February 7, 2012, ordered that for a period not to exceed five years, the following netting regulations are established statewide:

### **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  
 Serams 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).

SEASON	GEAR	WATERS*	SPECIES**
March 1 – May 31	Hand Net	All Great Lakes, L. St. Clair, St. Clair R., Detroit R., and St. Marys R. including all tributaries to those waters from the mouth to ½ mile upstream (except that Thompson Cr. (Schoolcraft Co., is closed). See List A for inland streams <b>open</b> to hand netting.	Bowfin, Carp, <b>Goldfish,</b> <b>Gizzard Shad,</b> <b>Longnose Gar,</b> Smelt, Suckers
March 20 – May 31	Dip Net	All Lower Peninsula and Upper Peninsula streams, except Designated Trout Streams. See List B for other	Bowfin, Carp, <b>Goldfish,</b> <b>Gizzard Shad,</b>

		streams <b>closed</b> to dip netting.	Longnose Gar, Smelt, Suckers
December 15 – end of February	Hoop Net	Peshekee R. (Marquette Co.); Au Train R. (Alger Co.) from Au Train L. to mouth; Sturgeon R. (Baraga Co.) from M-38 bridge to mouth; Sturgeon R. (Houghton Co.).	Burbot
Open for the entire year	Seine, Hand Net, Dip Net	All waters, except Designated Trout Streams <b>and those waters closed to minnow harvest (FO-203).</b>	Minnows
Open for the entire year	Cast Net	<b>Great Lakes, L. St. Clair, St. Clair R., Detroit R., and St. Marys R.</b>	<b>Alewife, Minnows, Smelt, Gizzard Shad</b>

**\*Check the netting exceptions list (below) 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. The term “minnows” refers to small baitfish used as bait: chubs, shiners, dace, stonerollers, sculpins (muddlers), mudminnows, and suckers.**

**Special Provisions:**

**1) Hand Net**

- a) 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.
- b) A person shall not use or possess a landing net more than 20 inches in diameter (greater than 5 ½ feet in circumference) or with a handle exceeding 14 inches in length on a Designated Trout Stream during the months of April, May, and June.
- c) Hand nets not over 8 feet square and without sides or walls may be used to take minnows for personal use.
- d) Hand nets may not be fished within 100 feet of a dam.

**2) Dip Net**

- a) For the purpose of this Order, “dip net” means a square net that is constructed from a piece of webbing of heavy twine, hung on heavy cord or frame so as to be without sides or walls, and suspended from the corners and attached in such a manner that when the net is lifted no part is more than 4 feet below the plane formed by the imaginary lines connecting the corners from which the net is suspended. As used in fishing, it shall be lowered and raised vertically as nearly as possible.
- b) A free permit is required from a DNR office.
- c) Dip nets may not exceed 9 x 9 square feet and may not have sides or walls.
- d) Dip nets may not be erected or fished within 100 feet of a dam.
- e) The name and address of the person setting, using, or having control over the dip net equipment, including frame, boom, supporting members, and temporary buildings, shall be plainly marked in legible English on the dip net equipment or securely fastened to it by a plate or tag. Dip net equipment and a temporary building erected and used that are located on public land or the land of another person shall be removed prior to June 10 of each year unless maintained with proper permission of the landowner. This subsection does not authorize the erection or fishing of a dip net on the land or premises of another person without proper permission from the landowner.

**3) Hoop Net**

- a) A free permit is required from a DNR office.
- b) Hoop nets may not be fished within 100 feet of a dam.

**4) Seine**

- a) Minnow seines may not exceed 12 feet in length and 4 feet in width.
- b) Seines may not be fished within 100 feet of a dam.

**5) Cast Net**

- a) Cast nets may not exceed 8 feet in diameter.
- b) Cast nets may not be fished within 100 feet of a dam.

**NETTING EXCEPTIONS**

**LIST A – INLAND WATERS OPEN TO HAND NETTING**

The following inland waters are open to use of hand nets from ~~April 1~~ **March 1**– May 31 for Bowfin, Carp, **Goldfish, Gizzard Shad, Longnose Gar**, Smelt, and Suckers:

**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**

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).

**LIST B – INLAND STREAMS CLOSED TO DIP NETTING**

It shall be unlawful to take or attempt to take any species of fish with dip nets on the following named streams:

**ARENAC COUNTY**

Au Gres River – From mouth at Saginaw Bay upstream to M-65 (T22N, R5E, S26)

Rifle River – From Steve’s Road (T19N, R5E, S9) upstream

**BENZIE COUNTY**

Cold Creek – From mouth at Crystal Lake (T26N, R15W, S26) to source

**GRAND TRAVERSE COUNTY**

Unnamed Creek – From source at Green Lake (T26N, R12W, S20) upstream to Bridges Lake

**IOSCO COUNTY**

Au Gres River – From mouth at Saginaw Bay upstream to M-65 (T22N, R5E, S26)

**LEELANAU COUNTY**

Houdek Creek – From mouth at North Lake Leelanau (T31N, R12W, S35) to source

**MONROE COUNTY**

Huron River - From mouth at Lake Erie upstream to Belleville Dam

Stony Creek - From mouth at Lake Erie upstream to Finzel Road (T5S, R8E, S23)

**WAYNE COUNTY**

Huron River - From mouth at Lake Erie upstream to Belleville Dam

This Order shall be assigned number FO-229.13, and is entitled “Netting Regulations.”

This Order rescinds the Order entitled “Banning of Dip Net Fishing on Certain Michigan Inland Streams” effective April 1, 2013, and is assigned number FO-221.13.

This Order rescinds the Order entitled “Waters Open to Netting Burbot” effective April, 1, 2010, and is assigned number FO-232.10.

This Order supersedes the Order entitled “Waters Open to the Use of Hand Nets,” which became effective April 1, 2010, and is assigned number FO-229.10.

This Order shall take immediate effect on February 7, 2013. This Order shall remain in effect until March 31, 2018, or until this Order is amended or 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, 2017.

Issued on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Keith Creagh, Director

The Natural Resources Commission has reviewed this Order.

J. R. Richardson  
Chairperson

Deb Whipple  
Executive Secretary

# **ORDER**

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By authority conferred on the Department of Natural Resources by section **41101 through 41105, 48701, 48703, 48729 through 48731** of 1994 PA 451, as amended, being MCL 324.48703 (4), the Director of the Department of Natural Resources on February 7, 2012, ordered that for a period not to exceed five years, the following netting regulations are established statewide:

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### **GREAT LAKES, CONNECTING WATERS, and TRIBUTARIES**

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 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  
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- c) Hand nets not over 8 feet square and without sides or walls may be used to take minnows for personal use.
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- b) A free permit is required from a DNR office.
- c) Dip nets may not exceed 9 x 9 square feet and may not have sides or walls.
- d) Dip nets may not be erected or fished within 100 feet of a dam.
- e) The name and address of the person setting, using, or having control over the dip net equipment, including frame, boom, supporting members, and temporary buildings, shall be plainly marked in legible English on the dip net equipment or securely fastened to it by a plate or tag. Dip net equipment and a temporary building erected and used that are located on public land or the land of another person shall be removed prior to June 10 of each year unless maintained with proper permission of the landowner. This subsection does not authorize the erection or fishing of a dip net on the land or premises of another person without proper permission from the landowner.

**3) Hoop Net**

- a) A free permit is required from a DNR office.
- b) Hoop nets may not be fished within 100 feet of a dam.

**4) Seine**

- a) Minnow seines may not exceed 12 feet in length and 4 feet in width.
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**NETTING EXCEPTIONS**

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Pearson's Creek, (T42N, R1W and R1E)

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

**LIST B – INLAND STREAMS CLOSED TO DIP NETTING**

It shall be unlawful to take or attempt to take any species of fish with dip nets on the following named streams:

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Au Gres River – From mouth at Saginaw Bay upstream to M-65 (T22N, R5E, S26)

Rifle River – From Steve’s Road (T19N, R5E, S9) upstream

**BENZIE COUNTY**

Cold Creek – From mouth at Crystal Lake (T26N, R15W, S26) to source

**GRAND TRAVERSE COUNTY**

Unnamed Creek – From source at Green Lake (T26N, R12W, S20) upstream to Bridges Lake

**IOSCO COUNTY**

Au Gres River – From mouth at Saginaw Bay upstream to M-65 (T22N, R5E, S26)

**LEELANAU COUNTY**

Houdek Creek – From mouth at North Lake Leelanau (T31N, R12W, S35) to source

**MONROE COUNTY**

Huron River - From mouth at Lake Erie upstream to Belleville Dam

Stony Creek - From mouth at Lake Erie upstream to Finzel Road (T5S, R8E, S23)

**WAYNE COUNTY**

Huron River - From mouth at Lake Erie upstream to Belleville Dam

This Order shall be assigned number FO-229.13, and is entitled “Netting Regulations.”

This Order rescinds the Order entitled “Banning of Dip Net Fishing on Certain Michigan Inland Streams” effective April 1, 2013, and is assigned number FO-221.13.

This Order rescinds the Order entitled “Waters Open to Netting Burbot” effective April, 1, 2010, and is assigned number FO-232.10.

This Order supersedes the Order entitled “Waters Open to the Use of Hand Nets,” which became effective April 1, 2010, and is assigned number FO-229.10.

This Order shall take immediate effect on February 7, 2013. This Order shall remain in effect until March 31, 2018, or until this Order is amended or 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, 2017.

Issued on the \_\_\_\_\_ day of \_\_\_\_\_, 2013.

Keith Creagh, Director

The Natural Resources Commission has reviewed this Order.

J. R. Richardson  
Chairperson

Deb Whipple  
Executive Secretary