



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: July 19, 2021
RESUBMITTED: August 16, 2021

<p>APPROVED</p> <p>_____, 20____</p> <p>MICHIGAN NATURAL RESOURCES COMMISSION</p> <p>_____ (ASSISTANT TO THE COMMISSION)</p>

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 219.22
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:

Fisheries Order 219 establishes fishing regulations for bow, spear, and crossbows. The Department proposes to add a new category called underwater spearfishing to the order at the request of the Michigan Spearfishing Association. The recommendation includes expanding underwater spearfishing harvest opportunities to include lake trout, northern pike, and walleye in southern portions of Lake Michigan and Lake Huron and in Lake Superior waters west of the Chocoley River. The Department does not expect this activity to result in biological concerns for the three additional species in the relevant waters of the Great Lakes. The unique and physically demanding method of take naturally limits participation and overall effort and harvest is expected to be low. The Department will track and collect information about the number of people who take part in this activity by requiring that all underwater spearfishing anglers get a no cost underwater license and that they report their effort and harvest monthly to the Department. This information will be summarized after a five-year period and will be used to evaluate outcomes and inform regulatory recommendations in the future.

Specific proposed regulations for underwater spearfishing include the following:

- All licensed recreational anglers, who intend to engage in underwater spearfishing shall request and be issued a free annual underwater spearfishing license.
- All underwater spearfishing anglers shall provide monthly harvest reports to the Department using an online reporting tool provided by the Department.
- The species and location specific size limits and daily possession limits shall apply.
- Underwater spearfishing shall be prohibited daily from 30 minutes after sunset to 30 minutes before sunrise.
- This activity shall be prohibited within 150 feet of designated swimming areas, boat docks, boat access or egress sites and power intake tubes.
- This activity shall be prohibited where placement of a diver-down flag would restrict boater navigation or access to boating access site.

- All spearguns must have the bands unloaded from the spear and the safety on when the diver is moving between fishing areas and when entering and exiting the water.
- Use of artificial breathing devices such as scuba, re-breather or similar devices shall be prohibited while underwater spearfishing.
- The following Great Lakes waters shall be open to underwater spearfishing:
 - Lake Michigan: waters south of the southernmost pier at Grand Haven.
 - Lake Huron: waters south of the southernmost pier of the Thunder Bay River, extending south to the mouth of the St. Clair River (Fort Gratiot Light)
 - Lake Superior: waters west of the Chocoday River.

The Department would conduct and complete a review of this activity after five years, if adopted, and would provide future regulatory recommendations to the Natural Resources Commission.

Issue Pros and Cons

These changes will expand opportunities for anglers who underwater spearfish that are interested in harvesting lake trout, northern pike, and walleye in specific portions of the Great Lakes. Currently the fish species allowed to be harvested using underwater spearfishing methods are less desirable for consumptive purposes and the Michigan Spearfishing Association was interested in expanding harvest opportunities for anglers in their sport.

Biological

The number of people expected to participate in this method of take is limited, which limits overall effort and harvest. Therefore, the Department anticipates no foreseeable biological concerns in the waters where this regulation is being recommended. Targeted underwater spearfishing effort for lake trout, northern pike, and walleye is expected to be low because of the challenges related to water clarity, weather conditions, diver's physical ability, and the seasonality of fish occupancy in nearshore waters, which all influence the effectiveness of the activity.

Social

This opportunity will be limited to a few people who choose to brave the waters of the Great Lakes in search of harvestable fish. People will support this activity as it poses very limited risk to Great Lakes populations of lake trout, northern pike and walleye. Based on feedback received during external review, anglers, stakeholder groups, and Citizen Advisory Committees were primarily supportive of this regulation proposal. It should be noted, however, that there was little citizen interest or acceptance for expanding this proposal to inland waters in the future. The Department supports that viewpoint.

Economic

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

Recommendation:

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on August 12, 2021, at the Natural Resources Commission meeting. This item appeared on the Department's August 3, 2021, calendar and may be eligible for approval on September 16, 2021.



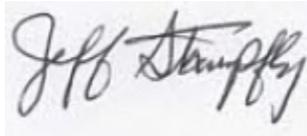
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



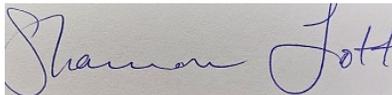
Jared Duquette, Chief
Wildlife Division



Jeff Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Lott
Natural Resources Deputy

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

Daniel Eichinger, Director

Date

FISHERIES ORDER

Bow, Spear, and Crossbow Fishing Regulations Order 219.21

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 and Part 491 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered on September 16, 2021, the following section(s) of the Fisheries Order shall read effective April 1, 2022, 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 20 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), and 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
Species and location specific	underwater spear (see Note 3)	<u>Lake Michigan:</u> waters south of the southernmost pier at Grand Haven <u>Lake Huron:</u> waters south of the southernmost pier of the Thunder Bay River, extending south to the mouth of the St. Clair River (Fort Gratiot Light) <u>Lake Superior:</u> waters west of the Chocolate River	lake trout, northern pike, walleye, and all species listed as available when using a spear, bow and arrow, and crossbow

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-254). Designated Trout Streams are those listed in the following classifications: Type 1, 2, Gear Restricted Streams, Research Areas, and Brook Trout Restoration 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.

Note 3 – For underwater spearfishing the following regulations apply:

- All recreational anglers, who intend to engage in underwater spearfishing shall request and be issued a free annual underwater spearfishing license.
- All underwater spearfishing anglers shall provide monthly effort and harvest reports to the Department using an online reporting tool provided by the Department.
- To use an underwater spear in compliance with the table within this order, the angler/diver shall be fully submerged beneath the waters surface when attempting to harvest fish.
- The species and location specific size limits and daily possession limits shall apply.
- Underwater spearfishing shall be prohibited daily from 30 minutes after sunset to 30 minutes before sunrise.
- This activity shall be prohibited within 150 feet of designated swimming areas, boat docks, boat access or egress sites and power intake tubes.
- This activity shall be prohibited where placement of a diver-down flag would restrict boater navigation or access to boating access site.
- All spearguns shall have the bands unloaded from the spear and the safety on when divers are moving between fishing areas and when entering and exiting the water.
- Use of artificial breathing devices such as scuba, re-breather or similar devices shall be prohibited while underwater spearfishing.

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	Lower Crooked Lake and 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
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 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

December 1 through March 15, 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-219.22 and is entitled "Bow, Spear, and Crossbow Fishing Regulations."

This order supersedes the order entitled "Bow, Spear, and Crossbow Fishing Regulations," which became effective April 1, 2021, and is assigned number FO-219.21.

This order shall take effect April 1, 2022 and shall remain in effect until amended/rescinded.

Issued on this 16th day of September 2021.

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

Carol Moncrieff Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director