



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: September 20, 2021
RESUBMITTED: October 18, 2021

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

Subject: Fisheries Order 204.22
Spawning Closures

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 204 establishes seasonal spawning closures that prohibits all fishing activity on specific waters to protect fishery resources during spawning migrations. The Department recommends making two changes to the order. First, defining the downstream boundary for the Little Manistee River and second, removing the Torch River muskellunge spawning closure from FO-204.

Recent fluctuations in water levels in the Great Lakes and connecting waters has resulted in confusion among anglers on the definitive boundary between the Little Manistee River and Manistee Lake. This confusion has created an enforcement challenge for enforcing a spawning closure that is in place to protect migrating salmon during their spawning season. Additionally, the Stronach Road bridge has been the assumed boundary during recent years with high water. This perceived boundary has created a public safety concern because there is very limited access to the river in that area and most people are now fishing from the bridge, which is adjacent to heavy vehicle traffic causing hazardous conditions for anglers and conservation officers. Defining the boundary will add clarity for enforcing the spawning closure and will eliminate the safety issue related to anglers congregating and fishing from the bridge near traffic.

Fisheries Order - 204 effective on April 1, 2021 implemented a spawning closure from May 1 – June 15 on the Torch River to protect the spawning muskellunge. The specific reach influenced by this closure is the Torch River from the Crystal Beach Road Bridge downstream to Lake Skegemog and includes the Rapid River up to Aarwood Road Bridge. The spawning closure resulted in prohibiting all fishing activity during the effective dates in the specific portion of the Torch River, which had unintended consequences and unnecessarily restricted angling activity for other species that was not deemed harmful to muskellunge. To address this issue, the Department recommends removing the current spawning closure described within FO-204.21, and instead provide the necessary protection for muskellunge via the recommendation for a seasonal gear restriction in FO-202.22. These recommendations will result in maintained protection of vulnerable spawning muskellunge while also allowing fishing activity for other species in that location in the spring and early summer.

Therefore, the following changes are proposed:

1. Modify – Manistee County: insert “the boundary with Manistee Lake, which is defined as the power line crossing downstream of Stronach Road Bridge (also referred to as Water Street on some maps) to clarify the downstream boundary for the Little Manistee River.
2. Remove – Antrim and Kalkaska Counties: Torch River closed to fishing from May 1 – June 15 from Torch River starting at the Crystal Beach Road Bridge downstream to Lake Skegemog including Rapid River up to Aarwood Road Bridge.

The change for the Little Manistee River boundary change was presented at the September Natural Resources Meeting.

The Central Lake Michigan Management Unit held a public meeting on September 1, 2021 in Alden to discuss the Torch River regulation proposal. Comments were received in person, on the phone, and email with a majority supporting the change from a spawning closure to a gear restriction. Law Enforcement staff have indicated their support for the proposals.

Issue Pros and Cons

Defining the boundary for the Little Manistee River will address enforcement concerns and will restrict fishing in an area that has created a hazard for anglers and conservation officers near a busy road.

Replacing the spawning closure with a gear restriction will enable angling to occur in the spring and early summer in the Torch River and Rapid River. This will benefit anglers while also result in maintaining protection of highly valued Great Lakes strain muskellunge known to spawn in that system.

Biological

Defining the downstream boundary of the Little Manistee River is not meant to address biological concerns and will result in negligible biological outcomes. Protection for spawning muskellunge will be maintained through implementation of a gear restriction in the Torch River and Rapid River.

Social

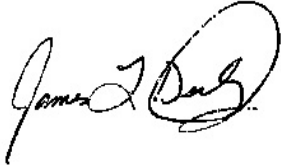
Defining the downstream boundary of the Little Manistee will provide social safety benefits. The removal of the spawning closure on the Torch River and implementation of a gear restriction will result in maintaining protection for spawning muskellunge. Anglers are supportive of special regulations to protect this rare and valued fishery resource.

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 October 14, 2021, at the Natural Resources Commission meeting. This item appeared on the Department's October 5, 2021, and November 1, 2021, calendars and may be eligible for approval on November 10, 2021.



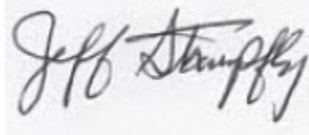
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



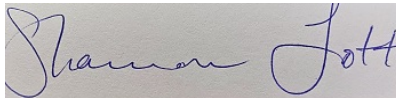
Jared Duquette, Chief
Wildlife Division



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

Spawning Closures Order 204.22

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, ordered on November 10, 2021, the following section(s) of the Fisheries Order shall read effective April 1, 2022, except as otherwise provided:

- 1) The following stream sections are closed to fishing to protect concentrations of spawning fish:

County	Area Closed	Closure Time
Alger	Rock River - between dam and its downstream-most foot bridge located downstream from M-28 (T47N, R21W, S15)	April 1 – June 30
Antrim	Intermediate River from Bellaire Dam to Highway M-88 Bridge	April 1 – May 14
Arenac, Bay	Pine River – upstream from State Road (T18N, R5E, S5)	March 16 – Friday before last Saturday in April
Arenac, Bay	Saganing Creek – upstream from State Road (T18N, R5E, S30)	March 16 – Friday before last Saturday in April
Baraga	Sturgeon River – from the Prickett Dam downstream to mouth of Clear Creek (T50N, R35W, S12)	April 1 – June 30
Bay	Kawkawlin River and all tributaries upstream from Euclid Avenue (T14N, R5E, S6)	March 16 – Friday before last Saturday in April
Benzie	Platte River from US-31 bridge at Veteran's Park downstream to Platte Lake	January 1 – March 31
Benzie	Platte River within 300 feet of the upper (hatchery) weir infrastructure	Whenever weir is in place
Benzie	Platte River within 300 feet of the lower weir infrastructure	Whenever weir is in place
Benzie	Betsie River Homestead Dam – No fishing within 100 feet upstream and downstream from the lamprey barrier and fish passage facility (T25N, R15W, S2)	November 16 – July 31
Benzie	Betsie River Homestead Dam – No fishing within 300 feet upstream and downstream from the lamprey barrier and fish passage facility (T25N, R15W, S2)	August 1 – November 15

Charlevoix	Medusa Creek – Tributary to Lake Michigan (T34N, R8W, S28) and including an area of Lake Michigan in a radius of 100 feet from the mouth of Medusa Creek	Whenever weir is in place
Cheboygan	Black River - from Kleber Dam downstream to Red Bridge (T35N, R1E, S5), it shall be unlawful to take or attempt to take any species of fish	April 1 - June 15
Cheboygan	Lower Black River from Alverno Dam downstream to Mograin Bridge (T37N, R1W, S26)	April 1 – May 14
Chippewa	Potaganissing River from Potagannising Dam downstream to Maxton Road (T42N, R6E, S15)	March 16 – May 14
Delta	Rapid River Borrow Pit (T40N, R21W, S34)	Year around
Grand Traverse	Boardman River within 300 feet upstream or downstream of weir in Traverse City	Whenever weir is in place
Iosco	East Branch Au Gres River – between DNR lamprey weir and Legget Road (T21N, R6E, S10)	December 1 – day before last Saturday in April
Iosco	Au Sable River – All that portion below the Foote Dam including the apron to 175 feet downstream from the dam	Year around
Iosco	Au Gres River from a point 50 feet upstream from the Allen (Cox) Road Bridge to 500 feet downstream (T21N, R6E, S31 & 32)	March 16 – Friday before last Saturday in April
Manistee	Little Manistee River from a point 300 feet downstream from the DNR weir (T21N, R16W, S25) to the boundary with Manistee Lake, which is defined as the power line crossing downstream of Stronach Road Bridge (also referred to as Water Street on some maps).	September 1 – November 14 and January 1 – March 31
Manistee	Little Manistee River within 300 feet of the DNR weir (T21N, R16W, S25)	Year around
Manistee, Mason, Lake	Little Manistee River from a point 300 feet upstream of the DNR weir to Spencers Bridge	January 1 – March 31
Marquette	Salmon-Trout River from lower falls (T51N, R28W, S13) to the mouth (T52N, R27W, S31)	August 15 – Friday before the last Saturday in April
Midland	Tittabawassee River—between Sanford Dam and the mouth of the Salt River (T15N, R1W, S24)	March 16 – Friday before last Saturday in April
Midland	Tittabawassee River—between the Dow Dam and Gordonville Bridge (T13N, R2E, S1)	March 16 – Friday before last Saturday in April

Ontonagon	West Branch Ontonagon River—from its confluence with the Victoria Hydro Station tail race (T50N, R39W, SE ¼ of the SW ¼ of S29) upstream to Victoria Dam, including the tailrace canal	April 1 – June 10
Otsego	Otsego Lake Pike Marsh (T30N, R3W, S20)	March 16 – June 15
Presque Isle	Shuberts Creek (T33N, R7E) from Long Lake upstream to Clinton Creek Road (T33N, R7E, S14)	April 1 – May 14
Presque Isle	Clinton Creek (T33N, R7E, S26)	April 1 – May 14
Presque Isle	Grand Lake Pike Marsh (T34N, R7E, S21 & 22)	Whenever marsh is in operation
Presque Isle	Swan River – from 300 feet above weir to mouth (T35N, R6E, S20 & 29)	Whenever weir is in place
Presque Isle	Rainy River from the confluence with Black Lake upstream to North Allis Road Bridge (T35N, R2E, S15)	April 1 – May 14
Roscommon	Backus Creek from its confluence with the Cut River (T23N, R3W, S22) upstream to Little Mud Lake Dam (T23N, R2W, S30)	March 23 – April 23
Roscommon	Cut River from its confluence with Backus Creek (T23N, R3W, S22) upstream to its outlet at Marl Lake (T24N, R3W, S34)	March 23 – April 23

This order shall be assigned number FO-204.22, and is titled "Spawning Closures."

This order supersedes the order entitled "Spawning Closures," which became effective September 11, 2020, and is assigned number FO-204.20A.

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

Issued on this 10th day of November 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