



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: July 18, 2022

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 204.23
Spawning Closures
FOR INFORMATION ONLY

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 enacts spawning closures that prohibits all fishing activity on specific waters to protect fishery resources during spawning migrations. The Department recommends making three changes to the order. Denton Creek in Roscommon County is recommended for addition to the order to protect spawning walleye from unlawful fishing activities. The second recommendation involves a modification for the Au Sable River below Foote Dam in Iosco County to shorten the area closed to fishing which will enable anglers to utilize fishing structures below the dam. Lastly, the Backus Creek closure in Roscommon County is recommended for removal since walleye have not been observed in that system.

Therefore, the following changes are proposed:

1. Addition – Roscommon County: Denton Creek is recommended to be closed to fishing from March 23 through April 23.
2. Modify – Iosco County: Au Sable River Foote Dam closure area is recommended to be reduced to only include Foote Dam and the apron below Foote Dam.
3. Removal – Roscommon County: Backus Creek currently has a spawning closure set in place to protect spawning walleye that is no longer necessary.

The Central Lake Michigan Management Unit held a virtual meeting on March 9, 2022, to discuss Denton Creek and Backus Creek closures. Comments were received in support of the changes. Law Enforcement staff have indicated their support for the proposals.

The Northern Lake Huron Management Unit held a virtual meeting on April 7, 2022, to discuss the Au Sable River Foote Dam spawning closure proposal. Comments received were supportive of the proposed modification to the spawning closure.

Issue Pros and Cons

Adding a stream to the list provides greater protection of the resource. Modifying the length of the Foote Dam spawning closure will increase angler opportunities by allowing anglers to fish from structures built to increase angler access. Removal of a closure no longer needed will remove an unnecessary restriction on local angling opportunities.

Biological

Protecting fish during a vulnerable time like the spawning migration will help maintain important broodstock in areas where natural reproduction supports the fishery. Removing a spawning closure where it is unnecessary will have no biological effect.

Social

Adding a spawning closure to protect naturally spawning walleye is supported by anglers. Modifying the length of a closure to increase angler access and removing an unnecessary spawning closure are also supported by anglers.

Economic

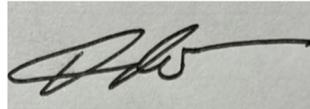
The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information on August 11, 2022, at the Natural Resources Commission meeting. This item appeared on the Department's August 2, 2022 calendar and may be eligible for approval on September 8, 2022.



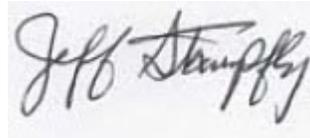
James Dexter, Chief
Fisheries Division



David Shaw, Chief
Law Enforcement Division



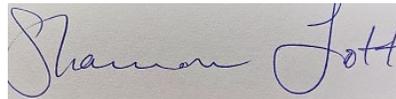
Jared Duquette, Chief
Wildlife Division



Jeff Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Lott
Natural Resources Deputy

FISHERIES ORDER

Spawning Closures Order 204.23

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 September 8, 2022, the following section(s) of the Fisheries Order shall read effective April 1, 2023, 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-round
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 From Foote Dam to the downstream edge of the apron of the dam to 175 feet downstream from the dam	Year-round
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-round
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
Roscommon	Denton Creek from the Lake James Dam downstream to Houghton Lake	March 23 – April 23

This order shall be assigned number FO-204.23, and is titled "Spawning Closures."

This order supersedes the order entitled "Spawning Closures," which became effective April 1, 2022, and is assigned number FO-204.22.

This order shall take effect April 1, 2023 and shall remain in effect until amended/rescinded.

Issued on this 8th day of September 2022.

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

Thomas Baird, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director