



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: November 13, 2023
RESUBMITTED: December 18, 2023

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Order to Regulate Target Shooting at the Port Huron State Game Area
Land Use Order of the Director Amendment No. 1 of 2024

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director to issue orders to implement land use rules.

Discussion and Background:

In 2016, the Department applied consistent land use rules across all designated state game areas (SGAs) and state wildlife areas (SWAs), excluding defined shooting ranges. These included prohibitions on:

- Target shooting at other than a paper, cardboard, or commercially produced portable target designed and manufactured for the specific purpose of target shooting.
- Using or attempting to use:
 - Incendiary or explosive targets.
 - Incendiary or explosive ammunition.
 - Armor piercing ammunition, as defined by section 224c of 1931 PA 328, MCL 750.224c.
 - Tracer ammunition.
 - A firearm, other than a pistol, revolver, shotgun, rifle, hand-held firearm or a muzzle-loading firearm
 - A muzzle-loading firearm exceeding .80 caliber.
- When skeet and trap shooting, using other than clay targets and shot size BBB or smaller, unless posted otherwise.
- Target shooting before 9:00 a.m. or after 7:00 p.m. or sunset, whichever is earliest, or as posted without the written permission of the department.
- Possessing or being under the influence of a controlled substance or alcohol or a combination of a controlled substance and alcohol while target shooting.

These broadly applied land use rules have in many cases allowed for safe and fair use of wildlife-managed lands and consistent enforcement across SGAs and SWAs. Unfortunately, at Port Huron SGA, target shooting activity has resulted in a variety of safety, nuisance, user conflict, and habitat destruction issues. Accordingly, the Department proposes prohibiting target shooting with a firearm at the Port Huron SGA. This closure will minimize impacts of lead on nesting waterfowl and grassland birds, align habitat management goals, ensure safety of other SGA users, resolve issues with private landowners, and ensure other wildlife-focused recreation activities can occur without conflict. In addition, the Department's Lapeer Shooting Range within the Lapeer SGA and the Department's Ortonville Shooting Range within the Ortonville Recreation Area are less than an hour's drive from the Port Huron SGA. Also, four private

shooting ranges exist within a five to 40 minutes' drive from the Port Huron SGA to provide alternative target shooting opportunities.

The Port Huron SGA lies along the Black River in St. Clair County and spans over 7,000 acres through Grant, Clyde, and Kimball townships. Throughout the years, it has become a popular destination for target shooters and has led to extensive use and recurrent problems. One shooting site, called Shoefelt Road, was closed in 1989 because it became a very active area for target shoots, where automatic and semi-automatic rifles were used indiscriminately by gun owners, precipitating many local complaints concerning safety and noise. The area did not have adequate space where large caliber firearms could be safely discharged. The result of this closure directed target shooters to other areas of the game area. There are now three additional popular shooting sites: Flinchbaugh Road, Hewitt Pit, and Abbottsford Road. The Department has received numerous complaints from residents within nearby neighborhoods and users of the game area. The following are examples of public safety, property damage, and habitat destruction issues that have been taking place:

- Houses and outbuildings, such as garages and pole barns, have been hit by bullets.
- Bullets are traveling to an adjacent golf course.
- Trees have been hit by bullets.
- Noise complaints, such as shooting after legal target shooting hours and the illegal use of explosives, such as Tannerite.
- Excessive amounts of litter left behind in places where target shooting activities occur.
- Target shooting locations have wetlands and are along the Black River, resulting in lead shot and projectiles being deposited in the river and in sensitive habitats.
- Some areas used for target shooting consists of land that is flat which can allow bullets to travel further than the shooter may expect, however even areas with suitable backstops like Hewitt Pit are experiencing bullets traveling in dangerous directions due to target shooters disregarding signage and shooting in those unsafe directions.
- Target shooters are shooting in the air, at trees, over berms, and at signs that say, "Unsafe shooting direction".
- High-quality forests and shrubby openings provide habitat for a wide variety of species, which results in opportunities for wildlife-based recreation. The result of high target shooting use makes it unsafe for habitat work, hunting, or other wildlife-based recreation.
- Target shooting has the potential to negatively affect wildlife-based recreation by creating unsafe areas for the public to hunt due to lack of backstops and the hazing wildlife on public lands.
- Target shooting has resulted in large areas where DNR staff cannot safely conduct habitat management.

To address some of these concerns and issues, Department staff have previously posted signs in areas near neighborhoods that say, "No Target Shooting", "Do not shoot to the west", "Do not shoot in this direction", and "Failure to follow rules may result in closure". However, Law Enforcement personnel cannot enforce these postings without this proposed order being in place. In addition, the Department coordinated trash clean-ups and several on-site changes to increase public safety, including specific signage with area rules, directions to shoot, and directions not to shoot. These efforts have not sufficiently reduced the concerns with target shooting, as evidenced by continued complaints.

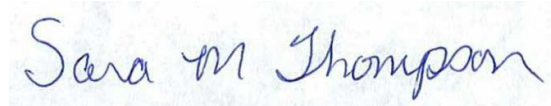
Because there are multiple locations within this SGA where target shooting activities have been taking place, the Department recommends closing the entire SGA to the activity to eliminate safety, nuisance, user conflict, and property damage concerns.

Order to Regulate Target Shooting at the Port Huron State Game Area
Land Use Order of the Director Amendment No. 1 of 2024

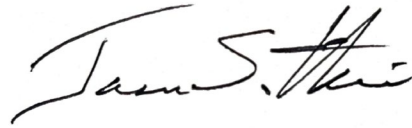
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December 18, 2023

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on December 14, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's December 5, 2023 calendar and may be eligible for approval on January 11, 2024.



Sara Thompson, Chief
Wildlife Division



Jason Haines, Chief
Law Enforcement Division



Jeffery J. Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



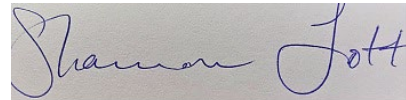
Randy Claramunt, Chief
Fisheries Division



Jon Spieles, Chief
Marketing and Outreach Division Chief



Dan Lord, Chief
Finance and Operations Division

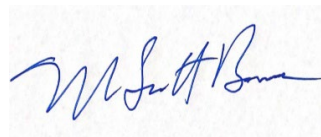


Shannon Lott
Natural Resources Deputy



Kristin Phillips
Chief Administrator Officer

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



M. Scott Bowen, Director

Date: January 11, 2024

LAND USE ORDERS OF THE DIRECTOR

Amendment No. 1 of 2024

By authority conferred on the Director of the Department of Natural Resources by Section 504 of the Natural Resources Environmental Protection Act, 1994 PA 451, as amended, MCL 324.504, and in accordance with R 299.921 to R 299.933, the Director of the Department of the Natural Resources orders the following:

3.15 Vicinity of Shoefelt road, port Huron state game area, St. Clair county, prohibited conduct.

Order 3.15 A person shall not do any of the following on or within 450 feet of Shoefelt road on the port Huron SGA, St. Clair county:

- (1) Target, trap, or skeet shoot with a firearm.
- (2) Discharge a firearm in a designated parking area.

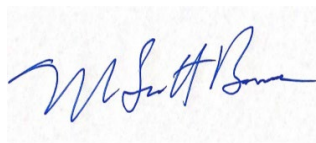
3.42 Port Huron state game area, St. Clair county, prohibited conduct.

Order 3.42 A person shall not do any of the following on the Port Huron state game area, St. Clair county:

- (1) Target, trap, or skeet shoot with a firearm.

This amended order shall be posted on or after the 12th day of January, 2024.

Issued on this 11th day of January, 2024.



M. Scott Bowen
Director



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: December 11, 2023
RESUBMITTED: December 18, 2023

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Fisheries Order 243.24
State-Licensed Commercial Fishing

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, under MCL 324.46701 authorizes the Director to issue orders, when deemed necessary, to suspend, abridge, extend, or modify any statute or law of this state governing commercial fishing for the better protection, preservation, maintenance, and harvesting of the fish.

Discussion and Background:

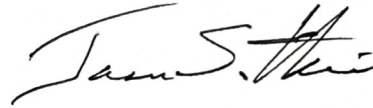
The department recommends removing the regulatory provision related to commercial wholesale reporting within the order to necessitate recent changes to statute by the Michigan Legislature. The department will create a new order, Fisheries Order 255.24, to describe reporting requirements for state-licensed commercial fishers and state-licensed wholesale fish dealers.

Recommendation:

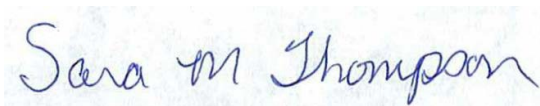
It is our recommendation to utilize FO-243.24 to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish. This order also includes mandatory reporting requirements, as outlined in the 2023 Great Lakes Fishing Decree. Relevant Divisions have contributed to the preparation of this order. This order was submitted for information and consideration on December 14, 2023, at the Natural Resources Commission meeting. This item appeared on the Department's December calendar and is eligible for approval on January 11, 2024.



Randall M. Claramunt, Chief
Fisheries Division



Jason S. Haines, Chief
Law Enforcement Division



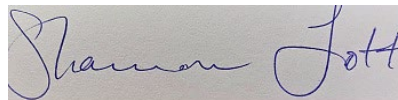
Sara Thompson, Chief
Wildlife Division



Jeffery J. Stampfly, Chief
Forest Resources Division

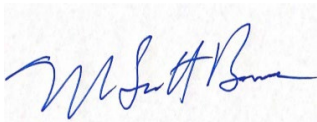


Ronald A. Olson, Chief
Parks and Recreation Division



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.



M. Scott Bowen, Director

Date: January 11, 2024

FISHERIES ORDER

State-Licensed Commercial Fishing Order 243.24

Under the authority of Sections 46701 and 46702 of 1994 PA 451, as amended, MCL 324.46701 and MCL 324.46702, the Director of the Department of Natural Resources on January 11, 2024, ordered that the following state-licensed commercial fishing regulations shall take effect February 13, 2024:

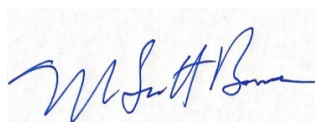
1. State-licensed commercial trap net fishing is permitted in water depths of up to 150 feet in Lakes Huron, Michigan, and Superior under licenses issued by the Director.
2. The commercial harvest of chubs (*Coregonus hoyi*) is permitted in Lake Michigan north of Grand Haven under licenses issued by the Director.
3. Lake Erie is designated as rough fish grounds for commercial fishing as defined in MCL 324.47309(g).
4. The commercial harvest of Lake whitefish (*Coregonus clupeaformis*), 17 inches in length and greater, caught in Lake Erie in legally set trap nets, is permitted under licenses issued by the Director.
5. The department or its properly permitted designee may take fish in any manner, in any of the waters mentioned in this part, at any and all seasons of the year, for the purpose of fish culture or scientific investigation; may have and hold ripe and unripe fish for scientific investigation or in order to take spawn from the fish; and may sell or direct to be sold all of those ripe and unripe fish. A permitted designee of the department shall comply with the conditions established in the permit.
6. State-licensed commercial fishers shall comply with all license conditions.
7. Whitefish in lakes Michigan, Huron, and Superior shall be closed to harvest from noon on November 1 to noon on November 30.
8. It shall be unlawful to market, have in possession, transport, or offer for sale at any time, whether caught within or without this state any catfish of a length less than 15 inches, except that catfish of a length not less than 14 inches may be taken from Lake Erie, but such fish shall not be sold or offered for sale except at a dock or docks along said lake.
9. Suckers may be commercially taken from all waters of the state open to commercial fishing without a size limit and without a closed season.
10. Imported commercial and game fish species of a size, weight, or species not prohibited by the laws of the state or country where caught that are not processed outside the state of Michigan and sold to the consumer in the same package as imported may be possessed, transported, offered for sale, and marketed as follows:
 - a. A wholesale fish dealer who directly or indirectly imports the fish shall:
 - i. Retain for 30 days following importation a commercial invoice or bill of sale or, if imported from Canada, the customs entry or customs broker's statement, which shall include the species of fish and formal entry number;
 - ii. Keep a record including the quantity and species of fish and the name and address of every retailer to whom such fish are sold or shipped; and
 - iii. Make the documents and records required by this section available for inspection by any law enforcement officer at any reasonable time.
 - b. A retail fish dealer shall retain a bill of sale or invoice indicating the quantity and species of fish and the name and address of the consignor for inspection by any law enforcement officer at any reasonable time until the fish are disposed of by sale or otherwise.

This order modifies conditions as set forth in MCL 324.47302, MCL 324.47309 (h and i), MCL 324.47311 (b and f), MCL 324.47315, MCL 324.47319 (Subsection 1. e and f and Subsection 2), and MCL 324.47333 of 1994, PA 451, and Administrative Rule R 299.1074(b, c, and e) and Administrative Rule R 299.1075(3).

This order shall be assigned number FO-243.24 and is titled "State-Licensed Commercial Fishing". This order supersedes the order titled "State-Licensed Commercial Fishing" which became effective March 13, 2021, and was assigned number FO-243.21A.

Per MCL 324.46702, this order shall not take effect less than 30 days after being issued. This order shall take effect February 13, 2024, and shall remain in effect until rescinded.

Issued on this 11th day of January 2024.

A handwritten signature in blue ink, appearing to read "Scott Bowen", is written over a light blue grid background.

Scott Bowen
Director