STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

GRETCHEN WHITMER
GOVERNOR

DANIEL EICHINGER
DIRECTOR

SUBMITTED: July 15, 2019

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 204.20
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 establishes spawning closures placed on specific waters to protect vulnerable fishery resources. The Department recommends modifying one spawning closure and removing another spawning closure from the Order.

The Department proposes to modify the Otsego Lake Pike Marsh spawning closure in Otsego County by adding a more specific spawning closure date. Historically, boards were installed in a control structure to maintain a flooded area (pike marsh), so it was clear when the pike marsh was in operation. With higher water levels in recent years; however, there has not been a need to place boards in the structure to maintain water levels. The current spawning closure is in effect "whenever marsh is in operation". The staff has recommended implementing a more specific spawning closure date from "March 16 – June 15", inclusive. This change will provide more clarity for anglers who fish in this location and make enforcement easier.

The Department recommends removing the spawning closure for the Cheboygan River (Cheboygan County) from the south end of the outermost breakwall on Mullet Lake downstream to Cheboygan Dam, and Black River from Alverno Dam downstream to its confluence with the Cheboygan River, which was recently added with the intent to protect migrating walleye during the spring. However, this Order is not tailored to one, single species like walleye. Therefore, Fisheries Order 206 Special Fishing Regulations for Warmwater Species on Select Waters is better suited for establishing possession seasons on walleye on select waters. As a result, the possession season regulation will be moved from this Order and placed into FO-206 where it will remain in effect.

Therefore, the following changes are proposed:

1. Modify – Otsego County: Otsego Lake Pike Marsh change closure time listing from "Whenever marsh is in operation" to "March 16 – June 15".
2. Remove - Cheboygan County: Cheboygan River from the south end of the outermost break wall on Mullet Lake downstream to Cheboygan Dam, and Black River from Alverno Dam downstream to its confluence with the Cheboygan River.

Issue Pros and Cons
The addition of a more specific timeframe for the Otsego Lake Pike Marsh will be more informative for anglers and be easier for conservation officers to enforce. Moving the Cheboygan River walleye spawning closure from this Order into FO-206 will maintain the protection of walleye during a vulnerable time as intended.

Biological
The addition of a more specific spawning closure date for the Otsego Lake Pike Marsh is not based upon a biological need. Protection of the walleye in the Cheboygan River and Black River system is warranted and will be maintained in FO-206.

Social
Anglers support the more specific spawning closure timeframe on the Otsego Lake Pike Marsh. Anglers have been supportive of the Cheboygan River and Black River walleye spawning closure which will remain in effect.

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 8, 2019, at the Natural Resources Commission meeting. This item appeared on the Department's July 30, 2019 calendar and may be eligible for approval on September 12, 2019.

James Dexter, Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

Russ Mason, Ph.D., Chief
Wildlife Division

Debbie Begalle, Chief
Forest Resources Division

Ronald A. Olson, Chief
Parks and Recreation Division

Shannon Hanna
Natural Resources Deputy

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FISHERIES ORDER

Spawning Closures
Order 204.20

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 12, 2019, the following section(s) of the Fisheries Order shall read as follows:

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 – No fishing within 100 feet upstream and downstream from the lamprey barrier and fish passage facility (T25N, R15W, S2)	Year around
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
Cheboygan	Douglas Lake Pike Marsh (T37N, R3W, S8)	Whenever marsh is in operation
~~Cheboygan~~	~~Cheboygan River from the south end of the outermost breakwall on Mullet Lake downstream to Cheboygan Dam, and Black River from Alverno Dam downstream to its confluence with the Cheboygan River~~	~~May 15 – March 15~~
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 Manistee Lake	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)	~~Whenever marsh is in operation~~ **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-204.20, and is titled "Spawning Closures."

This Order supersedes the Order entitled "Spawning Closures," which became effective April 1, 2019, and is assigned number FO-204.19.

This Order shall take effect April 1, 2020 and shall remain in effect until amended/rescinded.

Issued on this 8th day of August, 2019.

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

Vicki J. Pontz, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director