



STATE OF MICHIGAN
 DEPARTMENT OF NATURAL RESOURCES
 LANSING



GRETCHEN WHITMER
 GOVERNOR

DANIEL EICHINGER
 DIRECTOR

SUBMITTED: July 20, 2020
 RESUBMITTED: August 17, 2020

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

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 204.20A
 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 spawning closures on specific waters to protect fishery resources during spawning migrations. The Department recommends adding two new spawning closures and removing one spawning closure from the Order.

The Betsie River Homestead Dam area in Benzie County has been identified as a location where migrating salmon are vulnerable to unlawful angling activities. There is currently a spawning closure at the same location within 100 feet of the lamprey barrier and fish passage facility all year. However, fisheries and law enforcement staff have identified that the location creates a pinch point during the fall salmon spawning migration. This is creating an issue because there are large numbers of fish at times in a small area which is no longer a fair chase angling opportunity. As a result, this has become an area rampant with unlawful fishing activities. The addition of the spawning closure will allow for the greater protection of the vulnerable fishery resources during the time when protection is needed the most. Land Use Order of the Director 4 of 2020, was presented at the July 16, 2020 Natural Resources Commission meeting which recommended a closure to camping at the Homestead Dam location because of the large number of people congregating in this area during the fall spawning run that resulted in shoreline erosion and littering concerns.

The Torch River in Antrim and Kalkaska Counties between Torch Lake and Lake Skegemog has been an area where highly valued native Great Lakes strain muskellunge have been known to spawn. The Torch River is an important muskellunge spawning area and these large fish are easy to see in the crystal-clear waters during spawning season. Unfortunately, the Torch River has been a place where anglers have been seen harassing and trying to snag the fish when these fish are spawning in the shallow waters. In order to protect this highly valued fishery the Department recommends adding a spawning closure in the Torch River.

The Douglas Lake pike marsh in Cheboygan County has not been in operation for years and there are no future plans to operate the pike marsh; therefore, the Department has decided that the spawning closure is no longer warranted. The removal will get rid of an unnecessary regulation.

Therefore, the following changes are proposed:

1. Add – Benzie County: Betsie River Homestead Dam closed to fishing from August 1 – November 15 within 300 feet of the lamprey barrier and fish passage facility (T25N, R15W, S2).
2. Add – 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.
3. Remove – Cheboygan County: Douglas Lake pike marsh.

The Department recommends that this Order take immediate effect to add greater protection to migrating salmon during this fall. A press release will be developed, the online Fishing Guide will be updated, and the pre-recorded message will be updated at 888-367-7060 to help inform the anglers about the new closure on the Betsie River.

Issue Pros and Cons

The addition of two new spawning closures will result in greater protection of the resource in areas where unlawful fishing activities have been a problem. The closures will result in easier enforcement as no fishing will be allowed in these areas during specific time frames. Anyone seen fishing during the closure at either location will be subject to fines under Michigan law.

Biological

Fishery resources during spawning migrations can be vulnerable to unlawful activities in areas where they become confined in a small area in high numbers. This creates an opportunity where some people can see the fish easily and can tempt some to catch the fish in any manner possible including unlawfully. Adding the closures will protect the resource and make law enforcement easier because no angling will be allowed in the locations during the date of the closures.

Social

Anglers are supportive of special regulations to protect unique and high-quality fishing populations which provide diverse public fishing opportunities. Many people support the fair chase of highly valued fishery resources such as these.

Economic

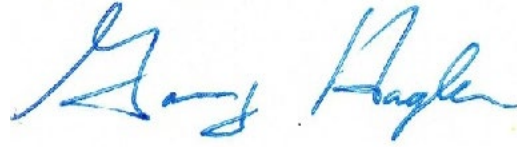
The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

Relevant Divisions have contributed to the preparation of this Order. This Order was submitted for information on August 13, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's August 4, 2020 calendar and may be eligible for approval on September 10, 2020.



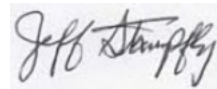
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



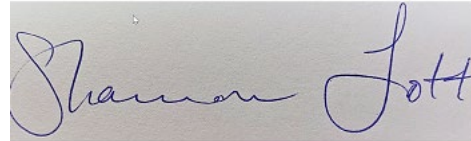
Daniel Kennedy, Acting Chief
Wildlife Division



Jeff Stampfly, Acting 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 204.20A

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 10, 2020, the following section(s) of the Fisheries Order shall read effective September 11, 2020, 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
Antrim, Kalkaska	Torch River from the Crystal Beach Road Bridge downstream to Lake Skegemog including Rapid River up to Aarwood Road Bridge	May 1 – June 15
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 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)	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-204.20A, and is titled “Spawning Closures.”

This Order supersedes the Order entitled “Spawning Closures,” which became effective April 1, 2020, and is assigned number FO-204.20.

This Order shall take immediate effect September 11, 2020 and shall remain in effect until amended/rescinded.

Issued on this 10th day of September, 2020.

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

Carol Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director