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(Original Signature of Member)

118TH CONGRESS
2D SESSION

H. R.

To amend the Endangered Species Act of 1973 to exclude certain populations of the lake sturgeon from the authority of such Act.

IN THE HOUSE OF REPRESENTATIVES

Mr. BERGMAN introduced the following bill; which was referred to the Committee on _____

A BILL

To amend the Endangered Species Act of 1973 to exclude certain populations of the lake sturgeon from the authority of such Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Michigan Sturgeon
5 Protected and Exempt from Absurd Regulations Act” or
6 as the “Michigan SPEAR Act”.

1 **SEC. 2. EXCLUSION OF CERTAIN POPULATIONS OF LAKE**
2 **STURGEON UNDER ENDANGERED SPECIES**
3 **ACT OF 1973.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The lake sturgeon (*Acipenser fulvescens*) has
6 a unique significance for the culture, communities,
7 and people of Michigan, and especially for those
8 near Black Lake in Northern Michigan.

9 (2) Conservation of sturgeon in Michigan has
10 been a tremendous success story, with the popu-
11 lation of adult lake sturgeon statewide rapidly in-
12 creasing and more than doubling in the last 20 years
13 in Black Lake.

14 (3) The Bay Mills Indian Community, Grand
15 Traverse Band of Ottawa and Chippewa Indians,
16 Little River Band of Ottawa Indians, Little Traverse
17 Bay Band of Odawa Indians, and the Sault Ste.
18 Marie Tribe of Chippewa Indians have deep cultural
19 ties and treaty-protected rights to sturgeon fishing,
20 and have been strong partners in co-management of
21 sturgeon populations with the state of Michigan.

22 (4) Local anglers play a key role in lake stur-
23 geon conservation in Michigan, including hundreds
24 of volunteers in the “Sturgeon Guard” patrolling
25 spawning areas to ward off poachers each year.

1 (5) The spearing season is a cultural event in
2 Northern Michigan, with hundreds of anglers and
3 other visitors attending the “Black Lake Sturgeon
4 Shivaree” to celebrate and raise money for lake stur-
5 geon recovery, protection, hatcheries, research, habi-
6 tat conservation, and outreach programs.

7 (6) Upending this longstanding tradition
8 through a federal Endangered Species Act designa-
9 tion is unnecessary given the success of current
10 management in Michigan, will greatly diminish the
11 local buy-in for conservation efforts, and will sever
12 an important cultural mainstay for both state and
13 tribal communities.

14 (b) EXCLUSION FROM LISTING.—Section 4(a) of the
15 Endangered Species Act of 1973 (16 U.S.C. 1533(a)) is
16 amended—

17 (1) in paragraph (1), by striking “The Sec-
18 retary shall by regulation” and inserting “Except as
19 provided in paragraph (4), the Secretary shall by
20 regulation”; and

21 (2) by adding at the end the following:

22 “(4) APPLICABILITY TO LAKE STURGEON.—The Sec-
23 retary may not make a determination under this sub-
24 section that any population of the lake sturgeon (*Acipenser*
25 *fulvescens*) in Michigan is threatened or endangered.”.