



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAUGH
DIRECTOR

SUBMITTED: February 17, 2015

MEMORANDUM TO THE DIRECTOR

Subject: Fisheries Order 202.15
Special Hook Size Fishing Regulations
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and/or the Commission to provide for better protection and preservation of fish, game and birds.

Discussion and Background:

Snagging was once a common method for harvesting spawning salmon in Michigan. It was commonly believed that the only way to catch migrating salmon was by snagging them with large, heavy fishing gear made from a combination of treble hooks and molded lead. Sport angling grew in popularity as anglers learned more ways to catch migrating salmon with more traditional angling methods and through fair chase. Eventually snagging was prohibited in the early 1990s through the efforts led by sport anglers as public sentiment changed. Michigan has maintained the prohibition on snagging with a vast majority of recreational anglers still supportive of this regulation. However, some areas continue to be fraught with unlawful snagging activities as anglers have modified fishing gear and techniques in order to circumvent current law. For example, it is common for some anglers to use treble hooks fished only with yarn as a means to rip the hook through the water column in an attempt to snag salmon. The Department proposes new gear regulations for several waters with heavy salmon spawning runs in an attempt to further reduce snagging activities.

Law Enforcement Division helped develop the proposed gear regulation, which will aid their ability to enforce illegal snagging activities. This regulation would also enable anglers on some of these waters (where treble hook usage has been unlawful) to still use treble hooks as long as they are attached to an artificial lure. The proposed regulation would no longer allow the use of treble hooks not attached to a defined artificial lure. For example, lures primarily made out of lead that are currently used during the peak salmon spawning migrations would now be unlawful.

The waters recommended for this new suite of gear restrictions have become a new priority for Law Enforcement Division where unethical use of fishing gear has been common during peak salmon spawning events. This is purely a social issue and Fisheries Division has worked with law enforcement personnel and the Manistee County prosecutor to develop this regulation proposal to help reduce this unlawful activity. Angler education and outreach will also occur to help inform anglers where to go for information on how to effectively catch fish with traditional fishing gear.

Issue Pros and Cons?

This proposed regulation would provide another tool for law enforcement to reduce this type of unlawful activity. Conservation officers would be able to ticket possession of unlawful fishing gear instead of having to covertly spend long amounts of time observing and documenting unlawful angler behavior. This proposed regulation does not prohibit the use of a treble hook if it is attached to a defined artificial lure. The Manistee County prosecutor helped draft the proposed regulation and they are supportive of the proposal as written. The angling public that fishes legally in these areas is also supportive of this proposal as written. Enforcement actions over time may eliminate unethical fishing activities and allow for more family friendly fishing opportunities.

Conversely, this regulation will make it unlawful for anglers who use treble hooks not attached to an artificial lure. Some anglers currently use treble hooks while fishing bait such as spawn and will now need to use single hooks for this type of fishing behavior.

Neighboring States

Snagging is generally thought to be an unethical technique; however, it is allowed in a number of states in some capacity. Snagging is generally allowed in states with large paddlefish populations since paddlefish cannot be caught using traditional fishing gear. Illinois, unlike other Great Lakes states, has a liberal stance on snagging and allows snagging for various fish species including salmon. States where snagging is unlawful have enacted various gear restrictions in order to restrict this unlawful activity.

Biological

The decision to make these recommendations does not have a biological foundation.

Social

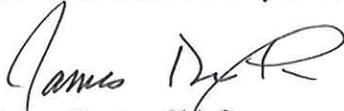
Snagging is a social issue, is seen as an unsporting way to catch game fish, and is greatly frowned upon by the angling public. As sport fishing gained popularity, sportfishing organizations initiated efforts to eliminate the practice. Snagging has been unlawful for decades in Michigan and the sport angling community is still very supportive of the ban.

Economic

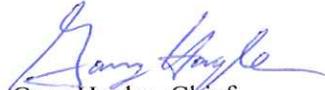
There are no anticipated significant economic gains or losses expected from the passage of this proposal. However, there could be minor economic gains attributed to replacing unlawful angling efforts with those of lawful anglers who will be able to bring their families to high profile salmon fishing areas.

Recommendation:

This order is being submitted for information and consideration. This item appears on the Department's March calendar and may be eligible for approval on April 9, 2015.



James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



Russ Mason, Ph.D., Chief
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Bill O'Neill, Chief
Forest Resources Division



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William E. Moritz, Ph.D.
Natural Resources Deputy

FISHERIES ORDER

Special Hook Size Regulations Order 202.15

Under the authority of sections 41101 through 41105 of 1994 PA 451, MCL 324.41101 through 324.41105 the Director of the Department of the Natural Resources on April 9, 2015, ordered the following:

- 1) Streams where it shall be unlawful to use other than one single-pointed un-weighted hook measuring 3/8-inch or less from point to shank:

County	Stream
Allegan	Swan Creek (from the mouth upstream to the dam at 118th Avenue)
Benzie	Platte River
Berrien	Townsend Creek (T6S, R17W, S19 and the mouth area of Lake Chapin, to a point 100 yards below the Townsend Creek mouth into Lake Chapin)
Charlevoix	Boyne River (from mouth upstream to dam in T32N, R5W, S5)
Emmet	Bear River (from mouth upstream to Lake Street Dam T34N, R5W, S6)
Mason	Sable River (from mouth upstream to Hamlin Lake Dam)
Van Buren	South Branch Black River and all tributaries upstream of Breedsville (Mill Street).

- 2) For the purpose of this section, an artificial lure is defined as a body bait, plug, spinner, or spoon. An artificial lure is not a device primarily constructed of lead. From August 1 through November 15, inclusive, terminal fishing gear is restricted to single-pointed, un-weighted hooks, measuring ½-inch or less from point to shank or treble hooks measuring ¾-inch or less from point to shank only when attached to an artificial lure on the following waters:
 - a. Benzie County: all waters of the Betsie River.
 - b. Manistee County: all waters of Bear Creek, all waters of the Betsie River, and the Manistee River from Tippy Dam downstream to Railroad Bridge below M-55 (T21N, R16W, S6).
 - c. Mason County: the Big Sable River (from mouth upstream to Hamlin Lake Dam).

This Order shall be assigned number FO-202.15, and is entitled "Special Hook Size Regulations."

This Order supersedes the Order entitled "Special Hook Size Regulations," which became effective April 1, 2013, and is assigned number FO-202.13.

This Order shall take effect immediately upon signature and shall remain in effect until amended/rescinded.

Issued on this 19 day of March, 2015.

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

John Matonich, Chairman
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh
Director