STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: September 14, 2015

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 218.16
Gear Restrictions for Fishing
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:

This Order restricts the use of certain fishing gear to protect migrating fish from unlawful snagging activities. Spring and fall fishing seasons have always been popular fishing times in Michigan as fish leave the Great Lakes in large numbers and head upstream into tributaries to spawn. This can be a tempting time for some who cannot resist trying to snag fish they encounter. Law enforcement personnel have worked with resource managers over the years to identify which combinations of fishing gear enhance a person's chances to snag fish such as: having a weight rigidly attached to a multi-pointed hook, having a weight suspended from a multi-pointed hook, using large multi-pointed hooks greater than 3/8-inch or single-point hooks greater than ½-inch or lures exceeding one ounce in weight on streams. The Department realizes that there is a fine line between trying to restrict use of certain fishing gear to aid law enforcement efforts, while allowing anglers to fish with the gear they need to catch fish lawfully. Anglers and law enforcement division officers are supportive of these restrictions, which have been in effect for decades. This Order has been reviewed by staff and is recommended for renewal without change.

Issue Pros and Cons
Renewal of the Order will result in maintaining the list of gear restrictions to protect fishery resources, which is important for the public and fishery managers. There is no con identified.

Neighboring States
Most states maintain anti-snagging regulations; however, a small number of states do offer some form of legal snagging opportunities.

Biological
This is not a biological issue.

Social
Angler and sport fishing groups asked the Department to implement anti-snagging regulations as it was deemed unethical. These regulations have been in place for years and are still highly supported today.

Economic
The Department does not expect the proposed renewal of the Order to have any significant budgetary or personnel implications.

Recommendation:

This Order is being submitted for information and consideration. This item appears on the Department's September 2015 calendar and may be eligible for approval on November 5, 2015.

James Dexter, Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

For Russ Mason, Ph.D., Chief
Wildlife Division

For Bill O'Neill, Chief
Forest Resources Division

For Ronald A. Olson, Chief
Parks and Recreation Division

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

FISHERIES ORDER

Gear Restrictions for Fishing
Order 218.16

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, it is ordered on November 5, 2015, the following section(s) of the Fisheries Order shall read as follows:

1. In all waters of the State it shall be unlawful to:

    a. Have a weight permanently and/or rigidly attached to a multi-pointed hook; or
    b. Have a weight suspended from a multi-pointed hook; or
    c. Retain any fish not hooked in the mouth; or
    d. Fail to immediately return to the water a fish not hooked in the mouth.

2. On all streams, including tributaries to the Great Lakes except for the St. Marys, St. Clair and Detroit Rivers, it shall be unlawful to use the following gear during the period August 1 – May 31:

    a. Multi-pointed hooks exceeding 3/8 inch between point and shank and/or single pointed hooks exceeding ½ inch between point and shank; or
    b. Lures exceeding one ounce in weight.

    The intent of this regulation is to allow the baited hook or the lure to suspend freely in the water, allowing the fish to take the hook or lure in its mouth.

3. In a river, stream, and drowned river mouth lake* it shall be unlawful to:

    a. Have a weight suspended below any hook unless the hook is on an un-weighted line which is at least 3 inches long.

    *Drowned river mouth lakes listed by county: **Allegan:** Kalamazoo River and Silver Lake; **Benzie:** Betsie Lake; **Manistee:** Arcadia Lake, Manistee Lake, and Portage Lake; **Mason:** Pere Marquette Lake; **Muskegon:** Duck Lake, Mona Lake, Muskegon Lake, and White Lake; **Oceana:** Pentwater Lake, Silver Lake, and Stony Lake; **Ottawa:** Macatawa Lake and Pigeon Lake.

This Order shall be assigned number FO-218.16, and is entitled "Gear Restrictions for Fishing."

This Order supersedes the Order entitled "Gear Restrictions for Fishing," effective April 1, 2011, and assigned number FO-218.11.

This Order shall take effect on April 1, 2016 and shall remain in effect until amended/rescinded.

Issued on this 5th day of November, 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