



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



GRETCHEN WHITMER
GOVERNOR

DANIEL EICHINGER
DIRECTOR

SUBMITTED: August 17, 2020
RESUBMITTED: September 14, 2020

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

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 248.21
Possession Limits for Fish

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 248 establishes possession limit regulations in Michigan. The Department of Natural Resources (department) proposes several changes for this Order including adding a definition for mutilated fish and snagging, adding a provision against the possession of mutilated fish, inserting a provision making snagging unlawful, and adding a point of clarification about the possession limit.

Several years ago, the Michigan Legislature amended Public (Act) 451 to update the Act by removing unnecessary sections. Part of those statutory amendments removed the provision against possessing mutilated fish and the express prohibition on “snagging” fish, but retained the requirement that, in order for a fish to be legally taken, the method of take must, in part, be “a means of the fish taking the bait or hook in the mouth.” MCL 324.48703(1). By removing these regulations from statute, the Legislature left the authority to establish regulations against the possession of mutilated fish and more specific regulations applicable to snagging to the Natural Resources Commission (commission). The proposed changes to FO 248 will clarify the lawful take of fish.

Therefore, the Department recommends establishing definitions of “mutilated” fish and “snagging” in this Order for the greater protection of Michigan’s fishery resources.

Fisheries Division worked with Law Enforcement Division on this issue and recommends making the following changes:

- Adding a definition for mutilated fish;
- Adding a definition for snagging fish;
- Adding a provision against the possession of mutilated fish;
- Adding a provision making snagging unlawful; and
- Adding a clarification that fish must be taken during previous fishing days in provision 1.

Issue Pros and Cons

The changes reinstate long standing regulations which were removed from statute and are necessary for the greater protection of Michigan's valued fishery resources.

Biological

These changes are not based upon biology of the resource but will benefit the resources by maintaining important protection against unlawful manners of possession and take.

Social

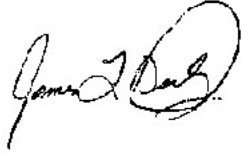
These regulations have been supported by anglers for decades. Adding the regulations to this Order will result in maintaining a high level of protection for Michigan's natural resources.

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 September 10, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's September 1, 2020 calendar and may be eligible for approval on October 8, 2020.



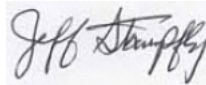
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



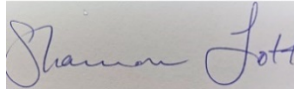
Daniel Kennedy, Acting Chief
Wildlife Division



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

POSSESSION LIMITS FOR FISH

Order 248.21

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 October 8, 2020, the following section(s) of the Fisheries Order shall read effective April 1, 2021, except as otherwise provided:

A.	Definitions as used in this order:	
	1.	“Mutilated:” means a fish that is unidentifiable or cannot be measured.
	2.	“Snag” or “snagging:” means taking or attempting to take a fish in a manner or methods where the fish does not take, or have the chance to take, the hook voluntarily in its mouth. Snagging shall include but not be limited to fishing by manipulating a hook or hooks and other tackle or lures, whether baited or not, in such a manner as to pierce or hook a fish in any part of the body, circumventing the voluntary action of the fish to take the bait or lure in the mouth.
B.	Provisions	
	1.	Department fisheries orders regulate various statewide and area-specific daily possession limits for fish. In addition to one (1) day's possession limit of fish, a person may possess an additional two (2) days possession limit of fish, taken during previous fishing days, provided that are processed by any of the following methods:
	a.	Canning in a sealed container.
	b.	Curing by smoking or drying.
	c.	Freezing in a solid state.
	A person's processed fish aboard a vessel, on the water or at dockside shall be considered to be in the person's possession for the purposes of this order.	
	The additional two days possession limit provision does not apply to lake sturgeon or muskellunge. The harvest of lake sturgeon shall be limited to the provisions as set forth in FO 240. The harvest of muskellunge shall be limited to the provisions as set forth in FO 215.	
	2.	Anglers may engage in catch-and-immediate-release (CIR) fishing after reaching the maximum allowed daily possession limit for a given species.
	3.	It shall be unlawful for a person to take or possess on any waters over which this state has jurisdiction any fish that is so mutilated that the identification or measurement of that fish is impossible.
	4.	It shall be unlawful to snag a fish, attempt to snag a fish, or possess a fish that was snagged.

This order shall be assigned number FO 248.21, and is entitled "Possession Limits for Fish."

This order supersedes the Order entitled "Possession Limits for Fish," effective April 1, 2016, and assigned number FO 248.16.

This order shall take effect on April 1, 2021 and shall remain in effect until amended/rescinded.

Issued on this 8th day of October, 2020.

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

Carol Moncrieff Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director