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GREAT LAKES FISHING ORDERS

House Bill 5670 as enrolled
Public Act 202 of 2000
Second Analysis (7-18-00)

Sponsor: Rep. Mary Ann Middaugh
**House Committee: Conservation and
Outdoor Recreation**
**Senate Committee: Natural Resources and
Environmental Affairs**

THE APPARENT PROBLEM:

Some people who fish for salmon and trout on the Great Lakes would prefer a three rod limit to the current two rod or two line limit in the fishing laws. They say other Great Lakes states permit three rods or lines, and that there is no shortage of fish in the lakes. Legislation has been proposed that would allow the Department of Natural Resources more flexibility in determining the number of rods, lines, and hooks people can use when fishing. Currently, the department can adopt fishing rules, but only for new species. Besides, the rules process is cumbersome and time consuming. What is proposed is for the department to issue orders (rather than rules) regarding the number of rods, lines, and hooks in Great Lakes fishing, based on its evaluation of current circumstances.

THE CONTENT OF THE BILL:

The bill would amend the Natural Resources and Environmental Protection Act (NREPA) to allow the Department of Natural Resources to adopt fishing orders prescribing the number of rods, lines, and hooks that could be used for the harvest of salmon and trout on the Great Lakes and their connecting water, "notwithstanding Section 48703" (See below). The salmon and trout would include coho salmon, chinook salmon, pink salmon, Atlantic salmon, lake trout, brook trout, brown trout, rainbow trout, and splake (a cross between brook trout and lake trout).

The department would have the authority to decrease the number of rods per angler, but could not reduce the number of rods per angler to less than two.

Section 48703 of NREPA addresses the "lawfulness of devices" used to take, catch, or kill fish. Among other things, the section says, "A person shall not use more than 2 single lines or 2 single rods and lines, or a single

line and a single rod and line, and shall not attach more than 4 hooks on all lines."

The bill also would replace a current provision that allows the department to adopt fishing "rules and regulations" for the harvest of new species of game fish with a provision that would allow the department to adopt fishing orders for the harvest of coho salmon and chinook salmon on the Great Lakes and their connecting waters.

The bill says that an adoption of an order would be subject to the notice and other procedural requirements of Section 41103. That section deals with orders protecting fish, game, fur-bearing animals or game birds. It requires that the public be notified of orders either in the annual hunting, fishing, and trapping guides available through licensed agents of the department or department field offices or through newspaper publication. In the second case, orders must be published at least 21 days but not more than 60 days prior to taking effect, and at least once annually while in force, in at least one newspaper in each county. The first newspaper publication must appear at least once each week for three successive weeks.

FISCAL IMPLICATIONS:

There is no information at present.

ARGUMENTS:

For:

The bill simply gives the Department of Natural Resources the flexibility to determine how many rods, lines, and hooks people can use when fishing for salmon and trout in the Great Lakes. Currently, the limit is in statute. As an alternative to this rigid

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approach, the bill would allow the department to evaluate existing circumstances and use its expertise in resource management. The department would be able to issue orders much as it can now to protect fish, game, and birds.

Response:

Representatives of the Michigan United Conservation Clubs see the bill as a temporary measure and would prefer the eventual adoption of an Aquatic Species Conservation Act. MUCC literature says that there are currently 22 separate pieces of legislation governing aquatic species, including regulations on sport and commercial fishing, such as rod limitations, trout stream designations, and commercial fishing fees. The MUCC would like to see these acts codified into a comprehensive act similar to the Wildlife Conservation Act in order to allow the DNR to manage and regulate resources using sound scientific management practices.

Analyst: C. Couch

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.