



**House  
Legislative  
Analysis  
Section**

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**INCREASE MILES OF BAIT-  
RESTRICTED TROUT STREAMS**

**House Bill 5556 (Substitute H-5 with  
House floor amendments)  
First Analysis (2-27-02)**

**Sponsor: Rep. Jason Allen  
Committee: Conservation and Outdoor  
Recreation**

***THE APPARENT PROBLEM:***

Literature distributed by the Department of Natural Resources (DNR) proclaims that Michigan is blessed with an abundance of cold, quality trout waters offering more than 38,000 miles of classified trout streams, 868 miles of which are considered top-quality, or Blue Ribbon Trout Streams (BRTS). The literature describes the required criteria for a BRTS: it must be one of the state's best trout streams; be able to support excellent stocks of wild resident trout; have the physical characteristics that permit fly casting, but be shallow enough for wading; produce diverse insect life and good fly hatches, have earned a reputation for providing an excellent or quality trout fishing experience; and have excellent water quality. The DNR describes its management of these streams as being directed toward "accommodating the needs of trout anglers, maintaining strong stocks of wild resident trout, maintaining and enhancing trout habitat and the natural stream environment, providing adequate public access and public frontage, and preparing appropriate informational materials. . . ." ("Michigan's Blue Ribbon Trout Streams," published by the DNR's Fisheries Division). (See *Background Information* for additional details).

A few of Michigan's trout streams -- those in which trout or salmon are the predominant population -- have been designated by the DNR as streams in which only lures or baits that have been approved by the department may be used in fishing, and in which the department has prescribed the size and number of fish that may be taken. Part 487 of the Natural Resources and Environmental Protection Act (NREPA) specifies that up to 100 miles of the state's trout streams may be designated in this manner. Such streams are selected based on evidence that the temperature and habitat of the stream are capable of supporting trout, and that trout are currently present in the stream year-round. In addition, water quality standards and enforcement of these standards are higher for these streams than those established for other streams. Of the 100 miles of designated trout

streams, a little less than 17 miles, comprised of segments of the Au Sable, Pere Marquette, and Manistee rivers, are catch and release only waters to protect certain species. According to the DNR, enough evidence exists to increase the miles of streams that can be designated as gear-restricted or quality trout waters. Legislation has been introduced to accomplish this.

***THE CONTENT OF THE BILL:***

Part 487 (MCL 324.48701) of the Natural Resources and Environmental Protection Act (NREPA), which regulates sport fishing, defines a "trout stream" to mean any stream that contains a significant population of any species of trout or salmon, as determined by the Department of Natural Resources (DNR). Part 487 also specifies that up to 100 miles of trout streams may be designated by the DNR as streams in which only lures or baits that have been approved by the department may be used in fishing, and in which the department prescribed the size and number of fish that may be taken. House Bill 5556 would amend the act to allow the department to designate up to 212 miles of such streams. In addition, the bill would require that any trout stream in a county that included a city with a population of 750,000 or more would be designated as described in this section of the law.

The Department of Natural Resources would have to issue an order adopting criteria for determining which other trout streams should be included under these provisions. However, the department would first have to submit the order to the Natural Resources Commission (NRC) for public review, and the department would have to take any ordinance provided by the NRC into consideration before issuing the order.

House Bills 5556 and 5431 are tie-barred to each other. House Bill 5431 would amend Part 435 of the

House Bill 5556 (2-27-02)

NREPA to allow children under 12 years of age to fish, using any type of bait, and to catch one fish, regardless of current restrictions on bait and on catch.

### **BACKGROUND INFORMATION:**

According to Trout Unlimited, fish of the family *Salmonidae* include North American fish known as trout, salmon, char, steelhead, grayling, or whitefish. This family of fish is known to inhabit cold water ecosystems and to have a low tolerance for habitat degradation.

Trout and salmon species are often viewed as indicators of overall environmental health. Where trout or salmon are present, that generally indicates a healthy ecosystem and, in turn, the presence of other healthy populations of wildlife. Where trout and salmon have disappeared, that generally indicates a damaged ecosystem, and other wildlife that once shared it are likely suffering too. In this way, trout and salmon set the standard for the overall health of an ecosystem—a standard that benefits all living things that share it, including humans.

Additionally, trout and salmon represent a critical cog in the wheel of any food chain in which they live. Consider, for example, the life cycle of a chinook salmon. Born in freshwater streams, usually the tributary of a large river like the Snake or Columbia in the Pacific Northwest, they emerge from the gravel as tiny fingerlings. They are born in huge numbers and immediately provide food for predators, such as other fish and aquatic birds.

Within about a year, the young salmon begin their migration seaward, feeding aquatic predators and birds for a journey that can be hundreds of miles in length through a wide array of habitats. Those that reach the ocean remain there and grow to adulthood, supporting oceanic food chains—and that of humans—during the length of their journey, which over the course of a few years can take them all the way to the Gulf of Alaska and back.

The chinook then return to fresh water, where again they feed larger predators, including humans. The adult chinook that successfully reach their natal streams to spawn die soon thereafter. Even after death, they are a food source for bald eagles, deer, bear, and other wildlife and their carcasses contribute rich nutrients to the water and the nearby trees and plants. Indeed, without the salmon, many ecosystems and the wildlife that live there would suffer; some would not exist at all. (Information from “Trout 101” published by Trout Unlimited, [www.tu.org](http://www.tu.org).)

### **FISCAL IMPLICATIONS:**

According to the House Fiscal Agency (HFA) the bill would have no fiscal impact on the state. (2-27-02)

### **ARGUMENTS:**

#### **For:**

Currently, 100 miles of Michigan’s trout streams are designated as gear-restricted, or quality trout streams. This means that the Department of Natural Resources (DNR) has designated them as having special gear restrictions: anglers may only fish with artificial bait; some streams have areas where catch and release only rules apply; and fishing by children under 12 years of age is prohibited. (However, since fishing in these areas requires wading or “floating,” few children under 12 attempt this type of fishing). The DNR has worked with constituent organizations, including several conservation groups, to select additional streams to add to the list of trout streams where special management standards apply. Many maintain that having more of Michigan’s trout streams “managed” in this way by the department will promote more tourism opportunities in surrounding areas, and, consequently be beneficial for the state as a whole.

#### **For:**

The bill would help conservation groups which have been working to restore local streams or rivers, and which want the opportunity to protect their waters. One such group – the Johnson Creek Protection Group – has worked on cleaning up Johnson Creek in Wayne County. The creek is the only cold water stream that feeds the Rouge River watershed, is home to several endangered species, has an indigenous brown trout population, and is the only stream of this type that is within a 30-minute drive of an urban area. In testimony before the House committee, members of the group said that parts of the creek are up for sale, and the group worries that, when sold, the stream will be ruined by development unless buffer zones are required on both banks and an erosion policy is required. The group also wants to have the creek included among those streams that are designated as gear restricted, with a catch and release policy for trout.

### **POSITIONS:**

No positions were available on the bill in its current form.

Analyst: R. Young

■ 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.