

# Legislative Analysis



## MODIFYING ICE SHANTY REGULATIONS

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**House Bill 4787 (substitute H-2 as reported from committee)**

**Sponsor: Rep. Curtis S. VanderWall**

**Committee: Natural Resources**

**Complete to 11-7-17**

Analysis available at

<http://www.legislature.mi.gov>

*(Enacted as Public Act 25 of 2018)*

**BRIEF SUMMARY:** House Bill 4787 would amend the Natural Resources and Environmental Protection Act (NREPA) to expand the options for the identifying information that an owner of a fishing shanty must affix to the structure, and to give the Department of Natural Resources (DNR) discretion to decide when a fishing shanty must be removed from the ice.

**FISCAL IMPACT:** The bill would have no fiscal impact on the Department of Natural Resources or on other state or local units of government.

### **THE APPARENT PROBLEM:**

Under NREPA, a fishing shanty is a fishing house or any other structure or shelter placed on the ice on the waters over which this state has jurisdiction. Current law requires that all fishing shanties include the name and address of the owner for identification purposes. Although identification of a shanty is important for regulating fishing and shanty removals, displaying a personal address for the public to see does not ensure privacy or security for the owner. The bill would allow an owner to choose from among three kinds of identification to display on the shanty.

Ice fishing shanties are currently required to be removed from the ice before specific dates each year. These dates remain firm, even if the winter runs long. If a winter did last longer, more safe fishing could occur after the set dates. To facilitate longer ice fishing seasons, the bill would allow the DNR to determine the dates of shanty removal based on specific weather conditions each year, instead of relying on set dates.

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

#### **Identifying Information**

Part 465 of NREPA regulates fishing shanties. Section 46502 currently requires an owner to visibly affix his or her name and address, in waterproof legible letters not less than 2 inches in height, to the shanty for identifying purposes. The bill would expand the identifying information from which an owner of a fishing shanty can choose to include any one of the following:

- The owner's name and address.
- The owner's driver license number.
- The number of the owner's sportcard issued under Section 43522.

This identification requirement would not apply to a tent or other temporary shelter, as long as the tent or temporary shelter is removed from the ice at the end of each day.

### **DNR Jurisdiction over Fishing Shanty Removal**

Currently, Sections 46503 through 46507 require that fishing shanties be removed from the ice before ice conditions are unsafe for their removal, but no later than certain dates for various parts of the state, as follows:

- In any county in the Upper Peninsula (UP), or waters of the Great Lakes adjacent to the UP, by 12 midnight, March 31.
- In any county in the Northern Lower Peninsula including and North of the following counties: Oceana, Newaygo, Mecosta, Isabella, Midland, Bay, or waters of the Great Lakes adjacent to any of those counties, by 12 midnight, March 15.
- In any county not listed above, and adjacent waters of the Great Lakes, by 12 midnight, March 1.
- On Lake St. Clair, by sundown on the first Sunday after February 20.

The bill would repeal the individual deadlines and allow the DNR to set the date by which fishing shanties must be removed on any water within the jurisdiction of the state.

MCL 324.46502 et al.

### ***ARGUMENTS:***

#### ***For:***

Supporters of the bill argue that current identification requirements for fishing shanties force fishers to choose between the sport of ice fishing and privacy. Identification of a shanty is paramount for the DNR and local authorities to regulate fishing and shanty removals, but the current requirements force a fisher to sacrifice privacy. Additionally, trying to identify an owner through an address could be problematic, especially if the owner moves often. Finally, traps and tree stands already have additional identification options.

#### ***Against:***

No opposing arguments were presented in committee regarding the fishing shanty identification or removal requirements under the bill.

### ***POSITIONS:***

The Department of Natural Resources indicated support for the bill. (10-11-17 and 11-1-17)

The Michigan Steelhead and Salmon Fisherman's Association indicated support for the bill. (10-11-17)

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