

SPORT FISHING REGULATIONS

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House Bill 5866 (reported from committee as H-1)

Sponsor: Rep. Joseph N. Bellino, Jr.

Committee: Natural Resources

Complete to 9-5-18

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 5866 would amend Part 487 (Sport Fishing) of the Natural Resources and Environmental Protection Act (NREPA) to revise, remove, or repeal various provisions concerning fishing in Michigan.

FISCAL IMPACT: House Bill 5866 may result in decreased revenue for the Department of Natural Resources (DNR). The bill strikes a provision that requires a nonresident fishing license as provided under the commercial fishing laws of the state under certain conditions. The extent of this potential revenue loss is uncertain, as the number of nonresident anglers who would otherwise be subject to this provision is unclear. The bill is unlikely to affect departmental costs or have a fiscal impact on local units of government.

THE APPARENT PROBLEM:

Currently, the sale of fish harvested under a sporting fishing license is prohibited; however, a person may sell nongame fish, but only under strict conditions. Because these nongame fish generally consist of bottom feeders (fish that eat what they can find at the bottom of the lake bed or river bed) and generally are destructive to Michigan waters, supporters of the bill believe that the strict barriers should be removed. Additionally, many fishing tournaments take place around the state every year, contributing revenue for the state. A participant may catch more nongame fish than they can use, so an added avenue to allow these participants to donate unused, nongame fish would promote conservation and help a person or organization in need. A bill has been proposed to address these concerns, as well as to make general revisions to the sport fishing provisions of NREPA.

THE CONTENT OF THE BILL:

General revisions

Throughout the bill, “department” (DNR) would be replaced with “commission” (NRC) to reflect the NRC’s authority under current law to regulate the taking of fish in the waters of Michigan.¹

The bill would also change “person” to “individual” in several provisions involving fishing. Under NREPA, *person* means an individual, partnership, corporation, association, governmental entity, or other legal entity. The provisions in question apply to individuals and not to private or public organizations; the change in terminology would make this clear.

¹ See the HFA summary for SB 288 of 2013, enacted as Public Act 21 of 2013:
<http://www.legislature.mi.gov/documents/2013-2014/billanalysis/House/pdf/2013-HLA-0288-5519C5CD.pdf>

Provisions regarding nongame fish

Currently, the DNR may issue permits for the removal of dogfish, carp, garfish, sheepshead, and other noxious fish from all Michigan waters and sell or authorize the sale of those fish for the purpose of paying the expense of the removal. The DNR must be present at the time and place of the taking and the fish, with a representative of the DNR personally superintending. Additionally, a nonresident who operates under such a permit must pay the license fee as provided for nonresidents under the Michigan commercial fishing laws, in addition to the percentage paid to the state.

The bill would change the description of the fish to which this permit applies to include all fish that are not game fish and would remove the requirement that the DNR be present during the taking of the fish. The bill also would remove the provision requiring a nonresident operating under this permit to pay the nonresident license fee under Michigan commercial fishing laws as well as the percentage to the state.

The bill would further allow the DNR to issue a permit to a person that has registered a fishing tournament under NRC orders to allow fish, except for game fish, that are taken under a sport fishing license during the registered tournament to be donated to a person. Fish so donated would not be subject to Section 48723 of NREPA, which prohibits the sale, transportation, or possession of certain fish without a sport or commercial fishing license, and the person accepting the donated fish could process, utilize, and sell any fish product resulting from the donation.

Finally, the bill would require the person taking the fish or accepting the donated fish to retain a copy of the permit with the fish for transport and final disposition. The DNR could incorporate regulations and restrictions in any of the permits described above, including those regarding an authorized method of taking the fish. A person taking fish under the permits described above would have to conform to the permit's regulations and restrictions and any reporting standards established by the DNR.

Removed provisions

Currently, in the Great Lakes or recognized smelt waters, any number of hooks may be attached to a single line for the taking of smelt, alewife, or other bait fish. The bill would remove this provision, which would allow the NRC to determine how many hooks per single line could be used for taking bait fish.

The bill would remove a provision that currently allows a person to have in his or her possession an artificial light of any kind for taking white bass.

The bill also would remove a provision specifying that an individual operating a private fish pond may take fish from his or her own pond for the purpose of propagation, scientific investigation, or sale under Part 459 (Propagation of Game Fish in Private Waters) without obtaining a fish culture or scientific investigation permit from the DNR.

Repealed provisions

Finally, the bill would repeal the following sections in Part 487 of NREPA:

- Section 48704: allowing gill net use for the taking of cisco.
- Section 48708: regulations regarding smelt nets, including licensing fees.

- Section 48714: prohibition of nonresident acting as a commercial fishing guide in Michigan.
- Sections 48715 through 48720, 48725, and 48733: fishing seasons and the taking of certain fish species, including the allowable means to take those species.
- Section 48727: prohibition of the snagging of fish and provision for DNR responsibility for managing fisheries on the Pere Marquette River at or above the site of the lamprey blocking weir. (The weir no longer exists.)

MCL 324.48703 et al.

ARGUMENTS:

For:

Supporters of the bill argue that there should be fewer restrictions on selling and donating nongame fish. Because nongame fish can be destructive to Michigan waters, fewer barriers should be imposed for those looking to harvest and sell them. Supporters also note that allowing donations of nongame fish harvested during tournaments would both promote conservation and help a person or organization in need.

Against:

No testimony was presented in opposition to the bill.

POSITIONS:

Representatives of the following organizations testified in support of the bill (5-23-18):

- Michigan United Conservation Clubs
- Bowfishing Association of Michigan

The following entities indicated support for the bill (5-23-18):

- Department of Natural Resources
- Department of Environmental Quality

Legislative Analyst: Emily S. Smith
Fiscal Analyst: Austin Scott

■ 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.