

Act No. 34
Public Acts of 2022
Approved by the Governor
March 15, 2022
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March 15, 2022
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**STATE OF MICHIGAN
101ST LEGISLATURE
REGULAR SESSION OF 2022**

Introduced by Senators McBroom, Bumstead, Daley, Lauwers, Stamas and VanderWall

ENROLLED SENATE BILL No. 251

AN ACT to amend 1994 PA 451, entitled “An act to protect the environment and natural resources of the state; to codify, revise, consolidate, and classify laws relating to the environment and natural resources of the state; to regulate the discharge of certain substances into the environment; to regulate the use of certain lands, waters, and other natural resources of the state; to protect the people’s right to hunt and fish; to prescribe the powers and duties of certain state and local agencies and officials; to provide for certain charges, fees, assessments, and donations; to provide certain appropriations; to prescribe penalties and provide remedies; and to repeal acts and parts of acts,” by amending sections 47309, 47311, and 47315 (MCL 324.47309, 324.47311, and 324.47315), as added by 1995 PA 57.

The People of the State of Michigan enact:

Sec. 47309. A person shall not possess on any boat licensed under this part or use in the waters of Lakes Michigan, Superior, Huron, and Erie, and the bays of those lakes, within the jurisdiction of this state, any pound or trap net, gill net, seine, or any fixed, set, or movable net of any kind or description, the meshes of which are different than the following:

(a) Gill nets with meshes of not less than 4-1/2 inches shall be used for the taking of whitefish, lake trout, and yellow pickerel. In Lake Erie, the nets shall have meshes not less than 4-3/4 inches. The nets shall be set not nearer than 20 rods from the shore of the mainland fronting Lake Superior and its bays. The nets shall be set not nearer than 20 rods from the shore of the mainland fronting Lake Michigan southerly from Seven Mile Point, Emmet County, during the months of March, April, and May. There shall be no nets, except gill nets, of any kind with mesh larger than 2-3/4 inches set in the waters of Lake Superior within a radius of 50 miles of the village of Houghton, Michigan, during the period between October 10 and November 4, except by permit from the department for the taking of spawn from trout for the fish hatcheries.

(b) Gill nets with meshes of not less than 2-1/2 inches or more than 2-3/4 inches may be set in water of any depth, and gill nets with meshes of not less than 2-1/2 inches or more than 3 inches may be set in waters not exceeding 100 feet in depth, for the purpose of taking herring, chubs, perch, and pilot fish, commonly called menominees, wherever and whenever they will not take to exceed 10% by weight of other fish, such percentage to be determined by the department, by inspection of the fish taken in the nets. All uninjured fish, except herring, chubs, perch, and pilot fish, shall be returned to the waters from which they were taken with as little injury as possible, by the persons lifting the nets; all sound, undersized, and dead fish found in the nets are the property of the state, and shall not be sold or disposed of, but shall be dressed and brought in and delivered immediately to the department at the fishing port of the person taking the fish. The sound, undersized, and dead fish shall be then disposed of by the department. If more than 10% of fish other than herring, chubs, perch, and pilot fish are taken, then all of the other fish shall be disposed of by the department. An angler may have in his or her possession, not to exceed in quantity the percentage allowed of lake trout, whitefish, yellow pickerel, perch, or suckers, of a weight or length less than established by this part, which are caught in 2-1/2 inch to 2-3/4 inch or 2-1/2 inch to 3 inch mesh gill nets, as provided for in this subsection, but the same may be shipped and disposed of only under the direction of the department. All undersized fish taken over under this section shall be disposed of by the department to state, county, or charitable institutions. Parties handling the fish shall be paid not more than 3 cents per pound for boxing, packing, and icing the fish. The department shall remove or cause to be removed any of the nets if, from the inspection provided in this section, the department determines that the nets are taking more fish of species other than herring, chubs, perch, and pilot fish than allowed by this section.

(c) Gill nets with meshes of not less than 2-1/4 inches or more than 2-3/4 inches may be used to take blue back herring in the waters of Lake Superior and Whitefish Bay, and those waters of the Straits of Mackinac bounded on the Lake Huron end by a line drawn from the southernmost tip of St. Martin Point, Mackinac County, to the westernmost tip of Lime Kiln Point on Bois Blanc Island, thence in a southerly direction to the northernmost tip of Point Au Sable in T 38 N, R 2 W, Cheboygan County, and bounded on the Lake Michigan end by a line drawn from the southernmost tip of Seul Choix Point in Schoolcraft County in an easterly direction to the Lansing Shoal Lighthouse, thence to the White Shoal Lighthouse, thence in a southeasterly direction to the westernmost tip of Waugoshance Point in Emmet County, and Green Bay of Lake Michigan, as defined in section 47311, wherever they will not interfere with or take whitefish or lake trout or any other fish protected under the laws of this state.

(d) The department may issue permits to allow the use of gill nets having meshes not less than 1-1/2 inches or more than 1-3/4 inches for taking smelt and alewife for commercial purposes under rules and regulations as the department prescribes.

(e) Gill nets with meshes of not less than 1-1/4 inches or more than 1-3/4 inches may be used to secure bait for use in baiting hook lines, if the nets will not take undersized fish.

(f) Pound nets having meshes not less than 4-1/2 inches in the lifting pot, crib, or pocket and in the heart and tunnel, and having meshes not less than 5 inches in the lead, shall be used for taking whitefish and lake trout. In the pound nets, meshes not more than 3-1/2 inches may be used in 1 side of the pot or in the back, being that part of the pot opposite the tunnel entrance. In fishing with the pound nets, or any other pound nets permitted by this part, the crib or pot and hearts and lead shall extend to or above the surface of the water; the crib or pot and hearts shall be entirely open at the top, the sides or walls of the pot or crib and of the hearts shall be held vertically as near as possible and shall have 5 or more stakes driven into the earth at the bottom of the lake to hold the net in place. A pound net permitted under this part or any part of the webbing of the net shall not be set in water of a depth greater than 80 feet. Pound nets fished through the ice may be held in place by fastening them to the ice without the use of stakes.

(g) Pound nets having meshes not exceeding 3-1/2 inches in the lifting pot or crib and in the tunnel inside the pot or crib, and having meshes not less than 3-1/2 inches in that part of the tunnel outside of the pot or crib and in the heart and lead, may be used for taking all legal fish except whitefish and lake trout. Saginaw Bay shall be considered rough fish grounds, and other similar bays may be designated by the department as rough fish grounds if the catch of whitefish and lake trout taken in pound nets and trap nets during the last 2 preceding years averaged less than 12% of the total catch, on which grounds all legal fish caught in pound nets and trap nets having meshes not exceeding 3-1/2 inches in the lifting pot or crib may be taken and all lake trout and whitefish taken in such nets set in all other waters shall be returned uninjured to the waters. The department may issue permits to allow the use of pound nets having meshes less than 3-1/2 inches in that part of the tunnel outside of the pot or crib and in the heart and lead for the taking of smelt and alewife for commercial purposes, under rules and regulations as the department may prescribe, which may include the waters in which the nets may be fished and the period of time during which they may be used.

(h) Trap nets having meshes not less than 4-1/2 inches in the lifting pot, crib, or pocket and in the heart and tunnel and having meshes not less than 5 inches in the lead shall be used for taking whitefish and lake trout. In such trap nets, meshes not more than 3-1/2 inches may be used in the tunnel inside the pot, in either the front, back, or 1 side of the pot for a distance not exceeding 5 feet from the bottom of the net and in that portion of the bottom of the net connected thereto for a distance not exceeding 5 feet, and in the connecting ends for a depth and width not exceeding 5 feet, for the purpose of shoaling fish. These trap nets shall not be used in any of the waters under the jurisdiction of this state except in Lakes Huron and Erie and then only in such a manner that no trap net or any part of the webbing of the net is set in water of a depth greater than 150 feet. Trap nets having meshes as described in this subsection and with no part of the lifting pot or crib over 15 feet in depth may be used to take whitefish and lake trout in Lakes Superior and Michigan in water of a depth not greater than 150 feet.

(i) Trap nets having meshes not exceeding 3-1/2 inches in the lifting pot or crib and in the tunnel inside the pot or crib and having meshes not less than 3-1/2 inches in that part of the tunnel outside of the pot or crib and in the heart and lead may be used for taking all legal fish except whitefish and lake trout. The depth of no part of the lifting pot or crib shall be greater than 15 feet. No such trap nets and no part of the webbing of the net shall be set in water of a depth greater than 50 feet in Lakes Michigan and Superior, or in water of a depth greater than 150 feet in Lakes Huron and Erie. The department may issue permits to allow the use of trap nets having meshes less than 3-1/2 inches in that part of the tunnel outside the pot or crib and in the heart and lead for the taking of smelt and alewife for commercial purposes, under rules and regulations as the department may prescribe, which may include the waters in which such nets may be fished and the period of time during which they may be used. Trap nets having a lifting pot or crib not exceeding 4 feet in depth may have webbing less than 3-1/2 inches in the 2 sides of inner heart.

(j) Any pound net or trap net with meshes in the lifting pot or crib between 3-1/2 and 4-1/2 inches, or any lifting pot or crib of such nets with meshes between 3-1/2 and 4-1/2 inches, is illegal and shall be seized and confiscated when found in use. Hoop nets, fyke nets, drop nets, and gobbler nets are considered under this part to be trap nets.

(k) Seines having wings with meshes of not less than 4 inches, and the pocket or bag, the bag of which shall be not more than 1/4 the length of the seine, having meshes of not less than 2-1/4 inches, may be used to take carp, yellow pickerel, perch, herring, and other rough fish if they do not interfere with or take whitefish or lake trout. All seines in use or set along the shores of the waters listed in section 47301, when unattended, shall have a metal tag securely attached to the seine bearing the commercial fishing license number of the owner or user of the seine. Minnow seines not to exceed 80 feet in length and 8 feet in width may be used in the Great Lakes and connecting waters.

(l) The measurement of the mesh of all nets and seines as prescribed in this section shall be by extension measure. The size of the mesh of all nets or netting used in fishing as provided by this part shall be determined by extension measure, and the measurement shall be made of meshes irrespective of where the net or netting is found, whether in the water, on boat, on reel, on dock, or in any other place on land. Extension measure means the distance between the extreme angles of any single mesh, and the measurements shall be taken between and inside the knots. All measurements of the mesh in gill nets or gill netting shall be made with a flexible steel gauge constructed and used as prescribed in this section. All measurements of the mesh of gill nets or gill netting shall be made by inserting in the mesh parallel with the selvage a gauge made of spring steel free from rust, of a length equal to the number of inches prescribed in this section for the mesh measured. The ends of the gauge shall be free of sharp edges or burrs. The gauge shall not be graduated, and any necessary markings shall be placed near the ends of the gauge. The length of the gauge measured parallel with the long edge shall not at any point exceed or be less than the prescribed length by more than 2/1000 of an inch. Its width at any point shall not exceed 9/16 of an inch or be less than 7/16 of an inch. Its thickness shall be such that when it is set vertically on a solid anvil with its upper end loaded with a dead weight between 7-1/2 and 8-1/2 ounces, the gauge shall deflect at its middle 1/10 of its length. The meshes to be gauged shall be at least 3 meshes removed from the selvage or side lines and shall not be stretched or manipulated in any way prior to or after the insertion of the gauge, and the same mesh shall not be gauged more than once. In gauging a mesh, the flexible gauge shall be held only by the ends and bent between thumb and forefinger, the bent rule shall then be inserted in the mesh parallel with the selvage and with the collapsed mesh, and finger pressure shall be released immediately, not gradually. If the gauge does not straighten out completely under its own tension within 2 seconds after its release in the mesh without slipping a knot or breaking the twine, the mesh is unlawful, and if the majority of 10 or more meshes selected at random by the enforcement officer from any part or parts of the gill net or from the entire gill net or from any gill netting being gauged are found to be unlawful, the gill net or gill netting if found in use or in or upon any licensed commercial fishing boat shall be seized and confiscated. If found in possession but not in use, any such gill net or gill netting shall be sealed by the enforcement officer with a suitable seal provided by the department and, when once sealed and for so long as the seal remains intact on the net or netting, may be possessed by the owner until

disposed of or destroyed by the owner as provided in this section. The gill net or gill netting shall not be disposed of or destroyed except under direction of a conservation officer and, until that time, shall be available for inspection by the department or any conservation officer. Any person who, without authority from the department, breaks or destroys a seal attached to a gill net or gill netting, or any person who refuses or neglects to produce for inspection any sealed gill net or gill netting, or who disposes of or destroys a sealed gill net or gill netting except under the direction of a conservation officer, is guilty of a misdemeanor and upon conviction is subject to the penalty provided for in section 47327. A person shall not use any gill net of a greater measurement than 11 feet in depth in any of the waters of the Great Lakes and the bays of the Great Lakes. In Lake Erie, a gill net shall not be over 36 meshes deep.

(m) Gill nets having meshes not less than 8 inches may be used for taking carp in Wildfowl Bay in Huron County.

Sec. 47311. (1) A person shall not take from any of the waters listed in section 47301 any of the following:

(a) Lake trout, in Lake Huron and Lake Michigan from October 1 to December 10; in Lake Superior from October 5 to November 4.

(b) Whitefish, in Lake Huron, Lake Michigan, and Lake Superior from November 1 to November 30.

(c) Pike-perch (yellow pickerel), northern pike, from April 1 to May 20. In Saginaw Bay, as defined in section 47339, a person shall not take pike-perch from March 5 to April 10. A person may spear pike-perch through the ice during the closed season in Lake Huron and the connecting waters of the Great Lakes for noncommercial use only.

(d) Perch, from April 15 to May 20. In the waters of Lake Michigan only, a person may take perch from April 25 to June 1. In Saginaw Bay, perch of legal size may be taken at any time. A person may take perch with hook and line at any time.

(e) White bass, in Lake Michigan at any time of the year. A person may take white bass with hook and line at any time.

(f) Suckers, from April 15 to May 20. In Saginaw Bay, suckers may be taken at any time. A person may take suckers with hook and line at any time.

(g) Black crappie, also known as calico bass, in Lake Huron from June 1 to August 25. In Lake Erie, Lake Michigan, and Lake Superior, black crappie may not be taken at any time.

(2) In the waters of Green Bay of Lake Michigan within the jurisdiction of this state, which for the purpose of this part are those waters lying inside a line drawn from the most southerly part of Point Detour to the most easterly points of Sumner and Poverty Islands, thence due south to the Michigan-Wisconsin boundary line, thence along the boundary line to the shore, a person shall not from April 15 to May 20 set, place, or use any gill net having meshes less than 4-1/2 inches. The department may issue permits under such rules and regulations as prescribed by the department to allow the use of gill nets having meshes not less than 2-1/4 inches or more than 2-3/4 inches for taking herring from the waters of Green Bay from April 15 to May 20, if the nets will not interfere with or take any other species of fish. The closed seasons established by this section do not apply to Lake Erie and the lower Detroit River, where nets shall not be set and fish of any kind shall not be taken with nets from January 1 to March 10. A person may take carp with seines at any time from these waters.

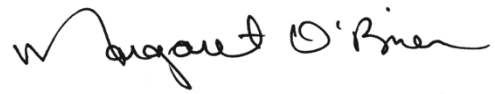
(3) In every case, the season shall open and close at 12 noon on the dates named in this section.

(4) All live fish on which the season is closed shall be liberated and returned to the water with as little injury as possible, and any sound, dead fish, on which the season is closed, shall be dressed, brought ashore, and delivered immediately to the department at the department's fishing port, which fish shall be disposed of in the same manner as provided for the disposition of undersized fish in section 47309.

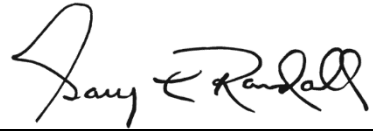
(5) A person shall not set nets or hooks for the taking of lake trout or whitefish before the first day of the open season for taking the fish, and the license of any person shall be immediately revoked upon conviction of unlawfully setting nets before the first day of the open season as provided in this part, and revocation shall prohibit the use of boat and gear by that person during the balance of the year for which a license was issued. A person engaged in the taking of fish for commercial purposes from May 15 to September 15 under this part shall carry sufficient ice and properly chill the fish at the time and place of their removal from the waters.

Sec. 47315. The department, or a designee of the department acting in compliance with a permit issued by the department, may take fish in any manner, in any of the waters mentioned in this part, at any and all seasons of the year, for the purpose of fish culture or scientific investigation; may have and hold ripe and unripe fish in order to take spawn from the fish; may sell all of those ripe and unripe fish; and may devote the proceeds of the sales exclusively toward defraying the expenses incurred in taking the fish and fertilizing and planting the spawn from the fish.

This act is ordered to take immediate effect.



Secretary of the Senate



Clerk of the House of Representatives

Approved _____

Governor