

DEPARTMENT OF NATURAL RESOURCES

FISHERIES DIVISION

COMMERCIAL FISHING

(By authority of Act No. 218 of the Public Acts of 1955, as amended, and Act No. 88 of the Public Acts of 1943, as amended, being S308.201 et seq. and S24.71 et seq. of the Michigan Compiled Laws)

R 299.721 Permits for use of gill nets with meshes less than 2 ½ inches extension measure.

Rule 1. Permits may be issued to commercial fishermen licensed under the provisions of Act No. 84 of the Public Acts of 1929, as amended, being S308.1 et seq. of the Michigan Compiled Laws, to use gill nets with meshes less than 2 1/2 inches extension measure for taking chubs, herring, alewife, smelt, and such other species the director may designate.

History: 1979 AC.

R 299.722 Regulation of use of small mesh gill nets.

Rule 2. The director of conservation, subject to prior approval of the conservation commission, may regulate the use of such nets, including, but not limited to, the size of mesh therein, the areas, depths of water, and time and manner in which they may be used.

History: 1979 AC.

R 299.723 Amendment, supervision, revocation, and expiration of permits.

Rule 3. Such permit may be amended or suspended so as to restrict or prohibit the use of such gill nets in waters where species of fish, other than those authorized to be taken, are caught or killed, and may revoke the permit of any fisherman who fails to abide by the terms and conditions of the permit. All such permits shall expire on December 31 following date of issue unless sooner revoked.

History: 1979 AC.

R 299.724 Notice to permittees.

Rule 4. No such permit shall be amended, suspended, or revoked by action of the director of conservation unless 5 days' prior notice in writing shall have been given to the permittee.

History: 1979 AC.

USE OF NETS IN L'ANSE BAY FOR TAKING SMELT AND ALEWIFE

(By authority of Act No. 218 of the Public Acts of 1955, as amended, being S308.201 et seq. of the Michigan Compiled Laws)

R 299.731 Permits for use of nets for taking smelt and alewife in L'Anse bay.

Rule 1. The director of conservation may, in his discretion, issue permits to commercial fishermen licensed under the provisions of Act No. 84 of the Public Acts of 1929, as amended, to use pound, trap, and gill nets, as provided in subdivisions (d), (g), and (i) of section 5 of Act No. 84 of the Public Acts of 1929, as amended, being S308.5 of the Michigan Compiled Laws, for taking smelt and alewife.

History: 1979 AC.

CLOSED SEASONS FOR TAKING WHITEFISH, YELLOW PERCH, AND BLACK CRAPPIE

USE OF NETS IN MUNISING BAY FOR TAKING SMELT AND ALEWIFE

(By authority of Act No. 218 of the Public Acts of 1955, as amended, being S308.201 et seq. of the Michigan Compiled Laws)

R 299.751 Permits for the use of nets for taking smelt and alewife in Munising Bay of Lake Superior.

Rule 1. The director of conservation may, in his discretion, issue permits to commercial fishermen licensed under the provisions of Act No. 84 of the Public Acts of 1929, as amended, to use in Munising bay of Lake Superior pound, trap and gill nets, as provided in subdivisions (d), (g), and (i) of section 5 of Act No. 84 of the Public Acts of 1929, as amended, for taking smelt and alewife.

History: 1979 AC.

LEGAL SIZE OF CATFISH

(By authority of Act No. 218 of the Public Acts of 1955, as amended, and Act No. 88 of the Public Acts of 1943, as amended, being S308.201 et seq. and S24.101 et seq. of the Michigan Compiled Laws)

R 299.761 Minimum legal size of catfish.

Rule 1. It shall be unlawful to market, have in possession, transport, or offer for sale at any time, whether caught within or without this state, any catfish of a length less than 15 inches, except that catfish of a length not less than 14 inches may be taken from Lake Erie, but such fish shall not be sold or offered for sale except at a dock or docks along said lake.

History: 1979 AC.

LAKE TROUT IN LAKE SUPERIOR

(By authority of Act No. 218 of the Public Acts of 1955, as amended, being S308.201 et seq. of the Michigan Compiled Laws)

R 299.771 Closed commercial fishing season on lake trout in Lake Superior.

Rule 1. On and after June 1, 1962, lake trout shall not be taken from Lake Superior at any time, except as provided by Act No. 165 of the Public Acts of 1929, as amended, and by the director of conservation for scientific or cultural purposes as provided in section 10 of Act No. 84 of the Public Acts of 1929, as amended.

History: 1979 AC.

REMOVAL OF CLOSED COMMERCIAL FISHING SEASON AND MINIMUM LEGAL SIZE ON SUCKERS

(By authority of Act No. 218 of the Public Acts of 1955, as amended, being S308.201 et seq. of the Michigan Compiled Laws)

R 299.781 Suckers; open season.

Rule 1. No closed season: Suckers may be taken at any time from waters that are open to commercial fishing.

History: 1979 AC.

R 299.782 Suckers; legal size.

Rule 2. No minimum size: Suckers of any size may be taken, possessed, and sold commercially.

History: 1979 AC.

LAKE TROUT IN LAKE MICHIGAN

(By authority conferred on the conservation commission by section 1 of Act No. 218 of the Public Acts of 1955, as amended, being S308.201 of the Michigan Compiled Laws)

R 299.791 Closed commercial fishing season on lake trout in Lake Michigan.

Rule 1. On or after October 1, 1965, lake trout shall not be taken from Lake Michigan at any time except as provided by Act No. 165 of the Public Acts of 1929, as amended, and by the director of conservation for scientific or cultural purposes as provided in section 10 of Act No. 84 of the Public Acts of 1929, as amended, being S308.10 of the Michigan Compiled Laws.

History: 1979 AC.

R 299.801 Closed season on whitefish in Lakes Huron, Michigan, and Superior.

Rule 1. It shall be unlawful to take any whitefish from the waters of Lakes Huron, Michigan, and Superior from November 1 to November 30, inclusive.

History: 1979 AC.

YELLOW PERCH AND PIKE-PERCH

(By authority conferred on the commission of natural resources by section 1 of Act No. 218 of the Public Acts of 1955, as amended, and sections 9, 252, and 255 of Act No. 380 of the Public Acts of 1965, as amended, being SS308.201, 16.109, 16.352, and 16.355 of the Michigan Compiled Laws)

R 299.813 Pike-perch in Lake Erie; suspension of minimum size law.

Rule 3. The provisions of subsection (h) of section 14 of Act No. 84 of the Public Acts of 1929, as amended, being S308.14 of the Michigan Compiled Laws, having special reference to pike-perch (yellow pickerel) taken from Lake Erie, are suspended.

History: 1979 AC.

R 299.815 Yellow perch; suspension of size or weight minimums; exception.

Rule 5. To remove the size and weight limits and closed seasons on yellow perch taken in the Michigan waters of the Great Lakes not otherwise closed to commercial fishing, the provisions of section 14(d) and section 6(1)(d) of Act No. 84 of the Public Acts of 1929, as amended, being SS308.14 and 308.6 of the Michigan Compiled Laws, remain suspended and are superseded by the following rules:

(a) On or after the effective date of these rules, the size or weight minimums for yellow perch remain suspended except for that area of Lake Huron described in R

299.1074 (1)(f) and R 299.1074(1)(g). Size limits on perch for areas described in R 299.1074(1)(f) and R 299.1074(1)(g) are defined in R 299.1075(4).

(b) On or after June 1, 1966, the provisions of section 6(1)(d) of Act No. 84 of the Public Acts of 1929, with respect to yellow perch taken from the waters of the Great Lakes, are suspended.

History: 1979 AC.

R 299.816 Yellow perch; rescissions.

Rule 6. Conservation commission orders effective September 11, 1960, and October 1, 1965, as these apply to yellow perch, being R 299.742, R 299.811, and R 299.812 of the Michigan Administrative Code, and appearing on page 1444 of the 1960 Annual Supplement to the Code and on page 31 of Supplement No. 44 to the Code are rescinded.

History: 1979 AC.

R 299.817 Area closed to commercial fishing; Saginaw bay and Lake Huron.

Rule 7. To establish an area seasonally closed to commercial fishing operations, the provisions of section 6 of Act No. 84 of the Public Acts of 1929, as amended, being S308.6 of the Michigan Compiled Laws, are extended to include the following regulation:

(a) It shall be unlawful from June 10 to September 10, inclusive, to place or use any gill or entrapment net or to engage in commercial fishing operations in water of a depth less than 18 feet along that portion of the Saginaw bay-Lake Huron shore lying between Harrisville on the north and AuGres Point on the south, more particularly described--the south line of section 12, T26N, R9E, extended east into the waters of Lake Huron near Harrisville shall constitute the northern boundary, and a line extended east from the most southerly part of section 6, T18N, R7E, shall constitute the southern boundary.

(b) This regulation shall in no way change existing special provisions regulating commercial fishing in bays and harbors.

History: 1979 AC.

SUSPENSION, SUPERSEDURE, AND EXTENSION OF STATUTORY PROVISIONS

(By authority conferred on the commission of conservation by section 1 of Act No. 218 of the Public Acts of 1955, as amended, and by sections 9 and 252 of Act No. 380 of the Public Acts of 1965, being SS308.201, 16.109, and 16.352 of the Michigan Compiled Laws)

R 299.821 Suspension of statutory provisions.

Rule 1. The following provisions of Act No. 84 of the Public Acts of 1929, as amended, being SS308.1 to 308.51 of the Michigan Compiled Laws, are suspended:

(a) The provisions of subsections (h) and (i) of section 5 that no part of the lifting pot or crib of trap nets may exceed 15 feet in depth.

(b) The provisions of subsection (l) of section 5 pertaining to the depth of gill nets, effective July 1, 1967.

(c) The provision of subsection (c) of section 25 that a boat to which a license has been transferred may be fished only within a radius of 50 miles of the port designated in the original license.

History: 1979 AC.

R 299.822 Removal or relocation of large mesh gill nets.

Rule 2. The provisions of subsection (a) of section 5 of Act No. 84 of the Public Acts of 1929, as amended, are extended as follows: The director of the department of conservation may remove or cause to be removed or relocated any gill nets with meshes 4 1/2 inches or larger used for the taking of whitefish, lake trout and yellow pickerel, when from inspection he determines that these nets are interfering with or taking more than 15% by weight of undersized whitefish, lake trout or yellow pickerel, or 15% by weight of any fish on which the season is closed or unlawful to take with commercial fishing devices.

History: 1979 AC.

R 299.823 Shoaling twine for large mesh trap nets.

Rule 3. The provisions of subsection (h) of section 5 of Act No. 84 of the Public Acts of 1929, as amended, designating shoaling twine, are suspended and superseded by the following regulation: In trap nets with meshes not less than 4 1/2 inches in the lifting pot, used for taking whitefish and lake trout, meshes not more than 3 1/2 inches may be used (a) in that part of the tunnel inside the pot, (b) in the entire front of the pot, (c) in that portion of the bottom of the pot connected thereto for a distance up to 10 feet, but not to exceed 1/4 of the length of the pot, and (d) in the connecting sides for the full depth of the pot and of a width up to 10 feet, but not to exceed 1/4 of the length of the pot, for the purpose of shoaling fish.

History: 1979 AC.

R 299.824 Measurement of the mesh of trap nets, pound nets, and seines.

Rule 4. The provisions of subsection (1) of section 5 of Act No. 84 of the Public Acts of 1929, as amended, are extended by the following regulations effective July 1, 1967:

(a) The measurement of the mesh of trap nets, pound nets, and seines described in subsections (f), (g), (h), (i), (j) and (k) of section 5 of Act No. 84 of the Public Acts of

1929, as amended, shall be made with a 2-pound, 1- to 6-inch extension type gauge, constructed per specifications detailed in department of conservation drawing no. 0-264. Graduations of the calibrated scale of the gauge shall measure accurately to within plus or minus .005 of an inch, and the weighted cylinder of the gauge shall weigh 2 pounds, plus or minus 1/2 ounce. Prints of the drawing are on file at the department offices in Lansing and are available upon request. The gauge may be purchased from the department at cost.

(b) The mesh size of such nets shall be determined by extension measure between the extreme angles of the mesh. The measurement shall be made inside of the mesh knots.

(c) The meshes to be gauged shall be at least 3 meshes removed from the side lines, and in gauging the mesh, the gauge shall be held by the suspension ring, with 1 mesh knot inserted above the upper string slot of a width nearest the diameter of the twine of the mesh being measured and with the opposite knot inserted below the lower identical size string slot. The weighted cylinder shall be allowed to settle slowly until the full 2 pounds of the cylinder is acting upon the mesh being measured for a period of at least 30 seconds.

(d) If the majority of 10 or more meshes selected at random by the conservation officer from any part of the net do not conform to the measurements provided by Act No. 84 of the Public Acts of 1929, as amended, or any valid rule adopted by the conservation commission under authority of Act No. 218 of the Public Acts of 1955, as amended, the net shall be deemed unlawful.

History: 1979 AC.

R 299.827 Closed commercial fishing season in Tahquamenon bay.

Rule 7. (1) It is unlawful during the period of June 1 to November 30 for any person to catch or take fish of any species with net, set hook lines or other device of any kind except hook and line and spear as permitted by law from that part of Tahquamenon bay in Lake Superior described as follows: that area lying south and west of a line beginning at the northerly projection of land in the west 1/2 of section 9, town 47 north, range 5 west, and extending northerly to Tahquamenon island, thence northwesterly to the mouth of the Tahquamenon river in section 14, town 48 north, range 6 west.

(2) The director of conservation may authorize, by special permit, the use of nets, set hook lines or other devices for catching or taking fish within such area at any time for the purpose of fishery management.

History: 1979 AC.

R 299.846 Pike-perch in Lake Erie; closed seasons and closure to gill nets.

Rule 6. To prohibit commercial fishing for pike-perch, and the setting of gill nets, during the months of April and October, the provisions of subsection (1)(c) and subsection (2) of section 6 of Act No. 84 of the Public Acts of 1929, as amended, being S308.6 of the Michigan Compiled Laws, having reference to pike-perch taken from Lake Erie are suspended and superseded by the following rule:

On and after February 15, 1970, pike-perch (yellow pickerel) shall not be taken from Lake Erie, and no gill nets shall be used in Lake Erie, during the months of April and October.

History: 1979 AC.