

DEPARTMENT OF NATURAL RESOURCES

FISHERIES DIVISION

COMMERCIAL FISHING

(By authority conferred on the director and the commission of the department of natural resources by section 1b of Act No. 84 of the Public Acts of 1929, as amended, and sections 9 and 255 of Act No. 380 of the Public Acts of 1965, as amended, being SS308.1b, 16.109, and 16.355 of the Michigan Compiled Laws)

R 299.1071 Commercial fishing license; application; eligibility of applicant.

Rule 1. (1) An application for a commercial fishing license shall be made not less than 30 days before fishing operations are expected to commence.

(2) To be eligible for a license, an applicant shall have been issued a Michigan commercial fishing license for the immediately preceding year.

History: 1979 AC.

R 299.1072 Areas closed to commercial fishing.

Rule 2. Except as provided in a license issued by the director or in a research permit issued by a representative of the director, it is unlawful to use gill nets, trap nets, pound nets, seines, and set hooks in the following described waters:

LAKE SUPERIOR

(a) Waters of depths less than 60 fathoms between the mouth of the Montreal river in section 10, T48N, R49W, Gogebic county, and the mouth of the Elm river in section 30, T54N, R36W, Houghton county.

(b) Waters south of a line from Traverse point in section 22, T55N, R31W, Houghton county, to Big Bay point in section 1, T51N, R27W, Marquette county.

(c) Waters within 4 1/2 miles of the shoreline of Isle Royale and surrounding islands.

(d) Waters of depths less than 60 fathoms between Au Sable point in section 2, T50N, R15W, Alger county, and Crisp point in section 1, T50N, R8W, Luce county, extending to the international boundary.

LAKE MICHIGAN

(e) Waters south and east of a line from Grand Traverse light station in section 6, T32N, R10W, Leelanau county, to village of Good Hart in section 25, T37N, R6W, Emmet county.

LAKE HURON

(f) Waters southwest of a line from Hammond Bay harbor light in section 25, T37N, R2E, to Forty Mile point light station in section 23, T36N, R4E, Presque Isle county.

(g) Waters west of a line from North point in section 6, T30N, R10E, to South point in section 26, T29N, R9E, Alpena county.

(h) Waters west of a line from Tawas point in section 34, T22N, R8E, Iosco county, to point Lookout in section 13, T19N, R7E, Arenac county.

History: 1979 AC.

R 299.1073 Waters closed to the use of gill nets.

Rule 3. It is unlawful to use gill nets in the Les Cheneaux channels and certain waters of upper Lake Huron as provided in section 38 and 38a of Act No. 84 of the Public Acts of 1929, as amended.

History: 1979 AC.

R 299.1074 Areas and depths for use of commercial fishing devices; size of meshes in gill nets.

Rule 4. (1) Including the statutory prohibitions of sections 2, 3, and 30a to 45 of Act No. 84 of the Public Acts of 1929, as amended, being SS308.2, 308.3, and 308.30a to 308.45 of the Michigan Compiled Laws; and by the provisions of section 1 of Act No. 179 of the Public Acts of 1935, section 1 of Act No. 180 of the Public Acts of 1931, as amended, and section 1 of Act No. 92 of the Public Acts of 1931, being SS308.141, 308.151, and 308.161 of the Michigan Compiled Laws, it is unlawful to use gill nets, trap nets, pound nets, seines, and set hooks, except in the manner, time, area, and depths hereinafter prescribed or as provided in a license issued by the director or in a research permit issued by a representative of the director.

LAKE SUPERIOR

(a) Gill nets with meshes 2 1/2 inches to 3 inches, stretch measure, may be used in depths greater than 60 fathoms if the lead lines of the gill nets are set on the bottom.

(b) Trap nets and pound nets may be used in depths less than 15 fathoms in Lake Superior January through October and during December.

LAKE MICHIGAN

(c) Trap nets and pound nets may be used in depths less than 15 fathoms in Lake Michigan January through October and during December, except trap nets and pound nets may be used only for taking smelt and alewife January through May in waters north of a line extending from the mouth of the Ford river in sections 21 and 22, T38N, R23W, to Peninsula point in section 24, T38N, R21W, Delta county.

(d) Gill nets with meshes 2 1/2 inches to 3 inches, stretch measure, may be used in depths greater than 40 fathoms north of a line extending due west from Grand Haven

harbor; and in depths greater than 30 fathoms south of a line extending due west from Grand Haven harbor only at such times as to coincide with an open season on chubs established by the natural resources commission.

LAKE HURON

(e) Trap nets and pound nets maybe used in depths less than 15 fathoms January through October and during December in the waters of Lake Huron and connecting waters north of a line extending due east from Rogers City to the international boundary.

(f) Gill nets with meshes not less than 8 inches, stretch measure, may be used in waters of Saginaw bay south of a line from point Lookout in section 13, T19N, R7E, Arenac county, to Sand point in section 11, T17N, R9E, Huron county.

(g) Trap nets may be used from April 1 to May 31, and from September 15 to November 30 in an area north and east of Sand point within the following described boundaries: commencing at the monument on the westerly end of Sand point, thence easterly to the section line between section 7, T17N, R10E and Section 12, T17N, R9E; thence on a line due north for 2 miles; thence on a line due west to a point due north of the monument on Sand point; thence southerly to the point of beginning.

(h) Trap nets, seines, and set hooks may be used in waters of Saginaw bay south of a line from point Lookout in section 13, T19N, R7E, Arenac county, to Sand point in section 11, T17N, R9E, Huron county; and west of a line extending from Fish point, Tuscola county to the westerly point of Stony island, to the westerly point of North island; thence to the westerly end of Sand point in Huron county.

LAKE ERIE

(i) Trap nets, seines, and set hooks may be used in Lake Erie.

History: 1979 AC.

R 299.1075 Closed seasons; disposition of fish taken during closed seasons; minimum perch size limit; violation.

Rule 5. (1) Sturgeon, pike-perch (yellow pickerel), blue pike, sauger, northern pike, splake, coho salmon, chinook salmon, and Atlantic salmon, when caught live in trap nets, pound nets, and gill nets, shall be returned to the waters immediately. Dead fish of the species named in this subrule, when caught in trap nets, pound nets, and gill nets, shall be dressed, iced, and disposed of in accordance with written disposal instructions issued by a conservation officer and a locked metal seal shall be affixed to each fish before arrival at dock or landing point.

(2) Lake trout and lake herring, when caught in gill nets authorized in Lake Superior, may be sold if a metal seal is affixed to each lake trout pursuant to subrule (1). Lake trout and lake herring, when caught live in trap nets, pound nets, and gill nets in Lakes Michigan and Huron, shall be returned to the water immediately, and a metal seal shall be affixed to dead lake trout and the trout disposed of pursuant to subrule (1).

(3) Chubs and lake herring may be taken only in Lake Superior.

(4) Perch, a minimum of 8 inches total length or 5 inches with heads and tails off, crappie, and rock bass may be taken only in those waters of Lake Huron described in R 299.1074(1)(f) and R 299.1074(1)(g) or as provided in a license issued by the director or in a research permit issued by the director's representative.

(5) The size limit on perch shall remain in effect for a period of 3 years after the date these rules become effective.

(6) A licensee may be permitted to retain as part of his catch up to 5% of the total landed weight of perch which are less than the minimum size limit specified in this rule.

(7) If a licensee is found with between 5% and 15% undersized perch, by weight, in his possession, the first violation shall result in a warning and subsequent violations may result in a proceeding to suspend or revoke his license.

(8) If a licensee is found with 15% or more undersized perch, by weight, in his possession, this may result in a proceeding to suspend or revoke his license.

History: 1979 AC.

R 299.1076 Amount of fish to be taken.

Rule 6. (1) The director may fix the kind and amount of fish, herein referred to as quotas, which may be taken from Lakes Superior, Michigan, Huron, and Erie.

(2) The director shall give licensees 30 days advance notice in writing of the quotas which may be taken from Lakes Superior, Michigan, Huron, and Erie. Quotas may be set by area or specified in a license or research permit.

(3) A licensee shall report each day's catch, by kind and amount of fish specified in the quotas, on forms provided by the director. When required, the form shall be mailed to the director or his representative not later than 24 hours after each day's catch is taken.

(4) When the quotas fixed by the director have been caught and licensees so notified in writing, licensees shall not attempt to take any additional quantities of the kind of fish fixed in the quotas.

History: 1979 AC.

R 299.1077 Areas licensees permitted to fish; limitations on gear.

Rule 7. (1) A licensee may fish only within a radius of 50 miles of the port specified in the license and all fish shall be landed at that port.

(2) A licensee shall conduct his commercial fishing operation only with the kind and amount of gear specified in his license or research permit.

History: 1979 AC.

R 299.1078 Replacement of gill nets with trap and pound nets.

Rule 8. (1) Persons whose gill net fishing operations are prohibited or restricted by these rules and who intend to continue to fish commercially in the waters of this state may replace their gill nets with trap or pound nets. Any person who intends to replace his gill nets with trap or pound nets may continue to use his gill nets where otherwise

prohibited by these rules only during 1974 by filing an appropriate application for replacement within the prescribed time designated by the director. Persons licensed to use gill nets in combination with trap or pound nets when these rules become effective may continue to use gill nets only during 1974 where otherwise prohibited by these rules. A person authorized to use gill nets only during 1974 where otherwise prohibited by these rules shall use gill nets only under the provisions of a permit or license issued by the director, the provisions of which shall be substantially the same as those contained in the person's 1974 commercial fishing license. This subrule does not apply to those persons presently licensed to use trap or pound nets only or gear other than gill nets.

(2) To be eligible to replace gill nets with trap or pound nets, a person shall:

(a) Have held a commercial fishing license in 1971, 1972, and 1973 to use gill nets in the waters of this state.

(b) File an application in accordance with instructions on a form provided by the director within 15 days after the effective date of these rules.

(3) Failure of a person to comply with subsection (b) of subrule (2) is evidence that the person no longer wishes to fish commercially and the director shall notify the person to cease and desist using gill nets where prohibited by these rules. The person may voluntarily terminate his license at that time or action will be taken to revoke the license if the person continues to use gill nets where prohibited by these rules.

(4) A person whose application has been properly filed shall be notified and shall request to have his commercial fishing license amended to authorize replacement of gill nets with trap or pound nets.

(5) A person whose license has been amended pursuant to subrule (4) shall provide progress reports on his gill net replacement to the director. Progress reports required by this subrule shall be submitted as follows:

(a) Within 30 days of the effective date of the license amendment, a person shall submit to the director or his representative evidence in the form of purchase orders for gear and materials or other satisfactory information that clearly demonstrates that he has commenced replacing his gill nets with trap or pound nets.

(b) Within 90 days of the effective date of the license amendment, a person shall submit to the director or his representative a progress report that clearly demonstrates his continued progress in replacing his gill nets with trap or pound nets.

(c) By December 31, 1974, all persons who have been authorized to replace gill nets with trap or pound nets shall submit to the director satisfactory evidence of having totally completed the replacement.

(6) A person failing to meet the requirements of subrule (5) shall show cause to the director why the requirements have not been met; and unless authorized by the director, the person shall not be subsequently licensed to fish commercially in the waters of this state.

(7) A person electing to replace his gill nets pursuant to this rule shall be licensed to use no more than 10 trap nets or 10 pound nets, or any combination thereof, so long as the total number of nets does not exceed 10 nets.

(8) If the director finds it necessary to protect the fisheries resources of this state and rules are promulgated as required by law, the use of gill nets as provided by these rules shall be prohibited or restricted.

History: 1979 AC.

R 299.1079 Recission.

Rule 9. The following rules are rescinded:

(a) The rules entitled "Closed Seasons for Taking Whitefish, Yellow Perch, and Black Crappie," being R 299.741 and R 299.743 of the Michigan Administrative Code, and appearing on page 1444 of the 1960 Annual Supplement to the Code.

(b) The rule entitled "Illegal Possession and Disposition of Lake Trout and Splake in Lake Superior," being R 299.772 of the Michigan Administrative Code, and appearing on page 4163 of the 1967 Annual Supplement to the Code.

(c) The rule entitled "Illegal Possession and Disposition of Lake Trout and Splake in Lake Superior," being R 299.792 of the Michigan Administrative Code, and appearing on page 4163 of the 1967 Annual Supplement to the Code.

(d) The rule entitled "Nets: Use, Meshes," being R 299.802 of the Michigan Administrative Code, and appearing on page 3154 of the 1964-65 Annual Supplement to the Code.

(e) The rule entitled "Coho and Chinook Salmon," being R 299.814 of the Michigan Administrative Code, and appearing on page 4164 of the 1967 Annual Supplement to the Code.

(f) The rule entitled "Northern Pike," being R 299.818 of the Michigan Administrative Code, and appearing on page 3639 of the 1966 Annual Supplement to the Code.

(g) The rule entitled "Suspension of Statutory Provisions," being R 299.831 of the Michigan Administrative Code, and appearing on page 4165 of the 1967 Annual Supplement to the Code.

(h) The rules relating to gill nets, being R 299.841 to R 299.845 of the Michigan Administrative Code, and appearing on pages 4685 and 4686 of the 1968 Annual Supplement to the Code and page 5045 of the 1969 Annual Supplement to the Code.

(i) The rules entitled "Commercial Fishing Licenses and Zones," being R 299.881 to R 299.890 of the Michigan Administrative Code, and appearing on pages 10 to 14 of the Supplement No. 76 to the Code.

History: 1979 AC.