

NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT (EXCERPT)

Act 451 of 1994

SUBPART III OPEN SEASONS

324.48715 Open seasons by classification of waters.

Sec. 48715. Except as otherwise provided by law, a person shall not take, catch, or kill or attempt to take, catch, or kill any species of fish in any of the following:

(a) A trout stream or any inland lake designated as a trout lake under this part except from the last Saturday in April through the second Sunday in September. However, the department may designate certain trout streams, or portions of trout streams in which nongame fish and game fish other than trout occur, as open to hook and line fishing at all seasons of the year for taking any species of fish on which the season is not closed.

(b) Lakes other than lakes designated as trout lakes shall be open to fishing throughout the year for taking any species of fish on which the season is not closed. The nontrout streams, the Great Lakes, and the connecting waters of the Great Lakes shall be open to fishing throughout the year for taking any species of fish on which the season is not closed.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48716 Open seasons by species of fish.

Sec. 48716. A person shall not take, catch, or kill or attempt to take, catch, or kill any fish of the species named in this section in any of the waters over which this state has jurisdiction except during the following open seasons:

(a) Bluegills and sunfish, no closed season.

(b) Northern pike, pike-perch, and muskellunge from the last Saturday in April to March 15 in the inland waters. These fish may be taken at any time from lake Macatawa, Ottawa county; Muskegon lake and White lake, Muskegon county; Spring lake, Muskegon and Ottawa counties; Pentwater lake, Oceana county; Pere Marquette lake, Mason county; Manistee lake, Bar lake at Arcadia, and Portage lake, Manistee county; Betsie lake, Benzie county; lake Charlevoix and Round lake, Charlevoix county; the Muskegon river downstream from Rogers dam, Mecosta county; and Lake Erie and the connecting waters of the Great Lakes. In Lakes Superior, Michigan, and Huron, except Saginaw bay, these fish may be taken from May 21 to March 31. In Saginaw bay, these fish may be taken from April 11 to March 4. In that part of upper Lake Huron known as Whitney bay, Pike bay, Island harbor, Les Cheneaux channels, Potagannissing bay, and certain waters on the south side of Drummond island, all as described in sections 47345, 47346, 47348, and 47349, these fish may be taken from May 1 to March 31.

(c) Brook trout, brown trout, rainbow trout, lake trout, splake, and landlocked salmon from the last Saturday in April through the second Sunday in September in the inland waters. The department shall designate the waters in which, in addition to the season provided for in this subdivision, any species of trout and in addition other fish for which the season is open may be taken with hook and line only during additional open seasons that the department prescribes.

(d) All species of trout except lake trout from the first Saturday in April to November 30 in the Great Lakes and connecting waters not otherwise closed to their taking. There is no closed season on lake trout in these waters.

(e) Perch, saugers, white bass, rock bass, warmouth bass, crappies, catfish, bullheads, ciscoes, herring, whitefish, pilot fish or menominee whitefish, smelt, suckers, mullet, redhorse carp, buffalo, shad, garfish, dogfish, lawyers, and sheephead may be taken at all seasons of the year in waters that are open to fishing.

(f) Sturgeon during January and February from inland waters; at any time from waters of the Great Lakes and connecting waters not otherwise closed to their taking.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2014, Act 145, Imd. Eff. June 3, 2014.

Popular name: Act 451

Popular name: NREPA

324.48717 Open season for trout.

Sec. 48717. Notwithstanding any other provision in this part or any order of the department, the following provisions are applicable during the open season for trout in that portion of Duck Creek within Gogebic County, Watersmeet Township, beginning at the old railroad bridge SE-SE section 16, T44N-R39W

downstream to the Middle Branch of the Ontonagon River at NW-NW Section 27, T45N-R39W:

- (a) Only artificial lures may be used to take trout.
- (b) Trout must be at least 10 inches in length.
- (c) Not more than 5 trout may be taken per day.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48718 Establishment of closed season; spawning beds; notices; use of boat or floating device over spawning bed; opening waters out of season.

Sec. 48718. The department may establish a closed season on any spawning bed when it appears that spawning or guarding does not coincide with the time of the closed season provided by law. Notices defining the closed areas must be posted not less than 5 days before taking effect. For the purpose of this part, a spawning bed means any section of a lake, river, pond, or other body of water where fish are known to congregate for the purpose of spawning. A person shall not operate any boat, floating device, or other contrivance propelled by or using as motive power steam, gas, naphtha, oil, gasoline, or electricity upon any spawning bed posted as provided in this part. The department may open to fishing at any time, for any species, in any manner, any waters in which an excessive mortality of fish occurs or is threatened.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48719 Legal sizes of fish; mutilation.

Sec. 48719. (1) A person shall not take or possess any of the following:

- (a) Brook trout, brown trout, rainbow trout, steelhead, lake trout, and splake of a length less than 7 inches when taken from the inland waters or 10 inches when taken from the Great Lakes and connecting waters.
- (b) Black bass, largemouth or smallmouth, and landlocked salmon of a length less than 10 inches.
- (c) Great northern pike, grass pike, or pickerel of a length less than 20 inches, except that in Cisco lake, Thousand Island lake, Big African lake, Lindsley lake, and Poor lake in the Cisco chain of lakes and the West Branch of the Presque Isle river, all in the Upper Peninsula, great northern pike shall not be of a length less than 14 inches, and the department may lower size limits in designated waters.
- (d) Pike-perch or walleyed pike of a length less than 13 inches.
- (e) Muskellunge of a length less than 30 inches.
- (f) Sturgeon of a length less than 42 inches.

(2) A person shall not possess on any waters over which this state has jurisdiction any fish that is so mutilated that the identification or measurement of that fish is impossible.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48720 Open season for fishing in Crystal lake, Benzie county.

Sec. 48720. The department may designate Crystal lake in Benzie county as open to fishing whenever it appears that this action is not inimical to the public interest.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48721 Possession limits of fish.

Sec. 48721. (1) The department shall issue an order under part 411 establishing possession limits of fish consistent with this section. A person shall not possess more than the daily possession limit or aggregate daily possession limit, as applicable, of fish at the place where the fish were taken or in route from that place to either of the following:

- (a) His or her automobile or other principal means of land transportation.
- (b) His or her residence or temporary place of lodging.

(2) In addition to 1 day's possession limit of fish, a person may possess an additional 2 days' possession limit of fish that are processed by any of the following methods:

- (a) Canning in a sealed container.
- (b) Curing by smoking or drying.

(c) Freezing in a solid state.

(3) A person's processed fish aboard a vessel, on the water or at dockside, shall be considered to be in the person's possession for the purposes of subsection (2).

(4) A person shall not possess a fish illegally taken.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995;—Am. 2010, Act 30, Eff. Apr. 1, 2011.

Popular name: Act 451

Popular name: NREPA

324.48722 Game fish; carried as open hand baggage; transportation.

Sec. 48722. A resident or nonresident who holds an unexpired fishing license issued in his or her name may carry as open hand baggage not more than 1 day's legal catch of fish. However, any person holding an unexpired fishing license may obtain only 1 permit from the department authorizing that person to ship 1 day's legal catch of any species of game fish or combination of species. The catch of 2 or more licensed anglers may be combined in a single package. However, the permit of each angler whose catch is combined in the package shall be attached to the package.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48723 Purchase, sale, transportation or possession of certain fish prohibited; exceptions.

Sec. 48723. A person shall not purchase, buy, or sell, attempt to purchase, buy, or sell, transport to any point outside of this state at any time, or possess during the periods in which the taking or catching of the fish is prohibited, any species of fish taken on a sport fishing license or any species of fish taken without a commercial fishing license. Any lawfully taken fish may be possessed for 60 days after the close of the respective open seasons. A person possessing a nonresident fishing license may take from this state a day's legal catch of fish in accordance with his or her license. This section does not apply to or conflict with the possession, sale, or transportation of fish taken legally under the commercial fishing laws and regulations of this state.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48724 "Fish cleaning station" defined; license to purchase, sell, or exchange anything of value for raw or unprocessed salmon eggs; prohibited conduct; compliance with requirements; selling or buying chemically treated salmon eggs; violation; order; injunctive relief.

Sec. 48724. (1) As used in this section, "fish cleaning station" means an operation or location used to clean salmon for sport fishers.

(2) Except as provided in subsection (3)(c), a person shall not purchase, sell, or otherwise exchange anything of value for raw or unprocessed salmon eggs unless the person is licensed pursuant to section 47333 and the sale, purchase, or exchange of the raw or unprocessed salmon eggs is made with another person who is also licensed pursuant to section 47333.

(3) A person who operates or is the agent of an operator of a fish cleaning station shall not do any of the following:

(a) Accept raw or unprocessed salmon eggs except from whole salmon, known as salmon in the round, or eggs salvaged from salmon cleaned at the station.

(b) Operate a fish cleaning station that sells raw or unprocessed salmon eggs without a current and valid permit issued by the department.

(c) Buy, barter, or otherwise exchange anything of value for raw or unprocessed salmon eggs. This subdivision does not prohibit the operator of a fish cleaning station or his or her agents from exchanging the service of cleaning salmon in exchange for the eggs in the salmon's carcasses or from charging a fee for cleaning salmon.

(d) Buy or sell salmon carcasses taken by a person licensed under part 435.

(4) A person issued a permit to operate a fish cleaning station shall comply with all of the following requirements:

(a) Raw or unprocessed salmon eggs may only be collected and stored at the location of the fish cleaning

station specified in the permit.

(b) The fish cleaning station shall be licensed in accordance with the food processing act of 1977, Act No. 328 of the Public Acts of 1978, being sections 289.801 to 289.810 of the Michigan Compiled Laws, and operated in compliance with the Michigan food law of 1968, Act No. 39 of the Public Acts of 1968, being sections 289.701 to 289.727 of the Michigan Compiled Laws, only when the salmon eggs or salmon, or both, are sold or given to another person for human consumption.

(c) Disposal of offal and unwanted salmon carcasses shall be in a manner approved by the local health department.

(d) A permit holder shall accept from sport fishers all salmon carcasses that are brought to the station and shall hold and dispose of them and their offal only in a manner approved by the local health department.

(e) As a condition of his or her permit, a permit holder whose fish cleaning station is located on state owned land shall provide free access to the fish cleaning station facilities to anglers who wish to use the facilities to clean their own salmon catch.

(5) This section shall not be construed to prohibit the selling or buying of chemically treated salmon eggs in the form of spawn sacks or spawn bags.

(6) If the department finds that a person is in violation of this section or a permit issued under this section, the department may issue an order requiring the person to comply with the permit. In addition to the penalties provided for in this part, the department or its agent, the attorney general, or a person may seek injunctive relief for a violation of this section or a permit issued under this section.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48725 Grayling; taking or possession prohibited.

Sec. 48725. A person shall not at any time take, attempt to take, or possess any grayling taken from any of the waters over which this state has jurisdiction.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA

324.48726 Repealed. 2008, Act 291, Imd. Eff. Oct. 6, 2008.

Compiler's note: The repealed section pertained to adoption of orders relating to harvesting of salmon and trout.

324.48727 Snagging of fish illegal on and after October 26, 1993; management of fisheries on Pere Marquette river.

Sec. 48727. (1) On and after October 26, 1993, the snagging of fish is illegal in this state.

(2) The department shall manage fisheries on the Pere Marquette river at or above the site of the lamprey blocking weir.

History: Add. 1995, Act 57, Imd. Eff. May 24, 1995.

Popular name: Act 451

Popular name: NREPA