



**House
Legislative
Analysis
Section**

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JUNIOR FISHING LICENSES

House Bill 5431 (Substitute H-1) First Analysis (2-27-02)

Sponsor: Rep. Joseph Rivet
**Committee: Conservation and Outdoor
Recreation**

THE APPARENT PROBLEM:

A few of Michigan's trout streams -- those in which trout or salmon are the predominant population -- have been designated by the DNR as streams in which only lures or baits that have been approved by the department may be used in fishing, and in which the department has prescribed the size and number of fish that may be taken. Part 487 of the Natural Resources and Environmental Protection Act (NREPA) specifies that up to 100 miles of the state's trout streams may be designated in this manner. Such streams are selected based on evidence that the temperature and habitat of the stream are capable of supporting trout, and that trout are currently present in the stream year-round. The streams must also comply with certain restrictions. For example, water quality standards and enforcement of these standards are higher for these streams than those established for other streams. Of the 100 miles of designated trout streams, a little less than 17 miles, comprised of segments of the Au Sable, Pere Marquette, and Manistee rivers, are catch and release only waters to protect certain species. Some have pointed out that the gear restrictions serve to discourage children from fishing in certain areas. Most children are not interested in fly-fishing, due to the technicalities of the sport and the physical demands. They simply want to go fishing with their parents. Accordingly, legislation has been introduced to suspend gear restrictions for children under 12 years of age, and to allow them to keep one fish, regardless of the catch limits in that area.

THE CONTENT OF THE BILL:

The bill would amend Part 435 of the Natural Resources and Environmental Protection Act (NREPA), concerning hunting and fishing licensing, to specify that a person under 12 years of age who used only one rod could fish with any bait not otherwise authorized, subject to a creel limit of one. The bill would also specify that a person under 17 years of age could take aquatic species, subject -- except as provided under the bill -- to the same

requirements of the act, or an order or rule promulgated under the act, that apply to a person under 17 years of age.

House Bills 5431 and 5556 are each tie-barred to each other. House Bill 5556 would amend Part 487 of the NREPA, which concerns sport fishing, to increase, from 100 to 212, the miles of "managed" trout streams in which only lures or baits that have been approved by the Department of Natural Resources (DNR) are allowed, and in which the DNR has prescribed the size and number of fish that may be taken.

MCL 324.43532

FISCAL IMPLICATIONS:

According to the House Fiscal Agency (HFA) the bill would have no fiscal impact on the state. (2-21-02)

ARGUMENTS:

For:

Some people maintain that the designation of gear-and catch-restricted areas on the state's waterways has not been accomplished using biological or conservation criteria. Instead, it has been done to provide diverse fishing opportunities for anglers, and has been designed to make it more difficult to catch fish, especially in fly-fishing only areas. It also has the effect of preventing children from fishing with their parents in these areas.

Some argue that the selection of restricted areas has been done to provide certain "elite" groups with the opportunity to have exclusive use of some of the state's best trout streams for fly-fishing only. The restrictions, they say, make it difficult for young children to catch fish. However, since there is no biological or conservation rationale behind the selections of these restricted areas, then, there is no reason to prevent children from fishing in them.

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The bill would remove the restrictions that currently make it difficult for children to fish. It would allow children under 12 years of age to fish with a rod and any form of bait, and to have a creel limit of one fish.

Response:

The vast majority of Michigan's rivers and streams are wide open to all kinds of fishing and recreation. There ought to be waters where fishing is restricted and those who want it can experience the unique pleasures of fly-fishing. Moreover, current regulations are not a barrier to children being able to fish. Michigan has over 38,000 miles of rivers and streams. Of those 38,000 miles, only 100 miles have restrictions on the type of bait. Also, it is important that children understand that current regulations are not a restriction on freedom, but rather they are a statement that society is committed to taking care of its natural resources.

Against:

The Department of Natural Resources (DNR) says that allowing children to use all types of legal tackle in areas that currently have special gear restrictions would undermine the intent and the management policy behind these restrictions.

First, fishing restrictions are used to promote the release of captured fish, to reduce hooking mortality, and to increase the number of large fish in a stream's population. Artificial bait is required in gear-restricted areas because fish tend to ingest live bait more deeply than artificial bait. Once a fish swallows a baited hook, it dies. However, fish sense that artificial bait is unhealthy, and will spit it out. Gear restrictions are also used in some areas to prevent the spread of nuisance aquatic species, such as Zebra Mussels. However, allowing some anglers to use live bait in artificial gear-only waters would undo the effectiveness of the regulation.

Second, the DNR notes that some of Michigan's trout streams and lakes are closed to fishing either all year or during specified periods in order to protect certain species from over harvesting. The department cites lake sturgeon as one example. Lake sturgeon is a threatened species in the state for which a comprehensive rehabilitation policy has been developed. Under the bill, however, children under 12 would be able to harvest lake sturgeon, while others would not. Moreover, the state would lose control of the level of harvesting.

Lastly, the department notes that it is important to teach children why regulations are used. Current

regulations play an educational role in teaching children the importance of different regulations in fisheries management. The bill, however, would teach children during their formative years that management philosophy, practices, and regulations are not important.

Against:

The provisions of the bill could be tough to enforce. For example, determining the age of a child will be difficult.

POSITIONS:

The Boardman River Project, Grand Traverse Conservation District, supports the bill. (2-22-02)

The Johnson Creek Protection Group, in Wayne County, supports the bill. (2-22-02)

The Department of Natural Resources opposes the bill. (2-21-02)

Trout Unlimited opposes the bill. (2-22-02)

The Michigan United Conservation Clubs (MUCC) has no position on the bill. (2-21-02)

Analyst: R. Young

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.