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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



KEITH CREAGH
DIRECTOR

SUBMITTED:

August 15, 2016

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 224.16
Regulations on the Take of Reptiles and Amphibians
FOR INFORMATION ONLY

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to regulate the taking of fish in the waters of this state.

Discussion and Background:

This Order governs regulations for Michigan's reptiles and amphibians. These regulations have recently been evaluated by staff, and after consultation with other biologists and university researchers, there is growing concern for several native species. The continued decline in reptile and amphibian populations has led the department to believe that it is imperative that harvest regulations be adjusted to provide an adequate level of protection for some species.

The following changes are proposed:

Five species are proposed for addition to the list of animals afforded protection from recreational take and possession. In 2014, the Michigan Amphibian and Reptile Technical Advisory Committee (ARTAC) made up of 12 experts in Michigan's reptile and amphibians research community recommended that the mudpuppy, fowler's toad, pickerel frog, butlers garter snake, and the smooth green snake be added to Michigan Natural Features Inventory's (MNFI) List of "Species of Special Concern" due to observational declines, lack of species specific range information, and persecution concerns. ARTAC applied an International Union for the Conservation of Nature (IUCN) standard review to all Michigan reptiles and amphibians to finalize their recommendations.

The "Species of Special Concern" designation by MNFI is the basis for Director's protection of all species listed in section 1 of this order. Based on the ARTAC recommendations in 2014, MNFI, added the mudpuppy, fowler's toad, pickerel frog, butlers garter snake, and the smooth green snake to the SC list in 2016. Accordingly, these species should now be added to section 1 of this Order and afforded protection from recreational take and possession.

Issue Pros and Cons

Species which are in the state of decline are in need of added protection. Restricting harvest for these important and limited resources will benefit them by allowing their populations to grow. There are no cons associated with these changes because these species are not currently harvested in Michigan.

Neighboring States

Reptile and amphibian populations are in declines throughout our nation due to many factors. States often work together to share information and regulatory strategies.

Biological

The regulation changes are being proposed for biological reasons as recent information indicates that several species are in need of greater protection due to declining numbers.

Social

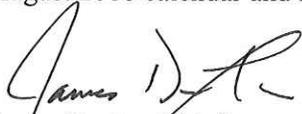
The public is generally very supportive of these measures to help conserve and protect species in decline. These species are not known to be commonly collected as pets or for consumption.

Economic

The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

This Order is being submitted for information and consideration. This item appears on the Department's August 2016 calendar and may be eligible for approval on October 13, 2016.



James Dexter, Chief
Fisheries Division



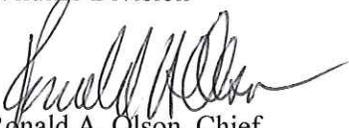
Gary Hagler, Chief
Law Enforcement Division



Russ Mason, Ph.D., Chief
Wildlife Division



Bill O'Neill, Chief
Forest Resources Division



Ronald A. Olson, Chief
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William E. Moritz, Ph.D.
Natural Resources Deputy

FISHERIES ORDER

Regulations on the Take of Reptiles and Amphibians Order 224.16

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered on October 14, 2016, the following section(s) of the Fisheries Order shall read as follows:

It shall be unlawful to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take, trap, possess or barter any reptile or amphibian from the wild, or the eggs of any reptile or amphibian from the wild, except as provided within this Order.

GENERAL

1. The following species of reptiles and amphibians shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director:
 - Eastern Massasauga Rattlesnake (*Sistrurus catenatus catenatus*)
 - Queen Snake (*Regina septemvittata*)
 - Blanding's Turtle (*Emydoidea blandingii*)
 - Wood Turtle (*Glyptemys insculpta*)
 - Eastern Box Turtle (*Terrapene carolina carolina*)
 - Black Rat Snake (*Elaphe obsoleta obsoleta*) – Exception: albino color variations of this species commonly bred in the pet trade may be possessed without permit
 - Boreal Chorus Frog (*Pseudacris triseriata maculata*)
 - Western Lesser Siren (*Siren intermedia nettingi*)
 - Mudpuppy (*Necturus maculosus*)**
 - Fowler' toad (*Bufo woodhousii fowleri*)**
 - Pickerel frog (*Rana palustris* or *Lithobates palustris*)**
 - Butler's Garter Snake (*Sirtalis butleri*)**
 - Smooth Green Snake (*Liochlorophis vernalis*)**

2. Reptiles and amphibians listed ~~designated~~ **designated as endangered or threatened by the Department in R. 299.1024 and R 299.1025 under authority conferred on the Department by the Michigan Endangered Species Act, Part 365 of 1994 PA 451**, shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director. These include:
 - Kirtland's Snake (*Clonophis kirtlandii*)
 - Copper-bellied Water Snake (*Nerodia erythrogaster neglecta*)
 - Eastern Fox Snake (*Elaphe gloydi*)
 - Six-lined racerunner (*Cnemidophorus sexlineatus*)
 - Spotted Turtle (*Clemmys guttata*)
 - Marbled Salamander (*Ambystoma opacum*)
 - Small-mouthed Salamander (*Ambystoma texanum*)
 - Blanchard's Cricket Frog (*Acris crepitans blanchardi*)

3. A person may collect reptiles and amphibians or their eggs for research studies or other special use under a permit issued by the director's designated fisheries representative. The permit shall be valid only for the species, number, manner and time specified on the permit.

4. A person may take certain species of reptiles and amphibians for personal use. See PERSONAL

USE.

5. The taking of reptiles and amphibians for commercial purposes is prohibited.
6. Reptiles may be taken only by hand, trap, seines up to 12 x 4 feet overall dimension, hand net, or hook-and-line as defined in section 48703 of 1994 PA 451, MCL 324.48703.
7. Amphibians may be taken by hand, hook-and-line, hand net or trap where not otherwise prohibited by law. In addition, frogs may be speared. As provided by section 45501 of 1994 PA 451, MCL 324.45501, frogs shall not be speared with the aid of an artificial light.
8. Traps used or possessed in areas frequented by reptiles must have a plate or tag attached bearing the name and address of the user in legible English.
9. It is illegal to possess or transport in the field, dressed or processed reptiles or amphibians that cannot be measured or identified.
10. A person shall immediately release to the wild any reptile or amphibian that is taken during a closed season, is under the legal size, or is otherwise protected.
11. Reptile eggs may not be disturbed or removed from the wild except as authorized under a permit for scientific research, conservation, or educational purposes by the director.
12. Reptiles and amphibians shall not be taken with a firearm (including spring, air, or gas), bow and arrow, or crossbow.