STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: August 10, 2012
RESUBMITTED: September 17, 2012

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Regulations on the Take of Reptiles and Amphibians (FO-224)

Authority

The Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, authorizes the Director to provide for better protection and preservation of fish, game and birds.

Discussion and Background

In response to growing concern from DNR biologists, university researchers, and citizens over declining reptile and amphibian populations, the Department received regulatory authority from the Legislature in 1988 to begin regulating the take of reptiles and amphibians by Director's Order. In the following years, a series of successively more restrictive Orders were signed until 2008, when the current regulations were finalized. Declining reptile and amphibian populations continue to be concerning today and it is imperative that harvest regulations provide an adequate level of protection. Several minor changes to the Order are being requested.

Constituents refer to Fisheries Orders when interested in the state's regulations and it is important to be as clear and inclusive as possible. Therefore, all native reptiles and amphibians protected from recreational take should be specifically listed as such in this Order. We recommend listing in this Order those species protected from take and possession exclusively by director's authority and, listed separately, those species protected under the Michigan Endangered Species Act (ESA) Part 365 of Act 451 of the Public Acts of 1994. These lists are proposed in sections 1 and 2 in the Order below.

In addition to the creation of two separate lists, the status of several of Michigan's reptiles and amphibians have changed since the last time this Order was reviewed.

The queen snake (*Regina septemvittata*) and western lesser siren (*Siren intermedia nettingi*) were recently added to Michigan Natural Feature Inventory's (MNFI) list of "Species of Special Concern" due to their overall scarcity and lack of species specific range information. MNFI's extensive snake surveys during the past five years have only turned up one of example of a queen snake in Michigan and the DNR has received very few reports of this species. As a dietary specialist on newly molted crayfish, the queensnake has possibly been negatively affected by the introduction of the non-native rusty crayfish (*Orconectes rusticus*). Targeted surveys to determine current status and distribution of this species have been recommended to MNFI. At the very least, a conservative approach to potential harvest is warranted. Very little is known about the status and distribution of the Western Lesser Siren in Michigan and none have been found in the state since the late 1980's, when it was documented in two locations.

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. Given the new designation by MNFI and the known rarity of these species, the queen snake and western lesser siren should be added to Section 1 and afforded protection from recreational take and possession.

In April of 2009, the Six-Lined Race Runner (*Aspidoscelis sexlineata*) and Blanchard's Cricket Frog (*Acris crepitans blanchardi*) were listed by Wildlife Division as threatened species under the Michigan ESA. The Six-Lined Race Runner is only known to occur in Michigan at a single location in the Murphy State Game Area. Less than 60 extant sites of Blanchard Cricket Frogs are known to exist in southern Michigan and the number of viable populations is significantly less (estimated as less than 15). The habitat of this species is very vulnerable to loss, modification, or variations in quality. Therefore, they should be listed as such in Section 2 of this Order.

We have added a definition for how to measure the snapping turtle's carapace length into the Order. Snapping turtles have a 13-inch minimum carapace length limit and there has been confusion about how to make the carapace length measurement. The new definition will aid in standardizing the process for everyone. The proposed changes have been presented at public meetings throughout the state earlier this spring and the public and law enforcement are supportive.

Recommendation

It is our recommendation that the Order be updated with the proposed changes as summarized above to take effect on April 1, 2013. This will maintain our protection for these important species.

This Order was submitted for information at the September 2012 meeting of the Natural Resources Commission. This Order is being resubmitted for action at the October 2012 meeting of the Natural Resources Commission. This item appeared on the Department's September 2012 calendar, and is eligible for approval on October 11, 2012.

James L. 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
Parks and Recreation Division

William E. Moritz, Ph.D.
Natural Resources Deputy

I approve the staff recommendation.

Keith Creagh, Director

Date

ORDER

REGULATIONS ON THE TAKE OF REPTILES AND AMPHIBIANS

Under the authority of sections 43509, 45501, 48702, 48705 and 48735 of 1994 PA 451, MCL 324.43509, 324.45501, 324.48702, 324.48705 and 324.48735, the Director of the Department of Natural Resources on October 11, 2012, ordered that for a period not to exceed five years 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 permitBoreal Chorus Frog *(Pseudarcris triseriata maculata)*
   Western Lesser Siren (*Siren intermedia nettingi*)

2. Reptiles and amphibians listed under 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.

PERSONAL USE

1. An all-species fishing license is required to take reptiles and amphibians for personal use.

2. Traps used for the taking of turtles shall be limited to no more than 3 traps, shall be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least 1 inch wide at the narrowest measurement.

3. All reptiles and amphibians taken for personal use shall not be bought, sold or offered for sale.

4. Snapping turtle carapace length: to obtain the carapace (top of shell) length, use a flexible tape to measure from the nuchal scute (the scute directly behind the turtle's head) to the base of the notch where the two most posterior scutes meet.

5. The following table lists the regulations that apply to the taking of reptiles and amphibians for personal use:

Species	Season	Minimum Size (inches)	Daily Possession Limit	Possession Limit
Frogs, toads, salamanders, mudpuppies	Last Sat. in May - Nov. 15	None	10 in any combination	10 in any combination
Snapping turtles	July 15-Sept. 15	13 inch minimum carapace length	2 in combination (no more than 1 of either species)	4 total in combination (no more than 2 of either species)
Softshell turtles		None		
All other turtles (painted, musk, map, red-eared slider); snakes and lizards	Open all year	None	3 in combination (However, no more than 2 turtles and no more than 1 of any one turtle species)	6 total in combination (However, no more than 4 turtles and no more than 2 of any one turtle species)

This Order shall be assigned number FO-224.13, and is entitled "Regulations on the Take of Reptiles and Amphibians."

This Order supersedes the Order entitled "Regulation on the Take of Reptiles and Amphibians," which became effective April 1, 2008, and is assigned number FO-224.08.

This Order shall take effect on April 1, 2013. This Order shall remain in effect until March 31, 2018, or until this Order is amended/rescinded, whichever comes first. Although this Order may be reviewed and amended on an annual basis, a review of this Order shall occur no later than August 1, 2017.

Issued on the _____ day of _____, 2012.

Keith Creagh
Director

The Natural Resources Commission has reviewed this Order.

Timothy L. Nichols
Chairperson

Deb Whipple
Executive Secretary