



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING



JENNIFER M. GRANHOLM
GOVERNOR

REBECCA A. HUMPHRIES
DIRECTOR

SUBMITTED: August 17, 2009

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Regulations on the Take of Freshwater Mollusks (FO-228)
FOR INFORMATION ONLY

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:

This proposed order change will allow quagga mussels to be harvested or collected by anglers without a permit. Currently, only zebra mussels may be collected without a permit. Quagga mussels invaded the Great Lakes after the zebra mussel invasion and were not present when the current order was drafted. Quagga mussels are very similar to zebra mussels and both are biofoulers that occlude pipes in municipal and industrial raw-water systems, requiring millions of dollars annually to treat (<http://100thmeridian.org/zebras.asp>).

While Fisheries Orders issued under Part 487 of 1994 PA 451, have no expiration date, it is recommended that a five year expiration date be placed on the order. This will ensure that the order be reviewed at least once every five years which is consistent with orders issued under Part 411 of 1994 PA 451.

NATURAL RESOURCES COMMISSION

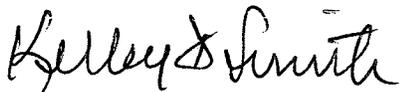
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • John Madigan • Timothy L. Nichols • J. R. Richardson • Frank Wheatlake

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Recommendation:

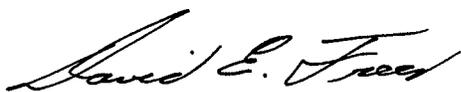
This order is being submitted for information and consideration at the September 10, 2009, Natural Resources Commission meeting. This item appeared on the Department's August 2009 calendar and is eligible for approval on October 8, 2009.



Kelley D. Smith, Chief
Fisheries Division



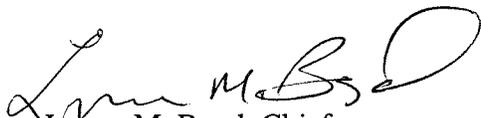
Russ Mason, Ph.D., Chief
Wildlife Division



David E. Freed, Chief
Land and Facilities



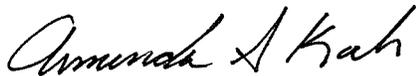
Ronald A. Olson, Chief
Parks and Recreation Division



Lynne M. Boyd, Chief
Forest, Mineral and Fire Management Division



Gary Hagler, Chief *FA*
Law Enforcement Division



Arminda S. Koch
Resource Management Deputy

I approve the staff recommendation.

Rebecca A. Humphries
Director

Date Approved

ORDER

REGULATIONS ON THE TAKE OF FRESHWATER MOLLUSKS

By authority conferred on the Department of Natural Resources by section 48705 of 1994 PA 451, as amended, being MCL 324.48705, the Director of the Department of Natural Resources on October 8, 2009, ordered that:

It shall be unlawful to take or attempt to take freshwater mussels or parts of any freshwater mussels, whether living or dead, including the shell or parts thereof, from any waters of this state, except under the provisions of a cultural or scientific investigation permit issued by the Director of the Department of Natural Resources. Zebra mussels (*Dreissena polymorpha*) **AND QUAGGA MUSSELS (DREISSENA ROSTRIFORMIS BUGENSIS)** may be taken from any waters of this state.

This order shall be assigned number FO-228.10, and is entitled "Regulations on the Take of Freshwater Mollusks."

This order supersedes the order entitled "Regulations on the Take of Mollusks," effective September 16, 2002, and assigned number FO-228.03.

This order shall take effect April 1, 2010, and shall remain effective through March 31, 2015.

Issued on the _____ day of _____, 2009.

Rebecca A. Humphries
Director

The Natural Resources Commission has reviewed this order.

Keith J. Charters
Chairperson

Teresa Gloden
Executive Secretary