JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

REBECCA A. HUMPHRIES
DIRECTOR

August 20, 2007
Resubmitted: September 17, 2007
Resubmitted: October 15, 2007

TO: Rebecca A. Humphries, Director

INFORMATION: Natural Resources Commission

SUBJECT: Fish Disease Control (FO-245)

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 the discovery of Viral Hemorrhagic Septicemia (VHS) in Michigan waters of the Great Lakes, the Department implemented a comprehensive set of regulations on June 28, 2007. These regulations, aimed at curtailing the spread of VHS into disease free waters, impacted recreational anglers, wholesale fish dealers, state licensed commercial fishermen, private aquaculturists, and retail bait outlets. Overall, these groups and the public at large have been accepting of the new regulations and understanding of the importance of protecting our fisheries.

In addition to the regulations, the Department developed educational materials, fact sheets, and instructions to help anglers, bait dealers and wholesale minnow dealers understand and work with the new restrictions. This information was distributed directly to license vendors, bait dealers, state licensed commercial fishermen, aquaculture facilities and wholesale bait harvesters/dealers. The information also was posted online on the Department web site. Feedback on these outreach efforts has been positive.

Simultaneously, throughout the spring and summer months the Department continued to collect samples of fish from both the Great Lakes and inland waters for surveillance testing and monitoring. To date, these efforts have confirmed the presence of VHS in only one inland lake, Budd Lake in Clare County. Surveillance and monitoring will continue as the Department tries to understand the spread of this virus and the impacts on our sport and commercial fisheries.

We are recommending three significant changes to this Order. First, in light of the confirmed presence of VHS in Budd Lake, we propose adding it to the Positive Management Area list.

NATURAL RESOURCES COMMISSION
Keith J. Charters, Chair • Mary Brown • Hurley J. Coleman, Jr. • Darnell Earley • John Madigan • J. R. Richardson • Frank Wheatlake

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Second, we recommend strict regulations for newly identified Baitfish and Roe Exclusion Zones. These Zones are actually streams that flow into state and federal fish hatcheries and require extra protection from the threat of VHS. It is hoped that completely banning the use and possession of baitfish and roe on these waters will prevent VHS from getting into hatchery facilities, thus avoiding disastrous results. Finally, we are relaxing current restrictions on retail outlets that require them to maintain sales receipts for up to one year. Over the past few months, we have realized that this is an unnecessary restriction that can be removed without jeopardizing the resource or LED's efforts to monitor the movement of bait throughout the state.

Recommendation:

This order was submitted for information at the September and October, 2007, Natural Resources Commission Meetings. This item appeared on the Department's September 4, 2007, and October 1, 2007, calendars and is eligible for approval on December 6, 2007. We are recommending that it be acted upon at this meeting.

Kelley D. Smith, Chief
Fisheries Division

Rodney Stokes, Acting Chief
Law Enforcement Division

Douglas A. Reeves, Acting Chief
Wildlife Division

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

David E. Freed, Chief
Land and Facilities

Ronald A. Olson, Chief
Parks and Recreation Division

Arminda S. Koch
Resource Management Deputy

I approve the staff recommendation.

Rebecca A. Humphries
Director

_____
Date Approved

ORDER

FISH DISEASE CONTROL

Under the authority of sections 41101 through 41105 of 1994 PA 451, being sections 324.41101 through 324.41105 of the Michigan Compiled Laws, the Director of the Department of Natural Resources (Department) on December 6, 2007, ordered that the following regulations apply to the waters of the State to protect against the further spread of Pathogens of concern.

The goals of the Department's actions under this Fish Disease Control Order are to protect the aquatic resources of the State, minimize the spread of Pathogens of concern to uninfected waters, and protect the Department's fish hatchery system. The Department will address the control of diseases of fish through the development of regulations for specific Management Areas that are designed to contain or slow the spread of Pathogens of concern.

DEFINITIONS

As used in this Fish Disease Control Order, specific terms are defined as follows:

Baitfish –live or dead species of fish, or parts of fish excluding Roe, that are used by anglers to catch fish.

Baitfish and Roe Exclusion Zone- waters designated as critical to hatchery operations where possession and use of baitfish and roe as defined is prohibited.

Certification Process – a process used by the Department to grant or deny applications from individuals who want to conduct certain activities that are regulated by this Fish Disease Control Order.

Inland Waters – all public waters of the State except for the Great Lakes and their connecting waters.

Pathogen – viruses, bacteria, fungi, and parasites that cause disease in living organisms.

Prohibited Fish Species – Baitfish and other species of fish identified by the Department as infected with one or more Pathogens of concern.

Roe – eggs of fish.

BAITFISH AND ROE EXCLUSION ZONES

The Department has identified locations vital to the protection of hatchery operations in an effort to control or contain pathogen movement and reduce disease risks to these facilities. In these critical areas restrictions on the possession and subsequent use of baitfish and roe must be implemented. Therefore, baitfish and roe shall not be possessed on the following waters of the State:

Benzie County

Brundage Creek and tributaries Kinney Creek and Stanley Creek, from its confluence with the Platte River (T26N, R13W, S7), to their headwaters, including Brundage Spring Pond.

Chippewa County

Pendills Lake (T47N, R4W: S25, 26) including tributary Pendills Creek downstream to its confluence with Lake Superior (T47N, R4W: S28).

Sullivan Creek from its headwaters (T46N. R4W: S32) downstream to its confluence with the North Branch of the Pine River (T45N. R4W. S23).

Viddian Creek from its headwaters (T47N. R4W: S32) downstream to its confluence with Pendills Creek (T47N. R4W: S28).

Marquette County
Cherry Creek from the location of the Cherry Creek Road (T47N. R24W. S18) to the headwaters at County Road 480 (T47N. R25W. S22).

REGULATION BY MANAGEMENT AREA

The Department uses a classification system to categorize waters based on their disease status. Specific Management Areas identified by the Department under this system include: 1) Named Pathogen Positive Management Area, where the presence of a named Pathogen has been confirmed; 2) Named Pathogen Surveillance Management Area, where a named Pathogen is likely to be found in the near future; and 3) Named Pathogen Free Management Area, where a named Pathogen has not been confirmed to date. Regulatory actions are designed for each Management Area to reduce the risk of spreading a Pathogen from, and in some cases containing a Pathogen within, a Named Pathogen Positive Management Area. Unique regulatory actions will be developed for each new Pathogen that is discovered, and such actions will take into account the likely dispersal routes for a Pathogen.

GENERAL STATEWIDE PROVISIONS

1. The official list of Prohibited Fish Species for each Pathogen of concern as identified by the Department will be available from the Department and will be posted on Fisheries Division's web site (http://www.michigan.gov/dnrfishing). The list of Prohibited Fish Species for each Pathogen of concern as of June 28, 2007 is attached to this Fish Disease Control Order for reference only (Appendix A). Updates to the list of Prohibited Fish Species will be made as necessary. Those changes will be immediately posted on Fisheries Division's web site, and incorporated into this Fish Disease Control Order at least annually.
2. The official list of waters classified by Named Pathogen Management Area for each Pathogen of concern as identified by the Department shall be posted on Fisheries Division's web site (http://www.michigan.gov/dnrfishing). The list of waters classified by Named Pathogen Management Area for each Pathogen of concern as of June 28, 2007 is attached to this Fish Disease Control Order for reference only (Appendix B). Updates to the list of list of waters classified by Named Pathogen Management Area will be made as necessary. Those changes will be immediately posted on Fisheries Division's web site, and incorporated into this Fish Disease Control Order at least annually.
3. The Certification Process includes two Parts: Part A) Status of a Facility and Part B) Status of Fish Health. The *Guide for Certification of Status of a Facility and Status of Fish Health* will identify the specific steps to be completed for each Pathogen of concern as identified by the Department, as well as when a Certification for Status of a Facility that has been granted, or a Certification for Status of Fish Health that has been granted, shall expire. The *Guide for Certification of Status of a Facility and Status of Fish Health* will be available from the Department and will be posted on Fisheries Division's web site (http://www.michigan.gov/dnrfishing).

   Part A) Status of a Facility – Applicants who wish to keep Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, in a facility shall have that facility reviewed by the Department to ensure that there is minimal risk to public waters of the State and that appropriate biological security measures are in effect for the facility. The Department will review the results for each application under Part A) and respond to the applicant in writing with a letter of Certification for Status of a Facility that either grants or denies the application and includes the Department's rationale

for the decision as well as the actions necessary for achieving certification. This Part A) does not apply to 1) an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture; 2) an owner of a State-licensed Baitfish retail operation; or 3) an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Prohibited Fish Species.

Part B) Status of Fish Health – Applicants who wish to offer for sale or sell Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, shall have those Baitfish or that Roe tested for each Pathogen of concern by a certified laboratory that has been approved by the State of Michigan. Applicants shall submit the results of all tests to the Department. The Department will review the results for each application under Part B) and respond to the applicant in writing with a letter of Certification for Status of Fish Health that contains a transaction number, and that either grants or denies the application and includes the Department's rationale for the decision. This Part B) does not apply to an owner of a State-licensed Baitfish retail operation or an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Prohibited Fish Species.

4. A person shall not stock Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, in holding facilities, ponds, or other waters that discharge into public waters of the State prior to completing Part A) of the Certification Process and receiving a letter of Certification for Status of a Facility from the Department permitting such activity. This Provision 4 does not apply to 1) an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture; 2) an owner of a State-licensed Baitfish retail operation; or 3) an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Prohibited Fish Species.
5. If an approved Certification for Status of a Facility is issued by the Department under Part A) of the Certification Process, an applicant shall carry that letter of Certification for Status of a Facility with them when transporting and stocking Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, in holding facilities, ponds, or other waters that discharge into public waters of the State. That letter of Certification for Status of a Facility shall be shown upon request. This Provision 5 does not apply to 1) an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture; 2) an owner of a State-licensed Baitfish retail operation; or 3) an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Prohibited Fish Species.
6. A person shall not stock Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, in public waters of the State prior to receiving a Fish Stocking Permit from the Department permitting such activity.
7. If an approved Fish Stocking Permit is issued by the Department, an applicant shall carry that Fish Stocking Permit with them when transporting and stocking Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, in public waters of the State. That Fish Stocking Permit shall be shown upon request.
8. Except as otherwise provided for in this Fish Disease Control Order, a person shall not offer for sale or sell any Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, prior to completing Part B) of the Certification Process and receiving a letter of Certification for Status of Fish Health from the Department permitting such activity. This Provision 8 does not apply to an owner of a State-licensed Baitfish retail operation or an owner of a State-licensed commercial fishing operation specifically for that part of the operation

related to the sale for human consumption of Roe taken from fish that are listed as Prohibited Fish Species.

9. If an approved Certification for Status of Fish Health is issued by the Department under Part B) of the Certification Process, an applicant shall carry that letter of Certification for Status of Fish Health with them when transporting, offering for sale, or selling Baitfish or live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species. That letter of Certification for Status of Fish Health shall be shown upon request. This Provision 9 does not apply to an owner of a State-licensed Baitfish retail operation or an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Prohibited Fish Species.
10. An owner of a State-licensed Baitfish wholesale operation shall provide to each wholesale purchaser at the point of sale a copy of the receipt that contains specific information as identified by the Department in the *Guide for Certification of Status of a Facility and Status of Fish Health*, as well as the transaction number from the letter of Certification for Status of Fish Health. An owner of a State-licensed Baitfish wholesale operation shall retain the original receipts for at least one year after the date of sale. Receipts shall be shown upon request.
11. A wholesale purchaser shall retain copies of receipts for purchases from a State-licensed Baitfish wholesale operation for at least one year after the date of sale. Receipts shall be shown upon request.
12. An owner of a State-licensed Baitfish retail operation shall provide to each retail customer at the point of sale a receipt that contains specific information as identified by the Department in the *Guide for Certification of Status of a Facility and Status of Fish Health*, as well as the transaction number from the letter of Certification for Status of Fish Health.
13. A retail customer shall retain and show upon request the receipt for purchases of Baitfish or Roe from a State-licensed Baitfish retail operation. A receipt shall be valid for seven days from the date of sale.
14. All species of live fish and Roe maintained at a location by an owner of a State-licensed commercial fishing operation, an owner of a State-licensed Baitfish wholesale operation, or an owner of a State-licensed Baitfish retail operation shall be considered uncertified if live fish that are listed as Prohibited Fish Species, or Roe taken from fish that are listed as Prohibited Fish Species, are also maintained at that location and those live fish or that Roe have not been approved as required under Part B) of the Certification Process.
15. A person, who catches fish in a lake or a Great Lake, shall not release those fish alive in any public waters of the State if those fish are listed as Prohibited Fish Species, except that those fish may be released alive in that lake, or that Great Lake, or in a connecting body of water to that lake, or that Great Lake, so long as those fish can freely move between the original location of capture and the location of release. This Provision 15 does not apply to Baitfish.
16. A person who catches fish in a stream shall not release those fish alive in any public waters of the State if those fish are listed as Prohibited Fish Species, except that those fish may be released alive in any part of that stream, or in a connecting body of water to that stream, so long as those fish can freely move between the original location of capture and the location of release. This Provision 16 does not apply to Baitfish.
17. Except as further restricted in this Fish Disease Control Order, a person shall not use or otherwise release Baitfish that are listed as Prohibited Fish Species, or Roe harvested from fish that are listed as Prohibited Fish Species, in any public waters of the State, unless that person is fishing and those Baitfish or that Roe are attached to a hook.
18. A person who moves a boat over land between bodies of water shall drain all water from the live well(s) and the bilge of their boat upon leaving any body of water.

SECTION I – Viral Hemorrhagic Septicemia Virus (VHSv)

Viral hemorrhagic septicemia virus (VHSv) is a disease of fish that has caused large-scale mortalities of fish in aquaculture operations in Europe, in certain populations of wild fish along the Pacific Coast of North America, and now in various populations of wild fish in several areas of the Great Lakes Basin. There are four known genetic types of the virus, three in Europe where VHSv originated and one in North America. The genetic type found in the Great Lakes Basin (VHSv IVb) is most similar to the strain of VHSv previously isolated from the Atlantic Coast of Eastern North America. VHSv types I, II, and III have caused significant mortalities, particularly in rainbow trout in European aquaculture facilities. In the Great Lakes Basin, VHSv IVb has caused mortalities in several species of wild fish inhabiting Lake Huron, the St. Clair River, Lake St. Clair, the Detroit River, Lake Erie, the Niagara River, Lake Ontario, and the St. Lawrence River.

On October 24, 2006 (as amended on November 14, 2006 and again on May 4, 2007), a federal Emergency Order was issued by the Animal and Plant Health Inspection Service of the United States Department of Agriculture in an effort to prevent the spread of VHSv between States and between the U.S. and Canada, thus hopefully protecting economically important sport fisheries and aquaculture operations. This Fish Disease Control Order is consistent with the federal Emergency Order (as amended), and it provides for additional protections to slow the spread of VHSv throughout the Great Lakes and Inland Waters under the jurisdiction of Michigan that are not covered by the federal Emergency Order (as amended).

VHSv is likely to continue spreading in fish throughout the Great Lakes Basin via the natural movements of infected fish. Although the virus may take years to infect fish in Lake Superior, it could be rapidly moved by ships that discharge untreated ballast water, the stocking of infected fish, or the unintended movement of water by boaters and anglers that contains either the virus itself or live fish that are infected with the virus. While containment and eradication of VHSv are likely not possible, the regulations specified in this Fish Disease Control Order are necessary to slow the spread of VHSv, thus providing the time required to develop strategies for managing the Pathogen. The restrictions detailed below will help the Department to 1) protect populations of wild fish in Inland Waters, and in several areas of the Great Lakes, that are not yet infected with the virus; 2) protect wild populations of fish used as broodstock for fisheries management, and 3) prevent the infection of fish being reared in State-owned fish hatcheries.

Management Area Regulations for Viral Hemorrhagic Septicemia virus (VHSv)

VHSv Positive Management Area

On all waters designated within the VHSv Positive Management Area, the following regulations further restrict the transportation, sale, use, and release of Baitfish and fish that are listed as Prohibited Fish Species, and Roe taken from fish that are listed as Prohibited Fish Species, that **have not** been approved as required under Part B) of the Certification Process.

Recreational anglers

1. A person who catches Baitfish that are listed as Prohibited Fish Species, or harvests Roe from fish that are listed as Prohibited Fish Species, in a body of water that is included in the VHSv Positive Management Area shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters included in the VHSv Positive Management Area subject to Provision 17 under the General Statewide Provisions.
2. A person who purchases Baitfish that are listed as Prohibited Fish Species, or purchases Roe from fish that are listed as Prohibited Fish Species, shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters included in the VHSv Positive Management Area subject to Provision 17 under the General Statewide Provisions.

State-licensed Baitfish wholesale operations; State-licensed Baitfish retail operations

1. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not transport Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Positive Management Area, unless that owner has documentation demonstrating proof that those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Positive Management Area.
2. Documentation demonstrating proof that each species of Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, has been harvested from a body of water that is included in the VHSv Positive Management Area shall accompany all shipments of those Baitfish or that Roe, and that documentation shall be shown upon request.
3. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not offer for sale or sell Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Positive Management Area, unless that owner has clearly identified at the point of sale that those Baitfish or that Roe may only be used in a body of water that is included in the VHSv Positive Management Area.

VHSv Surveillance Management Area

On all waters designated within the VHSv Surveillance Management Area, the following regulations further restrict the transportation, sale, use, and release of Baitfish and fish that are listed as Prohibited Fish Species, and Roe taken from fish that are listed as Prohibited Fish Species, that **have not** been approved as required under Part B) of the Certification Process.

Recreational anglers

1. A person who catches Baitfish that are listed as Prohibited Fish Species, or harvests Roe from fish that are listed as Prohibited Fish Species in a body of water that is included in the VHSv Surveillance Management Area shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters included in either the VHSv Positive Management Area or the VHSv Surveillance Management Area subject to Provision 17 under the General Statewide Provisions.
2. A person who purchases Baitfish that are listed as Prohibited Fish Species, or purchases Roe from fish that are listed as Prohibited Fish Species, shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters included in either the VHSv Positive Management Area or the VHSv Surveillance Management Area subject to Provision 17 under the General Statewide Provisions.

State-licensed Baitfish wholesale operations; State-licensed Baitfish retail operations

1. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not transport Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Surveillance Management Area, unless that owner has documentation demonstrating proof that those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Surveillance Management Area.
2. Documentation demonstrating proof that each species of Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, has been harvested from a body of water that is included in the VHSv Surveillance Management Area shall accompany all shipments of those Baitfish or that Roe, and that documentation shall be shown upon request.
3. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not offer for sale or sell Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Surveillance Management Area, unless that owner has clearly identified at the point of sale that those Baitfish or that Roe may only be used in a body of water that is included in either the VHSv Positive Management Area or the VHSv Surveillance Management Area.

VHSv Free Management Area

On all waters designated within the VHSv Free Management Area, the following regulations apply to the transportation, sale, use, and release of Baitfish and fish that are listed as Prohibited Fish Species, and Roe taken from fish that are listed as Prohibited Fish Species, that **have not** been approved as required under Part B) of the Certification Process.

Recreational anglers

1. A person who catches Baitfish that are listed as Prohibited Fish Species, or harvests Roe from fish that are listed as Prohibited Fish Species in a body of water that is included in the VHSv Free Management Area may use those Baitfish or that Roe in any public waters of the State, subject to Provision 17 under the General Statewide Provisions.
2. A person who purchases Baitfish that are listed as Prohibited Fish Species, or purchases Roe from fish that are listed as Prohibited Fish Species, that has been harvested from a body of water included in the VHSv Free Management Area may use those Baitfish or that Roe in any public waters of the State, subject to Provision 17 under the General Statewide Provisions.

State-licensed Baitfish wholesale operations; State-licensed Baitfish retail operations

1. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation may transport Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, so long as those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Free Management Area and that owner has documentation demonstrating proof that those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Free Management Area.
2. Documentation demonstrating proof that each species of Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, has been harvested from a body of water that is included in the VHSv Free Management Area shall accompany all shipments of those Baitfish or that Roe, and that documentation shall be shown upon request.
3. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation may offer for sale or sell Baitfish that are listed as Prohibited Fish Species, or Roe from fish that are listed as Prohibited Fish Species, so long as those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Free Management Area and that owner has clearly identified at the point of sale that those Baitfish or that Roe may be used in any waters of the State.

This order is assigned number FO-245.08, and is entitled "Fish Disease Control." If a discrepancy occurs between this Fish Disease Control Order, FO-245.08 and other orders and laws currently in existence, then the more restrictive regulation shall take precedence.

This order supersedes the order entitled "Fish Disease Control" effective June 28, 2007, and assigned number FO-245.07.

This order shall take effect April 1, 2008, and shall remain effective through March 31, 2013.

Issued on the _____ day of _____, 2007.

_____
Rebecca A. Humphries, Director
Michigan Department of Natural Resources

The Natural Resources Commission reviewed this Fish Disease Control Order, FO-245.08.

_____
Keith J. Charters, Chairman
Natural Resources Commission

_____
Teresa Gloden, Executive Secretary
Natural Resources Commission

FISH DISEASE CONTROL ORDER, FO-245

Appendix A

The official list of Prohibited Fish Species for each Pathogen of concern as identified by the Department shall be posted on Fisheries Division's web site (http://www.michigan.gov/dnrfishing). This Appendix A, which contains the list of Prohibited Fish Species for each Pathogen of concern as identified by the Department of Natural Resources as of December 6, 2007, is incorporated by reference into this Fish Disease Control Order, FO-245.

	Prohibited Fish Species [1]	**Pathogen of concern**
Common name	**Scientific name**	**Section I VHSv**
Black crappie	*Pomoxis nigromaculatus*	X
Bluegill	*Lepomis macrochirus*	X
Bluntnose minnow	*Pimephales notatus*	X
Brown bullhead	*Ictalurus nebulosus*	X
Brown trout	*Salmo trutta*	X
Burbot	*Lota lota*	X
Channel catfish	*Ictalurus punctatus*	X
Chinook salmon	*Oncorhynchus tshawytscha*	X
Coho salmon	*Oncorhynchus kisutch*	X
Emerald shiner	*Notropis atherinoides*	X
Freshwater drum	*Aplodinotus grunniens*	X
Gizzard shad	*Dorosoma cepedianum*	X
Lake whitefish	*Coregonus clupeaformis*	X
Largemouth bass	*Micropterus salmoides*	X
Muskellunge	*Esox masquinongy*	X
Northern pike	*Esox lucius*	X
Pacific herring	*Clupea pallasi*	X
Pink salmon	*Onchorhynchus gorbuscha*	X
Pumpkinseed	*Lepomis gibbosus*	X
Rainbow trout	*Oncorhynchus mykiss*	X
Rock bass	*Ambloplites rupestris*	X
Round goby	*Neogobius melanostomus*	X
Shorthead redhorse	*Moxostoma macrolepidotum*	X
Silver redhorse	*Moxostoma anisurum*	X
Smallmouth bass	*Micropterus dolomieu*	X
Spottail shiner	*Notropis hudsonius*	X
Trout perch	*Percopsis omiscomaycus*	X
Walleye	*Sander vitreus*	X
White bass	*Morone chrysops*	X
White perch	*Morone americana*	X
White sucker	*Catostomus commersonii*	X
Yellow perch	*Perca flavescens*	X

[1] An "**X**" for a species of fish under each Section/named Pathogen signifies that the species has been identified by the Department as infected with that Pathogen of concern. Such species of fish are therefore subject to the restrictions imposed by this Fish Disease Control Order, FO-245.

FISH DISEASE CONTROL ORDER, FO-245

Appendix B

The official list of waters classified by Named Pathogen Management Area for each Pathogen of concern as identified by the Department shall be posted on Fisheries Division's web site (http://www.michigan.gov/dnrfishing). This Appendix B, which contains the list of waters classified by Named Pathogen Management Area for each Pathogen of concern as identified by the Department of Natural Resources as of December 6, 2007, is incorporated by reference into this Fish Disease Control Order, FO-245.

SECTION I – Viral Hemorrhagic Septicemia Virus (VHSv)

VHSv Positive Management Area

Lake Huron including Saginaw Bay, the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie are classified as a VHSv Positive Management Area. All tributaries to Lake Huron including Saginaw Bay, to the St. Clair River, to Lake St. Clair, to the Detroit River, and to Lake Erie are classified as a VHSv Positive Management Area in their entirety or from their confluence upstream to the first barrier that prevents the upstream passage of fish if such a barrier exists. VHSv has been documented in Budd Lake (Clare County) resulting in its addition to the VHSv Positive Management Area.

VHSv Surveillance Management Area

Lake Michigan including Grand Traverse bays and bays de Noc, and the St. Marys River are classified as a VHSv Surveillance Management Area. All tributaries to Lake Michigan including Grand Traverse bays and bays de Noc, and to the St. Marys River are classified as a VHSv Surveillance Management Area in their entirety or from their confluence upstream to the first barrier that prevents the upstream passage of fish if such a barrier exists. All Inland Waters in the watersheds of Lake Huron including Saginaw Bay, of the St. Clair River, of Lake St. Clair, of the Detroit River, and of Lake Erie are classified as a VHSv Surveillance Management Area, except for those tributaries to Lake Huron including Saginaw Bay, to the St. Clair River, to Lake St. Clair, to the Detroit River, and to Lake Erie that are classified as a VHSv Positive Management Area.

VHSv Free Management Area

Lake Superior and all Inland Waters in the watersheds of Lake Superior are classified as a VHSv Free Management Area. All Inland Waters in the watersheds of Lake Michigan including Grand Traverse bays and bays de Noc, and of the St. Marys River are classified as a VHSv Free Management Area, except for those tributaries to Lake Michigan including Grand Traverse bays and bays de Noc, and to the St. Marys River that are classified as a VHSv Surveillance Management Area.