STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

SUBMITTED: August 10, 2015

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: State-Licensed Commercial Fishing (FO-243.15A)
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

The attached amendment to Fisheries Order 243 addresses an administrative issue impacting management of the state-licensed commercial fishery. The Department of Natural Resources, Legislative and Legal Affairs Office has recommended that Fisheries Division address ambiguities in the authorizing legislation, MCL 324.47302, MCL 324.47311, MCL 324.47319, and MCL 324.47333 using the authority provided to the Director under MCL 324.46701. This order is necessary to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish.

Fisheries Division discussed this proposed change with Law Enforcement Division staff, who are in concurrence with the recommendations.

Under the authority of Section 46702 of 1994 PA 451, this order takes effect 30 days from and after the date of its issuance and requires notification by first class mail to all persons licensed under part 473.

Recommendation
It is our recommendation to modify and utilize FO-243.15A to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish. This order is being submitted for information and consideration. The item appears on the Department's August 2015 calendar and may be eligible for approval on September 10, 2015.

James Dexter, Chief
Fisheries Division

Gary Hagler, Chief For
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 have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

Keith Creagh, Director

Date

FO-243.15A

ORDER

STATE-LICENSED COMMERCIAL FISHING

Under the authority of Sections 46701and 46702 of 1994 PA 451, as amended, MCL 324.46701 and MCL 324.46702, the Director of the Department of Natural Resources on September 10, 2015, ordered that the following state-licensed commercial fishing regulations apply:

1. State-licensed commercial trap net fishing is permitted in water depths of up to 150 feet in Lakes Huron, Michigan, and Superior under licenses issued by the Director.

2. The commercial harvest of chubs (*Coregonus hoyi*) is permitted in Lake Michigan north of Grand Haven under licenses issued by the Director.

3. Lake Erie is designated as rough fish grounds for commercial fishing as defined in MCL 324.47309(g).

4. The commercial harvest of Lake whitefish (*Coregonus clupeaformis*), 17 inches in length and greater, caught in Lake Erie in legally set trap nets, is permitted under licenses issued by the Director.

5. The department or its properly permitted designee may take fish in any manner, in any of the waters mentioned in this part, at any and all seasons of the year, for the purpose of fish culture or scientific investigation; may have and hold ripe and unripe fish for scientific investigation or in order to take spawn from the fish; and may sell or direct to be sold all of those ripe and unripe fish. A permitted designee of the department shall comply with the conditions established in the permit.

6. **State-licensed commercial fishers shall comply with all license conditions.**

7. **Whitefish in lakes Michigan, Huron, and Superior shall be closed to harvest from noon on November 1 to noon on November 30.**

8. **It shall be unlawful to market, have in possession, transport, or offer for sale at any time, whether caught within or without this state any catfish of a length less than 15 inches, except that catfish of a length not less than 14 inches may be taken from Lake Erie, but such fish shall not be sold or offered for sale except at a dock or docks along said lake.**

9. **Suckers may be commercially taken from all waters of the state open to commercial fishing without a size limit and without a closed season.**

10. **Imported commercial and game fish species of a size, weight, or species not prohibited by the laws of the state or country where caught that are not processed outside the state of Michigan and sold to the consumer in the same package as imported may be possessed, transported, offered for sale, and marketed as follows:**

a. **A wholesale fish dealer who directly or indirectly imports the fish shall:**
   i. **Retain for 30 days following importation a commercial invoice or bill of sale or, if imported from Canada, the customs entry or customs broker's statement, which shall include the species of fish and formal entry number;**
   ii. **Keep a record including the quantity and species of fish and the name and address of every retailer to whom such fish are sold or shipped; and**
   iii. **Make the documents and records required by this section available for inspection by any law enforcement officer at any reasonable time.**
b. **A retail fish dealer shall retain a bill of sale or invoice indicating the quantity and species of fish and the name and address of the consignor for inspection by any law enforcement officer at any reasonable time until the fish are disposed of by sale or otherwise.**

11. **In addition to the requirement established in Section 10(a) of this Order, wholesale fish dealers licensed in Michigan, whether they are located within or outside the state, shall fill out and submit monthly purchase records on forms provided by the Department. Forms containing the monthly purchase records shall be submitted to the Department by the tenth day after the end of the month in which the fish were acquired. Reports not received by the Department by the end of the month in which they are due shall be considered delinquent and in violation of this order.**

This order modifies conditions as set forth in **MCL 324.47302**, MCL 324.47309 (h and i), **MCL 324.47311 (b and f),** MCL 324.47315, **MCL 324.47319 (Subsection 1. e and f and Subsection 2), and MCL 324.47333** of 1994, PA 451, and Administrative Rule R 299.1074(b, c, and e) and Administrative Rule R 299.1075(3).

This Order shall be assigned number FO-243.15A, and is entitled "State-Licensed Commercial Fishing."

This Order supersedes the Orders entitled "State-Licensed Commercial Fishing," effective August 8, 2010, February 9, 2012, and April 20, 2015 assigned number FO-243.10A, FO-243.12, and FO-243.15 respectively.

Per MCL 324.46702, this Order shall take effect 30 days after being issued. This Order shall remain in effect until this order is amended/rescinded.

Issued on the 10th day of **September, 2015**.

Keith Creagh
Director