STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

RODNEY A. STOKES
DIRECTOR

SUBMITTED:	July 11, 2011
RESUBMITTED:	August 15, 2011
RESUBMITTED:	September 19, 2011
RESUBMITTED:	October 17, 2011

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Regulations for the Taking of Minnows for Commercial Purposes (FO-216) 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

There are several changes being proposed to this Order. These include the addition of Kent Lake, Livingston and Oakland Counties, and the Huron River upstream of Kent Lake to the Hubbell Millpond dam, the addition of Silver Lake in Oceana County along with any tributaries flowing into Silver Lake, and the removal of western Lake Superior waters and tributaries from the list of waters closed to commercial minnow harvest. We are requesting Kent Lake plus associated waters and Silver Lake and its tributaries be added due to a recently confirmed outbreak of Koi herpes virus, the first two confirmed wild occurrences of this disease in Michigan.

Lake Superior waters being removed from this Order will now be open for commercial minnow harvest activities. The restrictions on harvest of minnows in the western Lake Superior waters were instituted in the mid 1990's to prevent the unintentional expansion of Eurasian Ruffe (*Gymnocephalus cernuus*) from the Lake Superior Basin. Eurasian ruffe has now expanded their range throughout the entire south shore of Lake Superior and has also established populations in northern Lake Huron, northern Lake Michigan, and the waters of Green Bay. Since it is already unlawful to possess Eurasian ruffe (Natural Resources And Environmental Protection Act 451 of 1994 324.41301), and since Eurasian ruffe now occupy the coastal waters surrounding the Upper Peninsula of Michigan, the former restriction on commercial take of minnows from the western Lake Superior waters is no longer necessary. These same waters were opened to the taking of minnows for personal use in 2010 through FO-203.10 (Waters Closed for the Taking of Minnows for Personal Use).

We are also proposing one technical change and adding another reference to statute, MCL 324.48731, to the Order to help clarify one of the restrictions on the use of seines in designated trout streams. The proposed change will not result in any regulation changes and is only being made to help clarify the Order.

Recommendation

It is our recommendation to add Kent Lake including the Huron River upstream to the Hubbell Millpond dam in Milford, add Silver Lake and its tributaries, and to remove the Lake Superior waters from this Order which were added in the 1990s as an attempt to reduce the spread of Eurasian ruffe. Because Eurasian ruffe has been collected across the basin, managers indicate these closures are no longer necessary. These recommended changes will help reduce the risk of Koi herpes virus from being spread to other locations plus open a number of waters previously closed to commercial minnow harvest.

This Order is being submitted for information at the August, September, October, and November 2011 meetings of the Natural Resources Commission. This item appeared on the Department's August, September, and October 2011 calendars, and will be eligible for approval on December 8, 2011.

James L. Dexter, Acting Chief
Fisheries Division

Gary Hagler, Chief
Law Enforcement Division

Russ Mason, Ph.D., Chief
Wildlife Division

Lynne M. Boyd, Chief
Forest Management Division

Ronald A. Olson, Chief
Parks and Recreation Division

Kelley D. Smith, Ph.D.
Acting Natural Resources Deputy

I approve the staff recommendation.

Rodney A. Stokes, Director

Date

ORDER

REGULATIONS FOR THE TAKING OF MINNOWS FOR COMMERCIAL PURPOSES

Under the authority of sections 48730 **and 48731** of 1994 PA 451, as amended, being MCL 324.48730 **and MCL 324.48731** the Director of the Department of Natural Resources on December 8, 2011, ordered that for a period not to exceed five years, the following waters are open to the taking of minnows for commercial purposes:

1. The Great Lakes and their connecting waters (including Lakes Michigan, Huron, Erie, and St. Clair, and the St. Mary's, St. Clair, and Detroit Rivers) except that, the following waters are closed to the taking of minnows for commercial purposes:

   a. That portion of Tawas Bay of Lake Huron lying between the projections of Wadsworth and Church streets of East Tawas for a distance of 900 feet out from the water's edge.

   ~~b. In those waters of Lake Superior west of Big Bay Point, Marquette County.~~

2. All non-trout streams <u>except</u> that the following non-trout streams are closed to the taking of minnows for commercial purposes:

   a. All non-trout streams within the boundaries of the Grayling Sports Park in Crawford County.

   b. All non-trout streams within the boundaries of the Palms Book State Park in Schoolcraft County.

   ~~c. All non-trout streams tributary to Lake Superior for 1/2 mile above mouth.~~

3. All inland lakes except that, the following inland lakes are closed, as indicated, to the taking of minnows for commercial purposes:

   a. Lakes closed year around:

      i. Gun Lake in Allegan and Barry Counties.

      ii. Lake Leelanau in Leelanau County.

      iii. Cedar Lake in Alcona and Iosco Counties.

      iv. Lake Bellaire and Clam Lake in Antrim County.

      v. Torch Lake in Antrim and Kalkaska Counties.

      vi. All lakes within the boundaries of the Grayling Sports Park in Crawford County.

      vii. All lakes within the boundaries of Palms Book State Park in Schoolcraft County.

      viii. Birch Lake in Cass County.

      ix. Black Lake and tributaries in Cheboygan and Presque Isle Counties.

~~K.~~ ~~Portage Lake, Torch Lake and the North and South Portage Canals and their tributaries in Houghton County for 1/2 mile above mouth.~~

~~L.~~ Big Glen Lake in Leelanau County.

x..

xi. Kent Lake including the Huron River upstream to the Hubbell Millpond dam in Milford in Livingston and Oakland Counties.

xii. Silver Lake, Oceana County, and all tributaries that flow into Silver Lake.

b. Lakes closed from May 15 through September 15:

i. Higgins Lake in Roscommon County.

ii. Lake Margrethe and K.P. Lake in Crawford County.

iii. Tea Lake in Oscoda County.

iv. Sand Lake in Iosco County.

v. Long Lake in Alpena and Presque Isle Counties.

vi. Grand Lake in Presque Isle County.

4. All trout streams except that, the following trout streams shall be closed to the taking of minnows for commercial purposes:

a. Intermediate River below the dam at Lake Bellaire, Grass River, and Clam River in Antrim County.

b. Torch River in Antrim and Kalkaska Counties.

c. All trout streams within the boundaries of the Grayling Sports Park in Crawford County.

d. All trout streams within the boundaries of Palms Book State Park in Schoolcraft County.

~~e.~~ ~~All trout streams tributary to Lake Superior for ½ mile above mouth.~~

~~f.~~e. Hatlem Creek, a tributary to Glen lake, Leelanau County.

It shall be unlawful for any person to:

1. Take or attempt to take minnows for commercial purposes from designated trout lakes ~~(under statute, P.A. 451 of 1994, Part 487, as amended, it is unlawful to seine minnows, wigglers and/or crawfish for commercial purposes, from trout streams)~~ with any device other than hook and line, or glass, transparent plastic or wire minnow traps.

2. Seine minnows for commercial purposes from a designated trout stream.

~~2.~~**3** Take minnows for commercial purposes without submitting a monthly catch report as required by Fisheries Order No. FO-231 Catch Reporting Regulations for Commercial Minnow, Wigglers and Crayfish Catchers.

~~3.~~**4** Use a minnow seine that contains a bag, trap or pot in its construction.

~~4.~~**5.** Use a minnow trap more than 24 inches in length and with funnel openings exceeding 1½ inches in diameter.

~~5.~~**6.** Use a minnow trap that does not bear the name and address of the user, in legible English.

~~6.~~**7.** Set a minnow trap with wings or leads.

Definitions:
"Minnow Seine" or "Seine" means an elongated net, with sinkers or weights on one edge and floats on the opposite edge that hangs vertically in the water and is used to enclose fish when its ends are closed together or pulled to shore.

This Order shall be assigned number FO-216.12, and is entitled "Regulations for the Taking of Minnows for Commercial Purposes."

This Order supersedes the Order entitled "Regulations for the Taking of Minnows for Commercial Purposes," effective on January 11, 2007 and was assigned number FO-216.07.

This Order shall take effect on April 1, 2012. This Order shall remain in effect until March 31, 2017 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, 2016.

Issued on the _____ day of _____, 2011.

Rodney A. Stokes
Director

The Natural Resources Commission has reviewed this Order.

Timothy L. Nichols
Chairperson

Deb Whipple
Executive Secretary