



STATE OF MICHIGAN  
 DEPARTMENT OF NATURAL RESOURCES  
 LANSING



RICK SNYDER  
 GOVERNOR

KEITH CREAGH  
 DIRECTOR

SUBMITTED: August 15, 2016  
 RESUBMITTED: September 12, 2016

<u>A P P R O V E D</u> <hr/> MICHIGAN NATURAL RESOURCES COMMISSION <hr/> (ASSISTANT TO THE COMMISSION)
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MEMORANDUM TO THE NATURAL RESOURCES  
 COMMISSION

Subject: Fisheries Order 224.16  
 Regulations on the Take of Reptiles and Amphibians

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, authorizes the Director and the Commission to issue orders to regulate the taking of fish in the waters of this state.

Discussion and Background:

This Order governs regulations for Michigan’s reptiles and amphibians. These regulations have recently been evaluated by staff, and after consultation with other biologists and university researchers, there is growing concern for several native species. The continued decline in reptile and amphibian populations has led the department to believe that it is imperative that harvest regulations be adjusted to provide an adequate level of protection for some species.

The following changes are proposed:

Five species are proposed for addition to the list of animals afforded protection from recreational take and possession. In 2014, the Michigan Amphibian and Reptile Technical Advisory Committee (ARTAC) made up of 12 experts in Michigan's reptile and amphibians research community recommended that the mudpuppy, fowler's toad, pickerel frog, butlers garter snake, and the smooth green snake be added to Michigan Natural Features Inventory’s (MNFI) List of “Species of Special Concern” due to observational declines, lack of species specific range information, and persecution concerns. ARTAC applied an International Union for the Conservation of Nature (IUCN) standard review to all Michigan reptiles and amphibians to finalize their recommendations.

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. Based on the ARTAC recommendations in 2014, MNFI, added the mudpuppy, fowler's toad, pickerel frog, butlers garter snake, and the smooth green snake to the SC list in 2016. Accordingly, these species should now be added to section 1 of this Order and afforded protection from recreational take and possession.

*Issue Pros and Cons*

Species which are in the state of decline are in need of added protection. Restricting harvest for these important and limited resources will benefit them by allowing their populations to grow. There are no cons associated with these changes because these species are not currently harvested in Michigan.

*Neighboring States*

Reptile and amphibian populations are in declines throughout our nation due to many factors. States often work together to share information and regulatory strategies.

*Biological*

The regulation changes are being proposed for biological reasons as recent information indicates that several species are in need of greater protection due to declining numbers.

*Social*

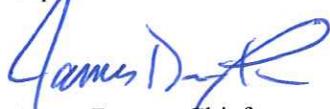
The public is generally very supportive of these measures to help conserve and protect species in decline. These species are not known to be commonly collected as pets or for consumption.

*Economic*

The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

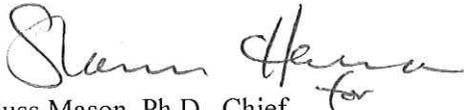
This Order was submitted for information and consideration. This item appeared on the Department's September 2016 calendar and may be eligible for approval on October 13, 2016.



James 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 have analyzed and discussed these recommendations with staff and concur as to matters over which the Director has authority.

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Keith Creagh, Director

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Date

# FISHERIES ORDER

## Regulations on the Take of Reptiles and Amphibians Order 224.16

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered on October 14, 2016, the following section(s) of the Fisheries Order shall read as follows:

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 permit  
 Boreal Chorus Frog (*Pseudacris triseriata maculata*)  
 Western Lesser Siren (*Siren intermedia nettingi*)  
 Mudpuppy (*Necturus maculosus*)  
 Fowler's toad (*Bufo woodhousii fowleri*)  
 Pickerel frog (*Rana palustris* or *Lithobates palustris*)  
 Butler's Garter Snake (*Sirtalis butleri*)  
 Smooth Green Snake (*Liochlorophis vernalis*)

2. Reptiles and amphibians designated as endangered or threatened by the Department in R. 299.1024 and R 299.1025 under authority conferred on the Department by 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. A 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:

<b>Species</b>	<b>Season</b>	<b>Minimum Size (inches)</b>	<b>Daily Possession Limit</b>	<b>Possession Limit</b>
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-224.16, and is entitled "Regulations on the Take of Reptiles and Amphibians."

This Order supersedes the Order entitled "Regulations on the Take of Reptiles and Amphibians," which became effective April 1, 2013, and is assigned number FO-224.13.

This Order shall take immediate effect on October 14, 2016 and shall remain in effect until amended/rescinded.

Issued on this 13th day of October, 2016.

Approved as to matters over which the Natural Resources Commission has authority.

John Matonich, Chairman  
Natural Resources Commission

Approved as to matters over which the Director has authority.

Keith Creagh  
Director