STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING

RICK SNYDER
GOVERNOR

RODNEY A. STOKES
DIRECTOR

SUBMITTED: July 11, 2011
RESUBMITTED: August 15, 2011

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Waters Open and Regulations Governing the Taking of Wigglers and Crayfish for Commercial Purposes (FO-227)

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 Order regulates the commercial harvest of wigglers and crayfish throughout Michigan. A technical error was recently identified in the Order language. We are proposing a change to the Order to reinstate text which was mistakenly edited out of Fisheries Order 227.10, previously approved on October 8, 2009. Specifically, the inland lakes section had been inadvertently removed during the process of deleting individual lake exceptions. The corrected inland lakes section is now reinserted into the appropriate section of this Order.

In addition, we are adding a provision and definition which is currently listed in Order FO-216 which regulates the commercial harvest of minnows, to this Order. This provision and definition indicate that it is unlawful to use a seine to commercially harvest wigglers and/or crayfish from a designated trout stream. The provision was listed only in FO-216 and should have been listed in this Order, FO-227, as well. We have also added an additional reference to statute, MCL 324.48731, listed in the top of the Order. Section 48731 regulates the use of seines and hand nets. The commercial fishery has been compliant with these regulations and no actual regulation changes are proposed at this time.

Recommendation

It is our recommendation that the regulations contained in this Order concerning commercial wiggler and crayfish harvest be amended as stated above to correct the technical error and add the provision about seines.

This Order was submitted for information at the August 11, 2011 meeting of the Natural Resources Commission. This Order is being resubmitted for action at the September 15, 2011 meeting of the Natural Resources Commission. This item appeared on the Department's August 2011 calendar, and will be eligible for approval on September 15, 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

Harold Hunter for

Ronald A. Olson, Chief
Recreation Division

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

I approve the staff recommendation.

Rodney A. Stokes, Director

Date

ORDER

WATERS OPEN AND REGULATIONS GOVERNING THE TAKING OF WIGGLERS AND CRAYFISH 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 September 15, 2011, ordered that for a period not to exceed five years, the following waters are open to the taking of wigglers and crayfish for commercial purposes:

That the following waters are open to the taking of wigglers and crayfish for commercial purposes:

1. The Great Lakes and their connecting waters (including Lakes Superior, 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 wigglers and crayfish 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.

2. All non-trout streams.

3. All inland lakes

4. The following designated trout streams:

BENZIE COUNTY
Betsie River from River Road, Sec. 30, T26N, R15W, downstream to M-22

CHARLEVOIX COUNTY
Boyne River Pond (T32N, R5W, S5)
Boyne River (T33N, R6W, S35)

EMMET COUNTY
Bear River (T34N, R5W, S21, 28 & 34)

GRAND TRAVERSE COUNTY
Boardman River from Beitner Road down to Boardman Lake

KALKASKA COUNTY
That part of the Rapid River west of Co. Road 597 (T28N, R8W, S5, 6 & 7) down to Torch River

LEELANAU COUNTY
Solon Creek from the S. line of (T28N, R12W, S16) down to the entrance into Cedar Creek, (T28N, R12W, S9) Crystal River

MACKINAC COUNTY
Millecoquin River from Millecoquin Lake to Lake Michigan

MANISTEE COUNTY
Big Bear Creek down from Potters Bridge (T22N, R14W, S18) down to Big Manistee River (T22N, R15W, S22)

MASON COUNTY
Sauble River from highway US-31 down to Hamlin Lake
Pere Marquette River down from Walhalla Bridge to Pere Marquette Lake

MISSAUKEE COUNTY
Clam River from highway 66 to Falmouth Dam
West Branch of Muskegon River from Co. Road Bridge in the Center of (T23N, R6W, S25) down to the Muskegon River (T22N, R5W, S3)

MUSKEGON COUNTY
White River and bayous
Cedar Creek downstream from River Road

OCEANA COUNTY
Pentwater River from highway US-31 down to Pentwater Lake
White River down from Taylor Bridge

WEXFORD COUNTY
Big Manistee River from US-131 downstream

It shall be unlawful for any person to:

1. Commercially harvest wigglers from any state waters from June 1st to September 1st

2. Seine wigglers and/or crayfish for commercial purposes from a designated trout stream.

3. Use or make use of a water or sand-sucking pump or a mechanically powered device to take or attempt to take wigglers or crayfish.

4. Take, possess or sell rusty crayfish (*Orconectes rusticus*) anywhere in the State of Michigan.

5. Take wigglers or crayfish without submitting a monthly catch report as required by FO-231.

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-227.12, and is entitled "Waters Open and Regulations Governing the Taking of Wigglers and Crayfish for Commercial Purposes."

This Order supersedes the Order entitled "Waters Open and Regulations Governing the Taking of Wigglers and Crayfish for Commercial Purposes" effective on April 1, 2010 and is assigned number FO-227.10.

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