STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES

LANSING

RICK SNYDER
GOVERNOR

KEITH CREAGH
DIRECTOR

LATE MEMO

SUBMITTED: August 4, 2016

TO: Keith Creagh, Director

INFORMATION: NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 243.16
State-Licensed Commercial Fishing
FOR INFORMATION ONLY

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:

The Department proposes to renew Fisheries Order 243 without modification. This Order was modified in 2015 to address an administrative issue impacting management of the state-licensed commercial fishery. The commercial fishing industry has been consulted and is supportive of the renewal of Fisheries Order 243 without modification. This Order is necessary to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish. The current Order is set to expire on October 9, 2016 and it is recommended by Fisheries Division and Law Enforcement Division to be renewed without change.

Under the authority of Section 46702 of 1994 PA 451, the effective date of any Order issued by the department under this part shall not be less than 30 days from and after the date of its issuance and requires notification by first class mail to all persons licensed under part 473. Therefore, it is recommended that this Order shall take effect October 8, 2016 and shall remain effective through October 7, 2017.

Recommendation:
It is our recommendation to continue to utilize FO-243.16 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. This item appears on the Department's August 2016 calendar and may be eligible for approval on September 8, 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

FISHERIES ORDER

State-Licensed Commercial Fishing
Order 243.16

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 8, 2016, 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-243.16, and is entitled "State-Licensed Commercial Fishing."

This Order supersedes the Order entitled "State-Licensed Commercial Fishing," which became effective October 10, 2015, and is assigned number FO-243.15A.

Per MCL 324.46702, this Order shall take effect 30 days after being issued. This Order shall take effect October 8, 2016, and shall remain effective through October 7, 2017.

Issued on this 8th day of September, 2016.

Keith Creagh
Director