

Fisheries Order 245.16

Fish Disease Control

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 411 1994 PA 451, MCL 324.41101 to 324.41105 and Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered that effective April 15, 2016, the following section(s) of the Fisheries Order shall read as follows:

The goals of the Department's actions under this Fish Disease Control Order are to protect the aquatic resources of the State, minimize the spread of Pathogens of concern to uninfected waters, and protect the Department's fish hatchery system. The Department will address the control of diseases of fish through the development of regulations that are designed to contain or slow the spread of Pathogens of concern.

1) Definitions

As used in this order:

- a) Aquatic vegetation: a plant or algae species that grows in water whether rooted in the mud or floating without anchorage.
- b) Baitfish: live or dead species of any fish, or parts of fish excluding fish eggs, used to harvest or attract fish.
- c) Bilge: the part of the underwater body of a vessel between the flat of the bottom and the vertical topsides or the lowest point of a vessel's inner hull.
- d) Certification Process: a process used by the Department to grant or deny applications from individuals who want to conduct certain activities that are regulated by this order.
- e) Fish: includes live and dead fish of any species or parts other than baitfish and fish eggs as defined by this order.
- f) Fish eggs: eggs of a fish, also known as roe.
- g) Fish Stocking Permit: an official document issued by the Department giving an individual authorization to conduct fish stocking activities.
- h) Live well: a well for keeping fish alive in a vessel by allowing water to circulate through it.
- i) List of Fish Species: those fish species approved for stocking, importation, or use as baitfish in Michigan Public Waters.
- j) Pathogen: viruses, bacteria, fungi, and parasites that cause disease in living organisms.
- k) Purchase: to acquire for a consideration.
- l) Michigan Public Waters: waters within the jurisdiction of the state having public access or private waters that connect to public waters.
- m) Sale or sell: an exchange or attempt or offer to exchange money, barter, or anything of value.
- n) State-licensed baitfish retail, State-licensed baitfish wholesale operations, and State-licensed catchers: those that are required to be licensed by the state of Michigan for these activities.
- o) Vessel: every description of watercraft used or capable of being used as a means of transportation on water.

2) Bait Fish Exclusion Zones

The Department has identified locations vital to the protection of hatchery operations in an effort to control or contain pathogen movement and reduce disease risks to these facilities. In these critical areas restrictions on the possession and subsequent use of baitfish must be implemented. Therefore, baitfish shall not be possessed or used on the following waters of the State:

a) **Benzie County**

Brundage Creek and tributaries Kinney Creek and Stanley Creek, from its confluence with the Platte River (T26N, R13W, S7), to their headwaters, including Brundage Spring Pond.

b) **Chippewa County**

Pendills Lake (T47N, R4W, S25, 26) including tributary Pendills Creek downstream to its confluence with Lake Superior (T47N, R4W, S28).

Sullivan Creek from its headwaters (T46N, R4W, S32) downstream to its confluence with the North Branch of the Pine River (T45N, R4W, S23).

Viddian Creek from its headwaters (T47N, R4W, S32) downstream to its confluence with Pendills Creek (T47N, R4W, S28).

c) **Marquette County**

Cherry Creek from the location of the Cherry Creek Road (T47N, R24W, S18) to the headwaters at County Road 480 (T47N, R25W, S22).

3) General statewide provisions:

- a) It shall be unlawful to place any live fish, live baitfish, or fish eggs into Michigan Public Waters without first obtaining a Fish Stocking Permit from the Department except for fish reared within a facility registered under the Aquaculture Development Act (Public Act 199 of 1996) or otherwise allowed under this Order. Fish transported for stocking outside a facility registered under the Aquaculture Development Act require a Fish Stocking Permit from the Department. If an approved Fish Stocking Permit is issued by the Department, an applicant shall carry a copy of that Fish Stocking Permit when transporting or stocking those fish or eggs. This section does not include the practice of chumming with fish eggs by an angler in the act of recreational fishing.
- b) A person, who catches fish in a lake, stream, Great Lake, or connecting waterway shall only release those fish in the lake, stream, or Great Lake where the fish were caught, or in a connecting waterway of the lake, stream, or Great Lake where the fish were caught so long as those fish can freely move between the original location of capture and the location of release.
- c) Baitfish shall only be used on a hook and may not be disposed of or otherwise released into Michigan Public Waters.
- d) It shall be unlawful to import into this state for use as baitfish any uncertified fish species that are on the List of Fish Species in Table 1. This includes live, dead, preserved, and cut baitfish.
- e) It shall be unlawful to transport any vessel over land without first draining all water from the live well(s) and bilge upon leaving any body of water. The vessel, trailer or any conveyance used to transport the vessel or trailer must be free of aquatic vegetation.
- f) Personal collection of baitfish: All baitfish or fish collected for personal use as bait or cut bait shall only be used for fishing purposes in the original waters of collection.

- g) All species of live fish maintained at a location by an owner of a State-licensed commercial fishing operation shall be considered uncertified if live fish that are listed on the List of Fish Species in Table 1 are on site and have not received a clear Status of Fish Health Certification.

4) Commercial Bait

a) Importation from out of state

- i) Status of Fish Health - All persons importing baitfish that are on the List of Fish Species in Table 1 shall have those baitfish tested for each Pathogen of concern by a certified laboratory approved by the State of Michigan and shall submit the results of all tests to the Department. The Department will review the results for each application and respond with a letter of Certification that contains a transaction number and either grants or denies the application and includes the Department's rationale for the decision.

b) Harvest of baitfish from Michigan waters:

- i) Status of Fish Health - From November 1 – December 31 of each year, all persons holding a minnow catcher's license, including an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture and Rural Development, who harvest and wish to offer for sale or sell baitfish that are on the List of Fish Species in Table 1 shall have those baitfish tested for each Pathogen of concern by a certified laboratory approved by the State of Michigan and shall submit the results of all tests to the Department. The Department will review the results for each application and respond with a letter of Certification that contains a transaction number and either grants or denies the application and includes the Department's rationale for the decision.

State-licensed baitfish catchers shall coordinate and collect a single 150 fish sample during April or May from each of the 5 testing zones in Lake Huron and Lake Erie, including the connecting waters of the St. Clair River, Lake St. Clair, and Detroit River (Figure 1). Samples from each of the 5 testing zones shall be tested for each Pathogen of concern by a certified laboratory approved by the State of Michigan. Sampling plans for each respective zone shall be communicated to Department before samples are collected.

If all baitfish harvested in the state test negative for each Pathogen of concern during the November 1 – December 31 testing period and from the 5 spring testing zones, then all baitfish on the list of Fish Species in Table 1 may be harvested from Michigan waters and sold without further testing or certification from January 1 – October 31 of the following year. For fish to be legally sold in November and December without Status of Fish Health certification, they must have been harvested prior to November 1.

If any baitfish test positive for any Pathogen of concern during either the November - December testing period or from the 5 spring testing zones, then the Department shall take immediate emergency action to temporarily amend this Order and require additional testing certification of baitfish harvested January 1 – October 31. The Department will notify all licensed bait harvesters of the fall testing results and any subsequent emergency regulatory actions. If emergency action is taken, additional testing requirements shall take immediate effect and shall remain in place until the Department determines that the Pathogen threat has sufficiently diminished to lift the emergency order and reinstate the seasonal testing requirement outlined in this Order.

c) General Regulations for Commercial Bait

- i) All Michigan baitfish wholesalers are required to be licensed by the state of Michigan and must complete the following Certification Process for their facility or business:

- (1) Status of a Facility - If keeping and holding baitfish at a facility for prolonged distribution and sale, baitfish wholesalers shall have that facility reviewed by the Department to ensure that there is minimal risk to Michigan Public Waters and that appropriate biological security measures are effective for the facility. The Department will review the results for each application and respond with a letter of Certification for Facility Status that either grants or denies the application and includes the Department's rationale for the decision, as well as the actions necessary for achieving Certification. Once certified and licensed, facility operators who wish to continue being licensed must inform the Department in writing by September 30th each year whether changes were made to the facility during the current license year. If the facility is unchanged, a new certification will be issued with the new license year. If changes were made to the facility, a new Certification Process must be initiated at that time. This part does not apply to an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture and Rural Development or an owner of a State-licensed baitfish retail operation.
- (2) Statement of Direct Sale – If a wholesaler ships baitfish directly from the point of harvest or immediately after purchase from another licensed wholesale to licensed bait retailers in Michigan, that wholesaler shall notify the Department at the time of license application of their intent to direct sale only. The Department will respond with a letter of authorization for direct wholesale shipments to licensed retailers.
 - ii) The steps for *Certification of Status of a Facility, Statement of Direct Sale, and Status of Fish Health* must be completed on a form as directed by the Department and as outlined in the Guide for Certification of Status of a Facility, Statement of Direct Sale, and Status of Fish Health. The guide is available online at www.michigan.gov/vhs.
 - iii) A person shall not offer for sale or sell any baitfish that are on the List of Fish Species in Table 1 that were imported from out of state or were harvested in Michigan between October 1 – December 31 without receiving a letter of Certification for Fish Health Status and Status of a Facility or Statement of Direct Sale from the Department permitting such activity.
 - iv) If an approved Certification for Fish Health Status is issued by the Department, a copy shall be carried by the baitfish wholesaler or retailer when transporting, offering for sale, or selling baitfish that are on the List of Fish Species in Table 1 and harvested in Michigan November 1- December 31. That letter of Certification shall be shown upon request to any law enforcement officer or Fisheries Division representative.
 - v) An owner of a State-licensed baitfish wholesale operation shall provide to each wholesale and retail purchaser at the point of sale a copy of a receipt for their purchase that will include the date of purchase, the common name of the species sold (as listed in Table 1), applicable certification number for Fish Health Status for species that are on the List of Fish Species in Table 1 and harvested in Michigan between November 1- December 31, and the quantity of each species sold.
 - vi) A State-licensed baitfish wholesaler must have a copy of the Certification for Fish Health Status letter at their facility as well as a receipt of purchase to accompany any baitfish they possess that was either imported into Michigan or harvested in Michigan November 1 – December 31. The letter and receipt shall be made available upon request of any law enforcement officer or a Fisheries Division representative.
 - vii) A wholesale baitfish dealer shall retain copies of receipts for purchases and all accompanying testing paperwork for at least one year after the date of purchase.

5) **Koi Herpes Virus (KHV)** - Due to the recent emergence of KHV in the wild in Michigan, the harvest of minnows for personal use and by state-licensed commercial minnow catchers is prohibited from the following waters:

- a) Kent Lake, Livingston and Oakland Counties, all tributaries flowing into Kent Lake, and the Huron River from Kent Lake upstream to the Hubbell Millpond dam in Milford.
- b) Silver Lake, Oceana County, and all tributaries flowing into Silver Lake.

Table 1. List of Fish Species for Importation, Stocking, or for Baitfish in Public Waters in Michigan and Required Pathogen Testing

Species	Scientific Name	Species Code	Importation	Baitfish	Stocking	Pathogen Testing Required				
						VHSV	IHNv, IPNV, and Mc	HSP	LMBv	CCV
Atlantic Salmon	<i>Salmo salar</i>	ATS	X		X	X	X			
Black Bullhead	<i>Ameiurus melas</i>	BLB	X		X	X				X
Black Crappie	<i>Pomoxis nigromaculatus</i>	BCR	X		X	X			X	
Bluegill	<i>Lepomis macrochirus</i>	BLG	X		X	X			X	
Brook Trout	<i>Salvelinus fontinalis</i>	BKT	X		X	X	X			
Brown Bullhead	<i>Ameiurus nebulosus</i>	BRB	X		X	X				X
Brown Trout	<i>Salmo trutta</i>	BNT	X		X	X	X			
Channel Catfish	<i>Ictalurus punctatus</i>	CCF	X		X	X				X
Flathead Catfish	<i>Pylodictis olivaris</i>	FCF	X		X	X				X
Green Sunfish	<i>Lepomis cyanellus</i>	GSF	X		X	X			X	
Hybrid Sunfish	<i>Lepomis spp.</i>	HSF	X		X	X			X	
Lake Herring	<i>Coregonus artedii</i>	LHR	X		X	X	X	X		
Lake Trout	<i>Salvelinus namaycush</i>	LKT	X		X	X	X			
Lake Whitefish	<i>Coregonus clupeaformis</i>	LWF	X		X	X	X			
Largemouth Bass	<i>Micropterus salmoides</i>	LMB	X		X	X			X	
Muskellunge	<i>Esox masquinongy</i>	MUS	X		X	X	X	X		
Northern Pike	<i>Esox lucius</i>	NOP	X		X	X	X	X		
Pacific Herring	<i>Clupea pallasii</i>	PHR	X	X		X				
Pumpkinseed	<i>Lepomis gibbosus</i>	PSF	X		X	X		X	X	
Rainbow Smelt	<i>Osmerus mordax</i>	SMT	X	X		X				
Rainbow Trout (Steelhead)	<i>Oncorhynchus mykiss</i>	RBT	X		X	X	X			
Redear Sunfish	<i>Lepomis microlophus</i>	RSF	X		X	X			X	
Rock Bass	<i>Ambloplites rupestris</i>	RKB	X		X	X		X	X	
Smallmouth Bass	<i>Micropterus dolomieu</i>	SMB	X		X	X			X	
Walleye	<i>Sander vitreus</i>	WAE	X		X	X		X		
Warmouth	<i>Lepomis gulosus</i>	WAR	X		X	X				
White Bass	<i>Morone chrysops</i>	WHB	X		X	X			X	
White Crappie	<i>Pomoxis annularis</i>	WCR	X		X	X			X	
Yellow Bullhead	<i>Ameiurus natalis</i>	YLB	X		X	X				X
Yellow Perch	<i>Perca flavescens</i>	YEP	X		X	X		X		
Michigan's Common Baitfish Species										
Bluntnose Minnow	<i>Pimephales notatus</i>	BNM	X	X	X	X				
Common Shiner	<i>Luxilus cornutus</i>	CSH	X	X	X	X				
Common White Sucker	<i>Catostomus commersonii</i>	CWS	X	X		X		X		

Creek Chub	<i>Semotilus atromaculatus</i>	CRC	X	X		X				
Emerald Shiner	<i>Notropis atherinoides</i>	EMS	X	X	X	X				
Fathead Minnow	<i>Pimephales promelas</i>	FHM	X	X	X	X		X		
Golden Shiner	<i>Notemigonus crysoleucas</i>	GOS	X	X	X	X				
Northern Redbelly Dace	<i>Phoxinus eos</i>	NRD	X	X	X	X				
Sand Shiner	<i>Notropis stramineus</i>	SAS	X	X		X				
Spotfin Shiner	<i>Cyprinella spiloptera</i>	SFS	X	X		X				
Spottail Shiner	<i>Notropis hudsonius</i>	STS	X	X		X				

(VHSV – Viral Hemorrhagic Septicemia, IHNV – Infectious Hematopoietic Necrosis, IPHV – Infectious Pancreatic Necrosis, Mc – Whirling Disease, HSP – Heterosporis sp, LMBV – Largemouth Bass Virus, CCV – Channel Catfish Virus)

This Order shall be assigned number FO-245.16, and is entitled “Fish Disease Control.” If a discrepancy occurs between this Fish Disease Control Order, FO-245.16, and other orders and laws currently in existence, the more restrictive regulation shall take precedence.

This Order supersedes the Order entitled “Fish Disease Control,” which became effective January 9, 2014, and is assigned number FO-245.14.

This Order shall take effect on April 15, 2016. This Order shall remain in effect until March 31, 2021, or until this Order is amended or 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, 2020.