



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



RODNEY A. STOKES
DIRECTOR

SUBMITTED: October 17, 2011

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission
Subject: Fish Disease Control (FO-245)
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

We are proposing six changes to this Order including: 1) the addition of the new Koi herpes virus (KHV) section; 2) the addition of Kent Lake, Livingston and Oakland Counties, and the Huron River upstream of Kent Lake to the Hubbell Millpond Dam, which flows into Kent Lake, and any tributaries flowing into Kent Lake, to the list of inland waters closed to the taking of minnows for personal use due to KHV; 3) the addition of Silver Lake, Oceana County, and all tributaries flowing into Silver Lake to the list of inland waters closed to the taking of minnows for personal use due to KHV; 4) the addition of common carp (*Cyprinus carpio*) to the KHV susceptible fish species list; 5) the addition of lake herring/cisco (*Coregonus artedii*) to the viral hemorrhagic septicemia (VHSV) susceptible fish species list; and 6) the removal of a restriction in General Statewide Provisions that indicated roe must be attached to a hook.

We are requesting that select waters be added to this Order due to a recently confirmed outbreak of KHV, the first confirmed wild occurrence of this disease in Michigan. The KHV virus is highly contagious and known to cause large mortalities in common carp, Koi and goldfish. This virus is not known to infect other minnow species but spreading it to other waters may result in additional large scale common carp mortalities. Recent disease sampling documented yet another outbreak of Koi herpes virus in Silver Lake, Oceana County. Adding Kent Lake and Silver Lake to the list will close both to personal harvest of minnows and therefore reduce the likelihood of having anglers spread the virus to other water bodies by incidentally moving young carp from water to water. Both waters will now be added to the KHV section dealing with this new disease.

VHSV was detected by Michigan State University (MSU) personnel and confirmed by United States Geological Survey (USGS) and United States Department of Agriculture-National Veterinary Services Laboratory (USDA-NVSL) in Lake Superior lake herring/cisco collected from the Apostle Islands in Wisconsin in December 2009. Since lake herring are now known to be susceptible to VHSV, we are recommending that they be added to the official list in this Order.

One last proposed change deals with the use of roe when fishing. Due to the low risk of spreading VHSV through angler use of certified disinfected VHS-free Roe that is purchased, or

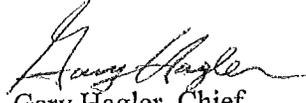
uncertified Roe used appropriately as outlined in FO-245, *Management Area Regulations for Viral Hemorrhagic Septicemia virus (VHSv)*, we are removing the criteria that use of Roe be confined to only on a hook.

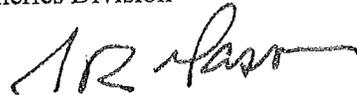
Recommendation

It is our recommendation to add a new section to Appendix B for dealing with KHV along with the two locations Silver Lake in Oceana County and Kent Lake including the Huron River upstream to the Hubbell Millpond dam in Milford to this Order in an attempt to reduce the potential spread of Koi herpes virus to other waters by minnow collecting anglers. These are necessary steps in an attempt to contain the virus from spreading to other waters. The addition of common carp to a new KHV susceptible list and lake herring as a VHSv susceptible species is also necessary since they are susceptible to their respective listed disease. We are also including all current fish health certification requirements for the private stocking of public water applications in this Order and removing the restriction placed on use of Roe where it must only be used on a hook. This will allow anglers to use Roe that is not on the hook itself, where applicable.

This Order is being submitted for information at the November 2011 meetings of the Natural Resources Commission. This Order will be resubmitted for action at the December 8, 2011 meeting of the Natural Resources Commission. This item appeared on the Department's November 2011 calendar, 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

FISH DISEASE CONTROL

Under the authority of sections 41101 through 41105 of 1994 PA 451, as amended, being MCL 324.41101 through 324.41105, the Director of the Department of Natural Resources on December 8, 2011 ordered that for a period not to exceed five years, the following regulations are established for fish disease control:

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 for specific Management Areas that are designed to contain or slow the spread of Pathogens of concern.

DEFINITIONS

As used in this Fish Disease Control Order, specific terms are defined as follows:

Baitfish –live or dead species of fish, or parts of fish excluding Roe, that are used by anglers to catch fish.

Baitfish and Roe Exclusion Zone- waters designated as critical to hatchery operations where possession and use of baitfish and roe as defined is prohibited.

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 Fish Disease Control Order.

Inland Waters – all public waters of the State except for the Great Lakes and their connecting waters.

Pathogen – viruses, bacteria, fungi, and parasites that cause disease in living organisms.

Roe – eggs of fish.

Susceptible Fish Species (formerly called Prohibited Fish Species) – Baitfish and other species of fish identified by the Department as infected with one or more Pathogens of concern.

BAITFISH AND ROE 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 and roe must be implemented. Therefore, baitfish and roe shall not be possessed on the following waters of the State:

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.

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).

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).

REGULATION BY MANAGEMENT AREA

The Department uses a classification system to categorize waters based on their disease status. Specific Management Areas identified by the Department under this system include: 1) Named Pathogen Positive Management Area, where the presence of a named Pathogen has been confirmed; 2) Named Pathogen Surveillance Management Area, where a named Pathogen is likely to be found in the near future; and 3) Named Pathogen Free Management Area, where a named Pathogen has not been confirmed to date. Regulatory actions are designed for each Management Area to reduce the risk of spreading a Pathogen from, and in some cases containing a Pathogen within, a Named Pathogen Positive Management Area. Unique regulatory actions will be developed for each new Pathogen that is discovered, and such actions will take into account the likely dispersal routes for a Pathogen.

GENERAL STATEWIDE PROVISIONS

[In this Order, the terms State-licensed baitfish retail and State-licensed baitfish wholesale operations are those that are required to be licensed by the state of Michigan for these activities]

~~1.~~The official list of Susceptible Fish Species (~~formerly called Prohibited Fish Species~~) for each Pathogen of concern as identified by the Department will be available from the Department and will be posted on Fisheries Division's web site (<http://www.michigan.gov/dnrfishing>). The list of Susceptible Fish Species for each Pathogen of concern as of ~~June 28, 2007~~ **December 8, 2011**, is attached to this Fish Disease Control Order for reference only (Appendix A). Updates to the list of Susceptible Fish Species will be made as necessary **and posted on Fisheries Division's website**. ~~Those changes will be immediately posted on Fisheries Division's web site, and incorporated into this Fish Disease Control Order at least annually.~~

~~2.1.~~ The official list of waters classified by Named Pathogen Management Area for each Pathogen of concern as identified by the Department shall be posted on Fisheries Division's web site (<http://www.michigan.gov/dnrfishing>). The list of waters classified by Named Pathogen Management Area for each Pathogen of concern as of ~~June 28, 2007~~ **December 8, 2011**, is attached to this Fish Disease Control Order for reference only (Appendix B). Updates to the list of list of waters classified by Named Pathogen Management Area will be made as necessary **and** ~~Those changes will be immediately posted on Fisheries Division's web site, and incorporated into this Fish Disease Control Order at least annually.~~

~~3.2.~~ It shall be unlawful to import into this state any uncertified baitfish species found on the list of Susceptible Fish Species (Appendix A).

~~4.3.~~ The Certification Process for state licensed baitfish wholesalers and retailers includes two Parts: Part A) Status of a Facility and, Part B) Status of Fish Health. The *Guide for Certification of Status of a Facility and Status of Fish Health* will identify the specific steps to be completed for each Pathogen of concern as identified by the Department, as well as when a Certification for Status of a Facility that has been granted, or a Certification for Status of Fish Health that has been granted, shall expire. The *Guide for Certification of Status of a Facility and Status of Fish Health* will be available

from the Department and will be posted on Fisheries Division's web site (<http://www.michigan.gov/dnrfishing>).

Part A) Status of a Facility – Applicants **of the Certification Process** who wish to keep Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, in a facility shall have that facility reviewed by the Department to ensure that there is minimal risk to public waters of the State and that appropriate biological security measures are ~~in effect~~ **effective** for the facility. The Department will review the results for each application under Part A) and respond ~~to the applicant in writing~~ with a letter of Certification for Status of a Facility 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. This Part A) does not apply to 1) an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture; 2) an owner of a State-licensed Baitfish retail operation; or 3) an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Susceptible Fish Species.

Part B) Status of Fish Health – Applicants who wish to offer for sale or sell Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, shall have those Baitfish or that Roe tested for each Pathogen of concern by a certified laboratory that has been approved by the State of Michigan. Applicants shall submit the results of all tests to the Department. The Department will review the results for each application under Part B) and respond ~~to the applicant in writing~~ with a letter of Certification for Status of Fish Health that contains a transaction number, and that either grants or denies the application and includes the Department's rationale for the decision. This Part B) does not apply to an owner of a State-licensed Baitfish retail operation or an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Susceptible Fish Species.

5.4. A person shall not stock Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, **into** holding facilities, ponds, or other waters that discharge into public waters of the State prior to completing Part A) of the Certification Process and receiving a letter of Certification for Status of a Facility from the Department permitting such activity. This Provision 4 does not apply to 1) an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture; 2) an owner of a State-licensed Baitfish retail operation; or 3) an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Susceptible Fish Species.

6.5. If an approved Certification for Status of a Facility is issued by the Department under Part A) of the Certification Process, an applicant shall carry **a copy of** that letter of Certification for Status of a Facility with them when transporting and stocking Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, **into** holding facilities, ponds, or other waters that discharge into public waters of the State. ~~That letter of Certification for Status of a Facility shall be shown upon request.~~ This Provision 5 does not apply to 1) an owner of an aquaculture facility regulated and permitted by the Michigan Department of Agriculture; 2) an owner of a State-licensed Baitfish retail operation; or 3) an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Susceptible Fish Species.

- 7.6. A person shall not stock Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, in public waters of the State prior to receiving a Fish Stocking Permit from the Department permitting such activity. **To obtain a fish stocking permit the following conditions must be met: 1) all salmonids shall be tested for and certified free of VHSV, IHNV, IPNV and whirling disease; 2) all centrarchids shall be tested for and certified free of VHSV, and largemouth bass virus; 3) all percids should be tested for and certified free of VHSV and *Heterosporis sp.*; 4) all ictalurids shall be tested for and certified free of VHSV and channel catfish virus; 5) all esocids shall be tested for and certified free of VHSV; 6) all sturgeon shall be tested and certified free of white sturgeon virus; and 7) all cyprinids shall be tested for and certified free of VHSV and *Heterosporis sp.*; and 8) all other Susceptible Fish Species shall be tested for and certified free of VHSV. All pathogen sample collection and testing shall be done in consultation with following Fisheries Division and shall use standard testing protocols for each pathogen.**
- 8.7. If an approved Fish Stocking Permit is issued by the Department, an applicant shall carry a copy of that Fish Stocking Permit with them when transporting and stocking Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, in public waters of the State. ~~That Fish Stocking Permit shall be shown upon request.~~
- 9.8. Except as otherwise provided for in this Fish Disease Control Order, a person shall not offer for sale or sell any Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, prior to completing Part B) of the Certification Process and receiving a letter of Certification for Status of Fish Health from the Department permitting such activity. This Provision 8 does not apply to an owner of a State-licensed Baitfish retail operation or an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Susceptible Fish Species.
- 10.9. If an approved Certification for Status of Fish Health is issued by the Department under Part B) of the Certification Process, an applicant shall carry a copy of that letter of Certification for Status of Fish Health with them when transporting, offering for sale, or selling Baitfish or live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species. That letter of Certification for Status of Fish Health shall be shown upon request. This Provision 9 does not apply to an owner of a State-licensed Baitfish retail operation or an owner of a State-licensed commercial fishing operation specifically for that part of the operation related to the sale for human consumption of Roe taken from fish that are listed as Susceptible Fish Species.
- 11.10. An owner of a State-licensed Baitfish wholesale operation shall provide to each wholesale purchaser at the point of sale a copy of the **Certification For Status of Fish Health that applies to the fish being sold** ~~receipt that contains specific information as identified by the Department in the *Guide for Certification of Status of a Facility and Status of Fish Health*, as well as the transaction number from the letter of Certification for Status of Fish Health. An owner of a State-licensed Baitfish wholesale operation shall retain the original receipts for at least one year after the date of sale. Receipts shall be shown upon request.~~
- 12.11. A wholesale purchaser shall retain copies of receipts for purchases from a State-licensed Baitfish wholesale operation for at least one year after the date of sale. ~~Receipts shall be shown upon request.~~
12. An owner of a State-licensed Baitfish retail operation shall provide to each retail customer at the point of sale a receipt that contains specific information as identified by the Department in the *Guide for*

Certification of Status of a Facility and Status of Fish Health, as well as the transaction number from the letter of Certification for Status of Fish Health.

13. A retail customer shall retain and show upon request the receipt for purchases of Baitfish or Roe from a State-licensed Baitfish retail operation. A receipt shall be valid for 14 days from the date of sale for all certified baitfish, except frozen baitfish, and 3 days from the date of sale for all uncertified bait. Receipts for certified frozen baitfish shall be good for 6 months from the date of sale and original packaging showing certification status must be kept with the baitfish for verification. Receipts for uncertified frozen baitfish shall be valid for 3 days from the date of sale.

~~15.~~14. All species of live fish and Roe maintained at a location by an owner of a State-licensed commercial fishing operation, an owner of a State-licensed Baitfish wholesale operation, or an owner of a State-licensed Baitfish retail operation shall be considered uncertified if live fish that are listed as Susceptible Fish Species, or Roe taken from fish that are listed as Susceptible Fish Species, are also maintained at that location and those live fish or that Roe have not been approved as required under Part B) of the Certification Process.

~~16.~~15. A person, who catches fish in a lake or a Great Lake, shall not release those fish alive in any public waters of the State if those fish are listed as Susceptible Fish Species, except that those fish may be released alive in that lake, or that Great Lake, or in a connecting body of water to that lake, or that Great Lake, so long as those fish can freely move between the original location of capture and the location of release. This Provision 15 does not apply to Baitfish.

~~17.~~16. A person who catches fish in a stream shall not release those fish alive in any public waters of the State if those fish are listed as Susceptible Fish Species, except that those fish may be released alive in any part of that stream, or in a connecting body of water to that stream, so long as those fish can freely move between the original location of capture and the location of release. This Provision 16 does not apply to Baitfish.

~~18.~~17. Except as further restricted in this Fish Disease Control Order, a person shall not use or otherwise release Baitfish that are listed as Susceptible Fish Species, ~~or Roe harvested from fish that are listed as Susceptible Fish Species,~~ in any public waters of the State, unless that person is fishing and those Baitfish ~~or that Roe~~ are attached to a hook. **Use of Roe is restricted per the specific regulations outlined in the Management Area Regulations for Viral Hemorrhagic Septicemia virus (VHSv).**

~~19.~~18. A person who trailers a boat over land shall drain all water from the live well(s) and the bilge of their boat upon leaving any body of water.

SECTION I – Viral Hemorrhagic Septicemia Virus (VHSv)

Viral hemorrhagic septicemia virus (VHSv) is a disease of fish that has caused large-scale mortalities of fish in aquaculture operations in Europe, in certain populations of wild fish along the Pacific Coast of North America, and now in various populations of wild fish in several areas of the Great Lakes Basin. There are four known genetic types of the virus, three in Europe where VHSv originated and one in North America. The genetic type found in the Great Lakes Basin (VHSv IVb) is most similar to the strain of VHSv previously isolated from the Atlantic Coast of Eastern North America. VHSv types I, II, and III have caused significant mortalities, particularly in rainbow trout in European aquaculture facilities, and type IVa has caused large mortalities in Pacific herring in the Puget Sound area. In the Great Lakes

Basin, VHSV IVb has caused mortalities in several species of wild fish inhabiting Lake Huron, the St. Clair River, Lake St. Clair, the Detroit River, Lake Erie, the Niagara River, Lake Ontario, and the St. Lawrence River, along with a few inland waters in the basin.

On November 10, 2008, a Federal Interim Rule was issued by the Animal and Plant Health Inspection Service of the United States Department of Agriculture in an effort to prevent the spread of VHSV between States and between the U.S. and Canada, thus hopefully protecting economically important sport fisheries and aquaculture operations. This Fish Disease Control Order is consistent with the Federal Interim Rule, and it provides for additional protections to slow the spread of VHSV throughout the Great Lakes and Inland Waters under the jurisdiction of Michigan that are not covered by the federal Emergency Order (as amended).

VHSV is likely to continue spreading in fish throughout the Great Lakes Basin via the natural movements of infected fish. ~~Although the~~**The** virus may take years to infect fish in Lake Superior, it could be rapidly moved by ships that discharge untreated ballast water, the stocking of infected fish, or the unintended movement of water by boaters and anglers that contains either the virus itself or live fish that are infected with the virus. While containment and eradication of VHSV are likely not possible, the regulations specified in this Fish Disease Control Order are necessary to slow the spread of VHSV, ~~thus providing the time required to develop strategies for managing the Pathogen.~~ The restrictions detailed below will help the Department to: 1) protect populations of wild fish in ~~Inland inland Waterswaters~~; and in several areas of the Great Lakes, that are not yet infected with the virus; 2) protect wild populations of fish used as broodstock for fisheries management; and 3) prevent the infection of fish being reared in State-owned fish hatcheries.

Management Area Regulations for Viral Hemorrhagic Septicemia virus (VHSV)

VHSV Positive Management Area

On all waters designated within the VHSV Positive Management Area, the following regulations further restrict the transportation, sale, use, and release of Baitfish and fish that are listed as Susceptible Fish Species (~~formerly called Prohibited Fish Species~~), and Roe taken from fish that are listed as Susceptible Fish Species, that **have not** been approved as required under Part B) of the Certification Process.

Recreational anglers

1. A person who catches Baitfish that are listed as Susceptible Fish Species, or harvests Roe from fish that are listed as Susceptible Fish Species, in a body of water that is ~~included~~**located** in the VHSV Positive Management Area shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters **that are located** ~~included~~ in the VHSV Positive Management Area subject to Provision ~~47-16~~ under the General Statewide Provisions.
2. A person who purchases **uncertified** Baitfish that are listed as Susceptible Fish Species, or purchases **uncertified** Roe from fish that are listed as Susceptible Fish Species, shall not use or otherwise release those **uncertified** Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters ~~included~~**that are located** in the VHSV Positive Management Area subject to Provision ~~47-16~~ under the General Statewide Provisions.

State-licensed Baitfish wholesale operations; State-licensed Baitfish retail operations

1. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not transport Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Positive Management Area, unless that owner has documentation demonstrating proof that those Baitfish or that Roe have been harvested from a body of water that is included in the VHSv Positive Management Area.
2. Written documentation demonstrating proof (water body, county, and date) that each species of Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, has been harvested from a body of water that is included in the VHSv Positive Management Area shall accompany all shipments of those Baitfish or that Roe, and that documentation shall be shown upon request.
3. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not offer for sale or sell Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Positive Management Area, unless that owner has clearly identified at the point of sale that those Baitfish or that Roe may only be used in a body of water that is included in the VHSv Positive Management Area.

VHSv Surveillance Management Area

On all waters designated within the VHSv Surveillance Management Area, the following regulations further restrict the transportation, sale, use, and release of Baitfish and fish that are listed as Susceptible Fish Species (~~formerly called Prohibited Fish Species~~), and Roe taken from fish that are listed as Susceptible Fish Species, that **have not** been approved as required under Part B) of the Certification Process.

Recreational anglers

1. A person who catches Baitfish that are listed as Susceptible Fish Species, or harvests Roe from fish that are listed as Susceptible Fish Species in a body of water that is ~~included~~ **located** in the VHSv Surveillance Management Area shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters ~~included~~ **located** in either the VHSv Positive Management Area or the VHSv Surveillance Management Area subject to Provision ~~47-16~~ under the General Statewide Provisions.
2. A person who purchases Baitfish that are listed as Susceptible Fish Species, or purchases Roe from fish that are listed as Susceptible Fish Species, shall not use or otherwise release those Baitfish or that Roe in any public waters of the State, except that those Baitfish or that Roe may be used in any waters ~~included~~ **that are located** in either the VHSv Positive Management Area or the VHSv Surveillance Management Area subject to Provision ~~47-16~~ under the General Statewide Provisions.

State-licensed Baitfish wholesale operations; State-licensed Baitfish retail operations

1. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not transport Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is ~~included~~ **located** in the VHSv Surveillance Management Area, unless that owner has documentation demonstrating proof that those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Surveillance Management Area.
2. Written documentation demonstrating proof (water body, county, and date) that each species of Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, has been harvested from a body of water that is included in the VHSv Surveillance Management Area shall accompany all shipments of those Baitfish or that Roe, and that documentation shall be shown upon request.
3. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation shall not offer for sale or sell Baitfish that are listed as Susceptible Fish Species, or Roe from fish ~~that are~~ listed as Susceptible Fish Species, if those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Surveillance Management Area, unless that owner has clearly identified at the point of sale that those Baitfish or that Roe may only be used in a body of water that is included in either the VHSv Positive Management Area or the VHSv Surveillance Management Area.

VHSv Free Management Area

On all waters designated within the VHSv Free Management Area, the following regulations apply to the transportation, sale, use, and release of Baitfish and fish that are listed as Susceptible Fish Species (~~formerly called Prohibited Fish Species~~), and Roe taken from fish that are listed as Susceptible Fish Species, that **have not** been approved as required under Part B) of the Certification Process.

Recreational anglers

1. A person who catches Baitfish that are listed as Susceptible Fish Species, or harvests Roe from fish that are listed as Susceptible Fish Species in a body of water that is ~~included~~-located in the VHSv Free Management Area may use those Baitfish or that Roe in any public waters of the State, subject to Provision 47-16 under the General Statewide Provisions.
2. A person who purchases Baitfish that are listed as Susceptible Fish Species, or purchases Roe from fish that are listed as Susceptible Fish Species, that has been harvested from a body of water included in the VHSv Free Management Area may use those Baitfish or that Roe in any public waters of the State, subject to Provision 47-16 under the General Statewide Provisions.

State-licensed Baitfish wholesale operations; State-licensed Baitfish retail operations

1. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation may transport Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, so long as those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Free Management Area and that owner has documentation demonstrating proof that those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Free Management Area.
2. Documentation demonstrating proof that each species of Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, has been harvested from a body of water that is included in the VHSv Free Management Area shall accompany all shipments of those Baitfish or that Roe, and that documentation shall be shown upon request.
3. An owner of a State-licensed Baitfish wholesale operation or a State-licensed Baitfish retail operation may offer for sale or sell Baitfish that are listed as Susceptible Fish Species, or Roe from fish that are listed as Susceptible Fish Species, so long as those Baitfish or that Roe has been harvested from a body of water that is included in the VHSv Free Management Area and that owner has clearly identified at the point of sale that those Baitfish or that Roe may be used in any waters of the State.

SECTION II – Koi Herpes Virus (KHV)

Koi herpes virus (KHV) is a contagious viral disease that has potential to cause significant mortality in common carp (*Cyprinus carpio*) populations. This disease was first identified in 1997 and 1998 in Europe. Since that time, the disease has been found in nearly every country that either cultures or sells Koi carp with the first detection in the U.S. in 1999. The disease is known to only occur in freshwater and the infection is transmitted horizontally from other infected fish. Carp mortalities can approach 100%. All ages are susceptible to the disease and the disease is believed to be specific only to common carp, Koi and goldfish. There is no known treatment for the disease.

Due to the recent emergence of KHV in the wild in Michigan, the harvest of minnows for personal use by anglers and by state-licensed commercial minnow catchers is prohibited from the following waters:

- 1. 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.**
- 2. Silver Lake, Oceana County, and all tributaries flowing into Silver Lake.**

This order shall be assigned number FO-245.12, and is entitled "Fish Disease Control." If a discrepancy occurs between this Fish Disease Control Order, FO-245.12, and other orders and laws currently in existence, the more restrictive regulation shall take precedence.

This Order supersedes the Order entitled "Fish Disease Control", effective April 1, 2010, and assigned number FO-245.10.

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

FISH DISEASE CONTROL ORDER, FO-245

Appendix A

The official list of Susceptible Fish Species (formerly called Prohibited Fish Species) for each Pathogen of concern as identified by the Department shall be posted on Fisheries Division's web site (<http://www.michigan.gov/dnrfishing>). This Appendix A, which contains the list of Susceptible Fish Species for each Pathogen of concern as identified by the Department of Natural Resources as of **December 8, 2011**, is incorporated by reference into this Fish Disease Control Order, FO-245.

Susceptible Fish Species ¹		Pathogen of concern	
Common name	Scientific name	Section I VHSv	Section II KHV
Black crappie	<i>Pomoxis nigromaculatus</i>	X	
Bluegill	<i>Lepomis macrochirus</i>	X	
Bluntnose minnow	<i>Pimephales notatus</i>	X	
Brown bullhead	<i>Ictalurus nebulosus</i>	X	
Brown trout	<i>Salmo trutta</i>	X	
Burbot	<i>Lota lota</i>	X	
Channel catfish	<i>Ictalurus punctatus</i>	X	
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	X	
Coho salmon	<i>Oncorhynchus kisutch</i>	X	
Common Carp	<i>Cyprinus carpio</i>		X
Emerald shiner	<i>Notropis atherinoides</i>	X	
Freshwater drum	<i>Aplodinotus grunniens</i>	X	
Gizzard shad	<i>Dorosoma cepedianum</i>	X	
Lake Herring	<i>Coregonus artedii</i>	X	
Lake whitefish	<i>Coregonus clupeaformis</i>	X	
Largemouth bass	<i>Micropterus salmoides</i>	X	
Muskellunge	<i>Esox masquinongy</i>	X	
Northern pike	<i>Esox lucius</i>	X	
Pacific herring	<i>Clupea pallasii</i>	X	
Pink salmon	<i>Onchorhynchus gorbuscha</i>	X	
Pumpkinseed	<i>Lepomis gibbosus</i>	X	
Rainbow trout	<i>Oncorhynchus mykiss</i>	X	
Rock bass	<i>Ambloplites rupestris</i>	X	
Round goby	<i>Neogobius melanostomus</i>	X	
Shorthead redhorse	<i>Moxostoma macrolepidotum</i>	X	
Silver redhorse	<i>Moxostoma anisurum</i>	X	
Smallmouth bass	<i>Micropterus dolomieu</i>	X	
Spottail shiner	<i>Notropis hudsonius</i>	X	
Trout perch	<i>Percopsis omiscomaycus</i>	X	
Walleye	<i>Sander vitreus</i>	X	
White bass	<i>Morone chrysops</i>	X	
White perch	<i>Morone Americana</i>	X	
White sucker	<i>Catostomus commersonii</i>	X	
Yellow perch	<i>Perca flavescens</i>	X	

¹ An "X" for a species of fish under each Section/named Pathogen signifies that the species has been identified by the Department as infected with that Pathogen of concern. Such species of fish are therefore subject to the restrictions imposed by this Fish Disease Control Order, FO-245.

FISH DISEASE CONTROL ORDER, FO-245

Appendix B

The official list of waters classified by Named Pathogen Management Area for each Pathogen of concern as identified by the Department shall be posted on Fisheries Division's web site (<http://www.michigan.gov/dnrfishing>). This Appendix B, which contains the list of waters classified by Named Pathogen Management Area for each Pathogen of concern as identified by the Department of Natural Resources as of **December 8, 2011**, is incorporated by reference into this Fish Disease Control Order, FO-245.

SECTION I – Viral Hemorrhagic Septicemia Virus (VHSV)

VHSV Positive Management Area

Lake Huron including Saginaw Bay, the St. Clair River, Lake St. Clair, the Detroit River, and Lake Erie are classified as a VHSV Positive Management Area. All tributaries to Lake Huron including Saginaw Bay, to the St. Clair River, to Lake St. Clair, to the Detroit River, and to Lake Erie are classified as a VHSV Positive Management Area in their entirety or from their confluence upstream to the first barrier that prevents the upstream passage of fish if such a barrier exists. VHSV has been documented in Budd Lake (Clare County) and Base Line Lake (Livingston and Washtenaw Counties) resulting in their addition to the VHSV Positive Management Area.

VHSV Surveillance Management Area

Lake Michigan including Grand Traverse bays and bays de Noc, and the St. Marys River are classified as a VHSV Surveillance Management Area. All tributaries to Lake Michigan including Grand Traverse bays and bays de Noc, and to the St. Marys River are classified as a VHSV Surveillance Management Area in their entirety or from their confluence upstream to the first barrier that prevents the upstream passage of fish if such a barrier exists. All Inland Waters in the watersheds of Lake Huron including Saginaw Bay, of the St. Clair River, of Lake St. Clair, of the Detroit River, and of Lake Erie are classified as a VHSV Surveillance Management Area, except for those tributaries to Lake Huron including Saginaw Bay, to the St. Clair River, to Lake St. Clair, to the Detroit River, and to Lake Erie that are classified as a VHSV Positive Management Area.

VHSV Free Management Area

Lake Superior and all Inland Waters in the watersheds of Lake Superior are classified as a VHSV Free Management Area. All Inland Waters in the watersheds of Lake Michigan including Grand Traverse bays and bays de Noc, and of the St. Marys River are classified as a VHSV Free Management Area, except for those tributaries to Lake Michigan including Grand Traverse bays and bays de Noc, and to the St. Marys River that are classified as a VHSV Surveillance Management Area.

SECTION II – Koi Herpesvirus (KHV)

KHV Positive Management Area

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. Silver Lake, Oceana County, and all tributaries flowing into Silver Lake.