



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: August 12, 2019
RESUBMITTED: September 16, 2019

TO: Daniel Eichinger, Director
Subject: Fisheries Order 243.19
State-Licensed Commercial Fishing

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:

Fisheries Order 243 is used to address issues impacting management of the state-licensed commercial fishery for the better protection, preservation, maintenance, and harvesting of the fish. This Order has been renewed annually for the past three years and requires renewal again in 2019. The current Order is set to expire on November 15, 2019 and it is recommended by Fisheries Division and Law Enforcement Division to be modified as indicated below.

The Department proposes to modify the Order to address an administrative issue concerning wholesale reporting delinquencies which have habitually been submitted late. Tracking delinquencies has always been difficult as reports were mailed to the Department in Lansing, transferred from Law Enforcement Division to Fisheries Division, then hand entered as staff had time. It was not possible to accurately track delinquencies. As of March 1, 2019, all wholesale transactions are now reported electronically through software known as FACTS (Fishery Activity and Catch Tracking System). As postal mail, departmental transfer of paper, and hand entry are no longer part of the process, a delay in the time over which a report is delinquent is no longer necessary. In order to provide more timely and accurate information to Tribal governments, per the terms of the 2000 Consent Decree, delinquencies need immediate attention, and this Order change will allow Law Enforcement Division to address the problem. Therefore, the following modification is recommended for the Order at the end of section 11 to modify the last sentence to state:

- Reports not received by the Department by the tenth day after the end of the month in which the fish were acquired shall be considered delinquent and in violation of this Order.

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 November 16, 2019 and shall remain effective through November 15, 2020.

Recommendation:

It is our recommendation to continue to utilize FO-243.19 to clarify commercial fishing law for the better protection, preservation, maintenance, and harvesting of the fish. Relevant Divisions have contributed to the preparation of this Order. This Order was submitted for information on September 12, 2019, at the Natural Resources Commission meeting. This item appeared on the Department's August 30, 2019 calendar and may be eligible for approval on October 10, 2019.



James Dexter, Chief
Fisheries Division



STEVEN B. BURTON
Gary Hagler, Chief
Law Enforcement Division



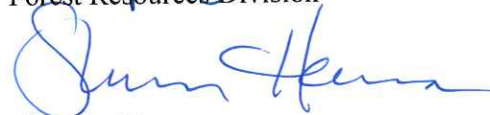
Russ Mason, Ph.D., Chief
Wildlife Division



Debbie Begalle, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Hanna
Natural Resources Deputy

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

Daniel Eichinger, Director

Date

FISHERIES ORDER

State-Licensed Commercial Fishing Order 243.19

Under the authority of Sections 46701 and 46702 of 1994 PA 451, as amended, MCL 324.46701 and MCL 324.46702, the Director of the Department of Natural Resources on October 10, 2019, ordered that the following state-licensed commercial fishing regulations shall take effect November 16, 2019:

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 tenth day after the end of the month in which the fish were acquired 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-243.19, and is titled "State-Licensed Commercial Fishing."

This Order supersedes the order titled "State-Licensed Commercial Fishing," which became effective November 15, 2018, and is assigned number FO-243.18.

Per MCL 324.46702, this Order shall not take effect less than 30 days after being issued. This Order shall take effect November 16, 2019 and shall remain effective through November 15, 2020.

Issued on this 10th day of October, 2019.

Daniel Eichinger
Director