



STATE OF MICHIGAN
 DEPARTMENT OF NATURAL RESOURCES
 LANSING



GRETCHEN WHITMER
 GOVERNOR

DANIEL EICHINGER
 DIRECTOR

SUBMITTED: August 17, 2020
 RESUBMITTED: September 14, 2020

<p><u>APPROVED</u></p> <p style="text-align: right;">,20</p> <hr/> <p style="text-align: center;">MICHIGAN NATURAL RESOURCES COMMISSION</p> <hr/> <p style="text-align: center;">(ASSISTANT TO THE COMMISSION)</p>

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 224.21
 Regulations on the Take of Reptiles and Amphibians

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 224 governs regulations for reptiles and amphibians in Michigan. Fisheries Division is proposing the addition of two species of salamanders and one species of frog to the Order under provision #1 of reptiles and amphibians that may not be taken from the wild and possessed in Michigan. The Northern Dusky and Northern Two-Lined Salamanders were discovered in Michigan over the last 10 years and the status and extent of these animals in the State is not well known at this time. Therefore, they are worthy of protection from recreational collection and possession while additional studies are conducted to better understand their population status in Michigan. The Mink Frog is a small frog found in the Upper Peninsula whose population status is not well known and is recommended for protection from harvest as well. These changes were recommended by Michigan's Amphibian and Reptile Technical Advisory Committee, an ad hoc committee comprised of experts specializing in Michigan's amphibian and reptile research and conservation issues.

Issue Pros and Cons

These changes would add greater protection for three rare amphibian species in Michigan.

Biological

The population status for all three species is limited and offer little value as a species for recreational collection. Greater protection from harvest is warranted given the limited knowledge on abundance and distribution.

Social

People are supportive of special regulations to protect unique and rare species.

Economic

The Department does not expect the proposed changes to have any significant budgetary or personnel implications.

Recommendation:

Relevant Divisions have contributed to the preparation of this Order. This Order was submitted for information on September 10, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's September 1, 2020 calendar and may be eligible for approval on October 8, 2020.



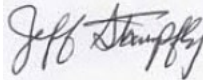
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



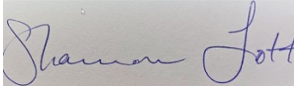
Daniel Kennedy, Acting Chief
Wildlife Division



Jeff Stampfly, Acting Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Lott
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

Regulations on the Take of Reptiles and Amphibians Order 224.21

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 of 1994 PA 451, MCL 324.48701 to 324.48740, ordered on October 8, 2020, the following section(s) of the Fisheries Order shall read effective April 1, 2021, except as otherwise provided:

It shall be unlawful to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take, trap, possess or barter any reptile or amphibian from the wild, or the eggs of any reptile or amphibian from the wild, except as provided within this order.

GENERAL

1. The following species of reptiles and amphibians shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director:

Eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*)

Queen snake (*Regina septemvittata*)

Grey rat snake (*Pantherophis spiloides*) [formerly known as the Black rat snake (*Elaphe obsoleta obsoleta*)] – exception: albino color variations of this species commonly bred in the pet trade may be possessed without permit

Butler's garter snake (*Thamnophis butleri*)

Smooth green snake (*Opheodrys vernalis*) [= *Liochlorophis vernalis*]

Blanding's turtle (*Emydoidea blandingii*)

Wood turtle (*Glyptemys insculpta*)

Eastern box turtle (*Terrapene carolina*)

Boreal chorus frog (*Pseudacris maculata*)

Mink frog (*Rana septentrionalis*)

Pickerel frog (*Rana palustris*)

Fowler's toad (*Bufo* [*Anaxyrus*] *fowleri*) [= *Bufo woodhousii fowleri*]

Mudpuppy (*Necturus maculosus*)

Northern two-lined salamander (*Eurycea bislineata*)

Northern dusky salamander (*Desmognathus fuscus*)

Western lesser siren (*Siren intermedia nettingi*)

2. Reptiles and amphibians designated as endangered or threatened by the department in R. 299.1024 and R 299.1025 under authority conferred on the department by the Michigan endangered species act, Part 365 of 1994 PA 451, shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director. These include:

Kirtland's snake (*Clonophis kirtlandii*)

Copper-bellied water snake (*Nerodia erythrogaster neglecta*)

Eastern fox snake (*Pantherophis gloydi*) [= *Pantherophis vulpinus gloydi* = *Elaphe gloydi*]

Spotted turtle (*Clemmys guttata*)

Blanchard's cricket frog (*Acris blanchardi*) [= *Acris crepitans blanchardi*]

Marbled salamander (*Ambystoma opacum*)

Small-mouthed salamander (*Ambystoma texanum*)

Six-lined racerunner (*Aspidoscelis sexlineata*) [= *Cnemidophorus sexlineatus*]

3. A person may collect reptiles and amphibians or their eggs for research studies or other special use under a permit issued by the director's designated fisheries representative. The permit shall be valid only for the species, number, manner and time specified on the permit.
4. A person may take certain species of reptiles and amphibians for personal use. See PERSONAL USE.
5. The taking of reptiles and amphibians for commercial purposes is prohibited.
6. Reptiles may be taken only by hand, trap, seines up to 12 x 4 feet overall dimension, hand net, or hook-and-line.
7. Amphibians may be taken by hand, hook-and-line, hand net or trap where not otherwise prohibited by law. In addition, frogs may be speared. Frogs shall not be speared with the aid of an artificial light.
8. Traps used or possessed in areas frequented by reptiles must have a plate or tag attached bearing the name and address of the user in legible English.
9. It is illegal to possess or transport in the field, dressed or processed reptiles or amphibians that cannot be measured or identified.
10. A person shall immediately release to the wild any reptile or amphibian that is taken during a closed season, is under the legal size, or is otherwise protected.
11. Reptile eggs may not be disturbed or removed from the wild except as authorized under a permit for scientific research, conservation, or educational purposes by the director.
12. Reptiles and amphibians shall not be taken with a firearm (including spring, air, or gas), bow and arrow, or crossbow.

PERSONAL USE

1. A fishing license is required to take reptiles and amphibians for personal use.
2. Traps used for the taking of turtles shall be limited to no more than three traps, shall be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least one inch wide at the narrowest measurement.
3. All reptiles and amphibians taken for personal use shall not be bought, sold or offered for sale.
4. Snapping turtle carapace length: to obtain the carapace (top of shell) length, use a flexible tape to measure from the nuchal scute (the scute directly behind the turtle's head) to the base of the notch where the two most posterior scutes meet.
5. The following table lists the regulations that apply to the taking of reptiles and amphibians for personal use:

Species	Season	Minimum Size (inches)	Daily Possession Limit	Possession Limit
frogs, toads, salamanders,	Last Sat. in May - Nov. 15	None	10 in any combination	10 in any combination
snapping turtles	July 15-Sept. 15	13 inch minimum carapace length	2 in combination (no more than 1 of either species)	4 total in combination (no more than 2 of either species)
softshell turtles		None		
All other turtles (painted, musk, map, red-eared slider); snakes and lizards	Open all year	None	3 in combination (however, no more than 2 turtles and no more than 1 of any one turtle species)	6 total in combination (however, no more than 4 turtles and no more than 2 of any one turtle species)

This order shall be assigned number FO-224.21, and is entitled "Regulations on the Take of Reptiles and Amphibians."

This order supersedes the order entitled "Regulations on the Take of Reptiles and Amphibians," which became effective September 15, 2017, and is assigned number FO-224.17.

This order shall take effect on April 1, 2021 and shall remain in effect until amended/rescinded.

Issued on this 8th day of October, 2020.

Approved as to matters over which the Natural Resources Commission has authority.

Carol Moncrieff Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

Daniel Eichinger
Director