



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED: August 16, 2021

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 216.21
Minnow, Wiggler, and Crayfish Regulations for Commercial Purposes and
Waters that are Closed to the Personal Take of Minnows
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:

Fisheries Order 216 governs Michigan's regulations covering minnow, wiggler and crayfish regulations for commercial purposes and waters that are closed to the personal take of minnows. The Department is recommending several changes to the order for immediate effect involving the removal of two waters currently closed to personal and commercial minnow harvest. The Department enacted changes to Fisheries Order 245 – Fish Disease Control earlier this spring and changes included removal of all Koi Herpes Virus (KHV) regulations since the virus has not been documented to infect native fish species that are found in Michigan. The KHV regulations listed in FO-245 were also contained in FO-216 to close personal and commercial harvest on the waters. The virus is a herpes virus which is only known at this time to infect koi and common carp. Therefore, the closures to personal and commercial harvest listed in this order for Silver Lake and its tributaries in Oceana County and Kent Lake and its tributaries in Oakland and Livingston counties are no longer warranted and are recommended for removal.

The change will result in removing a contradiction between this order and FO-245 – Fish Disease Control. The Department recommends the changes take immediate effect to allow personal and commercial minnow harvest in these waters since the closures are no longer warranted. The Department will post a press release as well as update the online version of the Fishing Guide to inform anglers about the changes.

The following special closures for personal and commercial minnow harvest are recommended for removal:

- 1) Silver Lake and its tributaries in Oceana County, and
- 2) Kent Lake including the Huron River upstream to the Hubbell Millpond dam in Milford, in Oakland and Livingston counties.

Issue Pros and Cons

Removal of both closures is not considered to pose any risk to the resource since KHV has not been documented to infect native fish species in Michigan. Therefore, the closures to minnow

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harvest for personal and commercial harvest is no longer warranted. There are no cons to report.

Biological

Managers added the closures several years ago to reduce the risk of spreading KHV to other locations in Michigan via minnow harvest. Given that KHV has not had the impact to native fish species as once was feared, there is no longer a biological reason to retain the closures.

Social

Anglers are generally supportive of more restrictive regulations in order to reduce the risks associated with fish disease and its spread. However, when the Department recommends removal of unnecessary closures anglers are supportive of the changes which will increase minnow collection opportunities in these waters.

Economic

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

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Recommendation:

Relevant Divisions have contributed to the preparation of this order. This order is being submitted for information on September 16, 2021, at the Natural Resources Commission meeting. This item appeared on the Department's September 7, 2021, calendar and may be eligible for approval on October 14, 2021.



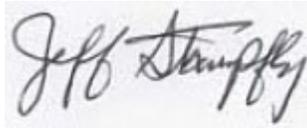
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



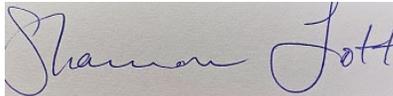
Jared Duquette, Chief
Wildlife Division



Jeff Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Lott
Natural Resources Deputy

FISHERIES ORDER

Minnow, Wiggler, and Crayfish Regulations for Commercial Purposes and Waters that are Closed to the Personal Take of Minnows Order 216.21

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, it is ordered on October 14, 2021, the following section(s) of the Fisheries Order shall read as follows:

Waters closed to the taking of minnows for personal use

No person shall take or attempted to take minnows for personal use from the following waters:

- 1) Hatlem's Creek, a tributary to Glen Lake, Leelanau County.
- ~~2) Silver Lake, Oceana County, and all tributaries flowing into Silver Lake.~~
- ~~3) Kent Lake including the Huron River upstream to the Hubbell Millpond dam in Milford, Livingston and Oakland Counties.~~

Waters open and regulations for the taking of minnows for commercial purposes; definitions

- 1) The following waters are open to the taking of minnows for commercial purposes:
 - a) Great Lakes and connecting waters (including Lakes Michigan, Huron, Erie, and St. Clair, and the St. Mary's, St. Clair, and Detroit Rivers) except, that portion of Tawas Bay of Lake Huron lying between the projections of Wadsworth and Church Streets of East Tawas for a distance of 900 feet out from the water's edge.
 - b) All non-trout streams, except that the following non-trout streams are closed to the taking of minnows for commercial purposes:
 - i) All non-trout streams within the boundaries of the Grayling Sports Park in Crawford County.
 - ii) All non-trout streams within the boundaries of the Palms Book State Park in Schoolcraft County.
 - c) All inland lakes, except the following inland lakes are closed to the taking of minnows for commercial purposes year-round:
 - i) Lake Leelanau in Leelanau County.
 - ii) Cedar Lake in Alcona and Iosco Counties.
 - iii) Lake Bellaire and Clam Lake in Antrim County.
 - iv) Torch Lake in Antrim and Kalkaska Counties.
 - v) All lakes within the boundaries of the Grayling Sports Park in Crawford County.
 - vi) All lakes within the boundaries of Palms Book State Park in Schoolcraft County.
 - vii) Birch Lake in Cass County.
 - viii) Black Lake and tributaries in Cheboygan and Presque Isle Counties.
 - ix) Big Glen Lake in Leelanau County.
 - ~~x) Kent Lake including the Huron River upstream to the Hubbell Millpond Dam in Milford in Livingston and Oakland Counties.~~
 - ~~xi) Silver Lake, Oceana County, and all tributaries that flow into Silver Lake.~~
 - d) All inland lakes, except the following inland lakes are closed to the taking of minnows for commercial purposes from May 15 through September 15, inclusive:
 - i) Higgins Lake in Roscommon County.
 - ii) Lake Margrethe and K.P. Lake in Crawford County.
 - iii) Tea Lake in Oscoda County.
 - iv) Sand Lake in Iosco County.
 - v) Long Lake in Alpena and Presque Isle Counties.
 - vi) Grand Lake in Presque Isle County.
 - e) All trout streams, except the following trout streams shall be closed to the taking of minnows for commercial purposes:
 - i) Intermediate River below the dam at Lake Bellaire, Grass River, and Clam River in Antrim County.

- ii) Torch River in Antrim and Kalkaska Counties.
 - iii) All trout streams within the boundaries of the Grayling Sports Park in Crawford County.
 - iv) All trout streams within the boundaries of Palms Book State Park in Schoolcraft County.
 - v) Hatlem's Creek, a tributary to Glen Lake, Leelanau County.
- 2) It shall be unlawful for any person to:
- a) Take or attempt to take minnows for commercial purposes from designated trout lakes with any device other than hook-and-line, or glass, transparent plastic or wire minnow traps.
 - b) Seine minnows for commercial purposes from a designated trout stream.
 - c) Take minnows for commercial purposes without submitting a monthly catch report as required in this order.
 - d) Use a minnow seine that contains a bag, trap or pot in its construction.
 - e) Use a minnow trap more than 24 inches in length and with funnel openings exceeding 1½ inches in diameter.
 - f) Use a minnow trap that does not bear the name and address of the user, in legible English.
 - g) Set a minnow trap with wings or leads.
- 3) Definitions: "Minnow Seine" or "Seine" means an elongated net, with sinkers or weights on one edge and floats on the opposite edge that hangs vertically in the water and is used to enclose fish when its ends are closed together or pulled to shore.

Waters open and regulations governing the taking of wigglers and crayfish for commercial purposes

- 1) The following waters are open to the taking of wigglers and crayfish for commercial purposes:
- a) The Great Lakes and their connecting waters (including Lakes Superior, Michigan, Huron, Erie, and St. Clair, and the St. Mary's, St. Clair, and Detroit Rivers) except that portion of Tawas Bay of Lake Huron lying between the projections of Wadsworth and Church Streets of East Tawas for a distance of 900 feet out from the water's edge.
 - b) All non-trout streams.
 - c) All inland lakes.
 - d) The following designated trout streams:
 - i) Benzie County: Betsie River from River Road (T26N, R15W, S30) downstream to M-22.
 - ii) Charlevoix County: Boyne River Pond (T32N, R5W, S5) and Boyne River (T33N, R6W, S35).
 - iii) Emmet County: Bear River (T34N, R5W, S21, 28 & 34).
 - iv) Grand Traverse County: Boardman River from Beitner Road down to Boardman Lake.
 - v) Kalkaska County: That part of the Rapid River west of Co. Road 597 (T28N, R8W, S5, 6 & 7) down to Torch River.
 - vi) Leelanau County: Solon Creek from the S. line of (T28N, R12W, S16) down to the entrance into Cedar Creek, (T28N, R12W, S9) Crystal River.
 - vii) Mackinac County: Millecoquin River from Millecoquin Lake to Lake Michigan.
 - viii) Manistee County: Big Bear Creek down from Potters Bridge (T22N, R14W, S18) down to Big Manistee River (T22N, R15W, S22).
 - ix) Mason County: Sable River from US-31 down to Hamlin Lake and Pere Marquette River down from Walhalla Bridge to Pere Marquette Lake.
 - x) Missaukee County: Clam River from M-66 to Falmouth Dam and West Branch of Muskegon River from Co. Road Bridge in the Center of (T23N, R6W, S25) down to the Muskegon River (T22N, R5W, S3).
 - xi) Muskegon County: White River and Bayous and Cedar Creek downstream from River Road.
 - xii) Oceana County: Pentwater River from US-31 down to Pentwater Lake and White River down from Taylor Bridge.
 - xiii) Wexford County: Big Manistee River from US-131 downstream.
- 2) It shall be unlawful for any reason to:
- a) Commercially harvest wigglers from any state waters from June 1 - September 1, inclusive.
 - b) Seine wigglers and/or crayfish for commercial purposes from a designated trout stream.
 - c) Use or make use of a water or sand-sucking pump or a mechanically powered device to take or attempt to take wigglers or crayfish.
 - d) Take, possess or sell live rusty crayfish (*Orconectes rusticus*) for commercial purposes anywhere in the State of Michigan.
 - e) Take wigglers or crayfish for commercial purposes without submitting a monthly catch report as required by this Order.

Catch reporting regulations for commercial minnow, wigglers, and crayfish catchers

- 1) Each licensed commercial minnow, wiggler, and crayfish catcher shall be required to submit monthly reports of their fishing activity as follows:
 - a) Every person licensed to take minnows, wigglers and crayfish for commercial purposes shall keep an accurate report of each day's catch on report forms, furnished by the Department, of the number of gallons of minnows and crayfish and the pints of wigglers taken, of the locality fished, and any other data as may be required by the Department in order to track harvest.
 - b) A complete, accurate and legible monthly report of minnows, wigglers or crayfish taken for commercial purposes shall be submitted to the DNR, Law Enforcement Division, PO Box 30031, Attention: Catch Reporting, Lansing, MI 48909-7531 or to DNR-Minnowcatcher@michigan.gov, by every person licensed to take minnows, wigglers and crayfish on or before the 10th day of the following month for each month during which the license is valid.
 - c) Reports are due each month whether or not any minnows, wigglers, or crayfish were taken during the last preceding month.
 - d) Any person whose report is not received by the Department in Lansing, Michigan, by the 10th day of the following month shall be in violation of this section, and subject to prosecution.
 - e) The license of any person who fails to submit a monthly report may be suspended and revoked by the director in accordance with the Administrative Procedures Act, 1969 PA 306, MCL 24.292.
 - f) Falsification of any report required by this section may also result in the suspension or revocation of that license.
 - g) The license of any person that has been revoked shall not be issued a commercial minnow, wiggler, and crayfish license within a period of 1 year from the date of revocation.

This order shall be assigned number FO-216.21, and is entitled “Minnow, Wiggler, and Crayfish Regulations for Commercial Purposes and Waters that are Closed to the Personal Take of Minnows.”

This order supersedes the order entitled “Minnow, Wiggler, and Crayfish Regulations for Commercial Purposes and Waters that are Closed to the Personal Take of Minnows.” which became effective October 14, 2016, and was assigned number FO-216.16.

This order shall take immediate effect on October 15, 2021 and shall remain in effect until amended/rescinded.

Issued on this 14th day of October 2021.

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