



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



SHANNON LOTT
ACTING DIRECTOR

SUBMITTED: November 14, 2022
RESUBMITTED: December 12, 2022



MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Fisheries Order 216.23
Minnow, Wiggler, and Crayfish Regulations for Commercial Purposes and Waters that are Closed to the Personal Take of Minnows

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, under MCL 324.48730 authorizes the Director to designate the lakes and streams and parts of lakes and streams from which minnows, wigglers, and crayfish may be taken for commercial purposes and make rules, regulations, and restrictions for taking, possessing, and transporting minnows, wigglers, and crayfish. Commercial purposes for the purpose of this authority is defined in MCL 324.48728.

Discussion and Background:

The recommendations within Fisheries Order 216.23 are associated with adopting requirements to reflect statutory changes within Part 487 of P.A. 451 of 1994, as amended via Public Act 30 of 2022. Additionally, the Department is recommending amendments that define reporting deadlines and require the use of the electronic online reporting process for commercial bait harvest and export. The requirement to report online will align this commercial program with other commercial fish operations in Michigan (e.g., commercial fish harvest, charter fishing, commercial wholesale fish) that are already implementing online reporting.

Public Act 30 of 2022 created a new “export permit” that allows for minnows, wigglers, and crayfish that are taken from Michigan waters to be exported. The statutory amendments included a requirement that export permit holders provide monthly export reports to the Department that specifies the quantity of minnows, wigglers, and crayfish taken from Michigan waters that are then exported. The recommended amendments in this order are the final steps needed for the Department to implement statutory changes enacted by P.A. 30 of 2022.

The Department has started to transition from antiquated paper reporting methodologies to more efficient electronic online formats. Electronic reporting is the Department’s preferred format because it increases efficiency, accuracy, and timeliness of reporting and provides significant benefits for the administration and enforcement of programs. Since 2018, Fisheries Division has worked with an outside contractor to develop and administer the Fishing Activity & Catch Tracking System (FACTS) to collect and store required data from commercial fisheries (harvest and wholesale), including charter fishing in the Great Lakes. The amendments in this order will move the monthly commercial bait harvest reports, currently paper reporting, and the newly created bait export reports into the online FACTs reporting system.

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Issue Pros and Cons – The Department is tasked with implementing statute and the recommendations in this order align with legislative requirements. The online reporting requirement will provide more efficient means of tracking harvest and export of bait harvested from Michigan waters, which will assist with informing management actions. The online reporting will also provide benefits for enforcement efforts related to program compliance. There is an expected learning curve among the bait industry personnel for implementing this new online reporting tool.

Biological – The online reporting will provide more accurate and timely information related to the harvest and export of bait resources in Michigan. The information will inform whether management actions to protect our fisheries resources are warranted.

Social – It is expected that bait industry personnel will have a learning curve to overcome when the online reporting program is initiated. This learning curve should be limited because tutorials and “How to” guides have been developed to assist users with implementation.

Economic – The Department is expected to have less staff time dedicated to implementing this program because online reporting will remove the need for staff to enter data provided by the industry on paper forms.

Recommendation:

Relevant Divisions have contributed to the preparation of this order. This order was submitted for information on December 8, 2022, at the Natural Resources Commission meeting. This item appeared on the Department's November 29, 2022, calendar and may be eligible for approval on January 12, 2023.



James Dexter, Chief
Fisheries Division



David Shaw, Chief
Law Enforcement Division



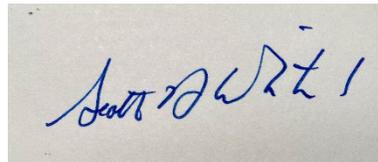
Jared Duquette, Chief
Wildlife Division



Jeffery J. Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Scott Whitcomb
Acting Natural Resources Deputy

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

Shannon Lott, Acting Director

Date

FISHERIES ORDER

Minnow, Wiggler, and Crayfish Regulations for Commercial Purposes and Waters that are Closed to the Personal Take of Minnows Order 216.23

By authority conferred on the Director of the Department of Natural Resources by Section 48730 of 1994 PA 451, MCL 324.48730, it is ordered on January 12, 2023, 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.

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.
 - 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.

Reporting requirements for commercial minnow, wigglers, and crayfish catchers and exporters

- 1) Each licensed commercial minnow, wiggler, and crayfish catcher must submit monthly reports of their fishing activity as follows:
 - a) Every person licensed to take minnows, wigglers and crayfish for commercial purposes must keep an accurate record of each day's catch 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 and accurate monthly report of minnows, wigglers or crayfish taken for commercial purposes must be submitted to the DNR's Fishing Activity & Catch Tracking System (FACTS) at www.michigan.fisheryfacts.com, 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. All reports must be submitted through FACTS. No other forms or methods of submission will be accepted.
- 2) Each person with an export permit issued under MCL 324.48729(b) must submit monthly reports of their export activity as follows:
 - a) Every person permitted to export minnows, wigglers and crayfish for commercial purposes must keep an accurate record of each export event of the number of gallons of minnows and crayfish and the pints of wigglers exported, the date the export occurred and the out of state jurisdictions they were sent to.
 - b) A complete and accurate monthly report of minnow, wigglers or crayfish exported out of Michigan for commercial purposes must be submitted to the DNR's Fishing Activity & Catch Tracking System (FACTS) at www.michigan.fisheryfacts.com by every person permitted to export minnows, wigglers and crayfish on or before the 10th day of the following month for each month during which the license is valid. All reports must be submitted through FACTS. No other forms or methods of submission will be accepted.
- 3) FACTS Catch and Export Reports are due each month the licenses are valid whether or not any minnows, wigglers, or crayfish were taken or exported during the last preceding month.
- 4) Any person whose FACTS report(s) is/are not received by the Department in FACTS, by the 10th day of the following month shall be in violation of this section, and subject to prosecution.
- 5) The license(s) or permit(s) of any person who fails to submit a monthly FACTS report may be suspended and revoked by the Director in accordance with the Administrative Procedures Act, 1969 PA 306, MCL 24.292.
- 6) Falsification of any FACTS report required by this section may also result in the suspension or revocation of that license or permit.
- 7) The license or permit of any person that has been revoked shall not be issued a commercial minnow, wiggler, and crayfish harvest or export license within a period of 1 year from the date of revocation.

This order shall be assigned number FO-216.23, 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 15, 2021, and was assigned number FO-216.21.

This order shall take immediate effect on January 12, 2023 and shall remain in effect until amended/rescinded.

Issued on this 12th day of January 2023.

Approved as to matters over which the Director has authority.

Shannon Lott
Acting Director