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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



M. SCOTT BOWEN
DIRECTOR

SUBMITTED: December 18, 2023
RESUBMITTED: January 16, 2024

MEMORANDUM TO THE DIRECTOR

Information: Natural Resources Commission

Subject: Fisheries Order 255.24
Reporting Requirements - Charter Boat, State-Licensed Commercial, and Sport Fishing Guides

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, under MCL 324.44508, MCL 324.47325, MCL 324.47333, and MCL 324.48714a, as amended, authorizes the Director to issue orders and prescribe reporting requirements associated with catch and purchase activity for charter boats, commercial fishers, wholesale fish dealers, and sport fishing guides.

Discussion and Background:

The Department recommends creating a new order, Fisheries Order 255, to implement recent statutory changes resulting from the passage of Senate Bill 441 and Senate Bill 103. This new order provides detailed regulatory provisions that describe reporting requirements for charter boat operators, state-licensed commercial fishers, state-licensed wholesale fish dealers, and licensed sport fishing guides. Additionally, to consolidate reporting requirements associated with commercial fishing the department is removing reporting requirements (i.e., provision 11) in Fisheries Order 243.21A because those requirements will be contained within this order.

In order to provide a modern, consistent framework for reporting business uses of natural resources, to implement statutory amendments resulting from the passage of Senate Bill 441, and to comply with the reporting requirements of the 2023 Great Lakes Fishing Decree (*U.S. v. Michigan*, U.S. District Court for the Western District of Michigan, Case no: 2:73 CV 26), the department is issuing this order related to charter boat fishing, state-licensed commercial fishing, and state-licensed wholesale fish dealers.

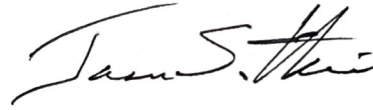
Additionally, this order provides detailed regulatory reporting requirements to implement statutory amendments resulting from the passage of tie-barred Senate Bills 103-105. Specifically, this order provides the monthly reporting requirements of licensed sport fishing guides that align with the general reporting requirements described in MCL 324.48714a, as amended.

Recommendation:

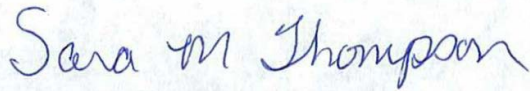
It is our recommendation to utilize FO-255.24 to specify recent statutory amendments resulting from the passage of Senate Bill 441 and tie-barred Senate Bills 103-105. These reporting requirements are under the Director's authority per Part 445, 473, and 487 of PA 451 of 1994, as amended. This order also reflects the mandatory reporting requirements, as outlined in the 2023 Great Lakes Fishing Decree. Relevant Divisions have contributed to the preparation of this order. This order was submitted for information and consideration on January 11, 2024, at the Natural Resources Commission meeting. This item appeared on the Department's January 2, 2024, calendar and is eligible for approval on February 8, 2024.



Randall M. Claramunt, Chief
Fisheries Division



Jason S. Haines, Chief
Law Enforcement Division



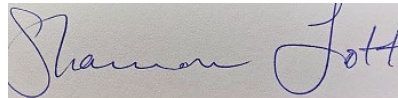
Sara Thompson, Chief
Wildlife Division



Jeffery J. Stampfly, 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.

M. Scott Bowen, Director

Date

FISHERIES ORDER

Reporting Requirements - Charter Boat, State-Licensed Commercial, and Sport Fishing Guides Order 255.24

Under the authority of MCLs 324.44508, 324.47325, 324.47333 and 324.48714a of PA 451 of 1994, as amended, the Director of the Department of Natural Resources on January 11, 2024, presented the following charter boat, state-licensed commercial fishing, and sport fishing guide reporting regulations which shall take effect February 13, 2024:

As used in this order the following definition is provided:

Great Lakes connecting waters: refers to specific bodies of water in Michigan that connect the Great Lakes. The designated connecting waters are the St. Marys River, the St. Clair River (begins at the Fort Gratiot Light), Lake St. Clair, and the Detroit River (begins at the imaginary line extending due south of the Windmill Point Light, Wayne County, and ending at the imaginary east/west line drawn through the most southern point of Celeron Island).

Charter Boat Fishing:

Under the authority of MCL 324.44508, charter boat operators with a valid certificate of inspection issued under MCL 324.44507 must adhere to the following requirements,

1. File an electronic report of their catch activity on the Great Lakes and Great Lakes connecting waters by 11:00 pm Eastern Time on the second (2nd) and fourth (4th) Wednesday of each month. Each report must include all trips taken on these waters from the previous reporting date (2nd or 4th Wednesday) through the Tuesday preceding each reporting date.
2. Catch activity reports must be submitted using the charter boat operator's unique username within the State's contracted electronic reporting system, Fishing Activity & Catch Tracking System (FACTS).
3. A catch activity report must be filed within FACTS for each reporting period, even if zero (0) trips were taken during a reporting period.
4. Catch activity reports filed within FACTS must include accurate information pertaining to the following for each trip taken:
 - a. Trip date
 - b. Boat number
 - c. Number of anglers onboard
 - d. Hours fished
 - e. Target species
 - f. Location of fishing by Great Lakes grid
 - g. Number of each species harvested
 - h. Number of each species released

State-Licensed Commercial Fishing:

Under the authority of Part 473 of PA 451 of 1994, as amended, state-licensed commercial fishing and wholesale operations must adhere to the following provisions,

1. All State-licensed commercial fishers must file an electronic report of their catch activity by 11:00 pm Eastern Time on the second (2nd) and fourth (4th) Wednesday of each month. Each report

must include all trips taken from the previous reporting date (2nd or 4th Wednesday) through the Tuesday preceding each reporting date.

2. Catch activity reports must be submitted using the state-licensed commercial fisher's unique username within the State's contracted electronic reporting system, Fishing Activity & Catch Tracking System (FACTS).
3. A catch activity report must be filed within FACTS for each reporting period, even if zero (0) trips were taken during a reporting period.
4. Catch activity reports filed within FACTS must include accurate information pertaining to the following for each trip taken:
 - a. Trip date
 - b. Fishing license number
 - c. Vessel
 - d. Location of fishing by Lake Whitefish Management Unit and Great Lakes Grid
 - e. Type of fishing gear used
 - f. Amount of fishing gear used
 - g. Minimum and Maximum depth of lifted fishing gear
 - h. Soak time for gear anchored to the lake bottom
 - i. Round or Dressed Weight of each species landed
 - j. Number of fish released by species
 - k. Disposition of the catch of lake whitefish and yellow perch, including pounds of each species sold to State-licensed wholesalers, other wholesalers, retail outlets, and/or retained for personal use.
5. Wholesale fish dealers licensed in Michigan, whether they are located within or outside the state, shall electronically submit a report of all purchase records by 11:00 pm Eastern Time on the second (2nd) and fourth (4th) Wednesday of each month. Each report must include all purchases made from the previous reporting date (2nd or 4th Wednesday) through the Tuesday preceding each reporting date.
 - a. Purchase reports must be submitted using the state-licensed wholesaler's unique username within the State's contracted electronic reporting system, Fishing Activity & Catch Tracking System (FACTS).
 - b. Purchase reports must be filed even if no purchases were made during a reporting period.
 - c. A report of purchase records must include accurate information for each transaction, including:
 - i. Purchase date
 - ii. Seller name
 - iii. Seller license type
 - iv. Seller license number
 - v. Species
 - vi. Condition
 - vii. Type
 - viii. Pounds
 - ix. Price paid per pound

Inland Sport Fishing Guides:

Under the authority of MCL 324.48714a, as amended, individuals licensed as a sport fishing guide under MCL 324.48714a(2) must adhere to the following reporting requirements,

1. Beginning April 1, 2024, all licensed sport fishing guides must file an electronic report of their monthly catch activity for all trips that occurred on all waters except the Great Lakes, Great Lakes connecting waters, and lakes or ponds that have a surface area of less than 5 acres. The report for each reporting month (i.e., calendar month) must include all trips taken during the reporting month. Reports not submitted to the Department by 11:00 pm Eastern Time of the first day after the end of the reporting month will be considered delinquent.

2. Catch activity reports must be submitted using the sport fishing guide's unique username within the State's contracted electronic reporting system, Fishing Activity & Catch Tracking System (FACTS).
3. A catch activity report must be filed within FACTS for each month of the calendar year, even if zero (0) trips were taken during a reporting month.
4. Catch activity reports filed within FACTS must include accurate information pertaining to the following for each trip taken:
 - a. Trip date
 - b. Fishing mode
 - c. Boat number (if a boat is used)
 - d. Number of anglers guided
 - e. Hours fished
 - f. Target species
 - g. Location of fishing
 - h. Number of each species harvested
 - i. Number of each species released

This order shall be assigned number FO-255.24 and is titled "Reporting Requirements - Charter Boat, State-Licensed Commercial, and Sport Fishing Guides". This order shall take effect February 13, 2024, and shall remain in effect until rescinded.

Issued on this 8th day of February 2024.

M. Scott Bowen
Director