



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF NATURAL RESOURCES  
LANSING



DANIEL EICHINGER  
DIRECTOR

SUBMITTED: February 10, 2021  
LATE MEMO

TO: Daniel Eichinger, Director

Information: NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 243.21A  
State-Licensed Commercial Fishing

Authority:

The Natural Resources and Environmental Protection Act, 1994 PA 451, under MCL 324.46701 authorizes the Director to issue orders, when deemed necessary, to suspend, abridge, extend, or modify any statute or law of this state governing commercial fishing for the better protection, preservation, maintenance, and harvesting of the fish.

Discussion and Background:


State-licensed commercial fishing is an important component of our state's economic and cultural livelihoods. The department has been actively trying to address the need for regulatory updates to commercial fishing for nearly a decade. Fisheries Order 243 has been used to address issues impacting management of the state-licensed commercial fishery for the better protection, preservation, maintenance, and harvesting of the fish.

Fisheries Order 243 was originally planned to serve as a short-term solution while legislative action progressed to rewrite the outdated state-licensed commercial fishing statute.


Fisheries Order 243.21, which went into effect in January 2021, changed Fisheries Order 243 by removing provisions of the order in light of questions that had been raised regarding the various authorities that govern state-licensed commercial fishing. The department intends to utilize authority provided under MCL 324.46701 to issue Fisheries Order 243.21A to allow the continuation of state-licensed commercial fishing in the manner in which it was regulated in 2020, while the department continues to review its approach to regulating state-licensed commercial fishing.

Recommendation:

It is our recommendation to continue to utilize FO-243.21A 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 on February 11, at the Natural Resources Commission meeting.



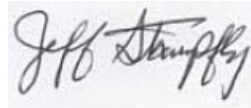
James Dexter, Chief  
Fisheries Division



Gary Hagler, Chief  
Law Enforcement Division



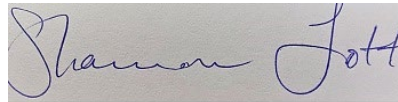
Jared Duquette, Chief  
Wildlife Division



Jeff Stampfly, Chief



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.

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Daniel Eichinger, Director

\_\_\_\_\_  
Date

# FISHERIES ORDER

## State-Licensed Commercial Fishing Order 243.21A

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 February 11, 2021, ordered that the following state-licensed commercial fishing regulations shall take effect March 13, 2021:

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-243.21A, and is titled "State-Licensed Commercial Fishing."

This Order supersedes the Order titled "State-Licensed Commercial Fishing," which became effective January 8, 2021 and was assigned number FO-243.21.

Per MCL 324.46702, this Order shall not take effect less than 30 days after being issued. This Order shall take effect March 13, 2021 and shall remain effective until rescinded.

Issued on this 11th day of February, 2021.

Daniel Eichinger  
Director