



STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



GRETCHEN WHITMER
GOVERNOR

DANIEL EICHINGER
DIRECTOR

SUBMITTED: July 19, 2021
RESUBMITTED: August 16, 2021

APPROVED
_____, 20____
MICHIGAN NATURAL RESOURCES COMMISSION
_____ (ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 248.22
Possession Limits for Fish

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 248 establishes possession limit regulations in Michigan. The Department proposes two amendments for this order, and those include adding a definition for eviscerated and adding a provision that requires all fish species listed as prohibited or restricted species (P&R) that are possessed by an individual or business to be eviscerated unless possession adheres to criteria described within MCL 324.41301 (2). The live possession of P&R species is prohibited under Michigan statute. The transportation of “dead” P&R species is occurring throughout midwestern states, and this includes recently caught invasive silver carp that are shipped on ice and that activity poses a risk of incidentally releasing an invasive species in Michigan waters. The goal of these changes is to ensure that all P&R fish species have no chance of being introduced and surviving in Michigan waters.

Invasive fish populations are expanding geographically and increasing in abundance in neighboring southern states. Specifically, bighead and silver carp populations are established in Illinois, Indiana, and Ohio waters and many control efforts are being implemented by commercial fishers to suppress populations of these species. The invasive carp that are removed during control efforts are in some cases being distributed to food markets via fish haulers. The potential for an invasive carp to be captured, placed on ice, and survive during shipment to Michigan exists. However, adding an evisceration requirement would remove any risk of these harmful species surviving shipment and being introduced into our waterways. Fisheries Division worked with Law Enforcement Division on this issue and these changes are consistent with regulations that other states and provinces have implemented, and it prevents potential uncertainty during law enforcement efforts. This proposal also aligns with the Great Lakes Law Enforcement Committee’s position statement that addresses the need for regulatory language defining “dead fish”. That position statement explicitly recommends the Great Lakes states and provinces adopt and promulgate an evisceration requirement in their regulatory framework for addressing invasive species threats.

Issue Pros and Cons

The changes add greater protection to Michigan waters as P&R species being transported and sold at fish markets will now need to be eviscerated. Therefore, the changes reduce the likelihood of having P&R species like bighead and silver carps entering Michigan alive during transport. This will reduce the risk associated with P&R species being brought into Michigan for the purpose of being sold at food markets. One con involves added processing time for the industry to adhere to the new regulations.

Biological

These changes will remove the risk of P&R species surviving during transportation into Michigan.

Social

These regulations add greater protection for Michigan's aquatic resources and are supported by anglers.

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 August 12, 2021, at the Natural Resources Commission meeting. This item appeared on the Department's August 3, 2021, calendar and may be eligible for approval on September 16, 2021.



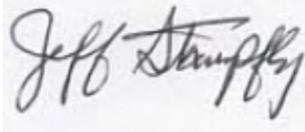
James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



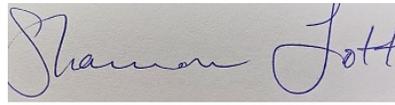
Jared Duquette, Chief
Wildlife Division



Jeff Stampfly, Chief
Forest Resources Division



Ronald A. Olson, Chief
Parks and Recreation Division



Shannon Lott
Natural Resources Deputy

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

POSSESSION LIMITS FOR FISH

Order 248.22

By authority conferred on the Natural Resources Commission and the Department of Natural Resources by Part 487 and Part 491 of 1994 PA 451, MCL 324.48701 to 324.48740, it is ordered on September 16, 2021, the following section(s) of the Fisheries Order shall read effective April 1, 2022, as follows:

A.	Definitions as used in this order:	
	1.	“Eviscerated:” means to have internal organs removed from the body cavity or have gills severed to ensure the organism is dead.
	2.	“Mutilated:” means a fish that is unidentifiable or cannot be measured.
	3.	“Snag” or “snagging:” means taking or attempting to take a fish in a manner or methods where the fish does not take, or have the chance to take, the hook voluntarily in its mouth. Snagging shall include but not be limited to fishing by manipulating a hook or hooks and other tackle or lures, whether baited or not, in such a manner as to pierce or hook a fish in any part of the body, circumventing the voluntary action of the fish to take the bait or lure in the mouth.
B.	Provisions	
	1.	Department Fisheries orders regulate various statewide and area-specific daily possession limits for fish. In addition to one (1) day’s possession limit of fish, a person may possess an additional two (2) days possession limit of fish, taken during previous fishing days, provided that are processed by any of the following methods:
	a.	Canning in a sealed container.
	b.	Curing by smoking or drying.
	c.	Freezing in a solid state.
	A person’s processed fish aboard a vessel, on the water or at dockside shall be considered to be in the person’s possession for the purposes of this order.	
	The additional two days possession limit provision does not apply to lake sturgeon or muskellunge. The harvest of lake sturgeon shall be limited to the provisions as set forth in FO-240. The harvest of muskellunge shall be limited to the provisions as set forth in FO-215.	
	2.	Anglers may engage in catch-and-immediate-release (CIR) fishing after reaching the maximum allowed daily possession limit for a given species.
	3.	It shall be unlawful for a person to take or possess on any waters over which this state has jurisdiction any fish that is so mutilated that the identification or measurement of that fish is impossible.
	4.	It shall be unlawful to snag a fish, attempt to snag a fish, or possess a fish that was snagged.
	5.	It shall be unlawful to possess a prohibited or restricted species per MCL 324.41301 or Invasive Species Order Amendment No. 1 of 2020 unless it is eviscerated or adheres to criteria described within MCL 324.41301 (2).

This order shall be assigned number FO-248.22, and is entitled "Possession Limits for Fish."

This order supersedes the order entitled "Possession Limits for Fish," effective April 1, 2021, and assigned number FO-248.21.

This order shall take effect on April 1, 2022 and shall remain in effect until amended/rescinded.

Issued on this 16th day of September 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