



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
LANSING



DANIEL EICHINGER
DIRECTOR

SUBMITTED:
RESUBMITTED:

August 17, 2020
September 14, 2020

APPROVED
October 8, 2020
MICHIGAN NATURAL RESOURCES COMMISSION
<i>Cheryl Nelson</i>
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 224.21
Regulations on the Take of Reptiles and Amphibians

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 224 governs regulations for reptiles and amphibians in Michigan. Fisheries Division is proposing the addition of two species of salamanders and one species of frog to the Order under provision #1 of reptiles and amphibians that may not be taken from the wild and possessed in Michigan. The Northern Dusky and Northern Two-Lined Salamanders were discovered in Michigan over the last 10 years and the status and extent of these animals in the State is not well known at this time. Therefore, they are worthy of protection from recreational collection and possession while additional studies are conducted to better understand their population status in Michigan. The Mink Frog is a small frog found in the Upper Peninsula whose population status is not well known and is recommended for protection from harvest as well. These changes were recommended by Michigan's Amphibian and Reptile Technical Advisory Committee, an ad hoc committee comprised of experts specializing in Michigan's amphibian and reptile research and conservation issues.

Issue Pros and Cons

These changes would add greater protection for three rare amphibian species in Michigan.

Biological

The population status for all three species is limited and offer little value as a species for recreational collection. Greater protection from harvest is warranted given the limited knowledge on abundance and distribution.

Social

People are supportive of special regulations to protect unique and rare species.

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 September 10, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's September 1, 2020 calendar and may be eligible for approval on October 8, 2020.



James Dexter, Chief
Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



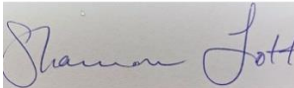
Daniel Kennedy, Acting Chief
Wildlife Division



Jeff Stampfly, Acting 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

October 8, 2020

Date

FISHERIES ORDER

Regulations on the Take of Reptiles and Amphibians Order 224.21

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, ordered on October 8, 2020, the following section(s) of the Fisheries Order shall read effective April 1, 2021, except as otherwise provided:

It shall be unlawful to kill, take, trap, possess, buy, sell, offer to buy or sell, barter, or attempt to take, trap, possess or barter any reptile or amphibian from the wild, or the eggs of any reptile or amphibian from the wild, except as provided within this order.

GENERAL

1. The following species of reptiles and amphibians shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director:

Eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*)

Queen snake (*Regina septemvittata*)

Grey rat snake (*Pantherophis spiloides*) [formerly known as the Black rat snake (*Elaphe obsoleta obsoleta*)] – exception: albino color variations of this species commonly bred in the pet trade may be possessed without permit

Butler's garter snake (*Thamnophis butleri*)

Smooth green snake (*Opheodrys vernalis*) [= *Liochlorophis vernalis*]

Blanding's turtle (*Emydoidea blandingii*)

Wood turtle (*Glyptemys insculpta*)

Eastern box turtle (*Terrapene carolina*)

Boreal chorus frog (*Pseudacris maculata*)

Mink frog (*Rana septentrionalis*)

Pickerel frog (*Rana palustris*)

Fowler's toad (*Bufo [Anaxyrus] fowleri*) [= *Bufo woodhousii fowleri*]

Mudpuppy (*Necturus maculosus*)

Northern two-lined salamander (*Eurycea bislineata*)

Northern dusky salamander (*Desmognathus fuscus*)

Western lesser siren (*Siren intermedia nettingi*)

2. Reptiles and amphibians designated as endangered or threatened by the department in R. 299.1024 and R 299.1025 under authority conferred on the department by the Michigan endangered species act, Part 365 of 1994 PA 451, shall not be taken from the wild and possessed except as authorized under a permit for scientific research, conservation, or educational purposes from the director. These include:

Kirtland's snake (*Clonophis kirtlandii*)

Copper-bellied water snake (*Nerodia erythrogaster neglecta*)

Eastern fox snake (*Pantherophis gloydi*) [= *Pantherophis vulpinus gloydi* = *Elaphe gloydi*]

Spotted turtle (*Clemmys guttata*)

Blanchard's cricket frog (*Acris blanchardi*) [= *Acris crepitans blanchardi*]

Marbled salamander (*Ambystoma opacum*)

Small-mouthed salamander (*Ambystoma texanum*)

Six-lined racerunner (*Aspidoscelis sexlineata*) [= *Cnemidophorus sexlineatus*]

3. A person may collect reptiles and amphibians or their eggs for research studies or other special use under a permit issued by the director's designated fisheries representative. The permit shall be valid only for the species, number, manner and time specified on the permit.
4. A person may take certain species of reptiles and amphibians for personal use. See PERSONAL USE.
5. The taking of reptiles and amphibians for commercial purposes is prohibited.
6. Reptiles may be taken only by hand, trap, seines up to 12 x 4 feet overall dimension, hand net, or hook-and-line.
7. Amphibians may be taken by hand, hook-and-line, hand net or trap where not otherwise prohibited by law. In addition, frogs may be speared. Frogs shall not be speared with the aid of an artificial light.
8. Traps used or possessed in areas frequented by reptiles must have a plate or tag attached bearing the name and address of the user in legible English.
9. It is illegal to possess or transport in the field, dressed or processed reptiles or amphibians that cannot be measured or identified.
10. A person shall immediately release to the wild any reptile or amphibian that is taken during a closed season, is under the legal size, or is otherwise protected.
11. Reptile eggs may not be disturbed or removed from the wild except as authorized under a permit for scientific research, conservation, or educational purposes by the director.
12. Reptiles and amphibians shall not be taken with a firearm (including spring, air, or gas), bow and arrow, or crossbow.

PERSONAL USE

1. A fishing license is required to take reptiles and amphibians for personal use.
2. Traps used for the taking of turtles shall be limited to no more than three traps, shall be constructed and set in a manner to allow turtles to surface and breathe, and shall be constructed of mesh at least one inch wide at the narrowest measurement.
3. All reptiles and amphibians taken for personal use shall not be bought, sold or offered for sale.
4. Snapping turtle carapace length: to obtain the carapace (top of shell) length, use a flexible tape to measure from the nuchal scute (the scute directly behind the turtle's head) to the base of the notch where the two most posterior scutes meet.
5. The following table lists the regulations that apply to the taking of reptiles and amphibians for personal use:

Species	Season	Minimum Size (inches)	Daily Possession Limit	Possession Limit
frogs, toads, salamanders,	Last Sat. in May - Nov. 15	None	10 in any combination	10 in any combination
snapping turtles	July 15-Sept. 15	13 inch minimum carapace length	2 in combination (no more than 1 of either species)	4 total in combination (no more than 2 of either species)
softshell turtles		None		
All other turtles (painted, musk, map, red-eared slider); snakes and lizards	Open all year	None	3 in combination (however, no more than 2 turtles and no more than 1 of any one turtle species)	6 total in combination (however, no more than 4 turtles and no more than 2 of any one turtle species)

This order shall be assigned number FO-224.21, and is entitled "Regulations on the Take of Reptiles and Amphibians."

This order supersedes the order entitled "Regulations on the Take of Reptiles and Amphibians," which became effective September 15, 2017, and is assigned number FO-224.17.

This order shall take effect on April 1, 2021 and shall remain in effect until amended/rescinded.

Issued on this 8th day of October, 2020.

Approved as to matters over which the Natural Resources Commission has authority.

A handwritten signature in black ink, appearing to read "Carol Moncrieff Rose".

Carol Moncrieff Rose, Chair
Natural Resources Commission

Approved as to matters over which the Director has authority.

A handwritten signature in blue ink, appearing to read "Daniel Eichinger".

Daniel Eichinger
Director



STATE OF MICHIGAN
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MICHIGAN NATURAL RESOURCES COMMISSION
<i>Cheryl Nelson</i>
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 226.21
Hook and Line Restrictions During Walleye Spawning Runs

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 226 governs special fishing regulations in effect to protect walleye during spawning runs. The current regulations have been in effect for decades to reduce angling pressure for walleye during the closed possession season, which overlaps with when spawning occurs. The existing regulations are complex and confusing to anglers and have led to the Department receiving several calls each year from anglers seeking clarity. Fisheries Division and Law Enforcement Division reviewed the regulations and have developed recommended updates to address this confusion. The goal of the review was to reduce the regulatory complexities while also maintaining desired protections for walleye during their closed possession season.

Saginaw Bay has transformed from historically being a limited walleye fishery maintained primarily through annual stocking efforts to currently being a robust self-sustaining walleye population that provides a world-class walleye fishery. Each spring walleye migrate into tributaries of Saginaw Bay to spawn and during this spawning timeframe they are aggregated and susceptible to being caught by anglers. This Order was originally developed as a tool to limit angling methods that had the potential to snag aggregated walleye during their spawning season. As a reminder, fishing activity for other species is lawful during this timeframe, so the restrictions provided a safe alternative for anglers to continue to fish for other species while reducing the potential of incidentally catching walleye during their spawning season. After further consideration, Fisheries and Law Enforcement divisions recommend several changes to alleviate angler confusion related to the current regulations while also maintaining the desired protections for spawning walleye.

The Department recommends that anglers be limited to using only unweighted single-pointed hooks, natural bait, and sinkers or weights, or artificial lures with unweighted single-pointed hooks. As a result, anglers would also be allowed to use angling methods that are commonly used for fish species that have an open fishing season during the closed walleye possession season. These recommendations will increase angler opportunities for species other than walleye while also maintaining the desired protection the valued walleye population that provides the robust recreational fishery in the Saginaw Bay region.

Issue Pros and Cons

The changes remove complex and confusing regulatory restrictions from the Order. The changes will result in more areas where minnows can be used and a wider amount of fishing gear for anglers. No cons have been identified.

Biological

This is not a biological issue and the proposed changes should not have any negative effect on the walleye population.

Social

The proposed changes result in simplified regulations that benefit anglers who are fishing for species other than walleye. The changes will also expand angling opportunities by allowing more gear options to 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 September 10, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's September 1, 2020 calendar and may be eligible for approval on October 8, 2020.



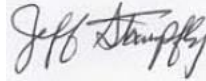
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Fisheries Division



Gary Hagler, Chief
Law Enforcement Division



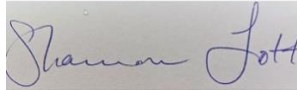
Daniel Kennedy, Acting Chief
Wildlife Division



Jeff Stampfly, Acting 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.



October 8, 2020

Daniel Eichinger, Director

Date

FISHERIES ORDER

HOOK AND LINE RESTRICTIONS DURING WALLEYE SPAWNING RUNS Order 226.21

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, ordered on October 8, 2020, the following section(s) of the Fisheries Order shall read effective April 1, 2021, except as otherwise provided:

The following regulations are established on the waters listed:

During the period from March 16 through the Friday before the last Saturday in April:

1. Anglers are limited to using only the following:
 - a) unweighted single-pointed hook, natural bait, and sinkers or weights, or
 - b) artificial lures with unweighted single-pointed hooks.

Bay county: Saginaw river and tributaries, Kawkawlin river downstream from Euclid avenue (T14N, R5E, S5).

Saginaw county: Saginaw, Tittabawassee, Shiawassee, Bad, Cass and Flint rivers and all respective tributaries.

Macomb county Clinton river cut-off channel (T2N, R13E) from spillway weir to the Harper road bridge.

Midland county: Tittabawassee river downstream from Sanford dam site (T15N, R1W, S24) and Salt, Chippewa, and Pine rivers and all respective tributaries.

Genesee county: Flint river downstream from Mott dam and all respective tributaries.

This order shall be assigned number FO-226.21, and is entitled "Hook and Line Restrictions during Walleye Spawning Runs."

This order supersedes the order entitled "Hook and Line Restrictions During Walleye Spawning Runs on the Saginaw River and its Tributaries," which became effective April 1, 2014, and is assigned number FO 226.14.

This Order shall take effect on April 1, 2021 and shall remain in effect until amended/rescinded.

Issued on this 8th day of October, 2020.

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



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MICHIGAN NATURAL RESOURCES COMMISSION
<i>Cheryl Nelson</i>
(ASSISTANT TO THE COMMISSION)

MEMORANDUM TO THE NATURAL RESOURCES COMMISSION

Subject: Fisheries Order 248.21
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 of Natural Resources (department) proposes several changes for this Order including adding a definition for mutilated fish and snagging, adding a provision against the possession of mutilated fish, inserting a provision making snagging unlawful, and adding a point of clarification about the possession limit.

Several years ago, the Michigan Legislature amended Public (Act) 451 to update the Act by removing unnecessary sections. Part of those statutory amendments removed the provision against possessing mutilated fish and the express prohibition on “snagging” fish, but retained the requirement that, in order for a fish to be legally taken, the method of take must, in part, be “a means of the fish taking the bait or hook in the mouth.” MCL 324.48703(1). By removing these regulations from statute, the Legislature left the authority to establish regulations against the possession of mutilated fish and more specific regulations applicable to snagging to the Natural Resources Commission (commission). The proposed changes to FO 248 will clarify the lawful take of fish.

Therefore, the Department recommends establishing definitions of “mutilated” fish and “snagging” in this Order for the greater protection of Michigan’s fishery resources.

Fisheries Division worked with Law Enforcement Division on this issue and recommends making the following changes:

- Adding a definition for mutilated fish;
- Adding a definition for snagging fish;
- Adding a provision against the possession of mutilated fish;
- Adding a provision making snagging unlawful; and
- Adding a clarification that fish must be taken during previous fishing days in provision 1.

Issue Pros and Cons

The changes reinstate long standing regulations which were removed from statute and are necessary for the greater protection of Michigan's valued fishery resources.

Biological

These changes are not based upon biology of the resource but will benefit the resources by maintaining important protection against unlawful manners of possession and take.

Social

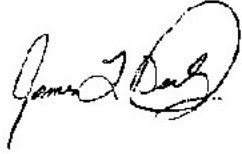
These regulations have been supported by anglers for decades. Adding the regulations to this Order will result in maintaining a high level of protection for Michigan's natural resources.

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 September 10, 2020, at the Natural Resources Commission meeting. This item appeared on the Department's September 1, 2020 calendar and may be eligible for approval on October 8, 2020.



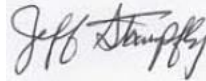
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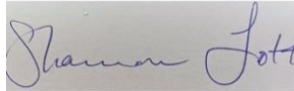
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Wildlife Division



Jeff Stampfly, Acting Chief
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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.



October 8, 2020

Daniel Eichinger, Director

Date

FISHERIES ORDER

POSSESSION LIMITS FOR FISH

Order 248.21

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, ordered on October 8, 2020, the following section(s) of the Fisheries Order shall read effective April 1, 2021, except as otherwise provided:

A.	Definitions as used in this order:	
	1.	“Mutilated:” means a fish that is unidentifiable or cannot be measured.
	2.	“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.

This order shall be assigned number FO 248.21, and is entitled "Possession Limits for Fish."

This order supersedes the Order entitled "Possession Limits for Fish," effective April 1, 2016, and assigned number FO 248.16.

This order shall take effect on April 1, 2021 and shall remain in effect until amended/rescinded.

Issued on this 8th day of October, 2020.

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