

Fish Disease Control Order
Retail and Wholesale Minnow Dealers Fact Sheet
April 1, 2009

Why are these regulations being put in place? With the rapid increase in fish diseases invading our state, it has become critical to enlist anglers as allies in this fight to protect their fishing opportunities.

Angler behaviors provide excellent ways to move fish diseases from waterbody to waterbody. Transmission routes include indiscriminate use of live and frozen baitfish and fish eggs (roe), movement of live game fish from one waterbody to another and movement of any container of water including live wells and bilges from waterbody to waterbody. This Order is designed to provide a set of best management practices for bait dealers and anglers to ensure that they are not a vehicle to move diseases around our waters. We do not want anyone to be a cause for fish disease outbreaks.

We need your help in educating anglers to slow the spread of fish diseases and how to safely use their bait.

Why are there two parts to the regulations? The first is a set of general provisions that cover both a range of angler actions and provide a mechanism for certified disease-free bait to be available to anglers. The second part of the Order directly addresses issues with specific fish diseases. This section will change only when necessary to address new diseases.

Fisheries Division will manage specific fish diseases using “Management Areas” as we can only manage around fish diseases and not eliminate them. The idea is to keep the disease-free areas as far as possible from those areas that are positive and to place a buffer area in between these areas. The system is designed to slow the movement of potentially infected fish to new waters. There are three designated disease Management Areas: 1) a Positive Management Area where the disease is known to be present; 2) a Surveillance Management Area where the disease is not known to be present but is likely to show up soon; and 3) a Free Area where the disease has not been found and is not likely to be soon.

How will this Order affect me the retail and wholesale bait dealer? There are six key areas that retail and wholesale bait dealers will need to pay attention to:

1. The list of Prohibited Fish Species that is attached to the Order and periodically updated on our website (www.michigan.gov/dnrfishing) is important as this lists the species affected by the Order.
2. You will need to provide receipts to all purchasers of baitfish and roe for purchases that include species on the Prohibited Fish Species list. The receipt must tell the retail bait shops and other purchasers from which Disease Management Areas the minnows or roe were harvested so they properly inform anglers on where to use the bait.

3. If you are also a minnow catcher, you will need to maintain records to verify all harvest locations.
4. You will also have to decide on whether you wish to have your fish certified as disease-free. Certified disease-free bait provides the greatest options for your customers as uncertified bait is restricted on its use.

Which fish species are currently on the Prohibited Fish Species list?

- A. Prohibited Fish Species that are typically used as live bait include emerald shiners, spottail shiners, and white suckers. Other species occasionally used as bait that are on the Prohibited Fish Species list include bluntnose minnows, trout perch, gizzard shad, shorthead redhorse, and silver redhorse.
- B. Prohibited Fish Species that are typically used as cut bait and are usually purchased frozen include gizzard shad and Pacific herring.
- C. Prohibited Fish Species that are commonly used for their roe include Chinook salmon, coho salmon, pink salmon, brown trout, and steelhead.
- D. Fathead minnows, golden shiners, alewives, and Atlantic herring are currently not on the list at this time.

What is included as bait in these regulations? Bait includes all live or dead species of fish that are included on the Prohibited Fish Species list, or parts of fish that are used by anglers to catch fish. This also includes roe from the fish species on the Prohibited Fish Species list along with frozen fish that are used whole or as cut bait.

Bait, both baitfish and roe, on the Prohibited Fish Species list can only be used if attached to a hook. Anglers can use single salmon eggs and spawn sacks as these are clearly attached to a hook. You cannot broadcast roe from species on the Prohibited Fish Species list if they are not on a hook. The broadcasting of large numbers of potentially infected roe is an excellent way to spread a disease in a waterbody which is why we decided to limit the use of roe to only on a hook.

These regulations do not concern use of wigglers, leeches, or crayfish which are not covered by these regulations.

I sell frozen herring as whole or cut bait. Can I still do this? All frozen bait from out-of-state sources will have to be certified to be VHS-free if the species is on the Prohibited Species List. Two of the key species used for frozen bait that are on the Prohibited Species List are gizzard shad and Pacific herring. Once the bait is certified to be VHS free, the bait can be sold and used anywhere in the state.

Other frozen bait species such as Atlantic herring or alewife are not on the Prohibited Species List so the regulations do not apply and you can sell them.

What must the receipt say and how long will it be valid? Your receipt must indicate your business name, wholesale license number, the species purchased and amount, date, purchaser, lot or transaction number from the DNR letter, whether the bait is certified disease-free, and if uncertified you must tell the purchaser where you harvested the bait.

If certified disease-free, you need to copy the certification letter and provide that copy to all purchasers. If the bait is not certified disease-free, you must state the disease Management Area from which the bait was collected.

Retail Baitfish Receipt Requirements

1. Name of retail business selling the bait.
2. Date of sale
3. Bait species name
 - a. Only bait species listed in FO245 are required to have receipts.
 - b. Bait species names are needed for eggs, whole baitfish, and parts of fish including live, fresh, frozen and preserved bait.
4. Amount sold
 - a. This can be indicated by volume (pints, quarts etc.), number, or the monetary amount of sale.
5. Bait certification status
 - a. The receipt must indicate if the bait has been certified VHS-free or if it is uncertified bait. This will indicate if the bait has been tested free of VHS.
 - b. If the bait has been certified VHS-free, it can be used anywhere in the state by the angler.
 - c. If the bait is uncertified bait, it is restricted in its use by anglers and the receipt must indicate what Management Area it was collected in. The information on which Management Area the uncertified bait was collected in must be provided to the retail outlet by the wholesale bait dealer.
 - i. Uncertified bait from the Positive Management Area can only be used in the Positive Management Area.
 - ii. Uncertified bait from the Surveillance Management Area can only be used in the Surveillance or Positive Management Areas.
 - iii. Uncertified bait from the VHS-free Management Area can be used statewide.

A receipt shall be valid for 14 days from the date of sale for all certified baitfish, except frozen baitfish, and 3 days from the date of sale for all uncertified bait. Receipts for certified frozen baitfish shall be good for 6 months from the date of sale and original packaging showing certification status must be kept with the baitfish for verification. Receipts for uncertified frozen baitfish shall be valid for 3 days from the date of sale.

The information on these receipts will allow us to do trace backs to potentially help correct problems in the distribution of the bait and to help us understand the likely causes for fish kills.

What will anglers be told on where they can use bait that are species on the Prohibited Fish Species list? a) certified disease-free bait can be used anywhere and provides the maximum flexibility to you and your customers; b) uncertified bait from Free Management Area waters can be used anywhere in the state; c) uncertified bait from

Surveillance Management Area waters can be used in Surveillance and Positive Management Areas, but not in Free Management Area waters; and d) uncertified bait from Positive Management Area waters can only be used in the Positive Management Area.

Your business will also receive an information package to assist purchasers on the locations that bait can be used from your business.

How do I have my fish certified disease-free? This is a two stage process that will be explained in detail in the Fact Sheet for the Certification Process.

The first step is to have your facility certified to safely handle bait that is on the Prohibited Fish Species list. You will need to request that Fisheries Division inspect your facility and certify it either in person or via an interview on the telephone. We will examine the facility layout along with the location(s) that any water is discharged to. If the facility is acceptable in terms of potential disease containment, you will get a Certification Letter that will allow you to bring fish into your facility for testing along with recommendations on how to do the testing at your facility.

The second step is to have your bait tested. Upon the acceptance of an approved fish health inspection report for your fish, Fisheries Division will provide you a Certification Letter and transaction number that will approve the shipment and sale of the inspection group of fish. The Certification and transaction number will accompany the group of fish that were tested until all are sold. A new group of fish will require a new certification.

The Certification Letter must accompany all shipments to other State-licensed minnow dealers and wholesalers and a copy must be provided to them with any sale.

What happens if I mix certified and uncertified bait at my business? If this occurs then all of the bait in your facility must be considered to be uncertified and sold as uncertified bait. Any lot of bait with the lowest classification will be the classification for the facility and all bait must be labeled that way unless we can certify the facility to hold certified individual lots of fish.

What if I do not want to certify my bait? What do I need to tell purchasers on where they can use bait that are species on the Prohibited Fish Species list? You can sell uncertified bait. You must tell the purchasers from which disease Management Area the bait was harvested from. The keys to remember are that: a) bait harvested from Free Management Area waters can be used anywhere in the state; b) bait harvested from Surveillance Management Area waters can be used in Surveillance and Positive Management Areas, but not in Free Management Area waters; and c) bait harvested from Positive Management Area waters can only be used in the Positive Management Area.

Where is the VHS Positive Management Area? This will periodically change so be sure to check the Fisheries Division website (www.michigan.gov/dnrfishing). Currently, the VHS Positive Management Area includes all waters in Lake Huron, the St. Clair

River, Lake St. Clair, the Detroit River, and Lake Erie along with their tributary streams up to the first fish barrier if one exists. The key here is if Great Lakes fish can get to the stream and use it then it is part of the Positive Management Area.

Upstream fish barriers on Lake Erie tributary streams include the Raisin River dams in Monroe, and the Belleville Lake or French Landing Dam on the Huron River.

Upstream fish barriers on the Detroit River tributary streams include the Ford Estate Dam in Dearborn on the Rouge River.

Upstream fish barriers on Lake Huron tributary streams include Frankenmuth Dam on the Cass River, Mott Dam on the Flint River, Chesaning Dam on the Shiawassee River, St. Louis Dam on the Pine River, Lake Isabella Dam on the Chippewa River, Sanford Dam on the Tittabawassee River, Foote Dam on the Au Sable River, 9th Street Dam on the Thunder Bay River, and Cheboygan Dam on the Cheboygan River.

VHS has been documented in Budd Lake (Clare County) resulting in its addition to the VHS Positive Management Area.

Where is the VHS Surveillance Management Area? This will periodically change so be sure to check the Fisheries Division website (www.michigan.gov/dnrfishing). Currently, the VHS Surveillance Area includes Lake Michigan, Grand Traverse bays and bays de Noc, and the St. Mary's River along with their tributary streams up to the first fish barrier if one exists. This Management Area also includes all inland waters above the first fish barrier to Great Lakes fish in the Lake Huron, St. Clair River, Lake St. Clair, Detroit River, and Lake Erie watersheds.

Upstream fish barriers on Lake Michigan tributary streams include Calkins Bridge on the Kalamazoo River, Croton Dam on the Muskegon River, Hesperia Dam on the White River, Hart Dam on the South Branch of the Pentwater River, Hamlin Lake Dam on the Sable River, Tippy Dam on the Manistee River, Boardman Lake Dam on the Boardman River, Elk Rapids Dam on the Elk River, Petoskey Dam on the Bear River, Escanaba Dam on the Escanaba River, and the Park Mill Dam on the Menominee River. The lowest most dam on the Manistique River was partially breached and the river system is open to Great Lakes fish.

Both the St. Joseph and Grand Rivers have extensive and fully functional fishways that allow Great Lakes fish passage to much of their watersheds. The St. Joseph River does not have a Great Lakes fish barrier up to the Twin Branch Dam in Mishawaka, Indiana. The Grand River has Great Lakes fish passage up to the Moores Park Dam in Lansing. Key Grand River tributaries that have Great Lakes fish access include the Rogue River to Rockford Dam, the Flat River to Lowell Dam, the Thornapple River to the Ada Dam, Prairie Creek (the entire system), Fish Creek to the Hubbardston Dam, the Maple River to the Elsie Dam, and the Red Cedar River (entire system).

Where is the VHS Free Management Area? This will periodically change so be sure to check the Fisheries Division website (www.michigan.gov/dnrfishing). Currently, the VHS Free Management Area includes Lake Superior and all tributary streams to Lake Superior along with all inland waters of Lake Michigan and the St. Mary's River above the first fish barrier if one exists.

What should I tell my purchasers about moving live fish and what about catch and release fishing such as in tournaments? The movement of live species of fish found on the Prohibited Fish Species list from one waterbody to another is not permitted. Anglers are welcome to take fish home that are dead as long as it is legal to do so and harvest limits are followed.

Anglers are allowed to catch and release fish. Anglers who are catching and releasing fish must release the fish back into the same water or in a connecting body of water to that water so long as those fish can freely move between the original location of capture and the location of release. There cannot be a fish barrier, such as a dam without fish passage, between where the fish was caught and where it is released.

The Order also addresses the movement of live species of baitfish found on the Prohibited Fish Species list from one waterbody to another. Bait can be taken by customers to fish a waterbody and they can use them only on a hook on that water. We are asking anglers not to release their live baitfish into any waterbody upon leaving.

The movement of live fish from one waterbody to another is one of the key ways that anglers can be a significant factor in spreading fish diseases. We do not want to see our fisheries resources affected by major fish kills that could be avoided by good practices by our anglers.

What should I tell anglers and boaters about live wells and bilge water? All live wells and bilges must be drained when anglers or boaters leave a water. When a boat comes out of the water after a fishing or boating trip, all water must be drained from your boat when it is on the boat ramp. The regulation prohibits the movement of water in bilges or live wells once off the water and on roads. The movement of infected water from one waterbody to another is one of the key ways that anglers and boaters can be a significant factor in spreading fish diseases which is why we are dealing with this issue in this Order.

What about my transporting live minnows from my facility to others? Whenever possible, we are asking all licensed minnow operations to use protected water supplies such as water from VHS Free Management Areas or well water to move your minnows. Please do not use water from Surveillance or Positive Management Areas to move minnows.