

HOUSE BILL No. 5166

December 16, 2015, Introduced by Reps. McBroom, Cole, Lauwers and Brett Roberts and referred to the Committee on Agriculture.

A bill to amend 1996 PA 199, entitled "Michigan aquaculture development act," by amending sections 2, 3, 4, 5, 6, 7, and 9 (MCL 286.872, 286.873, 286.874, 286.875, 286.876, 286.877, and 286.879), sections 2 and 4 as amended by 2003 PA 272, and by adding section 7a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 2. As used in this act:

2 (a) "Aquacultural products" means any products, coproducts, or
3 by-products of aquaculture species.

4 (b) "Aquaculture" means the ~~commercial husbandry of~~
5 ~~aquaculture species on the approved list of aquaculture species,~~
6 ~~including, but not limited to,~~ **PROPAGATION AND REARING OF**

1 **AQUACULTURE SPECIES IN CONTROLLED OR SELECTED ENVIRONMENTS.**

2 **AQUACULTURE INCLUDES, BUT IS NOT LIMITED TO,** the culturing,
3 producing, growing, using, propagating, harvesting, transporting,
4 importing, exporting, or marketing of aquacultural products under
5 an appropriate permit or registration.

6 (c) "Aquaculture facility" means a farm or farm operation
7 engaged in any aspect of aquaculture. ~~in privately controlled~~
8 ~~waters capable of holding all life stages of aquaculture species~~
9 ~~with a barrier or enclosure to prevent their escape into waters of~~
10 ~~the state.~~ **AQUACULTURE FACILITY INCLUDES BOTH OF THE FOLLOWING:**

11 (i) **A LAND-BASED AQUACULTURE FACILITY.**

12 (ii) **A WATER-BASED AQUACULTURE FACILITY.**

13 (d) "Aquaculture facility registration" **OR "REGISTRATION"**
14 means a registration issued by the director ~~allowing a~~ **AUTHORIZING**
15 **THE OPERATION OF AN AQUACULTURE** facility. ~~to engage in aquaculture.~~

16 (e) "Aquaculture research permit" **OR, UNLESS THE CONTEXT**
17 **IMPLIES OTHERWISE, "PERMIT"** means a permit issued by the director
18 ~~to researchers~~ **AUTHORIZING THE OPERATION OF A CONFINEMENT RESEARCH**
19 **FACILITY** to study and culture aquaculture species not included on
20 the approved list of aquaculture species for the evaluation of
21 aquacultural potential and to provide a scientific basis for
22 including the aquaculture species on the approved list.

23 (f) "Aquaculture species" means aquatic animal organisms,
24 including, but not limited to, fish, crustaceans, mollusks,
25 reptiles, or amphibians, **THAT ARE** reared or cultured under
26 controlled conditions in an aquaculture facility **AND THAT ARE ON**
27 **THE LIST OF APPROVED SPECIES AS PROVIDED FOR IN SECTION 5.**

1 (g) "Aquaculturist" means a person involved in or engaged in
2 any aspect of aquaculture.

3 (h) "Aquarium" means any park, building, cage, enclosure, or
4 other structure or premises in which aquaculture species are kept
5 for public exhibition or viewing, regardless of whether
6 compensation is received.

7 (i) "Confinement research facility" means a facility holding
8 an aquaculture research permit, enclosed in a secure structure, and
9 separated from other aquaculture facilities and in which
10 aquaculture species are isolated and maintained in complete and
11 continuous confinement to prevent their escape into the environment
12 and to prevent the release of any possible pathogens into the
13 environment.

14 (j) "Department" means the ~~Michigan~~ department of agriculture
15 **AND RURAL DEVELOPMENT.**

16 (k) "Director" means the director of the ~~Michigan~~ department
17 ~~of agriculture~~ or his or her designee **FROM THE DEPARTMENT'S OFFICE**
18 **OF AQUACULTURE DEVELOPMENT ESTABLISHED UNDER SECTION 3.**

19 (l) "Farm" or "farm operation" means those terms as defined in
20 the Michigan right to farm act, 1981 PA 93, MCL 286.471 to 286.474.

21 (m) "Genetically engineered" refers to an organism whose
22 genome, chromosomal or extrachromosomal, is modified permanently
23 and heritably using recombinant nucleic acid techniques, or the
24 progeny thereof.

25 **(N) "LAND-BASED AQUACULTURE FACILITY" MEANS A FACILITY**
26 **CONTAINING PRIVATELY CONTROLLED WATERS CAPABLE OF HOLDING ANY LIFE**
27 **STAGES OF AQUACULTURE SPECIES.**

1 (O) ~~(n)~~—"Law enforcement officer" means a person appointed by
2 ~~the~~**THIS** state or a local governmental unit who is responsible for
3 the enforcement of the criminal laws of this state.

4 (P) ~~(e)~~—"Person" means an individual, corporation, limited
5 liability company, partnership, association, joint venture, or
6 other legal entity.

7 (Q) ~~(p)~~—"Privately controlled waters" means waters controlled
8 within ponds, vats, raceways, tanks, and any other indoor or
9 outdoor structure wholly within or on land owned or leased by an
10 aquaculturist and used ~~with~~**BY** an aquaculture facility or **A**
11 confinement research facility. Privately controlled waters includes
12 those waters diverted for use in an aquaculture facility **OR A**
13 **CONFINEMENT RESEARCH FACILITY** by an aquaculturist exercising his or
14 her riparian rights.

15 (R) ~~(q)~~—"Recombinant nucleic acid techniques" means laboratory
16 techniques through which genetic material is isolated and
17 manipulated in vitro and then inserted into an organism.

18 (S) ~~(r)~~—"Retail bait outlet" means a facility that sells
19 directly to the consumer any live or dead organism, edible or
20 digestible material, organic or processed food, or scented material
21 each of which may be used to attract fish, including, but not
22 limited to, worms, leeches, aquatic insects, crayfish, amphibians,
23 fish eggs, minnows or other fish, marshmallows, cheese, pork rinds,
24 or any part thereof.

25 (T) ~~(s)~~—"Retail ornamental fish facility" means a facility in
26 which a person sells, imports or exports at wholesale or retail,
27 leases, or loans ornamental species of aquatic organisms that may

1 live in fresh, brackish, or saltwater environments to the general
2 public for home or public display purposes.

3 (U) "RULE" MEANS A RULE PROMULGATED PURSUANT TO THE
4 ADMINISTRATIVE PROCEDURES ACT OF 1969, 1969 PA 306, MCL 24.201 TO
5 24.328.

6 (V) "WATER-BASED AQUACULTURE FACILITY" MEANS FLOATING OR
7 SUBMERSIBLE ENCLOSURES, INCLUDING PERIPHERAL DOCKS AND MOORING
8 ANCHORAGE POINTS USED FOR AQUACULTURE, WITHIN WATERS OF THE STATE
9 AND PRIVATELY CONTROLLED WATERS CAPABLE OF HOLDING ANY LIFE STAGES
10 OF AQUACULTURE SPECIES.

11 (W) ~~(t)~~—"Waters of the state" means groundwaters, lakes,
12 rivers, and streams and all other watercourses and waters within
13 the jurisdiction of ~~the~~ THIS state and also the Great Lakes
14 bordering ~~the~~ THIS state.

15 (X) ~~(u)~~—"Zoo" means any park, building, cage, enclosure, or
16 other structure or premises in which a live animal is kept for
17 public exhibition or viewing, regardless of whether compensation is
18 received.

19 Sec. 3. (1) The department shall administer this act. IN ORDER
20 TO CARRY OUT ITS RESPONSIBILITIES UNDER THIS ACT, THE DEPARTMENT
21 SHALL ESTABLISH AN OFFICE OF AQUACULTURE DEVELOPMENT THAT INCLUDES
22 A PROGRAM MANAGER. THE PROGRAM MANAGER SHALL COLLABORATE WITH THE
23 AQUACULTURE INDUSTRY AND APPROPRIATE STATE AGENCIES ON GROWTH
24 OPPORTUNITIES AND REGULATORY ISSUES RELATED TO AQUACULTURE.

25 (2) THE OFFICE OF AQUACULTURE DEVELOPMENT SHALL DO ALL OF THE
26 FOLLOWING:

27 (A) OVERSEE THE REGISTRATION AND PERMIT PROCEDURES FOR

1 AQUACULTURE FACILITIES AND CONFINEMENT RESEARCH FACILITIES.

2 (B) IF A PREAPPLICATION MEETING IS REQUESTED BY A PERSON
3 PROPOSING TO FILE AN APPLICATION FOR A REGISTRATION OR PERMIT, MEET
4 WITH THE PERSON TO REVIEW A PROPOSED AQUACULTURE FACILITY OR
5 CONFINEMENT RESEARCH FACILITY OR THE PROPOSED APPLICATION IN ITS
6 ENTIRETY.

7 (C) DEVELOP A JOINT APPLICATION FOR A REGISTRATION OR PERMIT
8 UNDER SECTION 6 AND ALL OTHER RELEVANT STATE PERMITS THAT COULD
9 APPLY TO AN AQUACULTURE FACILITY OR CONFINEMENT RESEARCH FACILITY,
10 INCLUDING, BUT NOT LIMITED TO, ANY PERMIT REQUIRED UNDER PART 31,
11 301, 303, 305, 325, OR 327 OF THE NATURAL RESOURCES AND
12 ENVIRONMENTAL PROTECTION ACT, 1994 PA 451, MCL 324.3101 TO
13 324.3134, 324.30101 TO 324.30113, 324.30301 TO 324.30328, 324.30501
14 TO 324.30515, 324.32501 TO 324.32515A, AND 324.32701 TO 324.32730.

15 (3) IF, UPON RECEIPT OF AN APPLICATION FOR REGISTRATION OR A
16 PERMIT UNDER THIS ACT, THE DEPARTMENT BELIEVES THAT THE APPLICANT
17 MAY NEED ADDITIONAL PERMITS OR AUTHORIZATIONS TO OPERATE THE
18 FACILITY, THE DEPARTMENT SHALL COORDINATE THE APPLICATION PROCESS
19 FOR THE APPLICANT WITH OTHER RELEVANT STATE AGENCIES.

20 (4) ~~(2)~~—The department may conduct activities designed to
21 develop and assist the aquaculture industry in the manner provided
22 for by law.

23 Sec. 4. (1) Aquaculture is an agricultural enterprise and is
24 part of the farming and agricultural industry of this state. The
25 director shall assure that aquaculture is afforded all rights,
26 privileges, opportunities, and responsibilities of other
27 agricultural enterprises.

1 (2) Aquaculture is a form of agriculture. Aquaculture
2 facilities and aquaculture uses are a form of agricultural
3 facilities and uses.

4 (3) Aquacultural products lawfully taken, produced, purchased,
5 possessed, or acquired from within this state or imported into this
6 state are the exclusive and private property of the aquaculturist.

7 (4) This act does not prohibit an aquaculturist from
8 exercising riparian rights for water diversion. If water is
9 discharged back into the waters of the state, the discharge shall
10 be pursuant to any appropriate permit issued by the department of
11 environmental quality, if such a permit is required.

12 (5) An aquaculturist harvesting aquaculture species from a
13 registered aquaculture facility or a permitted confinement research
14 facility is exempt from size, catch, and possession limits, closed
15 seasons, and any other restriction imposed in parts 459 and 487 of
16 the natural resources and environmental protection act, 1994 PA
17 451, MCL 324.45901 to 324.45908 and 324.48701 to 324.48740.

18 (6) This act does not give an aquaculturist authority to take
19 wild species from the waters of the state and held in trust, in
20 violation of the natural resources and environmental protection
21 act, 1994 PA 451, MCL 324.101 to 324.90106, unless under a permit
22 issued by the department of natural resources.

23 (7) This act does not give an aquaculturist authority to
24 release any aquaculture species into any waters of the state that
25 are not an aquaculture facility unless the aquaculturist first
26 obtains an appropriate permit from the director of the department
27 of natural resources. ~~It is intended that the department of natural~~

1 ~~resources shall consider a registration issued under this act as~~
2 ~~the equivalent of a game fish breeders license issued under part~~
3 ~~459 of the natural resources and environmental protection act, 1994~~
4 ~~PA 451, MCL 324.45901 to 324.45908.~~

5 (8) Any movement, importing, or exporting of aquaculture
6 species shall be in compliance with the animal industry act, 1988
7 PA 466, MCL 287.701 to ~~287.745,~~ **287.746**, for purposes of obtaining
8 a planting permit.

9 (9) For the purposes of this act, each genetically engineered
10 variant of an aquaculture species shall be considered a distinct
11 aquaculture species. A genetically engineered variant of an
12 aquaculture species is not included on the list of approved
13 aquaculture species under section 5 unless specifically identified
14 on the list or specifically identified in a rule promulgated under
15 section 12 as being included on the list. A genetically engineered
16 organism that is a variant of an aquaculture species is not covered
17 by an aquaculture research permit under section 8 unless
18 specifically identified in the permit. An entry on the list of
19 approved aquaculture species under section 5, a rule promulgated
20 under section 12, or an aquaculture research permit under section 8
21 may be limited to a genetically engineered organism.

22 **(10) WITHIN 1 YEAR AFTER THE EFFECTIVE DATE OF THE 2016**
23 **AMENDATORY ACT THAT AMENDED THIS SECTION, THE COMMISSION OF**
24 **AGRICULTURE AND RURAL DEVELOPMENT SHALL ESTABLISH GENERALLY**
25 **ACCEPTED AGRICULTURAL AND MANAGEMENT PRACTICES RELATED TO SITING OF**
26 **AQUACULTURE FACILITIES UNDER THE MICHIGAN RIGHT TO FARM ACT, 1981**
27 **PA 93, MCL 286.471 TO 286.474.**

1 Sec. 5. (1) There is established a list of approved species
 2 for aquaculture production as further described in this section.
 3 Only the aquaculture species on the approved list are allowed for
 4 purposes of aquaculture production. The following types of
 5 aquaculture species are qualified for inclusion on the list of
 6 approved species:

7 (a) Aquaculture species that are naturally indigenous within
 8 the waters of the state.

9 (b) Aquaculture species that have been naturalized within the
 10 waters of the state.

11 (c) Aquaculture species that could not perpetuate in the
 12 waters of the state.

13 (d) Aquaculture species that are held in a confinement
 14 research facility for purposes of research that, on the basis of
 15 that research, may be recommended to be included on the list of
 16 approved aquaculture species.

17 (2) Approved freshwater species are as follows:

18	(a) Lake sturgeon	(Acipenser fulvescens)
19	(b) Paddlefish	(Polyodon spathula)
20	(c) Arctic grayling	(Thymallus arcticus)
21	(d) Atlantic salmon	(Salmo salar)
22	(e) Brown trout	(Salmo trutta)
23	(f) Brook trout	(Salvelinus fontinalis)
24	(g) Splake	(Salvelinus namaycush x Salvelinus fontinalis)
25	(h) Lake trout	(Salvelinus namaycush)
26	(i) Chinook salmon	(Oncorhynchus tshawytscha)
27	(j) Coho salmon	(Oncorhynchus kisutch)

1	(k) Pink salmon	(<i>Oncorhynchus gorbuscha</i>)
2	(l) Rainbow trout	(<i>Oncorhynchus mykiss</i>)
3	(m) Lake whitefish	(<i>Coregonus clupeaformis</i>)
4	(n) Lake herring	(<i>Coregonus artedi</i>)
5	(o) Muskellunge	(<i>Esox masquinongy</i>)
6	(p) Northern pike	(<i>Esox lucius</i>)
7	(q) Tiger muskie	(<i>Esox masquinongy</i> x <i>Esox lucius</i>)
8	(r) Common carp	(<i>Cyprinus carpio</i>)
9	(s) Goldfish	(<i>Carassius auratus</i>)
10	(t) Creek chub	(<i>Semotilus atromaculatus</i>)
11	(u) Bowfin	(<i>Amia calva</i>)
12	(v) Redbelly dace	(<i>Phoxinus eos</i>)
13	(w) Finescale dace	(<i>Phoxinus neogaeus</i>)
14	(x) Common shiner	(<i>Luxilus cornutus</i>)
15	(y) Golden shiner	(<i>Notemigonus crysoleucas</i>)
16	(z) Emerald shiner	(<i>Notropis atherinoides</i>)
17	(aa) Bluntnose minnow	(<i>Pimephales notatus</i>)
18	(bb) Fathead minnow	(<i>Pimephales promelas</i>)
19	(cc) Black bullhead	(<i>Ameiurus melas</i>)
20	(dd) Yellow bullhead	(<i>Ameiurus natalis</i>)
21	(ee) Brown bullhead	(<i>Ameiurus nebulosus</i>)
22	(ff) Channel catfish	(<i>Ictalurus punctatus</i>)
23	(gg) Flathead catfish	(<i>Pylodictis olivaris</i>)
24	(hh) Burbot	(<i>Lota lota</i>)
25	(ii) Smallmouth bass	(<i>Micropterus dolmieu</i>)
26	(jj) Largemouth bass	(<i>Micropterus salmoides</i>)
27	(kk) White crappie	(<i>Pomoxis annularis</i>)

1	(ll) Black crappie	(Pomoxis nigromaculatus)
2	(mm) Hybrid crappie	(Pomoxis annularis x Pomoxis
3		nigromaculatus)
4	(nn) Warmouth	(Lepomis gulosus)
5	(oo) Rock bass	(Ambloplites rupestris)
6	(pp) Green sunfish	(Lepomis cyanellus)
7	(qq) Bluegill	(Lepomis macrochirus)
8	(rr) Hybrid bluegill	(Lepomis cyanellus x Lepomis
9		macrochirus)
10	(ss) Pumpkinseed	(Lepomis gibbosus)
11	(tt) Redear sunfish	(Lepomis microlophus)
12	(uu) Sauger	(Stizostedion canadense)
13	(vv) Walleye	(Stizostedion vitreum vitreum)
14	(ww) Saugeye	(Stizostedion canadense x
15		Stizostedion vitreum vitreum)
16	(xx) Yellow perch	(Perca flavescens)
17	(yy) Bigmouth buffalofish	(Ictiobus cyprinellus)
18	(zz) Black buffalofish	(Ictiobus niger)
19	(aaa) White perch	(Morone americana)
20	(bbb) White bass	(Morone chrysops)
21	(ccc) Tilapia	(Genera of Tiliapia (except T. rondelii),
22		Oreochromis, Sarotheradom and hybrids
23		thereof)
24	(DDD) BARRAMUNDI	(LATES CALCARIFER)
25	(3) Approved other aquatic organisms are as follows:	
26	(a) Prawn	(Macrobrachium rosenbergii)

1 (b) Crayfish (Orconectes immunus, O. propinquus,
2 O. virilis, Cambarus bartonii,
3 C. robustus)

4 (4) Approved salt or brackish waters species are as follows:

5 (a) Brine shrimp (Artemia sp.)
6 (b) Shrimp (All species of the genus Peneaus)
7 (c) Mahi-mahi (Coryphaena hippurus)
8 (d) Haddock (Melanogrammus aeglefinus)
9 (e) Cod (Gadus sp.)
10 (f) Halibut (Hippoglossus sp.)
11 (g) Snapper (Lutjanidae-Lutjanus sp. Ocyurus sp.)
12 (h) Grouper (Serranidae-Epinephelus sp. Mycteroperca sp.)
13 (i) Red drum (Sciaenops ocellatus)
14 (j) Tuna (Thunnus thynnus)
15 (k) Flounder (Paralichthys sp.)
16 (l) Pompano (Trachinoyus sp.)
17 (m) Snook (Centropomus sp.)
18 (n) Mackerel (Scomberomorus sp.)

19 (5) Aquaculture species, possession of which is prohibited
20 under the natural resources and environmental protection act, ~~Act~~
21 ~~No. 451 of the Public Acts of 1994, being sections 324.101 to~~
22 ~~324.90106 of the Michigan Compiled Laws, 1994 PA 451, MCL 324.101~~
23 **TO 324.90106**, are prohibited for aquaculture or aquaculture
24 research under this act.

25 Sec. 6. (1) ~~A~~**EXCEPT AS PROVIDED IN SUBSECTION (2) OR IF**
26 **EXEMPT BY RULE PROMULGATED UNDER THIS ACT, A** person shall not

1 ~~engage in OPERATE AN~~ aquaculture unless he or she obtains a
 2 **FACILITY WITHOUT AN AQUACULTURE FACILITY** registration ~~from the~~
 3 ~~department as an aquaculture facility, obtains~~ **OR A CONFINEMENT**
 4 **RESEARCH FACILITY WITHOUT** an aquaculture research permit. ~~or~~
 5 ~~unless otherwise exempt by rule or law. If the activity in which~~
 6 ~~the aquaculture facility is engaged is required to be regulated~~
 7 ~~under any act,~~ **EXCEPT AS SPECIFICALLY PROVIDED IN THIS ACT, A**
 8 registration **OR PERMIT** under this act does not exempt ~~the~~ **A person,**
 9 ~~or~~ aquaculture facility, **OR CONFINEMENT RESEARCH FACILITY** from
 10 requirements imposed under any local, state, or federal
 11 ~~regulation.~~ **LAW, INCLUDING, BUT NOT LIMITED TO, THE ANIMAL INDUSTRY**
 12 **ACT, 1988 PA 466, MCL 287.701 TO 287.746.**

13 (2) The following are exempt from registration as an
 14 aquaculture facility:

15 (a) Retail bait outlets.

16 (b) Retail ornamental fish facilities.

17 (c) Persons using privately controlled waters for
 18 noncommercial purposes.

19 (d) Public aquariums or zoos.

20 (e) Portable retail fishing concessions.

21 ~~A person registered or permitted under this act~~ **THE**
 22 **OPERATOR OF AN AQUACULTURE FACILITY OR A CONFINEMENT RESEARCH**
 23 **FACILITY** shall keep and maintain records of production, purchases,
 24 or imports in order to establish proof of ownership. A person
 25 transporting aquaculture species shall produce documentation that
 26 contains the origin of shipment, registration or permit copies or
 27 documentation, documentation demonstrating shipping destination,

1 and any other proof that may be required under the animal industry
 2 act, ~~of 1987, Act No. 466 of the Public Acts of 1988, being~~
 3 ~~sections 287.701 to 287.747 of the Michigan Compiled Laws, 1988 PA~~
 4 **466, MCL 287.701 TO 287.746**, upon demand of the director or a law
 5 enforcement officer.

6 ~~—— (4) An aquaculture facility in existence before January 1,~~
 7 ~~1997 is required to obtain a registration or permit, or both, if~~
 8 ~~applicable, by January 1, 1999 in order to continue to engage in~~
 9 ~~aquaculture. Any person engaging in aquaculture beginning on or~~
 10 ~~after January 1, 1997 is required to obtain a registration or~~
 11 ~~permit under this act, or both, if applicable, in order to engage~~
 12 ~~in aquaculture.~~

13 Sec. 7. ~~(1) A completed initial application for a registration~~
 14 ~~shall be submitted to the department not less than 60 days before~~
 15 ~~the proposed operation of the aquaculture facility.~~

16 (1) ~~(2)~~The department shall not issue an initial aquaculture
 17 facility registration or an aquaculture research permit unless an
 18 applicant demonstrates **ALL OF** the following **CONDITIONS ARE MET**:

19 (a) ~~The~~ **FOR AN AQUACULTURE FACILITY OR A CONFINEMENT RESEARCH**
 20 **FACILITY THAT WAS CONSTRUCTED BEFORE THE EFFECTIVE DATE OF THE 2016**
 21 **AMENDATORY ACT THAT AMENDED THIS SECTION, THE** facility has been
 22 inspected by the director and the director has determined that the
 23 facility meets the standards and requirements prescribed by this
 24 act. ~~and that there are barriers in place to prevent the escape of~~
 25 ~~aquaculture species into the public waters.~~

26 **(B) FOR AN AQUACULTURE FACILITY OR A CONFINEMENT RESEARCH**
 27 **FACILITY THAT IS CONSTRUCTED ON OR AFTER THE EFFECTIVE DATE OF THE**

1 2016 AMENDATORY ACT THAT AMENDED THIS SECTION, THE DIRECTOR HAS
2 DETERMINED THE FOLLOWING:

3 (i) BASED ON PLANS FOR THE FACILITY SUBMITTED WITH THE
4 APPLICATION, THE FACILITY WILL MEET THE STANDARDS AND REQUIREMENTS
5 PRESCRIBED BY THIS ACT.

6 (ii) IF THE FACILITY IS A WATER-BASED AQUACULTURE FACILITY,
7 THE FACILITY MEETS ALL OF THE FOLLOWING:

8 (A) THE LOCATION OF THE WATER-BASED AQUACULTURE FACILITY WILL
9 NOT PREVENT REASONABLE NAVIGATION OR RECREATIONAL USE OF THE WATER
10 BODY.

11 (B) THE LOCATION OF THE WATER-BASED AQUACULTURE FACILITY WILL
12 BE RESTRICTED TO A RELATIVELY LOW-USE AREA OF THE WATER BODY AND IS
13 LOCATED OUTSIDE OF HARBORS AND CHANNELS.

14 (C) THE WATER-BASED AQUACULTURE FACILITY IS OTHERWISE IN
15 COMPLIANCE WITH LAW.

16 (C) ~~(b) The~~ FOR AN AQUACULTURE FACILITY, THE APPLICANT
17 DEMONSTRATES THAT aquaculture species ~~involved~~ TO BE CONTAINED in
18 the AQUACULTURE facility ~~is~~ ARE on the list of approved aquaculture
19 species.

20 ~~—— (c) The owner or his or her agent has received from the~~
21 ~~director a current copy of the "Great Lakes fish disease control~~
22 ~~policy and model program", published by the Great Lakes fishery~~
23 ~~commission.~~

24 ~~—— (3) Within 30 days after receipt of an initial registration or~~
25 ~~permit application, the director shall inspect the aquaculture~~
26 ~~facility. If the director determines that the facility to be~~
27 ~~utilized under a registration or permit conforms to standards~~

1 ~~prescribed by this act, verifies that unlisted aquaculture species~~
2 ~~are not in the facility, and reviews and approves research~~
3 ~~protocols in the case of a proposed aquaculture research permit,~~
4 ~~the director shall issue a registration or permit within 60 days of~~
5 ~~receipt of a registration or permit application.~~

6 (2) UPON COMPLETION OF CONSTRUCTION OF AN AQUACULTURE FACILITY
7 CONSTRUCTED AFTER THE EFFECTIVE DATE OF THE 2016 AMENDATORY ACT
8 THAT AMENDED THIS SECTION, THE OWNER OR OPERATOR OF THE FACILITY
9 SHALL NOTIFY THE DEPARTMENT. WITHIN 30 DAYS AFTER THE DEPARTMENT
10 RECEIVES THIS NOTIFICATION, THE DIRECTOR SHALL INSPECT THE FACILITY
11 TO DETERMINE WHETHER THE FACILITY IS IN COMPLIANCE WITH THIS ACT.

12 (3) TO OBTAIN AN AQUACULTURE FACILITY REGISTRATION OR AN
13 AQUACULTURE RESEARCH PERMIT REQUIRED UNDER SECTION 6, A PERSON
14 SHALL SUBMIT TO THE DEPARTMENT AN APPLICATION DEVELOPED UNDER
15 SECTION 3. THE DEPARTMENT SHALL GRANT OR DENY AN APPLICATION FOR A
16 REGISTRATION WITHIN 60 BUSINESS DAYS OR FOR A PERMIT WITHIN 90
17 BUSINESS DAYS AFTER THE APPLICATION IS SUBMITTED. WITHIN 15
18 BUSINESS DAYS AFTER THE APPLICATION IS SUBMITTED, THE DEPARTMENT
19 SHALL NOTIFY THE APPLICANT IF THE APPLICATION IS INCOMPLETE OR IF
20 THE DEPARTMENT HAS ANY QUESTIONS ABOUT THE APPLICATION. THE RUNNING
21 OF THE 60- OR 90-BUSINESS-DAY PERIOD IS TOLLED FROM THE DATE THE
22 DEPARTMENT SO NOTIFIES THE APPLICANT UNTIL THE APPLICANT COMPLETES
23 THE APPLICATION OR ANSWERS THE DEPARTMENT'S QUESTIONS, AS
24 APPLICABLE.

25 (4) The application for a registration or permit may be denied
26 ONLY for failure to comply with the requirements of this act EXCEPT
27 THAT UNTIL 5 YEARS AFTER THE EFFECTIVE DATE OF THE 2016 AMENDATORY

1 ACT THAT AMENDED THIS SECTION, THE DEPARTMENT SHALL NOT APPROVE
2 REGISTRATIONS FOR MORE THAN 10 WATER-BASED AQUACULTURE FACILITIES
3 IN THE GREAT LAKES.

4 (5) The department shall **PROMPTLY** notify an applicant of the
5 reasons for a registration or permit denial. ~~within 60 days after~~
6 ~~receipt of an application.~~ The notice shall specify the
7 deficiencies to be corrected in order for a registration or permit
8 to be issued.

9 (6) ~~(5)~~ Without filing a second application under this
10 section, an applicant may request a second inspection after the
11 specified deficiencies have been corrected. The department shall
12 not make more than 2 preregistration or prepermitting inspections
13 of the same facility per application.

14 (7) ~~(6)~~ The applicant may request a hearing pursuant to the
15 administrative procedures act of 1969, ~~Act No. 306 of the Public~~
16 ~~Acts of 1969, being sections 24.201 to 24.328 of the Michigan~~
17 ~~Compiled Laws, 1969 PA 306, MCL 24.201 TO 24.328,~~ on a denial of a
18 registration or permit.

19 (8) ~~(7)~~ The department shall not return a registration or
20 permit fee or a portion of a registration or permit fee to an
21 applicant if a registration or permit is denied.

22 (9) ~~(8)~~ A registration ~~and~~ OR permit issued by the department
23 shall contain the following information:

24 (a) The registration or permit number and expiration date.

25 (b) The complete name, business name, business address, and
26 telephone number of the aquaculture facility registration holder or
27 aquaculture research permit holder.

1 (c) The complete address of the aquaculture facility or
2 confinement research facility location.

3 (d) The list of aquaculture species approved for the
4 registered or permitted facility.

5 (e) The complete name, address, and telephone number of the
6 department contact person regarding aquaculture.

7 **(10) REQUIREMENTS FOR AN AQUACULTURE FACILITY REGISTRATION OR**
8 **AN AQUACULTURE RESEARCH PERMIT SHALL BE MODELED AFTER GENERALLY**
9 **ACCEPTED AGRICULTURE AND MANAGEMENT PRACTICES DEVELOPED BY THE**
10 **COMMISSION OF AGRICULTURE AND RURAL DEVELOPMENT UNDER THE MICHIGAN**
11 **RIGHT TO FARM ACT, 1981 PA 93, MCL 286.471 TO 286.474.**

12 **(11) ~~(9)~~ Applications for an aquaculture facility REGISTRATION**
13 **OR AN AQUACULTURE RESEARCH PERMIT shall be accompanied by the**
14 **following fees:**

15 (a) ~~Aquaculture facility registration~~ **REGISTRATION** - initial
16 application, \$100.00.

17 (b) ~~Aquaculture facility registration~~ **REGISTRATION** - renewal
18 application, \$75.00.

19 (c) ~~Aquaculture research permit~~ **PERMIT** - initial application,
20 \$250.00.

21 (d) ~~Aquaculture research permit~~ **PERMIT** - renewal application,
22 \$100.00.

23 **(12) A REGISTRATION OR A PERMIT ISSUED OR RENEWED UNDER THIS**
24 **ACT IS VALID FOR 5 YEARS.**

25 **(13) THE OWNER OR OPERATOR OF AN AQUACULTURE FACILITY OR**
26 **CONFINEMENT RESEARCH FACILITY SHALL PAY THE DEPARTMENT AN ANNUAL**
27 **FEE OF \$75.00 EXCEPT FOR A YEAR IN WHICH AN APPLICATION OR RENEWAL**

1 FEE IS PAID UNDER SUBSECTION (11). THE FEES UNDER THIS SUBSECTION
 2 FOR A 4-YEAR PERIOD MAY BE PAID IN ADVANCE WHEN THE REGISTRATION OR
 3 PERMIT APPLICATION IS FILED.

4 (14) ~~(10) Application~~ **AN APPLICATION** for renewal of an
 5 aquaculture facility registration or **AN** aquaculture research permit
 6 shall be submitted not later than October 1 of each ~~THE~~ year **PRIOR**
 7 **TO THE EXPIRATION OF THE EXISTING REGISTRATION OR PERMIT.** Each
 8 ~~registration and permit issued shall be for a period of 1 year~~
 9 ~~commencing October 1 and ending the following September 30.~~

10 ~~—— (11) A renewal submitted later than October 31 shall require~~
 11 ~~submission of an initial application and initial license fee.~~

12 (15) ~~(12) An aquaculturist~~ **A PERSON WHO HOLDS AN AQUACULTURE**
 13 **FACILITY REGISTRATION OR AQUACULTURE RESEARCH PERMIT** may apply on a
 14 form provided by the department for a modification of the
 15 ~~aquaculture facility registration or a confinement research permit~~
 16 to add or remove aquaculture species.

17 **SEC. 7A. AN AQUACULTURE FACILITY REGISTRATION OR AQUACULTURE**
 18 **RESEARCH PERMIT SHALL BE COMBINED, AS A SINGLE AUTHORIZATION, WITH**
 19 **ALL OTHER RELEVANT STATE PERMITS THAT APPLY TO THE AQUACULTURE**
 20 **FACILITY OR CONFINEMENT RESEARCH FACILITY, INCLUDING, BUT NOT**
 21 **LIMITED TO, ANY PERMIT REQUIRED UNDER PART 31, 301, 303, 305, 325,**
 22 **OR 327 OF THE NATURAL RESOURCES AND ENVIRONMENTAL PROTECTION ACT,**
 23 **1994 PA 451, MCL 324.3101 TO 324.3134, 324.30101 TO 324.30113,**
 24 **324.30301 TO 324.30328, 324.30501 TO 324.30515, 324.32501 TO**
 25 **324.32515A, AND 324.32701 TO 324.32730. THOSE OTHER RELEVANT**
 26 **PERMITS ARE SUBJECT TO THE REQUIREMENTS OF SECTION 7(2), (4), (9),**
 27 **AND (11).**

1 Sec. 9. (1) The ~~department or its duly authorized agent~~
2 **DIRECTOR** shall have free access at all reasonable hours to any
3 aquaculture facility or confinement research facility to inspect
4 and to determine if this act is being violated and to secure
5 samples or specimens of any aquaculture species after paying or
6 offering to pay fair market value for ~~such sample or specimen.~~ **THE**
7 **SAMPLES OR SPECIMENS.** An inspection shall be conducted under
8 generally recognized practices designed not to jeopardize the
9 health of the aquaculture species.

10 (2) The director may periodically inspect a registered
11 aquaculture facility ~~and~~ **OR** a permitted confinement research
12 facility for the following:

13 (a) ~~For registered and permitted facilities, confirmation~~
14 **CONFIRMATION** that there are in place procedures or barriers
15 designed to prevent the escape of aquaculture species into waters
16 of the state and confirmation of compliance with other requirements
17 as set forth in this act or as required by law.

18 (b) For ~~registered~~ **AQUACULTURE** facilities, confirmation that
19 the aquaculture species are on the approved list.

20 (c) For ~~permitted~~ **CONFINEMENT RESEARCH** facilities,
21 confirmation that the facility is following approved protocols and
22 all specimens are accounted for.

23 Enacting section 1. This amendatory act takes effect 90 days
24 after the date it is enacted into law.

25 Enacting section 2. This amendatory act does not take effect
26 unless all of the following bills of the 98th Legislature are
27 enacted into law:

1 (a) Senate Bill No. _____ or House Bill No. 5167 (request no.
2 01714'15).

3 (b) Senate Bill No. _____ or House Bill No. 5168 (request no.
4 04725'15).