

HOUSE BILL No. 5167

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

A bill to amend 1994 PA 451, entitled "Natural resources and environmental protection act," by amending sections 3101, 30103, 30104, 30306, and 48735 (MCL 324.3101, 324.30103, 324.30104, 324.30306, and 324.48735), section 3101 as amended by 2006 PA 97, section 30103 as amended by 2014 PA 253, section 30104 as amended by 2015 PA 76, section 30306 as amended by 2013 PA 98, and section 48735 as amended by 2003 PA 270, and by adding sections 3113b and 32515b; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3101. As used in this part:

1 (a) "Aquatic nuisance species" means a nonindigenous species
2 that threatens the diversity or abundance of native species or the
3 ecological stability of infested waters, or commercial,
4 agricultural, aquacultural, or recreational activities dependent on
5 such waters.

6 (b) "Ballast water" means water and associated solids taken on
7 board a vessel to control or maintain trim, draft, stability, or
8 stresses on the vessel, without regard to the manner in which it is
9 carried.

10 (c) "Ballast water treatment method" means a method of
11 treating ballast water and sediments to remove or destroy living
12 biological organisms through 1 or more of the following:

13 (i) Filtration.

14 (ii) The application of biocides or ultraviolet light.

15 (iii) Thermal methods.

16 (iv) Other treatment techniques approved by the department.

17 (d) "Department" means the department of environmental
18 quality.

19 (e) "Detroit consumer price index" means the most
20 comprehensive index of consumer prices available for the Detroit
21 area from the United States ~~department of labor, bureau of labor~~
22 ~~statistics.~~ **DEPARTMENT OF LABOR, BUREAU OF LABOR STATISTICS.**

23 (f) "Emergency management coordinator" means that term as
24 defined in section 2 of the emergency management act, 1976 PA 390,
25 MCL 30.402.

26 (g) "Great Lakes" means the Great Lakes and their connecting
27 waters, including Lake St. Clair.

1 (h) "Group 1 facility" means a facility whose discharge is
2 described by R 323.2218 of the Michigan administrative code.

3 (i) "Group 2 facility" means a facility whose discharge is
4 described by R 323.2210(y), R 323.2215, or R 323.2216 of the
5 Michigan administrative code.

6 (j) "Group 3 facility" means a facility whose discharge is
7 described by R 323.2211 or R 323.2213 of the Michigan
8 administrative code.

9 (K) **"LIVESTOCK" MEANS THAT TERM AS IT IS DEFINED IN SECTION 5**
10 **OF THE ANIMAL INDUSTRY ACT, 1988 PA 466, MCL 287.705.**

11 (l) ~~(k)~~ "Local health department" means that term as defined
12 in section 1105 of the public health code, 1978 PA 368, MCL
13 333.1105.

14 (M) ~~(l)~~ "Local unit" means a county, city, village, or
15 township or an agency or instrumentality of any of these entities.

16 (N) ~~(m)~~ "Municipality" means this state, a county, city,
17 village, or township, or an agency or instrumentality of any of
18 these entities.

19 (O) ~~(n)~~ "National response center" means the ~~national~~
20 ~~communications center~~ **NATIONAL COMMUNICATIONS CENTER** established
21 under the ~~clean water~~ **FEDERAL WATER POLLUTION CONTROL** act, 33 USC
22 1251 to 1387, located in Washington, ~~DC,~~ **D.C.**, that receives and
23 relays notice of oil discharge or releases of hazardous substances
24 to appropriate federal officials.

25 (P) ~~(o)~~ "Nonocean-going vessel" means a vessel that is not an
26 ocean-going vessel.

27 (Q) ~~(p)~~ "Ocean-going vessel" means a vessel that operates on

1 the Great Lakes or the St. Lawrence waterway after operating in
2 waters outside of the Great Lakes or the St. Lawrence waterway.

3 (R) ~~(q)~~—"Open water disposal of contaminated dredge materials"
4 means the placement of dredge materials contaminated with toxic
5 substances as defined in R 323.1205 of the Michigan administrative
6 code into the open waters of the waters of the state but does not
7 include the siting or use of a confined disposal facility
8 designated by the United States ~~army corps~~ **ARMY CORPS** of ~~engineers~~
9 **ENGINEERS** or beach nourishment activities utilizing uncontaminated
10 materials.

11 (S) ~~(r)~~—"Primary public safety answering point" means that
12 term as defined in section 102 of the emergency ~~telephone~~ **9-1-1**
13 service enabling act, 1986 PA 32, MCL 484.1102.

14 (T) ~~(s)~~—"Sediments" means any matter settled out of ballast
15 water within a vessel.

16 (U) ~~(t)~~—"Sewage sludge" means sewage sludge generated in the
17 treatment of domestic sewage, other than only septage or industrial
18 waste.

19 (V) ~~(u)~~—"Sewage sludge derivative" means a product for land
20 application derived from sewage sludge that does not include solid
21 waste or other waste regulated under this act.

22 (W) ~~(v)~~—"Sewage sludge generator" means a person who generates
23 sewage sludge that is applied to land.

24 (X) ~~(w)~~—"Sewage sludge distributor" means a person who
25 applies, markets, or distributes, except at retail, a sewage sludge
26 derivative.

27 (Y) ~~(x)~~—"St. Lawrence waterway" means the St. Lawrence ~~river,~~

1 RIVER, the St. Lawrence seaway, ~~SEAWAY~~, and the ~~gulf~~ ~~GULF~~ of St.
2 Lawrence.

3 (Z) ~~(y)~~ "Threshold reporting quantity" means that term as
4 defined in R 324.2002 of the Michigan administrative code.

5 (AA) ~~(z)~~ "Waters of the state" means groundwaters, lakes,
6 rivers, and streams and all other watercourses and waters,
7 including the Great Lakes, within the jurisdiction of this state.

8 SEC. 3113B. (1) AN AQUACULTURE FACILITY THAT IS REGISTERED
9 UNDER THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL
10 286.871 TO 286.884, IS NOT REQUIRED TO OBTAIN A PERMIT UNDER THIS
11 PART UNLESS IT IS A CONCENTRATED AQUATIC ANIMAL PRODUCTION FACILITY
12 AS DEFINED IN 40 CFR 122.24. FOR A LAND-BASED AQUACULTURE FACILITY
13 AS DEFINED IN SECTION 2 OF THE MICHIGAN AQUACULTURE DEVELOPMENT
14 ACT, 1996 PA 199, MCL 286.872, THAT IS SUBJECT TO A PERMIT UNDER
15 THIS PART, THE DEPARTMENT SHALL DEVELOP A GENERAL PERMIT TO COVER
16 ITS OPERATIONS.

17 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR PART
18 13, A PERMIT ISSUED UNDER THIS PART FOR AN AQUACULTURE FACILITY OR
19 CONFINEMENT RESEARCH FACILITY IS SUBJECT TO SECTION 7A OF THE
20 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.877A. AS
21 USED IN THIS SUBSECTION, "AQUACULTURE FACILITY" AND "CONFINEMENT
22 RESEARCH FACILITY" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE
23 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.872.

24 Sec. 30103. (1) A permit is not required under this part for
25 any of the following:

26 (a) Any fill or structure existing before April 1, 1966, in
27 waters covered by former 1965 PA 291, and any fill or structures

1 existing before January 9, 1973, in waters covered for the first
2 time by former 1972 PA 346.

3 (b) A seasonal structure placed on bottomland to facilitate
4 private noncommercial recreational use of the water if it does not
5 unreasonably interfere with the use of the water by others entitled
6 to use the water or interfere with water flow.

7 (c) Reasonable sanding of beaches to the existing water's edge
8 by the riparian owner or a person authorized by the riparian owner.

9 (d) Maintenance of an agricultural drain, regardless of
10 outlet, if all of the following requirements are met:

11 (i) The maintenance includes only activities that maintain the
12 location, depth, and bottom width of the drain as constructed or
13 modified at any time before July 1, 2014.

14 (ii) The maintenance is performed by the landowner or pursuant
15 to the drain code of 1956, 1956 PA 40, MCL 280.1 to 280.630.

16 (e) A waste collection or treatment facility that is ordered
17 to be constructed or is approved for construction under state or
18 federal water pollution control law, if constructed in upland.

19 (f) Construction and maintenance of minor drainage structures
20 and facilities ~~which~~**THAT** are identified by rule promulgated by the
21 department pursuant to section 30110. Before such a rule is
22 promulgated, the rule shall be approved by the majority of a
23 committee consisting of the director of the department, the
24 director of the department of agriculture and rural development,
25 and the director of the state transportation department or their
26 designated representatives. The rules shall be reviewed at least
27 annually.

1 (g) Maintenance of a drain that either was legally established
2 and constructed before January 1, 1973, pursuant to the drain code
3 of 1956, 1956 PA 40, MCL 280.1 to 280.630, except those legally
4 established drains constituting mainstream portions of certain
5 natural watercourses identified in rules promulgated by the
6 department under section 30110, or was constructed or modified
7 under a permit issued pursuant to this part. As used in this
8 subdivision, "maintenance of a drain" means the physical
9 preservation of the location, depth, and bottom width of a drain
10 and appurtenant structures to restore the function and approximate
11 capacity of the drain as constructed or modified at any time before
12 July 1, 2014, and includes, but is not limited to, the following
13 activities if performed with best management practices:

14 (i) Excavation of accumulated sediments back to original
15 contours.

16 (ii) Reshaping of the side slopes.

17 (iii) Bank stabilization where reasonably necessary to prevent
18 erosion. Materials used for stabilization must be compatible with
19 existing bank or bed materials.

20 (iv) Armoring, lining, or piping if a previously armored,
21 lined, or piped section is being repaired and all work occurs
22 within the footprint of the previous work.

23 (v) Replacement of existing control structures, if the
24 original function of the drain is not changed and the original
25 approximate capacity of the drain is not increased.

26 (vi) Repair of stabilization structures.

27 (vii) Culvert replacement, including culvert extensions of not

1 more than 24 additional feet per culvert.

2 (viii) Emergency reconstruction of recently damaged parts of
3 the drain. Emergency reconstruction must occur within a reasonable
4 period of time after damage occurs in order to qualify for this
5 exemption.

6 (h) Projects constructed under the watershed protection and
7 flood prevention act, ~~chapter 656, 68 Stat. 666, 16 USC 1001 to~~
8 ~~1008, 1010, and 1011.~~**1012.**

9 (i) Construction and maintenance of privately owned cooling or
10 storage ponds used in connection with a public utility except at
11 the interface with public waters.

12 (j) Maintenance of a structure constructed under a permit
13 issued pursuant to this part and identified by rule promulgated
14 under section 30110, if the maintenance is in place and in kind
15 with no design or materials modification.

16 (k) A water withdrawal.

17 (l) Annual installation of a seasonal dock or docks, pilings,
18 mooring buoys, or other mooring structures previously authorized by
19 and in accordance with a permit issued under this part.

20 (m) Controlled access of livestock to streams for watering or
21 crossing if constructed in accordance with applicable practice
22 standards set by the United States ~~department of agriculture,~~
23 ~~natural resources conservation service.~~**DEPARTMENT OF AGRICULTURE,**
24 **NATURAL RESOURCES CONSERVATION SERVICE.**

25 (n) Temporary drawdowns of impoundments at hydroelectric
26 projects licensed by the ~~federal energy regulatory commission~~
27 **FEDERAL ENERGY REGULATORY COMMISSION** (FERC) and subject to FERC's

1 authority if both of the following apply:

2 (i) The FERC licensee has consulted this state during the
3 drawdown plan development and this state's concerns have been
4 addressed in the drawdown plan as FERC considers appropriate.

5 (ii) Adverse environmental impacts, including stream flow,
6 aquatic resources, and timing, have been avoided and minimized to
7 the extent practical.

8 (o) Removal, by the riparian owner or a person authorized by
9 the riparian owner, of plants that are an aquatic nuisance as
10 defined in section 3301, if the removal is accomplished by hand-
11 pulling without using a powered or mechanized tool and all plant
12 fragments are removed from the water and properly disposed of on
13 land above the ordinary high-water mark as defined in section
14 30101.

15 (p) Raking of lake bottomlands by the riparian owner or a
16 person authorized by the riparian owner. To minimize effects on the
17 lake bottomlands, the areas raked shall be unvegetated before
18 raking and predominantly composed of sand or pebbles, and the
19 raking shall be performed without using a powered or mechanized
20 tool. For the purposes of this subdivision, the pulling of a
21 nonpowered, nonmechanized tool with a boat is not the use of a
22 powered or mechanized tool.

23 **(Q) REMOVAL OF MATERIAL WITHIN PRIVATELY CONTROLLED WATERS**
24 **THAT IS CARRIED BY A RIVER OR STREAM INTO AN AQUACULTURE FACILITY**
25 **OR A CONFINEMENT RESEARCH FACILITY, AS THOSE TERMS ARE DEFINED IN**
26 **SECTION 2 OF THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199,**
27 **MCL 286.872.**

1 (2) As used in this section, "water withdrawal" means the
2 removal of water from its source for any purpose.

3 (3) As used in this part, "agricultural drain" means a human-
4 made conveyance of water that meets all of the following
5 requirements:

6 (a) Does not have continuous flow.

7 (b) Flows primarily as a result of precipitation-induced
8 surface runoff or groundwater drained through subsurface drainage
9 systems.

10 (c) Serves agricultural production.

11 (d) Was constructed before January 1, 1973, or was constructed
12 in compliance with this part or former 1979 PA 203.

13 Sec. 30104. (1) A person shall not undertake a project subject
14 to this part except as authorized by a permit issued by the
15 department pursuant to part 13. An application for a permit shall
16 include any information that may be required by the department. If
17 a project includes activities at multiple locations, 1 application
18 may be filed for the combined activities.

19 (2) Except as provided in subsections (3) and (4), until
20 October 1, 2019, an application for a permit shall be accompanied
21 by an application fee based on an administrative cost in accordance
22 with the following schedule:

23 (a) For a permit for a seasonal drawdown or associated
24 reflooding, or both, of a dam or impoundment for the purpose of
25 weed control that is issued for the first time after October 9,
26 1995, an initial fee of \$500.00 with subsequent permits for the
27 same purpose being assessed a \$50.00 fee.

1 (b) For activities included in a minor project category
2 established under section 30105(7), a fee of \$100.00.

3 (c) For activities included in a general permit category
4 established under section 30105(8), a fee of \$50.00.

5 (d) For construction or expansion of a marina, a fee as
6 follows:

7 (i) \$50.00 for an expansion of 1-10 slips to an existing
8 permitted marina.

9 (ii) \$100.00 for a new marina with 1-10 proposed marina slips.

10 (iii) \$250.00 for an expansion of 11-50 slips to an existing
11 permitted marina, plus \$10.00 for each slip over 50.

12 (iv) \$500.00 for a new marina with 11-50 proposed marina
13 slips, plus \$10.00 for each slip over 50.

14 (v) \$1,500.00 if an existing permitted marina proposes
15 maintenance dredging of 10,000 cubic yards or more, unless the
16 dredge material has been determined through testing to be 90% or
17 more sand, or the addition of seawalls, bulkheads, or revetments of
18 500 feet or more.

19 (e) For major projects other than a project described in
20 subdivision (d)(v), involving any of the following, a fee of
21 \$2,000.00:

22 (i) Dredging of 10,000 cubic yards or more, unless the dredge
23 material has been determined through testing to be 90% or more
24 sand.

25 (ii) Filling of 10,000 cubic yards or more.

26 (iii) Seawalls, bulkheads, or revetments of 500 feet or more.

27 (iv) Filling or draining of 1 acre or more of wetland

1 contiguous to a lake or stream.

2 (v) New dredging or upland boat basin excavation in areas of
3 suspected contamination.

4 (vi) Shore projections, such as groins and underwater
5 stabilizers, that extend 150 feet or more into a lake or stream.

6 (vii) New commercial docks or wharves of 300 feet or more in
7 length.

8 (viii) Stream enclosures 100 feet or more in length.

9 (ix) Stream relocations 500 feet or more in length.

10 (x) New golf courses.

11 (xi) Subdivisions.

12 (xii) Condominiums.

13 (f) For the removal of submerged logs from bottomland of an
14 inland lake, a \$500.00 fee.

15 (g) For all other projects not listed in subdivisions (a)
16 through (f), a fee of \$500.00.

17 (3) A project that requires review and approval under this
18 part and 1 or more of the following acts or parts of acts is
19 subject to only the single highest fee required under this part or
20 the following acts or parts of acts:

21 (a) Section 3104.

22 (b) Part 303.

23 (c) Part 323.

24 (d) Part 325.

25 (e) Section 117 of the land division act, 1967 PA 288, MCL
26 560.117.

27 (4) If work has been done in violation of a permit requirement

1 under this part and restoration is not ordered by the department,
2 the department may accept an application for a permit if the
3 application is accompanied by a fee equal to 2 times the permit fee
4 required under this section.

5 (5) If the department denies an application for a permit under
6 this part, the department shall promptly refund the application fee
7 paid under this section.

8 (6) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR PART
9 13, A PERMIT ISSUED UNDER THIS PART FOR AN AQUACULTURE FACILITY OR
10 CONFINEMENT RESEARCH FACILITY IS SUBJECT TO SECTION 7A OF THE
11 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.877A. AS
12 USED IN THIS SUBSECTION, "AQUACULTURE FACILITY" AND "CONFINEMENT
13 RESEARCH FACILITY" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE
14 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.872.

15 Sec. 30306. (1) Except as provided in section 30307(6), to
16 obtain a permit for a use or development listed in section 30304, a
17 person shall file an application with the department on a form
18 provided by the department. The application shall include all of
19 the following:

20 (a) The person's name and address.

21 (b) The location of the wetland.

22 (c) A description of the wetland.

23 (d) A statement and appropriate drawings describing the
24 proposed use or development.

25 (e) The wetland owner's name and address.

26 (f) An environmental assessment of the proposed use or
27 development if requested by the department. The assessment shall

1 include the effects upon wetland benefits and the effects upon the
2 water quality, flow, and levels, and the wildlife, fish, and
3 vegetation within a contiguous lake, river, or stream.

4 (2) For the purposes of subsection (1), a proposed use or
5 development of a wetland shall be covered by a single permit
6 application under this part if the scope, extent, and purpose of a
7 use or development are made known at the time of the application
8 for the permit.

9 (3) Except as provided in subsections (4) and (5), an
10 application for a permit submitted under subsection (1) shall be
11 accompanied by the following application fee, as applicable:

12 (a) For a project in a category of activities for which a
13 general permit is issued under section ~~30312~~, **30312(2)**, a fee of
14 \$50.00.

15 (b) For activities included in a minor project category
16 established under section 30312(1), a fee of \$100.00.

17 (c) For a major project, including any of the following, a fee
18 of \$2,000.00:

19 (i) Filling or draining of 1 acre or more of ~~coastal or inland~~
20 wetland.

21 (ii) 10,000 cubic yards or more of wetland fill.

22 (iii) A new golf course affecting wetland.

23 (iv) A subdivision affecting wetland.

24 (v) A condominium affecting wetland.

25 (d) For all other projects, a fee of \$500.00.

26 (4) A project that requires review and approval under this
27 part and 1 or more of the following is subject to only the single

1 highest fee required under this part or the following:

2 (a) Section 3104.

3 (b) Part 301.

4 (c) Part 323.

5 (d) Part 325.

6 (e) Section 117 of the land division act, 1967 PA 288, MCL
7 560.117.

8 (5) If work has been done in violation of a permit requirement
9 under this part and restoration is not ordered by the department,
10 the department may accept an application for a permit if the
11 application is accompanied by a fee equal to twice the application
12 fee otherwise required under this section.

13 (6) If the department determines that a permit is not required
14 under this part or denies an application for a permit under this
15 part, the department shall promptly refund the application fee paid
16 under this section.

17 (7) The department may issue a conditional permit before the
18 expiration of the 20-day period referred to in section 30307 if
19 emergency conditions warrant a project to protect property or the
20 public health, safety, or welfare.

21 (8) **NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR PART**
22 **13, A PERMIT ISSUED UNDER THIS PART FOR AN AQUACULTURE FACILITY OR**
23 **CONFINEMENT RESEARCH FACILITY IS SUBJECT TO SECTION 7A OF THE**
24 **MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.877A. AS**
25 **USED IN THIS SUBSECTION, "AQUACULTURE FACILITY" AND "CONFINEMENT**
26 **RESEARCH FACILITY" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE**
27 **MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.872.**

1 SEC. 32515B. (1) THE DEPARTMENT SHALL AUTHORIZE THE USE OF
2 BOTTOMLANDS FOR THE PLACEMENT OF A WATER-BASED AQUACULTURE FACILITY
3 IF THE WATER-BASED AQUACULTURE FACILITY COMPLIES WITH THIS PART AND
4 THE MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.871
5 TO 286.884.

6 (2) NOTWITHSTANDING ANY OTHER PROVISION OF THIS PART OR PART
7 13, A PERMIT ISSUED UNDER THIS PART FOR AN AQUACULTURE FACILITY OR
8 CONFINEMENT RESEARCH FACILITY IS SUBJECT TO SECTION 7A OF THE
9 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.877A.

10 (3) AS USED IN THIS SECTION, "AQUACULTURE FACILITY",
11 "CONFINEMENT RESEARCH FACILITY", AND "WATER-BASED AQUACULTURE
12 FACILITY" MEAN THOSE TERMS AS DEFINED IN SECTION 2 OF THE MICHIGAN
13 AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.872.

14 Sec. 48735. (1) ~~Subject~~—EXCEPT AS PROVIDED IN SUBSECTION (8)
15 AND SUBJECT to subsection (2), a person shall not take from any of
16 the inland waters of this state any fish in any manner for the
17 purpose of fish culture or scientific investigation without first
18 obtaining a permit from the department, except that a person who is
19 operating a private fish pond may take fish from his or her own
20 pond for the purpose of propagation, scientific investigation, or
21 sale under part 459.

22 (2) The department may issue permits to possess live game fish
23 in public or private ponds, pools, or aquariums under rules and
24 regulations as the department prescribes. This subsection is
25 subject to subsection (5).

26 (3) The department may cause to be taken from the inland
27 waters of this state any species of fish for the purpose of

1 obtaining spawn for fish culture or scientific investigation or for
2 the protection of the inland waters from ecological damage or
3 imbalance. In addition, the department may cause to be taken from
4 the inland waters of this state species of fish that are not
5 required to maintain the fishery resources of the inland waters.
6 All fish taken under this subsection shall be taken under the
7 supervision of a deputy of the department appointed for that
8 purpose and in accordance with the regulations of the department of
9 agriculture **AND RURAL DEVELOPMENT**, and the fish may be sold or
10 transferred by the department.

11 (4) A person shall not import or bring any live game fish,
12 including viable eggs of any game fish, from outside of this state
13 except under a permit from the department or under part 459 and the
14 rules promulgated ~~in accordance with~~ **UNDER** that part. A person
15 shall not plant any spawn, fry, or fish of any kind in any of the
16 public waters of this state or any other waters under the
17 jurisdiction of this state without first obtaining a permit from
18 the department that states the species, number, and approximate
19 size or age of the spawn, fry, or fish to be planted and the name
20 and location of the waters where the spawn, fry, or fish shall be
21 planted. A permit is not required to plant spawn, fry, or fish
22 furnished by the federal or state government. This subsection is
23 subject to subsection (5).

24 (5) A permit under subsection (2) or (4) does not include a
25 genetically engineered variant of a fish species identified in the
26 permit unless the genetically engineered variant is specifically
27 identified in the permit. A permit under subsection (2) or (4) may

1 be limited to a genetically engineered fish.

2 (6) A permit under this section shall be exhibited upon the
3 request of any law enforcement officer.

4 (7) The department shall annually report to the legislature
5 all fish sold or transferred pursuant to this part.

6 (8) A PERMIT IS NOT REQUIRED UNDER THIS PART FOR EITHER OF THE
7 FOLLOWING:

8 (A) AN AQUACULTURE FACILITY THAT IS REGISTERED UNDER THE
9 MICHIGAN AQUACULTURE DEVELOPMENT ACT, 1996 PA 199, MCL 286.871 TO
10 286.884.

11 (B) A CONFINEMENT RESEARCH FACILITY HOLDING AN AQUACULTURE
12 RESEARCH PERMIT UNDER THE MICHIGAN AQUACULTURE DEVELOPMENT ACT,
13 1996 PA 199, MCL 286.871 TO 286.884.

14 Enacting section 1. Part 459 of the natural resources and
15 environmental protection act, 1994 PA 451, MCL 324.45901 to
16 324.45908, is repealed.

17 Enacting section 2. This amendatory act takes effect 90 days
18 after the date it is enacted into law.

19 Enacting section 3. This amendatory act does not take effect
20 unless all of the following bills of the 98th Legislature are
21 enacted into law:

22 (a) Senate Bill No. _____ or House Bill No. 5166 (request no.
23 02267'15).

24 (b) Senate Bill No. _____ or House Bill No. 5168 (request no.
25 04725'15).