

Legislative Analysis



NREPA APPLICABILITY TO AQUACULTURE

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5695

Sponsor: Rep. Tom Meyer

Committee: Agriculture and Natural Resources

Complete to 3-29-04

A SUMMARY OF HOUSE BILL 5695 AS INTRODUCED 3-24-04

The bill would exempt activities carried out under the Michigan Aquaculture Development Act from several provisions in the Natural Resources and Environmental Protection Act (NREPA).

Generally speaking, Part 413 (Transgenic and Nonnative Organisms) of NREPA prohibits a person from knowingly releasing or allowing to be released into the state, a genetically engineered fish or a nonnative fish that is not naturalized in the location of the release. The bill would exempt from this prohibition activities authorized under the Michigan Aquaculture Development Act.

In addition, Part 459 (Propagation of Game Fish in Private Waters) of NREPA prohibits a person from propagating, rearing, or possessing for the purpose of offering for sale or selling any kind of game fish without a license. The act exempts such activities when engaged in under a license or permit issued under the Michigan Aquaculture Development Act. The bill would also exempt the exportation or importation of game fish or any other activity authorized by the aquaculture development act.

Finally, Part 487 (Sport Fishing) of NREPA provides that fish, reptiles, amphibians, mollusks, crustaceans, and any other aquaculture species that are propagated, reared, produced, or possessed under the Michigan Aquaculture Development Act are not the property of the state. The act further provides that such aquaculture species can only be taken, produced, acquired, exported, imported, or possessed in compliance with that act. The bill would state, instead, that Part 487 does not apply to the taking, production, acquisition, exportation, importation, or possession of aquaculture or any other activity under the aquaculture development act.

FISCAL IMPACT:

The bill would have no fiscal impact on the state or on local governmental units.

Legislative Analyst: Mark Wolf

Fiscal Analyst: Kirk Lindquist

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