

MICHIGAN AQUACULTURE DEVELOPMENT ACT (EXCERPT)
Act 199 of 1996

286.874 Aquaculture as agricultural enterprise; products as property of aquaculturist; riparian rights for water diversion; exemption from certain restrictions; limitations on authority of aquaculturist; genetically engineered variant.

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

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

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

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

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

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

(7) This act does not give an aquaculturist authority to release any aquaculture species into any waters of the state that are not an aquaculture facility unless the aquaculturist first obtains an appropriate permit from the director of the department of natural resources. It is intended that the department of natural resources shall consider a registration issued under this act as the equivalent of a game fish breeders license issued under part 459 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.45901 to 324.45908.

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

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

History: 1996, Act 199, Eff. Aug. 16, 1996;—Am. 2003, Act 272, Eff. Mar. 30, 2004.

Compiler's note: For transfer of powers and duties of department of natural resources to department of natural resources and environment, and abolishment of department of natural resources, see E.R.O. No. 2009-31, compiled at MCL 324.99919.

For transfer of powers and duties of department of natural resources and environment to department of natural resources, see E.R.O. No. 2011-1, compiled at MCL 324.99921.