

MICHIGAN AQUACULTURE DEVELOPMENT ACT (EXCERPT)
Act 199 of 1996

286.877 Initial application; submission; inspection; issuance of registration or permit; denial; notice; second inspection; hearing; return of registration or permit fee prohibited; contents of permit; renewal application; modification of permit.

Sec. 7.

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

(2) The department shall not issue an initial aquaculture facility registration or an aquaculture research permit unless an applicant demonstrates the following:

(a) The facility has been inspected by the director and the director has determined that the facility meets the standards and requirements prescribed by this act and that there are barriers in place to prevent the escape of aquaculture species into the public waters.

(b) The aquaculture species involved in the facility is on the list of approved aquaculture species.

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

(3) Within 30 days after receipt of an initial registration or permit application, the director shall inspect the aquaculture facility. If the director determines that the facility to be utilized under a registration or permit conforms to standards prescribed by this act, verifies that unlisted aquaculture species are not in the facility, and reviews and approves research protocols in the case of a proposed aquaculture research permit, the director shall issue a registration or permit within 60 days of receipt of a registration or permit application.

(4) The application for a registration or permit may be denied for failure to comply with the requirements of this act. The department shall notify an applicant of the reasons for a registration or permit denial within 60 days after receipt of an application. The notice shall specify the deficiencies to be corrected in order for a registration or permit to be issued.

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

(6) The applicant may request a hearing pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, being sections 24.201 to 24.328 of the Michigan Compiled Laws, on a denial of a registration or permit.

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

(8) A registration and permit issued by the department shall contain the following information:

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

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

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

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

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

(9) Applications for an aquaculture facility shall be accompanied by the following fees:

(a) Aquaculture facility registration - initial application, \$100.00.

(b) Aquaculture facility registration - renewal application, \$75.00.

(c) Aquaculture research permit - initial application, \$250.00.

(d) Aquaculture research permit - renewal application, \$100.00.

(10) Application for renewal of an aquaculture facility registration or aquaculture research permit shall be submitted not later than October 1 of each year. Each registration and permit issued shall be for a period of 1 year commencing October 1 and ending the following September 30.

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

(12) An aquaculturist may apply on a form provided by the department for a modification of the aquaculture facility registration or a confinement research permit to add or remove aquaculture species.

History: 1996, Act 199, Eff. Aug. 16, 1996