

Michigan House of Representatives  
Agriculture Committee  
Written Testimony regarding  
**Opposition to House Bills 5166, 5167 & 5168**  
1/29/16



Dear Committee Members,

We are writing to you, providing written testimony in regards to House bills 5166, 5167 and 5168, before your committee for hearing. Michigan Trout Unlimited is staunchly opposed to these bills.

Our mission is to ensure the protection and enhancement of Michigan's coldwater fisheries and their habitats. Our public waters and the fisheries they support are cherished and utilized by approximately 1.4 million anglers per year, with the 2<sup>nd</sup> highest number of out-of-state anglers of any state in the country. The use of these fisheries annually generates over \$4.2 billion in economic activity, sustains, 38,000 jobs, and creates over \$287 million in state or local taxes. Commercial aquaculture development in this state puts these resources and this Michigan economy in direct and severe peril.

Much has been written on the risks and impacts of commercial aquaculture in Michigan over the last year or so. From nutrient waste and pollution, to aquatic organism disease epidemics, domesticated stock escapement and interbreeding with wild fisheries, and many others – this industry poses significant risks and impacts with high likelihood to crush our public natural resources. Great Lakes commercial net pen fish farming CAN NOT be done today without impacts, and must not be allowed to commence. Other forms of aquaculture must be properly regulated to ensure their operations do not cause pollution and impairment to public waters, human health, or economically significant fisheries.

There exists a giant loophole in the Clean Water Act, and the National Pollution Discharge Elimination System (NPDES) permits that makes it quite easy for permits to be granted for aquaculture operations that will cause pollution and degradation to public resources. Its referred to as the "anti-degradation clause", and was used in the permit for the Grayling Fish Hatchery on the Au Sable River system. The permit openly admits to authorizing degradation of the river, because it's necessary in order for the operator to be profitable. Regulatory deficiencies like that are resulting in lawsuits, where the public has no trust in the State to protect its rights and public resources, and the hatchery owners have no certainty that they will be allowed to operate (with years of impending lawsuits to follow). We need better regulation on this – not less, as these bills seek to do.

We also have a situation where every other form of agricultural animal husbandry, must manage the waste products created by their animals in some manner. It's a fundamental business expense for all livestock producers. Allowing Great Lakes net pen fish farming, where there is no ability to collect their livestock wastes, would create a competitiveness gap with other livestock producers, subsidized by Michigan residents in the form of environmental degradation, nuisance algal blooms on beaches, toxic algal blooms affecting water quality, and loss of recreational fishery economies.

House Bills 5166, 5167 and 5168 seek to allow Great Lakes net pen fish farming on public waters (violating many laws in the process), subsidize this industry's development with public tax payer money, and nearly completely deregulate all of aquaculture which will ultimately result in public disapproval for the entire new industry. These bills are a mistake:

- 1.) These bills would legalize the practice of Great Lakes fish farming via “net pens”, for the first time in Michigan history. A practice that cannot be done with causing degradation or posing severe risks of nutrient pollution, dead zones, nuisance and harmful algal blooms, aquatic disease outbreaks, genetic pollution of wild fisheries like steelhead impacting their ability to thrive, chemical pollution, and risk of invasive species introductions.
- 2.) These bills would allocate public tax funds to create a new Office of Aquaculture Development, with staffing, within the Dept. of Agriculture, to support and facilitate the development of this industry with public funds.
- 3.) These bills would allow the industry, and the Agriculture Commission (non-elected officials) to create the only set of rules for where Great Lake fish farms could be located. They seek to remove all local authority for deciding if these belong offshore of our cities or communities. Think about the cities and towns in your district, and if they should have the right of involvement in what happens where they live.
- 4.) They would “de-regulate” all forms of aquaculture (e.g., the Grayling’s hatchery), by requiring only “general permits” for these operations (which do not public comment opportunity). We (TU) can’t even place a log halfway out into a stream under a general permit now— they are meant for mundane and totally benign activities. This permit is completely insufficient to protect the public’s interest.
- 5.) They would functionally undermine all of the legally required permitting of these, by tie-barring them to oversight and short review time limits of the aquaculture registration process (overseen by the Office of Aquaculture Development – charged with promotion of the industry). This is a corruption of the statutes meant to protect the public’s interests. It’s this culture of creating rules like this for the DEQ to follow that has led to “minimalist culture” and Michiganders lack of trust in the state to protect its interests.
- 6.) They would allow a commercial fish producer to capture our public, wild fish and raise them for sale in their hatcheries, without permit (the bill drafters may not have intended to do this – but they did).
- 7.) These bills would allow non-native fish species to be raised in Michigan, (this is the same industry that gave us Asian Carp). They were once sure that those would not cause any problems, escape, or survive in the wild. How could we possibly be proposing to repeat this same mistake over again?
- 8.) They would transfer public property to private entities for their personal gain, thus violating the Public Trust.

The bills are a shameful pandering to this speculative industry, and a blatant attack on Pure Michigan and the rights of its citizens. We oppose these bills and hope you will do the same.

Thank You,



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