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A Guide to Licenses and Permits for Aquaculture in Michigan  
Michigan State University Extension Service  
Joyce R. Newman, Fisheries and Wildlife  
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# A Guide to Licenses and Permits for Aquaculture in Michigan

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and Wildlife

The regulations that apply to aquacultural enterprises in Michigan can be quite confusing. This guide was written to provide a "road map" for prospective or current aquaculturists to follow through the permitting process. The information contained in this guide was accurate at the time of writing, but regulations often change, so please check with the agencies mentioned for any changes and/or additions.

The first section of this guide consists of flow charts to help you determine which licenses and permits you will need for your particular operation. The flow charts are accompanied by more detailed information on each of the licenses and permits. The next section contains definitions of some of the potentially ambiguous words and phrases used in the regulations. A section with addresses and phone numbers of agencies and organizations that you may wish to contact follows, as does a list of other publications that may be useful.

It is important to allow plenty of lead time when applying for these licenses and permits. For example, the application for a water discharge permit (NPDES permit) must be submitted at least six months in advance. You will find that it is best to contact the appropriate agencies early in your planning process.

Certain activities, such as the use of chemicals on fish or shipping fish across state lines, are regulated by federal laws (this guide primarily covers state laws). Please be sure to check also with the appropriate federal agencies before beginning your aquacultural activities. Their addresses and telephone numbers can be found in the address section of this bulletin. Other general business regulations, such as sales tax licensing and Michigan occupational safety and health practices, are also not covered by this guide. Your local Chamber of Commerce will be able to help you with that aspect of your business.

Proper application for a permit may not only spare you future troubles, but may also result in tips from state officials on the best ways to accomplish your objectives.

Good luck and best wishes for success !!

## Licenses and Permits Needed Fish Rearing and Transport

**Game fish breeder's license** — needed to raise any fish defined as "game fish". A separate license is required for each farm site or place of business.

Cost: \$5  
Duration: Until December 31 of each year  
Issued by: DNR Fisheries Division

**Salmonid sale and transportation permit** — required to transport or sell live fish or viable eggs of the family *Salmonidae* (trout and salmon) within the state.

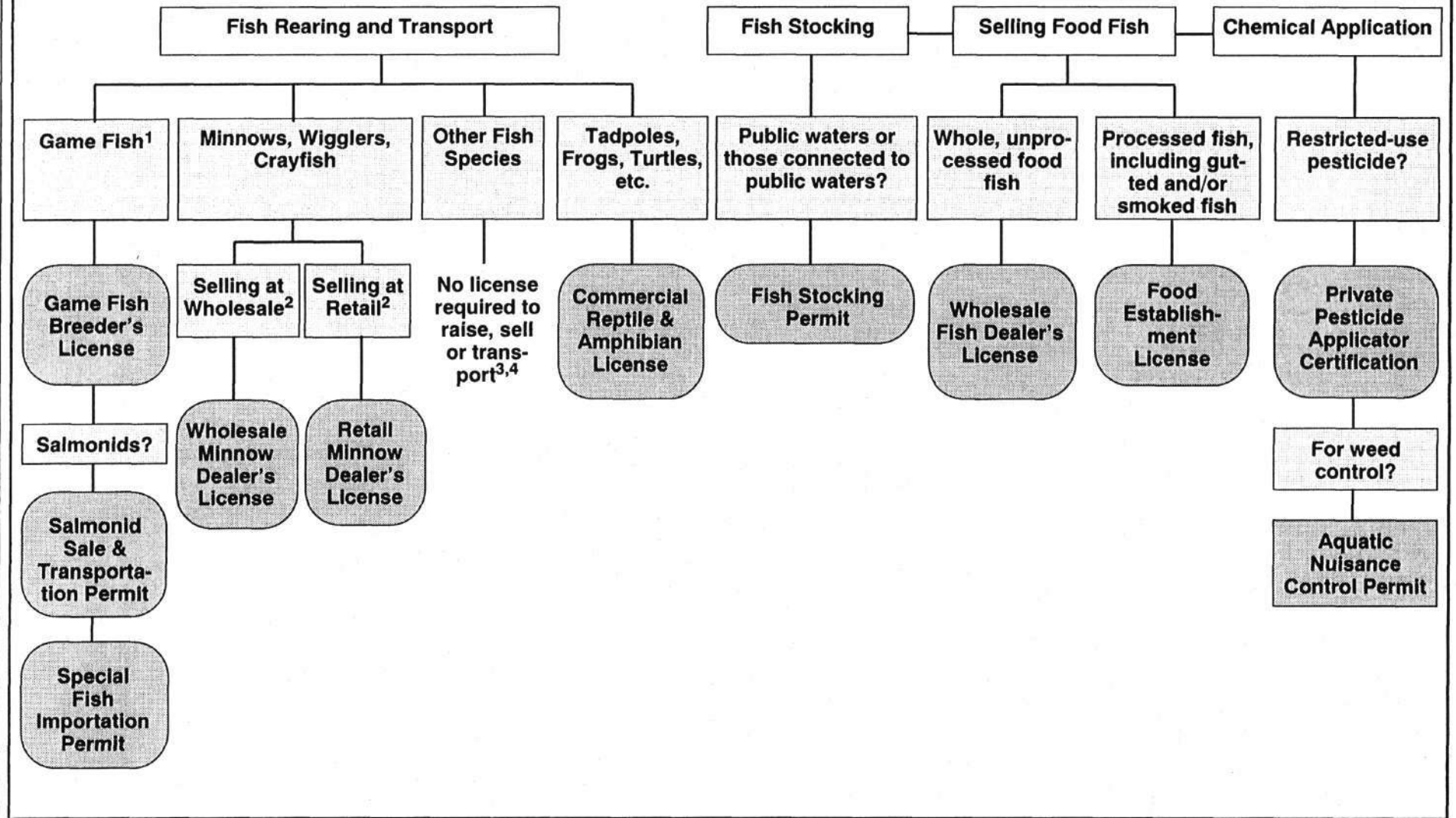
Cost: Free  
Duration: Until December 31 of each year  
Issued by: DNR fish pathologist

**Special fish importation permit** — needed to import live fish or viable eggs of the family *Salmonidae* into Michigan. A certificate of fish health from the shipper must be enclosed with the application. A separate permit is required for each importation.

Cost: Free  
Duration: Good for one importation only  
Issued by: DNR state fish pathologist

**Wholesale minnow dealer's license** — needed to transport and sell minnows, wigglers and crayfish at wholesale to licensed minnow dealers. A separate license is required for each place of business; a maximum of three vehicles may be used. Regulations are in effect regard-

# Fig. 1 OPERATIONS



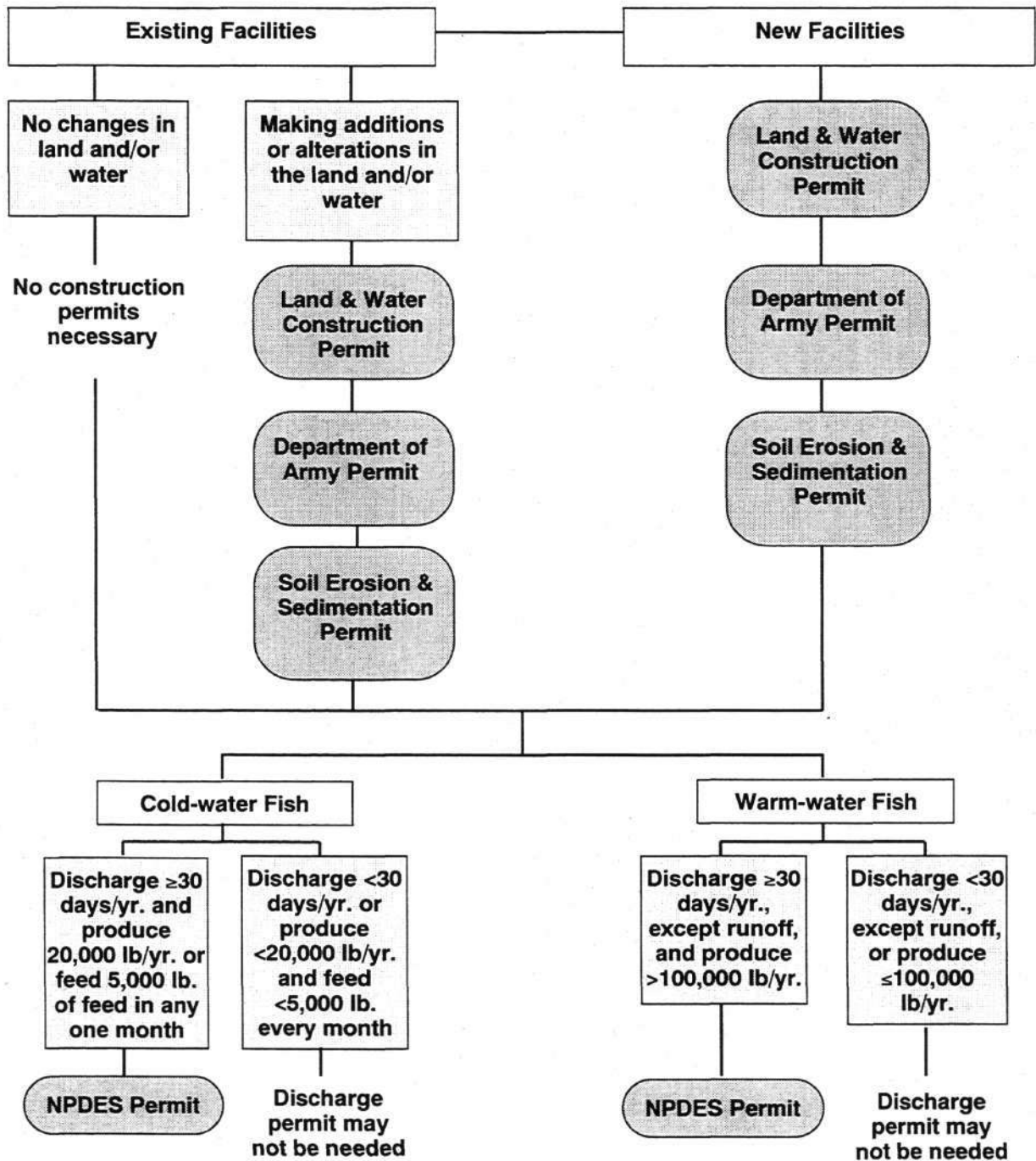
<sup>1</sup> "Game fish" are trout, salmon, grayling, pike, muskellunge, white bass, striped bass, black bass, bluegill, crappie, perch, walleye, sturgeon, catfish and whitefish (see page 6 for exact definition).

<sup>2</sup> If you will be catching minnows from the wild, you will need a minnow catcher's license in addition to a wholesale or retail minnow dealer's license.

<sup>3</sup> It is suggested that you obtain a game fish breeder's license anyway. If you want to branch out into other species, you will already have a contact with the DNR. Additionally, you will then be on the list of Michigan fish growers, which is sent to everyone who writes to ask where Michigan fish can be purchased.

<sup>4</sup> No Japanese weatherfish, grass carp, ide, rudd, bitterling or tench (or their eggs) may be imported into the state without a special permit from the DNR Fisheries Division.

# Fig. 2 FACILITIES



Note: Additional local permits may also be necessary. Contact local authorities for more information.

ing the import and export of minnows and crayfish to and from the state. Contact the DNR for current information.

Cost: \$100 (\$500 for non-residents)  
Duration: Until December 31 of each year  
Issued by: DNR Fisheries Division

**Retail minnow dealer's license** — required to buy, transport and sell minnows, wigglers and crayfish at retail. A separate license is required for each place of business; only one vehicle may be used.

Cost: \$25  
Duration: Until December 31 of each year  
Issued by: DNR Fisheries Division

**Minnow catcher's license** — needed, in addition to a wholesale or retail minnow dealer's license, to collect minnows, wigglers or crayfish from the wild. Regulations regarding commercial harvest of minnows are in effect. Contact the DNR for current information.

Cost: \$50  
Duration: Until December 31 of each year  
Issued by: DNR Fisheries Division

**Commercial reptile and amphibian license** — required to harvest reptiles or amphibians, including those on your farm, for commercial purposes. Only certain species may be harvested and/or sold. Contact the DNR for current information.

Cost: \$150  
Duration: Until March 31 of each year  
Issued by: DNR Fisheries Division

## Other Operations

**Fish stocking permit** — needed to stock eggs or fish in public waters or any waters connected to public waters.

Cost: Free  
Duration: Generally, one year  
Issued by: DNR district fisheries biologist

**Wholesale fish dealer's license** — needed to sell whole, unprocessed food fish to wholesalers, brokers or retailers such as restaurants or grocery stores. If the fish will be sold directly to individuals for consumption, this license is not needed.

Cost: \$5  
Duration: Until December 31 of each year  
Issued by: DNR Fisheries Division

**Food establishment license** — required to process and/or sell any type of processed fish (gutted, smoked, filleted, etc.) to anyone. Fee-fishing operations that clean customers' fish may also be required to have this license. Periodic inspections of the processing facilities are required. A license application must be submitted at least 30 days before beginning processing activities.

Cost: \$15  
Duration: Until March 31 of each year  
Issued by: Michigan Department of Agriculture (MDA) Food Division

**Private pesticide applicator certification** — required to purchase, apply without supervision or supervise the application of restricted-use pesticides for an agricultural purpose. If you will be applying general use pesticides only, for an agricultural purpose only, then this certification is not needed. (To apply either general or restricted-use pesticides for non-agricultural purposes or for hire, you will need a commercial pesticide applicator's certificate and license.) Successful completion of an exam is required before this certificate will be issued.

Cost: \$10  
Duration: Until December 31 of the third year after the certificate is issued.  
Issued by: MDA Pesticide and Plant Pest Management Division

**Aquatic nuisance control permit** — required to treat any body of water except "ponds" (less than 10 acres with no outlet — see Definitions section) with chemicals for control of aquatic nuisances. Permits to use herbicides for controlling higher aquatic plants are issued for use only between April 1 and August 20 of each year.

Cost: Free  
Duration: Generally, one year  
Issued by: DNR Land and Water Management Division

**Note:** If your fish will be used for human consumption, you will have to abide by U.S. Food and Drug Administration (FDA) regulations as well. Only certain compounds can be used for treatment of food fish or waters in which food fish are grown. Contact the FDA for current information.

## Facilities and Construction

**Land and water construction permit** — Several Michigan laws govern development and construction in and around waters in this state. These include the Inland Lakes and Streams Act, the Goemaere-Anderson Wetland Protection Act, the Great Lakes Submerged Lands Act, the Shorelands Protection and Management Act, the Natural River Act, the Dam Safety Act, and the Floodplains and Floodways Regulations. The DNR Land and Water Management Division issues one comprehensive permit for activities covered by these laws. This permit is required to do the following:

a) Dredge, fill, place a structure on or remove a structure from bottomland. Structures include docks and fishing decks.

- b) Create, enlarge or diminish any inland lake or stream (this includes your own ponds).
- c) Structurally interfere with the natural flow of an inland lake or stream.
- d) Connect any natural or artificial waterway with an existing inland lake or stream, or do any work on or in a waterway where the purpose is the ultimate connection with an inland lake or stream or where the waterway is within 500 feet of an inland lake or stream.
- e) Dredge, drain, fill, construct or maintain any use or development in a wetland.
- f) Occupy or place an encroachment in a floodplain.
- g) Construct, enlarge, repair, remove or abandon any dam.
- h) Perform most activities in designated high risk areas, environmental areas or flood risk areas of a shoreland.

The application for this permit must be accompanied by detailed information regarding the proposed construction, including a site plan, cross-sectional drawings and a location map. An environmental assessment of the impacts of the proposed project may also be required.

Cost: \$25  
 Duration: Generally, one year  
 Issued by: DNR Land and Water Management Division

**Note:** If the proposed site is adjacent to a natural river, many activities may be prohibited. Contact the DNR Land and Water Management Division and the local planning agency for information.

**Department of Army permit** — required for any activity in a navigable waterway or in a wetland adjacent to a navigable waterway.

Cost: Free if no public notice is required; \$10 for an individual if public notice is required; \$100 for a corporation if public notice is required  
 Duration: Generally, 3 years from the next September 31  
 Issued by: U.S. Army Corps of Engineers

**Note:** You do not have to apply directly to the Army Corps of Engineers for this permit. Your application for a land and water construction permit will be forwarded to the Army Corps of Engineers by the DNR Land and Water Management Division. This application will be an application for both permits. You must have received both permits before you begin work.

**Soil erosion and sedimentation control permit** — necessary if your construction will disturb one or more acres of land, or if the earth change is within 500 feet of a lake or stream.

Cost: Variable, often free to farmers  
 Duration: Variable, depending on the situation  
 Issued by: "Appropriate enforcing agency" — this varies by location. Generally, it is the county planning agency or area Soil Conservation District. If the project will cross county boundaries and thus fall into two or more counties, the appropriate enforcing agency is the DNR Land and Water Management Division.

**NPDES Permit** — national pollutant discharge elimination system permit. Technically, this is required for any person or business discharging waste or wastewater onto the ground or into the waters of the state. Currently, Michigan is following recommended federal guidelines, which require permits for concentrated aquatic animal production facilities that contain, grow or hold aquatic animals in either of the following categories:

- 1) Cold-water fish species in ponds, raceways or similar structures that either discharge at least 30 days per year and produce 20,000 pounds of fish, or feed a minimum of 5,000 pounds of feed during any calendar month.
- 2) Warm-water fish species in ponds, raceways or similar structures that discharge at least 30 days per year, except runoff, and produce more than 100,000 pounds of fish yearly.

Additionally, operations that use chemicals or discharge into sensitive waters, such as trout streams, may also be required to have this permit. A permit application must be submitted 180 days before beginning discharge.

Cost: Free  
 Duration: Generally, 5 years  
 Issued by: DNR Surface Water Quality Division

## Other Permits

Additional permits may be required by local authorities. Contact the following for more information:

- a) County.
- b) Soil Conservation District.
- c) Drain commission.
- d) Township.
- e) City or village, if within city or village limits.



## Definitions

**Bottomland** -The land area of a lake or stream, including the Great Lakes, which lies below the ordinary high-water mark and which may or may not be covered by water.

**Dam** -Any artificial barrier — including dikes, embankments and associated structures — that impounds or diverts water, and that is or will be 6 feet or more in height with an impounding capacity at design flood elevation of 5 surface acres or more.

**DNR** - Michigan Department of Natural Resources.

**Encroachment** -Any structure, filling, grading or deposition of materials in, upon, across or projecting into a floodplain, channel or floodway.

**Environmental area** -An area of the shoreland determined by the DNR on the basis of studies and surveys to be necessary for the preservation and maintenance of fish and wildlife.

**Flood risk area** -The area of the shoreland determined by Water Resources Commission studies and surveys to be subject to flooding.

**Game fish** -Any fish in the families *Salmonidae*, *Thymallidae*, *Esocidae*, *Serranidae*, *Centrarchidae*, *Percidae*, *Acipenseridae*, *Ictaluridae* and *Coregonidae*. Fish in these families include but are not limited to: trout, salmon, grayling, northern pike, muskellunge, white bass, striped bass, largemouth and smallmouth bass, bluegill, crappie, perch, walleye, sturgeon, catfish and whitefish.

**High risk area** -An area of the shoreland determined by Water Resources Commission studies and surveys to be subject to erosion.

**Higher aquatic plants** -Water plants with true stems, flowers, leaves and roots (not algae).

**Inland lake or stream** -A natural or artificial lake, pond or impoundment; a river, stream or creek; or any other body of water that has definite banks, a bed and visible evidence of a continued flow or continued occurrence of water. It does not include the Great Lakes, Lake St. Clair and a lake or pond with a surface area of less than 5 acres (unless — for the purpose of wetland determination — the permanent open water area is greater than 1 acre).

**MDA** -Michigan Department of Agriculture.

**MDC** -Michigan Department of Commerce.

**Minnows** - Chubs, shiners and suckers (when of a size ordinarily used for bait in hook-and-line fishing), dace, stonerollers, muddlers and mudminnows.

**Natural river** -A river that has been included in the Wild, Scenic and Recreational Rivers system.

**Navigable waterway** -Though this term is subject to interpretation, the generally recognized test of navigability is the "log flotation" test. That is, if a log can be floated along a body of water, that body of water is navigable.

**Pond** -As defined in the aquatic nuisance control regulations, a pond is a small body of standing water without a permanent or intermittent outlet, which has a surface area of not more than 10 acres and is owned by a single individual or corporation.

**Restricted-use pesticide** -A pesticide formulation classified for restricted use by the U.S. Environmental Protection Agency (EPA) or the Michigan Department of Agriculture (MDA). Restricted-use pesticides can only be bought and applied by or under the supervision of certified pesticide applicators.

**Salmonidae** - The family of fish that includes trout, salmon and char.

**Shoreland** -The land, water and land beneath the water that is near the shoreline of a Great Lake or a connecting waterway.

**Wetland** -Land characterized by the presence of water at a frequency and duration sufficient to support and that under normal circumstances does support wetland vegetation or aquatic life and is commonly referred to as a bog, swamp or marsh and that is any of the following:

- 1) Adjacent to the Great Lakes or Lake St. Clair, an inland lake or pond, or a river or stream.
- 2) Not adjacent to the Great Lakes, an inland lake or pond, or a river or stream; and more than 5 acres in size.
- 3) Not contiguous to the Great Lakes, an inland lake or pond, or a river or stream; and 5 acres or less in size if the DNR determines that protection of the area is essential to the preservation of the natural resources of the state.

**Wiggler** -Mayfly nymphs or any other aquatic insect nymphs or larvae.

# Useful Addresses and Phone Numbers

## State Agencies

**Michigan Dept. of Natural Resources**  
Steven T. Mason Building  
P.O. Box 30028  
Lansing, MI 48909

Fisheries Division  
(517) 373-1280

Fisheries Licensing  
(517) 373-1204

Land and Water Management  
(517) 373-9244

Surface Water Quality  
(517) 373-1949

**Michigan Dept. of Natural Resources**  
State Fish Pathologist  
Wolf Lake State Fish Hatchery  
34270 C.R. 652, Route 1  
Mattawan, MI 49071  
(616) 668-2132

DNR District 1  
North US 41, Box 440  
Baraga, MI 49908  
(906) 353-6651

DNR District 2  
PO Box 300 (US 2 West)  
Crystal Falls, MI 49920  
(906) 875-6622

DNR District 3  
6833 Highway 2, 41 & M-35  
Gladstone, MI 49837  
(906) 786-2351

DNR District 4  
309 West McMillan Avenue  
Box 445  
Newberry, MI 49868  
(906) 293-5131

DNR District 5  
1732 M-32 West  
Gaylord, MI 49735  
(517) 732-3541

DNR District 6  
8015 South 131 Road  
Box 629  
Cadillac, MI 49601  
(616) 775-9727

DNR District 7  
P.O. Box 939  
191 South Mt. Tom Road  
Mio, MI 48647  
(517) 826-3211

DNR District 8  
503 North Euclid Avenue, Suite 9B  
Bay City, MI 48706  
(517) 684-9141

DNR District 9  
350 Ottawa N.W.  
Grand Rapids, MI 49503  
(616) 456-5071

DNR District 11  
715 South Cedar Street  
Box 218  
Inlay City, MI 48444  
(313) 724-2015

DNR District 12  
621 North 10th Street  
Box 355  
Plainwell, MI 49080  
(616) 685-6851

DNR District 13  
3335 Lansing Avenue  
Jackson, MI 49202  
(517) 784-3188

DNR District 14  
2455 N. Williams Lake Road  
Pontiac, MI 48054  
(313) 666-1500

**Michigan Department of Agriculture**  
4th Floor, Ottawa Building North  
P.O. Box 30017  
Lansing, MI 48909

Animal Industry Division  
(517) 373-1077

Food Division  
(517) 373-1060

Pesticide and Plant Pest  
Management Division  
(517) 373-1087

**Michigan Department of Commerce**  
525 West Ottawa  
Lansing, MI 48909  
(517) 373-1820

**Michigan Department of Public  
Health**  
Bureau of Environmental and  
Occupational Health  
3423 North Logan/Martin Luther King  
Blvd.  
P.O. Box 30195  
Lansing, MI 48909  
(517) 335-9218

## Federal Agencies

### *Aquaculture drug use:*

Office of Surveillance and  
Compliance  
Center for Veterinary Medicine  
U.S. Food and Drug Administration  
Attn: HFV-200, MPN-2  
7500 Standish Place  
Rockville, MD 20855  
(301) 295-8761

### *Fish processing and food safety:*

Office of Seafood  
Center for Food Safety and Applied  
Nutrition  
U.S. Food and Drug Administration  
Attn: HFF-500  
200 C Street, SW  
Washington, DC 20204  
(202) 254-3885

### *Interstate fish transport (Lacey Act):*

National Aquaculture Coordinator  
U.S. Fish and Wildlife Service  
ARLSQ 820  
1849 C Street, NW  
Washington, DC 20240  
(703) 358-1878

Director, Office of Aquaculture  
U.S. Department of Agriculture  
14th and Independence Avenue, SW  
Aerospace Building, Suite 342  
Washington, DC 20250-2200  
(202) 401-4929

Army Corps of Engineers  
Detroit District  
General Regulatory Branch  
P.O. Box 1027  
Detroit, MI 48231  
(313) 226-6827

U.S. Environmental Protection Agency  
Region 5  
77 West Jackson Boulevard  
Chicago, IL 60604-3507  
(312) 353-2000

## Extension

**State Extension Fish Culture Specialist**  
Don Garling  
Dept. of Fisheries & Wildlife  
Michigan State University  
13 Natural Resources Building  
East Lansing, MI 48824-1222  
(517) 353-1989

**District Extension Sea Grant Agents**  
Central & Western U.P.  
Ron Kinnunen  
1030 Wright Street  
Marquette, MI 49855  
(906) 228-4830

**Eastern U.P. & Tip of the Mitt**  
Jim Lucas  
300 Court Street  
Sault Ste. Marie, MI 49783  
(906) 635-6368

**Northwest Michigan**  
John McKinney  
2200 Dendrin Drive  
Traverse City, MI 49684  
(616) 922-4620



**Northeast Michigan**  
Walter Hoagman  
P.O. Box 599  
Tawas City, MI 48764  
(517) 362-3449

**Southwest Michigan**  
Chuck Pistis  
333 Clinton Street  
Grand Haven, MI 49417  
(616) 846-8250

**Southeast Michigan**  
Steve Stewart  
21885 Dunham Road  
Mt. Clemens, MI 48043  
(313) 469-6085

## **Aquaculture Publications/Information**

**MSU Extension Bulletin Office**  
10B Agriculture Hall  
Michigan State University  
East Lansing, MI 48824-1039  
(517) 355-0240

**Aquaculture Information Center**  
National Agricultural Library  
U.S. Department of Agriculture  
10301 Baltimore Blvd., Room 304  
Beltsville, MD 20705-2351  
(301) 344-3704

**North Central Regional Aquaculture  
Center Publications Office**  
Department of Animal Ecology  
124 Science II  
Iowa State University  
Ames, IA 50011-3221  
(515) 294-4622

## **Aquaculture Associations**

**Michigan Fish Growers Association**  
19465 200th Avenue  
Big Rapids, MI 49307  
(616) 796-2284

**National Aquaculture Association**  
P.O. Drawer 1569  
Shepherdstown, WV 25443  
(800) 626-3301

## **Additional Information**

### **Extension Bulletins**

To obtain any of these bulletins, contact your county Extension office or the Michigan State University Extension Bulletin Office.

- E-1179 Great Lakes Fish Preparation
- E-1180 Freshwater Fish Preservation
- E-1323 Commercial Freezing of Freshwater Fish
- E-1775 Making Plans for Commercial Fish Culture
- E-1776 My Bluegills are Stunted, Help!
- E-2016 Testing Contaminants - A Guide for Home and Farm
- E-2028 Eating Great Lakes Fish
- E-2409 Promoting Fee-fishing Operations as Tourist Attractions
- E-2410 What Consumers Want: Advice for Food Fish Growers
- E-2411 What Brokers, Wholesalers, Retailers and Restaurants Want: Advice for Food Fish Growers
- E-2456 Michigan Aquaculture Fact Sheet

## **Other Related Readings**

Chopak, C. J. (In press.) Marketing Michigan aquacultural products. Research Report 526, Volume 2. East Lansing, Mich.: Michigan State University Agricultural Experiment Station.

Chopak, C. J., and J. R. Newman. 1992. Aquaculture. The Status and Potential of Michigan Agriculture, Special Report 50. East Lansing, Mich.: Michigan State University Agricultural Experiment Station.

Joint Subcommittee on Aquaculture. 1991. Aquaculture: a guide to federal government programs. Beltsville, Md.: National Agricultural Library.

Newman, J. R. (In press.) Production of Michigan aquacultural products. Research Report 526, Volume 1. East Lansing, Mich.: Michigan State University Agricultural Experiment Station.

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