



# Newsletter

**May 3, 2004**

## ***President's Message***

I would like to extend a hearty thanks to the individuals who contributed time and effort into this year's MAA conference. In light of regulatory and economic uncertainties, I felt the 2004 conference projected a sense of confidence (rather than self preservation) among members, that we, as an industry, can effectively work together to enhance aquaculture opportunities in the State of Michigan. My thanks also go to conference speakers, to all who attended, and a special thanks to Dan Vogler, for his dedication to the position of MAA president over the past four years.

As Dan has effectively pointed out, MAA faces many legislative challenges in the times ahead. Due to the present State budget crisis, replacement of Dr. Doug Hoort is not expected within this next year. Dr. Joan Arnoldi is presently fielding aquaculture related tasks for MDA (phone: 517-373-8188), however, we have just received notice that now she will be retiring from MDA effective June 5, 2004. These vacancies could significantly impact progress of Michigan's aquaculture industry, fish health related activities, and permitting processes. MDA support will obviously be a topic for future discussions. I encourage anyone having difficulties with MDA and regulatory issues to contact myself or another MAA Board Member so we can become aware of the problem and potentially provide some help.

On April 15, Governor Granholm signed an executive order to move the Cervidae program back to Dept of Natural Resources from the Michigan Dept of Agriculture. Currently, the House is holding hearings for a Resolution to rescind that order. MAA support for the rescinding resolution (House Concurrent Resolution No. 51) is highly encouraged since the aquaculture industry may be targeted by the Governor in the future.

The Michigan Aquaculture Advisory Council met on 3/9/04. A summary of the meeting has been posted on the MAA web site ([www.michiganaquaculture.com](http://www.michiganaquaculture.com)) under Michigan Aquaculture Info / MDA-AAC notes. The MAAC is a great venue for addressing concerns of the industry, and I am looking for topics to bring to the table. Anyone with specific industry related issues should contact myself or Jerry Kahn before the next meeting on August 2, 2004.

NCRAC has funded an Aquaculture Regional Extension Facilitator (AREF) project, which is now

active. The phone number for AREF is (414) 430-0326. They also have a website which can be linked from the MAA website. I recently called this number and talked directly with a real live person on the first try! This project is designed to provide easy access to aquaculture related information. The person I talked to suggested that people check the website first, and if additional info is needed, or for a potential emergency, you can call the AREF phone number for direction.

As discussed at the last meeting, MSU and MDA proposed that fish health inspection fees could be reduced if inspections were coordinated for a specific time period. Dr.'s Faisal and Arnoldi agreed that early December would be OK. Please contact Fish Czar Kahn to help schedule inspections.

MAA is definitely facing a number of challenges ahead. Where do we go from here? From a regulatory standpoint, I believe that we have the resources within our organization to monitor and effectively challenge opponents of aquaculture in the political arena. I commend all of you for your active participation! How can we as a group work together to improve the status of aquaculture in Michigan? Public support is probably the most important asset we have: the grin on a child's face after catching a fish, the satisfaction provided to a pond owner or trout club after a stocking, supplying fisherman with bait so they can pursue their favorite pastime... Yes we do have public support! What is needed, however, is greater sense of awareness by the public of the role aquaculture plays in these activities. I ask all of you to consider ways to accomplish this goal. Not any single person in the association can be effective in this task. However, we, as a group can!

Thanks to Bob Baldwin we now have a web page for MAA [www.michiganaquaculture.com](http://www.michiganaquaculture.com). This is a great starting point and will be a useful tool for us in the future. Our current committees include Health, Membership, and Program Committee, and members of each committee are posted on the MAA website. Committees and all others, MAA needs your involvement! Anyone interested in helping out, having ideas for raising public awareness, or with ideas for the 2005 conference should contact Jerry Kahn or myself.

Thanks everybody! Spring is here! I wish everyone the best of luck this season.

Chris Weeks

**April 23<sup>rd</sup>** SUBJECT: RESIGNATION

It is with mixed emotions that I share with you my future plans. I am resigning my position as the Michigan State Veterinarian and Animal Industry Division Director effective June 5, 2004.

I have truly enjoyed working with each of you and believe that we can take pride in our accomplishments. I am certain there will be many more in the future. It has been rewarding for me to work with this dedicated organization and I have appreciated your support.

I will be returning to Wisconsin and will try retirement again. Maybe I'll get it right this time.

My best wishes for each of you and continued success for AID.

Joan M. Arnoldi, D.V.M., M.S.

### **Current legislative issues:**

- 1) A bill to define GMO regulation for aquaculture through MDA instead of MDNR is currently being bounced through the House and Senate.
- 2) At our annual meeting, we were informed that DEQ will be requiring mandatory reporting for ground water withdraw in excess of 70gpm. This can be accomplished either with an annual \$100 filing fee with DEQ, or free with MDA. In the opinion of the Water Division, water use from a flowing well is included.
- 3) The NPDES fee legislation for surface discharge appears to be a done deal. Aquaculture discharge fees under NPDES may range from \$600 to \$1000.
- 4) Sources suggest MDEQ is applying serious pressure to get similar legislation passed for groundwater discharge.
- 5) **April 15<sup>th</sup>** The Governor's Office issues an executive order to move the Cervidae program back to Dept of Natural Resources from the Michigan Dept of Agriculture. Since their program was based on the Aquaculture Act of 1996, there is concern in the Aquaculture community that the Governor and DNR may try something similar with aquaculture.
- 6) **April 27<sup>th</sup>** Rep. Casperson offered House Concurrent Resolution No. 51 to disapprove Executive Order No. 2004-3, setting forth changes in the organization of the executive branch. The legislature has 60 calendar days of a regular session to disapprove of the executive order.

A potential future concern for the industry is the regulation of fish waste disposal by DEQ. According to Gary Whelan, MDNR is presently dealing with MDEQ requirements for waste disposal, mainly issues pertaining

to use of septic haulers. MDEQ has stated that fish waste is considered a class A pathogen, which requires tight restrictions for disposal such as land application. THIS IS BOUND TO BE AN ISSUE AFFECTING THE INDUSTRY IN THE FUTURE. Don Garling, MSU will review potential GAMP's in existence for handling fish waste. Exemptions for agriculture wastes should also be reviewed.

### **Please Help**

#### **Update MAA Electronic Directory:**

Anyone with email addresses – please send Chris Weeks an email so I can develop a current electronic mailing list for positing information and discussions.

[weekschr@msu.edu](mailto:weekschr@msu.edu)

### ***June - Seafood HACCP Courses***

#### **Three day Seafood HACCP Course**

Dates: June 8-10, 2004  
St. Croix Waters Facility  
Danbury, WI  
Cost: \$90.00

#### **Segment II Seafood HACCP Course**

Date: June 10, 2004  
St. Croix Waters Facility  
Danbury, WI  
Cost: \$45.00

#### **For more information and registration, contact:**

Ronald E. Kinnunen  
Michigan Sea Grant  
Michigan State University  
710 Chippewa Square-Suite 202  
Marquette, MI 49855  
(906) 226-3687 Phone/Fax  
[kinnunen@msue.msu.edu](mailto:kinnunen@msue.msu.edu)

### ***Silver Cup Feeds***

Now available through Standish Milling Co. Contact Tom McCully at 231/377-6311 for more information.

### ***In Passing***

We were sad to hear the passing of Fred Bird (Rose City Trout Farms) on March 11, 2004. Our condolence to the Fred's family.

## ***Green River Trout Farm - Update***

FOR IMMEDIATE RELEASE, 23 APR 04  
Contact: Steve Sutton, 517-241-9049

Trout farm case settled.

Michigan Department of Natural Resources officials today announced the recent conclusion of negotiations with operators of an Antrim County trout farm.

Owners of the Green River Trout Farm in Chestonia Township agreed to a series of structural modifications to their facility that will better protect the Green River, a tributary of the Jordan River.

"We are very pleased to announce this settlement," said DNR Resource Deputy George Burgoyne. "By this agreement, the operators of this hatchery have signaled their strong commitment to ensuring the future health of the Green and Jordan rivers. The hatchery can be operated effectively in a way that does not negatively impact the environment, so everyone wins."

Owners of the Green River Trout Farm agreed to the following:

- \* Restore the 25-foot natural vegetation buffer along the Green River
- \* Fill and restore the pond closest to the Green River
- \* Remove from production and fill raceways 7 and 10
- \* Install double screens at the intake and outlet of the facility
- \* Comply with the Jordan River Natural River Plan and Rules for future development within the Natural River District
- \* Allow the DNR, working in partnership with the owners of the Green River Trout Farm and others, to remove the existing trout farm dam and restore the Green River to a more natural, free-flowing condition.

The agreement allows the Green River Trout Farm to operate in a manner that offers greater resource protection for the Green River than currently exists and creates an option for the Department of Natural Resources to improve the currently impounded section of the Green River to a more natural condition.

[WWW.MICHIGANAQUACULTURE.COM](http://WWW.MICHIGANAQUACULTURE.COM)

MichiganAquaculture.Com is now online. The web site has been developed for all interest parties in Aquaculture and help you find information that you may seek. It also subhost the Michigan Aquaculture Association website for all past, present and future information concerning MAA affairs. For more information or submittal of information and links, please contact Bob Baldwin at [rbaldwin@charter.net](mailto:rbaldwin@charter.net)

## ***Aquaculture Interest Column***

Every news letter we would like to add at least one article written by a member of MAA. This could be something about your farm, experiences, concerns you may have, a study you might have done, or just about anything you feel would be worth passing on (aquaculture related please). If you have something you would like to contribute, send a copy to either Bob Baldwin or Chris Weeks.

## ***From the Editor's Notepad***

*The opinions of this column are of mine and mine alone and doesn't necessarily reflect the policies or opinions of the Michigan Aquaculture Association. The following comments are for historical information of the Association's members.*

Time's are changing or could it be something in the wind?

Since the early days of forming the aquaculture association, I have found the simple things of life (and those items we call "common sense") are at times the most difficult items to obtain.

It seems to me, that our quest to take a responsible position in society with our aquaculture activities (along with the rest of Michigan's agriculture community) has brought along many other subject matters that are often perplexing to the common man. It seems that many individuals want to have their say with any government action - when regulatory legislation is being drafted but many of the same concerned citizens don't always do the necessary homework in understanding man's relationship with nature and the complexity of this bio-engine we call Earth.

In today's political environment, we have seen the dawning of the political environmentalism, by which those of us that can out-write and out-testify will get their political way whether the science merits the justification or have the majority support of the electorate. The danger of this philosophy is when it joins the political process, a minority can set-up the majority for a major political play. This leads to some outrageous patterns of law making and that is my concern for our society.

An example: Several years ago, private deer and elk farmers saw a opportunity to bring their industry into a division of government (MDA) that could work with them in animal husbandry, health issues, marketing and generally overall improved their agricultural enterprises. They were at the time under DNR administration but the department was responsible for the State's wildlife resources and not in the business of working with operations that had this commercial aspect (same problem that aquaculture farmers had). The DNR really didn't want these farms but the Sportsmen of the State were interested in seeing the further development of these game farms. State Rep. Mike Green from Mayville was our sponsor of the Aquaculture Act (Act 199 of 1996). Our bill was a excellent model of how an enabling act could be written, so it was used to created the **Privately Owned Cervidae**

**Producers Marketing Act** (Acts 190 of 2000). At the time, Dept. of Ag and Dept of Natural Resources had worked out their concerns and incorporate their points into the sponsored bills and with that the Legislature passed the bills with unanimous approval and Governor John Engler signed the acts on June 29<sup>th</sup>, 2000 during a signing ceremony. (Paraphrased: "At this point of time everyone was on board and happy with the legislation" - Mike Green 5/1/04)

Now, it is true that the legislature didn't end up supporting MDA over the last few years with additional appropriations to over-see the Cervidae Producers but that doesn't mean MDA didn't do anything either. Animal Industry Division had the legal oversight on these animals and could at anytime investigate any farm with health or registration problems under its authority.

The MDA to date has already done exhaustive testing of these cervidae herds for TB and coordinated with DNR in their testing of the wild herds. Now with the potential threat of Chronic Wasting Disease (CWD), does MDA lack the talent, the desire or the financing to conduct a another round of audits of the private herds as we are led to believe? *Give me a break*, the department vet's had just completed the first ever audit of all of the private animals and the farmers that operate these operations are very aware to be on the lookout for CWD, to keep it out of our State - at all cost! Plus MDA has placed ban of any cervidae importation until there is better knowledge of CWD movement within the United States. All current herds have been tagged, documented, health records established. We now know more about these farms, ranches, and establishments than ever before - more than DNR ever collected when they were in charge of the Cervids. If further funding is truly needed, then the MDA, Cervidae Industry, DNR, USDA, USFW, Michigan Sportsmen and Michigan Livestock industries need to put their heads together and find the necessary monies.

But, *I have seen this game before* - that is brewing politically - that premiss of placing the Cervidae Farms back with the DNR will again somehow cure the impending crisis. Before the break up of the DNR and splitting the environmental protection group into their own division (DEQ), there was a real problem of robbing Peter-to-pay Paul syndrome going on within the DNR. The Sportsmen of this State had created many different Trust Funds to manage and grow their monies for the sake of hunting and fishing. The funds had grown over the years to sizable amounts and the lure to raid these dedicated accounts (especially during tight budgetary times) in the name of the public for various projects could be done for the (so-called) sportsmen/public benefit was a popular departmental tactic. The game was: A project would be announced by DNR that just had to be done in order to protect the resources. The billing of the program would be passed onto the Sportsmen for payment because a limited portion of the project would be in their interest, some projects were legit and but many were a stretch of the imagination, but the sportsmen got to pay the full bill. In the political world, this is often called "The Texas' Two Step".

Now, Let's see if I understand what going on:

1. Cervidae operations are currently registered with MDA (Act 190 of 2000)

2. Health records and State (and local) Veterinarians are involved and inspecting facilities
3. All animals are tagged and registered
4. All animals have recently been viewed and tested for TB also observed for and some testing completes for CWD
5. No known cases of CWD have been found in the private or wild herds to date
6. \$800,000.00 dollars is proposed to be needed by the DNR for new audit of the Cervidae herds because of CWD concerns. MDA doesn't have it and DNR does? Where is the money coming from?
7. Why moving the cervidae back to DNR will it be better?

There is far more going on here politically with the Governor's office and the DNR. Before the sportsmen and public of this State realize it, some funny bookkeeping practices of the Sportsmen monies will begin again.

Terms limits has created a quagmire of future problems that weren't realized when the citizens of Michigan first applied it to our elected leaders. The institutional memory of the Legislature will eventually be lost as term limits progressed over each succeeding term. It will greatly enhanced bureaucratic powers and constrain elected representation at the same time. What the public had in mind was the idea of political croneism was out-of-control but in-turn created bureaucratic departments with no checks and balances. There is still hope that our Legislature can still do their job of oversight of Michigan's Natural Resources (Art IV, §52 of the 1963 Constitution) until term limits is either restructured or rescinded by the citizens of this State.

What the Michigan Legislature needs to do, is to rescind the Governor's Executive Order (2004-3) on the basis that the Governor doesn't have the authority to rewrite current Michigan laws. The Governor may change the way departments are manage but the Governor cannot rewrite the laws of the State. (The Legislature had designated the Dept of AG as the agency of oversight on the Cervidae Industry and now the Governor is attempting to designate the Dept of Natural Resource over the Cervid Industry) The Governor may request the legislature to revise a law but separation of powers limits the Governor's powers. Should the Legislature fail to challenge the Governor on this issue and allows the process to fly, then the Legislature will have failed the spirit of our State Constitution and weakening their hand of their own Constitutional Powers and further enhancing the powers the Governor's Office. This can only lead to political brinkmanship and a failure to serve the People of the State.

In conclusion: If the Executive Order stands and the Legislature fails to act, then I fear the Aquaculture Community could face a similar fate. I encourage you to get involved and understand what the heck is going on here before it is too late. This is not a time to put your head in the sand and think this is going to blow over!

Bob Baldwin

Editor