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**TO:** Members of the House Natural Resources Environment, Tourism and Outdoor Recreation Committee, Representative Pohutsky, Chair

**FROM:** Scott Everett, Legislative Director, Fraser Consulting 

**RE:** SB 441

Thank you for the opportunity to comment on SB 441 on behalf of the Michigan Fish Producers Association. Members of the MFPA are Michigan State-Licensed Commercial Fishers. MFPA is opposed to SB 441.

The 2023 Tribal Fishing Consent Decree, approved by a federal judge on August 24, 2023, is an agreement that governs Michigan Tribal fishing in 1836 Treaty Waters. It does not govern Michigan Licensed Commercial Fishers. Part 473 of NREPA (Commercial Fishing) governs Michigan Licensed Commercial Fishing.

However, there is language within the 2023 Consent Decree, requiring Michigan Licensed Commercial fishers to preform additional reporting and submit additional data . . . language that the Michigan Department of Natural Resources (MDNR) doesn't have the authority to require under the law.

Hence, this is the reason for SB 441. The MDNR now needs the legal authority to do what they have already agreed too within the approved Consent Decree.

What the new requirements will be for Michigan Licensed Commercial Fishers are a mystery because they are not listed in the bill. SB 441 gives the blanket authority to the MDNR to issue "Orders" to require anything they want anytime they want it -- from State Licensed Commercial Fishers and Fish Wholesalers.

We would appreciate the committees consideration of any of the following:

- **Don't pass SB 441 at all.** This would require the MDNR under Title 14, O, of the new Consent Decree to submit a stipulation to the Court amending Title 14, and remove the language from the Consent Decree that they didn't have the authority to agree too in the first place.
- **Amend SB 441 by striking:** ~~THE DEPARTMENT MAY ISSUE ORDERS TO SPECIFY THE INFORMATION REQUIRED IN EACH REPORT AND THE FREQUENCY AT WHICH THE REPORTS ARE SUBMITTED TO THE DEPARTMENT.~~ This would result in SB 441 requiring Michigan Commercial Fishes to report every 14 days instead of every 30 days.
- **Amend SB 441 to only** allow the MDNR Orders to apply to Michigan Licensed Commercial Fishers that fish within 1836 Treaty Waters or Licensed Wholesalers that buy fish from 1836 Treaty Waters.

Thank you for the opportunity to comment on SB 441