



OHIO DEPARTMENT OF NATURAL RESOURCES
DIVISION OF WILDLIFE

Publication 61
(R903)

AQUACULTURE LAW DIGEST

This digest provides only general information on aquaculture laws. The Ohio Administrative Code containing the details of these regulations is available for review at the Clerk of Common Pleas Court in each county. Regulations may be changed by the legislature and/or the chief of the Division of Wildlife with the approval of the Wildlife Council.

Aquaculture permits (Class A and B), Bait Dealer permits, and White Amur permits are issued annually by the Division of Wildlife through its district and Lake Erie offices and applications may be obtained from and returned to the following locations:

Wildlife District One
1500 Dublin Road
Columbus, OH 43215
(614) 644-3925

Wildlife District Two
952 Lima Avenue, Box A
Findlay, OH 45840
(419) 424-5000

Wildlife District Three
912 Portage Lakes Drive
Akron, OH 44319
(330) 644-2293

Wildlife District Four
360 E. State Street
Athens, OH 45701
(740) 589-9930

Wildlife District Five
1076 Old Springfield Pike
Xenia, OH 45385
(937) 372-9261

Sandusky Fisheries & Enforcement Units
305 E. Shoreline Drive
Sandusky, OH 44870
(419) 625-8062

Fish Transportation and Wholesale permits are issued annually by the Division of Wildlife through its Lake Erie office and applications may be obtained from and returned to the Sandusky Fisheries & Enforcement Unit.

PERMIT PROCESS

Class A Aquaculture Permit: Fill out the Class A Aquaculture Permit section of the *Aquaculture Permit*. Be sure to check which additional permits you would like to receive, and list common and scientific names of the species you are raising. List the total cost, attach check payable to ODNR Division of Wildlife, sign application, and send to your district office. You will receive your permit in the mail.

Class B Aquaculture Permit: Fill out the Class B Aquaculture Permit section of the *Aquaculture Permit*. Be sure to check which additional permits you would like to receive, and list common and scientific names of the species you are raising. List the total cost, attach check payable to ODNR Division of Wildlife, sign application, and contact closest state fish hatchery (listed below) to schedule an inspection. Hatchery superintendent will send completed application to your district office after the inspection is completed and you will receive your permit in the mail.

White Amur Dealer Permit: Fill out the White Amur Dealer Permit section of the *Aquaculture Permit*. Sign application and send to your district office. You will receive your permit in the mail.

“Aquaculture” means a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including but not limited to, for the purpose of sale for consumption as food. “Aquaculture species” means any aquatic species that may be raised through aquaculture that is either a Class A aquaculture species or a Class B aquaculture species.

The chief of the Division of Wildlife shall adopt rules for the regulation of aquaculture and may issue permits to persons wishing to engage in aquaculture for the production of aquaculture species. A permit may be issued upon application to any person who satisfies the chief that the person has suitable equipment, of which they are the owner or lessee, to engage in aquaculture for a given aquaculture species or group of aquaculture species. The permits shall be classified as either Class A or Class B. A Class A permit shall be required for all Unrestricted Species as specified in this section or designated by administrative rule as an Unrestricted Species. Class B permits shall be issued on a case-by-case basis for all Restricted Species as specified in this section or designated by administrative rule as a Restricted Species. In determining whether to issue a Class B permit, the chief shall take into account the species for which the Class B permit is requested, the location of the aquaculture production facility, and any other information determined by the chief to be necessary to protect the wildlife and natural resources of this state.

The chief may revoke a permit upon a determination that the person to whom the permit was issued has violated any rule adopted under this section.

ADMINISTRATIVE RULE

Each applicant for an aquaculture permit shall submit a completed application form provided by the Division of Wildlife which includes the name and owner of the aquaculture production facility, class of aquaculture permit requested, the common and scientific names of fish species to be produced, and the location by state, county, and street address of the aquaculture production facility.

It is unlawful for any person engaged in aquaculture to rear or propagate aquatic species in waters other than those under private control including any body of water that would allow egress of the fish into public waters or waters of the state. Commercial length limits do not apply to aquatic species produced and sold under an aquaculture permit.

(1) Class A Aquaculture permits (\$50.00 annual fee)

- (A) It is unlawful for any person possessing a Class A aquaculture permit to possess, buy, and sell any aquatic species for the purpose of aquaculture, except the following Unrestricted Species:

creek chub sucker (*Erimyzon oblongus*), creek chub (*Semotilus atromaculatus*), bluntnose minnow (*Pimephales notatus*), fathead minnow (*Pimephales promelas*), golden shiner (*Notemigonus crysoleucas*), silver shiner (*Notropis photogenis*), common shiner (*Luxilus cornutus*), emerald shiner (*Notropis atherinoides*), spottail shiner (*Notropis hudsonius*), goldfish (*Carassius auratus*), common carp (*Cyprinus carpio*),

white sucker (*Catostomus commersoni*), northern hog sucker (*Hypentelium nigricans*), golden redhorse (*Moxostoma erythrurum*), quillback (*Carpiodes cyprinus*), smallmouth buffalo (*Ictiobus bubalus*), bigmouth buffalo (*Ictiobus cyprinellus*), black buffalo (*Ictiobus niger*), highfin carpsucker (*Carpiodes velifer*), river redhorse (*Moxostoma carinatum*), black redhorse (*Moxostoma duquesnei*), spotted sucker (*Minytrema melanops*), silver redhorse (*Moxostoma anisurum*), shorthead redhorse (*Moxostoma macrolepidotum*), river carpsucker (*Carpiodes carpio*), greater redhorse (*Moxostoma valenciennesi*), largemouth bass (*Micropterus salmoides*), smallmouth bass (*Micropterus dolomieu*), spotted bass (*Micropterus punctulatus*), green sunfish (*Lepomis cyanellus*), bluegill (*Lepomis macrochirus*), rock bass (*Ambloplites rupestris*), longear sunfish (*Lepomis megalotis*), pumpkinseed (*Lepomis gibbosus*), white crappie (*Pomoxis annularis*), black crappie (*Pomoxis nigromaculatus*), orangespotted sunfish (*Lepomis humilis*), warmouth (*Lepomis gulosus*), redear sunfish (*Lepomis microlophus*), yellow perch (*Perca flavescens*), walleye (*Stizostedion vitreum*), sauger (*Stizostedion canadense*), yellow bullhead (*Ameiurus natalis*), black bullhead (*Ameiurus melas*), brown bullhead (*Ameiurus nebulosus*), channel catfish (*Ictalurus punctatus*), flathead catfish (*Pylodictis olivaris*), gizzard shad (*Dorosoma cepedianum*), muskellunge (*Esox masquinongy*), grass pickerel (*Esox americanus*), northern pike (*Esox lucius*), chain pickerel (*Esox niger*), freshwater drum (*Aplodinotus grunniens*), white bass (*Morone chrysops*), rainbow trout (*Oncorhynchus mykiss*), brown trout (*Salmo trutta*), Atlantic salmon (*Salmo salar*), coho salmon (*Oncorhynchus kisutch*), chinook salmon (*Oncorhynchus tshawytscha*), lake trout (*Salvelinus namaycush*), lake whitefish (*Coregonus clupeaformis*), brook trout (*Salvelinus fontinalis*), mooneye (*Hiodon tergisus*), rainbow smelt (*Osmerus mordax*), western mosquitofish (*Gambusia affinis*), burbot (*Lota lota*), longnose gar (*Lepisosteus osseus*), bowfin (*Amia calva*), white sturgeon (*Acipenser transmontanus*), alewife (*Alosa pseudoharengus*), tilapia (*Tilapia* sp.), white river crayfish (*Procambarus acutus*), papershell crayfish (*Orconectes immunis*), rusty crayfish (*Orconectes rusticus*), Ecuadorian white shrimp (*Litopenaeus vannamei*), freshwater shrimp (*Macrobrachium* sp., *Palaemonetes* sp.), saltwater shrimp (*Penaeus* sp.), the following snails: (*Physella gyrina*), (*Physella integra*), (*Planorbella trivolvis*), (*Helisoma anceps*), (*Ferrissia rivularis*), (*Campeloma decisum*), (*Elimia livescens*), (*Stagnicola elodes*), or hybrids of the above species with the exception of those hybrids designated as “restricted species” in section 1501:31-39-01(d)(2).

(2) Class B Aquaculture permits (\$100.00 annual fee).

- (A) It is unlawful for any persons to engage in the propagation, rearing, or sale of a Restricted Species, as described in this section, for the purpose of aquaculture without first obtaining a Class B aquaculture permit. Note that species raised outside of the watersheds of concern listed below can be cultured under a Class A permit. Example, if hybrid striped bass are cultured outside the Lake Erie drainage basin, then they can be cultured under a Class A permit.
- (B) A Class B aquaculture permit shall not be issued unless the applicant has had the facility inspected by a representative of the Division of Wildlife and the facility has been found to meet the following restrictions for each aquatic species listed on the application:

- (1) Aquatic species requiring two levels of escapement prevention if cultured in the Lake Erie drainage basin. These species include white bass x striped bass hybrid (*Morone chrysops* x *Morone saxatilis*), striped bass (*Morone saxatilis*), sauger x walleye hybrid (*Stizostedion canadense* x *Stizostedion vitreum*), blue catfish x channel catfish hybrid (*Ictalurus furcatus* x *Ictalurus punctatus*), threadfin shad (*Dorosoma petenense*), shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), paddlefish (*Polyodon spathula*), shortnose gar (*Lepisosteus platostomus*), and blue catfish (*Ictalurus furcatus*). If these species are cultured outside of the Lake Erie drainage basin, this restriction does not apply and no facility inspection is needed.
 - (2) Aquatic species requiring two levels of escapement prevention if cultured in the Ohio River drainage basin. These species include cisco or lake herring (*Coregonus artedii*). If these species are cultured outside of the Ohio River drainage basin, this restriction does not apply and no facility inspection is needed.
 - (3) Aquatic species permitted for culture on a case-by-case basis, by individual watershed. These species include northern pike x muskellunge hybrid (*Esox lucius* x *Esox masquinongy*), white catfish (*Ictalurus catus*).
 - (4) Aquatic species requiring two levels of escapement prevention if cultured outside of naturally occurring watershed. These species include red swamp crayfish (*Procambarus clarkii*), allegheny crayfish (*Orconectes obscurus*), sanborn's crayfish (*Orconectes sanbornii*), northern clearwater crayfish (*Orconectes propinquus*), virile crayfish (*Orconectes virilis*), spiny stream crayfish (*Orconectes spinosus*), rock crawfish (*Cambarus carinirostris*), ortmann's mudbug (*Cambarus ortmanni*), scioto river crayfish (*Cambarus sciotensis*), ohio crawfish (*Cambarus* sp.), big river crayfish (*Cambarus robustus*), great plains mudbug (*Cambarus* sp.), paintedhand mudbug (*Cambarus* sp.), digger crayfish (*Fallicambarus fodiens*), sloan's crayfish (*Orconectes sloanii*), trapdoor snail (*Viviparus malleatus*), melantho snail (*Lymnaea* sp.). If these species are cultured within their naturally occurring watershed, this restriction does not apply and no facility inspection is needed.
- (C) In addition to restrictions listed in paragraphs (B)(1), (B)(2), (B)(3), and (B)(4) above, Restricted Species listed as threatened or endangered require a threatened and endangered species culture endorsement from the chief of the Division of Wildlife. Restricted species listed as threatened or endangered include shovelnose sturgeon (*Scaphirhynchus platyrhynchus*), paddlefish (*Polyodon spathula*), shortnose gar (*Lepisosteus platostomus*), blue catfish (*Ictalurus furcatus*), cisco or lake herring (*Coregonus artedii*), and sloan's crayfish (*Orconectes sloanii*).

Class B aquaculture permit applicants must schedule an appointment for an aquaculture facility inspection by contacting, or mailing application to the nearest ODNR Division of Wildlife state fish hatchery. Their locations are as follows:

Castalia State Fish Hatchery

7018 Homegardner Road
Castalia, OH 44824
Erie County
(419) 684-7499

Hebron State Fish Hatchery

10517 Canal Road, SE
Hebron, OH 43025
Licking County
(740) 928-8092

Kincaid State Fish Hatchery

7487 SR 124
Latham, OH 45646
Pike County
(740) 493-2717

London State Fish Hatchery

2470 Roberts Mill Road, SW
London, OH 43140
Madison County
(740) 852-1412

Senecaville State Fish Hatchery

57199 Seneca Dam Road
Senecaville, OH 43780
Guernsey County
(740) 685-5541

St. Marys State Fish Hatchery

01735 Feeder Road
St. Marys, OH 45885
Auglaize County
(419) 394-5170

UNCLASSIFIED SPECIES

It is unlawful for any person to possess, buy, or sell an Unclassified Species, as described in this section; for the purpose of aquaculture without first making a written request to the chief of the division of wildlife. The chief may, upon written request from an individual, choose to classify an Unclassified Species as an Unrestricted Species or Restricted Species. Unclassified Species include, but is not limited to, the following:

striped shiner (*Luxilus chrysocephalus*), blacknose dace (*Rhinichthys atratulus*), silverjaw minnow (*Notropis buccatus*), spotfin shiner (*Cyprinella spiloptera*), central stoneroller (*Campostoma anomalum*), sand shiner (*Notropis stramineus*), southern redbelly dace (*Phoxinus erythrogaster*), rosefin shiner (*Lythrurus ardens*), redbfin shiner (*Lythrurus umbratilis*), suckermouth minnow (*Phenacobius mirabilis*), rosyface shiner (*Notropis rubellus*), river chub (*Nocomis micropogon*), mimic shiner (*Notropis volucellus*), redbelly dace (*Clinostomus elongatus*), hornyhead chub (*Nocomis biguttatus*), steelcolor shiner (*Cyprinella whipplei*), bigeye chub (*Notropis amblops*), bullhead minnow (*Pimephales vigilax*), gravel chub (*Erimystax x-punctatus*), silver chub (*Macrhybopsis storeriana*), ghost shiner (*Notropis buchanani*), streamline chub (*Erimystax dissimilis*), tonguetied minnow (*Exoglossum laurae*), river shiner (*Notropis blennioides*), longnose dace (*Rhinichthys cataractae*), channel shiner (*Notropis wickliffi*), rosyside dace (*Clinostomus funduloides*), bigeye shiner (*Notropis boops*), bigmouth shiner (*Notropis dorsalis*), popeye shiner (*Notropis ariommus*), speckled chub (*Macrhybopsis aestivalis*), blacknose shiner (*Notropis heterolepis*), mississippi silvery minnow (*Hybognathus nuchalis*), pugnose minnow (*Opsopoeodus emiliae*), blackchin shiner (*Notropis heterodon*), lake chubsucker (*Erimyzon sucetta*), blue sucker (*Cycleptus elongatus*), longnose sucker (*Catostomus catostomus*), johnny darter (*Etheostoma nigrum*), fantail darter (*Etheostoma flabellare*), rainbow darter (*Etheostoma caeruleum*), greenside darter (*Etheostoma blennioides*), blackside darter (*Percina maculata*), logperch (*Percina caprodes*), orangethroat darter (*Etheostoma spectabile*), banded darter (*Etheostoma zonale*), variegated

darer (*Etheostoma variatum*), dusky darer (*Percina sciera*), slenderhead darer (*Percina phoxocephala*), eastern sand darer (*Ammocrypta pellucida*), least darer (*Etheostoma microperca*), iowa darer (*Etheostoma exile*), bluebreast darer (*Etheostoma camurum*), river darer (*Percina shumardi*), tippecanoe darer (*Etheostoma tippecanoe*), channel darer (*Percina copelandi*), spotted darer (*Etheostoma maculatum*), stonecat (*Noturus flavus*), brindled madtom (*Noturus miurus*), tadpole madtom (*Noturus gyrinus*), mountain madtom (*Noturus eleutherus*), northern madtom (*Noturus stigmosus*), scioto madtom (*Noturus trautmani*), skipjack herring (*Alosa chrysochloris*), mottled sculpin (*Cottus bairdi*), spoonhead sculpin (*Cottus ricei*), blackstripe topminnow (*Fundulus notatus*), western banded killifish (*Fundulus diaphanus menona*), central mudminnow (*Umbra limi*), brook silverside (*Labidesthes sicculus*), trout-perch (*Percopsis omiscomaycus*), least brook lamprey (*Lampetra aepyptera*), american brook lamprey (*Lampetra appendix*), silver lamprey (*Ichthyomyzon unicupis*), mountain brook lamprey (*Ichthyomyzon greeleyi*), northern brook lamprey (*Ichthyomyzon fossor*), ohio lamprey (*Ichthyomyzon bdellium*), brook stickleback (*Culaea inconstans*), goldeye (*Hiodon alosoides*), pirate perch (*Aphredoderus sayanus*).

SPECIES SPECIFICALLY PROHIBITED

As stated in Section 1501:31-19-01(A), It shall be unlawful for any person to possess, import or sell live individuals of the following species: walking catfish (*Clarias batrachus*), diploid white amur or diploid grass carp (*Ctenopharygodon idella*), silver carp—white bream (*Hypophthalmichthys molitrix*), black amur—black carp (*Mylopharyngodon piceus*), bighead carp—bighead—bighead amur (*Aristichthys nobilis*), ruffe (*Gymnocephalus cernuus*), round goby (*Neogobius melanostomus*), tubenose goby (*Proterorhynchus marmoratus*), snakeheads (*Channa spp.* and *Parachanna spp.*), white perch (*Morone Americana*), three spine stickleback (*Culaeaa aculeatus*), sea lamprey (*Petromyzon marinus*), eastern banded killifish (*Fundulus diaphanus diaphanus*), or hybrid of such species at any time. Such fish may be used only for research, by zoos, public aquariums and public displays after permission from the wildlife chief is obtained.

RECORD KEEPING

It shall be unlawful for any person possessing an aquaculture permit to sell an aquaculture species under authority of section 1533.632 of the Revised Code unless they make and keep a record of each sale on a form provided by the Division of Wildlife, listing the date of the sale, species sold, number sold, number of pounds sold, and the name and address of the person to whom they were sold. These records shall be available for inspection by any Division of Wildlife employee during reasonable hours. The sale of any aquaculture species, by any person possessing an aquaculture permit, in quantities of fifty pounds or less is exempt from the record keeping requirements of this permit.

ADDITIONAL PERMITS

Section 1533.632 of the Ohio Revised Code (ORC) provides that a holder of an aquaculture permit may receive the following permits without payment of the fee: 1533.40 and 1533.57 (**Bait Dealer's Permit**) and 1533.301 (**Fish Transportation Permit**).

BAIT DEALER PERMIT (ORC 1533.40 and 1533.57 - \$40.00 annual fee)

Division of Wildlife Publication 330 describes the provisions dealing with bait collecting and selling in Chapter 1533 of the Ohio Revised Code and Division of Wildlife regulations. Publication 330 should accompany the aquaculture permit application.

FISH TRANSPORTATION PERMIT (ORC 1533.301 - \$65.00 annual fee)

All persons transporting or causing to be transported 500 pounds or more, in one truckload, of freshwater fish, except minnows or parts thereof, into or out of Ohio to another person who resells them must obtain an annual fish transportation permit (See Division of Wildlife Publication 2).

The requirements of the law as described under the authority of section 1533.301 of the Revised Code apply to the transportation of aquaculture species. It shall be unlawful to transport an aquaculture species for which a transportation permit is required unless each box, package, or other receptacle bears a label showing the total weight in pounds, the common and scientific name of the aquaculture species as it appears on the aquaculture permit, the name of the consignor and consignee, the initial point of billing, the destination, and a statement that the contents are a product of aquaculture.

Transportation permit holders involved in transporting commercial fish should be familiar with Division of Wildlife regulations regarding commercial fish (see Publication 2). The vehicle transporting fish for which a transportation permit is required must have the word "Fish" in the English language at least eight inches high on each side of the vehicle body and it must remain legible at all times.

Live-fish haulers may, in lieu of a label on each compartment, carry in the vehicle a written statement containing the same information required on the label, identifying the contents of each compartment. Drivers of vehicles transporting fish must stop and allow inspection of the fish by any state wildlife officer or other officer having similar authority. No person may buy, sell, offer for sale, or possess a fish caught or taken unlawfully outside or inside Ohio. All fish brought into Ohio from another state or country are subject to the laws of Ohio.

WHOLESALE PERMIT (ORC 1533.631 - \$65.00 annual fee)

All persons handling freshwater fish at wholesale on premises in Ohio must obtain an annual wholesale fish permit.

WHITE AMUR DEALER PERMIT (ORC 1533.31 – no annual fee)

It shall be unlawful for any person to import or sell triploid white amur within this state without first applying for and receiving written authorization from the Chief, Division of Wildlife. It shall be unlawful to import or sell triploid white amur except in accordance with the specifications and limitations, as prescribed in the written authorization from the Chief. All rules and regulations in the Ohio Revised Code and Ohio Administrative Code for possession, transportation, sale, or purchase of fish shall apply to this rule. Records as required by the

Chief of the Division of Wildlife, shall be maintained and open to inspection at all reasonable hours by wildlife officers or any designee of the Chief. Provided further, such officers may enter and inspect designated premises and any box, package, or receptacle and the contents for the purpose of determining whether any provisions of Chapter 1531. or 1533. of the Revised Code or Division Order is being violated.

Persons authorized by the Chief, to import or sell triploid white amur shall import and/or sell only triploid white amur that are certified triploid by the U.S. Fish and Wildlife Service or other person or agency approved by the Chief, and shall retain for a period of not less than three years all records of sales of triploid white amur.

Persons authorized by the Chief to import or sell triploid white amur shall annually report in writing to the Chief of the Division of Wildlife, the total number of triploid white amur sold and the total number purchased during each month of the year for which authorization to import or sell triploid white amur has been given. Such report shall be due in the office of the Chief of the Division of Wildlife no later than January thirty-first of the year following the year being reported.

Persons authorized by the Chief to import or sell triploid white amur shall notify the Chief of the Division of Wildlife in writing of each sale of triploid white amur in excess of one hundred fish. Such notification shall identify the name and address of the purchaser, the date of the sale, and the number of triploid white amur sold. It shall be due in the office of the Chief within fifteen days of the sale.

OTHER RESTRICTIONS

No person shall knowingly sell any aquatic species under an aquaculture permit issued under this section that was not raised in an aquaculture production facility. In addition to any other penalties prescribed for violation of this provision, the chief may revoke the permit of any person convicted of a violation of this provision for any period of time he considers necessary. No person not holding a current, valid aquaculture permit shall knowingly sell an aquaculture species while claiming to possess an aquaculture permit.