

Aquaculture and Related Permits through the Ohio Department of Natural Resources Division of  
Wildlife

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Notice: Laws may be amended, and you should always refer to the OAC and ORC for the most up-to-date information.

The laws regarding production, transporting, and selling of aquatic animals can be confusing as there are several permits that may be required, and there are often specified exemptions or exceptions to the law. Ohio Division of Wildlife maintains a significant number of publications that are useful to help understand how the law is interpreted in plain language. Some of the publications are discussed, and the information provided below is to allow for a “one stop shop” on ODNR permitting, with links to the laws where appropriate. Please note that at the time of this publication the ODNR website is mostly unavailable as they are working to upgrade and enhance their website and as such links to specific ODW aquaculture, bait dealer, and fish transportation publications will not be available. The best way to get information on aquaculture and related permits is by going to [www.ohiodnr.gov](http://www.ohiodnr.gov) and then entering “specialty permits” in the search bar.

Laws governing aquaculture may be found in either the Ohio Administrative Code (OAC) or Ohio Revised Code (ORC). Statutes governing aquaculture are found in the ORC, whereas the OAC houses the rules and regulations of the Ohio Department of Natural Resources. In the ORC [1.61](#), aquaculture falls within the definition of “agriculture,” meaning that aquaculture is affected by statutes and rules that apply to “agriculture.” The primary State governmental agency that oversees Ohio aquaculture, bait dealers, and those who transport fish in Ohio is the ODNR; specifically, the Division of Wildlife (ODW). Many other local, State and Federal agencies regulate these groups and include, but are not limited to, the Ohio Department of Agriculture, U.S. Fish and Wildlife Service, U.S. and Ohio Environmental Protection Agency, U.S. Army Corp of Engineers, Food and Drug Administration, and various local entities (e.g. a County Health Department). In addition to following ODW laws when importing aquatic animals into the State of Ohio, a Fish Health certificate from the Ohio Department of Agriculture is also required (OAC [901:1-17-13](#) and OAC [901:1-17-14](#)). Laws and interpretations discussed in the remainder of this article pertains only to ODNR.

### **Aquaculture Permit**

ORC [1533.632](#) (1) defines “aquaculture” as “a form of agriculture that involves the propagation and rearing of aquatic species in controlled environments under private control, including, but not limit to, for the purpose of sale for consumption of food.” Paragraph (A) of OAC [1501:31-39-01](#) states “It shall be unlawful for a person to engage in aquaculture without first making application for and receiving an aquaculture permit issued by the chief of the division of wildlife

or their designee.” An aquaculturist will need to acquire either an aquaculture Class A or a Class B permit, depending on the species cultured, from the Ohio Division of Wildlife as specified in OAC [1501:31-39-01](#). This permit expires at December 31<sup>st</sup> of that year unless the permit is issued after November 13<sup>th</sup> (OAC [1501:31-39-01 \(A\)\(3\)](#)), then it will be valid until the end of the following calendar year.

Paragraph (3) of (OAC [1501:31-39-01 \(A\)\(3\)](#)) defines an aquaculture Class A species as “includes any species designated as such by the chief of the division of wildlife in rules adopted under division (B) of this section.” An aquaculture Class A species is generally native, endemic, or naturalized and there is minimal to no risk to Ohio’s waterways. Ohio Administrative Code [1501:31-39-01](#) stipulates the yearly fee for an aquaculture Class A permit is \$50.

Paragraph (4) of (OAC [1501:31-39-01 \(A\)\(3\)](#)) defines an aquaculture Class B species as “includes any species, except for class A aquaculture species, designated as such by the chief in rules adopted under division (B) of this section”. Culturing an aquaculture Class B species requires a minimum of two levels of escapement prevention and facilities must be inspected and approved by a representative of the Division of Wildlife. Aquaculture Class B permits are approved on a case-by-case basis. An aquaculture Class B permit is currently \$100. The chief of ODW has the right to adjust an aquaculture Class B permit between \$100 and \$500. The permit application is designated as Ohio Division of Wildlife Publication 9131.

If you are an aquaculture propagator who deals in aquatic animal stocking and would like to be placed on the Fish Propagators List (ODW Publication 5196), you must notify ODW when submitting your annual permit by checking an approval box. Your permit must be submitted by May 1<sup>st</sup> to be included in the publication. Publication 5196 assists small lake and impoundment owners by providing them a list of propagators they can reach out to for their fish stocking needs. It includes the farm by county, the business name, physical address, city, state, zip code, phone number, and whether or not they sell recommended species. Only ODW recommended species for pond stocking are included in this publication.

The Aquaculture Law Digest (ODW Publication 5061) also describes the locations where permits may be obtained from and submitted. Renewed aquaculture, bait dealer, and transport permits can now also be done entirely online. The publication describes the list of aquaculture Class A species and restrictions, which is based on OAC [1501:31-1-02 \(S\)\(1-5\)](#). Aquaculture Class B species and restrictions are described in the publication, which is based on OAC [1501:31-1-02 \(T\)\(1-5\)](#). All aquaculture permit holders must make and keep a record of **all** sales on a form, and example of which is provided by the Ohio Division of Wildlife, for a minimum of two years, except as specified below that White Amur records must be maintained for three years. Specific required record keeping information can also be found in [1501:31-39-01 \(C\)\(1\)\(A-D\)](#) of the OAC.

### **White Amur Dealer Permit**

White Amur Dealer permits discussed in the Aquaculture Law Digest are regulated by ODNR through OAC [1501:31-19-01 \(G\)\(H\)](#) which states they may be imported or sold in Ohio if they are certified triploid by the U.S. Fish and Wildlife Service, or other person or agency if approved by the chief of the Division of Wildlife. There is no fee for this permit. White Amur permit

holders must retain records of sales for a minimum of three years ([1501:31-19-01 \(G\)](#)). The total number of triploid White Amur sold, and the total number purchased during each month of the year must be reported to the office of the Chief no later than January 31<sup>st</sup> on the year following for which is being reported ([1501:31-19-01 \(H\)](#)). If a sale of White Amur animals exceeds 100 animals, the seller must notify the chief of the Division of Wildlife in writing within 15 days of the sale ([1501:31-19-01 \(I\)](#)).

### **Fish Wholesale Permit**

The Commercial Fish Wholesale Permit is required under ORC [1533.631](#) (discussing handling wholesale fish) and ORC [2921.13](#) (discussing consequences for falsifying statements) for anyone selling wholesale fish. This permit is referred to as DNR 8983. The annual cost of the permit is \$65 and expires December 31<sup>st</sup>. Wholesale fish dealers are defined as a person or group selling fish to a person or group who will resell them.

### **Fish Transportation Permit**

ORC [1533.301](#) requires all persons who transport at least 500 pounds of freshwater fish in one truck load to obtain a Fish Transportation Permit (ODNR Publication 8983 and Publication 5002), which is \$65 annually, unless obtained as part of an aquaculture Class A or Class B permit. This permit expires on December 31<sup>st</sup>. It is advantageous for a transporter to have a Fish Transportation Permit for hauling **any** amount of fish as [1533.301](#) allows for a written statement to be kept inside the vehicle as opposed to ORC [1533.30](#) requiring each package or receptacle to be labeled in detail. A transporter may haul more or less than 500 pounds of fish under the authority of a Fish Transportation Permit while having a correctly marked truck and carrying the written statement as described in the law. If a transporter never hauls more than 500 pounds of freshwater fish, they may transport their product under ORC [1533.30](#) without a Fish Transportation Permit, but each compartment would require a label with the name of the consignor and consignee, the initial point of billing, and the destination. ORC [1533.301](#) states that those who transport, either interstate or intrastate, non-boxed or non-packaged fish must label each side of the vehicle body “fish” in the English language at least eight inches tall and clear, conspicuous, and legible at all times. A bill of lading is required inside the vehicle which specifies: total weight in pounds, the species of the fish, the name of the consignor and consignee, the initial point of billing, and the destination. There are no more specifics (outside of what is/may be required by the Ohio Department of Transportation) required on the outside of the vehicle.

Exceptions to who is required to have the Fish Transport Permit are discussed in ORC [1533.301](#). A few exemptions follow. ORC [1533.301\(A\)](#) states that fish transported from a point outside of the State of Ohio with a destination outside of the State are not required to have this permit (i.e. a hauler who is just passing through and does not unload fish in Ohio). ORC [1533.301\(B\)](#) states that fish transported under the License to Use Boat, Net, or Other Device for Fishing in OAC [1533.34](#) (Commercial Fishing Operators) are exempt from ORC [1533.301](#). ORC [1533.301\(E\)](#) provides an exemption to haulers of minnows who also hold a Bait Dealer Permit under ORC [1533.40](#).

### **Bait Dealer Permit**

ODW Publication 5330 describes Bait Dealer Permits. The Bait Dealer Permit is \$40 annually unless obtained as part of an aquaculture Class A or Class B permit and expires on December 31<sup>st</sup>. It is recommended that each bait dealer thoroughly review [1501:31-13-04](#) of the OAC and [1533.40](#) of the ORC for clarifications on specific circumstances as there are numerous rules and exceptions/exemptions based on activity, location, and species.

For example, paragraph (3)(A) in [1501:31-13-04](#) of the OAC states, “It shall be unlawful: For a person permitted under 1533.40 of the Revised Code to possess minnows, fish listed in paragraphs (A)(2) and (A)(3)(e) of this rule, crayfish and hellgrammites at any place, except at the address listed on that person’s application for a permit, without having each receptacle containing minnows, fish, crayfish, and hellgrammites marked with that person’s name, address and permit number in letters and numerals at least one-half inch high in the English language.”

As mentioned in the Aquaculture Permit section, bait minnows that are listed as an aquaculture Class A species may be sold under the producer’s Aquaculture Permit and a Bait Dealer Permit is not required if fish are transported under the producer’s Fish Transportation Permit (ORC [1533.301](#)). Bait Dealer Permits are required when a person wants to collect bait from the wild to sell and/or when the amounts the person collects and possesses is more than the specified amounts in OAC [1501:31-13-04\(A\)\(3\)\(c\)](#) which is “...more than one hundred crayfish or five hundred in the aggregate of the wild animals specified in paragraph (A)(2) of this rule, excepting therefrom, smelt, hellgrammites, other larval aquatic insects, and canned or preserved minnows, except as provided for in [1533.57](#) of the ORC.” ORC [1533.57](#) discusses minnows being taken from the wild only for the use of bait with specified restrictions. ORC [1533.632\(C\)](#) states that it is not legal to sell any aquatic species under an aquaculture permit that was not raised in an aquaculture production facility.

Under a Bait Dealer Permit, it is legal to sell or offer for sale several *Lepomis* spp. (e.g. bluegill sunfish [*Lepomis macrochirus*]) as well as *Ameiurus* spp. (e.g. yellow bullhead [*Ameiurus natalis*]) according to OAC [1501:31-13-04 \(A\)\(3\)\(e\)](#) if fish have been legally acquired by someone holding a Bait Dealer Permit, Aquaculture Permit, or legally acquired from out of the state. It is required that a receipt be given to the purchaser which includes, the date and time of sale, the number of fish by species, the name and address of the seller. A seller permitted under ORC 1533.40 (Bait Dealer Permit), is required to retain a copy of the receipts including the information listed above for at least two years.

OAC [1501:31-13-03 \(E\)\(1-4\) and \(F\)](#) states that accurate daily records of all (other) minnows, fish, crayfish, hellgrammites and other larval aquatic insects transactions are required to be retained for at least two years for those with either a Bait Dealer Permit (ORC [1533.40](#)) or Aquaculture Permit (ORC [1533.632](#)). Records for each transaction to be maintained include, (1) the type of animals bought or sold, (2) the amount of animals in gallons, numbers or pounds, (3) the date of sale or purchase, and (4) the name and address of the buyer and seller. This law (OAC [1501:31-13-03 \(E\)\(1-4\) and \(F\)](#)) indicates that bait dealers are required to have records of transactions with other bait dealers and aquaculture permit holders for two years.

Producers who sell small quantities of certain legal bait to anglers (e.g. in an over-the-counter bait shop scenario) may desire to have and sell under a Bait Dealer Permit instead of an

Aquaculture Permit as small transaction records are not required. However, some bait, such as sunfish spp. and bullhead spp., require record keeping regardless of the transaction size as they cannot be collected from the wild and sold (OAC 1501:31-13-04(A)(3)(e)).

**Permit Fees Table**

	<b>Annually</b>
Aquaculture Class A or Class B	\$50 Class A & \$100 Class B
White Amur	No fee
Fish Wholesale	\$65
Fish Transportation	No fee* or \$65
Bait Dealer	No fee* or \$40

**\*If purchased at the same time an Aquaculture Permit is purchased.**

**Summary**

Statutes governing aquaculture are found in the ORC, whereas the OAC houses the rules and regulations of the ODNR. The ODNR is authorized to enforce laws pertaining to aquaculture in the State of Ohio. Other entities, such as the Ohio Department of Agriculture and U.S./Ohio Environmental Protection Agency, are also authorized to enforce laws pertaining to aquaculture. The Ohio Division of Wildlife studies and manages fish and wildlife populations and enforces hunting and fishing laws. Laws may be amended, and you should always refer to the OAC and ORC for the most up-to-date information. Some permits discussed may be free if purchased at the same time an Aquaculture Permit is purchased. Bait Dealer Permits are required of people dealing in bait taken from the wild in Ohio. This permit is also required to sell small quantities of bait to anglers in a bait shop scenario. If neither of those apply to your operation, operating under the combined authority of an Aquaculture Permit and Fish Transportation Permit is likely the most advantageous permit combination.

This publication is for educational purposes only and does not purport to provide legal advice. Readers should consult with the Ohio Department of Natural Resources Division of Wildlife for questions and clarifications.

If you received this in print form and would like an electronic copy, which allows you to click the URLs provided here, contact the author Matthew Smith at [smith.11460@osu.edu](mailto:smith.11460@osu.edu).

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