



Current Report

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Permits and Regulations Affecting Oklahoma Fish Producers

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Before a major investment is made in fish farming, it is essential that the necessary permits be obtained. To begin fish farming without permits in hand puts your investment at risk. Other regulations govern the way fish farms can be operated. This publication is designed to make prospective fish farmers aware of these permits and regulations, in order to prevent unpleasant surprises. For complete regulatory information, contact the agencies listed. For educational information on any aspect of fish farming, contact your county office of the Oklahoma Cooperative Extension Service.

Water Rights

Required by anyone using surface or ground water for any purpose except household use.

Contact:

Oklahoma Water Resources Board
Water Management Division
600 N. Harvey
Oklahoma City, OK 73102
(405) 231-2531

Cost:	0-320	acre feet	\$125
	321-600	acre feet	\$200
	601-1500	acre feet	\$250
	over 1500	acre feet	\$250 + \$100/500 acre feet

As water becomes more valuable than ever, fish farmers must protect themselves by obtaining water rights and keeping them updated. All water is the property of the state. Information on ground water rights is contained in OSU Extension Fact Sheet F-1508, "Taking and Use of Groundwater for Irrigation." Surface water rights are discussed in OSU Extension Fact Sheet F-1507, "Irrigation Stream Water Rights." Both publications are available from your county Extension office.

Water Discharge Permits

Required by any fish farm that discharges water at anytime including pond draining, storm overflow etc.

Contact:

Oklahoma Department of Environmental Quality
Water Quality Division
1000 N.E. 10th Street
Oklahoma City, OK 73152
(405) 271-5205

Cost: \$100 application fee
\$50 annual fee per site per year

Fish farming in earthen ponds falls under general permit GP-89-003. Regulations have not yet been developed for flow-through raceway or cage culture operations. Most new, earthen pond fish farmers should plan to either use discharged water to irrigate land or construct a settling basin for discharged water. It is probably wise to leave the lowest elevation land on a site undeveloped in the event that settling basins become required at some future date. If these methods are not practical, then other ways must be used to reduce the amount of solids in discharge water. This includes such steps as not draining the bottom 20 percent of water from ponds. Discharged solids from pond bottoms can make streams unfit for fish and other aquatic life by reducing oxygen levels and smothering fish eggs.

State law prohibits **any** discharge into certain waters. These include parts of the Blue River, Little River, certain small mouth bass streams, and certain municipal water supply reservoirs.

A federal NPDES permit is required for farms producing more than 100,000 pounds of warm water fish (catfish, bass, tilapia, etc.) or 20,000 pounds of coldwater fish (trout, etc.) per year. DEQ can assist you in obtaining the proper forms.

Aquaculture Permits

Required for anyone raising fish or other aquatic animals for sale.

Contact:

Administrative Assistant/Fish Division
Oklahoma Department of Wildlife Conservation
1801 N. Lincoln
P.O. Box 53465
Oklahoma City, OK 73152
(405) 521-3721

Cost: \$10 per year

A legal description of your fish farm site (township, range etc.) is needed to complete the application form. Visits or inspections by your game warden may occur at any time. Receipts must be issued for all fish sold and records kept for five years. Trucks used for live-hauling must carry an aquatic culture sticker on each door. Aquaculture permits help ODWC prevent poachers from using fish farms as fronts for marketing fish and prevent undesirable exotic fishes from becoming established in Oklahoma waters.

Interstate Transport of Fish: Export/Import Permit

Cost: \$5 year

Required for anyone transporting wildlife, including aquatic species, into or out of Oklahoma.

Contact:

Oklahoma Department of Wildlife Conservation
1801 N. Lincoln
P.O. Box 53465
Oklahoma City, OK 73152
(405) 521-3721

Some states prohibit or restrict the importation of certain fish species, such as tilapia, grass carp and even catfish. If you plan to transport fish between states and are uncertain of state laws, contact the Oklahoma Department of Wildlife Conservation and its counterpart in the other state.

Under federal legislation, known as the Lacey Act, it is a felony to transport fish or wildlife from state to state if it was illegally obtained or produced. A Georgia fish farmer who refused to obtain a Georgia aquaculture permit was brought to trial several years ago when he shipped fish between states.

Fee Fishing

Contact:

Administrative Assistant/Fish Division
Oklahoma Department of Wildlife Conservation
1801 N. Lincoln
P.O. Box 53465
Oklahoma City, OK 73152
(405) 521-3721

There are two types of operations in which customers pay to fish. In **fish-out ponds**, customers are sold the fish they catch at a set price per pound. In **lease ponds**, customers pay a flat rental fee for the right to fish. Further information on the regulations affecting fee fishing can be obtained from the Oklahoma Department of Wildlife Conservation.

Fish-out Ponds

- Operation must have an aquaculture permit.
- Only fish that you have purchased or raised yourself under an aquaculture permit can be used. Wild or state-stocked fish that were already in an existing pond cannot be sold, even if that pond was on private land.
- All fishermen must have a fishing license, unless exempt (see fishing regulations).
- Catch limits do not apply.
- Operator must have receipts that prove the origin of all fish sold.
- Operator must issue receipts to all customers and retain a copy. This protects customers in the event they are stopped by a game ranger and have more fish than the catch limit allows.
- If tilapia are used, the approval of the director of the ODWC is required on the aquaculture permit. In addition, tilapia cannot be sold as bait.

Lease Ponds

- Fees can be charged for the right to fish for wild or state stocked fish, but no fees can be charged for individual fish caught.
- All fishermen must have a license, unless exempt (see fishing regulations).
- Catch limits apply.
- An aquaculture permit is not required.

Dam Inspection

Required by anyone owning an impoundment which would affect one or more lives downstream if a dam failure occurred.

Contact:

Oklahoma Water Resources Board
Flood Plain Management Department
600 N. Harvey
Oklahoma City, OK 73102
(405) 231-2500

Cost: \$250 if OWRB does inspection, otherwise you may hire your own engineer.

High-hazard dams must be inspected yearly, significant-hazard dams every three years. Trees and brush should not be allowed to grow on dams. Once a tree dies, the roots decay leaving a passageway for water to begin flowing.

Fish Processing Permits

Required by anyone cleaning fish for sale

Contact:

Consumer Protection Division
Oklahoma Department of Health
1000 N.E. 10th Street
Oklahoma City, OK 73117-1299
(405) 271-5243

Cost: \$100 for initial license
\$50 yearly renewal fee

Fish processing operations are covered under the regulations listed in **Good Manufacturing Practice Regulations**. Contact the Department of Health for a copy of this booklet before constructing a facility. Floor drains, hand washing facilities, toilets, washable surfaces, and covered offal containers are among the requirements.

Proper Use of Chemicals and Veterinary Drugs

Only drugs, biologics and pesticides that have been specifically approved for aquaculture should be used. Serious penalties can result from use of unapproved substances, but perhaps a more important concern is the potential for bad publicity for an entire industry. Consumers expect farm-raised fish to be healthy and wholesome food. Bait and other non-food fish are also restricted to certain substances. The list of approved substances and usage guidelines is subject to change: contact the author for current information.

Control of Predatory Birds and Other Animal Pests

Contact:

USDA - Animal Damage Control
2800 N. Lincoln Blvd.
Oklahoma City, OK 73105
(405) 521-4040 or 4039

The animal damage control office offers advice and sometimes direct assistance in controlling fish-eating birds, beaver and other damaging wildlife. It **does not** enforce wildlife protection laws. Special permits to kill a limited number of animals as part of a harassment program can be obtained in some cases. An application fee of \$25 is required.

Almost all birds and wildlife are protected by state and federal law. Stiff fines and jail sentences have been imposed on fish farmers who killed fish-eating birds without proper permission. The claim that farm-raised fish were being protected has not held up well in court.

Swampbuster Legislation

Under federal law, anyone who destroys wetland areas by draining, pond construction or other means loses the right to all federal crop subsidies and cost sharing. Wetlands are areas where the water table is usually at or near the surface or the land is covered by shallow water. Your county Agricultural Soil Conservation Service office is charged with enforcing this legislation and can tell you if an area is or is not considered a wetland.

Wetlands are protected by this legislation because they are rapidly disappearing. They provide food and shelter for ducks and other waterfowl, prevent downstream flooding by serving as sumps and groundwater recharge areas, and purify nutrient-rich runoff from agricultural lands.

Sales Tax Permit

Required by anyone selling fish for consumption or recreational fishing

Contact:

Oklahoma Tax Commission
M.C. Connors Building
2501 N. Lincoln Blvd.
Oklahoma City, OK 73194
(405) 521-3279

Cost: \$20 (renewable every three years)

The Oklahoma Tax Commission advises that good records are needed so that sellers can prove which sales were tax exempt. At the time of each sale you should record the buyers tax exempt number and obtain their signature to verify that fish will either be resold or used for Agricultural production purposes, such as brood stock or grass carp to control vegetation.

An easy way to collect and keep this information is to rubber stamp your sales receipts as follows and have your tax exempt customers fill in the blanks:

Buyer's Name _____
Buyer's OK Tax Exempt # _____
I certify that I am in the business of raising fish for marketing and that this purchase will be used for that purpose:
Signed _____

The Oklahoma Cooperative Extension Service Bringing the University to You!

The Cooperative Extension Service is the largest, most successful informal educational organization in the world. It is a nationwide system funded and guided by a partnership of federal, state, and local governments that delivers information to help people help themselves through the land-grant university system.

Extension carries out programs in the broad categories of agriculture, natural resources and environment; family and consumer sciences; 4-H and other youth; and community resource development. Extension staff members live and work among the people they serve to help stimulate and educate Americans to plan ahead and cope with their problems.

Some characteristics of the Cooperative Extension system are:

- The federal, state, and local governments cooperatively share in its financial support and program direction.
- It is administered by the land-grant university as designated by the state legislature through an Extension director.
- Extension programs are nonpolitical, objective, and research-based information.
- It provides practical, problem-oriented education for people of all ages. It is designated to take the knowledge of the university to those persons who do not or cannot participate in the formal classroom instruction of the university.
- It utilizes research from university, government, and other sources to help people make their own decisions.
- More than a million volunteers help multiply the impact of the Extension professional staff.
- It dispenses no funds to the public.
- It is not a regulatory agency, but it does inform people of regulations and of their options in meeting them.
- Local programs are developed and carried out in full recognition of national problems and goals.
- The Extension staff educates people through personal contacts, meetings, demonstrations, and the mass media.
- Extension has the built-in flexibility to adjust its programs and subject matter to meet new needs. Activities shift from year to year as citizen groups and Extension workers close to the problems advise changes.

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