



Current Report

Cooperative Extension Service • Division of Agriculture • Oklahoma State University

Permits and Regulations Affecting Oklahoma Fish Producers

Marley Beem

Area Aquaculture Specialist, SE District

Before a major investment is made in fish farming, it is essential that the necessary permits be obtained. To begin 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, and so prevent unpleasant surprises. For exact information, contact the agencies listed.

Water Rights

Required by:

Anyone using water other than for minor domestic purposes. All water is the property of the state.

Contact:

Oklahoma Water Resources Board, 1000 N.E. 10th Street, Oklahoma City, OK 73151

Ground water rights—Duane Smith (405-271-2576)

Stream water rights—J. A. Wood (405-271-2567)

As water becomes more valuable than ever, fish farmers must protect themselves by obtaining water rights and keeping them updated. Information on ground water rights is contained in OSU Extension Facts No. 1508, "Taking and Use of Groundwater for Irrigation". Surface water rights are discussed in OSU Extension Facts No. 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.

Contact:

Oklahoma Water Resources Board

Water Rights Division

1000 N.E. 10th Street

P.O. Box 53585

Oklahoma City, OK 73152

(405) 271-2555

Cost:

\$25/year if operation falls under general permit.

Time to Obtain:

30 days

Most new fish farmers should either plan to use discharged water to irrigate land or construct a settling basin for discharged water. 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% of water from ponds. Discharged solids can make streams unfit for fish and other aquatic life by reducing oxygen levels and smothering 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.

Aquaculture Permits

Required for:

Anyone raising fish or other aquatic animals.

Contact:

Don Driscoll, Asst. Chief/Hatcheries

Oklahoma Dept. of Wildlife Conservation

1801 N. Lincoln

P.O. Box 53465

Oklahoma City, OK 73152

(405) 521-3721

Cost:

\$10 per year

Time to Obtain:

varies

A legal description of your fish farm site (township, range etc.) is needed to complete the application form. Yearly visits by your game ranger may be required. 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 are used as a means of preventing poachers from using fish farms as fronts for marketing fish and to prevent introductions of undesirable exotic fishes.

Fee Fishing

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. Information on fee fishing is available in the OSU fact sheet of the same name. Further information on the regulations affecting fee fishing can be obtained from the Oklahoma Department of Wildlife Conservation.

Fish-out Ponds

1. Operation must have an aquaculture permit.
2. 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.
3. All fishermen must have a fishing license, unless exempt.
4. Catch limits do not apply.
5. Operator must have receipts that prove the origin of all fish sold.
6. 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.
7. 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

1. 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.
2. All fishermen must have a license, unless exempt.
3. Catch limits apply.
4. An aquaculture permit is not required.

Fish Processing Permits

Required by:

Anyone cleaning fish for sale.

Contact:

Ron Spencer, Director of Food Sanitation Department of Health
1000 N.E. 10th Street
Oklahoma City, OK 73152
(405) 271-5243

Cost:

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

Time to Obtain:

Issued during inspection if requirements are met

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.

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

Almost all birds and wildlife are protected by state and federal law. Stiff fines can be collected for each animal killed without proper permission. The claim that farm raised fish were being protected has not held up well in court.

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.

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 are valuable habitat for ducks and other waterfowl, prevent downstream flooding by serving as sumps and groundwater recharge areas, and purify nutrient rich runoff from agricultural lands.

Interstate Transport of Fish

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 recently brought to trial when he shipped fish between states.

In addition, some states prohibit or restrict the importation of certain fish species, such as tilapia, grass carp and trout. 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.