

# Summary of Aquaculture Programs by State

Gulf States Marine Fisheries Commission

April 2000

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## Summary of Aquaculture Programs by State

### Introduction

At the October 16, 1996 meeting of the Gulf States Marine Fisheries Commission, the Technical Coordinating Committee (TCC) charged the Habitat Subcommittee with updating the 1990 Summary of Aquaculture Programs by State. Many regulations have changed since the initial version was produced. Therefore, it is necessary to update this document periodically.

The following report summarizes the aquaculture activities of the member states and represents a brief synopsis of the ongoing work in that area. This report is not intended to be a definitive work, but a compilation of basic facts that will serve as a nucleus for additional efforts which will be developed by the Habitat Subcommittee to keep the TCC advised of the latest work in aquaculture in the Gulf of Mexico region.

### Background

In the United States, edible fishery products are supplied by domestic commercial landings, imports, recreational catches, and aquaculture. Because of recent increases in demand for fishery products and the inability of the domestic commercial fisheries to supply that demand, aquaculture activities may play a significant role in supplying a fisheries product to meet that demand.

Aquaculture is the fastest growing agricultural industry in the United States. Farm raised catfish account for the largest quantity of aquaculturally grown species, however other species such as baitfish, oysters, salmon, shrimp and tropical fish are experiencing increasing levels of production.

Most states have developed regulatory plans and policies to manage aquaculture activities. The approach within each state varies, and regulations regarding aquaculture of marine species are slowly evolving as interest in the industry grows.

From a management perspective, it is important to know how each state is addressing the issues relating to aquaculture.

### The Report

This report represents a compilation of the member states' responses to two separate questionnaires. The first inquiry was entitled "Synopsis of State Aquaculture Programs." The second inquiry was entitled "Aquaculture Issues." Each state representative of the Habitat Subcommittee was asked to complete the questionnaires and provide documents pertaining to the programs for their state.

The responses have been compiled and are arranged in the following order:

- I. Synopsis by State
- II. Aquaculture Issues by State
- III. Appendices

No summary was included and further efforts to continue this summary compilation will be based on the availability of additional of additional information and the pleasure of the TCC. An effort will be made to update this report when legislation and draft documents are provided.

## SECTION 1. SYNOPSIS OF STATE AQUACULTURE PROGRAMS

### FLORIDA

#### I. Legislation

The Florida Aquaculture Policy Act (Chapter 597, Florida Statutes) took effect in October 1984. This act delineates public policy concerning aquaculture and establishes the Florida Department of Agriculture and Consumer Services as the lead agency for coordinating the development of the state's aquaculture industry and the primary agency responsible for regulating aquaculture. It also establishes an Aquaculture Review Council composed of industry representatives and an Aquaculture Interagency Coordinating Board composed of governmental agencies to address issues associated with aquacultural development. It is anticipated that Chapter 597, Florida Statutes, will be amended in 2000 to consolidate most of Florida's regulatory framework under the authority of the Department of Agriculture and Consumer Services. A copy of the Act is contained in the Florida Aquaculture Plan (Appendix A-1).

#### II. Policies

The Florida Aquaculture Plan is updated annually. The Plan is intended to facilitate communication and provide assurance that efforts to expand growth and development are effective, efficient and economical. The 1999 Florida Aquaculture Plan provides a brief summary of the industry, identifies new research, development and infrastructure priorities, and provides a reporting mechanism so that the progress of funded projects can be tracked and their effectiveness measured.

#### III Regulations

- A. Florida Statutes, Chapter 597; Florida Aquaculture Policy Act (Appendix A-1).
- B. Florida Statutes, Chapter 370.081; defines which non-indigenous marine species are illegal to import or possess (Appendix A-2).
- C. Florida Statutes, Chapter 370.027, provides rulemaking authority with respect to marine life, and specifically aquaculture of marine products (Appendix A-3).
- D. Florida Statutes, Chapter 253.68; authority to use sovereign submerged land and water column for aquacultural activities (Appendix A-4).
- E. Florida Statutes, Chapter 372.26; concerns importation of fish into the state of Florida (Appendix A-5).
- F. Florida Statutes, Chapter 585; animal industry, general provisions, disease inspection, control, and eradication.

#### IV. Species Regulated

Regulated non-indigenous marine species are defined in Chapter 370.081, Florida Statutes (Appendix A-2).

#### V. State Regulatory Agencies

- A. Florida Department of Agriculture and Consumer Services - lead agency for regulating aquaculture.
- B. Florida Department of Environmental Protection - wetland use and permitting.
- C. Florida Fish and Wildlife Conservation Commission - freshwater and marine resources.
- D. Water Management Districts - water use/consumptive use permits.

#### VI Interagency Coordination

The Florida Aquaculture Policy Act established an Aquaculture Interagency Coordinating Council to foster interagency communication and cooperation in development of governmental regulations relating to aquaculture. The Council is composed of the heads or designees of various state agencies and educational institutes.

#### VII. Permit Application Procedure

Permits which would be applicable to the development of a marine aquaculture facility are outlined below.

- A. Florida Department of Agriculture and Consumer Services
  - 1. Requires that aquaculture operations obtain an aquaculture certification from the Department.
  - 2. Applicants must comply with certification requirements.
  - 3. Aquaculture operations must follow all applicable best management practices.
  - 4. Administers the submerged lands aquaculture leasing program.
- B. Florida Fish and Wildlife Conservation Commission
  - 1. Permits the importation of specific species.
  - 2. Issues Special Activity Licenses for possession and collection of brood stock for artificial cultivation, and possession of sturgeon.

- C. Florida Department of Environmental Protection
  - 1. Issues industrial wastewater treatment and disposal permit (NPDES Permits).
- D. Water Management Districts (contact pertinent district).
  - 1. Issue consumptive water use permits.
  - 2. Issue well permits.
- E. Local City or County Governments
  - 1. Site plan permit for construction site approval.
  - 2. County or city easement permit to cross roads, etc.
  - 3. Water use permit to pump from wells 5 inches or less.
- F. U.S. Environmental Protection Agency
  - 1. Delegations to the state under the Clean Water Act.
- G. National Marine Fisheries Service
  - 1. Issues permits for the deposition of substrate and the collection of live rock products in the EEZ (Review by U.S. Army Corps of Engineers).

### VIII. Fees

Permit application fees are required and range from \$25 for a special activity license to hundreds of dollars for the other permits.

- A. Fee to cover cost of survey of submerged lands to be used for aquaculture.
- B. Rental fees for submerged lands. The fee is based upon probable production rates and marketability of the aquaculture product.

## **ALABAMA**

### I. Legislation

No specific state laws exist that govern the aquaculture/mariculture industry.

### II. Policies

Presently there is not a specific state or agency policy on the development of aquaculture.

### III. Regulations

Alabama statutes provide that the Commissioner is empowered to prohibit by regulation the importation of any species of animal which would not be in the interest of the state (Section 9-2-13, 1065 Code). Section 9-11-84 prohibits the sale, shipment or possession for sale any species of native gamefish caught within or without the State of Alabama. Exceptions are gamefish used for stocking ponds and fee fishing in private ponds, both requiring permits from the Commissioner.

### IV. Species Regulated

Regulations specifically prohibit importation of walking catfish, piranha, rudd (*Scardinius*), or roach (*Rutilus*).

### V. State Regulatory Agencies

- A. Alabama Department of Conservation and Natural Resources
- B. Alabama Department of Environmental Management

### VI. Interagency Coordination

Aquaculture activities are reviewed by the Alabama Department of Conservation and Natural Resources and the Alabama Department of Environmental Management if the proposed activity involves wetland alteration, lease of public trust water bottoms or discharge of waters into public waters of the State.

### VII. Permit Application Procedures

Gamefish used for stocking ponds and fee fishing in private ponds require permits from the Commissioner of the Department of Conservation and Natural Resources.

### VIII. Fees

None.

## **MISSISSIPPI**

### I. Legislation

The Mississippi Aquaculture Act of 1988 as amended.



## II. Policies

To protect the biological quality of Mississippi's wild waters while encouraging and aiding in the appropriate production and marketing of Mississippi cultured aquatic products. To prevent illegal marketing of gamefish in Mississippi.

## III. Regulations

The Mississippi Department of Agriculture and Commerce has issued guidelines for the permitting of Mississippi aquaculture activities and marketing of regulated cultured aquatic products. These guidelines are shown in Appendix B and follow the mandates presented in the Mississippi Aquaculture Act of 1988 as amended.

## IV. Species Regulated

On a mandatory basis, the culture of all non-native species, all organisms genetically modified by means other than breeding and cross breeding, bait minnows, alligators, and all designated gamefish species are regulated through the Cultivation/Marketing Permit. Under present regulations, the only gamefish that are allowed to be cultured and marketed as a food fish are the hybrid striped bass, hybrid bream and hybrid white perch. Other gamefish can be produced and sold only for the purpose of stocking ponds or public waters for recreational and sports fishing.

A permit is not required to culture native Mississippi aquatic species unless otherwise specified (example, native catfish). However, on a voluntary basis, aquaculturalists can request and obtain a permit that can aid in the marketing of the cultured native species. In fact, in some cases, a state issued permit is a necessity for the interstate marketing of such species.

## V. State Regulatory Agencies

- A. Mississippi Department of Agriculture and Commerce - Issues the Cultivation/Marketing Permit that is required to culture regulated species.

The Department also regulates all related retail food establishments that sell cultured aquatic products which do not have food service or frozen dessert machines.

- B. Mississippi Department of Environmental Quality
1. Bureau of Land and Water Resources - Issues permits for use of surface and ground waters.
  2. Bureau of Pollution Control - Issues water quality related certifications and permits applicable to effluents and cage culture systems placed in leased public waters.
- C. Office of the Secretary of State - Issues leases for aquaculture activities in the water column of the public, coastal waters of the state.

- D. Mississippi Department of Wildlife, Fisheries and Parks - Regulates the cultivation of alligators and freshwater baitfish shops.
- E. The Commission on Marine Resources and the Mississippi Department of Marine Resources
  - 1. Issues, as applicable, coastal program use changes, consistency certifications and wetlands permits in the state's estuarine and marine waters.
  - 2. Issues water bottom leases for the culture of oysters and other species requiring direct use of the water bottoms.
  - 3. Issues Dealer Live Bait License for shrimp and the Boat Live Bait License for catching and holding bait shrimp. Each license is \$50.00.
  - 4. Regulates all cultivated seafood within the territorial jurisdiction of the state of Mississippi.
  - 5. Has the statutory authority to regulate all seafood sanitation and processing programs.
  - 6. Regulates sanitation and seafood safety applicable to the processing of oysters.
- F. Mississippi Department of Health - Regulates food service establishments and food processing not regulated by the Mississippi Department of Marine Resources.

#### VI. Interagency Coordination

The Mississippi Aquaculture Act of 1988 emphasizes coordination of efforts applicable both to enhancing and regulating aquaculture activities in the state. On the regulatory side, the Act requires that the Mississippi Department of Agriculture and Commerce coordinate Cultivation/Marketing Permit requests with all state and federal agencies that have related regulatory responsibilities. The requirements of the respective agencies must be met prior to the permit becoming valid. Thus, in addition to the state agencies specified herein, the coordinated review permit process includes the U.S. Army Corps of Engineers which in turn coordinates review activities with the National Marine Fisheries Service and the U.S. Fish and Wildlife Service.

#### VII. Permit Application Procedure

For a culturist to obtain a Cultivation/Marketing Permit, the culturist must submit a completed form titled "Mississippi Aquaculture Activities Application for Aquaculture Permits". A copy of the application can be obtained from the Mississippi Department of Agriculture and Commerce (601-359-1159).

The Act specifies a one stop permitting procedure to expedite, for the benefit of the culturist, the permit review and decision process. Therefore, rather than having to make numerous initial contacts and paperwork submissions, the aquaculturist has only to see that the Mississippi Department of Agriculture and Commerce receives the previously referenced completed form. After receipt of the form, the Mississippi Department of Agriculture and Commerce, the one stop agency, processes the permit by conducting a coordinated review with all applicable state and federal agencies. Subsequently, a decision is made by the Commissioner

of Agriculture and Commerce on issuance of the permit.

### VIII. Fees

A \$100 fee per year is required for a Cultivation/Marketing Permit. Also, a \$10 fee is required for each additional species proposed to be cultured under the same Cultivation/Marketing Permit. Additionally, for a resident of the state to sell freshwater bait minnows, a \$25 Dealers License is required. For a non-resident, a \$200 Non-Resident Commercial Fishing License is required. Also, to culture alligators, a \$50 per year Alligator Ranchers License is required and \$1.00 is required for each alligator that is exported from the state or processed in it.

## **LOUISIANA**

### I. Legislation (see Appendix C)

- R.S. 03:2356 Provides authority to the Department of Agriculture for the inspection and control of catfish to be used for stocking purposes.
- R.S. 56:319 Exotic species permit required from Secretary of the Louisiana Department of Wildlife and Fisheries (LDWF) for possession, importation of certain exotic fish species. Permits are granted on an annual basis except for permits issued for triploid grass carp. Prohibits possession of piranha and Rio Grande tetra, except for the statutory exemption for the Aquarium of the Americas to possess piranha.
- R.S. 56:326 Allows for possession/sale/transfer of commercially raised fish smaller than legal size.
- R.S. 56:327 No freshwater or saltwater gamefish may be sold unless raised in accordance with certified aquaculture programs. Regulates shipment of live fish into state.
- R.S. 56:356 Defines conditions of aquaculture: "the production of fish in a controlled environment in private waters on private lands."
- R.S. 56:411 Defines private waters and domesticated fish.
- R.S. 56:412 All fish culture operations must be certified by LDWF Commission. Regulates transportation of cultured fish. Prohibits culture in public waters.
- R.S. 56:413 Allows gears to be used in fish culture which are prohibited in public waters.
- R.S. 56:415 Exempts crawfish and catfish culture from domestic fish farming regulations.
- R.S. 56:579 Allows for special permits for mariculture projects on private property in the

state's coastal zone. Requires complete separation of domestic stock from wild stock. Sets reporting requirements.

## II. Policies

Presently there is not a specific state agency policy on the development of aquaculture or mariculture.

## III. Regulations

Louisiana Title 56 Statutes listed above empower LDWF to regulate the following;

- importation of certain species, including exotics,
- species that can be farmed,
- possession, size, importation, and transportation of aquaculturally raised species,
- gears used in aquaculture and mariculture projects,
- restricts use of public lands.

## IV. List of Species Regulated

LDWF shall have the authority to regulate or prohibit, by rule in accordance with the Administrative Procedures Act, the possession, sale, or transportation of any fish into Louisiana.

The following fish can only be transported into Louisiana with the written permission of the Secretary of the Department; carnero catfish, all of the family Clariidae, freshwater electric eel, carp (except those taken in state waters, provided such fish shall be dead when in a person's possession, common carp, and goldfish), rudd, and all species of tilapia.

## V. State Regulatory Agency and/or Agencies

- A. Louisiana Wildlife and Fisheries Commission
- B. Louisiana Department of Wildlife and Fisheries
- C. Louisiana Department of Natural Resources
- D. Louisiana Department of Agriculture

## VI. Interagency Coordination

Presently, there is no coordination between agencies concerning aquaculture.

## VII. Permit Application Procedures

Application for an aquaculture permit must be made to the LDWF Commission. The application shall include a description of the land by lot, block number or other legal description.

The Secretary of LDWF is authorized to issue permits for mariculture projects within the coastal zone. Permits shall be issued only for areas within the coastal zone on privately owned

property. If a coastal use permit from the Department of Natural Resources is required, no mariculture permit shall be issued until the coastal use permit is obtained.

## VII. Fees

Aquaculture permits cost \$15 and are issued on a calendar year basis ending on December 31. They may be renewed annually upon payment of a \$15 renewal fee.

The permit fee for each mariculture permit shall be \$1000. Permits shall be issued for the life of the project if all requirements and regulations are followed.

A wholesale/retail dealers license or a retail dealers license is required for the importation of any live fish into Louisiana.

## **TEXAS**

### I. Legislation

Senate bill 1507 was enacted by the Texas Legislature in 1989. A copy of the Bill is attached in Appendix D-1.

### II. Policies

Any species of exotic fish, shellfish or aquatic plant whose documented first occurrence in Texas public waters takes place after 12/11/89, as a matter of Department policy, is prohibited at the first scheduled Commission meeting (or as soon thereafter as possible) subsequent to its discovery and documentation.

### III. Regulations

Regulations for Potentially Harmful Fish, Shellfish or Aquatic Plants are included in Appendix D-2.

### IV. List of Species Regulated

All native species may be regulated. A list of non-native species is in the regulations shown in Appendix D-2.

### V. State Regulatory Agency and/or Agencies

Fish farming is regulated by the Texas Department of Agriculture. The regulation of exotic fish, shellfish and aquatic plant species to protect indigenous Texas species and aquatic habitats is by the Texas Parks and Wildlife Department.

## VI. Interagency Coordination

An Aquaculture Executive Committee consisting of the Chairman of the Texas Parks and Wildlife Commission, Commissioner of the Texas Department of Agriculture and Commissioner of the Texas General Land Office coordinates interagency activities through an aquaculture liaison officer. The Texas Department of Health regulates food processing plants.

## VII. Permit Application Procedures

Authority for issuance of licenses and permits for fish farmers belongs to the Texas Department of Agriculture and forms or procedures.

## VIII. Fees

A Shellfish Culture License is \$50.00. The cost of a Fish Farmer's License is set by the Agriculture Commissioner not to exceed \$100. The cost of a Cultured Fish Processing Plant License is the amount necessary to cover the cost of administration of the processing plant.

## SECTION 2. AQUACULTURE ISSUES BY STATE

### FLORIDA

How is your state addressing the following aquaculture issues?

**1. Private use and/or control of public resources such as use of public trust wetlands, water bottoms or water column for exclusive aquaculture activities.**

Lease of submerged lands and water column for aquacultural purposes is authorized pursuant to Section 253.68, Florida Statutes. The Board of Trustees may grant exclusive use of the bottom and water column for commercial and experimental aquacultural activities.

**2. Introduction of exotic species, genetically altered species, hybrids or natural stocks from other areas.**

Florida Statutes Chapter 370.081 deals with regulated marine species. Regulated species include sea snakes (Family Hydrophiidae), weeverfishes (Family Trachinidae), and stonefishes (*Synanceja*).

The Florida Fish and Wildlife Conservation Commission has rules concerning import, export, exotic species and stocking of fish (Appendix A-6).

**3. Disease control and monitoring for disease associated with cultivation or processing aquaculture or imported species.**

The Department of Agriculture and Consumer Services has a Diagnostic Lab with expertise in fish health and disease analysis. Best management practices require aquaculturist to report specific disease outbreaks to the State Veterinarians Office. Additionally, the University of Florida's Institute of Food and Agricultural Sciences has staff devoted to fish health and disease analysis and extension services.

**4. Marsh management activities for aquaculture.**

Marsh and wetland areas in Florida are managed for their protection and conservation.

**5 Other issues.**

Florida is in the process of developing a Best Management Practices Program that will be linked to the Aquaculture Certification Program. Aquaculture operations that comply with best management practices will qualify for an aquaculture certificate.

## ALABAMA

How is your state addressing the following aquaculture issues?

**1. Private use and/or control of public resources such as use of public trust wetlands, waterbottoms or water column for exclusive aquaculture activities.**

The Alabama Department of Conservation and Natural Resources has jurisdiction over and control of all unused lands. The Commissioner of the Department of Conservation and Natural Resources will evaluate each case in the use or control of public resources for aquaculture ventures.

**2. Introduction of exotic species, genetically altered species, hybrids or natural stocks from other areas.**

Alabama statutes provide that the Commissioner is empowered to prohibit by regulation the importation of any species of animal which would not be in the interest of the state (Section 9-2-13, 1065 Code). Section 9-11-84 prohibits the sale, shipment or possession for sale any species of native gamefish caught within or without the State of Alabama. Exceptions are gamefish used for stocking ponds and fee fishing in private ponds, both requiring permits from the Commissioner.

**3. Disease control and monitoring for disease associated with cultivation or processing aquaculture or imported species.**

Presently, no state agency is directly responsible for the monitoring of diseases associated with the aquaculture industry. Cases of disease outbreak are generally referred to the cooperative fish disease unit at Auburn University School of Fisheries and Allied Aquacultures.

**4. Marsh management activities for aquaculture.**

Marsh and wetland areas in Alabama are managed for their protection and conservation.

**5. Other issues.**

None.

## MISSISSIPPI

How is your state addressing the following aquaculture issues?

**1. Private use and/or control of public resources such as use of public trust wetlands, waterbottoms or water column for exclusive aquaculture activities.**



The state of Mississippi provides aquaculturists the potential to use delineated portions of public trust wetlands, water bottoms and water columns for aquaculture activities. To date, aquaculture activities have been granted for the use of estuarine water bottoms. For example, bottom leases have been granted for the cultivation of oysters, however, concurrently the water column may be used by the public for recreational and commercial finfishing activities. Through the Secretary of State, leases can be granted for aquaculture activities in the water column. Though large acreage potentially can be leased, it is envisioned for practical purposes that the lessee would be given exclusive water column use rights to only the water column area that is in direct use along with an adequate ecological buffer zone outside the immediate use area.

Aquaculture environmental aspects in estuarine and marine waters are regulated by the Mississippi Department of Marine Resources and the Mississippi Department of Environmental Quality.

## **2. Introduction of exotic species, genetically altered species, hybrids or natural stocks from other areas.**

The following aquatic plants and animals are not permitted for culture in Mississippi: Sea lamprey, *Petromyzon marinus*, all species of piranhas (including the genus *Serrasalmus*, *Rosseveltiella*, *Serrasalmo*, *Phygocestrus*, *Teddyella*, *Pygopristis*); Banded tetra, Mexican tetra or Silvery tetra, *Astyanax faciatatus*, and *Astyanax mexicanus*; tiger characin, *Hydolycus scomberides*; Skinny Tiger characin, *Raphiodon vulpinus*; Families Trichomycteridae, Pygididae, all species of parasitic catfishes, Family Claridae, air breathing catfishes, all species of walking catfishes; *Hydrilla verticillata*, water hyacinth, *Eichornia crassipes*; Eurasian Watermilfoil, *Myriophyllum spicatum*.

All other exotics as well as organisms that are genetically modified by means other than breeding and cross breeding can potentially be cultured in Mississippi provided the aquaculture facility is designed to physically prevent escapement of the early life and adult stages of these organisms into wild waters. Cage culture of the exotics and the specified genetically altered organisms in open wild waters is prohibited.

It should be noted that with an approved Cultivation/Marketing Permit, endangered, threatened and protected species can be cultured in Mississippi. Natural stocks, from other states that are also native to Mississippi and that are not known to be a different genetic sub-population, can be cultured in Mississippi without a permit.

## **3. Disease control and monitoring for disease associated with cultivation or processing aquaculture or imported species.**

Presently, the state largely relies upon the expertise, facilities and management efforts of the U.S. Fish and Wildlife Service for monitoring and preventing the importation of diseased organisms into the state. As the aquaculture industry in Mississippi expands production of species already in the state and diversifies into production of new culture species, disease control and monitoring will become an increasingly critical management need.

#### **4. Marsh management activities for aquaculture.**

Aquaculture and marsh management are viewed as potentially complementary activities. There is the potential to enhance marsh plant productivity by utilizing the marsh plants as biofilter systems for aquaculture effluents, provided the effluent water does not significantly change the plant community species structure or otherwise adversely impact the plant community.

#### **5. Other issues.**

None.

### **LOUISIANA**

How is your state addressing the following aquaculture issues?

#### **1. Private use and/or control of public resources such as use of public trust wetlands, waterbottoms or water column for exclusive aquaculture activities.**

LDWF has control over waterbottoms and leases those waterbottoms for the propagation of oysters. Additionally, the waterbottoms are leased for the mining of fossil shells, sand, gravel, and fill material. A severance royalty is charged to the lessee for removal of shells, etc. There is no provision for leasing the water column.

#### **2. Introduction of exotic species, genetically altered species, hybrids or natural stocks from other areas.**

Exotics: Must have written permission from the Secretary of LDWF to import, transport, sell or possess.

Genetically altered: Louisiana Administrative Code 76 (VII): 159 (I) specifies that hybrids of certain species are exempt from the genetic alteration definition. (See Appendix C)

Hybrids: No specific ordinance.

Non-native natural stocks: No fish from outside the state can be liberated within the state to mix with the native stock.

#### **3. Disease control and monitoring for disease associated with cultivation or processing aquaculture or imported species.**

Act 729 of the 1985 Legislature (R.S. 03:2355) gives regulatory authority to the Department of Agriculture for disease control associated with cultivation, processing, and importation.

#### **4. Marsh management activities for aquaculture.**

R.S. 56:579 provides for permitting of mariculture operations in private waters of the state. Complete segregation of domestic stocks from wild stocks is required. As of 1999, only two active permits for cage culture are extant.

#### **5. Other issues.**

None.

### **TEXAS**

How is your state addressing the following aquaculture issues?

#### **1. Private use and/or control of public resources such as use of public trust wetlands, waterbottoms or water column for exclusive aquaculture activities.**

Aquaculture must take place in private waters, not public. Cage culture in association with near and offshore oil platforms may develop in the future.

#### **2. Introduction of exotic species, genetically altered species, hybrids or natural stocks from other areas.**

Permit required from the Texas Parks and Wildlife Department (TPWD) to import certain exotic species or release any species in public water. The importation, possession, propagation, sell, or release of most exotic species are prohibited.

#### **3. Disease control and monitoring for disease associated with cultivation or processing aquaculture or imported species.**

Exotic shellfish must be certified by a TPWD approved disease specialist as disease free. Shellfish in all ponds and growout facilities are examined by trained staff prior to wastewater discharge. If certain manifestation of diseases are found, the entire facility is quarantined until approved by TPWD.

#### **4. Marsh management activities for aquaculture.**

Aquaculture is prohibited in publicly owned marsh.

#### **5. Other issues.**

Wild stocks are monitored for the presence of exotic viral diseases monthly in all Texas bay systems.

### SECTION 3. STATE AQUACULTURE CONTACTS

#### Florida

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Florida Department of Environmental Protection  
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Tallahassee, Florida 32399

#### Alabama

Robert Helton  
Alabama Department of Conservation and Natural Resources  
P.O. Drawer 458  
Gulf Shores, Alabama 36547

#### Mississippi

Dr. Cornell Ladner  
Mississippi Department of Marine Resources  
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#### Louisiana

Charlie Bigger  
Inland Fish Division  
Louisiana Department of Wildlife and Fisheries  
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#### Texas

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Texas Parks and Wildlife Department  
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## **APPENDICES**



## Appendix A-1

597.001 Florida Aquaculture Policy Act; short title.--This chapter may be cited as the "Florida Aquaculture Policy Act."

History.--s. 1, ch. 84-90; s. 1, ch. 93-152.

597.0015 Definitions.--For purposes of this chapter, the following terms shall have the following meanings:

(1) "Aquaculture" means the cultivation of aquatic organisms.

(2) "Aquaculture producers" means those persons engaging in the production and sale of aquaculture products.

(3) "Aquaculture products" means aquatic organisms and any product derived from aquatic organisms that are owned and propagated, grown, or produced under controlled conditions. Such products do not include organisms harvested from the wild for depuration, wet storage, or relay for purification.

(4) "Commissioner" means the Commissioner of Agriculture.

(5) "Department" means the Department of Agriculture and Consumer Services.

History.--s. 7, ch. 91-187; s. 23, ch. 96-247.

597.002 Legislative declaration of public policy respecting aquaculture.-- The Legislature declares that aquaculture is agriculture and, as such, the Department of Agriculture and Consumer Services shall be the primary agency responsible for regulating aquaculture, any other law to the contrary notwithstanding. The only exceptions are those areas required by federal law, rule, or cooperative agreement to be regulated by another agency. The Legislature declares that, in order to effectively support the growth of aquaculture in this state, there is a need for a state aquaculture plan that will provide for the coordination and prioritization of state aquaculture efforts and the conservation and enhancement of aquatic resources and will provide mechanisms for increasing aquaculture production which may lead to the creation of new industries, job opportunities, income for aquaculturists, and other benefits to the state. The state aquaculture plan shall guide the research and development of the aquaculture industry. Funds designated by the Legislature for aquaculture research and development or for contracting for aquaculture research and development shall be used to address the projects and activities designated in the state aquaculture plan. Any entity receiving legislative funding for aquaculture research and development programs shall report annually to the department all activities related to aquaculture to facilitate coordination and compliance with the state aquaculture plan.

History.--s. 2, ch. 84-90; s. 3, ch. 90-92; s. 8, ch. 91-187; s. 24, ch. 96-247; s. 24, ch. 98-333.

597.0021 Legislative intent.--

(1) It is the intent of the Legislature to enhance the growth of aquaculture in this state, while





(h) Assist persons seeking to engage in aquaculture when applying for the necessary permits and serve as ombudsman to resolve complaints or otherwise resolve problems arising between aquaculture producers and regulatory agencies.

(i) Develop and propose to the Legislature legislation necessary to implement the state aquaculture plan or to otherwise encourage the development of aquaculture in the state.

(j) Issue or deny any license or permit authorized or delegated to the department by the Legislature or through memorandum of understanding with other state or federal agencies that furthers the intent of the Legislature to place the regulation of aquaculture in the department.

(2) The department may employ such persons as are necessary to perform its duties under this chapter.

History.--s. 3, ch. 84-90; s. 1, ch. 86-111; s. 5, ch. 87-367; s. 2, ch. 88-377; s. 10, ch. 91-187; s. 3, ch. 93-152; s. 467, ch. 94-356; s. 26, ch. 96-247; s. 25, ch. 98-333.

#### 597.004 Aquaculture certificate of registration.--

(1) SHELLFISH CERTIFICATION.--Any person engaging in shellfish aquaculture must be certified by the department. The applicant for a certificate of registration shall submit the following to the department:

- (a) Applicant's name/title.
- (b) Company name.
- (c) Complete mailing address.
- (d) Legal property description of all aquaculture facilities.
- (e) Description of production facilities.
- (f) Aquaculture products to be produced.
- (g) Fifty dollar annual registration fee.

#### (2) NONSHELLFISH CERTIFICATION.--

(a) Any person engaging in nonshellfish aquaculture, except as otherwise provided in this section, must be certified by the department. The applicant for a certificate of registration for nonshellfish products shall submit the following to the department:

1. The information requested in subsection (1) above.

2. Documentation that the rules adopted herein have been complied with in accordance with paragraph (b) below.

(b) The department, in consultation with the Department of Environmental Protection, the water management districts, environmental groups, and representatives from the affected farming groups, shall adopt rules to:

1. Specify the requirement of best-management practices to be implemented by property owners and leaseholders.

2. Establish procedures for property owners and leaseholders to submit the notice of intent to comply with best-management practices.

3. Establish schedules for implementation of best-management practices, and of interim measures that can be taken prior to adoption of best-management practices.

4. Establish a system to assure the implementation of best-management practices, including recordkeeping requirements.

Rules adopted pursuant to this subsection shall become effective pursuant to the applicable provisions of chapter 120, but must be submitted to the President of the Senate and the Speaker of the House of Representatives for review by the Legislature. The rules shall be referred to the appropriate committees of substance and scheduled for review during the first available regular session following adoption. Except as otherwise provided by operation of law, such rules shall remain in effect until rejected or modified by act of the Legislature.

(c) Notwithstanding any provision of law, the Department of Environmental Protection is not authorized to institute proceedings against any person certified under this section to recover any costs or damages associated with contamination of groundwater or surface water, or the evaluation, assessment, or remediation of contamination of groundwater or surface water, including sampling, analysis, and restoration of potable water supplies, where the contamination of groundwater or surface water is determined to be the result of aquaculture practices, provided the property owner or leaseholder:

1. Provides the department with a notice of intent to implement applicable best-management practices adopted by the department;

2. Implements applicable best-management practices as soon as practicable according to rules adopted by the department; and

3. Implements practicable interim measures identified and adopted by the department which can be implemented immediately, or according to rules adopted by the department.

(d) There is a presumption of compliance with state groundwater and surface water standards if the property owner or leaseholder implements best-management practices that have been verified by the Department of Environmental Protection to be effective at representative sites and

complies with the following:

1. Provides the department with a notice of intent to implement applicable best-management practices adopted by the department;

2. Implements applicable best-management practices as soon as practicable according to rules adopted by the department; and

3. Implements practicable interim measures identified and adopted by the department which can be implemented immediately, or according to rules adopted by the department.

(e) The department shall provide, by December 31, 1999, to the President of the Senate and the Speaker of the House of Representatives, a progress report concerning the development, implementation, and effectiveness of best-management practices to prevent contamination of groundwater and surface water.

(f) This section does not limit federally delegated regulatory authority.

(g) Any aquatic plant producer permitted by the department pursuant to s. 369.25 shall also be subject to the requirements of this subsection.

(h) Any alligator producer with an alligator farming license and permit to establish and operate an alligator farm shall be issued an aquaculture certificate of registration pursuant to subsection (1) above.

(3) FEES.--Effective July 1, 1997, all fees collected pursuant to this section shall be deposited into the General Inspection Trust Fund in the Department of Agriculture and Consumer Services.

(4) IDENTIFICATION OF AQUACULTURE PRODUCTS.--Aquaculture products shall be identified while possessed, processed, transported, or sold as provided in this subsection, except those subject to the requirements of chapter 372 and the rules of the Game and Fresh Water Fish Commission as they relate to alligators only.

(a) Aquaculture products shall be identified by an aquaculture certificate of registration number from harvest to point of sale. Any person who possesses aquaculture products must show, by appropriate receipt, bill of sale, bill of lading, or other such manifest where the product originated.

(b) Marine aquaculture products shall be transported in containers that separate such product from wild stocks, and shall be identified by tags or labels that are securely attached and clearly displayed.

(c) Each aquaculture registrant who sells food products labeled as "aquaculture or farm raised" must have such products containerized and clearly labeled in accordance with s. 500.11. Label information must include the name, address, and aquaculture certification number. This

requirement is designed to segregate the identity of wild and aquaculture products.

(5) SALE OF AQUACULTURE PRODUCTS.--

(a) Aquaculture products, except shellfish, snook, spotted sea trout, red drum, and freshwater aquatic species identified in chapter 372 and rules of the Game and Fresh Water Fish Commission, may be sold without restriction so long as product origin can be identified.

(b) Aquaculture shellfish must be sold and handled in accordance with shellfish handling regulations of the Department of Environmental Protection established to protect public health.

(6) REGISTRATION AND RENEWALS.--

(a) Each aquaculture producer must apply for an aquaculture certificate of registration with the department and submit the appropriate fee. Upon department approval, the department shall issue the applicant an aquaculture certificate of registration for a period of 1 year. Beginning July 1, 1997, and each year thereafter, each aquaculture certificate of registration must be renewed with fee, pursuant to this chapter, on July 1.

(b) The department shall send notices of registration to all aquaculture producers of record requiring them to register for an aquaculture certificate. Renewal notices shall be sent to the registrant 60 days preceding the termination date of the certificate of registration. Prior to the termination date, the registrant must return a completed renewal form with fee, pursuant to this chapter, to the department.

History.--s. 27, ch. 96-247; s. 54, ch. 97-98; s. 26, ch. 98-333.

597.0041 Prohibited acts; penalties.--

(1) It is unlawful for an aquaculture registrant to:

(a) Commingle in the same container any shellfish aquaculture product with any wild product;

(b) Transport by vessel over water both wild and aquaculture products of the same species at the same time; or

(c) Violate any provision of this chapter or chapter 500.

(2)(a) Any person who violates any provision of this chapter or any rule promulgated hereunder is subject to a suspension or revocation of his or her certificate of registration under this chapter. The department may, in lieu of, or in addition to the suspension or revocation, impose on the violator an administrative fine in an amount not to exceed \$1,000 per violation per day.

(b) Any person who violates any provision of this chapter, or rule hereunder, commits a

misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(3) Any person certified under this chapter who has been convicted of taking aquaculture species raised at a certified facility shall have his or her license revoked for 5 years by the Department of Agriculture and Consumer Services pursuant to the provisions and procedures of s. 120.60.

History.--s. 28, ch. 96-247.

#### 597.005 Aquaculture Review Council.--

(1) COMPOSITION.--There is created within the department the Aquaculture Review Council to consist of nine members as follows: the chair of the State Agricultural Advisory Council or designee; the chair of the Aquaculture Interagency Coordinating Council; and seven additional members to be appointed by the commissioner, including an alligator farmer, a food fish farmer, a shellfish farmer, a tropical fish farmer, an aquatic plant farmer, a representative of the commercial fishing industry, and a representative of the aquaculture industry at large. Members shall be appointed for 4-year terms. Each member shall be selected from no fewer than two or more than three nominees submitted by recognized statewide organizations representing each industry segment or the aquaculture industry at large. In the absence of nominees, the commissioner shall appoint persons who otherwise meet the qualifications for appointment to the council. Members shall serve until their successors are duly qualified and appointed. An appointment to fill a vacancy shall be for the unexpired portion of the term.

#### (2) MEETINGS; PROCEDURES; RECORDS.--

(a) The members of the council shall meet at least quarterly; shall elect a chair, a vice chair, a secretary, and an industry representative to the Aquaculture Interagency Coordinating Council; and shall use accepted rules of procedure. The terms of such officers shall be for 1 year.

(b) The council shall meet at the call of its chair, at the request of a majority of its membership, at the request of the department, or at such times as may be prescribed by its rules of procedure. However, the council shall hold a joint annual meeting with the Aquaculture Interagency Coordinating Council.

(c) A majority of the members of the council constitutes a quorum for all purposes, and an act by a majority of such quorum at any meeting constitutes an official act of the council.

(d) The council secretary shall keep a complete record of the proceedings of each meeting, which record shall include the names of the members present and the actions taken. Such records shall be kept on file with the department, and these records and other documents about matters within the jurisdiction of the council shall be subject to inspection by the members of the council.

(3) RESPONSIBILITIES.--The primary responsibilities of the Aquaculture Review Council are to:

(a) Formulate and recommend to the commissioner rules and policies governing the business of aquaculture by studying and evaluating aquacultural issues.

(b) Provide aquaculture industry recommendations for research and development to be included in the annual revision of the state aquaculture plan.

(c) Submit to the commissioner on an annual basis:

1. A prioritized list of research projects to be included in the department's legislative budget request.

2. Recommendations to be forwarded to the Speaker of the House of Representatives and the President of the Senate on legislation needed to help the aquaculture industry.

3. Recommendations on aquaculture projects, activities, research, and regulation and other needs to further the development of the aquaculture industry.

(d) On a quarterly basis, review and discuss problems that serve as barriers to the growth and development of aquaculture.

(e) Assist the department in carrying out duties identified in s. 597.003 by studying aquaculture issues and making recommendations for regulating and permitting aquaculture and in the development, revision, and implementation of the state aquaculture plan.

(f) Provide input to the department to perform studies, identify needs, research issues, write reports, record actions and meetings of the council and, in general, conduct the business of the council.

(g) Receive input from state agencies and public and private institutions on aquaculture research, service, development, and regulatory needs.

(h) For any problem that cannot be solved through simple cooperation or negotiation, provide an issue analysis to the Aquaculture Interagency Coordinating Council and to the chairs of the legislative appropriations committees. The analysis shall include, but not be limited to, specific facts and industry hardships, regulatory provisions, questions relative to the issue, and suggestions for solving the problem.

(i) Provide the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of legislative committees having primary jurisdiction over either the subject of aquaculture or the budget of the Department of Agriculture and Consumer Services, by August 1 of each year, a list of prioritized research needs critical to development of the aquaculture industry.

(4) EXPENSES; PER DIEM.--Members of the council shall receive expenses and per diem for travel, including attendance at meetings, as allowed state officers and employees pursuant to s. 112.061.

History.--ss. 5, 8, ch. 84-90; s. 7, ch. 87-367; ss. 3, 5, 6, ch. 88-377; s. 5, ch. 90-92; s. 11, ch. 91-187; ss. 4, 6, ch. 93-152; s. 29, ch. 96-247; s. 27, ch. 98-333.

597.006 Aquaculture Interagency Coordinating Council.--

(1) CREATION.--The Legislature finds and declares that there is a need for interagency coordination with regard to aquaculture by the following agencies: the Department of Agriculture and Consumer Services, the Department of Commerce, the Department of Community Affairs, the Department of Environmental Protection, the Department of Labor and Employment Security, the Marine Fisheries Commission, the Game and Fresh Water Fish Commission, the statewide consortium of universities under the Florida Institute of Oceanography, Florida Agricultural and Mechanical University, the Institute of Food and Agricultural Sciences at the University of Florida, the Florida Sea Grant Program, and each water management district. It is therefore the intent of the Legislature to hereby create an Aquaculture Interagency Coordinating Council to act as an advisory body as defined in s. 20.03(9).

(2) COMPOSITION.--The head of each agency listed in subsection (1) shall designate an aquaculture coordinator to act as the aquaculture contact person regarding the statutory responsibilities of the agency and to serve as a member of the Aquaculture Interagency Coordinating Council, except that the Vice President for Agricultural Affairs of the University of Florida or designee shall represent the Institute of Food and Agricultural Sciences.

(3) MEETINGS; PROCEDURES; RECORDS.--The coordinating council shall meet at least quarterly.

(a) A chair and vice chair shall be elected by the membership and shall serve for 1 year, commencing in September. The chair shall preside at all meetings and shall call a meeting of the coordinating council as often as necessary to transact business. Meetings shall include at least one joint annual meeting with the Aquaculture Review Council. The coordinating council may designate subcommittees from time to time to assist in carrying out its responsibilities.

(b) A majority of the members shall constitute a quorum, and action by a majority of a quorum shall be official.

(c) The department shall have primary responsibility for providing administrative and staff support services for the coordinating council and shall maintain a complete record of the proceedings of each meeting, which record shall include the names of members present and the actions taken. Such records shall be kept on file with the department, and these records and other documents about matters within the jurisdiction of the coordinating council shall be subject to inspection by the members of the coordinating council.

(4) PURPOSE AND RESPONSIBILITIES.--The purpose of the coordinating council is to establish positive interagency cooperation to foster the development of the state's aquaculture industry. In carrying out this purpose, the coordinating council shall:

(a) Serve as a forum for the discussion and study of governmental regulations relating to

aquaculture.

(b) Review and discuss aquaculture issues developed by the Aquaculture Review Council.

(c) Formulate responses to industry issues, as presented by the Aquaculture Review Council, which include solutions and policy alternatives to facilitate aquaculture development.

(d) Review the recommendations for short-term research projects submitted to the commissioner by the Aquaculture Review Council. The coordinating council shall forward any pertinent comments to the commissioner.

(e) Review the results of the aquaculture research projects funded by the department.

(f) Establish and maintain effective and cooperative linkages between member agencies, the Aquaculture Review Council, and public and private institutional research, extension, and service programs, so that recommendations for improvement are responsive to the needs of aquaculture.

(g) Prepare an annual report to be submitted by December 1 of each year to the Governor, the President of the Senate, the Speaker of the House of Representatives, the chairs of the legislative appropriations and agriculture committees, and the heads of each agency represented on the coordinating council. This report shall describe all actions and include all recommendations of the coordinating council, as well as the responsive actions taken by the agencies. This report shall provide a list of all aquaculture activities undertaken by member agencies. The list shall include the needs each activity is designed to address, the results, the funds expended on each activity, and the source of those funds.

(h) Develop guidelines for use by member agencies when reporting any aquaculture activities.

History.--ss. 6, 8, ch. 84-90; ss. 4, 5, 6, ch. 88-377; s. 6, ch. 90-92; s. 12, ch. 91-187; ss. 5, 6, ch. 93-152; s. 468, ch. 94-356.

1Note.--Section 20.17, which created the Department of Commerce, was repealed effective December 31, 1996, by s. 3, ch. 96-320.



## Appendix A-2

### **370.081 Illegal importation or possession of nonindigenous marine plants and animals; rules and regulations.--**

- (1) It is unlawful to import or possess any marine plant or marine animal, not indigenous to the state, which, due to the stimulating effect of the waters of the state on procreation, may endanger or infect the marine resources of the state or pose a human health hazard, except as provided in this section.
- (2) Marine animals not to be imported shall include, but are not limited to, all species of the following:
  - (a) Sea snakes (Family Hydrophiidae), except as provided in subsection (4);
  - (b) Weeverfishes (Family Trachinidae); and
  - (c) Stonefishes (Genus *Synanceja*).
- (3) The department is authorized to adopt, pursuant to chapter 120, rules and regulations to include any additional marine plant or marine animal which may endanger or infect the marine resources of the state or pose a human health hazard.
- (4) A zoological park and aquarium may import sea snakes of the family Hydrophiidae for exhibition purposes, only under the following conditions:
  - (a) Only male sea snakes may be possessed.
  - (b) A zoological park and aquarium possessing sea snakes shall not be located in a coastal county and shall have no contiguous connection with any waters of the state.
  - (c) Each zoological park and aquarium possessing sea snakes shall provide quarterly reports to the department regarding the number of each species of sea snakes on the premises and any changes in inventory resulting from death or additions by importation.
  - (d) Sea snakes shall not be released into the waters of the state.
  - (e) Each zoological park and aquarium possessing sea snakes shall post with the department a \$1 million letter of credit. The letter of credit shall be in favor of the State of Florida, Department of Environmental Protection, for use by the department to remove any sea snake accidentally or intentionally introduced into waters of the state. The letter of credit shall be written in the form determined by the department. The letter of credit shall provide that the zoological park and aquarium is responsible for the sea snakes within that facility and shall be in effect at all times that the zoological park and aquarium possesses sea snakes.
  - (f) A zoological park and aquarium shall not barter, sell, or trade sea snakes within this state.
  - (g) A zoological park and aquarium that imports sea snakes may bring the sea snakes into this state only by airplane that may only land at an airport located in a noncoastal county within this state.



(h) A zoological park and aquarium possessing sea snakes shall abide by all statutory and regulatory requirements of the Game and Fresh Water Fish Commission with respect to venomous reptiles.

(5) It is unlawful to release into the waters of the state any nonindigenous saltwater species whether or not included in subsection (2) or prohibited by rules and regulations adopted pursuant to subsection (3) or authorized by subsection (4).

**History.**--s. 1, ch. 71-68; s. 1, ch. 77-65; s. 1, ch. 92-60; s. 220, ch. 94-356; s. 11, ch. 98-333.



## Appendix A-3

### <sup>1</sup>370.027. Rulemaking authority with respect to marine life.

Marine aquaculture producers shall be regulated by the Department of Agriculture and Consumer Services. The Fish and Wildlife Conservation Commission shall adopt rules, by March 1, 2000, to regulate the sale of farmed red drum and spotted sea trout. These rules shall specifically provide for the protection of the wild resource, without restricting a certified aquaculture producer pursuant to s. 597.004 from being able to sell farmed fish. To that extent, these rules must only require that farmed fish be kept separate from wild fish and be fed commercial feed; that farmed fish be placed in sealed containers; that these sealed containers must have the name, address, telephone number and aquaculture certificate number, issued pursuant to s. 597.004, of the farmer clearly and indelibly placed on the container; and that this information must accompany the fish to the ultimate point of sale. Marine aquaculture products produced by a marine aquaculture producer, certified pursuant to s. 597.004, are exempt from Fish and Wildlife Conservation Commission resource management rules, with the exception of such rules governing any fish of the genus *Centropomus* (snook). By July 1, 2000, the Fish and Wildlife Conservation Commission shall develop procedures to allow persons possessing a valid aquaculture certificate of registration to sell and transport live snook produced in private ponds or private hatcheries as brood stock, to stock private ponds, or for aquarium display consistent with the provisions of rule 39-23.009, Florida Administrative Code.

History.--ss. 2, 5, ch. 83-134; s. 1, ch. 86-219; s. 2, ch. 86-240; ss. 16, 17, 18, ch. 93-213; ss. 1, 2, 3, ch. 94-247; s. 201, ch. 94-356; s. 11, ch. 96-247; s. 8, ch. 98-203; s. 9, ch. 98-333; s. 40, ch. 99-245; s. 1, ch. 99-390.

<sup>1</sup>Note.--Section 11, ch. 89-98, provides that "[a]ny language contained within chapter 370, Florida Statutes, which is subject to being replaced by rules adopted by the Marine Fisheries Commission under section 370.027, Florida Statutes, shall remain in force until the Governor and Cabinet have adopted appropriate rules pursuant to section 370.027, Florida Statutes." The Marine Fisheries Commission was transferred to the Fish and Wildlife Conservation Commission by s. 3, ch. 99-245.



## Appendix A-4

### 253.68 Authority to lease submerged land and water column.

(1) To the extent that it is not contrary to the public interest, and subject to limitations contained in ss. 253.67-253.75, the board of trustees may lease submerged lands to which it has title for the conduct of aquaculture activities and grant exclusive use of the bottom and the water column to the extent required by such activities. Such leases may authorize use of the submerged land and water column for either commercial or experimental purposes. However, a resolution of objection adopted by a majority of the county commission of a county within whose boundaries the proposed leased area would lie, if the boundaries were extended to the extent of the interest of the state, may be filed with the board of trustees within 30 days of the date of the first publication of notice as required by s. 253.70. Prior to the granting of any such leases, the board shall establish and publish a list of guidelines to be followed when considering applications for lease. Such guidelines shall be designed to protect the public's interest in submerged lands and the publicly owned water column.

(2)(a) The Legislature finds that the state's ability to supply fresh seafood and other aquaculture products has been diminished by a combination of factors, including a diminution of the resources and restrictions on the harvest of certain marine species. The Legislature declares that it is in the state's economic, resource enhancement, and food production interests to promote aquaculture production of food and nonfood aquatic species by facilitating the review and approval processes for leasing sovereignty submerged land or the water column; simplifying environmental permitting; supporting educational, research, and demonstration programs; and assisting certain local governments to develop aquaculture as a means to promote economic development. The Legislature declares that aquaculture shall be recognized as a practicable resource management alternative to produce marine aquaculture products, to protect and conserve natural resources, to reduce competition for natural stocks, and to augment and restore natural populations. Therefore, for the purpose of this section, the Legislature declares that aquaculture is in the public interest.

(b) It shall be the policy of the state to foster aquaculture development when the aquaculture activity is consistent with state resource management goals, environmental protection, proprietary interests, and the state aquaculture plan.

History.--s. 1, ch. 69-46; ss. 27, 35, ch. 69-106; s. 3, ch. 96-247; s. 4, ch. 97-164; s. 30, ch. 97-220.

253.69 Application to lease submerged land and water column.--Any applicant desiring to lease a portion of the submerged lands of this state for the purpose of conducting aquaculture activities shall file with the board a written application in such form as it may prescribe, setting forth the following information:

(1) The name and address of the applicant.

(2) A reasonably concise description of the location and amount of submerged land desired and,

after the lease is approved, a field survey of the leased area and assurances that the site is properly posted pursuant to the conditions of the lease and s. 327.41.

(3) A description of the aquaculture activities to be conducted, including a specification whether such activities are to be experimental or commercial and an assessment of the current capability of the applicant to carry on such activities.

(4) Such other information as the board of trustees may by regulation require.

History.--s. 1, ch. 69-46; ss. 25, 27, 35, ch. 69-106; s. 1, ch. 88-207; s. 5, ch. 96-247.



Appendix A-5

372.26 Imported fish.--

(1) No person shall import into the state or place in any of the fresh waters of the state any freshwater fish of any species without having first obtained a permit from the Game and Fresh Water Fish Commission. The commission is authorized to issue or deny such a permit upon the completion of studies of the species made by it to determine any detrimental effect the species might have on the ecology of the state.

(2) Persons in violation of this section shall be guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

History.--s. 37, ch. 13644, 1929; CGL 1936 Supp. 1977(37); s. 1, ch. 71-294; s. 1, ch. 80-129; s. 52, ch. 91-224.



DIVISION OF FISHERIES' RATIONALE AND POLICY ON  
IMPORTATION, EXPORTATION, GENETIC ALTERATION AND  
STOCKING OF FISHES



STATE OF FLORIDA

Colonel Robert M. Brantly  
Executive Director

Mr. Dennis E. Holcomb  
Director of Fisheries

Mr. Forrest J. Ware  
Chief of Fisheries Research

Dr. Allan L. Egbert  
Assistant Executive Director

Mr. Robert J. Wattendorf  
Assistant Director of Fisheries

Mr. Thomas L. Vaughn  
Chief of Fisheries Management



DIVISION OF FISHERIES POLICY ON: FISH GENETICS & STOCKING  
EXECUTIVE SUMMARY<sup>1</sup>

The Division of Fisheries' primary goal with regard to game fish is: "to maintain and enhance the abundance and size structure of game fish populations." A secondary goal is: "to provide quality angling opportunities and enjoyment for the diversity of anglers fishing in Florida." Four management policies describe Division priorities regarding fish genetics and stocking: 1) The concept of optimum sustained use of native freshwater game fishes for Florida's citizens and visitors will be reflected in operational plans for habitat restoration/enhancement, management regulations, stock enhancement/supplementation and public education. 2) It will be our policy to provide special sportfishing opportunities (e.g., trophy-bass waters, urban fisheries, fishing rodeos), to enhance enjoyment by a variety of anglers in selected waters without compromising the quality of native fisheries. 3) Management priorities will emphasize protection of native stocks and natural ecosystems. 4) Hybridization, or other genetic alteration, of native fishes will be treated as a viable management tool in meeting game fish objectives. Thorough investigations into safe use of altered and/or non-native fishes will be conducted prior to potential introduction, to ensure adequate safeguards of native genetic resources and ecosystems.

To safeguard native stocks importation of fishes from outside Florida shall be regulated. With regard to native stocks of fish, it is Division policy to use wild broodfish from the area into which the progeny are to be placed whenever possible.

Exportation of fish from Florida to other states or countries is not likely to affect Florida's fisheries, except that exportation of threatened or endangered species is prohibited by rule. We will cooperate with appropriate Game and Fish agencies to ensure their rules are not violated, and that they are aware of the danger of importing maladapted stocks or non-native species.

Only after extensive research efforts, in-house review, and review by the scientific community will the Division of Fisheries consider stocking fertile genetically-altered fishes. Such stockings will only be conducted to remedy a deficiency in the native fish's gene pool, which has been shown to be counter-productive.

Supplemental stockings of naturally recruiting populations generally do not result in a long-term increase in numbers of harvestable fish, and consequently this management alternative is used but not emphasized in Florida. Enhancement stockings seek to enhance a fishery by adding a type of fish not already there, or by altering the fish (e.g., sunshine bass). Such stockings can provide many benefits, but must be evaluated and controlled to ensure no harm comes to native fish stocks. Generally, such assurances are provided by using sterile fish, to prevent detrimental effects on native gene pools.

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<sup>1</sup>See the Division of Fisheries Rationale and Policy on Importation, Exportation, Genetic Alteration and Stocking of Fishes for a more thorough explanation and details, the signed copy of which is the official policy.

In summary, the intent of the Division of Fisheries' policy is to ensure native fisheries resources are given primary consideration, and they are protected at the stock level from inadvertent genetic alteration. However, the Division recognizes that confronted by the challenge of an ever-increasing human population, and the concomitant increases in pollution, habitat loss and fishing pressure, we must consider all of the tools at our disposal to provide sustained, quality fishing opportunities. Consequently within the guidelines provided herein, we will actively seek to improve Florida's freshwater sportfisheries using enhancement stocking techniques.

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DIVISION OF FISHERIES' RATIONALE AND POLICY ON  
IMPORTATION, EXPORTATION, GENETIC ALTERATION AND STOCKING OF FISHES

The Division of Fisheries' primary goal<sup>1</sup> with regard to game fish is: "to maintain and enhance the abundance and size structure of game fish populations." A secondary goal is: "to provide quality<sup>2</sup> angling opportunities and enjoyment for the diversity of anglers fishing in Florida."

The following four management policies generally describe the Division's priorities regarding native, genetically altered and non-native fishes:

1. The concept of optimum sustained use<sup>3</sup> of native freshwater game fishes for Florida's citizens and visitors will be reflected in operational plans for habitat restoration/enhancement, management regulations, stock enhancement/supplementation and public education.

2. It will be our policy to provide special sportfishing opportunities (e.g., trophy-bass waters, urban fisheries, fishing rodeos), to enhance enjoyment by a variety of anglers in selected waters without compromising the quality of native fisheries.

3. Management priorities will emphasize protection of native stocks and natural ecosystems.

4. Hybridization<sup>4</sup>, or other genetic alteration<sup>5</sup>, of native fishes will be treated as a viable management tool in meeting game fish objectives, provided that safeguards are employed to protect native genetic resources and ecosystems. Thorough investigations into safe use of altered and/or non-native fishes will be conducted prior to potential introduction, to ensure

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<sup>1</sup>Division Goals, Policies, Objectives, Problems and Strategies are all contained in the Florida Game & Fresh Water Fish Commission Strategic Plan.

<sup>2</sup> The Commission understands that quality angling means different things to various people. Consequently, through diverse public opinion surveys we attempt to define this phrase for sundry user groups and address their desires where possible. For instance some of our constituents are interested in trophy fishing, while in highly urbanized areas other individuals just want an opportunity to fish.

<sup>3</sup> The concept of "Optimum Sustained Use" reflects the Commission's desire to sustain the resource. By referring to optimum use, rather than maximum yield, we recognize the variety of values associated with living aquatic resources, which not only include sport, food and commercial fishing, but also relate to the beauty and diversity of Florida's ecosystems.

<sup>4</sup> Hybridization is the production of hybrids by interbreeding between different genera, species or stocks. Hybrids sometimes occur in nature but are produced more frequently through man's intervention in the breeding process.

<sup>5</sup> Genetic Alteration is used here as a generic term to indicate any activity that would result in a genotype not normally found in the subject stock's gene pool. This term is somewhat synonymous with genetic engineering or genetic manipulation and the variety of activities encompassed are explained in the text.

adequate safeguards of native resources.

With these goals, and general management priorities in mind, our purpose herein is to expand on the Division of Fisheries' policy, with regard to importation, exportation, genetic alteration and stocking of fishes. This policy is intended to at first apply to how the Division of Fisheries and the Commission internally deal with these issues; however, it is our intention to modify this policy when needed and expand it to the public sector, in the future.

#### Importation

To safeguard native stocks<sup>6</sup> importation of fishes from outside Florida shall be regulated. With regard to native stocks of fish, it is Division policy to use broodfish from the area into which the progeny are to be placed whenever possible. Consequently, importation of native species of fish for stocking will not be condoned unless the broodfish originated in appropriate areas<sup>7</sup> and have not been domesticated<sup>8</sup>.

Importation of non-native<sup>9</sup> (either exotic<sup>10</sup> or transplanted<sup>11</sup> species) fishes generally will be restricted to bringing in broodfish for experimental use. Such broodfish will be quarantined to protect native resources from possible contamination by introduced parasites and diseases, and their progeny

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<sup>6</sup> Stocks are populations of organisms that share a common environment and that freely interbreed among themselves. However, they are sufficiently different from other interbreeding groups of the same species to be considered as self-perpetuating, manageable groups. According to the "stock concept" this is the level of genetic integrity that should be managed to prevent loss of important, naturally evolved genetic material.

<sup>7</sup> Appropriate Areas are those areas that coincide with the shared environmental range experienced by an identified stock, or a hypothesized stock that is being evaluated genetically. This area normally would be isolated to a significant extent with regard to the subject species' range, either geographically or by the subject species' physiology. For instance, various drainage basins for northern versus southern largemouth bass, or the Gulf of Mexico and Atlantic Ocean for striped bass.

<sup>8</sup> Domesticated refers to fish which have been selected in an artificial environment, for instance a hatchery or aquaculture ponds. The simplest method of avoiding domestication is to use new broodfish each year, which are collected from the wild. In addition, the youngest possible fish should be stocked from the standpoint of preventing domestication, since differential mortality in the ponds can affect the gene pool, and learned behaviors, such as coming to artificial feed, can detract from the fish's ability to survive in the wild.

<sup>9</sup> Non-Native and Introduced are umbrella terms for organisms that come from somewhere else and are introduced by man into a new area.

<sup>10</sup> Exotic organisms are ones that come from other nations.

<sup>11</sup> Transplanted or Transferred organisms are organisms that are introduced into new areas by man but which occur naturally somewhere within the same country.



will be tested thoroughly in secure facilities<sup>12</sup> to evaluate potential benefits and hazards associated with their release into the wild. Under appropriate circumstances eggs, fry or fingerlings may be imported for testing, provided there is adequate justification. Such fish, eggs or fry will not be released into the wild unless one of the following conditions can be assured:

1. Physiological requirements restrict the fish to a niche and locale where the introduction's impact can be limited and predicted, and where such predictions indicate that there will be no unacceptable detrimental effects on native fisheries (e.g., peacock bass).
2. The fish are functionally sterile<sup>13</sup> and consequently populations can be controlled by stocking, or lack thereof (e.g., triploid grass carp).

Once the value and safety of such importations are demonstrated, fish for stocking may be imported directly, provided that adequate measures are available to ensure the quality of the fish. The certification procedure for triploid grass carp is an example of such a program:

#### Exportation

Exportation of fish from Florida to other states or countries is not likely to affect Florida's fisheries, except that exportation of threatened or endangered species is prohibited by rule. However, the Division will cooperate with appropriate Game and Fish agencies wherever possible, to ensure their rules are not violated, and that they are aware of the potential danger of importing maladapted stocks<sup>14</sup> or non-native species.

#### Genetic Alteration

Genetic alteration of fish can be simple or complex. Simple changes include selection<sup>15</sup>, domestication or inbreeding<sup>16</sup> that alter a population's

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<sup>12</sup> Secure Facilities are those in which all water is recirculated or put through a filter which ensures that no eggs, fry, fish or pathogens will reach natural waters, which provides exclusionary features such as fences and bird nets to prevent predators (human and others) from removing the fish, and would contain the fish during a 50-year flood event.

<sup>13</sup> Functionally Sterile means that an organism is incapable of reproducing on its own in the wild. However, an organism can physiologically be fertile and still be functionally sterile--meaning that to some limited degree gametes (eggs and sperm) are produced but at such reduced rates and with such depleted vitality that they are unable to successfully reproduce in the wild.

<sup>14</sup> Maladapted Stocks refer to stocks that have either been altered by man's intervention, or are unaltered but have been introduced by man into new environments in such a way that they are not well adapted to the environment they are being exposed to. For instance, temperate zone fish may be well adapted to survive and reproduce in that area but when introduced into tropical or subtropical climates may not do well due to temperature or other differences.

<sup>15</sup> Selection is a breeding process where individual spawners are chosen based on some specific character, for instance size or color. The intent is to develop a line of progeny which have these parental characteristics to a greater degree than if parents were selected randomly.

gene pool<sup>17</sup> either intentionally or accidentally, but leave the genome<sup>18</sup> basically intact (i.e., proportions of certain genetic traits may vary, but they remain within the range of the parent species' traits).

More complex, but relatively fundamental, changes include sex manipulation<sup>19</sup> and polyploidization<sup>20</sup>. Examples include our early work on producing all female (gynogenetic) grass carp and current work with triploid grass carp. These procedures do not incorporate any genetic material from another species, but do represent a major change in the population's genomic structure and often affect reproductive potential.

The next tier of genetic alteration involves hybridization and allows incorporation of genetic information from one species of fish into another, in a manner that rarely occurs in nature. Sunshine bass (white bass and striped bass hybrids) are an example of how this can be beneficial. These techniques have been used for centuries in animal husbandry to produce organisms with superior performance characteristics for a specific use.

Finally, certain molecular techniques<sup>21</sup> which have been used in other fields of biology are being adapted to fisheries, to allow the direct transfer of limited amounts of genetic material from one organism to another. This methodology involves insertion of foreign genetic materials, even when sperm from a donor species cannot be made to fertilize eggs of a recipient species. In Florida this technique has not been experimented with, but an example from Auburn University is the insertion of human growth hormone genes into catfish.

Molecular techniques have tremendous potential for helping man, but inappropriate use could result in deterioration of naturally evolved fish

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<sup>16</sup> Inbreeding is the result of having a limited number of parents producing a population. It results in loss of genetic variation and frequently manifests lethal or maladaptive recessive genes that result in a loss of vigor in the offspring. In selection programs inbreeding can be intentional.

<sup>17</sup> A Gene Pool is the total amount of genetic variability available among a population of organisms.

<sup>18</sup> A Genome or Genotype refer to the total set of genes within an individual organism.

<sup>19</sup> Sex Manipulation refers to changing the percentages of male and female organisms or their fertility. These changes can be accomplished in a variety of ways such as using sex hormones to sex reverse animals (make a male into a female or vice versa), to produce gynogenetic (all female) or androgenetic (all male) populations by affecting the genome, or using drugs to sterilize organisms.

<sup>20</sup> Polyploidization refers to creating organisms that have more than the normal two sets of chromosomes. The most common product is triploids, which have three sets of chromosomes, such as triploid grass carp. This is achieved by causing retention of the second polar body of the egg once it is fertilized. The result is a functionally sterile organism that may grow faster in its mature years, since energy is not diverted to egg or sperm production.

<sup>21</sup> Molecular Techniques are those which affect the organism at the molecular level (for instance, the structure of DNA and the genetic code).

stocks. Therefore, to safeguard natural genetic resources at the stock level, use of these techniques should be restricted and monitored, but not prohibited. ✓

Regulation of molecular techniques can best be accomplished by using these techniques only for aquaculture or very specific stocking purposes, where impacts can be predicted and controlled. In the case of aquaculture, suitable containment facilities are essential to prevent the organism's escape into the wild where it might become established or interbreed with native fishes. In the case of purposeful stocking programs, functional sterility generally will be required, to protect native resources from most long-term impacts.

Only after extensive research efforts, in-house review and review by the scientific community at large will the Division of Fisheries consider purposeful stocking of fertile genetically-altered fishes, due to the potential danger if they interbreed with native stocks and alter their genome. Such stockings would only be conducted to remedy a documented deficiency in the native fish's gene pool, which has been shown to be counter productive to its fitness<sup>22</sup> and sportfishing performance, in spite of existing in a relatively natural habitat.

#### Stocking

Fish stockings can be categorized as supplemental or enhancement. Supplemental stockings are intended to increase numbers of existing fish, with fish from the same stock, without altering them in any way. Supplemental stockings of naturally recruiting<sup>23</sup> populations generally do not result in a long-term increase in numbers of harvestable fish, and consequently this management alternative is used but not emphasized in Florida. Exceptions include stocking newly created waters, replacing a population that has been eliminated or severely reduced due to intensive harvest or some calamity, or helping the fish population past some clearly identified bottleneck in their life cycle, such as a deficiency of food for fry. Another potential use for this type of stocking is in areas of high fishing pressure to support a put-grow-take<sup>24</sup>, or put-and-take<sup>25</sup> fishery, but this is not an option we generally pursue, unless it is part of a specific project (such as urban fisheries, or fisheries education rodeos).

Enhancement stockings seek to enhance a fishery by adding a type of fish not already there, or by altering the fish in some fashion, such as with sunshine bass. Such stockings can provide many potential benefits, but must be evaluated carefully and controlled to ensure no harm comes to native fish stocks. Generally, such assurances are provided by only using functionally sterile fish, to prevent direct affects on native gene pools and indirect effects are time limited (i.e., if no additional fish are stocked, when the

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<sup>22</sup>Fitness is the degree of success to which an organism matures and passes on its genotype to subsequent generations.

<sup>23</sup>Recruiting refers to fish attaining harvestable size.

<sup>24</sup> Put-grow-take stockings involve stocking small fish, which need to grow in the wild before they are ready to be harvested.

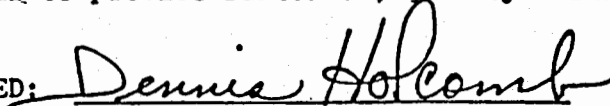
<sup>25</sup> Put-and-take stockings involve stocking harvestable-sized fish which have been grown out at a hatchery and are ready to be harvested any time after they are stocked.

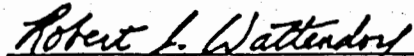
original fish die, the biotic balance<sup>26</sup> should return to normal).

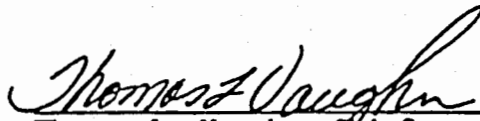
#### Summary

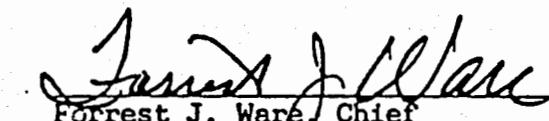
In summary, the intent of the Division of Fisheries' policy is to ensure native fisheries resources are given primary consideration, and that they are protected at the stock level from inadvertent genetic alteration. However, the Division recognizes that confronted by the challenge of an ever-increasing human population, and the concomitant increases in pollution, habitat loss and fishing pressure, we must consider all of the tools at our disposal to provide sustained, quality fishing opportunities.

APPROVED:

  
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DATE: 1 July 1988

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<sup>26</sup> Biotic Balance refers to the natural relationships between various organisms within an ecosystem and includes species diversity, the food web and predator-prey relationships.

**Appendix B: Mississippi Guidelines on Aquaculture**



GUIDELINES  
FOR  
AQUACULTURE ACTIVITIES IN MISSISSIPPI

**SECTION 1**

**Introduction**

Summarized in this brochure are laws and regulations that were created by the Mississippi Aquaculture Act of 1988 as amended to apply to aquaculturists and their activities in Mississippi.

The purpose of this Act is to improve coordination of aquaculture activities and to enhance related opportunities and benefits to U.S. citizens who are interested in pursuing aquaculture operations in Mississippi. The Act also provides a means of regulating operations in the State that would not only be beneficial to aquaculturists, but will enhance and conserve a desired quality in our natural aquatic resources. The Act encourages aquaculture activities in Mississippi that enhance existing aquaculture enterprises and the development of new ones to provide increased job opportunities and income for the benefit of Mississippians.

**SECTION 2**

**Definitions of Aquaculture Activities**

**APPROVED PROCESSOR** (for the Pilot Program) - One who makes application and is approved by the Aquaculture Task Force and who meets all criteria set forth in the Guidelines for Aquaculture Activities in Mississippi.

**AQUACULTURE** - the process of growing, farming, cultivating and/or harvesting of cultured aquatic products in marine or freshwater and includes management by an aquaculturist.

**AQUACULTURE TASK FORCE (ATF)** - a group of state agencies with a common interest in aquaculture that will address issues pertaining to the pilot program under the direction of the Commissioner of Agriculture and Commerce. The ATF is composed of individuals representing the Mississippi Department of Agriculture and Commerce (MDAC), with consultation from the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP); the Mississippi Department of Marine Resources (MDMR); Mississippi State University (MSU); the Mississippi Agribusiness Council; Gulf Coast Research Laboratory; and other aquaculture industry leaders.

**AQUACULTURIST** - a person who is engaged in the cultivating of cultured aquatic products.

**AQUACULTURE FACILITY** - any facility or resource that is used for aquaculture activities and operations in Mississippi.

**COMMISSIONER** - refers to the Commissioner of the Mississippi Department of Agriculture and Commerce.

**CULTURED AQUATIC PRODUCTS** - marine or freshwater plants or animals that are propagated, farmed or cultivated in an aquaculture facility under the supervision and management of an aquaculturist or that are naturally produced in an aquaculture facility that at the time of production are under the active supervision and management of an aquaculturist.

**CULTIVATION/MARKETING PERMIT** - a permit issued by the Department, applicable to design criteria to prevent release of certain cultured aquatic products from an aquaculture facility into the environment. This permit is to provide a mechanism for tracing marketed and cultured aquatic products to verify that they were cultured in an aquaculture facility and were not harvested from wild stocks and to prevent the release of undesirable species into the environment.

**BROODFISH COLLECTION PERMIT 79-22-15(1), MISS. CODE 1972, AS AMENDED** - an approval by the Department of Wildlife, Fisheries and Parks for the collection of gamefish broodstock from natural waters in the State.

**DEPARTMENT** - refers to the Mississippi Department of Agriculture and Commerce (MDAC) as the charge agency for the aquaculture law as per the Aquaculture Act of 1988 as amended.

**PILOT PROGRAM** - a limited, closely controlled and monitored, experimental program that allows pilot program producers to culture and sell hybrid black stripe crappie or hybrid bream for human consumption. The culture and sale of hybrid black stripe crappie or hybrid bream in the pilot program will provide information regarding production techniques, economic feasibility, marketing and the possible effect upon the natural crappie and bream populations.

Pilot Program Producers - permitted aquaculturists selected by the Commissioner and who sign a memorandum of agreement with the Aquaculture Task Force to participate in the pilot program.

### **SECTION 3**

#### Aquaculture Activities Requiring Permits

Cultivation/Marketing permit(s) are required of an aquaculturist who produces and/or markets aquatic products from the following aquatic plants and animals.

- A. All non-native aquatic plants and animals
- B. All gamefish in Mississippi with the following exceptions:
  - 1. Black bass, bream, crappie, flathead catfish, walleye and other members of the families *Centrarchidae* and *Percidae* shall not be produced and sold for food consumption except for those specified in Section E but may be produced and sold for stocking private recreational sportfishing waters only.
- C. Endangered, Threatened or Protected Species



- D. Genetically modified aquatic plants and animals by means other than cross breeding
- E. Pilot Program Species - (1) hybrid bream (*Lepomis spp.*), (2) hybrid black stripe crappie (*Pomoxis spp.*)
  - 1. The culture and sale of these hybrid gamefish is restricted to no more than (5) pilot program producers who have been selected by the Commissioner from a list supplied by the Aquaculture Task Force.
  - 2. The product can only be sold through an approved processor.

**SECTION 4**

**Aquaculture Activities Not Requiring Permit(s)**

- A. Culture of any currently recognized native aquatic plant, animal and non-game fish. However, marketing permits may be needed to aid in marketing products in other states or countries. The Department shall issue cultivation/marketing permits requested for such reasons.
- B. Culture of catfish by the catfish industry, where catfish and catfish products are grown, farmed, and processed for sale.
- C. Culture and retail sales of tropical fish maintained in closed systems utilized by pet shops, hobbyists and their suppliers.
- D. Culture of minnows by licensed minnow dealers. The activities are covered in 49-7-29 (Department of Wildlife, Fisheries & Parks regulations).
- E. Operation of fish-out lakes (pay-fishing lakes).

**SECTION 5**

**Prohibited Species**

All species of the following animals and plants have been determined to be detrimental to the State's native resources and further sales or distribution are prohibited in Mississippi. No person shall import, sell, possess, transport, release or cause to be released into the waters of the state any of the following aquatic species or hybrids thereof. However, species listed as prohibited may be allowed under a permitting process where environmental impact has been assessed.

- |                                  |                                 |
|----------------------------------|---------------------------------|
| - Lampreys                       | Family Petromyzontidae* ****    |
| - Piranha and pirambebas         | Subfamily Serrasalminae ** **** |
| - Banded tetra                   | <i>Astyanax fasciatus</i>       |
| - Mexican tetra or Silvery tetra | <i>Astyanax mexicanus</i>       |
| - Tiger characin or trahira      | <i>Hoplias malabaricus</i>      |
| - Skinny Tiger characin or biara | <i>Raphidon vulpinus</i>        |

- Pencil or parasitic catfishes
- Airbreathing or Walking catfishes
- Bony-tongue fishes
- Dorados or dourados
- Freshwater stingrays
- Nile perches
- African electric catfishes
- African tigerfishes
- Freshwater electric eels
- Snakeheads
- South American tigerfishes
- Airsac catfishes
- Peacock bass or Peacock cichlid
- South American pike characoids

- African Pike characoids

- Rhipiodontid characoids

- Banded knifefish

- Mud carp, Sandkol carp

Rudd and Roach

Old World breams

Old World chubs, ide & dace

Asps and yellowcheek

Giant Barbs and Mahseers

Catla

Whale catfishes

Pike killifish

Marine stonefishes

Ruffes and Schraetzers

Zanders

Pike cichlids

Asian pikehead

Family Trichomycteridae \*\*\*\*

Family Clariidae \*\*\*\*

Family Osteoglossidae \*\*\*\*

Genus *Salminus* \*\*\*\*

Family Potamotrygonidae \*\*\*\*

Genera *Lates* and *Luciolates* \*\*\*\*

Family Malapteruridae \*\*\*\*

Family Alestidae, Subfamily Hydrocyninae \*\*\*\*

Family Electrophoridae \*\*\*\*

Family Channidae \*\*\*\*

Family Erythrinidae \*\*\*\*

Family Heteropneustidae \*\*\*\*

*Cichla ocellaris*

Family Characidae, all species of the Genus *Acestrorhynchus*; Family Ctenolucidae, all species of the Genera *Ctenolucius* and *Luciocharax* (*Boulengerella*)

Family Hepsetidae, all species of the Genus *Hepsetus* Family Ichthyboridae, all species

Family Characidae, Subfamily Rhipiodontinae, all species of the Genera, *Hydrolycus* and *Raphiodon* (*Cynodon*)

*Gymnotus carapo*

Family Cyprinidae, all species of the Genera *Cirrhinus* and *Thynnichthys*

Family Cyprinidae, all species of the Genera *Scardinius* and *Rutilus*

Family Cyprinidae, all species of the Genera *Abramis*, *Blicca*, *Megalobrama* and *Parabramis*

Family Cyprinidae, all species of the Genus *Leuciscus*

Family Cyprinidae, all species of the Genera *Aspius*, *Pseudaspius*, *Aspiolucius*, and *Elopichthys*

Family Cyprinidae, all species of the Genus *Tor* and the species *Barbus tor* and *Barbus*

*hexagonolepis*

Family Cyprinidae, all species of the Genus *Catla*

Family Cetopsidae, all species

Family Poeciliidae, *Belonesox belizanus*

Family Synanceiidae, all species

Family Percidae, all species of the Genus *Gymnocephalus*

Family Percidae, *Stizostedion lucioperca*, *Stizostedion volgense* (*volgensis*), *Stizostedion marinum*

Family Cichlidae, all species of the Genera *Crenicichla* and *Batrachops*

Family Luciocephalus, all species

## Plants

- Hydrilla (Florida Elodea)
- Egeria (African Elodea)
- Water Hyacinth\*\*\*
- Rooted hyacinth
- Eurasian Watermilfoil
- Water lettuce
- Paperbark (Melaleuca)

*Hydrilla verticillata*  
*Egeria densa*  
*Eichhornia crassipes*  
*Eichhornia azurea*  
*Myriophyllum spicatum*  
*Pistia stratiotes*  
*Melaleuca quinquenervia*

## Mussels and Crayfish

- Yabbie Lobster
- Zebra Mussel
- Tasmanian Giant crayfish

*Cherax destructor*  
*Dreissena polymorpha*  
All species of the Genus *Astacopsis*

- \* - includes Sea lamprey
- \*\* - includes all the piranhas
- \*\*\* - Use of water hyacinth in a controlled, filtered aquaculture system may be allowed.
- \*\*\*\* - all species

## SECTION 6

### Requirements For The Culture Of Non-Native Species

#### A. THE CULTURE OF CARP SPECIES

The culture of any non-native carp species (such as bighead carp, black carp, grass carp, silver carp and common carp) shall be conducted in a responsible manner that excludes the possibility of escape. It is necessary to construct a barrier that prevents escape of juvenile and adult fishes. Since these species are not known to reproduce in a pond culture situation, it will be acceptable to double screen pond drainpipes with at least one screen being of a mesh size small enough to prevent the passage of fingerling carp. Window screening material will not be considered adequate.

Facilities that spawn carp fry must filter the hatchery effluent to prevent the passage of eggs and/or fry from the facility. A sand or pea gravel filter is the most effective measure to filter eggs and fry.

#### B. THE CULTURE OF TILAPIA SPECIES

Due to the prolific nature of the Tilapia species, a fish barrier shall be designed to prevent the discharge of water containing Tilapia eggs, larvae, juveniles and adults from the permittee's property.

Although Tilapia may not overwinter in Mississippi waters, precautions must be taken to limit their escape into native waters. This shall be accomplished by using a 1000 micron mesh screen.

**C. THE CULTURE OF ALL OTHER NON-NATIVE SPECIES**

The culture of any non-native species not maintained in a closed system must incorporate a filtering system to prevent the passage of eggs, larvae, juveniles and adults from the applicant's property.

**D. RELEASE OR ESCAPE OF NON-NATIVE SPECIES**

In the event that non-native aquatic organisms are released or escape from a permitted facility into waters of the state, the Department shall notify the Mississippi Department of Wildlife, Fisheries and Parks (MDWFP) as soon as possible. If the MDWFP determines that the presence of these non-native organisms could become or is detrimental to native fishes, MDWFP personnel may attempt to remove or eradicate all non-native organisms. All costs necessary to effect removal or eradication will or may require reimbursement to MDWFP by the aquaculturist responsible for the release or escape, if proved to be the fault of the aquaculturist through neglect and/or mismanagement. The aquaculturist shall not be responsible for acts of nature and/or unforeseen occurrences such as floods, lightning, or sabotage.

**SECTION 7**

**Permitting Process**

**I. General Aquaculture Permits**

- A. The Aquaculturist must procure a permit application from the Department by calling Gene Robertson at 601-359-1120 or writing to the Mississippi Department of Agriculture and Commerce, P.O. Box 1609, Jackson, MS 39215-1609, attention: Gene Robertson.
- B. Only U.S. citizens are eligible to receive approved cultivation/marketing permits in Mississippi. Proof of citizenship shall be provided with application.
- C. Completed applications along with a permit fee of \$100.00 for the first species and \$10 for each additional species should be mailed to the Mississippi Department of Agriculture and Commerce, P.O. Box 1609, Jackson, MS 39215-1609, attention: Gene Robertson. The fee for a marketing or cultivation permit issued to a nonresident of Mississippi shall be \$100.00 plus \$10.00 per each additional species or the amount imposed on a Mississippi resident by a nonresident state, whichever is greater.
- D. The Department will send copies of application to the review agencies and

make an on-site inspection. A permit will be issued following all reviews, inspections and receipt of permit fee.

- E. Permits are valid for a period of one year from date of issuance. Permit fees will be set by the Department.
- F. The cultured aquatic products may be possessed by the Aquaculturist only after approval of the initial application and the issuance of the original permit.
- G. Other permits may be required as specified by the Department of Environmental Quality. See attachments on application.
- H. Permits may be required by other state, federal, city or county agencies. See attachments on application.

## II. Gamefish Pilot Program Permits

- A. A Memorandum of Agreement must be signed by the producers and the Aquaculture Task Force.
- B. Completed applications along with a permit fee of \$100.00 for the first species and \$10 for each additional species should be mailed to the Mississippi Department of Agriculture and Commerce, P.O. Box 1609, Jackson, MS 39215-1609, attention: Gene Robertson.
- C. Any non-compliance by a producer may result in the termination of their participation in the pilot program.
- D. MDAC will make one announced annual inspection and several unannounced inspections.
- E. When fish are harvested, MDAC and/or MDWFP must be notified 10 working days prior to harvesting and agency representation will be required on site.
- F. If for any reason the ATF sees a serious problem with the pilot program, steps will be taken to correct the problem. In the event a correction is not possible, the pilot program will cease.

## SECTION 8

### Reporting Requirements

The permittee is required to submit the following information upon request to the Department:

- A. Aquaculturists shall furnish upon request to the Department a record of sales covering fish and/or plants imported and/or sold, giving the species of each, the number or pounds (or

other units of sale) of each, date of shipment, to whom or from whom each was sold or were received and the address and phone number of the supplier or purchaser at the time of billing. If fish and plants have not been sold or received during the year, this shall be reported. Such information shall be kept on site for a period of 3 years.

- B. Failure to submit requested information to the Department may result in cancellation of permits within 60 days of written notice.

## **SECTION 9**

### **Shipping and Labeling Requirements**

Such permitted aquatic products shall be accompanied by a bill of lading, way bill, invoice or other document detailing the following:

- A. Name, address and phone number of both the buyer and the seller.
- B. Scientific and common name of product.
- C. Quantity (weight and/or number) by species packaged for delivery to buyer.
- D. The Cultivation/Marketing permit number issued by the Department.
- E. Date of shipment.
- F. The permittee shall retain a copy of the bill of lading or similar accountable document for three years and make it available to the Department upon request.
- G. Gamefish (hybrid bream or black stripe crappie) shall be marketed through an approved facility in a labeled package and shall remain in the original package when displayed for sale.

All dead or live plants and animals specified must conform to one of the following categories.

#### **Category I. Live Animals and Plants**

1. All live animals and plants transported from the permitted facility in containers or boxes shall be clearly labeled with information required under Section 9 A-G.
2. Live animals and plants transported using a live haul vehicle shall be accompanied by information required under Section 9 A-G. Said information shall be maintained in the vehicle at all times during transport of the product.

#### **Category II. Dead Animals and Plants**

Dead plant and animal products shall be packaged in sealed containers and shall contain information stated under Section 9 A-G. Containers shall be clearly labeled showing information required under Section 9 A-G.

### **Category III. Tagged Animals and Plants**

Plants or animals tagged individually by use of tags approved by the Department. (Tags shall be used if previously stated labeling procedures are determined to be ineffective for monitoring marketed cultured aquatic products).

1. The permitted aquaculture facility shall pay the cost of manufacturing and delivering the tags. (Requests for tags will be made upon permit application).
2. Each product shall be tagged with consecutively numbered tags from the Department.
3. The tag sequence shall be present on all invoices and waybills.
4. Tags shall remain on the individual product until utilized by the end user.

### **Category IV. Gamefish**

Gamefish is produced by aquaculturists for the stocking of private recreational sportfishing waters only except for those producers in the pilot program.

1. Live fish transported using a live haul vehicle must be accompanied with information stated under Section 9 A-G. This information shall be maintained in the vehicle at all times during transport of the product.

## **SECTION 10**

### **Broodstock Acquisition**

Broodstock for aquaculture facilities may be obtained as follows:

- A. By legal sportfishing and commercial fishing harvest methods as allowed by existing regulations.
- B. By purchase of broodstock from a permitted aquaculture facility.
- C. Through use of an approved broodstock collection permit from the Department of Wildlife, Fisheries and Parks.
  1. Broodstock collection permit may be issued on a case-by-case basis determined by the Department of Wildlife, Fisheries and Parks with assured levels of compensation.
  2. Harvest involves taking certain species from natural waters by temporarily approved methods not covered under existing regulations and limits.
  3. Collection under this permit requires compensation by:
    - a. Stocking waters with a specified size and number of organisms at time(s)

- and place(s) specified by the Department of Wildlife, Fisheries and Parks.
- b. Providing a specified level of funds to the Department of Wildlife, Fisheries and Parks for production by the Department or its contractors of a specified number and size of organisms of a given species for stocking natural waters.
  4. Determination of the level of compensation, if any, that is required will be made by the Department of Wildlife, Fisheries and Parks on the basis of the probable impact on wildstocks.
  5. No broodstock taken from the state waters will be allowed for sale or transport out of the state, except state educational institutions and state and federal agencies may transport such broodstock out of the state.

## **SECTION 11**

### **Facility Inspection and Health Certification**

- A. The Mississippi Department of Agriculture and Commerce and the Mississippi Department of Wildlife, Fisheries and Parks reserve the right to periodically inspect each facility for permit compliance.
- B. Cultivation and marketing permits may include provisions for live animals or plants to be inspected for disease.

## **SECTION 12**

### **Aquaculture Building Requirements**

Construction associated with aquaculture facilities shall not be required to exceed the building requirements specified for agricultural operations.

## **SECTION 13**

### **Violations**

When any complaint is made against any person for violating any of the provisions of the Mississippi Aquaculture Act of 1988, Miss. Code of 1972, 79-22-1, et seq. ("act"), or any of the regulations promulgated thereunder, the Director of the Bureau of Regulatory Affairs of the Mississippi Department of Agriculture and Commerce, or his designee, shall act as the reviewing officer. The complaint shall be in writing and shall be filed in the office of the Mississippi Department of Agriculture and Commerce ("Department"). The reviewing officer shall deliver to the accused a copy of the complaint, any supporting documents and a notice of hearing. An informal hearing shall be scheduled before the reviewing officer, which shall be held no sooner than twenty (20) days after written notice is delivered to the accused. Notification to the accused may be accomplished by certified mail or by any of the methods provided in Rule 4 of the Mississippi Rules of Civil Procedure. The accused may appear personally at said hearing and provide to the hearing officer a written answer and any documents and affidavits in support of his position. The reviewing officer shall explain the charges, and the accused may state his position and defenses. It is anticipated that the only persons making statements at this hearing will be the complainant, the reviewing



officer and the accused. If the accused fails to appear at said hearing or to file a written answer, the allegations in the complaint shall be accepted as being true, and the reviewing officer shall enter an appropriate order. If the matter is contested, the reviewing officer shall review all of the evidence to determine the merit of the complaint.

If the reviewing officer determines that the complaint lacks merit, he may dismiss same. If he finds that there are reasonable grounds to find that a violation has occurred, the reviewing officer may issue a warning, and/or suspend or revoke the permit of the accused and/or impose a civil penalty of no less than \$250 nor more than \$1,000 for each violation. In the case of violations involving the marketing of non-cultured gamefish, each fish will be counted as a separate violation. The reviewing officer shall rule within a reasonable time after the hearing. A copy of the reviewing officer's decision shall be sent to the accused by certified mail. The accused shall have the right to appeal to the Commissioner of the Department by filing a notice of appeal with the Bureau of Regulatory Affairs within twenty (20) days of receipt of the reviewing officer's decision. Such appeal shall be without supersedeas. If no appeal is taken, said decision shall be final.

In the event of an appeal, the Commissioner, or his designee, shall conduct an evidentiary hearing relative to the charges. The Commissioner, or his designee, shall receive and hear all the evidence and arguments offered by both parties and shall afford the accused a full opportunity to present all defenses available to him. The testimony of witnesses at the hearing shall be upon oath or affirmation, and they shall be subject to cross-examination. The testimony shall be recorded electronically, but there is no requirement for it to be transcribed. The rules of evidence shall be relaxed.

Upon the conclusion of the hearing, the Commissioner, or his designee, shall promptly render an opinion, which either affirms, reverses or amends the order of the reviewing officer, in whole or in part. The Commissioner shall notify the accused of his opinion by certified mail. Such opinion shall be final. Any penalty assessed herein shall be due and payable within twenty (20) days after the order in which it is assessed becomes final. The computation of time under this regulation shall be the same as that set forth in the Mississippi Rules of Civil Procedure.

## SECTION 14

### Agency Listing

1. Mississippi Department of Agriculture and Commerce  
P.O. Box 1609  
Jackson, MS 39215-1609  
601-359-1120
2. Department of Environmental Quality  
Office of Land and Water Resources  
P.O. Box 10631  
Jackson, MS 39289-0631  
601-961-5200

3. Department of Environmental Quality  
Office of Pollution Control  
P. O. Box 10385  
Jackson, MS 39205  
601-961-5171
4. State Department of Health  
State Health Officer's Office  
P. O. Box 1700  
Jackson, MS 39215-1700  
601-960-7634
5. Mississippi Department of Wildlife, Fisheries and Parks  
Fisheries Division  
P. O. Box 451  
Jackson, MS 39205-0451  
601-364-2200
6. Mississippi Department of Marine Resources  
1141 Bayview Avenue, Suite 101  
Biloxi, MS 39530  
601-374-5000
7. District Engineer  
U. S. Army Engineer  
District Mobile  
Attn: SAMOP-S  
P. O. Box 2288  
Mobile, AL 36628  
205-694-3775
8. District Engineer  
U. S. Army Engineer  
District Vicksburg  
Attn: LMKOD-FE  
4155 Clay Street  
Vicksburg, MS 39180-5191  
601-634-5289

**Appendix C: Louisiana Laws Pertaining to Aquaculture**



**§03:2355. Purpose**

The purpose of this Part is to prevent the introduction into and dissemination within this state of contagious and infectious diseases of catfish by providing for the inspection and control of catfish to be used for stocking purposes, which activity is hereby found and declared by the legislature to promote agriculture in the state of Louisiana.

Added by Acts 1985, No. 729, § 1.

**History and Source of Law**

This section, added by Acts 1985, No. 729, § 1, as R.S. 3:2375, was redesignated as R.S. 3:2355 on authority of R.S. 24:253.

**Title of Act**

An Act to enact Part IX of Chapter 16 of Title 3 of the Louisiana Revised Statutes of 1950, to be comprised of R.S. 3:2375 through 2376, relative to the shipment of catfish to be used for stocking purposes into the state from other states or countries; to provide for inspection of catfish to be used for stocking purposes with contagious or infectious diseases; to provide for certain circumstances under which such inspection is unnecessary; to provide for penalties, and to provide for related matters. Acts 1985, No. 729.

**§ 03:2356. Shipment of catfish to be used for stocking purposes into the state; inspection; fees; penalties**

- A. No person, firm, or corporation shall move, ship, or transport into this state any catfish to be used for stocking purposes, of any species, whether farm raised or caught in the waters from any other state, except as provided in this Section.
- B. Catfish to be used for stocking purposes may be shipped into this state by a person, firm, or corporation possessing all necessary wholesale licenses, but only when accompanied by certification of inspection issued by the state or country of origin. The certificate shall certify the apparent freedom of the catfish to be used for stocking purposes from contagious or infectious diseases and shall be based upon an actual inspection of the catfish to be used for stocking purposes to be shipped or moved within a period of forty-eight hours preceding the date of shipment.
- C. Notwithstanding the provisions of Subsection B, the commissioner of agriculture may inspect any catfish to be used for stocking purposes being shipped into this state, even if the catfish to be used for stocking purposes are accompanied by a certificate of inspection issued by another state or country, unless the facility receiving the catfish to be used for stocking purposes is inspected or the catfish to be used for stocking purposes accompanied by a certificate of inspection of another state or country reveals contagious or infectious disease, the commissioner may declare a moratorium on this state's recognition of any certificate of inspection issued by that state or country until the commissioner determines that the standards of that state or country are adequate to insure the health and safety of catfish to be used for stocking purposes in that state or country at least equal to the standards established by this state.
- D. Except as otherwise permitted in this Section, the movement or shipment of catfish to be used for stocking purposes into this state shall be prohibited.

**R.S. 03:2356**

- E. In cases where the commissioner inspects catfish to be used for stocking purposes pursuant to this Section, he may be rule impose an inspection fee, provided that the fee schedule is uniform as to all similar inspections and the funds are used to defray the cost of inspections.
- F. Any person, firm, or corporation who violates this Section shall be fined not more than two hundred dollars or imprisoned for not more than sixty days, or both.

Added by Acts 1985, No. 7290, § 1.

**History and Source of Law**

This section, added by Acts 1985, No. 729, § 1 as R.S. 3:2376, was redesignated as R.S. 3:2356 on authority of R.S. 24:253.

§319. Exotic fish; importation, sale, and possession of certain exotic species prohibited; permit required; penalty

A. No person, firm, or corporation shall at any time possess, sell, or cause to be transported into this state by any other person, firm, or corporation, without first obtaining the written permission of the secretary of the Department of Wildlife and Fisheries, any of the following species of fish: carnero catfish (*Clarias batrachus*), all of the family clariidae, freshwater electric eel (*Electrophorus sp.*), carp [except those taken in state waters, provided such fish shall be dead when in a person's possession, common carp (*Cyprinus carpio*) and goldfish (*Carassius auratus*)], rudd (*Scardinius erythrophthalmus*), and all species of tilapia.

B. All permits granted under the provisions hereof shall be on an annual basis except for permits issued for triploid grass carp possession and transportation for aquatic plant control. All requests for such permission shall indicate the source, number, and destination of the species named therein.

C. The provisions contained herein shall be enforced by the commission, and its decision in the granting or denial of the permission referred to herein shall be final.

D. No person shall have in possession or sell in this state a piranha or Rio Grande Tetra; except that, piranha may be possessed and displayed at the Aquarium of the Americas, Audubon Institute, New Orleans, as authorized by a special permit issued by the department, under conditions the department deems necessary to prevent their introduction into waters of the state. Neither the permit nor the conditions and requirements thereof, shall be required to be adopted pursuant to the provisions of the Administrative Procedure Act.

E. Violation of any of the provisions of this Section constitutes a class four violation.

*Acts 1974, No. 223, §1. Amended by Acts 1981, No. 837, §3; Acts 1981, No. 838, §1; Acts 1982, No. 94, §1; Acts 1988, No. 939, §1, eff. July 26, 1988; Acts 1990, No. 695, §1, eff. July 20, 1990; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 1142, §1.*

**§319.1. Control of importation of fish; department's regulatory authority**

The department shall have the authority to regulate or prohibit, by rule in accordance with the Administrative Procedure Act, the possession, sale, or transportation of any fish into Louisiana.

*Acts 1988, No. 614, §1, eff. July 14, 1988; Acts 1990, No. 196, §1.*

§326. Size and possession limits; commercial fish

A. The following are the legal size limits on commercial fish. No person shall take or possess these fish under or over the prescribed sizes for commercial purposes. Except as provided by R.S. 56:326(A)(4)(b) or other applicable law, fish of the prescribed legal size may be taken, had in possession, or sold in unlimited quantities, provided there is compliance with all other requirements of the law. Any commercial fish under the minimum prescribed size or over the maximum prescribed size shall be returned immediately to the waters from which taken without avoidable injury. Any commercial species upon which there is no specific size limit may be taken in any size or quantity. Notwithstanding any other provisions stated above, commercial fish under the legal size may be taken from privately owned ponds, impoundments, or waters by the owner thereof or his authorized representative and may be sold to other persons for purposes of stocking private waters, ponds, or impoundments.

(1) Hardshell crabs -- 5 inches in width as measured from point to point of the upper shell, except when held for processing as soft crabs or sold to a processor for the making of crabs. Violation of this provision constitutes a class 3 violation.

(2) Premolt crabs less than five inches in width held by a fisherman for processing as softshell crabs or sold by him to a processor for the making of softshell crabs must be identifiable as premolt crabs and must be held in a separate container marked "peelers" or "busters" while in the possession of the fisherman. Obvious signs that such crabs are in the premolt stage shall include the fact that they are no further from molting than having a white line on the back paddle fin, which is recognized by the crab industry as a premolt stage.

(3) Spotted sea trout - Fourteen inches minimum total length with the mouth closed.

(4) *Repealed by Acts 1991, No. 157, §2, eff. July 2, 1991.*

(5) Sheepshead--10 inches minimum total length with the mouth closed.

(6) Buffalo fish--16 inches minimum total length with the mouth closed.

(7) Large species of freshwater catfishes:

(a) The blue catfish, locally called Mississippi cat -- 12 inches minimum length with the mouth closed; the flathead catfish locally called yellow cat, Opelousas cat, or goujon -- 14 inches minimum length with the mouth closed;

(b) The channel cat, locally called the white, the eel cat, or the willow cat--11 inches minimum length with the mouth closed or 9 inches with the collarbone off; however, the commission is authorized to suspend or reduce by resolution, the legal size limit on channel catfish in those areas of the state where biological data indicates that such a suspension or reduction in the size limit would not be detrimental to the resource.

(c) There is no size limit on any species of bullhead or small species of catfish, locally called pollywog or tadpole cat.

(8) Paddlefish (spoonbill cat)--weighing not less than 15 pounds in the rough.

(9) Gaspergou--12 inches minimum length with mouth closed.

(10) *Repealed by Acts 1992, No. 256, §2, eff. July 1, 1993.*

(11) Diamond back terrapin--6 inches in length measuring the plastron or under the shell.

B.(1) However, as to all commercial fish five percent of the total number of each species in possession may be smaller than the legal limit.

(2) To determine whether the total number of crabs in possession violates this Subsection, the enforcement agent shall take a random sample of fifty crabs from each crate or group of crabs equivalent to one crate. Notwithstanding (B)(1), if more than ten percent of the crabs in that fifty crab random sample are less than the minimum size limit set by law, the entire number of crabs in that crate or group of crabs equivalent to one crate shall be considered to be in violation.



(3) Notwithstanding the provisions of Subsection B(1) of this Section, ten percent of the total number of channel catfish (*Ictalurus punctatus*), locally called the white cat, the eel cat, or the willow cat, in possession may be smaller than the legal limit.

(4) Crabs in a work box, as defined in R.S. 56:8(128), shall not be subject to the minimum prescribed commercial size limits for hardshell crabs while held aboard the vessel. Commercial crab fishermen shall be allowed to have in possession aboard the vessel, either one work box, if not using a grader, or two work boxes under the grader, if using a grader.

C. The commission shall have the authority to set seasons, regulate the type of gear used, and set possession limits for speckled trout and other estuarine fish in Calcasieu Lake, located in Calcasieu and Cameron Parishes, where it is clearly demonstrated that intense fishing competition exists, or if pollution levels exceed accepted standards, or if biological studies indicate the need.

D. *Repealed by Acts 1991, No. 157, §2, eff. July 2, 1991.*

E.(1) All saltwater finfish except tuna, garfish, swordfish, and sharks possessed by a commercial fisherman shall have the head and caudal fin intact when set or put on shore from a vessel or when sold. All tuna, swordfish, and sharks possessed by a commercial fisherman shall not be skinned or scaled until set or put on shore from a vessel or when sold. All garfish possessed by a commercial fisherman shall retain a strip of skin sufficient to clearly identify the fish until set or put on shore from a vessel or when sold. All saltwater finfish shall be measured in total length as defined in R.S. 56:8(114).

(2) Persons commercially fishing for shark must obtain a permit from the secretary of the Department of Wildlife and Fisheries and must report to the Department of Wildlife and Fisheries the number, species, and weight of sharks taken each trip on forms provided by the department. The forms shall be submitted on a monthly basis.

F.(1) Notwithstanding any provision of law to the contrary, a wholesale or retail dealer and a commercial fisherman may be subject to the penalties provided by law for the possession of undersized crabs. If the wholesale or retail dealer can provide to wildlife and fisheries agents at the time of discovery the identity of the commercial fisherman who harvested the undersized crabs and subsequently sold such crabs to the wholesale or retail dealer, the dealer shall not be subject to the penalties. The department may check unboiled crabs for violations of the undersized crab provisions of this Section.

(2) Commercial fishermen shall tag, mark, or otherwise identify any crabs that are sold, in a manner which will insure that such commercial fisherman can be identified as the person who harvested the crabs. The identification required herein shall include the commercial fisherman's name, license number, and date on which the crabs were harvested.

(3) Any commercial fisherman identified as having sold undersized crabs to a wholesale or retail dealer pursuant to this Section shall be subject to the penalties provided in R.S. 56:33.

(4) Violation of any provisions of this Subsection, except Paragraph (3) of this Subsection, constitutes a class 3 violation.

(5)(a) No person shall possess more than twice the percentage of undersize crabs allowed by law. A violation of this Subparagraph shall constitute a class four violation. Any person convicted of violating the provisions of this Subparagraph shall, in addition to any other penalties imposed in this Subpart, have his crab trap gear license suspended as provided in this Paragraph.

(b)(i) Upon conviction for violating the provisions of Subparagraph (a) of this Paragraph, the defendant's crab trap gear license shall be voided and the defendant shall be prohibited from applying for a new license for a period of six months from the date of conviction.

(ii) Upon conviction for violating the provisions of Subparagraph (a) of this Paragraph for a second time within a five year period, the defendant's crab trap gear license shall be voided and the defendant shall be prohibited from applying for a new license for a period of twelve months from the date of conviction.

(iii) Upon conviction for violating the provisions of Subparagraph (a) of this Paragraph for a third time within a five year period, the defendant's crab trap gear license shall be voided and the defendant shall be permanently prohibited from applying for a new crab trap gear license.

(c) The penalties provided in Subparagraph (b) of this Paragraph are mandatory and shall be imposed without benefit of suspension. Any crab trap gear license that is voided under the provisions of this Paragraph shall be turned over to the court and forfeited to the department.

(d) No person convicted of violating the provisions of Subparagraph (a) of this Paragraph shall obtain a crab trap gear license or engage in any activity requiring a crab trap gear license during the period in which he is prohibited from applying for a new license under Items (b)(i) and (ii) of this Paragraph. A violation of this Subparagraph shall constitute a class six violation and in addition to any other penalties imposed by law, a person convicted of violating this Subparagraph shall be forever barred from applying for a crab trap gear license.

G. Violation of any provision of this Section for which no penalty has been specifically provided constitutes a class three violation.

H. The possession limit for the commercial taking of southern flounder shall be ten fish for each licensed fisherman for each consecutive day on the water.

*Acts 1974, No. 223, §1; Amended by Acts 1974, No. 510, §1; Acts 1981, No. 136, §1; Acts 1984, No. 295, §1, eff. July 1, 1984; Acts 1984, No. 273, §1; S.C.R. No. 36, 1984 R.S.; Acts 1985, No. 160, §1; Acts 1986, No. 613, §1; Acts 1987, No. 383, §1 §2; Acts 1987, No. 549, §1; Acts 1988, No. 330, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1988, No. 35, §1; Acts 1989, No. 239, §1, eff. June 26, 1989; Acts 1989, No. 590, §1; Acts 1989, No. 592, §1; Acts 1990, No. 368, §1; Acts 1991, No. 157, §2, eff. July 2, 1991; Acts 1991, No. 641, §1; Acts 1992, No. 256, §2, eff. July 1, 1993; Acts 1992, No. 456, §1; Acts 1995, No. 1043, §1; Acts 1997, No. 1238, §1; Acts 1997, No. 1352, §1.*

**§327. Sale or purchase of freshwater or saltwater game fish prohibited; commercial sales and purchases, commercial license required; commercial fingerlings and certified mariculture and aquaculture fish excepted; penalties**

A.(1) No person shall purchase, sell, exchange, or offer for sale or exchange, or possess or import with intent to sell or exchange any of the following fish:

(a) Any freshwater game fish, including but not limited to largemouth bass (*Micropterus salmoides*), spotted bass (*Micropterus punctulatus*), shadow bass (*Ambloplites ariommus*), black or white crappie (*Pomoxis nigromaculatus, p. annularis*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensi*), striped bass (*Morone saxatilis*), hybrid striped bass (striped bass-white bass cross or striped bass-yellow bass cross), any species of bream (*Lepomis sp.*), or any other species of freshwater game fish as defined in R.S. 56:8(44) except hybrid striped bass (striped bass-white bass cross or striped bass-yellow bass cross) which are produced and regulated pursuant to provisions of R.S. 56:411 et seq. governing domestic fish farming, or

(b)(i) Any saltwater game fish, including but not limited to any sailfish (*Istiopharus platypterus*), blue marlin (*Makaira indica*), black marlin (*Makaira nigricans*), striped marlin (*Tetrapturus audax*), hatchet marlin (*Tetrapturus spp.*), or white marlin (*Tetrapturus albidus*), whether taken from within or without the state, unless such imported game fish, if from outside of the state, are tagged with a metal self-locking tag placed in one operculum of each fish, said tags to have been issued by the official conservation agency of the state from which the fish were taken, and showing the originating water body and the identity of the issuing agency, except that red drum (*Sciaenops ocellatus*) need only be accompanied by a bill of lading in accordance with Subparagraph (c) of this Paragraph, or unless such game fish have been certified by the department as having been raised and taken in accordance with a certified aquaculture program or a valid experimental mariculture permit issued pursuant to R.S. 56:579.1; and except game fish fingerlings, not exceeding a maximum total length of three inches, of rock bass, white bass, yellow bass, crappie, and bream, and, not exceeding a maximum total length of six inches, of largemouth bass, spotted bass, and striped bass, brought into the state by and from legal and certified out-of-state commercial fish hatcheries, for sale to Louisiana residents for stocking private and approved public waters, or the sale of such game fish by permitted residents in accordance with Paragraph (2) of this Subsection.

(ii) Nonresidents transporting said game fish fingerlings for sale in Louisiana must notify the secretary of the Louisiana Department of Wildlife and Fisheries twenty-four hours prior to shipment. Such notification requirement shall not apply to residents. Resident and nonresident game fish culturers must possess a bill of lading which shall accompany each shipment showing the species of fish contained in the shipment, the number, the origin of the payload, the destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

(iii) Creel limits shall not apply to said shipments of gamefish fingerlings.

(iv) The department shall have the authority to cancel sales or to confiscate and destroy shipments of gamefish fingerlings that are determined by department personnel to have fish diseases or parasites that would endanger native fish populations.

(c) Prior to each shipment in to this state of any saltwater game fish, the buyer or handler of such shipment shall notify the secretary or his designated agent of its pending arrival and shall possess a bill of lading therefor. The bill of lading shall state the species of fish contained in each shipment, the number of fish or parts thereof, the origin of the shipment, the destination of the shipment, the consignee and consignor, and where applicable, the grower's name and fish farmer's license number. Wholesalers, their agents, and commercial transporters delivering the shipment or portions thereof to retail dealers shall provide each dealer with a copy of their bill of lading and shall indicate thereon the date of delivery to the retailer, the species of fish delivered, and the number of fish or parts thereof delivered. Both wholesale and retail dealers shall maintain a file of such bills of lading which shall be open to inspection by the secretary, his agents, or any enforcement agents.

(2) The commission may issue permits to residents of the state of Louisiana to authorize the raising of all types of bass, crappie, and bream in the state, as specified in Subsection A of this Section, for the purpose of selling to consumers in this state for stocking private ponds and lakes and approved public waters, and for the purpose of selling to consumers of other states. The manner of raising, harvesting, and selling these game fish shall be governed by administrative rules and regulations of the commission.

B. It shall be unlawful for any person, firm, or corporation to offer to sell or to sell any shrimp, oyster, fish, or other seafood without having first obtained a valid commercial fishing, retail, or wholesale license as otherwise provided in this Subpart, or without having first obtained certification from the department that such seafood has been raised and taken in accordance with a certified aquaculture program or a valid experimental mariculture permit issued pursuant to R.S. 56:579.1. It shall be unlawful for any person, firm, or corporation, including any restaurant or retail establishment, to purchase any shrimp, oyster, fish, or other seafood from any person who does not possess a valid commercial fishing, retail, or wholesale license lawfully issued in his name or his employer's name as provided in this Subpart, or possess certification from the department that such seafood has been raised and taken in accordance with a certified aquaculture program or a valid experimental mariculture permit issued pursuant to R.S. 56:579.1. The commercial fishing license required herein shall be one which authorizes the bearer to sell his catch. Such license or certification or a copy thereof shall be in the possession of the seller and conspicuously displayed at all times when transacting any sale.

C.(1) Violation of Subsection A of this Section constitutes a class 5-B violation.

(2) The provisions of Subsection B of this Section shall be enforceable by all law enforcement agencies throughout the state, in addition to agents of the Department of Wildlife and Fisheries and including but not limited to law enforcement officers of local governmental subdivisions. Notwithstanding any of the provisions of R.S. 56:314 to the contrary, any tackle of any type or description, including without limitation such gear listed in R.S. 56:302, 302.5, or 305, which is used by a fisherman to take shrimp, oysters, fish, or other seafood for sale without possessing a valid commercial fisherman's license, in violation of Subsection B of this Section, shall be seized by the enforcing officer. Notwithstanding Subsection F of this Section to the contrary, violation of Subsection B of this Section constitutes a class 5-B violation (R.S. 56:35(B)).

D. Recognizing that there are ever increasing numbers of both sport and commercial fishermen utilizing the waters of the state for recreational and commercial pursuits resulting in conflicts over limited space and competition for the same salt water fish, and acknowledging that both the sport and commercial fishing industry are vital to the economy of the coastal region and the entire state, the following limitations, being deemed fair and in the best interest of the state, are hereby declared:

(1) The Louisiana Wildlife and Fisheries Commission shall hold public hearings to determine areas in which the salt water fish resources of the state must be allocated between the competing sport and commercial interests, and shall promulgate rules and regulations defining such areas and the manner in which the salt water fish resources shall be allocated; provided that the commission shall initially promulgate regulations setting out by clearly identifiable boundaries, the waters within the Eleventh Ward, Jefferson Parish and a procedure for allocation of the salt water fish resource therein, such procedure to be based on a seasonal, hourly, daily, monthly or total closure of said area to net fishing, whichever, in the determination of the commission, shall best accomplish the intent and purpose of this Subsection.

E. The secretary shall have the authority to set seasons, regulate the type of gear used, and set possession limits for speckled trout and other estuarine fish where it is clearly demonstrated that intense fishing competition exists or if pollution levels exceed accepted standards or if biological studies indicate the need.

F. Violation of any provision of this Section for which no penalty has been otherwise specifically provided constitutes a class one violation.

G. With the exception of large mouth bass (*Micropterus Salmoides*), spotted bass (*Micropterus punctulatus*), shadow bass (*Ambloplites ariommus*), black or white crappie (*Pomoxis Nigromaculatus*, *P. annularis*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensi*), striped bass

(*Morone saxatilis*), and any species of bream (*Lepomis supp.* and *Centrarchus sp.*), the provisions of this Section shall not apply to research or other projects being conducted by the Louisiana State University Agricultural Center, or by other schools or programs specifically authorized by the Board of Regents with the concurrence of the Department of Wildlife and Fisheries, including but not limited to the sale or distribution of the research by-products, such as eggs, fingerlings, and fish, or other products grown under aquacultural conditions.

*Acts 1974, No. 223, §1; Amended by Acts 1974, No. 633, §2; Acts 1976, No. 576, §1; Acts 1979, No. 287, §1; Acts 1981, No. 736, §1; Acts 1981, No. 837, §3; Acts 1982, No. 316, §1; Acts 1983, No. 522, §1; Acts 1985, No. 402, §1; Acts 1986, No. 660, §2; Acts 1987, No. 285, §1; Acts 1988, No. 778, §1; Acts 1988, No. 889, §1, eff. July 21, 1988; Acts 1988, No. 889, §4, eff. Sept. 1, 1991; Acts 1989, No. 469, §1; H.C.R. 181, 1989 R.S.; Acts 1990, No. 78, §§1 and 2; eff. Sept. 1, 1991; Acts 1991, No. 822, §1, eff. Sept. 1, 1991; Acts 1991, No. 888, §1, eff. July 23, 1991; Acts 1991, No. 987, §2; Acts 1995, No. 1141, §1; Acts 1997, No. 204, §1.*

**§327.1. Aquaculturally raised fish; definitions; importation**

A. Notwithstanding the provisions of R.S. 56:327(A)(1)(b)(i), as amended by Section 2 of Act No. 78 of the 1990 Regular Session, to the contrary, cultured fish raised in an aquacultural environment may be imported into this state. No live fish shall be imported under this Section.

B. As used in this Section, the following terms shall have the following meanings:

(1) "Aquaculture" means aquaculture as defined in R.S. 56:356.

(2) "Cultured fish" means saltwater game fish covered by the provisions of R.S. 56:327(A)(1)(b)(i) or shellfish.

C.(1) With the exception of largemouth bass (*Micropterus salmoides*), spotted bass (*Micropterus punctulatus*), shadow bass (*Ambloplites ariommus*), black or white crappie (*Pomoxis nigromaculatus*, *P. annularis*), white bass (*Morone chrysops*), yellow bass (*Morone mississippiensi*), striped bass (*Morone saxatilis*), and any species of bream (*Lepomis supp.* and *Centrarchus sp.*), cultured fish, raised in an aquacultural environment, may be imported into this state for sale at wholesale or retail.

(2) Prior to each shipment into this state of any aquaculturally raised fish, the buyer or handler of such shipment shall notify the secretary of the Department of Wildlife and Fisheries, or his designated agent, at least forty-eight hours prior to the product being shipped, of its pending arrival. Each shipment into this state must be accompanied by a bill of lading. The bill of lading shall state the species of cultured fish in each shipment, the number of cultured fish or parts thereof, the origin of the shipment, the destination of the shipment, the consignee and the consignor, and the grower's name and the fish farm license number, if applicable. Wholesalers, their agents, and commercial transporters delivering the shipment or portions thereof to retail dealers shall provide each dealer with a copy of their bill of lading and shall indicate thereon the date of delivery to the retailer, the species of the cultured fish being delivered, and the number of cultured fish or parts thereof delivered. Both wholesalers and retailers shall maintain a file of such bills of lading which shall be open to inspection by the secretary, his agents, or any law enforcement agency.

D. Every producer importing cultured fish into this state for sale at wholesale or retail under the provisions of this Section shall, prior to engaging in such business, provide, on forms approved by the secretary of the Department of Wildlife and Fisheries, evidence from the appropriate governmental agency in the foreign jurisdiction certifying that the producer is a bona fide fish farmer or producer of cultured fish in an aquacultural environment.

E. Violations of this Subsection shall constitute a class 5-B violation.

*Acts 1991, No. 822, §2, eff. Sept. 1, 1991; Acts 1997, No. 191, §1.*

§356. Aquaculture defined

The term "aquaculture" means the production of fish in a controlled environment in private waters on private lands. "Aquaculture" includes, but is not limited to, the commercial production, storage, processing, marketing, distribution, export or importation of any seafood, including but not limited to catfish, crustaceans, freshwater prawns, mollusks, and shiners and other bait species.

*Added by Acts 1983, No. 412, §1; Acts 1991, No. 822, §3, eff. Sept. 1, 1991.*

## SUBPART C. DOMESTIC FISH FARMING

### §411. Definitions

In recognition of the fact that domestic fish farming is becoming an important part of the agricultural economy of this state, the legislature hereby determines and declares that whenever any law or regulation promulgated pursuant thereto shall use any of the following terms, such terms shall be deemed and construed to include, within the common or statutory definition thereof, the following:

(1) "Agriculture" or "agricultural pursuit" or any similar term includes the cultivation, growing, harvesting and/or marketing of domesticated fish.

(2) "Cultivated crop" includes domesticated fish which are grown, managed or harvested on an annual, semi-annual, biennial or short interval basis.

(3) "Livestock" includes domesticated fish which are grown, managed, harvested and/or marketed as a cultivated crop.

(4) "Domesticated fish" as used in this Sub-part means any fish that are spawned and grown, managed, harvested and marketed on an annual, semi-annual, biennial or short term basis, in privately owned waters, as defined herein.

(5) "Privately owned waters" means artificial reservoirs or enclosures located on privately owned property and shall be constructed so as to prevent at all times the ingress and egress of fish life from public waters, and such reservoirs or enclosures located on privately owned property shall not include lands of natural streams or natural lake beds.

(6) The definition of "domesticated fish" under this Subpart does not include bass, crappie, striped bass, bream, tetra or other exotic fish unless approval is first obtained from the Louisiana Wildlife and Fisheries Commission. However, the definition of "domesticated fish" shall specifically include hybrid striped bass which are produced and regulated pursuant to provisions of this Subpart.

*Added by Acts 1964, No. 248, §1; Amended by Acts 1974, No. 223, §3; Acts 1988, No. 778, §1; Acts 1997, No. 1237, §1.*

*NOTE: See Acts 1997, No. 1237, §2, for exception of Atchafalaya Basin.*

### §412. Issuance and renewal of certificate; transportation of finfish; use of public waters

A. It shall be unlawful for any person to engage in the propagation, production, transportation, and possession of fish, including hybrid striped bass, or minnows raised or produced in private artificial reservoirs or enclosures located on privately owned property in this state except as provided in this Subsection:

(1) Every person desiring to engage in the production or propagation of fish or minnows for sale shall first make application in writing to the Louisiana Wildlife and Fisheries Commission for a certificate to do so. The application shall be made on an application blank furnished by the commission. It shall contain a description of the land to be included in the artificial reservoir or enclosure located on privately owned property, by lot and block number, or by other legal description, shall give, in detail, the nature of the business in which the applicant desires to engage, and shall be signed by the applicant.

(2)(a) Upon filing of the proper application, an annual certificate shall be issued to the applicant, the initial certificate to cover a period of time ending with the calendar year following the date of the certificate. The application for the certificate shall be accompanied by an initial fee of fifteen dollars.

(b) Annually thereafter, on the first of December, the Department of Wildlife and Fisheries shall notify each grower of fish or minnows by mail on a suitable form, that unless renewed, their fish or minnow grower's certificate shall expire on December 31st. If the grower desires to renew his certificate



he shall fill out the blank form furnished by the Department of Wildlife and Fisheries and return it to the department accompanied by a fifteen dollar renewal fee, and the certificate shall be automatically renewed thereby for one year upon complying with the other provisions of this Subpart.

(3) In the sale or transportation of fish or minnows over the highways of this state, a bill of lading shall accompany each shipment showing the species of fish or minnows contained in the shipment, number of pounds, the origin of the payload, destination of the shipment, the name of the consignee and consignor, the grower's certificate number and name. Numbers heretofore required to be placed on the side of the trucks or motor vehicles shall not hereafter be required.

Obnoxious or undesirable species of fish or minnows shall not be grown or sold to the public for human consumption or be used as bait.

(4) Persons engaged in the business of domestic fish farming under this Subpart are excepted from the provisions of R.S. 56:306, and shall be entitled by virtue of their certificate to sell domesticated hybrid striped bass, catfish, carp, drum, and buffalo fish in any size, quantity, or limit without restriction in state or out of state, provided that the domestic fish farmer shall notify the Department of Wildlife and Fisheries not less than twenty-four hours prior to the transportation of each shipment of commercial fish over the highways of this state.

(5) No fin fish farmer or other person may use public bodies of water to propagate, raise, feed or grow any species of fin fish. The use of cages, pens and fenced-off portions of such water bodies for propagating, raising or growing any species of fin fish is prohibited.

B. Violation of any of the provisions of this Section constitutes a class three violation.

*Added by Acts 1964, No. 245, §1; Amended by Acts 1966, No. 242, §1; Acts 1970, No. 77, §1; Acts 1974, No. 223, §3; Acts 1984, No. 230, §1, eff. June 29, 1984; Acts 1986, No. 1008, §1; Acts 1987, No. 92, §2; Acts 1987, No. 534, §2; Acts 1987, No. 851, §2; Acts 1988, No. 778, §1; Acts 1990, No. 251, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1997, No. 1237, §1.*

*NOTE: See Acts 1997, No. 1237, §2, for exception of Atchafalaya Basin.*

#### §413. Harvest and sale

Harvest and sale of fish, minnows, or gold fish produced in private artificial reservoirs or enclosures located on privately owned property may be carried out at the time desired by the grower, and with seines or tackle selected by the owner. Such tackle, unless it otherwise meets the legal requirements of the commission, shall not be used in any of the public waters of the state, without special permission of the Louisiana Wildlife and Fisheries Commission or its agents. Commercial fish farm producers shall be entitled to transport, without restriction, on the public roads and highways of this state any and all equipment, except any electric fish shocking devices, necessary for the harvest of domesticated fish produced in privately owned waters.

*Added by Acts 1964, No. 245, §1. Amended by Acts 1966, No. 242, §1; Acts 1974, No. 223, §3; Acts 1997, No. 1237, §1.*

*NOTE: See Acts 1997, No. 1237, §2, for exception of Atchafalaya Basin.*

#### §414. Penalties

Except as otherwise provided herein, violation of any provision of this Subpart constitutes a class two violation.

*Added by Acts 1964, No. 245, §1. Amended by Acts 1966, No. 242, §1; Acts 1974, No. 223, §3; Acts 1981, No. 837, §3; Acts 1992, No. 528, §1, eff. June 29, 1992.*

#### §415. Crawfish and catfish farmers

A. The provisions of this Subpart shall not apply to the production and harvesting of catfish or crawfish in private ponds, or to the transporting of crawfish or catfish from a private pond to the first

point of sale, or to the sale to the first purchaser of crawfish or catfish which are produced and harvested in private ponds.

B. The Wildlife and Fisheries Commission and the Department of Wildlife and Fisheries shall not have jurisdiction over any activities or transactions exempted by this Section.

*Acts 1987, No. 92, §1; Acts 1987, No. 534, §1; Acts 1987, No. 851, §1; Acts 1995, No. 543, §2.*

## SUBPART G-2. MARICULTURE INDUSTRY

**§579.1. Permitting of mariculture in the coastal zone; policy and purpose; permits; rules and regulations; fees**

A. Recognizing the value to the economy of the state of Louisiana of developing a mariculture industry in the coastal zone, and recognizing that a mariculture industry has the potential of employing thousands of Louisiana citizens, thereby decreasing unemployment and the burden that unemployment places on the state fisc, and recognizing that mariculture is compatible with the state's policy for managing and enhancing the renewable resources of the coastal zone, and recognizing that mariculture is compatible with the social and cultural heritage of the coastal area, and that mariculture will provide economic incentive for landowners to undertake management programs that will prevent erosion and deterioration of the invaluable coastal wetlands, it is the policy and purpose of the legislature to provide every method of encouragement and assistance to the wetland owner of the state of Louisiana, to protect the culture and heritage that is unique to Louisiana, to prevent unemployment of Louisiana citizens, to assure adequate food for Louisiana citizens, and to provide for economic stability for those areas of Louisiana so dependent upon the seafood industry. Without mariculture Louisiana citizens may realize the continuing decline in the quantity and quality of the fisheries resources and related economic consequences of this decline. To that end, the Legislature of Louisiana shall foster and encourage the implementation of maricultural practices within duly authorized and permitted projects within the coastal zone of the state of Louisiana.

B. Notwithstanding any other provision of law to the contrary, including but not limited to R.S. 56:8(33), the secretary of the Department of Wildlife and Fisheries is authorized to issue permits for maricultural projects within the coastal zone for the development of a mariculture industry inclusive of all phases of the industry. The department shall have the authority to and may exempt permittees from statutory limitations as to the kind, number, or size of fish which may be harvested or taken, or as to the method of harvesting or taking fish, or seasons or other limitations, restrictions, prohibitions, or regulations governing the management and harvesting or taking of fish, including hatchery breeding, spawning, transportation, implantation, propagation, growout, and harvesting of domesticated fish and other aquatic species when produced under permitted rules and regulations. The secretary shall not issue any permit for the mariculture of any harmful species of fish.

C.(1) Permits shall be issued only for areas within the coastal zone on privately owned property and water bottoms, and then only to the landowner or his duly authorized designee. If a mariculture project requires a coastal use permit from the Department of Natural Resources, no mariculture permit shall be issued until the coastal use permit is obtained.

(2) Permits shall be issued for the life of the project if the requirements of this Subpart are maintained throughout the project.

(3) Applications for permits shall be accepted at any time if the applicant meets the requirements of this Subpart.

(4) *Repealed by Acts 1995, No. 383, §2, eff. June 16, 1995.*

(5) The permit fee for each mariculture permit shall be one thousand dollars.

D. Applications for permits shall include a plan specifying the total acreage necessary and the method for containment of the fisheries, and procedures for planting, protecting, and harvesting of the fish which shall insure the complete separation of domestic stock from wild stock.

E. The secretary shall use the following guidelines for permitting the mariculture projects:

(1) All fisheries utilized in the project shall be purchased from a legal source, and all necessary documentation pertaining to those transactions shall be maintained.

(2) All facilities shall be available for inspection by the department during normal business hours upon notification by the department prior to inspection. However, the enforcement division may inspect at any time without prior notice.

(3) Detailed records shall be maintained and furnished to the department upon request. The records shall include the following items:

- (a) The number of fish or other species bought and sold.
- (b) The rate and type of food utilized.
- (c) The observed or recorded growth.
- (d) The mortality observed.
- (e) The average depth of water, current, salinity, and temperature.

However, information which would disclose knowledge gained through experimentation that enhances the yield of production may be withheld.

F. The Department of Wildlife and Fisheries shall monitor the stocking, growth, and harvest of any fish.

G. All data obtained from the monitoring of projects and all documents related thereto shall be public and the Department of Wildlife and Fisheries shall make an annual report to the committees on natural resources of the House and Senate on the progress and effectiveness of the projects.

H. Nothing contained herein shall be interpreted to require activities by Department of Wildlife and Fisheries personnel which will impede the efficient operation of the enterprise.

I. The secretary shall charge an annual fee of one thousand dollars for each permit issued under the provisions of this Section.

J. If work to implement the provisions of this Section has not begun within two years from the date of issuance of a permit authorized herein, that permit shall automatically terminate two years from the date of issuance.

K. *Repealed by Acts 1995, No. 383, §2, eff. June 16, 1995.*

L. Violation of any of the provisions of this Section constitutes a class three violation.

*Acts 1987, No. 305, §1, eff. July 5, 1987; Acts 1988, No. 995, §1; Acts 1988, No. 993, §1; Acts 1992, No. 528, §1, eff. June 29, 1992; Acts 1995, No. 383, §§1, 2, eff. June 16, 1995.*

*NOTE: See Acts 1988, No. 993, §3, and 995, §3.*

*NOTE: See Acts 1990, No. 299, §§1 and 2. Extension of time to operate under certain permits.*

#### **§579.2. Harvest of mariculture fish; authority to harvest during closure of fishing**

The closure of fishing pursuant to any authority of this Title of any species of fish shall not prohibit the harvesting and sale of such fish that are raised pursuant to any mariculture permit or license authorized by this Title.

*Acts 1988, No. 848, §1.*

159. Game Fish Fingerling Aquaculture - Rules and Permits

A. A fish farmer raising and selling live game fish fingerlings must obtain an annual fish farmers certificate (license) and game fish farmers permit issued by the Department on a calendar year basis.

B. Live game fish fingerlings sold from an approved fish farm shall be subject to all applicable statute and rule limitations if any.

C. A fish farmer raising and selling live game fish fingerlings must maintain a record of all sales and shipments of fish and these records must be open for inspection by designated employees of the Department of Wildlife and Fisheries.

D. A fish farmer raising and selling live game fish fingerlings must submit an annual report delineating the total numbers of fishes stocked statewide by species and total acreage. This report will be sent to the Louisiana Cooperative Extension Service, where data will be compiled and remitted to the secretary of the Department of Wildlife and Fisheries. The deadline for submission of the annual report will be no later than one month after the reporting year has ended.

E. Game fish farmers transporting game fish fingerlings for sale must possess a bill of lading which shall accompany each shipment showing species of fish contained in the shipment, number, the origin of the payload, destination of the shipment, the name of the consignee and consignor, and the grower's name and fish farmer's license number.

F. All trucks transporting game fish fingerlings for sale must have the words "GAME FISH FARMER" prominently displayed with a minimum of three inch block letters.

G. Fish farmers holding permits are not granted any fishing privileges greater than those stated in Title 56 of the Louisiana Revised Statutes and must abide by all statutes pertaining to domestic fish farming.

H. Per R.S. 56:327.A.1.b.iv., the department shall have the authority to cancel sales or to confiscate and destroy shipments of game fish fingerlings that are determined by department personnel to have fish diseases or parasites that would endanger native fish populations. Game fish farmers must agree to allow department personnel or a department approved contractor to conduct unannounced random inspections of the transport vehicle. Those individuals may remove or take fish samples for analysis and/or inspection.

I. Genetic purity shall be maintained and game fish fingerlings produced shall not be genetically manipulated or altered in any way without prior approval of the Department, except for hybrid crosses within the genera of Lepomis, Pomoxis, Micropterus, or Morone, or fish produced with polyploid chromosomes.

J. The Secretary may revoke any or all permits issued for the raising and selling of game fish fingerlings if the permittee fails to adhere to any of the above regulations.

AUTHORITY NOTE: Promulgated in accordance with R.S. 56:327(A)(1)(b) and R.S. 56:327(A)(2).

HISTORICAL NOTE: Promulgated by the Department of Wildlife and Fisheries, Wildlife and Fisheries Commission, LR 17:893 (September 1991); amended by the Office of Fisheries, LR 24:2155 (November 1998).

**Appendix D-1 Texas Senate Bill 1507**





AN ACT

relating to the promotion and regulation of the fish farming industry and to the introduction of fish, shellfish, and aquatic plants into public water; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. This Act shall be known as the Fish Farming Act of 1989.

SECTION 2. Except as provided by Section 134.020, Agriculture Code, as added by this Act, regulating exotic fish species, the powers and duties of the Parks and Wildlife Commission and the Parks and Wildlife Department with regard to the regulation of fish farms are transferred, as provided by this Act, to the commissioner of agriculture and the Department of Agriculture on the effective date of this Act.

SECTION 3. Chapter 48, Parks and Wildlife Code, is transferred to Subtitle A, Title 6, Agriculture Code, designated as Chapter 134, and amended to read as follows:

CHAPTER 134 [48]. REGULATION OF FISH FARMS AND CULTURED

FISH-PROCESSING PLANTS [FARMER'S-LICENSE]

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 134.001 [48-001]. DEFINITIONS. In this chapter:

(1) "Cultured fish" means farm-raised fish or shellfish.

(2) "Exotic fish species" means a nonindigenous fish or shellfish species that is not normally found in the water of the

1 state.

2 (3) "Fish farmer" means any person engaged in fish  
3 farming.

4 (4) "Fish farming" means the business of producing,  
5 propagating, transporting, possessing, and selling cultured fish  
6 raised in a private pond, but does not include [a-person-engaged  
7 in] the business of producing, propagating, transporting,  
8 possessing, and selling cultured fish propagated for bait purposes.

9 (5) [~~2~~] "Private pond" means a pond, reservoir, vat,  
10 or other structure capable of holding cultured fish in confinement  
11 wholly within or on the enclosed land of an owner, [~~e~~] lessor, or  
12 lessee.

13 (6) [~~3~~] "Owner" means a fish farmer licensed by the  
14 department.

15 Sec. 134.002. FISH FARM PROGRAM. The department shall  
16 establish a fish farm program that:

17 (1) develops and conducts a plan for promoting fish  
18 farm products;

19 (2) licenses and regulates fish-farming operations;

20 (3) licenses and regulates cultured fish-processing  
21 plants;

22 (4) provides technical assistance, including  
23 demonstrations, to fish farmers;

24 (5) provides coordinated support through colleges and  
25 universities and other governmental entities;

26 (6) solicits financial support from the federal

1 government for the fish farm industry;

2 (7) develops and expands the fish farm industry to:

3 (A) stimulate the state's economy; and

4 (B) offer alternative crop opportunities; and

5 (8) performs other functions and activities as  
6 required by law.

7 Sec. 134.003. PROGRAM ADMINISTRATOR; STAFF. (a) The  
8 department may designate a person to administer the fish farm  
9 program.

10 (b) The department or the program administrator may employ  
11 the necessary staff to carry out the functions and duties of the  
12 department under this chapter.

13 Sec. 134.004. CONTRACTS. The department may contract with  
14 the General Land Office, the Parks and Wildlife Department, and the  
15 Texas Agricultural Extension Service for assistance in carrying out  
16 the purposes of this chapter.

17 Sec. 134.005. RULES. (a) The department shall adopt rules  
18 to carry out the fish farm program.

19 (b) The rules may not conflict with rules issued under  
20 Section 134.020 of this code.

21 Sec. 134.006. FISH FARM FUND. (a) The fish farm fund is  
22 established in the state treasury.

23 (b) The department shall deposit to the credit of the fund  
24 the fees received from licenses issued under this chapter.

25 (c) The fish farm fund may be used only to administer this  
26 chapter.

1           [Sections 134.007-134.010 reserved for expansion]

2                           SUBCHAPTER B. FISH FARMS

3           Sec. 134.011 [48-002]. FISH FARMER'S LICENSE REQUIRED. A  
4 [No] person may not be a fish farmer without first having acquired  
5 from the department a fish farmer's license.

6           Sec. 134.012 [48-003]. FISH FARM VEHICLE LICENSE REQUIRED.  
7 (a) Except as provided by Subsection (b) of this section, a  
8 vehicle used to transport fish from a fish farm for sale from the  
9 vehicle is required to have a fish farm vehicle license.

10           (b) A fish farm vehicle license is not required for a  
11 vehicle owned and operated by the holder of a fish farmer's  
12 license.

13           Sec. 134.013 [48-004]. BILL OF LADING REQUIRED FOR CERTAIN  
14 VEHICLES. A vehicle, from which no fish sales are made,  
15 transporting cultured fish from a fish farm shall carry a bill of  
16 lading that shows the number and species of cultured fish carried,  
17 the name of the owner and the location and license number of the  
18 fish farm from which the fish were transported, and the destination  
19 of the cargo.

20           Sec. 134.014 [48-005]. LICENSE FEES. The department shall  
21 issue a fish farmer's license or a fish farm vehicle license on the  
22 payment of a fee, in [\$10-fer-each-license-or] an amount set by the  
23 commissioner, not to exceed \$100 [eommission7--whiehever--ameunt--is  
24 mere].

25           Sec. 134.015 [48-006]. FORM, [AND] DURATION, AND RENEWAL OF  
26 LICENSE. (a) A fish farmer's license and a fish farm vehicle

1 license must be on a numbered form provided by the department.

2 (b) A license is valid for two years after the date of  
3 issuance. The department shall renew a license on submission by  
4 the licensee of a completed application and a renewal fee in an  
5 amount set by the commissioner under Subsection (c) of this section  
6 unless the department determines that the licensee has violated  
7 this chapter or a rule adopted under this chapter [from-September-1  
8 er--the--date--of--issue,--whichever-is-later,--through-the-following  
9 August-31].

10 (c) The department shall establish by rule a graduated  
11 renewal fee schedule designed to recover an amount that, when added  
12 to the fees collected under Section 134.014 of this code, is  
13 sufficient to administer this subchapter. The fee schedule shall  
14 be based on the gross receipts from the sale of cultured fish sold  
15 by a licensee during the first 21 months of the period covered by  
16 the expiring license. The fee schedule shall require that  
17 licensees having a relatively large amount of gross receipts pay  
18 the highest fee.

19 (d) The department shall suspend a license if the  
20 aquaculture executive committee makes a determination as provided  
21 by Section 1.204, Parks and Wildlife Code.

22 Sec. 134.016 [48-008]. RECORDS. The holder of a fish  
23 farmer's license shall maintain a record of the sales and shipments  
24 of cultured fish. The record is open for inspection by designated  
25 employees of the department.

26 Sec. 134.017 [48-009]. HARVESTING AND SALE OF FISH.

1 Cultured fish [Fish] of any size from a fish farm may be harvested  
2 and sold at any time and in any county.

3 Sec. 134.018 [48-010]. SALES OF BASS AND CRAPPIE LIMITED.

4 (a) Except as provided in Subsection (b) of this section, a [ne]  
5 person may not sell bass or crappie from a fish farm for  
6 consumption or for resale.

7 (b) Bass and crappie may be sold for resale to a licensed  
8 fish farmer only, and to any person for stocking purposes.

9 (c) Other kinds of cultured fish from a fish farm may be  
10 sold for any purpose unless prohibited by other law.

11 Sec. 134.019 [48-011]. MARKETING OF CULTURED REDFISH AND

12 CULTURED SPECKLED SEA TROUT. (a) The commissioner [~~emmission~~]  
13 shall adopt rules providing for the raising, sale, transportation,  
14 and possession of cultured redbfish and cultured speckled sea trout  
15 raised by a fish farmer licensed under this chapter.

16 (b) The rules shall provide for and require the  
17 identification of cultured redbfish and cultured speckled sea trout  
18 raised by a fish farmer under this chapter.

19 Sec. 134.020. EXOTIC FISH SPECIES. (a) The Parks and  
20 Wildlife Commission shall adopt rules regulating the importation,  
21 possession, propagation, and sale of harmful or potentially harmful  
22 exotic fish species by a fish farmer.

23 (b) The Parks and Wildlife Commission, after consulting with  
24 the commissioner and an individual designated by the chairman of  
25 the board of regents of The Texas A&M University System, shall  
26 determine and publish a list of harmful or potentially harmful

1 exotic fish species that a fish farmer may not import, possess, or  
 2 sell as part of the person's fish-farming activities.

3 (c) A fish farmer may not release in public water harmful or  
 4 potentially harmful exotic fish species except as provided by  
 5 Section 66.007, Parks and Wildlife Code.

6 (d) The Parks and Wildlife Department shall enforce the  
 7 rules adopted under this section.

8 Sec. 134.021 [48-011]. FEDERAL GRANTS. Federal grants for  
 9 research and development of commercial fisheries may be used for  
 10 individual fish farm [fishery] projects [~~with the approval of the~~  
 11 ~~department~~].

12 [~~Sec. 48-012--PENALTIES--(a)--Except--as--provided--by~~  
 13 ~~Subsection (b) of this section, a person who violates any provision~~  
 14 ~~of this chapter or rule adopted under this chapter commits an~~  
 15 ~~offense that is a Class C Parks and Wildlife Code misdemeanor.~~

16 [~~(b)--A--person--who--violates--Section--48-013--of--this--code--by~~  
 17 ~~taking fish of a value of more than \$200 commits an offense that is~~  
 18 ~~a Class B Parks and Wildlife Code misdemeanor.]~~

19 Sec. 134.022 [48-013]. FISH FARMS PROTECTED. (a) A [No]  
 20 person, other than the owner or operator of a fish farm [~~or a~~  
 21 ~~person with the owner's or operator's consent~~], may not fish on [~~or~~  
 22 ~~take fish from~~] a fish farm without the consent of the owner or  
 23 operator.

24 (b) A person may not unlawfully, as defined by Section  
 25 31.03(b), Penal Code, acquire or otherwise exercise control over  
 26 cultured fish with intent to deprive the owner of the cultured

1 fish.

2 Sec. 134.023. PENALTIES. (a) Except as provided by  
3 Subsection (b), (c), or (d) of this section, a person who violates  
4 any provision of this chapter or rule adopted under this chapter  
5 commits an offense that is a Class C misdemeanor.

6 (b) A person who violates Section 134.019 or 134.020 of this  
7 code commits an offense that is a Class B misdemeanor.

8 (c) A person who violates Section 134.022(b) of this code by  
9 taking fish of a value of \$200 or more but less than \$750 commits  
10 an offense that is a Class A misdemeanor.

11 (d) A person who violates Section 134.022(b) of this code by  
12 taking fish of a value of \$750 or more commits an offense that is a  
13 felony of the third degree.

14 [Sections 134.024-134.030 reserved for expansion]

15 SUBCHAPTER C. PROCESSING PLANTS

16 Sec. 134.031. LICENSE REQUIRED. (a) A person may not  
17 operate a cultured-fish processing plant unless the person has a  
18 license for that plant.

19 (b) A separate license is required for each plant.

20 Sec. 134.032. LICENSE ISSUANCE. (a) The department shall  
21 issue a license to a person who operates a plant that conforms to  
22 the rules adopted under this subchapter.

23 (b) A license is nontransferable.

24 (c) A person who operates a cultured-fish processing plant  
25 must annually apply for a new license for each plant.

26 (d) The department may consult with other state agencies on



1 the requirements for a license issued under this section.

2 Sec. 134.033. LICENSE FEE. The department shall set the fee  
3 for a cultured-fish processing plant license in an amount necessary  
4 to cover the cost of administering this subchapter.

5 Sec. 134.034. RULES. The department shall adopt rules for  
6 the licensing of a cultured-fish processing plant.

7 Sec. 134.035. PENALTY. (a) A person commits an offense if  
8 the person violates this subchapter or a rule adopted under this  
9 subchapter.

10 (b) An offense under this section is a Class C misdemeanor.

11 Sec. 134.036. TEXAS DEPARTMENT OF HEALTH REGULATIONS. This  
12 subchapter does not affect the authority of the Texas Department of  
13 Health to regulate food-processing plants.

14 SECTION 4. Section 12.009, Agriculture Code, is amended by  
15 amending Subsection (a) and adding Subsection (c) to read as  
16 follows:

17 (a) The department shall inquire into subjects relating to  
18 stock raising, dairying, and poultry, the obtaining and rearing of  
19 the most valuable domestic animals and fowls, and the breeding and  
20 improvement of those animals and fowls. The department shall  
21 encourage the [~~raising-of-fish-and-the~~] culture of bees.

22 (c) The department shall encourage the raising of cultured  
23 fish, the development of the fish-farming industry, and the  
24 marketing of fish farm products. In this subsection, "cultured  
25 fish" and "fish farming" have the meanings assigned by Section  
26 134.001 of this code.

1 SECTION 5. Chapter 1, Parks and Wildlife Code, is amended by  
2 adding Subchapter D to read as follows:

3 SUBCHAPTER D. AQUACULTURE EXECUTIVE COMMITTEE

4 AND LIAISON OFFICER

5 Sec. 1.201. AQUACULTURE EXECUTIVE COMMITTEE. The  
6 aquaculture executive committee consists of the chairman, the  
7 commissioner of agriculture, and the commissioner of the General  
8 Land Office.

9 Sec. 1.202. DEFINITION. In this subchapter, "fish farming"  
10 has the meaning assigned by Section 134.001, Agriculture Code.

11 Sec. 1.203. RULES. The aquaculture executive committee with  
12 the advice of the department shall adopt rules to ensure that  
13 fish-farming operations do not have a negative impact on the  
14 existing marine or biological ecosystem.

15 Sec. 1.204. SUSPENSION OF LICENSE. If the aquaculture  
16 executive committee determines that a particular fish-farming  
17 operation has violated a rule adopted under Section 1.203 of this  
18 code, the Department of Agriculture shall suspend the license of  
19 that fish-farming operation until the committee issues a notice  
20 approving the continuation of the fish-farming operation.

21 Sec. 1.205. EMPLOYMENT OF OFFICER. (a) The aquaculture  
22 executive committee shall employ an aquaculture liaison officer to  
23 perform the duties listed in Section 1.206 of this code.

24 (b) The committee shall set the salary of the officer. The  
25 department, the Department of Agriculture, and the General Land  
26 Office shall each provide one-third of the salary of the officer.

1 (c) The officer serves at the pleasure of the committee.

2 Sec. 1.206. DUTIES OF OFFICER. (a) The aquaculture liaison  
3 officer shall:

4 (1) coordinate activities concerning the aquaculture  
5 industry between the state agencies having regulatory authority  
6 over that industry;

7 (2) report to the aquaculture executive committee  
8 every six months, or more often in the discretion of the officer,  
9 and to the legislature before the beginning of each regular  
10 session, concerning the status of the aquaculture industry in the  
11 state; and

12 (3) assist the commission in drafting the rules  
13 required to be adopted under Section 134.020(a), Agriculture Code.

14 (b) A report under Subsection (a)(2) of this section may  
15 include recommendations to promote the state's aquaculture industry  
16 or to improve the cooperation between the state agencies having  
17 regulatory authority over the industry.

18 SECTION 6. Section 11.032, Parks and Wildlife Code, is  
19 amended to read as follows:

20 Sec. 11.032. GAME, FISH, AND WATER SAFETY FUND: SOURCES.  
21 The department shall deposit to the credit of the game, fish, and  
22 water safety fund all revenue, less allowable costs, from the  
23 following sources:

24 (1) all types of fishing licenses and stamps and  
25 shrimping licenses;

26 (2) all types of hunting licenses and stamps;

1           (3) trapping licenses and other licenses relating to  
2 the taking, propagation, and sale of fur-bearing animals or their  
3 pelts;

4           (4) sale of marl, sand, gravel, shell, and mudshell;

5           (5) oyster bed rentals and permits;

6           (6) federal funds received for research and  
7 development of commercial fisheries and state funds appropriated  
8 for this purpose;

9           (7) sale of property, less advertising costs,  
10 purchased from this fund or a special fund that is now part of this  
11 fund;

12           (8) fines and penalties collected for violations of a  
13 law pertaining to the protection and conservation of wild birds,  
14 wild fowl, wild animals, fish, shrimp, oysters, game birds and  
15 animals, fur-bearing animals, alligators, and any other wildlife  
16 resources of this state;

17           (9) sale of rough fish by the department;

18           (10) fees for importation permits;

19           (11) [~~fish-farm-licenses;~~

20           [~~12~~] fees from supplying fish for or placing fish in  
21 water located on private property;

22           (12) [~~13~~] sale of seized pelts;

23           (13) [~~14~~] sale or lease of grazing rights to and the  
24 products from game preserves, sanctuaries, and management areas;

25           (14) [~~15~~] contracts for the removal of fur-bearing  
26 animals and reptiles from wildlife management areas;

- 1           (15) [~~{16}~~] motorboat registration fees;
- 2           (16) [~~{17}~~] motorboat manufacturer or dealer
- 3 registration fee;
- 4           (17) [~~{18}~~] fines or penalties imposed by a court for
- 5 violation of water safety laws contained in Chapter 31 of this
- 6 code;
- 7           (18) [~~{19}~~] alligator hunter's or alligator buyer's
- 8 licenses;
- 9           (19) [~~{20}~~] sale of alligators or any part of an
- 10 alligator by the department; and
- 11           (20) [~~{21}~~] any other source provided by law.

12           SECTION 7. Section 12.015, Parks and Wildlife Code, is

13 amended to read as follows:

14           Sec. 12.015. REGULATION OF FISH, SHELLFISH, AND [NOXIOUS]

15 AQUATIC PLANTS. The department shall regulate the introduction and

16 stocking of fish, shellfish, and aquatic plants into the public

17 water of the state. [(a)--in-this-section, "noxious-aquatic-plant"

18 means--a--plant-that-thrives-in-water, marshes, or swamps-and-that-

19           [(1)--is-harmful-or-potentially-harmful-to-human--life,

20           [(2)--may-impede-navigation, or

21           [(3)--may--diminish--the--quality--of--water-oriented

22 recreational-areas.

23           [(b)--The-department-shall-

24           [(1)--identify-noxious-aquatic-plants,

25           [(2)--publish-a-list-of-the-names--of--noxious--aquatic

26 plants-identified-by-the-department, and

1           [~~(3)~~--make-rules-and-regulations-necessary-to-carry-out  
2 this-section-

3           [~~(c)~~--The--department--may-issue-permits-for-the-importation,  
4 sale,-transport,-or-release-of-noxious-aquatic-plants-identified-by  
5 the-department-if-the-department-finds-that-the-proposed-use-of-the  
6 noxious-aquatic-plants-by-the-permit--applicant--will--not--pose--a  
7 danger-to-persons,-wildlife-resources,-or-water-resources-

8           [~~(d)~~--No--person--may--intentionally--or--knowingly-import-or  
9 intentionally-or-knowingly-sell,-transport,-or--release--in--this  
10 state--a--noxious-aquatic-plant-identified-by-the-department-unless  
11 the-person-has-an-unexpired-written-permit-issued-by-the-department  
12 authorizing-the-importation,-sale,-transportation,-or-release.]

13           SECTION 8. Section 66.007, Parks and Wildlife Code, is  
14 amended to read as follows:

15           Sec. 66.007. EXOTIC HARMFUL OR POTENTIALLY HARMFUL  
16 [~~TROPICAL~~] FISH, SHELLFISH, AND AQUATIC PLANTS. (a) No person may  
17 import, possess, sell, or place [~~release~~] into water of this state  
18 exotic harmful or potentially harmful [~~tropical~~] fish, shellfish,  
19 or aquatic plants except as authorized by rule or permit issued by  
20 the department [~~or--fish--eggs--unless--he--has--acquired--from--the~~  
21 ~~department--a--written--permit~~].

22           (b) The department shall [~~determine-and~~] publish a list of  
23 exotic [~~tropical~~] fish, shellfish, and aquatic plants for which a  
24 permit under Subsection (a) of this section is required [~~that--are~~  
25 ~~harmful-or-potentially-harmful-to-human-or-other-animal-life~~].

26           (c) The department shall make rules to carry out the

1 provisions of this section.

2 (d) A fish farmer may import, possess, or sell harmful or  
3 potentially harmful exotic fish species as provided by Section  
4 134.020, Agriculture Code.

5 (e) In this section, exotic fish, shellfish, or aquatic  
6 plant means a nonindigenous fish, shellfish, or aquatic plant that  
7 is not normally found in the public water of the state.

8 SECTION 9. Subsections (b), (c), and (d), Section 66.012,  
9 Parks and Wildlife Code, are amended to read as follows:

10 (b) Except as otherwise provided by this section, a [A]  
11 person who violates Section 66.003, 66.004, 66.005, 66.007, 66.009,  
12 66.015, or 66.0091 of this code commits an offense that is a Class  
13 B Parks and Wildlife Code misdemeanor.

14 ~~(c) [if--it--is--shown--at--the--trial--of--the--defendant--for--a~~  
15 ~~violation--of--Section--66.004--of--this--code--that--he--has--been--convicted~~  
16 ~~within--five--years--before--the--trial--date--of--a--violation--of--that~~  
17 ~~section,--on--conviction--he--shall--be--punished--for--a--Class--B--Parks--and~~  
18 ~~Wildlife--Code--misdemeanor.~~

19 [(d)] If it is shown at the trial of the defendant for a  
20 violation of Section 66.004, 66.007, or 66.015 of this code that he  
21 has been convicted once before the trial date [two-or--more--times]  
22 of a violation of the same [that] section [and--that--one--conviction  
23 occurred--within--five--years--before--the--trial--date], on conviction he  
24 shall be punished for a Class A Parks and Wildlife Code  
25 misdemeanor.

26 (d) If it is shown at the trial of the defendant for a

1 violation of Section 66.004, 66.007, or 66.015 of this code that he  
2 has been convicted two or more times before the trial date of a  
3 violation of the same section, on conviction he shall be punished  
4 for a Parks and Wildlife Code felony.

5 SECTION 10. Chapter 66, Parks and Wildlife Code, is amended  
6 by adding Section 66.013 to read as follows:

7 Sec. 66.013. FEDERAL GRANTS. Federal grants for research  
8 and development of commercial fisheries may be used for individual  
9 fishery projects with the approval of the department.

10 SECTION 11. Chapter 66, Parks and Wildlife Code, is amended  
11 by adding Section 66.015 to read as follows:

12 Sec. 66.015. INTRODUCTION OF FISH, SHELLFISH, AND AQUATIC  
13 PLANTS. (a) In this section, "public water" means the bays,  
14 estuaries, and water of the Gulf of Mexico within the jurisdiction  
15 of the state, and the rivers, streams, creeks, bayous, reservoirs,  
16 lakes, and portions of those waters where public access is  
17 available without discrimination.

18 (b) No person may place any species of fish, shellfish, or  
19 aquatic plant into the public water of the state without a permit  
20 issued by the department.

21 (c) The department shall establish rules and regulations  
22 governing the issuance of permits under this section.

23 (d) This section does not apply to native, nongame fish as  
24 defined by the commission.

25 (e) A person violates this section if fish, shellfish, or  
26 aquatic plants the person possesses or has placed in nonpublic



1 water escape into the public water of the state and the person does  
2 not hold a permit issued under this section.

3 (f) An employee of the department acting at the direction of  
4 the commission is exempt from this section.

5 SECTION 12. (a) This Act takes effect September 1, 1989.

6 (b) The Department of Agriculture shall implement the fish  
7 farm program under Section 134.003, Agriculture Code, as added by  
8 this Act, not later than January 1, 1990, and the department shall  
9 adopt rules under Chapter 134, Agriculture Code, not later than  
10 that date. The department shall publish notice of implementation  
11 of the program in the Texas Register not later than the 30th day  
12 before the date the department implements the program. The initial  
13 rules adopted by the department under Chapter 134, Agriculture  
14 Code, as added by this Act, take effect on the date the program is  
15 implemented by the department.

16 (c) Section 134.023, Agriculture Code, as added by this Act,  
17 applies to an offense under Chapter 134, Agriculture Code, as added  
18 by this Act, that occurs on or after the date the fish farm program  
19 is implemented. An offense under Chapter 48, Parks and Wildlife  
20 Code, that occurs or occurred before the date the program is  
21 implemented is covered by the law as it existed at the time of the  
22 offense, including rules in effect at that time, and the former law  
23 is continued in effect for that purpose. For purposes of this  
24 subsection, an offense is committed before the date the program is  
25 implemented if any element of the offense occurs before that date.

26 (d) The changes in law made by Sections 66.007 and 66.012,

1 Parks and Wildlife Code, as amended by this Act, and Section  
2 66.015, Parks and Wildlife Code, as added by this Act, apply only  
3 to offenses committed on or after the effective date of this Act.  
4 For purposes of this subsection, an offense is committed before the  
5 effective date of this Act if any element of the offense occurs  
6 before that date. An offense committed before the effective date  
7 of this Act is covered by the law in effect when the offense was  
8 committed, and the former law is continued in effect for this  
9 purpose.

10 (e) A fish farmer's license or a fish farm vehicle license  
11 issued by the Parks and Wildlife Department that is in effect on  
12 August 31, 1989, expires on the 31st day after the date the fish  
13 farm program is implemented.

14 (f) A person operating a processing plant that produces  
15 cultured fish products must apply for the license required by  
16 Section 134.031, Agriculture Code, as added by this Act, not later  
17 than the 30th day after the date the fish farm program is  
18 implemented.

19 (g) The rules adopted under Chapter 48, Parks and Wildlife  
20 Code, and in effect on the effective date of this Act, remain in  
21 effect until the effective date of initial rules adopted by the  
22 Department of Agriculture under Chapter 134, Agriculture Code, as  
23 added by this Act.

24 (h) The Parks and Wildlife Commission shall adopt rules  
25 under Subsection (a), Section 134.020, Agriculture Code, as added  
26 by this Act, and the chairman of the Parks and Wildlife Commission

1 shall publish the list required by Subsection (b), Section 134.020,  
2 Agriculture Code, as added by this Act, not later than three months  
3 after the effective date of this Act. The authority granted under  
4 Subsection (d), Section 66.007, Parks and Wildlife Code, as added  
5 by this Act, does not apply until the date that rules adopted under  
6 Subsection (a), Section 134.020, Agriculture Code, as added by this  
7 Act, take effect.

8 SECTION 13. The importance of this legislation and the  
9 crowded condition of the calendars in both houses create an  
10 emergency and an imperative public necessity that the  
11 constitutional rule requiring bills to be read on three several  
12 days in each house be suspended, and this rule is hereby suspended.



**Appendix D-2 Regulations for Potentially Harmful Fish, Shellfish or Aquatic Plants**



## HARMFUL OR POTENTIALLY HARMFUL EXOTIC FISH, SHELLFISH, AND AQUATIC PLANTS

The new rules are adopted under Parks and Wildlife Code, Chapter 66, Subchapter A, §66.007 which gives the commission authority to regulate the possession and sale of exotic fish and shellfish.

### §57.111. Definitions.

The following words and terms, when used in these rules, shall have the following meanings, unless the context clearly indicates otherwise.

1. Aquaculture or fish farming—The business of producing and selling cultured species raised in private facilities.
2. Certified Inspector—An employee of the Texas Parks and Wildlife Department or the Texas AM Sea Grant College Program who has satisfactorily completed a department approved course in clinical analysis of shellfish.
3. Clinical Analysis Checklist - An inspection form provided by the department specifying sampling protocols and listing certain characteristics which may constitute manifestations of disease.
4. Cultured species—Aquatic plants or wildlife resources raised under conditions where at least a portion of their life cycle is controlled by an aquaculturist.
5. Department—The Texas Parks and Wildlife Department or a designated employee of the department.
6. Director—The executive director of the Texas Parks and Wildlife Department.
7. Disease—Contagious pathogens or injurious parasites which may be a threat to the health of natural populations of aquatic organisms.
8. Disease-Free—A status, based on the results of an examination conducted by a department approved shellfish disease specialist that certifies a group of aquatic organisms as being free of disease.
9. Exotic species—A nonindigenous plant or wildlife resource not normally found in public water of this state.
10. Fish farm—The property including all drainage ditches and private facilities from which cultured species are produced, held, propagated, transported, or sold.
11. Fish farm complex—A group of two or more separately owned fish farms located at a common site and sharing privately owned water diversion or drainage structures.
12. Fish farmer—Any person engaged in aquaculture or fish farming.
13. Grass carp—The species *Ctenopharyngodon idella*.

14. Harmful or potentially harmful exotic fish—

- (A) Lampreys Family: Petromyzontidae—all species except *Ichthyomyzon castaneus* and *I. gagei*;
- (B) Freshwater Stingrays Family: Potamotrygonidae—all species;
- (C) Arapaima Family: Osteoglossidae—*Arapaima gigas*;
- (D) South American Pike Characoids Family: Characidae—all species of genus *Acestrorhynchus*;
- (E) African Tiger Fishes Subfamily: Hydrocyninae—all species;
- (F) Piranhas and Priambebus Subfamily: Serrasalminae—all species;
- (G) Rhamphodontid Characoids Subfamily: Rhamphodontinae—all species of genera *Hydrolycus* and *Rhamphodon* (synonymous with *Cynodon*);
- (H) Dourados Subfamily: Bryconinae—all species of genus *Salminus*;
- (I) South American Tiger Fishes Family: Erythrinidae—all species;
- (J) South American Pike Characoids Family: Ctenolucidae—all species of genera *Ctenolucius* and *Luciocharax* (synonymous with *Boulengerella* and *Hydrocinus*);
- (K) African Pike Characoids Families: Hepsetidae  
*Ichthyboridae*—all species;
- (L) Electric Eels Family: Electrophoridae—*Electrophorus electricus*;
- (M) Carps and Minnows Family: Cyprinidae—all species and hybrids of species of genera: *Abramis*, *Aristichthys*, *Aspius*, *Aspiolucius*, *Blicca*, *Catla*, *Cirrhina*, *Ctenopharyngodon*, *Elopichthys*, *Hypophthalmichthys*, *Leuciscus*, *Megalobrama*, *Mylopharyngodon*, *Parabramis*, *Pseudaspius*, *Rutilus*, *Scardinius*, *Thynnichthys*, *Tor*, and the species *Barbus tor* (synonymous with *Barbus hexoagoniolepis*);
- (N) Walking Catfishes Family: Clariidae—all species;
- (O) Electric Catfishes Family: Malapteruridae— all species;
- (P) South American Parasitic Candiru Catfishes Subfamilies: *Stegophilinae* *Vandelliinae*—all species;
- (Q) Pike Killifish Family: Poeciliidae— *Belonesox belizanus*;
- (R) Marine Stonefishes Family: Synanceiidae—all species;



- (S) Tilapia Family: Cichlidae—all species of genus Tilapia (including Sarotherodon and Oreochromis);
- (T) Asian Pikeheads Family: Luciocephalidae—all species;
- (U) Snakeheads Family: Channidae—all species;
- (V) Walleyes Family: Percidae—all species of the genus Stizostedion except Stizostedion vitreum and S. canadense;
- (W) Nile Perch Family: Centropomidae—all species of genera Lates and Luciolates;
- (X) Drums Family: Sciaenidae—all species of genus Cynoscion except Cynoscion nebulosus, C. nothus, and C. arenarius;
- (Y) Whale Catfishes Family: Cetopsidae—all species;
- (Z) Ruff Family: Percidae—all species of genus Gymnocephalus;
- (AA) Air sac Catfishes Family: Heteropneustidae—all species of genus Heteropneustes.
- (BB) Swamp Eels, Rice Eels or One-Gilled Eel Family—Synbranchidae—all species.
- (CC) Anguillidae—all species except Anguilla rostrata;
- (DD) Heteropneustidae—all species of genus Heteropneustes.
- 15. Harmful or potentially harmful exotic shellfish—
  - (A) Crayfishes Family: Parastacidae—all species of the genus Astacopsis;
  - (B) Mitten crabs Family: Grapsidae—all species of genus Eriocheir;
  - (C) Giant Ram's-horn Snails Family: Piliidae (synonymous with Ampullariidae)—all species of genus Marisa;
  - (D) Zebra Mussels Family: Dreissenidae—all species of genus Dreissena;
  - (E) Penaeid Shrimp Family: Penaeidae—all species of genus Penaeus except P. setiferus, P. aztecus, and P. duorarum;
  - (F) Pacific Oyster Family: Ostreidae—Crassostrea gigas.
- 16. Harmful or potentially harmful exotic plants—
  - (A) Giant Duckweed Family: Lemnaceae—Spirodela oligorhiza;
  - (B) Salvinia Family: Salviniaceae—all species of genus Salvinia;
  - (C) Waterhyacinth Family: Pontederiaceae—Eichhornia crassipes;
  - (D) Waterlettuce Family: Araceae—Pistia stratiotes;

- verticillata;
- (E) Hydrilla Family: Hydrocharitaceae-- Hydrilla
- major;
- (F) Lagarosiphon Family: Hydrocharitaceae--Lagarosiphon
- Myriophyllum spicatum;
- (G) Eurasian Watermilfoil Family: Haloragaceae--
- philoxeroides;
- (H) Alligatorweed Family: Amaranthaceae--Alternanthera
- Eichhornia azurea;
- (I) Rooted Waterhyacinth Family: Pontederiaceae--
- quinquenervia;
- (J) Paperbark Family: Myrtaceae--Melaleuca
- (K) Torpedograss Family: Gramineae--Panicum repens;
- (L) Water spinach Family: Convolvulaceae--Ipomoea
- aquatic.

17. Harmful or potentially harmful exotic species exclusion zone--That area south of SH 21, from its intersection with the Texas/Louisiana border, approximately five miles due east of Milam, Texas, not including that area of Brazos County south of SH 21, to San Marcos; thence south of IH 35 to Laredo.

18. Immediately--Without delay; with no intervening span of time.

19. Manifestations of disease--Manifestations of disease include, but are not limited to, one or more of the following: heavy or unusual predator activity, empty guts, emaciation, rostral deformity, digestive gland atrophy or necrosis, gross pathology of shell or underlying skull typical of viral infection, fragile or atypically soft shell, gill fouling, or gill discoloration.

20. Nauplius or nauplii--A larval crustacean having no trunk segmentation and only three pairs of appendages.

21. Operator--The person responsible for the overall operation of a wastewater treatment facility.

22. Place of business--A permanent structure on land where aquatic products or orders for aquatic products are received or where aquatic products are sold or purchased.

23. Postlarva--A juvenile crustacean having acquired a full complement of functional appendages.

24. Private facility--A pond, tank, cage, or other structure capable of holding cultured species in confinement wholly within or on private land or water, or within or on permitted public land or water.

25. Private facility effluent--Any and all water which has been used in aquaculture activities.

26. Private pond—A pond, tank, lake, or other structure capable of holding cultured species in confinement wholly within or on private land.

27. Public aquarium—An American Association of Zoological Parks and Aquariums accredited facility for the care and exhibition of aquatic plants and animals.

28. Public waters—Bays, estuaries, and water of the Gulf of Mexico within the jurisdiction of the state, and the rivers, streams, creeks, bayous, reservoirs, lakes, and portions of those waters where public access is available without discrimination.

29. Quarantine condition—Confinement of exotic shellfish such that neither the shellfish nor the water in which they are or were maintained comes into contact with other fish or shellfish.

30. Triploid grass carp—A grass carp (*Ctenopharyngodon idella*) which has been certified by the United States Fish and Wildlife Service as having 72 chromosomes and as being functionally sterile.

31. Waste - waste shall have the same meaning as in Chapter 26, §26.001(6) of the Texas Water Code.

32. Wastewater treatment facility—All contiguous land and fixtures, structures or appurtenances used for treating wastewater pursuant to a valid permit issued by the Texas Natural Resource Conservation Commission.

33. Water in the state - water in the state shall have the same meaning as in Chapter 26, §26.001(5) of the Texas Water Code.

#### **§57.112. General Rules.**

(a) Scientific reclassification or change in nomenclature of taxa at any level in taxonomic hierarchy will not, in and of itself, result in redefinition of a harmful or potentially harmful exotic species.

(b) Except as provided in §57.113 of this title (relating to Exceptions), it is an offense for any person to release into public waters, import, sell, purchase, transport, propagate, or possess any species, hybrid of a species, subspecies, eggs, seeds, or any part of any species defined as a harmful or potentially harmful exotic fish, shellfish, or aquatic plant.

(c) Violation of any provision of a permit issued under these rules is a violation of these rules.

#### **§57.113. Exceptions.**

(a) A person who holds a valid Exotic Species Permit issued by the department may possess, propagate, sell and transport to the permittee's private facilities exotic harmful or potentially harmful fish, shellfish and aquatic plants only as authorized in the permit provided the harmful or potentially harmful exotic species are to be used exclusively:

(1) as experimental organisms in a department approved research program; or

(2) for exhibit in a public aquarium approved for display of harmful or potentially harmful exotic fish, shellfish and aquatic plants.

(b) A person may possess exotic harmful or potentially harmful fish or shellfish without a permit, if the intestines of the fish or shellfish have been removed.

(c) A person may possess grass carp harvested from public waters that have not been permitted for triploid grass carp, without a permit, if the intestines have been removed.

(d) A fish farmer who holds a valid exotic species permit issued by the department may possess, propagate, transport, or sell triploid grass carp (*Ctenopharyngodon idella*), silver carp (*Hypophthalmichthys molitrix*), black carp (*Mylopharyngodon piceus*, also commonly known as snail carp), bighead carp (*Aristichthys/Hypophthalmichthys nobilis*), blue tilapia (*Tilapia aurea*), Mozambique tilapia (*Tilapia mossambica*), Nile tilapia (*Tilapia nilotica*), or hybrids between the three tilapia species as provided by conditions of the permit and these rules.

(e) A fish farmer who holds a valid exotic species permit issued by the department may possess, propagate, transport, or sell Pacific white shrimp (*Penaeus vannamei*) provided the exotic shellfish meet disease free certification requirements listed in §57.114 of this title (relating to Health Certification of Exotic Shellfish) and as provided by conditions of the permit and these rules.

(f) An operator of a wastewater treatment facility in possession of a valid exotic species permit issued by the department may possess and transport waterhyacinth (*Eichornia crassipes*) to their facility only for the purpose of wastewater treatment.

(g) A person may possess Mozambique tilapia in a private pond subject to compliance with §57.116(d) of this title (relating to Exotic Species Transport Invoice).

(h) The holder of a valid triploid grass carp permit issued by the department may possess triploid grass carp as provided by conditions of the permit and these rules.

(i) A licensed retail or wholesale fish dealer is not required to have an exotic species permit to purchase or possess:

(1) live individuals of species or hybrids of species listed in subsection (c) of this section held in the place of business, unless the retail or wholesale fish dealer propagates one or more of these species. However, such a dealer may sell or deliver these species to another person only if the intestines or head of the fish are removed; or

(2) Live Pacific white shrimp (*Penaeus vannamei*) held in the place of business if the place of business is not located within the Harmful or Potentially Harmful Exotic Species Exclusion Zone. However, such a dealer may only sell or deliver this species to another person if the shrimp are dead and packaged on ice or frozen.

(j) The department is authorized to stock planktivorous fish including silver carp (*Hypophthalmichthys molitrix*) and bighead carp (*Aristichthys/Hypophthalmichthys nobilis*) if necessary in Lake Rita Blanca, Hartley County, in order to investigate their utility as biological agents to improve water quality and enhance fishery management.

(k) The department is authorized to stock triploid grass carp into public waters in situations where the department has determined that there is a legitimate need, and when stocking will not affect threatened or endangered species, coastal wetlands, or specific management objectives for other important species.

(l) A fish farmer who holds a valid exotic species permit issued by the department may possess, propagate, transport and sell Pacific blue shrimp (*Penaeus stylirostris*) provided the exotic shellfish are cultured under quarantine conditions in private facilities located outside the harmful or potentially harmful exotic species exclusion zone, and meet disease free certification requirements listed in §57.114 of this title (relating to Health Certification of Exotic Shellfish) and as provided by conditions of the permit and these rules.

(m) Any person who, as of the effective date of these rules, holds a valid exotic species permit issued by the department to possess, propagate, transport or sell *Anguilla japonicus* may continue to conduct such activities as authorized by the conditions of the permit. The permit may not be transferred to any other person, site or entity.

#### **§57.114. Health Certification of Exotic Shellfish.**

(a) All disease free certification of exotic shellfish must be conducted by a shellfish disease specialist approved by the department.

(b) Any person importing live exotic shellfish from facilities outside the state must prior to importation:

(1) provide documentation to the department that the shellfish to be imported have been inspected and certified as disease-free by a department-approved shellfish disease specialist; and

(2) receive acknowledgment from the department that the requirements of paragraph (1) of this subsection have been met.

(c) Any person in possession of exotic shellfish for the purpose of production of postlarvae must provide to the department monthly certification that nauplii and postlarvae have been examined and are certified to be disease-free. If

certification cannot be provided, the exotic shellfish must be maintained in quarantine condition until the department acknowledges in writing that the stock is disease-free or specifies in writing condition(s) under which the quarantine can be removed.

(d) Any person in possession of exotic shellfish stocks who observes one or more of the manifestations of disease appearing on the clinical analysis checklist provided by the department shall:

(1) immediately quarantine the entire facility, immediately notify the department and immediately request an inspection from a department approved examiner; or

(2) immediately quarantine the entire facility, immediately notify the department and immediately submit samples of the affected shellfish to a department approved shellfish disease specialist for analysis. Results of such analyses shall be forwarded to the department immediately upon receipt.

(e) Upon receiving a request from a permit holder under subsection (d)(1) of this section, the department approved examiner shall inspect the private facility, complete the clinical analysis checklist provided by the department, and submit copies of the checklist to the department and the permit holder.

(f) Before discharging any waste for the first time in any calendar year into or adjacent to water in the state, the permittee shall:

(1) have a department approved examiner inspect the entire facility and examine samples of the shellfish from each pond or other structure containing exotic shellfish no more than 72 hours prior to the first discharge and shall submit the results of the examination to the department on the department approved clinical analysis checklist; or

(2) submit samples of the shellfish from each pond or other structure containing exotic shellfish to a department approved shellfish disease specialist for analysis no more than ten days prior to the first discharge and submit the results of such analyses to the department immediately upon receipt.

(g) If the results of an inspection performed under subsection (f)(1) of this section indicate the presence of one or more manifestations of disease, the permittee shall immediately place the entire facility under quarantine and immediately submit samples of the shellfish from the affected portion(s) of the facility to a department approved shellfish disease specialist for analysis. Results of such analyses shall be forwarded to the department immediately upon receipt.

(h) If the results of analyses performed under subsection (f)(2) of this section indicate the presence of disease, the permittee shall immediately place the entire facility under quarantine.

(i) A private facility quarantined under subsections (d), (g) or (h) of this section shall remain under quarantine condition until the department removes the

quarantine in writing or authorizes in writing other actions deemed appropriate by the department based on the required analyses.

(j) If the results of inspections or testing performed under subsection (f) of this section indicate the absence of any manifestations of disease, the permittee may begin discharging from the facility.

#### **§57.115. Transportation of Live Exotic Species.**

(a) Transport of live harmful or potentially harmful exotic species is prohibited except by:

- (1) a licensed fish farmer in possession of a valid Exotic Species Permit and an exotic Species Transport Invoice;
- (2) a commercial shipper acting for the permit holder in possession of an Exotic Species Transport Invoice;
- (3) persons holding exotic species pursuant to limitations of §57.113(a) through (e).

(b) A fish farmer transporting live triploid grass carp must have sales invoices which account, collectively, for all triploid grass carp being transported and a copy of the United States Fish and Wildlife Service certification declaring that the grass carp being transported have been certified as being triploid grass carp in addition to meeting requirements of Chapter 134 of the Agriculture Code.

#### **§57.116. Exotic Species Transport Invoice.**

(a) An exotic species transport invoice shall contain all the following information correctly stated and legibly written: invoice number; date of shipment; name, address, and phone number of the shipper; name, address, and phone number of the receiver; Texas fish farmer's license number and exotic species permit number, if applicable; number and total weight of each harmful or potentially harmful exotic species; a check mark indicating interstate import, interstate export, or intrastate type of shipment. A completed invoice shall accompany each shipment of harmful or potentially harmful exotic species sold or transferred, and shall be sequentially numbered during the permit period; no invoice number shall be used more than once during any one permit period by the permittee.

(b) The exotic species transport invoice shall be provided by the permittee; one copy shall be retained by the permittee for a period of at least one year following shipping date and one copy shall be forwarded to the department's aquaculture coordinator.

(c) The permittee is responsible for supplying completed copies of the exotic species transport invoice to out-of-state dealers from which the permittee has purchased and or received harmful or potentially harmful exotic species, or to whom harmful or potentially harmful exotic species are transferred so that shipment will be properly marked and numbered upon delivery to the permittee in Texas.



(d) Owners, or their agents, of private ponds stocked with Mozambique tilapia or triploid grass carp by an Exotic Species Permit holder shall retain a copy of the Exotic Species Transport Invoice for a period of one (1) year after the stocking date or as long as the tilapia or triploid grass carp are in the water, whichever is longer.

**§57.117. Exotic Species Permit: Fee and Application Requirements.**

(a) The department shall charge a nonrefundable exotic species permit application fee as follows:

(1) application for new, renewed, or amended exotic species permit which requires facility inspection--\$250;

(2) application for renewed or amended exotic species permit requiring no facility inspection--\$25;

(3) renewal applications received more than one year after the renewal date will require an additional inspection and cost \$250.

(b) To be considered for an Exotic Species Permit, the applicant shall:

(1) meet one or more of the following criteria:

(A) possess a valid Texas Fish Farmer's License;

(B) possess a valid permit from the Texas Natural Resource Conservation Commission authorizing operation of a wastewater treatment facility;

(C) possess a department approved research proposal involving use of harmful or potentially harmful exotic fish, shellfish or aquatic plants; or

(D) operate a public aquarium approved for display of harmful or potentially harmful exotic fish, shellfish or aquatic plants;

(2) complete and submit an initial exotic species permit application on a form provided by the department;

(3) submit an accurate-to-scale plat of the facility specifically including, but not limited to, location of:

(A) all private facilities and owner's name and physical address including a designation on the plat of all private facilities which will be used for possession of harmful or potentially harmful exotic species;

(B) all structures which drain private facilities;

(C) all points at which private facility effluent is discharged from the private facilities or the fish farm;

(D) all structures designed to prevent escapement of harmful or potentially harmful species from the fish farm;

(E) any vats, raceways, or other structures to be used in holding harmful or potentially harmful exotic species;

(4) demonstrate to the department that an existing fish farm, private facility or wastewater treatment facility meets requirements of §57.129 of this title (relating to Exotic Species Permit: Private Facility Criteria);



(5) remit to the department all applicable fees.

(c) Applicants for an exotic species permit for culture of harmful or potentially harmful exotic shellfish must meet all exotic species permit application requirements and requirements for disease free certification as listed in §57.114 of this title (relating to Health Certification of Exotic Shellfish).

(d) An applicant for an exotic species permit shall provide upon request from the department documentation necessary to identify any harmful or potentially harmful exotic species and confirm the source of origin for the species for which a permit is sought.

(e) An applicant for an Exotic Species Permit whose facility is located within the harmful or potentially harmful exotic species exclusion zone as defined in §57.111 of this title (relating to Definitions) must submit an Emergency Plan to the department for review and approval. The plan shall include measures sufficient to prevent release or escapement of permitted harmful or potentially harmful exotic species into public water during a natural catastrophe (such as a hurricane or flood).

#### **§57.118. Exotic Species Permit Issuance.**

(a) The department may issue an Exotic Species Permit only to:

(1) a licensed Fish Farmer and only for species listed in §57.113(c)-(e) of this title (relating to Exceptions);

(2) a wastewater treatment facility operator only for possession and use of waterhyacinth;

(3) department approved research programs; or

(4) a public aquarium for display purposes only.

(b) The department may issue an exotic species permit upon a finding by the department that:

(1) all application requirements as set out in §57.117 of this title (relating to Exotic Species Permit: Fee and Application Requirements) have been met;

(2) the fish farm operated by the applicant and named in the permit meets or will meet the design criteria listed in §57.129 of this title (relating to Exotic Species Permit: Private Facility Criteria);

(3) the applicant has complied with all provisions of the Parks and Wildlife Code, §66.007, §66.015, and these rules during the one-year period preceding the date of application.

(c) Permits issued for fish farms, private facilities or wastewater treatment facilities under construction shall not authorize possession of harmful or potentially harmful exotic fish, shellfish or aquatic plants until such time as the department has certified that the fish farm, private facilities or wastewater treatment facility as-built meets the requirements in §57.129 of this title (relating to Exotic Species Permit: Private Facility Criteria).

**§57.119. Exotic Species Permit: Requirements for Permittee.**

(a) A copy of the Exotic Species Permit shall be:

- (1) made available for inspection upon request of authorized department personnel; and
- (2) prominently displayed on the premises of the fish farm, private facilities or wastewater treatment facility named in the permit.

(b) Permittee must provide access to all facilities covered by the application to authorized department personnel during any hours in which operations pursuant to the exotic species permit are ongoing.

(c) If a permittee discontinues fish farming, research activities or public aquarium display involving harmful or potentially harmful exotic species or discontinues wastewater treatment utilizing waterhyacinth, the permittee shall:

- (1) immediately and lawfully sell, transfer or destroy all remaining individuals of that species in possession; and
- (2) notify the department's aquaculture coordinator at least 14 days prior to cessation of operation.

(d) Upon a request, a permittee shall provide an adequate number of fish, shellfish, or aquatic plants to authorized department employees for identification and analyses.

(e) In the event that the fish farm, private facilities or a wastewater treatment facility of a permit holder appears in imminent danger of overflow, flooding, or release of harmful or potentially harmful exotic fish, shellfish or aquatic plants into public water, the permittee shall:

- (1) immediately notify the department aquaculture coordinator;
- (2) immediately begin implementation of the department approved Emergency Plan.

(f) Except in case of an emergency, a holder of an exotic species permit authorizing possession of *Penaeus vannamei* must notify the department at least 72 hours prior to, but not more than seven days prior to any harvesting of permitted shellfish. In an emergency beyond the control of the permittee, notification of harvest must be made as early as practicable prior to beginning of harvest operations.

(g) A holder of an exotic species permit authorizing possession of harmful or potentially harmful exotic species may sell or transfer ownership of live individuals only to the holder of a valid exotic species permit specifically authorizing possession of transferred species.

(h) Upon discovery of release or escapement of harmful or potentially harmful exotic fish or shellfish from any private facilities authorized in an exotic species permit, the permittee must immediately halt discharge of all private facility effluent from the fish farm. If the permittee's private facility is located within a fish farm

complex, upon discovery of release or escapement of harmful or potentially harmful fish or shellfish, the permittee must immediately halt discharge of all private facility effluent.

(i) A holder of an exotic species permit must notify the department's aquaculture coordinator in the event of escapement or release of harmful or potentially harmful exotic fish or shellfish, within two hours of discovery.

(j) All devices required in the exotic species permit for prevention of discharge of harmful or potentially harmful exotic fish, shellfish, or aquatic plants must be in place and properly maintained prior to and at all times such species are in possession.

(k) All private facility effluent discharged from a fish farm holding exotic harmful or potentially harmful species must be routed through all devices for prevention of discharge of exotic species as required in the permit.

(l) A permittee must notify the department's aquaculture coordinator in the event of change of ownership of the fish farm named in that permittee's exotic species permit. Notification must be made immediately.

(m) Permits are not transferable from site to site or from person to person.

#### **§57.120. Exotic Species Permit: Expiration and Renewal.**

(a) Exotic Species Permits required by these rules expire on December 31 of the year issued.

(b) The department may renew an Exotic Species Permit upon finding that:

(1) the applicant has met application requirements in §57.117 of this title (relating to Exotic Species Permit: Fee and Application Requirements);

(2) the facility will meet all applicable facility design criteria listed in §57.129 of this title (relating to Exotic Species Permit: Private Facility Criteria);

(3) the applicant has complied with all provisions of the Parks and Wildlife Code §66.007, §66.015, and these rules during the one-year period preceding the date of agency action on the application for renewal; and

(4) the applicant has submitted a renewal application and all required annual and quarterly reports to the department as required in §57.123(a) and (b).

#### **§57.121. Exotic Species Permit--Amendment.**

(a) Exotic species permits may be amended upon a finding by the department that:

(1) the applicant has complied with all provisions of the Parks and Wildlife Code, §66.007, §66.015, all conditions in permit, and these rules during the one-year period preceding the date of application;

(2) the applicant has met all applicable application requirements under §57.117 of this title (relating to Exotic Species Permit--Fee Application Requirements); and

(3) the facilities as altered will meet the private facility criteria in §57.129 of this title (relating to Exotic Species Permit).

(b) Exotic species permits must be amended to reflect any:

(1) addition or deletion of species of harmful or potentially harmful exotic fish, shellfish, or aquatic plants held pursuant to the permit;

(2) intended redistribution of harmful or potentially harmful fish, shellfish, and aquatic plants into private facilities not authorized in the permit;

(3) change in methods of preventing discharge of harmful or potentially harmful exotic fish, shellfish, and aquatic plants;

(4) change in discharge of private facility effluent from fish farms or wastewater treatment facilities; and

(5) change in existing design criteria listed in §57.129 of this title (relating to Exotic Species Permit—Private Facility Criteria).

(c) Applicants seeking amendment of exotic species permits, including those issued prior to January 23, 1992, must meet all application requirements listed in §57.117 of this title (relating to Exotic Species Permit—Fee and Application Requirements) and facility design criteria listed in §57.129 of this title (relating to Exotic Species Permit—Private Facility Criteria).

#### **§57.122. Appeal.**

An opportunity for hearing shall be provided to the applicant or permit holder for any denial of an exotic species permit or a triploid grass carp permit or where the terms of issuance are different from those requested by the applicant.

(1) Requests for hearings shall be made in writing to the department no more than 30 days from receipt of the denial notification.

(2) All hearings shall be conducted in accordance with the rules of practice and procedure of the Texas Parks and Wildlife Department and the Administrative Procedure Act.

#### **§57.123. Exotic Species Permit Reports.**

(a) The Exotic Species Permit holder shall submit an annual report that accounts for importation, possession, transport, sale, transfer or other disposition of any harmful or potentially harmful exotic species handled by the permittee. This report shall be submitted on forms provided by the department with the application and shall be due January 10 of each year.

(b) An Exotic Species Permit holder who has imported, possessed, transported, transferred or sold triploid grass carp shall submit a quarterly report to the department on or before April 10, July 10, and October 10 of each year. This report shall be submitted on a form provided by the department and shall include:

(1) a copy of each exotic species transport invoice issued during the past quarterly period; and

(2) a copy of each triploid grass carp certification received by the permittee for triploid grass carp purchased during the past quarterly period.

**§57.124. Triploid Grass Carp; Sale, Purchase.**

(a) Triploid grass carp may be sold only by a holder of an exotic species permit authorizing possession of triploid grass carp, and only to:

(1) a person in possession of a valid exotic species permit authorizing possession of triploid grass carp; or

(2) a person in possession of a valid triploid grass carp permit, and only in an amount less than or equal to that number specified in the permit.

(b) A person who holds a valid triploid grass carp permit may purchase triploid grass carp only from a Texas fish farmer in possession of a valid exotic species permit authorizing possession of triploid grass carp, and only in an amount less than or equal to that number specified in the triploid grass carp permit.

(c) A holder of an exotic species permit may obtain triploid grass carp only from:

(1) the holder of a valid exotic species permit authorizing possession of triploid grass carp; or

(2) a lawful source outside of the state.

(d) A fish farmer in possession of an exotic species permit must notify the department not less than 72 hours prior to taking possession of any and all shipments of triploid grass carp received from any source. Notification must include:

(1) number of triploid grass carp being purchased;

(2) source of triploid grass carp;

(3) final destination of triploid grass carp;

(4) name of certifying authority who conducted triploid grass carp certification; and

(5) name, address and fish farmer's license number (if applicable) of both shipper and receiver.

**§57.125. Triploid Grass Carp Permit; Application, Fee.**

(a) The department may issue a triploid grass carp permit to private individuals for stocking of triploid grass carp in private waters.

(b) To be considered for a triploid grass carp permit, the applicant shall:

(1) complete an initial triploid grass carp permit application on a form provided by the department;

(2) submit this application to the department not less than 30 days prior to the proposed stocking date; and

(3) remit to the department the sum of the cost of the triploid grass carp permit application fee and the triploid grass carp user fee.

(c) The department shall charge a triploid grass carp permit application fee in the amount of the sum of a \$15 application flat fee plus \$2.00 for each triploid grass carp requested on the triploid grass carp permit application form. In the case of permit denial, the triploid grass carp permit application flat fee is not refundable. The \$15 flat fee will be waived in the case of applications to stock triploid grass carp in public water.

(d) An applicant for a triploid grass carp permit or a permittee shall allow inspection of their facilities and ponds or lakes by authorized employees of the department during normal business hours.

**§57.126. Triploid Grass Carp Permit; Terms of Issuance.**

(a) The department may issue a triploid grass carp permit upon a finding that:

- (1) applicant has completed and submitted to the department a triploid grass carp permit application;
- (2) applicant has remitted to the department all pertinent fees;
- (3) all information provided in the triploid grass carp permit application is true and correct;
- (4) applicant has not been finally convicted, within the last year, for violation of the Parks and Wildlife Code, §66.007, §66.015, or these rules;
- (5) issuance of a triploid grass carp permit is consistent with department fisheries or wildlife management activities;
- (6) issuance of a triploid grass carp permit is consistent with the Parks and Wildlife Commission's environmental policy;
- (7) issuance of a triploid grass carp permit and subsequent stocking does not conflict with specific management objectives of the department; and
- (8) issuance of a triploid grass carp permit and subsequent stocking will not detrimentally affect threatened or endangered species populations, or their habitat; and
- (9) issuance of a triploid grass carp permit and subsequent stocking will not detrimentally affect coastal wetland and estuarine ecosystems.

(b) A permittee shall allow, upon request, the take of a reasonable number of grass carp from the permittee's body of water by department personnel for determination of triploid status.

(c) In determining the number of triploid grass carp authorized for possession under a triploid grass carp permit the department shall consider the surface area of the pond or lake named in the permit application, and as appropriate, the percentage of the surface area infested by aquatic vegetation.



**§57.127. Triploid Grass Carp Permit; Denial.**

The department may deny a triploid grass carp permit upon a finding that the applicant fails to satisfy any of the required criteria for issuance of a permit listed in §57.124 of this title (relating to Triploid Grass Carp; Sale, Purchase).

**§57.128. Exotic Species Permits, Triploid Grass Carp Permits; Revocation.**

The department may revoke an exotic species permit or a triploid grass carp permit upon a finding that the permittee has violated any provision in these rules or rules promulgated under the Parks and Wildlife Code, §66.015, or any conditions of the permit during the valid permit period.

**§57.129. Exotic Species Permit: Private Facility Criteria.**

(a) The fish farm or wastewater treatment facility must be designed to prevent discharge of water containing adult or juvenile harmful or potentially harmful exotic species, their eggs, seeds or other reproductive parts from the permittee's property.

(b) Fish farms holding harmful or potentially harmful exotic fish or shellfish shall have at least three appropriately designed and constructed permanent screens placed between any point in the fish farm where harmful or potentially harmful exotic fish or shellfish are intended to be in water on the fish farm and the point where private facility effluent first leaves the fish farm.

(1) Screen mesh shall be of an appropriate size for each stage of exotic fish or shellfish growth and development.

(2) One screen must be permanently affixed in front of the final discharge pipe in the harvest structure and remain in place while the pond is in use. This screen and backing material must be of sufficient strength to withstand a water level differential of the height of the discharge area.

(3) At those facilities which discharge into public waters, one screen must be secured over the terminal end of the discharge pipe at all times. This screen must be secured in such a fashion as to prevent escape of permitted species. A second, additional screen must be secured over the terminal end of the discharge pipe during all harvest activities.

(4) Screens must be designed and constructed such that screens can be maintained and cleaned without reducing the level of protection against release of harmful or potentially harmful exotic fish or shellfish. The department may approve alternate methods of preventing discharge of harmful or potentially harmful exotic fish or shellfish upon a finding that those methods are at least as effective in preventing discharge of adult or juvenile harmful or potentially harmful exotic species, their eggs, or other reproductive parts from the permittee's property. The point of discharge of all

mechanical harvesting devices must be double screened to prevent escapement of harmful or potentially harmful fish or shellfish.

(c) Fish farms which are to contain species or hybrids of species listed in §57.113(c)-(e) of this title (relating to Exceptions) and wastewater treatment facilities containing waterhyacinth which are within the 100-year flood plain, referred to as Zone A on the National Flood Insurance Program Flood Insurance Rate Map, must be enclosed within an earthen or concrete dike or levee constructed in such a manner to exclude all flood waters and such that no section of the crest of the dike or levee is less than one foot above the 100-year flood elevation. Dike design or construction must be approved by the department before issuance of a permit.

(d) Fish farms containing harmful or potentially harmful exotic shellfish shall be capable of segregating stocks of shellfish which have not been certified as free of disease from other stocks of shellfish on that fish farm.

(e) A fish farm containing harmful or potentially harmful exotic fish or shellfish must have in place security measures designed to prevent unrestricted or uncontrolled access to any private facilities containing harmful or potentially harmful exotic fish or shellfish. Security measures must prevent unauthorized removal of such species from the fish farm.

(f) For fish farms that are part of a fish farm complex, the following additional facility standards shall apply.

(1) Each permittee shall maintain in the common drainage at least one screen for preventing the movement of harmful or potentially harmful exotic fish or shellfish between the point where private facility effluent from the permittee's fish farm enters the common drainage and each point where an adjacent fish farmer's private facility effluent enters the common drainage. The adequacy of design and construction of such screens or other structures shall be determined by the department as provided in subsection (a)(1) of this section.

(2) Each permittee within the complex must have authority to stop the discharge of private facility effluent from the complex in the event of escapement or release of such fish or shellfish from that permittee's fish farm.

#### **§57.130. Exotic Species Interstate Transport Permit.**

(a) Transport of live harmful or potentially harmful exotic species originating from a point of origin outside the state of Texas and being transported through Texas to a destination outside of the state of Texas is prohibited except by the holder of an Exotic Species Permit or an Exotic Species Interstate Transport Permit.

(b) Anyone transporting live harmful or potentially harmful exotic species must provide documentation accounting, collectively, for all exotic species being transported.



**§57.131. Exotic Species Interstate Transport Permit: Application and Issuance.**

(a) The department shall charge a nonrefundable Exotic Species Interstate Transport Permit application fee of either:

- (1) \$25 for individual permits; or
- (2) \$100 for an annual permit.

(b) To apply for an Exotic Species Interstate Transport Permit an applicant shall:

- (1) complete and submit an Exotic Species Interstate Transport Permit application on a form provided by the department;
- (2) remit to the department aquaculture coordinator all applicable fees.

(c) An applicant for an Exotic Species Interstate Transport Permit shall provide documentation upon request from the department necessary to identify any harmful or potentially harmful exotic species and source of origin of the species for which the permit is sought.

(d) The department may issue an Exotic Species Interstate Transport Permit upon a finding that all provisions of subsections (a)-(c) of this section have been met.

**§57.132. Exotic Species Interstate Transport Permit: Permittee Requirements.**

(a) A copy of the Exotic Species Interstate Transport Permit shall be made available for inspection immediately upon request of authorized department personnel.

(b) Permittee must provide access to shipments of exotic species to authorized department personnel during the effective date of the permit.

(c) Permittee must notify the department's aquaculture coordinator in writing or by facsimile transmission at least 72 hours prior to transport of live harmful or potentially harmful exotic species indicating transport date, intended transportation route, and name and physical address of recipient.

(d) While transporting harmful or potentially harmful exotic species within the state of Texas, a holder of an Exotic Species Interstate Transport Permit must notify the department's aquaculture coordinator in the event of escapement or release of harmful or potentially harmful exotic species within two hours of release.

(e) Except as provided by the terms and conditions of the Exotic Species Interstate Transport Permit, offloading or transfer of shipments of harmful or potentially harmful exotic species in the state of Texas is prohibited.

**§57.133. Exotic Species Interstate Transport Permit: Expiration and Renewal.**

(a) Exotic Species Interstate Transport Permits expire as stated on the permit.

(b) A separate Exotic Species Interstate Transport Permit must be issued for each vehicle, trailer or other such transporting unit when transporting live harmful or potentially harmful species through the state.

**§57.134. Wastewater Discharge Authority.**

(a) An applicant for an initial exotic species permit must provide the following:

(1) written documentation demonstrating that the applicant possesses the appropriate valid wastewater discharge authorization or has received an exemption from the Texas Natural Resource Conservation Commission if the fish farm, fish farm complex or private facility is designed such that a discharge of waste into or adjacent to water in the state will, or is like to occur; or

(2) adequate documentation to demonstrate that the facility is designed and will be operated in a manner such that no discharge of waste into or adjacent to water in the state will, or is likely to occur.

(b) An applicant for an amendment or a renewal of an exotic species permit must provide the following:

(1) written documentation demonstrating that the applicant possesses or has timely applied for and is diligently pursuing the appropriate wastewater discharge authorization or exemption from the Texas Natural Resource Conservation Commission in accordance with 30 TAC Chapter 321, Subchapter O, if the fish farm, fish farm complex or private facility is designed such that a discharge of waste into or adjacent to water in the state will, or is likely to occur; or

(2) adequate documentation to demonstrate that the facility is designed and will be operated in a manner such that no discharge of waste into or adjacent to water in the state will, or is likely to occur.

(c) An exotic species permittee whose wastewater discharge authorization or exemption is revoked, suspended or annulled by the Texas Natural Resource Conservation Commission will be treated as an applicant for an initial permit under subsection (a) of this section.

**§57.135. Memorandum of Understanding between the Texas Parks and Wildlife Department and the Texas Natural Resources Conservation Commission.**

The Texas Parks and Wildlife Department (TPWD) incorporates by reference the memorandum of understanding between the Texas Natural Resource Conservation Commission (TNRCC) and the TPWD as published in the January 3, 1997, edition of the Texas Register (22 TexReg 24) and as adopted by the TNRCC on July 22, 1997.

**§57.136. Penalties.**

The penalties for violation of this subchapter are prescribed by Parks and Wildlife Code, §66.012.