

AQUACULTURE REGULATION IN THE GREAT LAKES

TERRA BOWLING
RESEARCH COUNSEL II
NATIONAL SEA GRANT LAW CENTER



About us



National Sea Grant Law Center

- ☆ Founded in 2002
- ☆ Housed at the University of Mississippi School of Law
- ☆ Conducts legal research, education, and outreach for Sea Grant Network and stakeholders



GLAC 2.0

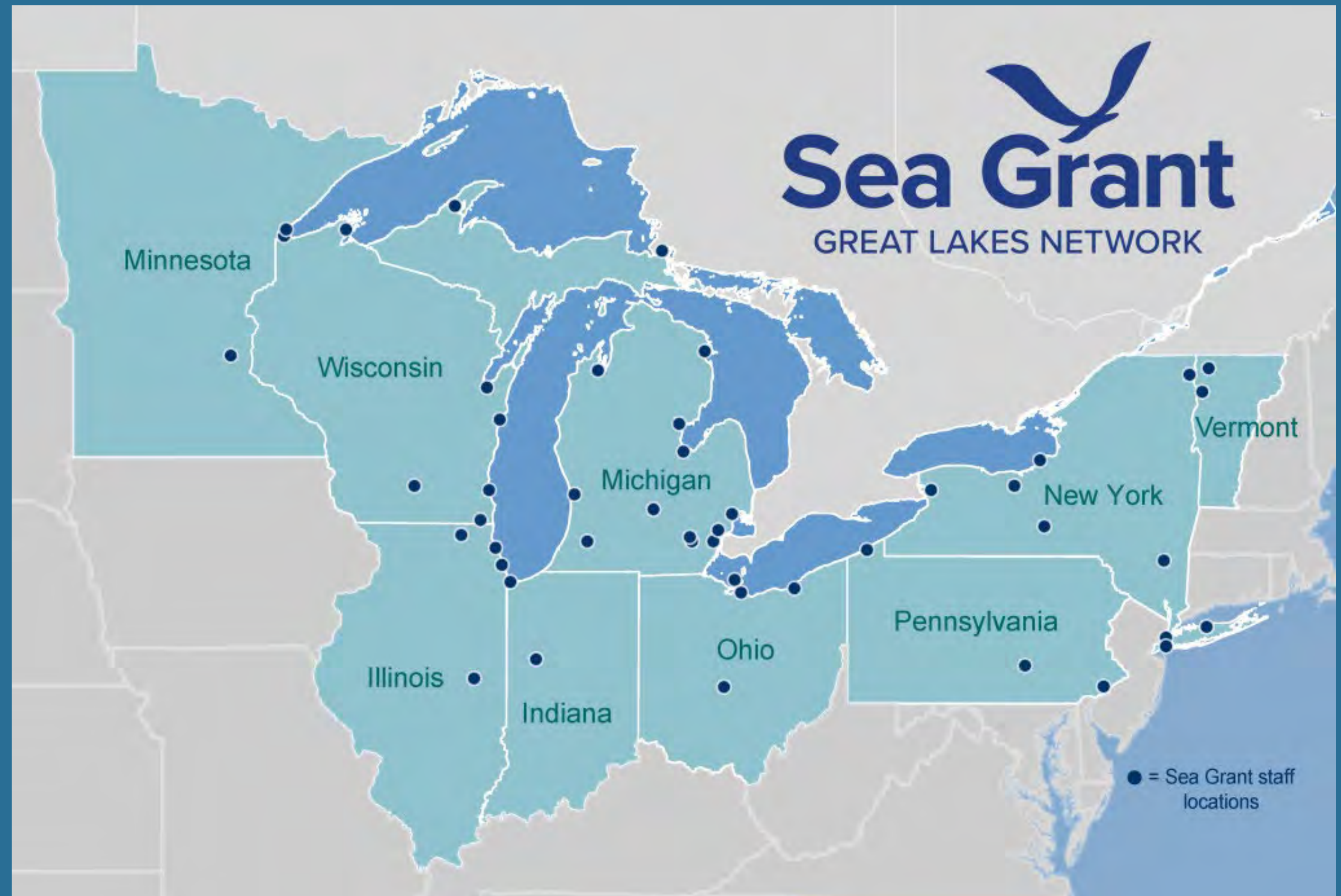


Image:
greatlakesseagrant.com

GLAC 2.0

Issue:

States aquaculture laws and policies can be complex.

Goal:

Enhance understanding of the legal framework governing aquaculture in the Great Lakes.



Project Components

1

Legal Inventory

2

Agency Feedback

3

Regulatory Analysis



Legal Inventory

Key Components

- Aquaculture permitting requirements
- Approved and prohibited aquaculture species
- Health requirements
- Select state environmental laws, regulations, and permits that may be implicated in aquaculture production:
 - Water withdrawal
 - Pollutant discharge
 - Wetlands
 - Right-to-Farm laws

Agency Feedback

	Citation	Brief Summary
Aquaculture Agency Lead		DNR, Agriculture
	515 Ill. Comp. Stat. Ann. 5/20-90; Ill. Admin. Code § tit. 17, §§ 870.20, 870.30, 870.80	An aquaculture permit is required for breeding, hatching, propagation, or raising of aquatic life. Certain categories are exempt from these requirements: aquarists/hobbyists, the aquarium industry, state agencies or universities meeting certain requirements; however, exemption does not apply to any injurious species or any VHS-susceptible species or any wild caught aquatic life coming from affected regions without Fish Health Certificates (FHC) and Department approval, and the activity must not allow the escape of aquatic life into the waters standing on or flowing over the soil of the State of Illinois. Permit holders may transport this aquatic life for food or stocking purposes. Permit holders selling aquatic life under this permit are exempt from fish or minnow dealers license.
Aquaculture Permit Requirement		
	Ill. Admin. Code § tit. 17, § 870.10; Ill. Admin. Code § tit. 17, § 870.60	DNR developed and maintains Aquatic Life Approved Species List. Any species not on the "Approved List" may not be imported or possessed alive without a letter of authorization to import/possess those species. https://www.ifishillinois.org/programs/aquaculture/aquatic_approved_species.pdf . Any species not on the Aquatic Life Approved Species list is considered Restricted. "Aquatic life" does not include amphibians, reptiles, saltwater species commonly used as seafood that will not survive in freshwater or any species listed as endangered or threatened under Section 8 of the Illinois Endangered Species Protection Act
Approved Species List		
	17 Ill. Admin. Code §§ 805.10-805.50	State regulations prohibit possession, propagation, purchase, sale, or barter of injurious species, as well as the offer to buy, sale, barter, transport, trade, transfer, or loan injurious species, without a permit from DNR, granted only for limited zoological, educational, medical, or scientific purposes. Injurious species include those on the federal injurious species list (50 CFR 16.11-15) and species listed in 17 Ill. Adm. Code 805.20,
List of Prohibited Species		
Scope of Aquaculture Permit		
Possess	Ill. Admin. Code tit. 17, § § 870.10, 870.20	Approved species covered by aquaculture permit. Any species not on the "Approved List" may not be imported or possessed alive without a letter of authorization to import/possess those species.
Transport	515 Ill. Comp. Stat. Ann. 5/20-90; Ill. Admin. Code tit. 17, § 870.20; Ill. Admin Code tit. 17 § 875.30; 17 Ill. Admin. Code sec. 870.60	Approved species covered by aquaculture permit. Transport of restricted species, either within state or importing into state, requires Restricted Species Transportation Permit. VHS-susceptible species only require a VHS-import permit if being imported into the state, not if transporting within.

Example Legal Inventory

Illinois Aquaculture Provisions

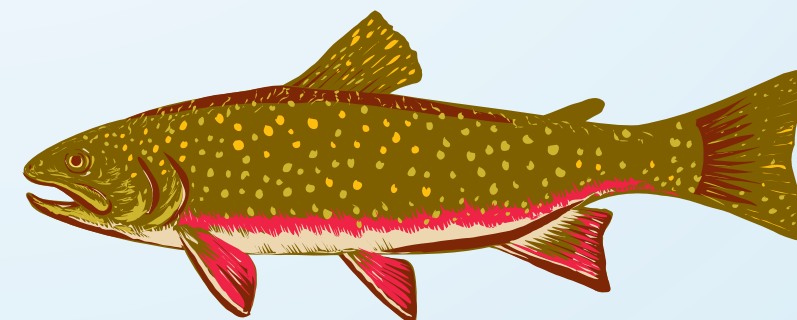
Illinois Aquaculture Statutes

515 IL Comp. Stat. Ann. 5/5-5. Ownership and Title; Violations; Penalties

The ownership of and title to all aquatic life within the boundaries of the State, are hereby declared to be in the State, and no aquatic life shall be taken or killed, in any manner or at any time, unless the person or persons so taking or killing the aquatic life shall consent that the title to the aquatic life shall be and remain in the State for the purpose of regulating the taking, killing, possession, use, sale, and transportation of aquatic life after taking ~~and~~ killing, as set forth in this Code. Aquatic products, including any aquatic plants and animals or their by-products that are produced, grown, managed, harvested and marketed on an annual, semi-annual, biennial or short-term basis, in permitted aquaculture facilities, bred, hatched, propagated, or raised by the owner of a body of water, with the consent of the Department of Natural Resources through the issuance of an aquaculture permit and consistent with this Section, in permitted aquaculture facilities in or on that body of water are the property of the person who bred, hatched, propagated, or raised them or that person's successor in interest. Ownership of aquatic products reverts to the State upon revocation or expiration of an aquaculture permit as prescribed by administrative rule. If any person causes any waste, sewage, thermal effluent, or any other pollutant to enter into, or causes or allows pollution of, any waters of this State so as to kill aquatic life, the Department, through the Attorney General, may bring an action against that person and recover the value of and the related costs in determining the value of the aquatic life destroyed by the waste, sewage, thermal effluent, or pollution. Any money so recovered shall be placed into the Wildlife and Fish Fund in the State Treasury. If any person shall abandon, deposit, or otherwise place any wire, can, bottle, glass, paper, trash, rubbish, cardboard, wood cartons, boxes, trees, parts of trees, brush, or other insoluble material, including animal or vegetable material, into the waters or upon the ice of any waters of this State, or in any place on the bank of waters of this State where it shall be liable to be washed into the waters either by storms, floods, or other causes, the person shall be in violation of the offense of polluting. Employees of the Department, however, may place or direct the placement, in the waters of the State, of insoluble materials deemed suitable for the purposes of enhancing aquatic habitat. Any person who shall be found guilty under this Section shall be guilty of a petty offense, and the Court shall further order that the guilty person shall employ every practical means of removing the debris within a time specified by the Court. Failure to comply with an order under this Section shall constitute a Class B misdemeanor.

515 IL Comp. Stat. Ann. 5/10-105. Fish Importation Permits

Live fish, viable fish eggs, or viable sperm of any species or hybrid of salmon or trout may be imported into the State only by the holder of a fish importation permit and other required State permits. Importation permits shall be issued at no charge to a person who has applied on a Department special permit form, no less than 15 days nor more than 30 days before shipment, provided that the shipment is not considered detrimental to the fishery resource of the State. An importation permit shall be issued only if the source hatchery is inspected and found free of those diseases designated by administrative rule of the Department, or any other diseases, that may be detrimental to the fishery resource of the State. Inspections may be carried out only by persons recognized by the Department as competent in the diagnosis of fish diseases. An importation



Report

Aquaculture Regulation *in the Great Lakes*



Table of Contents

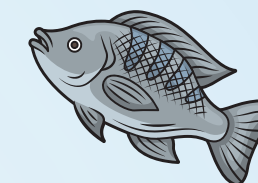
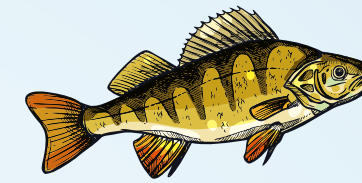
Executive Summary	1
I. Aquaculture Permit	2
II. Aquaculture Species	7
III. Scope of Aquaculture Requirements	10
Possession	10
Transport	11
Import	13
Sale	15
IV. Health Requirements	17
V. Other Major Permit Requirements	23
Water Withdrawal	23
NPDES	24
Wetlands	25
Right-to-Farm	26

Lead Agencies

Great Lakes States Aquaculture Lead Agencies

State	Operations Permit/License	Lead Agency
<i>Illinois</i>	aquaculture permit	Department of Natural Resources dnr.aquaculture@illinois.gov
<i>Indiana</i>	fish hauler & supplier or aquaculture permit	Department of Natural Resources
<i>Michigan</i>	aquaculture facility registration	Department of Natural Resources
<i>Minnesota</i>	fish hatchery permit	Department of Natural Resources
<i>New York</i>	fish hatchery permit	Department of Environmental Conservation SpecialLicenses@dec.ny.gov
<i>Ohio</i>	aquaculture permit	Department of Natural Resources wildlife.permits@dnr.ohio.gov
<i>Pennsylvania</i>	aquaculture permit	Department of Agriculture
<i>Vermont</i>	propagation permit	Fish and Wildlife Department
<i>Wisconsin</i>	facility registration	Department of Agriculture, Trade and Consumer Protection

Aquaculture Species

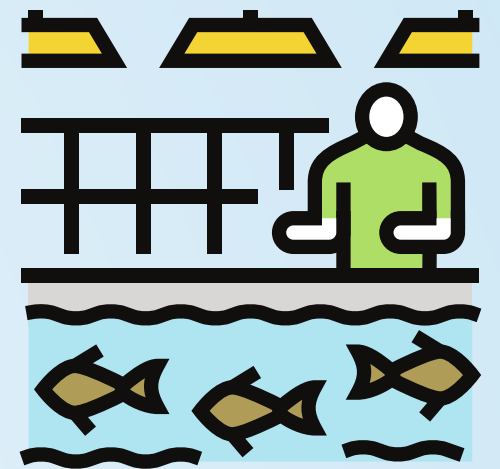


	Yellow Perch	Tilapia	Black Carp
Illinois			
Indiana			
Michigan			
Minnesota			
New York			
Ohio			
Pennsylvania			
Vermont			
Wisconsin			

Permit Activities

Propagation

Illinois	propagation, breeding, hatching, raising
Indiana	produce, raise
Michigan	propagating, culturing, producing, growing
Minnesota	hatching, raising, rearing, culturing
New York	propagate, raise
Ohio	propagation, rearing
Pennsylvania	propagate
Vermont	propagation, breeding
Wisconsin	raising



Permit Activities

Import

Indiana, Michigan,
Wisconsin (Type 2 or 3 license)



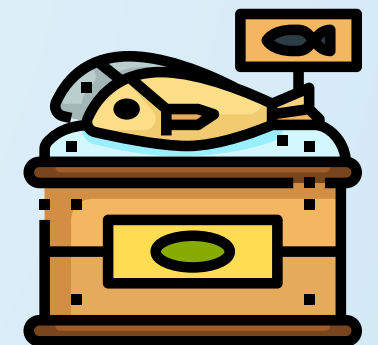
Transport

Illinois, Indiana, Michigan, Pennsylvania



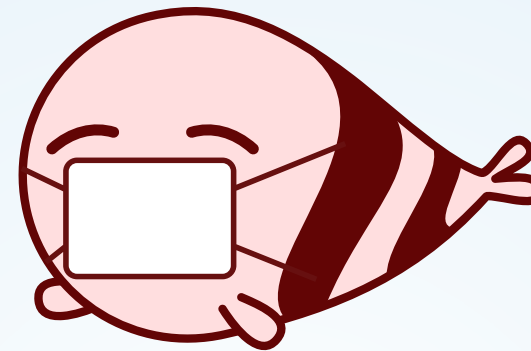
Sale

Indiana, Pennsylvania, New York
Minnesota “preparing for sale”
Wisconsin (Type 2 or 3 license)



Health Requirements

Health Certificates



AH-AQ-2803 (rev. 02/2010) PREVIOUS VERSIONS SHOULD BE DESTROYED

SUBMIT ORIGINAL WITHIN SEVEN DAYS AFTER ISSUE TO:
Wisconsin Department of Agriculture,
Trade and Consumer Protection
Division of Animal Health
PO Box 8911, Madison, WI 53708-8911
Phone: 608-224-4872 Fax: 608-224-4871

OFFICE USE ONLY

FISH HEALTH CERTIFICATE

ATCP 10.65, Wis. Adm. Code

(See Page 2 for required certificate contents based on movement and fish type.)

INSPECTION DATE	ISSUE DATE (A fish health certificate CANNOT be issued until test results are obtained.)
FISH FARM REGISTRATION	LIVESTOCK PREMISES CODE (if any)
FISH FARM NAME	OWNER / MANAGER NAME
FISH FARM ADDRESS / CITY / STATE / ZIP	BUSINESS ADDRESS / CITY / STATE / ZIP
TYPE OF WATER SUPPLY (Check all that apply) <input type="checkbox"/> Lake <input type="checkbox"/> Stream <input type="checkbox"/> Spring <input type="checkbox"/> Well <input type="checkbox"/> Other (specify) _____	TYPE OF FISH HEALTH CERTIFICATE (FHC) <input type="checkbox"/> Annual (Expires 12 months from date issued) <input type="checkbox"/> Lot (Expires 30 days from date issued)

List fish species present on date of inspection:

QUALIFIED FISH HEALTH INSPECTOR INFORMATION (4)

PRINTED NAME	CONTACT TELEPHONE
LICENSE NUMBER	ADDRESS / CITY / STATE / ZIP

I certify that fish for any required laboratory tests have been sampled and inspected by lot or facility according to the current version of the Inspection Section of the AFS-FHS Blue Book or the OIE Manual and Code. I have also visually inspected a minimum of 60 fish per species (or 100% of the population for populations of 60 fish or less) and certify that the fish have no gross clinical signs of contagious or infectious diseases except as noted on this form. All laboratory test results are summarized in the table below and the laboratory's report is appended to this document.

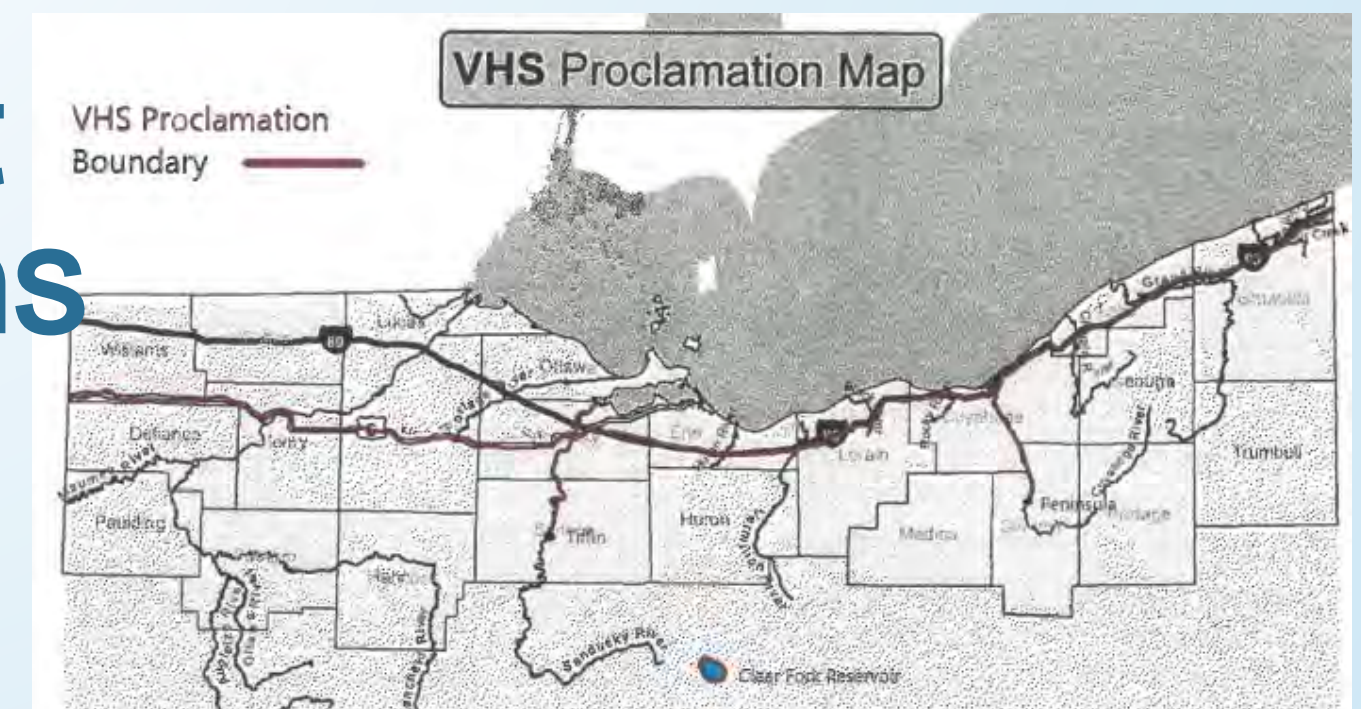
SIGNATURE OF QUALIFIED FISH HEALTH INSPECTOR (4) & DATE

Comments on visible signs of contagious or infectious disease (5):

LABORATORY TESTING (3)

See Page 2 for accepted test methodology. Number sampled (line 1) and results (line 2)

Movement Restrictions



Permit Activities

Testing

Illinois	
Indiana	
Michigan	
Minnesota	
New York	
Ohio	
Pennsylvania	
Vermont	
Wisconsin	

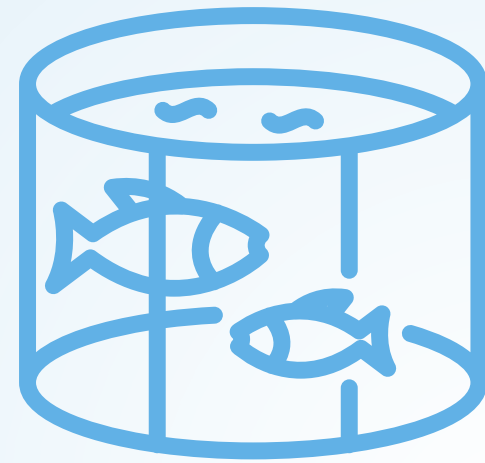
State Specific

Fish Health
Blue Book or
the Diagnostic
Manual for
Aquatic Animal
Diseases



World Organisation
for Animal Health

Environmental Permitting



Water Withdrawal
npdes
Wetlands
Right-to-farm



Report Online

Download PDF:



<https://bit.ly/nsgrlc-glac>

Contact us



nsglc.olemiss.edu



[facebook.com /nsglc](https://facebook.com/nsglc)



[twitter.com /SGLawCenter](https://twitter.com/SGLawCenter)



[youtube.com /SeaGrantLawCenter](https://youtube.com/SeaGrantLawCenter)



Terra Bowling

Senior Research Counsel

tmharget@olemiss.edu
