



Ohio Administrative Code Rule 1501:31-39-01 Aquaculture permits.

Effective: January 1, 2021

(A) It shall be unlawful for a person to engage in aquaculture without first making application for and receiving an aquaculture permit issued by the chief of the division of wildlife or their designee.

(1) The application shall include the name of the applicant, name of the aquaculture production facility, class of aquaculture permit requested, the common and scientific names of the aquatic species to be produced, and the location by state, county, and street address of the aquaculture production facility.

(2) The application and permit will be in the form as the chief prescribes.

(3) Aquaculture permits shall expire December thirty-first of each year, except a permit issued after November thirtieth shall be valid until December thirty-one of the following year.

(4) It shall be unlawful to transfer an aquaculture permit issued pursuant to section 1533.632 of the Revised Code.

(5) Class A aquaculture permits.

The yearly fee for a class A aquaculture permit is fifty dollars.

(6) Class B aquaculture permits.

(a) The yearly fee for a class B aquaculture permit is one-hundred dollars.

(b) A class B aquaculture permit shall not be issued unless the applicant's facility has been inspected by a representative of the division of wildlife and the facility has been found to be in compliance with rules contained in this section.



(c) It shall be unlawful to operate a class B aquaculture permit facility that does not have a minimum of two levels of escapement prevention.

(B) Sales

(1) It shall be unlawful for any person possessing a class A aquaculture permit to possess, buy, or sell any aquatic species, except for class A aquaculture species.

(2) It shall be unlawful for any person to possess or buy for the purpose of aquaculture, or sell class B aquaculture species without first obtaining a class B aquaculture permit.

It shall be lawful to possess, buy, or sell class A aquaculture species with a class B aquaculture permit.

(3) It shall be unlawful to possess, buy, or sell for the purpose of aquaculture, any aquatic species other than a class A aquaculture species or class B aquaculture species without first obtaining written permission from the chief of the division of wildlife or his designee.

(C) Records

(1) It shall be unlawful for any individual permitted under section 1533.632 of the Revised Code to fail to keep accurate daily records of all transactions from within or without the state. Such records shall be for all sales or purchases of aquaculture species and shall include:

- (a) The type of species bought or sold;
- (b) The amount of species in gallons, numbers, or pounds;
- (c) The date of sale or purchase;
- (d) The name and address of the buyer and seller.

(2) It shall be unlawful to fail to keep the records required by this rule for a period of less than two



years.

(3) The records required by this rule shall be open for inspection by any division of wildlife employee at all reasonable hours.

(D) A person permitted under section 1533.632 of the Revised Code may take tadpoles of American bullfrogs and green frogs from their aquaculture production facility for the purpose of sales, propagation, or rearing.

(E) It shall be unlawful to release frogs or tadpoles which were not taken, propagated or reared under authority of an aquaculture permit issued pursuant to section 1533.632 of the Revised Code and only with the landowners permission.

(F) A wild animal found to have been inadvertently imported into the state of Ohio at an aquaculture production facility will be destroyed or brought into conformity with Chapter 941. of the Revised Code and rule 901:1-17-01 of the Administrative Code.

(G) It shall be unlawful to possess, buy, or sell for aquaculture purposes species state list designated as threatened or endangered in Chapter 1501:31-23 of the Administrative Code without first obtaining a threatened and endangered species culture endorsement from the chief of the division of wildlife.

(H) An aquaculture production facility shall consist of one or more rearing units.

(I) It shall be unlawful to possess or buy for the purpose of aquaculture, or sell northern pike X muskellunge hybrid (*Esox lucius* X *Esox masquinongy*), white catfish (*Ictalurus catus*), or American bullfrogs and green frogs obtained outside the state, without prior written authorization from the chief of the division of wildlife.

For the purposes of this rule. Hybrids are the offspring created from two different species.

(J) It shall be unlawful for any person to engage in aquaculture in any body of water, except those under private control, without first obtaining written permission from the chief of the division of



wildlife or their designee.

(K) It shall be unlawful for any person to violate any provision of this rule.

(L) All definitions set forth in section 1533.632 of the Revised Code apply to this rule.