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Jim Bowker
US Fish and Wildlife Service
Aquatic Animal Drug Approval Partnership Program
4050 Bridger Canyon Rd.
Bozeman, MT 59715

Re: Regulation of the culture of fishes in Mississippi, Alabama, and Louisiana (NSGLC-11-04-08)

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Dear Jim,

Please find below our compilation of statutory and regulatory provisions for the regulation of the culture of fishes in Mississippi, Alabama, and Louisiana as requested. We focused on finding information on which department would regulate in each state and whether permits are required to culture hybrid catfish. We specifically investigated whether permits are required to culture hybrid catfish in Mississippi. The attached information is intended as advisory research only and does not constitute legal representation of the US Fish and Wildlife Service or its constituents. It represents our interpretations of the relevant laws and regulations.

This report was prepared using traditional legal research methods. State codes and regulations were searched using an online legal database for provisions related to aquaculture. State agency websites were then consulted to verify results and provide additional information. In addition, we contacted an extension professor at Mississippi State University to affirm whether the production of hybrid catfish requires a permit in Mississippi. Below are our findings, organized by state.

Mississippi

According to an extension professor at the National Warmwater Aquaculture Center at Mississippi State University, the production of hybrid catfish does not require a permit in Mississippi. The Mississippi Aquaculture Act of 1988 outlines aquaculture-related activities that must be permitted prior to proceeding. In Mississippi, aquaculturalists must receive permits for cultivating and marketing nonnative fish, fish classified as game fish in Mississippi, endangered or otherwise protected species of fish, and fish that have been genetically modified through means other than breeding or crossbreeding. Miss. Code Ann. § 79-22-9(1)(a)-(d). Therefore, a hybrid species of blue and channel catfish will not specifically require a permit under this section. Both channel and blue catfish are native to Mississippi and have been classified as nongame gross fish. Neither species is endangered or otherwise protected. And, the fish have not been genetically modified through means other than breeding or crossbreeding. See Guidelines for Aquaculture Activities in Mississippi, *Section 4: Aquaculture Activities Not Requiring Permits* 3, available at http://www.mdac.state.ms.us/n_library/agency_info/reg_laws/pdf/reg_admin_aquaculture_activities.pdf. For species that meet any of the criteria outlined in Section 79-22-9, the cultivator must apply for and receive a permit from the Mississippi Department of Agriculture.

Louisiana

According to Louisiana laws regulating aquaculture, any individual “desiring to engage in aquaculture shall first make application in writing to the department requesting a domesticated aquatic organism license.” La. Rev. Stat. § 56-1-412(A)(1). Once a license has been granted, it will be valid for one year, from January 1 to December 31. *Id.* at § 56-1-412(A)(2). These licenses are available to residents of the state of Louisiana for \$15, and nonresidents may receive a license upon payment of a \$400 fee. *Id.* However, “The provisions of this Subpart shall not apply to the production and harvesting of aquatic livestock in private ponds, or to the transporting of aquatic livestock from a private pond to the first point of sale, or to the sale to the first purchaser of aquatic livestock which are produced and harvested in private ponds. 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. The Department of Agriculture and Forestry shall have jurisdiction over activities exempted by this Section.” *Id.* at § 56-1-415. Louisiana laws and regulations concerning aquaculture do not appear to distinguish between hybrid and nonhybrid species.

Additionally, the Louisiana Aquacultural Development Act requires that “every aquatic producer of a suitable species of aquatic livestock shall obtain a license from the [Louisiana Department of Agriculture and Forestry] for each facility owned or operated by the aquatic producer.” La. Rev. Stat. § 3-5-559.8. Before the Department

will issue this license, the facility must be inspected and requisite fees must be paid. *Id.* Again, these legislative measures fail to distinguish between hybrid and non-hybrid species of fish, indicating that all cultivation activities must receive a permit prior to proceeding.

Alabama

The state of Alabama does not appear to have many laws or regulations discussing permitting requirements for aquaculture and related activities. No fish farming permit is required by the state. Laws and regulations governing aquaculture in Alabama are specifically restricted to the marketing of catfish for consumer purchase and primarily concern packaging requirements. See Al. Code § 2-11-30 through § 2-11-40 (Alabama Catfish Marketing and Consumer Act of 1975). These provisions are administered by the Commissioner of Agriculture and Industries.

In conclusion, it seems as though neither Mississippi nor Alabama would require permits for the production of hybrid catfish, while Louisiana would require a permit. I hope you find this information helpful. If you would like additional information, please let us know.

Sincerely,

/s/ Terra Bowling
Research Counsel, National Sea Grant Law Center