

# COCAHOE LEGAL FACT SHEET

Please note: This portion examines some but not all of the legal requirements needed for engaging in the aquaculture of coahoe minnows. It does not address any legal requirements for selling the minnows.

## Permitting

The Louisiana Pollutant Discharge Elimination System (LPDES) and the Louisiana Water Discharge Permit System (LWDPS) require permits for the discharge of pollutants from any point source into the waters of the state. These permits can be obtained from the Louisiana Department of Environmental Quality. If a facility is an aquatic animal production facility or an aquaculture project then it may be necessary to obtain both permits. The first step in determining if you need a permit is to determine if the operation is a concentrated aquatic animal production facility or an aquaculture project. A concentrated aquatic animal production facility is a hatchery, fish farm, or other facility that contains, grows, or holds aquatic animals. An aquaculture project is a defined, managed water area where pollutants discharge for the maintenance or production of harvestable freshwater, estuarine, or marine plants or animals.<sup>1</sup>

If the facility is a concentrated aquatic animal production facility for a warm water fish species, such as a minnow, it will be necessary to obtain an LWDPS and LPDES permit only if the pond, raceway or other similar structure discharges at least 30 days per year.<sup>2</sup> Discharging means that the facility would place, release, spill, drain, pump, leak, seep, dispose, bypass or let pollutants escape into the waters or subsurface water or ground.<sup>3</sup> Formalin and/or chlorine in the water used to produce minnows are pollutants. If that water is to be released into surface water, a permit will be needed unless the exceptions are met.

There are three exceptions:

1. If the structure discharges less than 30 days per year, no permit is needed.
2. No LWDPS or LPDES is required if the structure is a closed pond which discharges only during periods of excess runoff.
3. No LWDPS is needed if the facility produces less than 45,454 harvest weight kilograms (approximately 100,000 pounds) of aquatic animals per year.<sup>4</sup>

If the facility is an aquaculture project, both LWDPS and LPDES permits are needed. An aquaculture project is different from a concentrated aquatic animal production facility because an aquaculture project occurs in the waters of the state in a designated project area in which the cultivated species is confined. Here, the pollutant (formalin, chlorine) can only be discharged into the water if it is expected to ensure that the aquaculture crop will enjoy increased growth attributable to the discharge of pollutants.<sup>5</sup> No LPDES permit will be issued unless the aquaculture project is intended to produce a crop which has significant direct or indirect commercial value or is intended to be operated for research into possible production of such a crop.<sup>6</sup> Moreover, no permit will be issued to the aquaculture project unless the designated project area does not occupy a space which is larger than can be economically operated for the crop under

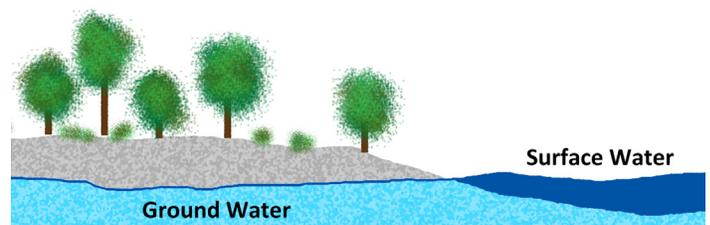


Figure 1. Diagram of typical water table.

cultivation or for research purposes. Lastly, there must not be a migration of the pollutants from the designated project area to water outside the aquaculture project if this migration contributes to a violation of water quality standards.<sup>7</sup> There are no exceptions to the mandatory LWDPs/LPDES requirement for aquaculture projects.

Before the decision is made regarding whether or not a permit (LPDES and LWDPs) must be obtained, a permit application should be filed and the state administrative authority will conduct an on-site inspection of the facility and determine whether the facility should be regulated under the permit systems.<sup>8</sup>

### **Domesticated Aquatic Organism License**

Any person who wishes to engage in the production of fish in privately owned waters or ponds must apply to the Louisiana Department of Wildlife and Fisheries for a domesticated aquatic organism license.<sup>9</sup> This license is valid for one year at a cost of \$15 for residents. The license authorizes the bearer to transport domesticated aquatic organisms over the highways of the state. With this license, the holder is entitled to sell domesticated aquatic organisms in any size, quantity, or limit without restriction within the state or outside of the state.<sup>10</sup>

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<sup>1</sup> LAC 33: IX § 301(L)

<sup>2</sup> LAC 33: IX § 323(A) (2)

<sup>3</sup> LAC 33: IX § 107

<sup>4</sup> LAC 33: IX § 323(A) (2)

<sup>5</sup> LAC 33: IX § 301(L)

<sup>6</sup> LAC 33: IX § 3903(A)

<sup>7</sup> LAC 33: IX § 3903(A)

<sup>8</sup> LAC 33: IX § 2507(2)

<sup>9</sup> La. R.S. 56:411 (2011)

<sup>10</sup> La. R.S. 56:412 (2011)

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