

**Sturgeon Propagation Permit
(Authorization to Propagate and Sell Live Sturgeon and Eggs)**

635-007-0725

Permit Required

- (1) Except as provided in section (4) of this rule, any person shall obtain a Sturgeon Propagation Permit in order to propagate for sale or sell any live sturgeon or sturgeon eggs.
- (2) Each year the Department is authorized to issue up to 15 sturgeon propagation permits. Permits will be allocated first to those persons who currently hold sturgeon propagation permits except for good cause not to reissue a permit (such as violations of terms or conditions of a current propagation permit or violations of other fish and wildlife laws), and thereafter to those persons submitting a completed, acceptable application in the order in which the completed applications were received.
- (3) A separate Sturgeon Propagation Permit shall be obtained for each commercial propagation site and shall be renewed annually.
- (4) Any permit in good standing is entitled to be renewed for the following year. Any permits remaining after December 31 may be distributed by lottery amongst the applicants in January of the following year, and any permits remaining shall then be distributed on a first come - first serve basis.
- (5) The Department may attach to the Sturgeon propagation permit any terms and conditions it deems necessary to achieve compliance with Oregon laws or rules or protect native wildlife.
- (6) The Department may refuse to issue any Sturgeon propagation permit if:
 - (a) Applicant fails to meet any of the deadlines specified in OAR 635-007-0730;
 - (b) Propagation of sturgeon will be the first introduction of that species into the watershed in which the proposed facility is located;
 - (c) The Department finds the operation, as proposed by the applicant, would tend to be harmful to existing fish populations;
 - (d) The Department finds the applicant violated any terms of any license, permit or operational plan issued by the Department;
 - (e) The Department finds the applicant has failed to comply with any statute, rule or reporting requirements relevant to the operation of the propagation facility; or
 - (f) The applicant has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.

635-007-0730

Permit Application Process

- (1) Any person wishing to obtain or renew a Sturgeon Propagation Permit shall complete and submit to the Department the appropriate permit application form. Application forms are available upon request from the Oregon Department of Fish and Wildlife. Applications to renew an existing permit shall be submitted to the Department by December 1 of the year prior to the permit year in order to renew the permit as a matter of right.
- (2) In addition to the application form, persons requesting to license a new or not yet built facility shall describe in writing:
 - (a) The location and physical layout of the facility;
 - (b) Water supply (source, quantity, presence or absence of fish, and manner of access);
 - (c) Species and sources of fish to be propagated;
 - (d) The status of applications for any required federal, state or local permits, including a water right from the Oregon Water Resources Department (WRD), a National Pollution Discharge Elimination System (NPDES) permit from the Oregon Department of Environmental Quality (DEQ), and land use permits from the county in which the facility is located.

(3) (a) Prior to issuance of any new propagation license, the applicant shall develop a propagation facility operational plan, in consultation with the Department and Department approval obtained. Based on the species reared, size of operation and/or risk of escape, the Department may accept an abbreviated level of detail in the operational plan. Unless otherwise specified by the Department based on the above criteria, the operational plan shall include engineering designs of the facility drawn to scale and shall describe both the facility and its operations in detail and shall, at a minimum, include:

- (A) Species to be reared, ponding strategies by month, and projected loading densities per pond by month;
- (B) Pond cleaning schedules;
- (C) Transportation schedules for fish moved into and out of the facility;
- (D) Hatchery staff assignments;
- (E) Fish monitoring studies;
- (F) Facility screening, including designs, operations, and maintenance;
- (G) Avian enclosures on each rearing container;
- (H) Fish handling procedures;
- (I) Fish disease treatment procedures;
- (J) Use of quarantine and isolation facilities;
- (K) Procedures for handling emergency situations;
- (L) Chlorine monitoring regimen, where chlorination is required.

(b) Except as otherwise specified by the Department based on species reared, size of operation and/or risk of escape, the applicant shall:

- (A) Develop and conduct fish population studies approved by the Department and funded by the applicant, sufficient to document preconstruction status of fish populations in the affected waterway; and
- (B) Develop and fund similar studies to be conducted in subsequent years to document changes caused by hatchery operation.

(4) Prior to commencing operation of a facility, applicants must have both a fish propagation license and specific written authorization to operate from the Department. Authorization to operate shall be granted only:

(a) Upon determination that all required federal, state and local permits have been obtained; and

(b) After inspection and acceptance by the Department of any required fish screens, avian enclosures, disease control mechanisms, and isolation facilities.

(5) The Department shall renew propagation licenses upon acceptance of:

- (a) A complete renewal application, submitted by December 1 of the prior year;
- (b) A propagation facility operational plan as provided in subsection (3)(a) of this rule approved by the Department for the year for which the license is to be renewed, submitted by December 1 with the renewal application.
- (c) Results of post-siting fish population studies, if required under subsection (3)(b) of this rule, submitted by December 1 of the prior year; and
- (d) Documentation that any required federal, state and local permits, including appropriate WRD water rights and DEQ NPDES permits, have been obtained.
- (e) To the extent that any sales summary information or final activity report cannot be provided by December 1 due to lack of data, such information shall be provided on a separate form by January 15, as required in OAR 635-007-0735(3).

635-007-0735

Duties of Sturgeon Propagation Permittees

(1) Each permitted Sturgeon propagator shall obtain a Fish Transport Permit for any sturgeon transported to the permitted facility or from the permitted facility to another site prior to such

transportation and shall provide a copy of such permit to the person transporting the sturgeon for delivery to the person or entity receiving the fish.

(2) Each permitted Sturgeon propagator shall maintain at the propagation facility a record of all business transactions involving the sale, purchase, shipment or loss of sturgeon or sturgeon eggs and shall make such record available for inspection upon request by the Department or the Oregon State Police.

(3) Each permitted Sturgeon propagator shall submit an annual report of operations by January 15 of the next year; and shall submit the report by that date even if the permittee did not renew. The sales of fish shall be reported as total numbers and pounds of each species sold, either live or dead, during the year. The sales of sturgeon eggs shall be reported as total numbers of each species sold during the year.

(4) The Department may require permitted Sturgeon propagators to submit monthly reports of sturgeon on hand at the facility. If required, this report shall list the species, stock, number per species and stock on hand, disease losses for each stock during the month, causative agent for such losses, and remedial treatments used to reduce losses.

(5) Each permitted sturgeon propagator shall comply with all statutes and regulations of other agencies pertaining to the operation of the propagation facility.

(6) Each permitted sturgeon propagator shall comply with the terms and conditions of his permit and operational plan.

(7) Sturgeon propagation facilities and records are subject to inspection at any time by the Department or the Oregon State Police.

635-007-0740

Purchase of Sturgeon from Sturgeon Propagation Permittee

(1) No angling license is required to angle at the facilities of a permitted Sturgeon propagator.

(2) It is *unlawful*:

(a) To possess Sturgeon received from a Sturgeon propagation permittee without having a written receipt; or

(b) For the propagator to sell fish so taken without providing a written receipt, which includes:

(A) Name of Sturgeon propagation permittee;

(B) Location from which Sturgeon were taken;

(C) Date shipped/received;

(D) Name of purchaser; and

(E) Number of each species of Sturgeon received.

(3) A fish transport permit shall accompany the receipt of sale for any live sturgeon.

635-007-0745

Revocation of Sturgeon Propagation Permit

(1) The Commission may revoke a Sturgeon Propagation Permit in accordance with the applicable provisions of ORS 183.310 through 183.500 based on any of the following:

(a) The Commission finds that the conduct of the facility would tend to be harmful to existing game fish or food fish populations; or

(b) The permittee has violated any terms of any license, permit or operational plan issued by the Department; or

(c) The permittee has failed to comply with any statute, rule or reporting requirement relevant to the operation of the facility; or

(d) After request by the Department, the permittee has failed to pay any sums it owes to the Department or which are owed to the Department under any license or permit it holds or the benefits of which it enjoys.

(2) Revocation of a Sturgeon Propagation Permit shall be in addition to and not in lieu of other penalties provided by law.