

Senate Bill 351

Sponsored by COMMITTEE ON ENVIRONMENT AND LAND USE (at the request of Oregon Aquaculture Association)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Eliminates restriction on issuance of sturgeon propagation permits. Allows person holding fish propagation license to transport live fish without holding separate permit. Directs State Fish and Wildlife Commission to appoint private fish hatchery advisory committee. Specifies duties.

A BILL FOR AN ACT

1
2 Relating to fish propagation; creating new provisions; amending ORS 497.325 and 498.222; and re-
3 pealing ORS 497.330.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 497.325 is amended to read:

6 497.325. (1) *[No person shall]* **A person may not** remove the eggs from those members of the
7 family Acipenseridae, commonly known as green sturgeon or white sturgeon, for use in artificial
8 propagation without *[first obtaining]* **holding** a permit therefor from the State Fish and Wildlife
9 Commission.

10 (2) *[No person shall]* **A person may not** operate a fish hatchery for those members of the family
11 Acipenseridae, commonly known as green sturgeon or white sturgeon, without *[first obtaining]*
12 **holding** a permit therefor from the commission.

13 (3) *[The commission shall not issue any permit required by subsection (1) or (2) of this section*
14 *unless the commission determines that activities conducted under the permit will be solely for educa-*
15 *tional and scientific purposes.]* Any permit issued pursuant to this section shall be subject to such
16 terms and conditions as the commission considers appropriate to protect, perpetuate and enhance
17 the sturgeon population of the Columbia River and other waters of this state.

18 **SECTION 2.** ORS 498.222 is amended to read:

19 498.222. (1) *[No person shall]* **A person may not:**

20 (a) Transport any live fish unless the person *[has first obtained]* **holds:**

21 **(A)** A permit therefor from the State Fish and Wildlife Commission; **or**

22 **(B)** **A fish propagation license issued under ORS 497.252.**

23 (b) Release or attempt to release into any body of water any live fish that was not taken from
24 that body of water, unless the person *[has first obtained]* **holds** a permit therefor from the commis-
25 sion.

26 (2) The commission may refuse to issue the permit referred to in subsection (1)(b) of this section
27 if the commission finds that release of the fish into a body of water would adversely affect existing
28 fish populations.

29 (3) Subsection (1)(a) of this section does not apply to live fish that are for aquaria use.

30 **SECTION 3. (1) The State Fish and Wildlife Commission shall appoint a private fish**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 hatchery advisory committee. The advisory committee shall be composed of up to 12 mem-
2 bers who represent the following interests:

- 3 (a) Private trout production of more than 20,000 pounds per year.
- 4 (b) Private trout production of 20,000 pounds per year or less.
- 5 (c) Warm water fish production.
- 6 (d) Educators with experience in fish biology.
- 7 (e) The State Department of Fish and Wildlife.
- 8 (f) The Oregon State University Extension Service.
- 9 (g) The State Department of Agriculture.
- 10 (h) Private aquaculture associations.

11 (2) The advisory committee shall provide advice to the State Fish and Wildlife Director
12 and to the commission on any issue assigned by the director or commission, but at a mini-
13 mum on the following subjects:

14 (a) The need for and advantage to the state of providing, through the Oregon State Uni-
15 versity Extension Service, technical assistance and access to research performed by state
16 institutions to persons propagating food fish and to owners of private ponds.

17 (b) Development of a fish health management policy for private hatcheries and develop-
18 ment of a policy for annual testing for fish health.

19 (c) Harmonization and integration of regulations relating to fishing clubs, private catch
20 ponds and all types of private fish propagation.

21 (d) Continuation of the testing program for whirling disease if federal moneys for the
22 program are no longer available to the state.

23 (e) The species and the number of fish of each species allowed to be propagated in the
24 state.

25 (f) Regulation of transportation and stocking of food fish produced by private hatcheries.

26 (g) The potential benefit of cost-sharing programs for fish screening, predator control
27 and water temperature control at private hatcheries.

28 (h) Public education efforts.

29 (i) Control of invasive aquatic species.

30 (3) Members of the advisory committee are not entitled to compensation, but at the dis-
31 cretion of the director may be reimbursed from funds available to the State Department of
32 Fish and Wildlife for actual and necessary travel and other expenses incurred in the per-
33 formance of their official duties in the manner and amount provided in ORS 292.495.

34 SECTION 4. ORS 497.330 is repealed.

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