

Enrolled
Senate Bill 569

Sponsored by Senators VERGER, AVAKIAN, Representative ROBLAN; Senators G GEORGE, WHITSETT, Representatives BOONE, COWAN, KRIEGER

CHAPTER

AN ACT

Relating to sturgeon; creating new provisions; amending ORS 497.325; and repealing ORS 497.330.

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

SECTION 1. ORS 497.325 is amended to read:

497.325. [(1) *No person shall remove the eggs from those members of the family Acipenseridae, commonly known as green sturgeon or white sturgeon, for use in artificial propagation without first obtaining a permit therefor from the State Fish and Wildlife Commission.*]

[(2)] (1) [No person shall] **A person may not** operate a fish hatchery for those members of the family Acipenseridae, commonly known as green sturgeon or white sturgeon, without [first obtaining] **holding** a permit therefor from the **State Fish and Wildlife** Commission.

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

(3) The commission by rule shall specify:

- (a) The number of permits under this section that may be issued each calendar year;**
- (b) The method for allocating the permits; and**
- (c) The standards and criteria under which a permit must be exercised.**

(4) When issuing a permit under this section, the commission may impose any additional conditions that the commission deems necessary to ensure compliance with this section.

(5)(a) A permit issued under this section for a fish hatchery operated for commercial purposes may not authorize the use of green sturgeon or white sturgeon broodstock taken from the wild.

(b) The commission shall collect an annual fee of \$3,000 for any permit issued under this section that allows the artificial propagation of green sturgeon or white sturgeon for commercial purposes. Payment of a fee under this subsection satisfies the payment of the fee required for a fish propagation license under ORS 497.252.

SECTION 2. When considering an application for a permit under ORS 497.325, the State Fish and Wildlife Commission shall, to the greatest extent practicable, give priority to any person who holds a permit on December 31, 2007, unless the commission finds good cause not to give such priority.

SECTION 3. The State Fish and Wildlife Commission may issue to any person through calendar year 2010 a special permit for the collection of male white sturgeon and eggs from

oversize female white sturgeon for commercial aquaculture in accordance with rules adopted by the commission, provided that the person possessed such a special permit from the commission in calendar year 2006.

SECTION 4. Section 3 of this 2007 Act is repealed on January 1, 2011.

SECTION 5. ORS 497.330 is repealed.

Passed by Senate April 11, 2007

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Secretary of Senate

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President of Senate

Passed by House May 21, 2007

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Speaker of House

Received by Governor:

.....M,....., 2007

Approved:

.....M,....., 2007

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Governor

Filed in Office of Secretary of State:

.....M,....., 2007

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Secretary of State