

# **Exhibit D**

## **Shellfish Mariculture Transport Biosecurity Regulation Updates**

### **Amended Attachment 3 Draft Oregon Administrative Rule February 15, 2022**

**Updates to page 2; Line 48**

(b) Facility and **water body** to be imported or transported to;

1 **DIVISION 005**

2 **Commercial Shellfish and Marine Invertebrate Fisheries**

3 **635-005-0225**

4 **Organization**

5 (1) This Division is organized into the following major shellfish and invertebrate fishery sections:

6 (a) Clam and Intertidal Section, including the following fisheries:

7 (A) Marine Snail and Abalone Fishery;

8 (B) Piddock Fishery;

9 (C) Bay Clam Dive Fishery; and

10 (D) Intertidal Animal, Mussel and Clam Commercial Fisheries.

11 (b) Crab Section, including the following fisheries:

12 (A) Ocean Dungeness Crab Fishery;

13 (B) Bay and Estuary Dungeness Crab Fishery; and

14 (C) Red Rock, Box, Tanner and other Crab Fisheries.

15 (c) Shrimp Section, including the following fisheries:

16 (A) Pink Shrimp Fishery;

17 (B) Spot and Coonstripe Shrimp Fisheries; and

18 (C) Brine Shrimp Fishery.

19 (d) Other Shellfish and Marine Invertebrates Section, including the following fisheries:

20 (A) Weathervane Scallop Fishery;

21 (B) Sea Urchin Fishery;

22 (C) Crayfish Fishery;

23 (D) [~~Oyster~~]**Shellfish Aquaculture** Fishery;

24 (E) Squid Fishery; and

25 (F) Octopus Fishery.

26 (2) Administrative rules OAR 635-005-0230 through 635-004-0275 are general regulations, in addition  
27 to and not in lieu of regulations contained within the fishery sections listed in section (1) of this rule.

28 (3) Finfish fishery regulations are located in OAR chapter 635, division 004.

29 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

30 **Statutes/Other Implemented:** ORS 506.109 & 506.129

31 **635-005-0890**

32 **[Oyster]Shellfish Aquaculture Fishery Defined**

33 “[Oyster]Shellfish aquaculture fishery” means the commercial cultivation of [oysters (*Crassostrea*  
34  ~~spp.)]shellfish in waters of this state.~~

35 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

36 **Statutes/Other Implemented:** ORS 506.109 & 506.129

37

38 **635-005-0900**

39 **[Oyster]Shellfish Import and Transfer Applications and Permit**

40 (1) It is unlawful for any person to import [oysters]or transfer shellfish into or within this state for the  
41 purpose of planting or to plant the same in the waters of this state without first having **applied for and**  
42 obtained a permit to do so from the Director.

43 (2) Such application shall be **provided by the agency to be submitted by the applicant** and shall  
44 include the following information:[maximum quantity to be imported, name of exporter, the  
45 approximate time the shipment will be made, and the name of the person or agency that will inspect the  
46 seed including a]

47 **(a) Name of applicant;**

48 **(b) Facility and water body to be imported or transported to;**

49 **(c) Name and physical address or origin of transport;**

50 **(d) The maximum quantity to be imported or transported;**

51 **(e) Species and size to be imported or transported; and**

52 **(f) A** notarized certification from **an approved shellfish pathologist**[such person or agency] at the time  
53 the [oysters]shellfish are inspected, declaring them to the best of [his]their knowledge free from  
54 disease, infestation pests, and other substances which might endanger shellfish in the waters of this state.

55 (3) The Director shall issue a permit to import [oysters]or transfer shellfish for planting in the waters of  
56 this state when it has been established to [his]their satisfaction that [a qualified person or agency will  
57 inspect the oysters and certify]an approved shellfish pathologist has certified them as being free of  
58 disease, infestation pests, and other substances which might endanger shellfish in the waters of this state.

59 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

60 **Statutes/Other Implemented:** ORS 506.109, 506.129 & 506.306

61 **635-005-0905**

62 **Prohibited Activities in Restricted Shellfish Areas**

63 (1) All waters, tidelands, and [~~oyster~~]**shellfish aquaculture** handling facilities operated in conjunction  
64 with said water and tidelands **that have been identified as containing diseases, infestation pests or**  
65 **other substances** are defined as a restricted shellfish area.

66 (2) It is unlawful for any person to move or transfer from a restricted shellfish area any  
67 [~~oysters~~]**shellfish**, any marine organisms or other material whatsoever adversely affecting  
68 [~~oysters~~]**shellfish**, without first obtaining written permission from the Director.

69 **Statutory/Other Authority:** ORS 506.036, 506.109, 506.119 & 506.129

70 **Statutes/Other Implemented:** ORS 506.109, 506.129 & 506.306