

Division 56

IMPORTATION, POSSESSION, CONFINEMENT, TRANSPORTATION AND SALE OF NONNATIVE WILDLIFE

635-056-0075

Controlled Fish Species

(1) Controlled Fish

(a) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department under sub-section (1)(a)(A) or if identified in sub-section (1)(a)(B). Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking. A fee of \$250.00 (plus a \$2.00 license agent fee) shall be charged for each Grass carp permit issued.

(A) The following restrictions and standards will govern the issuance of grass carp permits:

~~(A)~~ (i) Stocking will occur only in water bodies which are:

~~(i)~~ (i) Completely within private land; or

~~(ii)~~ (ii) On land owned or controlled by ~~irrigation~~ **special** districts defined in ORS 198.010.

~~(B)~~ (ii) Stocking will occur only in the following types of water bodies: (i) Lakes, ponds, or reservoirs less than 10 acres; or (ii) Ditches and canals.

~~(C)~~ (iii) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public.

~~(D)~~ (iv) Stocking shall not detrimentally affect any population of species listed as threatened or endangered by the federal or state government.

~~(E)~~ (v) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12–19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present.

~~(F)~~ (vi) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood. Times of potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval.

~~(G)~~ (vii) Grass carp may only be purchased and imported from approved suppliers outside



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

41 Oregon. Grass carp may not be propagated or held for further distribution within Oregon.
42 Department pathologists shall approve suppliers. Approval will be based on ability to
43 provide grass carp free of Asian tapeworms and meet health and disease requirements
44 according to OAR 635-007-0555 through 635-007-0585.

45 ~~(H)~~viii) Grass carp imported into Oregon shall be:

46 ~~(i)~~I) (2) Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that
47 each fish is triploid must be submitted to the Department prior to release;

48 ~~(ii)~~II) At least 12 inches long;

49 ~~(iii)~~III) Tagged with a Passive Integrated Transponder (PIT) tag of frequency
50 134.2-kilohertz. Each tag shall be programmed with a unique identification number.
51 A list of unique tag numbers shall be submitted to the Department prior to release;
52 and

53 ~~(iv)~~IV) Stocked at a rate not exceeding 22 per affected acre.

54 ~~(H)~~ix) In addition to documentation relating to the restrictions above, each permit
55 application shall include:

56 ~~(i)~~I) Applicant's name, address and daytime telephone number. All property
57 owners of the water body to which grass carp will have unrestricted access must
58 be party to the application and permit;

59 ~~(ii)~~II) Location of the water body, including township, range, section and quarter
60 section, with map including written directions for access;

61 ~~(iii)~~III) Map of the water body including, vegetation present in the water body, all
62 inlets and outlets, and screen locations;

63 ~~(iv)~~IV) Description of emergency procedures for responding to fish escapes from
64 approved sites;

65 ~~(v)~~V) Description of how fish will be removed and disposed of at the end of the
66 proposed project.

67 ~~(J)~~x) An application becomes the management plan upon approval. Permits and
68 management plans shall be specific to particular sites and particular stocking projects.
69 Permittees shall not deviate from permit conditions and management plans without prior
70 written approval from the Department. No person may remove grass carp from one site (as
71 identified in a management plan) and transport them to any other site without prior written
72 approval from the Department.

73 ~~(K)~~xi) An Oregon Department of Fish and Wildlife fish transport permit shall accompany
74 grass carp imported into and transported within Oregon. If transport is required within the
75 management plan and occurs entirely on the permittee's property, a transport permit is not
76 needed. Any other permit or documentation required for fish import, transport, or stocking
77 shall also be obtained prior to importation and stocking.

78 ~~(L)~~xii) Permittees shall, as a condition of the permit, allow employees of the Department or



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

79 the Oregon State Police to inspect at reasonable times the permitted water body, permit,
80 and associated records. Inspection may take place without warrant or notice, but, unless
81 prompted by emergency or other exigent circumstances, shall be limited to regular and
82 usual business hours, including weekends. Nothing in these rules is intended to authorize
83 or allow the warrantless search or inspection of property other than the water bodies or fish
84 holding facilities on the permittee's property.

85 ~~(M)~~xiii) Permits are revocable at any time for violation of any wildlife statute or rule of the
86 Department. Upon revocation, if stocking has already occurred, the permittee shall remove
87 all grass carp within two weeks at her/his own cost.

88 ~~(N)~~xiv) Grass carp which escape a permitted water body are subject to seizure or
89 destruction by the Department at the expense of the permit holder. The permit holder shall
90 be held liable for incidental kill of any other species due to or during destruction of escaped
91 grass carp.

92 ~~(O)~~xv) The Commission may grant an exception to OAR 635-056-0075(1)(a)(A) or
93 (1)(a)(B). Exception requests must be submitted in writing in addition to the normal
94 application and must address the requirements in this section. Unless the Commission
95 determines that an alternative provides equivalent protection to fish and wildlife resources
96 and their habitats, exceptions shall have the following additional requirements:

97 ~~(i)~~i) If the water body into which grass carp will be stocked is greater than or equal
98 to 10 acres a professional topographic survey by a licensed surveyor must be
99 provided for the entire perimeter of the water body showing all points of water
100 movement in and out of the water body. A topographic survey completed by a
101 state or federal agency within five years from the date of application for the water
102 body may be used. The Department shall determine screening requirements from
103 the survey;

104 ~~(ii)~~ii) Grass carp may remain in a water body within the 100-year floodplain year-
105 round if a professional plan or drawing that is certified by a licensed engineer is
106 provided which indicates that the entire perimeter of the water body is protected
107 from 100-year floods. In order to prevent grass carp escape, screens, dikes, and
108 devices protecting the water body must be able to remain structurally sound within
109 100-year floods and not be over-topped by a 100-year flood. The Department
110 reserves the right to have a licensed engineer retained by the agency review and
111 approve or deny the plan or drawing submitted by the applicant.

112 **(B) Grass carp were legally stocked in Devils Lake (Lincoln County) prior to 1993 and may**
113 **continue to be stocked subject to terms and conditions determined by the Department.**

114 (b) Tilapia (Mozambique tilapia *Oreochromis mossambicus*, Nile tilapia *O. niloticus*, Wami tilapia *O.*
115 *urolepis*, Blackchin tilapia *Sarotherodon melanotheron*, and hybrids thereof): The possession,
116 propagation, transportation, sale, purchase, exchange and disposition of these tilapia is controlled



**Oregon Administrative Rules
Oregon Department of Fish and Wildlife**

- 117 according to the following restrictions and standards:
- 118 (A) A person intending to sell, barter or exchange must apply for and receive an approved
119 propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program
120 prior to commencing production. A person may raise tilapia in-doors (a house, greenhouse, or
121 other enclosed structure capable of excluding predators) for personal consumption without an
122 Oregon Department of Fish and Wildlife-Fish Propagation license;
- 123 (B) Propagation outdoors must occur in ponds or tanks covered with nets or screens adequate to
124 prevent the capture or transport of cultured fish by predators or other animals;
- 125 (C) Access to production facilities must be through secure locked gates;
- 126 (D) Only animals certified as disease-free by the vendor may be purchased;
- 127 (E) Permittees must provide adequate veterinary care to identify and minimize the spread of
128 diseases originating from the animals being held;
- 129 (F) No live tilapia or their gametes, fertilized eggs, or larvae may be released into waters of this
130 State, as defined in ORS 506.006; and
- 131 (G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live tilapia
132 imported into and transported within Oregon. If transport occurs entirely on the permittee's
133 property, a transport permit is not needed.
- 134 (c) Tiger muskellunge (*Esox lucius* X *Esox masquinongy*): tiger muskellunge are classified as a controlled
135 species for the specific purpose of stocking into Phillips Reservoir (Baker County) for fish management
136 purposes according to the following restrictions and standards:
- 137 (A) Stocking will occur only in Phillips Reservoir located in Baker County. No other public or private
138 water bodies will be stocked with tiger muskellunge unless approved by the Commission. Tiger
139 muskellunge will be stocked into Phillips Reservoir at a rate not to exceed the adult density
140 required to achieve the objectives of the introduction; control abundance of yellow perch to restore
141 the rainbow trout fishery.
- 142 (B) Tiger muskellunge may only be obtained and imported from approved suppliers outside of
143 Oregon. Tiger muskellunge may not be propagated or held for further distribution within Oregon.
144 Department pathologists shall approve suppliers. Approval will be based on the ability to provide
145 tiger muskellunge which meet health and disease requirements according to OAR 635-007-0960
146 through 635-007-0995.
- 147 (C) Allowable catch and release only based on management objectives.
- 148 (D) Department will establish a monitoring plan and program prior to release which shall include:
- 149 (i) Creel monitoring.
- 150 (ii) Population monitoring.
- 151 (iii) Plans to eradicate or suppress any illegal introductions of pike or muskellunge
152 introductions to Phillips Reservoir.
- 153 (iv) Education and outreach.
- 154 (E) In conjunction with fish monitoring activities all live tiger muskellunge handled of suitable



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

155 marking size shall be tagged with a Passive Integrated Transponder (PIT) tag. Each tag shall be
156 programmed with identification number. A list of the PIT tag identification numbers shall be
157 maintained by the District Fish Biologist and submitted to the Invasive Species Wildlife Integrity
158 Coordinator.

159 (F) Any permit(s) or documentation(s) required for fish import, transport, or stocking shall be
160 obtained prior to and accompany importation and stocking.

161 (G) Department will develop an environmental monitoring plan for Phillips Reservoir which should
162 include basic limnological characterization of the reservoir (nutrient concentrations, light
163 penetration, vertical profiles of physical and chemical characteristics of reservoir water,
164 zooplankton, and phytoplankton composition and densities).

165 (d) Barramundi (*Lates calcarifer*) the possession, propagation, transportation, sale, purchase, exchange
166 and disposition of Barramundi are controlled according to the following restrictions and standards:

167 (A) A person must apply for and receive an approved propagation license from the Oregon
168 Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

169 (B) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live
170 Barramundi imported into and transported within Oregon. If transport occurs entirely on the
171 permittee's property, a transport permit is not needed;

172 (C) Fish health certification must be reviewed and found acceptable by ODFW Fish Health
173 personnel or veterinary staffs before fish are purchased or transported;

174 (D) Possession of live Barramundi outside of an approved facility or without a transport permit is
175 prohibited;

176 (E) No live Barramundi or their gametes, fertilized eggs, or larvae may be released into water of the
177 State, as defined in ORS 506.006;

178 (F) Propagation must occur indoors (enclosed structure capable of excluding predators) and only in
179 closed recirculating systems;

180 (G) Access to production facilities must be through secure locked gates;

181 (H) Permittee must provide adequate veterinary care as directed by a veterinarian and adhere to
182 Fish Health Management Policy OAR 635-007-0960 through 635-007-0995 to identify and
183 minimize the spread of disease originating from the animals being held;

184 (I) Effluent water may not be discharged directly into any waters of the state.

185 (2) Controlled Mollusks:

186 (a) Suminoe oysters (*Crassostrea ariakensis*), Pacific oysters (*C.gigas*), Kumamoto oysters (*C. sikamea*),
187 Eastern oysters (*C. virginica*), and European flat oysters (*Ostrea edulis*) may be purchased and imported
188 from outside Oregon (or from other estuaries within Oregon) for release into estuaries in Oregon pursuant
189 to the terms of a permit issued by the department. Complete permit applications must be submitted to the
190 department's Marine Resources Program Headquarters (2040 SE Marine Science Drive, Newport, Oregon
191 97365) at least 15 days before proposed stocking. Oysters may be commercially harvested and sold
192 pursuant to OAR 635-005.



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

- 193 (b) Softshell clam (*Mya arenaria*), Japanese varnish clam (*Nuttalia obscuratai*), and Japanese littleneck
194 clam (*Venerupis philippinarum*) may be harvested, possessed and sold commercially pursuant to OAR
195 635-005 or harvested and possessed recreationally pursuant to OAR 635-039.
- 196 (3) Controlled Crustaceans:
- 197 (a) Green crabs (*Carcinus maenas*) may be harvested recreationally pursuant to OAR 635-039. Once
198 harvested, it is unlawful to return green crab to state waters. It is unlawful to take green crab for commercial
199 purposes.
- 200 (b) Whiteleg shrimp (*Litopenaeus vannamei*): The possession, propagation, transportation, sale, purchase,
201 exchange and disposition of whiteleg shrimp is controlled according to the following restrictions and
202 standards:
- 203 (A) A person must apply for and receive an approved propagation license from the Oregon
204 Department of Fish and Wildlife Fish Propagation Program prior to commencing production;
- 205 (B) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture
206 or transport of cultured shrimp by predators or other animals;
- 207 (C) Access to production facilities must be through secure locked gates;
- 208 (D) Only animals certified as disease-free by the vendor may be purchased;
- 209 (E) Permittees must provide adequate veterinary care to identify and minimize the spread of
210 diseases originating from the animals being held;
- 211 (F) No live whiteleg shrimp or their gametes, fertilized eggs, or larvae may be released into waters
212 of this State, as defined in ORS 506.006; and
- 213 (G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live whiteleg
214 shrimp imported into and transported within Oregon. If transport occurs entirely on the permittee's
215 property, a transport permit is not needed.
- 216 (c) Giant river prawns (*Macrobrachium rosenbergii*): The possession, propagation, transportation, sale,
217 purchase, exchange and disposition of giant river prawns is controlled according to the following
218 restrictions and standards:
- 219 (A) A person must apply for and receive an approved propagation license from the Oregon
220 Department of Fish and Wildlife Fish Propagation Program prior to commencing production;
- 221 (B) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture
222 or transport of cultured prawns by predators or other animals;
- 223 (C) Access to production facilities must be through secure locked gates;
- 224 (D) Only animals certified as disease-free by the vendor may be purchased;
- 225 (E) Permittees must provide adequate veterinary care to identify and minimize the spread of
226 diseases originating from the animals being held;
- 227 (F) No giant river prawns or their gametes, fertilized eggs, or larvae may be released into waters of
228 this State, as defined in ORS 506.006; and
- 229 (G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live giant
230 river prawns imported into and transported within Oregon. If transport occurs entirely on the



**Oregon Administrative Rules
Oregon Department of Fish and Wildlife**

- 231 permittee's property, a transport permit is not needed.
- 232 (d) Crayfish – Cambaridae and Parastacidae – All species: The importation, possession, propagation,
233 transportation, sale, purchase, exchange and disposition of non-native crayfish is controlled according to
234 the following restrictions and standards.
- 235 (A) Non-native crayfish may be harvested, possessed and sold commercially pursuant to OAR 635-
236 005-0855 through 635-005-0885 or harvest recreationally pursuant to ORS 496.162 from waters of
237 the State as defined in ORS 503.006;
- 238 (B) Live non-native crayfish may not be used as bait except in the waterbody in which they were
239 taken;
- 240 (C) Non-native crayfish or their gametes, fertilized eggs, or larvae may not be released into waters
241 of the State, as defined in ORS 503.006;
- 242 (D) Propagation is not allowed;
- 243 (E) Non-native crayfish may not be imported except by recognized educational institutions or for
244 immediate consumption (Immediate consumption means within one week from date of delivery):
- 245 (i) Prior to purchase and importation; must apply for and receive authorization from Oregon
246 Department of Fish and Wildlife;
- 247 (ii) Crayfish must be euthanized after educational section is completed.
- 248 (iii) Non-native crayfish must remain in an indoor secure facility and can only be removed
249 when transporting for immediate preparation for consumption;
- 250 (iv) An Oregon Department of Fish and Wildlife fish transport permit shall accompany non-
251 native crayfish imported into Oregon.
- 252 (F) Fish health certification must be reviewed, found acceptable and be on file by ODFW Fish
253 Health personnel or veterinary staffs before crayfish are imported into the State.
- 254 **Statutory/Other Authority:** ORS 496.012
255 **Statutes/Other Implemented:** ORS 496.138, ORS 498.052, & 498.222