Summary of Agenda Item

Title: Abalone and Salmon Culture at Former Oregon Aqua Site

Date of Meeting: March 22, 1995 **Exhibit #** C

Principal Staff Person: Jim Golden
Jim Martin **Phone:** Ext. 346

Read and Approved by:

Division Chief: D. A. Deffart **Date:** 3/3/95

Attorney General: [signature] **Date:** 3·8·95

Director: [signature] **Date:** 3/7/95

Description of Item:

Review a proposed public salmon release and recapture facility to be operated by the Port of Newport and a private commercial operation for abalone. Both operations would be located at the former Oregon Aqua-Foods facility on Yaquina Bay. Review and Commission action on a proposed rule change to allow collection of native abalone for use as broodstock in a commercial aquaculture facility.

Public Involvement Process:

Public meeting at Newport, March 2, 1995. Public testimony at Commission meeting, March 22, 1995.

Supplemental Information Attached: **Yes** X **No** _____

Hearing Notice: **Yes** X **No** _____

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Relationship to:

Oregon revised statute - **ORS #** 506.036, 506.109, 506.119 and 506.129

Oregon administrative rule - **OAR #** 635-05-005

Options available to Commission:

1. Allow the collection of native abalone as broodstock.
2. Prohibit the collection of native abalone as broodstock.
3. Request additional information.
4. Defer action on the issue.

Option recommended: #1

Draft Motion:

I move to amend OAR 635-05-005, to allow the collection of native abalone as broodstock in a private commercial operation.

NOTICE OF PROPOSED RULEMAKING HEARING

(Statement of Need and Fiscal Impact **must** accompany this form.)

Oregon Department of Fish and Wildlife (AGENCY NAME) | Fish Division (DIVISION)

OAR CHAPTER 635

DATE:	TIME:	LOCATION:	DATE:	TIME:	LOCATION
3-22-95	*TBA	Oregon Department of Fish and Wildlife Commission Room 2501 SW First Avenue Portland, OR 97201			

* The meeting begins at 8:00 a.m.; however, there will be more than one agenda item. An agenda will be available 10 days prior to the meeting showing the general order in which items will be heard. The agenda is available by writing or calling the address below.

HEARINGS OFFICER(s):

STATUTORY AUTHORITY: ORS 506.109, 506.119 and 506.129 ; or

CHAPTER(s) , **OREGON LAWS 19** ; or

HOUSE BILL(s) , or **SENATE BILL(s)** , 19 **LEGISLATURE**

ADOPT:

AMEND: OAR Chapter 635, Division 05

REPEAL:

☒ This hearing notice is the initial notice given for this rulemaking action.

☐ This hearing was requested by interested persons after a previous rulemaking notice.

☒ Auxiliary aids for persons with disabilities are available upon advance request.

SUMMARY:

Consider rule changes to allow the take of abalone through a permit process for use as brood stock for a proposed aquaculture operation at the former Ore-Aqua facility.

LAST DATE FOR COMMENT: 3-22-95 **DATE PROPOSED TO BE EFFECTIVE:** 4-1-95

RULES COORDINATOR: Jan Ragni (Agency); Carolyn Porter (Staff)

ADDRESS: Oregon Department of Fish and Wildlife
P. O. Box 59
Portland, OR 97207

TELEPHONE: (503) 229-5400, Ext. 305 or Ext. 353

Interested persons may comment on the proposed rules orally or in writing at the hearing. Written comments will also be considered if received by the date indicated above.

D.a. Oetter — **Signature**

2/15/95 — **Date**

SED 424
(Rev. 9/1/93)

STATEMENT OF NEED AND FISCAL IMPACT

BEFORE THE FISH AND WILDLIFE COMMISSION
OF THE STATE OF OREGON

In the Matter of the Adoption of	) STATUTORY AUTHORITY,
OAR Chapter 635, Division 05,	) STATEMENT OF NEED,
Commercial Shellfish Fishery	) PRINCIPAL DOCUMENTS RELIED UPON
	) ADVISORY COMMITTEE,
	) AND STATEMENT OF FISCAL IMPACT

1. Citation of Statutory Authority: ORS 506.109, 506.119, and 506.129.

2. Need for Rules: The rules are needed to allow abalone to be taken through a permit process for commercial aquaculture and to allow culture and sale of undersized abalone produced from the operation.

3. Principal Documents Relied Upon:

   a. Staff Report prepared for the March 22 Commission meeting.

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Third Floor, 2501 SW 1st Avenue, Portland, Oregon, between 8:00 a.m. and 4:30 p.m., on normal working days, Monday through Friday.

4. Advisory Committee: Representatives from the Port of Newport, Oregon State University and Oregon Department of Fish and Wildlife have been reviewing the operation request and, in addition, members of the public will be included in review of the proposal in early March..

5. Fiscal and Economic Impact: See attached.

Dated this 15th day of February, 1995.

Oregon Department of Fish and Wildlife

D. A. Detloff
Signature

for Director
Title

Fiscal and Economic Impact Statement for the March 22, 1995 Hearing
in the Matter of Rules Relating to the Taking of Wild Abalone and
the Culture and Sale of Abalone from Wild and Imported Stock

Fiscal and economic impact: The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

a. The only state agency which should be affected by adoption of these rules is the Oregon Department of Fish and Wildlife. No significant changes from the current levels of the department's operations or expenditures are expected as a result of the adoption of these rules. The department may enter into cooperative agreements with parties interested in abalone aquaculture activities. Modest amounts of staff time may be involved in the development and implementation of permit processes. The permit process would define how abalone would be collected and returned to the wild; how abalone and imported kelp food would be checked for pathogens or exotic epifauna; isolation and culturing procedures to prevent contamination of wild sock; and, other conditions for the enhancement of wild stocks and use of stocks for research purposes.

b. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the adoption of these rules.

c. The public could be affected by the adoption of these rules: Currently no abalone may be taken in Oregon for commercial purposes. The rules need to be modified to enable businesses interested in the culture of abalone to use wild seed stock from Oregon as well as imported abalone stock. Ultimately this could lead to the aquaculture of native stock, which could be used to enhance southern Oregon native abalone production for recreational harvest. Some positive economic effects could also occur as a result of culture and sale of abalone from the aquaculture facility.

The rules are believed to be fully compatible with legislative direction on the goals of fish and wildlife management in Oregon.

Businesses affected by these rules are believed to be "small business."

STAFF REPORT TO THE
OREGON FISH AND WILDLIFE COMMISSION

ON

ABALONE AND SALMON CULTURE
AT THE FORMER OREGON AQUA-FOODS SITE

MARCH 22, 1995

TABLE OF CONTENTS

PART A
USE OF NATIVE RED ABALONE FOR BROOD STOCK IN A COMMERCIAL AQUACULTURE FACILITY

I. INTRODUCTION

- The Port of Newport and Agua-Dulce Partners have presented a plan to renovate the former Ore-Aqua site in South Beach for use as a salmon and abalone rearing facility. In order to develop broodstock for spawning, rearing and production of red abalone (*Haliotis rufescens*), the Port of Newport and Agua-Dulce Partners need a source of adult abalone.

- In addition, Oregon State University (OSU) has developed a molluscan broodstock facility and has been conducting cooperative research with the Department and industry to develop abalone broodstock. By permit from the Department, OSU has obtained adults from both native and commercial sources for research.

- OAR 635-05-005 prohibits the taking of abalone for commercial purposes. This rule was originally intended to prevent commercial harvest of abalone for food as native abalone production in Oregon waters was found to be insufficient to support a commercial fishery. Crafters of the rule did not anticipate the potential development of abalone aquaculture in Oregon and the need to acquire broodstock for such a project.

- While Agua-Dulce Partners could obtain adults for broodstock from commercial sources in California, they would prefer using native stock to minimize or eliminate potential disease problems associated with importation of California stocks, and to use abalone having the genetic make-up that is better suited for Oregon waters.

- Staff supports changing the rules to allow the taking of abalone through a permit process so that native stock can be used to develop brood and seed abalone in the proposed commercial aquaculture facility. The seed abalone could also be used to enhance southern Oregon abalone production for recreational harvest, and to restore abalone to depleted areas. The Department through a memorandum of understanding would cooperate with Oregon State University and Agua-Dulce Partners would collect and maintain a population of native red abalone for broodstock.

- In this report, staff summarizes red abalone life history, stock status, fishery history, recent events, and provides rationale on the need for genetic conservation of native abalone stocks. In addition, staff provides an analysis of the proposed option to allow use of native abalone for broodstock to meet the needs of a commercial aquaculture facility, research, and the need to enhance native red abalone populations.

II. BACKGROUND AND RATIONALE

Red Abalone Life History

Red abalone have evolved a survival strategy characterized by long life and tremendous egg production. It is possible that the Oregon abalone population has successful recruitment of new animals only very rarely, when environmental conditions are optimal. Being at the edge of the species' range increases the potential for irregular reproductive success. One or two successful recruitment pulses in a twenty year period may be the norm. The populations north of Cape Mendocino seem to be centered around the Crescent City to Cape Ferrelo region and are distributed in relatively shallow water (most at less than 30 feet). Several researchers have demonstrated that most sessile (slow or non-moving) invertebrates need tight adult concentrations (i.e. < 20 cm. apart) in order for successful egg fertilization to occur.

Stock Status and Fishery History

It was not until the 1950's that the known range of the red abalone was extended northward to include southern Oregon, eventually as far as Sunset Bay. Commercial harvesters from California almost immediately expressed interest, and an exploratory survey agreement was approved by the OFC from 1958 to 1962 with two commercial divers. Abalone were found in localized concentrations between the Chetco river and Cape Ferrelo. At the end of this time, abundance was deemed insufficient to support commercial harvest. The wise decisions to prohibit commercial harvest and to implement a conservative sport size limit of 8 inches minimum form the basis for abalone management to this day.

The record December 1964 flood appears to have had a profound effect on red abalone stocks in Curry county as well as Del Norte county immediately to the south in California. Prior to this year, knowledgeable collectors in this region considered abalone to be abundant (Red Porteous, Crescent City, personal communication). From our own interviews of some of these individuals, the abundance dropped dramatically to where only a few locations held any number of large animals. The effects of the flood on the nearshore ocean and beach habitats are legend. The record freshwater run-off is well-documented, but the debris accumulation, sedimentation and habitat disturbance probably had the greater impact on abalone. The beaches and shallow subtidal habitats were literally awash with vast accumulations of large woody debris for at least a year after (Ron Warner, California Department of Fish and Game, personal communication). It is felt that the nearshore ecosystem was heavily battered and disturbed by rolling logs and rocks. The tsunami of the great Alaska earthquake also occurred in the spring of 1964, devastating Crescent City, California where much of the known abalone habitat occurs in Del Norte County.

Preliminary surveys by Fish Commission staff documented citizen reports of an unusual number (50 to 75) of large empty abalone shells in Mill Beach Cove near Brookings in 1965. They also were able to detect only one live abalone in a three-day search, in an area where they expected to find several dozen. A more comprehensive dive survey of Oregon abalone habitats was conducted by staff in 1969. Out of 127 red abalone counted, all but 10 came from a very small area near Cape Ferrelo. As reported by harvesters and in previous surveys, there were no juveniles and extremely few small adults detected. No survey work has been conducted since. Other than by natural disturbance, the removals of adult abalone from the wild have occurred in three ways: sport harvests, commercial surveys and by researchers.

The only estimates of sport harvest come from a four year period in the 1970's when the Fish Commission required abalone harvest permits. During the four years, reported harvest was 122 animals, or about 30 per year. All but 5 of these animals were from the Brookings-to-Ferrelo area and most were picked by experienced local divers. Virtually all animals seen by permittees were near or above the 8 inch minimum size. Draft recommendations from this project included lowering the bag limit from three to one animal per week, at least until more was known about abalone reproduction. The pattern and amount of harvest is probably similar today, but there is no way to be sure. Anecdotal reports and personal experience indicate a low but steady removal of very large animals, with the large majority of harvest occurring in a few localized areas near Brookings. A world record animal (12.2 inches) documented by California officials in September 1993 was allegedly taken in Oregon by a California trophy hunter (guided by a local diver) who purposely misreported the area of catch. Probably less than a half dozen are taken annually in areas other than the Brookings vicinity. The reported abundance in the nearby Crescent City area is currently low, attracting some additional pressure to the few productive spots in Oregon.

The second type of removal, commercial harvest, was confined to a four year period prior to the 1964 flood. A reported 238 animals were taken for market research purposes, again all very large and from a few locations near Brookings.

The removals by state researchers amounted to 79 animals in two of the same few locations, virtually all very large animals (one was measured at 12.5 inches). These animals were used for culture experiments and as outplants to Whale Cove in Central Oregon.

There are two recorded outplants of Northern California (Ft. Bragg) wild stock adult red abalone in 1969. 50 animals were place on a pinnacle just south of Goat Island off Harris Beach State Park near Brookings. Another 75 animals were placed at a site on Rogue river reef off Gold Beach. The animals were tagged with stainless steel tags, but no follow-up was conducted.

Field notes indicate that some of the animals may have been in a stressed condition prior to release.

Very few sublegal animals have been seen since the species was described in Oregon. This fact, combined with a conservative size limit (8 inches) and a liberal bag limit (3 per 7 days), means that most abalone encountered are currently harvested. As an example, two biologists reported a sport diving trip in 1991 where several hours of searching a "hot-spot" finally yielded 5 large abalone clumped at the base of one large boulder. Two large animals were removed but all 5 could have been legally taken. The reproductive success of the Oregon population may depend on the existence of such aggregated adults. Another example comes from a rare shore picking this year where two very large animals were discovered and removed from a remote rocky shore.

Interviews with commercial divers indicate that there are scattered animals at the offshore Rogue and Orford Reefs, as well as along certain shoreline locations. One experienced Brookings urchin diver estimates he has seen "as many as 100 animals" at Rogue Reef and "40 to 50 dozen" in the Brookings area during the course of hundreds of hours underwater in these two areas.

Recent Events

In 1993, staff began a cooperative abalone enhancement project with Brookings recreational divers, and has worked with OSU and Dr. Carolyn Friedman of California Department of Fish and Game to work out health certification procedures. Previous attempts at outplanting young abalone raised in California were halted until it could be verified that two micro-organisms present in the abalone were either present in native stock or non-pathogenic.

OSU has developed a world class molluscan broodstock facility under the direction of Dr. Chris Langdon. Department staff began assisting OSU in collecting red abalone for use as broodstock in 1994 under a scientific collection permit (ORS 508.111 and 508.116).

Conservation and Enhancement of Native Red Abalone

As illustrated above, red abalone are successful broadcast spawners when sufficient numbers of adults in close proximity to one another have the opportunity and conditions to spawn. Larval survival to the settled juvenile stage is dependent on appropriate environmental conditions. Spawning can be induced in the aquaculture facility and environmental conditions can be controlled so that larval survival is high. As few as 20 adults are needed to ensure genetic diversity of the native parent stock (Dr. Chris Langdon, personal communication). The use of stock native to Oregon will reduce the potential for introducing disease into Oregon's aquaculture facilities or into coastal waters. The proposed use of native red abalone for commercial and

research aquaculture purposes will provide seed stock needed for enhancing Oregon's depleted populations.

In summary, there is a low-level, trophy-style fishery for red abalone in Oregon. We would like to begin applying modern broodstock management principles appropriate for sessile invertebrates. The red abalone population may need some positive input from us to ensure its place in Oregon's rocky shoreline ecosystem.

III. PUBLIC INVOLVEMENT

Staff has met with the Port of Newport and Agua-Dulce Partners in 1994 to discuss their proposal. Staff held a public meeting March 2, 1995 to discuss abalone and salmon issues related to the intended use of the former Ore-Aqua facility. Two individuals spoke about abalone and were supportive of the proposal.

IV. COMMISSION OPTIONS

Option 1: Allow the collection of native abalone for use as broodstock in a commercial aquaculture facility through issuance of a special permit.

The benefits of this option are development of cultured stocks of abalone having a genetic make-up consistent with abalone native to Oregon. These abalone may prove to be better suited for growth and survival both in aquaculture and in the wild as outplanted enhancement stocks. By obtaining native broodstock, the potential for propagation of disease is reduced. Some depletion of native stock is required which might jeopardize some populations. Reductions in native stock due to collections could be offset by enhancement using seed abalone developed from the native broodstock.

The Commission would be asked to allow the taking of wild abalone from Oregon waters for use as broodstock in a commercial abalone facility by modifying OAR 635-05-005. A special permit would be issued including but not limited to the following requirements: 1) applicant must provide adequate evidence of a suitable facility and procedures for spawning and rearing wild or imported abalone; 2) methods for collecting and returning broodstock abalone to and from the wild; 3) methods for checking abalone and imported kelp food for pathogens or exotic fauna; 4) isolation and culturing procedures to prevent contamination of wild stock; 5) and other conditions for providing the state with abalone seed for enhancement of wild stocks and use of stocks for research purposes. Abalone would be collected and maintained according to the terms of a memorandum of understanding between the Department, Agua-Dulce Partners, and Oregon State University. Abalone collected under this proposal would be quarantined, conditioned, and spawned at OSU's facility. Sharing of abalone

broodstock and seed would subsequently take place when Agua-Dulce facilities were completed and prepared to receive native stocks.

Option 2: Prohibit the taking of wild abalone for broodstock in a commercial facility.

Commercial abalone facilities could still obtain broodstock by purchasing abalone from other commercial aquaculture facilities. The benefits would be a readily available source. The negative aspects of this option include the risk of introducing diseased animals into Oregon or obtaining abalone with genetic characteristics not suitable for commercial culture or enhancement of wild stocks in Oregon waters.

Part B

Informational Report on

Public Salmon Release and Recapture Facility

SOUTH BEACH HATCHERY PROGRAM AT YAQUINA BAY

Oregon Department of Fish and Wildlife Information Summary

March 2, 1995

BACKGROUND, APPROVAL PROCESS

- This is a public hatchery program, being developed through a cooperative planning process with the Port of Newport and Oregon Department of Fish and Wildlife (ODFW).
- The primary fishery benefit is likely to be the creation of a relatively small run of hatchery salmon to the lower reach of Yaquina Bay. A small portion of these fish may then be harvested by in-bay recreational anglers.
- A variety of non-fishery benefits may also accrue from the program.
- A written Operational Plan (Op Plan) and Memorandum of Understanding (MOU) are being prepared to guide this cooperative agreement between Port of Newport and ODFW.
- Administrative and operational details must be agreed on by ODFW and the Port; including evaluation, monitoring, and funding.
- Establishing this hatchery program does not require approval by ODFW Commission, as long as it is consistent with ODFW statutes, rules, and policy guidance documents.

POLICY GUIDANCE

Oregon Laws and Administrative Rules (ORS's, and OAR's).
Chinook Plan, Yaquina Basin Plan, Wild Fish Management Policy.

SCHEDULE

1995

Jan-Mar	Policy review, Op Plan and MOU development;
22 Mar	ODFW Commission information presentation;
May-June	First coho release;
Fall	First wild chinook broodstock collection.

1996

Spring	Second coho release;
Fall	First chinook release;
Fall	First adult coho return.

RELEASE/RETURN LEVELS

Developmental Stage:	Siletz coho 300,000 (1995)-600,000; Yaquina chinook 150,000.
Successive Stages:	Modest incremental increases may be permitted, or program may be interrupted, reduced or terminated, based on results of monitoring, costs, etc.

ISSUES AND CONCERNS

Expected Size of Program: The potential size of the program is relatively modest compared to former production by private hatchery.

Manager: Port must designate a fish culture manager.

Broodstock Collection: ODFW must design and assign responsibility for Siletz coho and Yaquina fall chinook.

Stray Monitoring: ODFW must design and supervise.

In-Bay Fishery Monitoring: ODFW must design and supervise.

Cost Sharing: Formulas must be agreed on.

Port As "Agent": To sell adults and eggs to support costs of program.

Allocation of Sales Proceeds: Agreement must be reached as how proceeds from sales are returned to reimburse costs of program to Port and ODFW.

Straying and Breeding: Program will be monitored for compliance with WFMP; hatchery breeding program will be consistent with ODFW hatchery breeding procedures and guidelines.

Diseases: Some risk exists that disease may be transferred to and from ODFW hatcheries and the Yaquina basin; routine disease inspections will be conducted to guard against this occurrence.

Funding and Personnel: Issues of funding and staff involvement must be agreed upon; certain elements of this program require adjustment of existing ODFW workloads.

ODFW Policies: This program is being developed in accord with existing laws, rules, and policies.

Competition and Predation: Some will occur, far less significant than during the operation of the private hatchery.

Law Enforcement: Modest increase in law enforcement need is anticipated; public pressure to assist compliance with regulations will be needed.

Hatchery Logistics: Significant issues need to be addressed regarding both ODFW facilities and the release/capture site.

Fishery Benefits: Are likely to be relatively modest.

Accountability: The Op Plan and MOU will define accountability of the program.

Longevity: This program may be reduced or terminated for a number of reasons described in the MOU; it may also be increased modestly if certain requirements described in the MOU are met.

Orderly Termination: The MOU describes the Port's obligations in the event that the program is terminated.

Operational Plan for the Salmon Release and Recapture Facility at South Beach, Oregon

Summary

Introduction

The Port of Newport intends to operate a portion of the former Oregon Aqua-Foods salmon release and recapture facility at South Beach, in agreement with the Oregon Department of Fish and Wildlife, to produce coho and chinook salmon for release to provide for enhanced in-bay fisheries for the public. The plan calls for operation consistent with application fishery rules, policies and plans of the State of Oregon and to operate at relatively low levels of releases. Any increase in production would be untaken only after an evaluation of opportunities and constraints. The release of salmon is expected to be part of a one or more complimentary activities on the site.

Brief History of the South Beach Facility

1971	Incorporation of Oregon Aqua-Foods
1975	Acquisition by Weyerhaeuser Company
1977-79	Construction of Springfield hatchery and South Beach release and recapture facility
1989	Acquisition by Oregon Salmon, Inc.
1990	Foreclosure by Alleco, a secured creditor
1990-92	Recapture facility use only.
1994	Facility acquired by the Port of Newport

Cooperative Project

The release and recapture facility will be operated by the Port of Newport, which will be responsible for salmon acclimation, release, and for recapture of adults not harvested in the public fishery. Income from returns to the facility will be earmarked by the Port to defray directly related expenses to producing for the public fishery. The Oregon Department of Fish and Wildlife (ODFW), through an agreement with the Port, will provide eggs, smolts, technical assistance, and other services during the broodstock development phase--through 1998.

Stocks to be Released

The plan calls for releases both Siltez stock coho and Yaquina fall chinook. The coho would be hatched and reared at the Salmon River hatchery with broodstock from the Rock Creek facility on the Siletz. A broodstock is available and committed for release in 1995. The Yaquina fall chinook broodstock will need to be developed. The plan suggests broodstock collection in 1995 with rearing at the Fall Creek hatchery on the Alsea. Releases would begin in 1996. After 1998, the South Beach facility is expected to meet its own broodstock needs for coho and chinook, subject to infusion of wild stock to meet the state's hatchery policies.

Release Levels

During the broodstock development phase, the plan suggestions release of 300,000 to 500,000 coho and 150,000 chinook. These levels are well within the release levels necessary to be consistent with the Yaquina River Basin Fish Plan and the Wild Fish Management Policy. Release levels are substantially below those of earlier operations and lower or equal to the Department's 1991 recommendations for continued private salmon ranching. In addition, coho smolts will be yearlings, and the acclimation period for both coho and chinook will be at least 21-days. These management practices are intended to reduce straying in the Yaquina River basin and adjacent streams. Increased releases in the post-broodstock phase would be undertaken only after an evaluation of the success of the facility to provide for public fisheries and to avoid adverse impacts to wild stocks.

Recapture

The recapture portion of the facility will operate between August 1 and November 30 of each year at levels that provide an appropriate attractant for return salmon. If, for some reason, releases of salmon is terminated, the Port will continue to operate the recapture up to four years beyond the last release in order to reduce staying.

Operational Agreement

The Port of Newport and the Oregon Department of Fish and Wildlife are expected to agree to the purposes and the operation of the facility in a cooperative agreement through a memorandum of understanding (MOU). The MOU stipulates obligations of the Port and the Department for operation and for contingencies in case of discontinuing operation. A draft MOU is appended to the plan.

Other Site Uses

The release of salmon to augment a public fishery provides an additional opportunity to work in close harmony with other potential uses of the facility. Some of those uses include abalone farming, salmon and trout farming, fee fishing ponds, and sightseeing. Salmon releases, therefore, are part of a larger effort at marketing the South Beach area's attractions--Oregon Coastal Aquarium, Hatfield Marine Science Center, South Beach marina--as well as future attractions and operations.

Note: [ ] means proposed to be deleted

Bold means proposed to be added.

Prohibited

635-05-005 (1) Except as provided in subsection (2) of this rule, [It] it is *unlawful* to take abalone for commercial purposes.

(2) A commercial aquaculture facility may take abalone for use as broodstock under the terms and conditions specified in a permit issued by the Oregon Department of Fish and Wildlife. Application for such a permit shall be in writing and shall include a description of the commercial aquaculture facility, the methods for collecting and returning broodstock abalone to and from the wild, the methods for checking abalone and imported kelp food for pathogens or exotic fauna, the procedures for isolating and culturing abalone to prevent contamination of wild abalone stock and such other information as the Department may require. Permit applications shall be mailed to: Marine Regional Office, Department of Fish and Wildlife, 2040 SE Marine Science Drive, Newport, OR, 97365.

Adopted 3-22-95, ef. 4-1-95. Stat. Auth.: ORS 506.119 & 506.129.