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Geo

February 5, 2007

Mr. Michael Sommers  
Winemucca Trading Company, LTD  
P.O. Box 4261  
Incline Village, Nevada 89450

Mr. Michael Sommers:

The Regional Water Quality Control Board (RWQCB) has referred correspondence from Winemucca Trading Company LTD, dated October 17, 2006, to the California Department of Fish and Game (CDFG) (see attached).

Per the correspondence, Winemucca Trading Company LTD (dba Cortez Fishiers) has recently planted 20,000 catfish fingerlings in ponds located on the former Simpson Paper site near Anderson, California.

Pursuant to section 15101 of the California Fish and Game Code and section 235 California Code of Regulations Title 14, the owner of an aquaculture facility is required to register with the CDFG and/or pursuant to section 6400 of the California Fish and Game Code and section 238.5 California Code of Regulations Title 14, persons stocking fish in the state are required to obtain a Private Stocking Permit (see attached). **A review of the CDFG's records by Fisheries Management personnel did not produce evidence of compliance with the above requirements. Failure of compliance is a violation of state law.**

Additionally, the CDFG requests any supporting documentation associated with the proposed utilization of the stocked fish for biodiesel/ethanol production and bioremediation, as well as assurance that Winemucca Trading Company LTD (dba Cortez Fishiers) has no intention to utilize the stocked fish for animal or human consumption.

Please contact me as soon as possible regarding the content of this correspondence.

Sincerely,

Officer Daniel R. Fehr

California Department of Fish and Game  
601 Locust Street  
Redding, California 96001  
530-225-2300/530-225-2381 fax/dfehr@dfg.ca.gov



cc: Mey Bunte, Regional Water Quality Control Board  
Ross Bell, County of Shasta  
Jeffory Scharff

Winemucca Trading Company LTD  
P.O.Box 4261 Incline Village Nv. 89450  
775-831-0187

October 17, 2006

Mey Bunte  
California Regional Water Quality Control Board  
415 Knollcrest Drive Suite 100  
Redding Calif. 96002

Re Letter dated October 12, 2006

Dear Ms. Bunte

|  |          |            |            |
|--|----------|------------|------------|
| Post-It™ brand fax transmittal memo 7671 |          | # of pages | 2          |
| To                                       | Dan Ferr | From       | Mey Bunte  |
| Co.                                      | CA F+G   | Co.        | RWQSCB-RDD |
| Dept.                                    | RDD      | Phone #    | 224 4788   |
| Fax #                                    | 225-2381 | Fax #      |            |

In accordance with the request of the letter referred to above a summary of work completed to date includes the following:

The two parcels identified as having the holding ponds on them have been sold to Cortez Fishiers for the single purpose segregating the ponds in the development of bio-diesel. The ponds have been populated with approximately 20,000 catfish fingerlings to monitor growth and chemical makeup. Determining that the fish can and will survive and reproduce can be additional source for future development. The fish have been monitored in size and estimation of numbers. The sizes have increased to 6-8 inches. Once the fish reach an average length of 8-10 inches chemical analysis will be performed to measure any level of toxicity or chemical imbalance if any. If needed the test can occur earlier within the next 4-6 months.

The ponds have been monitored by the engineers to determine any danger and also help determine any cleanup requirements along with any water runoff from storms or leakage. The ponds have been inspected by the State Dept. of Dams and have been found to comply with the Depts. Standards.

The parcels on the Plant side are being amended to simply divide the office building into a separate parcel so the Company can apply to PG & E for electricity without being rated for the entire plant at an increased cost which is not required at this time.

Contact has been initiated with Professor Bryan Jenkins at the University of California Davis for assistance in determination of the extracting of the oils from Algae. Response has not been received, however determination for Algae production for Bio- Diesel manufacturing has been determined to be the most favorable therefore development has

been started without the Professors response.

Winemucca Trading Company LTD  
P.O.Box 4261 Incline Village Nv. 89450  
775-831-0187

In conjunction with the Bio- Diesel is the development of the Ethanol plant. Both support each other. We will be using the technology of Bion Environmental Technologies Inc. to convert a portion of the former Paper Plant into an integrated ethanol plant. This conversion will utilize the existing concrete basins and the ponds as outlined. The technology to be employed is a wastewater treatment technology which is approved under USDA NRCS Practice Standards 629 & 632, as represented to us by Bion Environmental Technologies. The technology entails creating a microaerobic, anoxic environment within the existing ponds where anaerobic, autotrophic organisms and aerobic heterotrophic organisms digest the organic material present, converting much of the nitrogen to molecular nitrogen gas (through nitrification/denitrification) and sequestering the phosphorus through luxury biological uptake. There would then be a process to centrifuge the material, use a belt press on the centrifuge cake, and then dry it, use the dried solid as fuel for the ethanol process. An alternative would be not to resuspend the solids and just allow the solids to remain in the ponds and have the microaerobic process digest the sludge over the course of time.

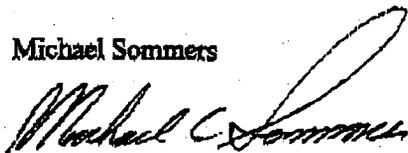
Meetings have taken place with representatives of this Company and Jim Zauher, Larry Lees and Russ Mull of Shasta County.

Bion Environmental Technologies is fully aware of the existing cleanup order. The ponds are an integral part of the development of both the Bio- Diesel and Ethanol production. An extension of six (6) months under Alternative 5 with continued assistance of Vestra Resources Inc. in both monitoring the current conditions and working with the development plan is requested. Updated reports will be provided every 30 days as to the progress and development costs and scientific processes being applied. Without the extension it is very hard to obtain the business commitment from Bion Environmental Technologies on an unknown existence of the ponds.

Please call me if you have any questions concerning this submittal. Winemucca Trading Company looks forward to finding a reasonable solution to the RWQCB's concerns.

Sincerely

Michael Sommers



cc. Vestra Resources Inc.  
Bion Environmental Technologies Inc.

(9) The effects of escaped fish on wild fish stocks and the marine environment.

(10) The design of facilities and farming practices so as to avoid adverse environmental impacts, and to minimize any unavoidable impacts.

Added Stats 2006 ch 36 § 3 (SB 201), effective January 1, 2007.

## CHAPTER 2

### Aquaculture Development Section

#### § 15100. Aquaculture coordinator

There is within the department an aquaculture coordinator who shall perform all of the following duties:

(a) Promote understanding of aquaculture among public agencies and the general public.

(b) Propose methods of reducing the negative impact of public regulation at all levels of government on the aquaculture industry.

(c) Provide information on all aspects of regulatory compliance to the various sectors of the aquaculture industry.

(d) Provide such advice to aquaculturists on project siting and facility design that may be needed to comply with regulatory requirements.

Added Stats 1982 ch 1486 § 25; Amended Stats 1987 ch 1065 § 2.

#### § 15101. Registration by owner of facilities

(a) The owner of each aquaculture facility shall register all of the following information with the department by March 1 of each year:

(1) The owner's name.

(2) The species grown.

(3) The location or locations of each operation or operations.

(b) The department may provide registration forms for this purpose, may establish a procedure for the review of the information provided to ensure that the operation will not be detrimental to native wildlife, and shall impose a registration fee of five hundred forty-nine dollars (\$549) to recover the cost of reviewing new registrations. For renewing registrations, the department shall impose a registration fee of two hundred seventy-five dollars (\$275). It is unlawful to conduct aquaculture operations or to culture approved species of aquatic plants and animals unless registered under this section. The registration fees specified in this section are applicable to the 2004 registration year and shall be adjusted annually thereafter pursuant to Section 713.

(c) The annual registration of information required by subdivision (b) is not a project for purposes of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

Added Stats 1990 ch 1703 § 71 (AB 2126), operative January 1, 1992. Amended Stats 1992 ch 701 § 45 (SB 1565), effective September 14, 1992, operative January 1, 1993; Stats 1995 ch 810 § 5 (AB 1636); Stats 2003 ch 741 § 42 (SB 1049).

#### § 15102. Prohibition against operation of facility; Detriment to native wildlife

The department may prohibit an aquaculture operation or the culturing of any species at any location where it is determined it would be detrimental to adjacent native wildlife.

Added Stats 1982 ch 1486 § 25.

(4) Fish received for processing under this subsection may only be used for canning. Tuna, except yellowtail, not returned to the angler may be canned and sold to a cannery for the purpose of canning. Tuna not acceptable for canning may be sold for reduction purposes. Yellowtail must be donated to a non-profit charitable institution for food purposes only and may be fresh or processed.

(d) Species Limitation. Salmon may only be exchanged for salmon. Striped bass may only be exchanged for striped bass. Tuna may only be exchanged for tuna.

(e) Records. Immediately upon receiving fish, a permittee shall record the name, address and fishing license number of the angler, the date the fish were received and the number and weight of all fish by species received from that angler. At the time the fish are returned to the angler or otherwise disposed of, the permittee shall record the species and weight of the fish returned or if not returned to the angler, the disposition of the fish, and the date of return or disposition. Permittees shall keep and maintain all records required by these regulations at their place of business for three years and shall make them available to authorized department personnel upon demand.

(f) Transportation. Permittees may transport or provide for the transportation of tuna to canneries or processing facilities outside of California. Fish being transported shall be accompanied by a bill of lading, waybill, invoice or similar accountable document showing the name and address of the consignor, the name and address of the consignee and a listing of all fish by species and the number or weight of each species.

(g) Marking. All fish shall be marked by the permittee by removing the entire upper lobe of the tail. This marking shall be done in the presence of the person delivering such fish. Fish so marked shall be kept separate from commercially taken fish until transported to a cannery or processing facility.

(h) Waste. It shall be unlawful for any person to allow the deterioration or waste of any sport-caught fish.

(i) Revocation of Permits. Any permit may be revoked or suspended by the commission upon a violation by the permittee or the permittee's agent, servant, employee or person acting under the permittee's direction or control of any provision of these regulations or of the provisions of the Fish and Game Code relating to the receiving, processing or sale of fish taken under authority of a sport fishing license.

NOTE: Authority cited: Sections 200, 202, 205, 713, 5510, 7121, 7701 and 7708, Fish and Game Code. Reference: Sections 200-202, 1050, 5510, 7121, 7701 and 7708, Fish and Game Code.

#### HISTORY

1. New section filed 3-28-86; effective upon filing pursuant to Government Code section 11346.2(d) (Register 86, No. 13).
2. Amendment of subsections (a)-(c) and repealer of subsection (f) filed 2-25-88; operative 3-26-88 (Register 88, No. 10).
3. Amendment of subsections (b) and (c) filed 11-21-89 as an emergency; operative 11-21-89 (Register 89, No. 47). A Certificate of Compliance must be transmitted to OAL within 120 days or emergency language will be repealed by operation of law on 3-21-90.
4. Reinstatement of subsections (b) and (c) as they existed prior to emergency amendment filed 11-21-89 by operation of Government Code section 11346.1(f) (Register 90, No. 31).
5. Amendment of subsections (b), (c) and (e) filed 6-8-90; operative 6-8-90 pursuant to Government Code section 11346.2(d) (Register 90, No. 31).
6. Amendment of subsection (e) filed 6-27-91; operative 7-29-91 (Register 91, No. 40).
7. Amendment of subsection (a)(3) filed 9-9-92; operative 10-9-92 (Register 92, No. 37).
8. Editorial correction of printing error in subsections (c)(4) and (d) filed 7-19-93; operative 8-18-93 (Register 93, No. 30).
9. Amendment of subsections (c)(1)(A)-(c)(3)(D) and new subsection (c)(2)(F) filed 7-19-93; operative 8-18-93 (Register 93, No. 30).
10. Amendment of section heading, subsections (a) and (c)(5) and NOTE filed 10-16-95 as an emergency; operative 10-16-95 (Register 95, No. 42). A Certificate of Compliance must be transmitted to OAL by 2-13-96 or emergency language will be repealed by operation of law on the following day.
11. Certificate of Compliance as to 10-16-95 order including amendment of subsections (a), (b), (c)(1)(C), (c)(5) and (e), repealer of subsection (f) and subsection relettering, and amendment of newly designated subsections (f) and (g) transmitted to OAL 2-9-96 and filed 3-13-96 (Register 96, No. 11).
12. Amendment of subsections (a)(1), (b) and (c)(1), repealer of subsections (c)(1)(A)-(c)(3)(D) and new subsections (c)(1)(A)-(c)(2)(L) filed 8-16-2000; operative 9-15-2000 (Register 2000, No. 33).

13. Change without regulatory effect renumbering former subsections (c)(4) and (c)(5) to subsections (c)(3) and (c)(4) filed 10-31-2000 pursuant to section 100, title 1, California Code of Regulations (Register 2000, No. 44).

14. Change without regulatory effect amending subsection (a) and amending NOTE filed 5-11-2005 pursuant to section 100, title 1, California Code of Regulations (Register 2005, No. 19).

## Chapter 9. Aquaculture

### § 235. Aquaculture Registration.

(a) Registration Required. Pursuant to the provisions of Section 15101 of the Fish and Game Code, all aquaculture facilities must be registered with the department each year. For purposes of Chapter 9, Subdivision 1, Division 1, Title 14, California Code of Regulations, an aquaculture facility is one that is devoted to the propagation, cultivation, maintenance and harvesting of aquatic plants and animals in marine, brackish or fresh water. This registration is not required for: the maintenance of koi and goldfish in closed systems for personal, pet or hobby purposes; the harvest and sale of brine shrimp; and the sale or cultivation of tropical species of ornamental marine or fresh water plants or animals, not utilized for human consumption or bait purposes, but maintained in closed systems for personal, pet industry or hobby purposes.

(1) Who Shall Register. The owner of each aquaculture facility shall register each year on forms provided by the department. Individual forms must be completed for each aquaculture facility location. Application forms and a list of laws and regulations governing aquaculture are available from the department's Aquaculture Development Section, 1416 Ninth Street, Sacramento 95814, and from the department's regional offices in Redding, Yountville, Rancho Cordova, Fresno, Long Beach and Menlo Park, on request.

(2) Cost of Registration. The registration fee for each new registered owner or operator shall be the fee specified in Section 15101(b) of the Fish and Game Code.

(3) Where to Submit Applications. Application forms together with the registration fee shall be submitted to one of the department's regional offices listed in subsection (1) above. Applications will be processed within five working days after approval. Applications shall be made on a form (Application for Aquaculture Registration, FG 750 (2/91), which is incorporated by reference herein) supplied by the department.

(b) Registration Limitation. The applicant must certify that he/she has read, understands and agrees to be bound by the regulations of the commission and the Fish and Game Code sections governing aquaculture and its products.

(c) Duration of Registration. The annual term of registration shall be January 1 to December 31, or if issued after the beginning of such term, for the remainder of that calendar year. Aquaculturists must reregister their facilities by March 1 of each year. Reregistration (renewal) fees shall be the amount specified in Section 15101(b) of the Fish and Game Code. An additional surcharge, specified in Section 15103 of the Fish and Game Code, shall be paid at the time of renewal if the proceeds from sale of aquaculture products of the facility in the preceding year exceed \$25,000. Penalties for late renewal will be assessed in accordance with Section 15104 of the Fish and Game Code. Anyone failing to register under this section shall be operating unlawfully.

(d) All permits specified in this chapter, in addition to the aquaculture registration issued pursuant to Section 15101 of the Fish and Game Code, shall be issued under the following conditions:

(1) Where Issued. Requests for permits required in Chapter 9, unless specifically directed otherwise, shall be submitted to the Department of Fish and Game Aquaculture Development Section, 1416 Ninth Street, Sacramento, CA 95814.

(2) Cost of Permit. Except as otherwise provided, see Section 15101 of the Fish and Game Code.

(3) Duration of Permits. Except as otherwise provided, permits will be issued on a calendar year basis, or if issued after January 1, for the remainder thereof.

[The next page is 91.]

§ 6302

Fish and Game Code

§ 6302. Diseased plants and fish - public nuisance.

Except as otherwise provided in Division 12 (commencing with Section 15000), all fish, amphibia, or aquatic plants found to be infected, diseased, or parasitized are a public nuisance and shall be summarily destroyed by the department.

§ 6303. Deleterious fish, etc. to be destroyed.

All fish, amphibia, or aquatic plants which the department determines are merely deleterious to fish, amphibia, aquatic plants, or aquatic animal life, shall be destroyed by the department, unless the owner or person in charge of the fish, amphibia, or aquatic plants ships them out of the State within a period of time to be specified by the department.

§ 6304. Posting of notices; publication.

If the department finds any infected, diseased, or parasitized fish, amphibia, or aquatic plants within this State, the department shall post notices describing, as nearly as possible, the boundaries of the area within which the fish, amphibia, or aquatic plants are found, and shall state the period during which the taking, carrying, and transportation of the fish, amphibia, or aquatic plants from the area shall be unlawful. The fact of posting the notices shall be published once a week for four successive weeks in some newspaper of general circulation in the county in which the infected area is situated, and, if there is no such newspaper in that county, then in a newspaper of general circulation published in an adjoining county.

§ 6305. Unlawful to transport diseased fish, etc.

It is unlawful to carry or cause to be carried from one point in this State which has been posted according to the provisions of this article, to any other point in this State, any infected, diseased, or parasitized fish, amphibia, or aquatic plant.

§ 6306. Expense of fish, etc. to be borne by the owner.

The expense of any examination made necessary by the provisions of this code, shall be borne by the owner of the fish, amphibia, or aquatic plants, or the person or persons importing them into this State; provided, that the department may assume such expense in the case of fish imported to provide fishing under the authority of a sport fishing license in the public waters of this State.

Chapter 5. Fish Planting and Propagation

Article

1. General Provisions.
2. Artificial Reefs.
3. *(Repealed.)*
4. Grass Carp.
8. Ocean Fishery Research.

Article 1. General Provisions

§ 6400. Fish placing without permission is unlawful.

It is unlawful to place, plant, or cause to be placed or planted, in any of the waters of this State, any live fish, any fresh or salt water animal, or any aquatic plant, whether taken without or within the State, without first submitting it for inspection to, and securing the written permission of, the department.

## HISTORY

1. New subsection (f)(4) filed 10-18-85; effective thirtieth day thereafter (Register 85, No. 42).
2. Amendment filed 7-25-88; operative 7-25-88 (Register 88, No. 32).
3. Amendment filed 7-24-91; operative 8-23-91 (Register 92, No. 8).
4. Amendment filed 2-8-94; operative 3-10-94 (Register 94, No. 6).
5. Amendment of subsection (e)(1)(B) filed 5-1-98; operative 5-31-98 (Register 98, No. 18).

## § 238.5. Stocking of Aquaculture Products.

Upon stocking, aquaculture products are wild and therefore "fish" as defined by Section 45 of the Fish and Game Code, except when stocked into a registered aquaculture facility. No person shall stock aquaculture products in this state except in accordance with the following general terms and conditions:

(a) All aquaculture products stocked under these provisions must be legally reared or possessed by an aquaculturist registered in this state. No person shall stock aquaculture products which are parasitized, diseased or of an unauthorized species.

(b) Live aquaculture products shipped to Inyo or Mono counties must be certified by the department as disease and parasite-free before being stocked in waters in those counties.

(c) A registered aquaculturist producing or possessing rainbow trout (*Oncorhynchus mykiss*), largemouth bass (*Micropterus salmoides*), bluegill (*Lepomis macrochirus*), redear sunfish (*Lepomis microlophus*), Sacramento perch (*Archoplites interruptus*), channel catfish (*Ictalurus punctatus*), blue catfish (*Ictalurus furcatus*) and white catfish (*Ictalurus catus*), may stock these species under the following terms and conditions.

Only publicly owned lakes covered by a cooperative agreement between the department and the lake operator and privately owned reservoirs, lakes and ponds in the following counties or portions thereof may be stocked without a stocking permit: Alameda, Butte, Colusa, Contra Costa, Glenn, Imperial, Kern, except in the Kern River drainage above Democrat Dam; Kings, Lake except in the Eel River drainage; Los Angeles, Merced, Napa, Orange, Riverside, Sacramento, San Benito, San Bernardino, San Diego, San Joaquin, Santa Barbara, Solano, Stanislaus, Sutter, Tehama, Ventura, Yolo, Yuba; those portions of Amador, Calaveras, El Dorado, Mariposa, Nevada, Placer and Tuolumne west of Highway 49; Fresno west of the Sierra and Sequoia National Forest boundaries; Madera west of the Sierra National Forest boundary; and Tulare west of the Sequoia National Forest and Sequoia National Park boundaries.

(d) Except for those species listed in Section 238.5(c) when planted into those specific areas and waters covered in Section 238.5(c), no person shall stock aquatic plants and animals except as follows:

(1) Each stocking of fish shall require a separate Private Stocking Permit (FG 749 (Rev. 5/93), which is incorporated by reference herein) issued by the department. A copy of this permit shall accompany all shipments. However, a copy of the same permit (FG 749 (Rev. 5/93)) may be used for additional consignments of the same species when stocked in the same water or waters, until cancelled by the department. See subsection 699(b) of these regulations for the fee for this permit.

(2) Application for the private stocking permit shall be made to the regional manager of the Fish and Game region in which the fish are to be stocked. An application will be supplied to each applicant upon request.

(3) No person shall stock any species of fish in any water in which the stocking of such fish is contrary to the fisheries management programs of the department for that water or drainage, or in any water from which such fish might escape to other waters where such fish are not already present. All applicants will be advised upon request of the said departmental fisheries management programs.

(4) Permittee shall notify the regional office of the department not less than 10 days in advance of stocking in order to make arrangements for inspection. Such inspection may be waived at the discretion of the department. If, upon inspection, diseased or parasitized fish or fish of unauthorized species are found by the department to be present, they shall be disposed of by the permittee as directed by the department. The department may require that the expense of any inspection made necessary by the provisions of these regulations be borne by the permittee.

(5) A stocking permit may be cancelled or suspended by the department upon conviction of a violation of these regulations by a court of competent jurisdiction. Cancellation or suspension may be appealed to the commission.

(6) A stocking permit is valid only when signed by the applicant.

(e) A registered aquaculturist selling and transporting aquatic plants and animals for the purpose of stocking in this state shall retain copies of documents required by Section 15005(b) of the Fish and Game Code for a period of three years following stocking of the fish. The documents shall be shown upon written demand by the director of the department. The information contained in the documents is confidential except that such information may be disclosed in accordance with a proper judicial order in cases or actions instituted for enforcement of this section or for prosecution of violations of this section.

(f) Except for Inyo, Mono, San Bernardino, Riverside and Imperial counties, mosquitofish (*Gambusia affinis*) may be planted for purposes of mosquito control without obtaining a permit otherwise required by these regulations. In Inyo and Mono counties and in public waters of San Bernardino, Riverside and Imperial counties, mosquitofish may not be planted without the written concurrence of the department.

NOTE: Authority cited: Sections 1050, 2363, 6401, 7701, 7708, 15005, 15200, 15202, 15501 and 15504, Fish and Game Code. Reference: Sections 17, 45, 1050, 6400-6401, 7701-7708, 8371, 8435, 8436, 15005, 15200, 15202 and 15504, Fish and Game Code.

## HISTORY

1. Amendment of subsection (d) filed 4-18-91; operative 5-18-91 (Register 91, No. 21).
2. Amendment of subsections (c) and (d) filed 7-24-91; operative 8-23-91 (Register 92, No. 8).
3. Amendment of subsection (d)(1) filed 10-7-96; operative 11-6-96 (Register 96, No. 41).
4. Amendment of first paragraph and NOTE filed 1-20-99; operative 2-19-99 (Register 99, No. 4).

## § 238.6. Triploid Grass Carp Stocking.

Pursuant to Section 6450 of the Fish and Game Code, the department may issue permits to stock triploid grass carp.

(a) Purpose for Stocking. This section provides for the introduction of triploid grass carp, solely for the purpose of managing and controlling nuisance submerged aquatic plants. Triploid grass carp may only be stocked in waters approved by the department.

(b) To Whom Issued. Triploid grass carp stocking permits may be issued to a person, organization, or agency, to control or eradicate nuisance submerged aquatic plants, only within those waters under their control.

(1) Triploid grass carp stocking permits are not transferrable to persons, organizations, or agencies other than the permittee, except in the event that ownership of, or legal control over a water body named in the permit is transferred from the permittee to another person, organization, or agency. In this event, the permittee shall notify the department in writing within 10 (ten) days of the transaction. In addition, the permittee shall be responsible for informing the new owner of, or party assuming legal control over that water body, that triploid grass carp have been stocked therein. For the remaining term of the existing permit, said permit shall be transferred to the new owner of, or party assuming legal control over said water body, provided that said party agrees in writing to comply with the terms and conditions specified in this section. After expiration of the existing permit, the party assuming permittee status shall be required to renew the grass carp permit pursuant to subsection 238.6(e)(3)(B).

(2) Grass carp programs approved by the department on or before June 1, 1995 shall be exempt from the provisions of this section. Such programs shall be allowed to continue operations under a Private Stocking Permit (Form FG 749-(revised 5/93)), provided that the permittee furnishes proof that the site had prior approval under a program approved by the department on or before June 1, 1995.

(c) Limitations.

(1) No permits shall be issued to stock grass carp in any major drainage or water having an open freshwater connection to other waters of the state (e.g., streams, rivers, lakes, or reservoirs).

(2) No permit shall be issued for grass carp introductions within the 100-year flood plain, as defined by the Federal Emergency Management