

Process for Obtaining State Take Coverage through Oregon Scientific Take Permits

Shivonne Nesbit and Joy Vaughan
ODFW, ESA Program

Fish.research@state.or.us

Shivonne.m.nesbit@state.or.us

Joy.r.vaughan@state.or.us



Presentation Outline

- Who Needs a Scientific Take Permit (STP)?
- What does a STP cover?
- How does the STP link to federal processes?
- NMFS 4(d) Limit 7 Process for ODFW
- USFWS 4(d) Process for ODFW
- Issuing a STP

Oregon Scientific Take Permits

- An Scientific Take Permit is required for any person desiring to take fish from waters of this state for scientific or educational purposes (OAR 635-007-0900).
- “Take” is defined as to kill or to obtain possession of or control of any wildlife.



Oregon Scientific Take Permits

- What species are considered “wildlife”?
 - Take permits are required for all freshwater and marine fish, all marine invertebrates, and freshwater mussels and crayfish.
- A separate take permit from the Wildlife Division is required for take of any reptiles or amphibians.



What do you need to apply

- Clear project purpose and description
- Estimates of the species and numbers that will be handled (ESA listed and non-listed species)
- Comments on your project from the appropriate local ODFW biologist
- Federal authorization in place or in progress for any ESA listed species

District Biologist Comments

- ODFW District Biologist should be contacted prior to applying
 - Provide recommendations and discuss any concerns
 - Help with identifying the species that may be encountered
- Comments are required before a permit will be issued
- However, an application can be submitted prior to obtaining final District comments

Link to Federal Permit Process

USFWS

- ✓ Non-ODFW
 - ✓ Section 10
 - ✓ Biological Opinions
 - ✓ 4(d) Rule for certain species
- ✓ ODFW Employees
 - ✓ Section 6 Agreement

NOAA

- ✓ 4(d) = Limit 7 Research package
- ✓ Section 10
- ✓ Biological Opinions/LOD
- ✓ Hatchery Genetic Management Plans (HGMP)
- ✓ ODFW Employees
 - ✓ 4(d) = Limit 3 Rescue/Salvage

Link to Federal Permit Process

- ODFW will not issue a STP for ESA listed species unless you have appropriate federal coverage. There must be consistency among:
 - List of Authorized Individuals
 - Sampling locations
 - Estimated take of ESA species
 - Proposed methods of sampling and take actions (i.e. PIT tagging, intentional mortality)

NOAA 4(d) Process for ODFW

- Limit No. 7 in the 4(d) rule allows NOAA Fisheries to approve “research programs” that adequately conserve listed species and are carried out by state fishery agencies.
- On an annual basis ODFW must submit a research program for approval to NMFS.
- Applicants must apply/renew annually during the application window (mid September-mid October)
- Includes ODFW and Non-ODFW applicants
- Once applications are submitted, ODFW reviews applications and coordinates with applicants on initial review.

NOAA 4(d) Process for ODFW

- ODFW and NOAA meet in the fall (November) for the research review of the entire 4(d) package
- ODFW is responsible for contacting applicants to address NOAA's questions and concerns
- Once comments are addressed, ODFW submits 4(d) application package to NOAA to start the internal consultation process (usually December)
- 4(d) permits cannot be issued until ODFW receives the final approval of the 4(d) program from NOAA in early spring

USFWS 4(d) Process for ODFW

- USFWS 4(d) Rule applies only to: Foskett Speckled Dace, Hutton Spring Tui Chub and Warner Sucker.
- Researcher only needs to obtain state permit for these species, USFWS considers this sufficient.
- ODFW then references the appropriate final Federal Register Notice (1985) for the species as the federal authorization to conduct work.

Issuing Oregon STPs

- Applicants will receive STPs through email notification, with appropriate ESA coverage referenced in state permit
- It is the applicant's responsibility to monitor authorized take is not exceeded
- May request modification online for changes in methods, personnel, species, take, etc.
- Oregon STPs (including 4(d) permits) are issued annually and must be renewed each year with an annual reporting requirement.

Questions?
Comments?
Feedback?

