

Sec 10 (A)(1)(a) Permits

“Recovery permits”

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Section 10(a)(1) of the ESA

- Permits for exceptions to section 9 of the ESA
- “The Secretary may permit, under such terms and conditions as he shall prescribe-
 - (A) any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species... (*Recovery Permits*)
 - (B) any taking otherwise prohibited by section 9 if such taking is incidental to, and not the purpose of, carrying out of an otherwise lawful activity.” (*These are HCPs*)

What species do we cover?

- Species under **USFWS** authority (ESA-listed fish species that spend majority of life history in freshwater)

- Bull trout



- Note, no Sec 10 permit required for non-listed species (e.g., Dolly Varden, coastal cutthroat trout, sculpin, etc.)



What about other species?

- **NOAA Fisheries/NMFS**
 - Sec 10 permit: ESA-listed salmon and steelhead
- **WDFW**
 - Scientific collection permit is needed for any/all fish species
- Note in majority of cases will need permits from all three agencies.

What activities do we cover?

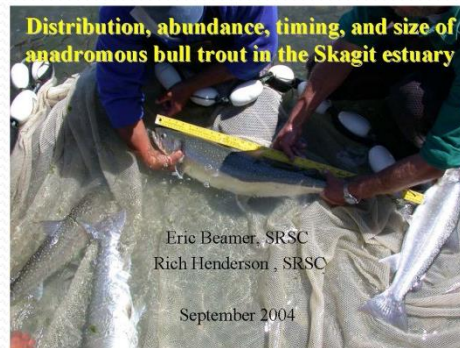
- **Direct (purposeful) take:** “disturbance”, capture, handling, release

Purposes:

- Scientific collection, research, monitoring, conservation & restoration actions

Methods:

- Various trapping, seining, electrofishing, angling, snorkeling, biosampling, tagging, etc.



General Sec 10 permit requirements

- General fish handling experience (resume or qualifications statement)
- Minimize handling time
- Avoid spawning fish
- Avoid periods of temperature stress
- Release as close to the point of capture
- “Take” (injury & mortality) limit
- Annual reporting

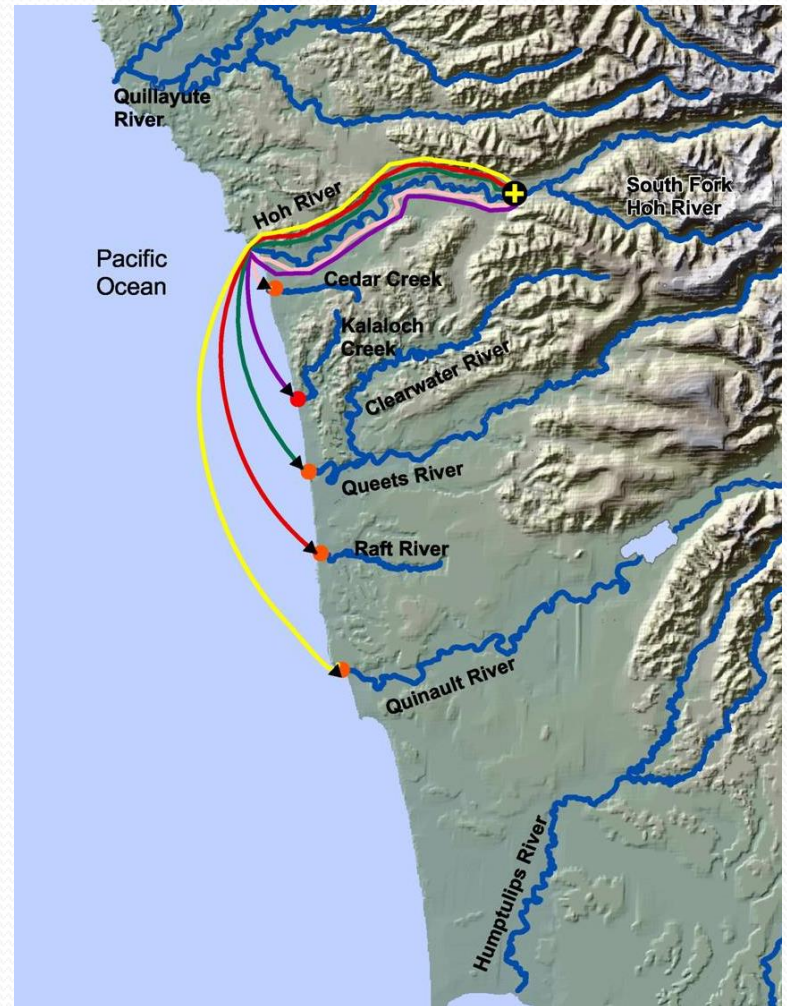


Electrofishing requirements

- Training (e.g., USFWS, NW Environmental Training Center, Smith-Root), or 40 hrs experience with qualified individual
- Conducted following the WDFW or NMFS Backpack Electrofishing Guidelines (June 2000)
- Conducted only in areas where adult bull trout or their redds are not observed
- *Electrofishing at the site will be terminated upon collection of bull trout.

Presence/absence disclaimer

- **“Please note that surveys resulting in no detections of bull trout may not be sufficient for the Service to conclude that bull trout are “absent” from a site. Bull trout may be difficult to detect under most sampling techniques (especially when occurring in low densities), may not be detected by limited survey efforts, or may only utilize certain stream reaches on a seasonal basis.”**





Seasonal distribution

Spawning & rearing habitat: year round

Foraging, migration, overwintering habitat (FMO) in core areas: year round

- Post-spawn adult out-migration (~Dec-Apr)
- Subadult (smolt) out-migration (~Jan-Sep)
- Adult spawning migration (~May-Aug)
- Adult overwintering (~Oct-Mar)
- Subadult overwintering migration (~Sep-Dec)

FMO outside of core areas: seasonal, (fall-spring)

AFS bull trout protocol

Protocol for Determining Bull Trout Presence

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USFWS Sec 10 Permit Stats

- ~ 6 non-govt permittees conducting “stream typing”
- 3 WDNR permittees (South Puget Sound Region, Olympic Region, Pacific Cascade Region)
- Capture/observation of bull trout has been minimal for “stream typing” efforts
- Information reported:
 - Fish species & numbers captured (occasionally including amphibians)
 - Stream and survey locations



Questions?

