

## Process for WDFW Scientific Collector's Permits -- DRAFT

### 1) Purpose of a Scientific Collector's Permit (SCP)

- a) *A scientific permit allows the holder to collect for **research** or display food fish, game fish, shellfish, and wildlife, including avian nests and eggs under conditions described by the director.*  
(RCW 77.32.240)
  - i) Stream typing and electrofishing are included under "Research". "Research" means scientific investigation, and includes education. Electrofishing is a form of scientific investigation.  
(WAC 220-20-045)

### 2) Interested Party applies for a SCP

- a) Applications can now be submitted online at WDFW's website.
- b) The fee for a scientific permit is \$12.00. The application fee is \$105.
- c) A separate permit application must be submitted for each project.
- d) Applications to collect for research purposes (including electrofishing) must be accompanied by:
  - i) A statement of the applicant's qualifications. (WAC 220-20-045)
  - ii) A study plan including:
    - (1) specific objectives,
    - (2) justification for project,
    - (3) method of collection,
    - (4) project start and end dates,
    - (5) project location,
    - (6) names of participants,
    - (7) names and numbers of species expected to be encountered or collected, and
    - (8) proposed final disposition of specimens collected.
- e) Treaty Tribes do not need a SCP for tribal or state lands. Non-treaty tribes do not need a SCP for tribal land, but do need a permit when off tribal lands.
- f) Federal, State and local governments are required to obtain SCPs.
- g) WDFW SCPs do NOT cover federal "take". Applicant must also obtain federal permit where necessary.

### 3) WDFW Commercial Licensing Unit receives application

- a) If terrestrial wildlife related (including amphibians), application goes to Wildlife Program SCP Coordinator.
- b) **\*If fish related**, application goes to Fish Program SCP Coordinator.
- c) If related to both wildlife and fish, application goes to both Program Coordinators.

### 4) Fish Program SCP Coordinator

- a) Determines who (within WDFW) needs to review application based on fish species and body of water and/or counties specified on application.
  - i) Reviewers are primarily Regional Fish Program biologists.

- ii) If “stream typing” box is checked under the Research category, then application also goes to regional Habitat Program biologists.
  - (1) **NOTE:** historically, many Habitat Program biologists have not engaged as much at this level, because they engage in the WTMF review process and their roles with the SCP process were uncertain. WDFW needs to provide better guidance to regional habitat biologists on their role with SCPs.
- iii) Outside entities are not included in review process.
- iv) Standard review period - 10 business days.
- b) As needed, Coordinator contacts applicant for clarity or for more information.
- c) Applies appropriate conditions, both general and specific.
  - i) “General” conditions apply to all permits, such as...
    - (1) An **annual report** as specified in the permit “general” conditions must be submitted to department upon completion of the research or display project, no later than 60 days after expiration of the permit. Issuance of future permits or permit renewals are subject to prior submission of project report. (WAC 220-20-045)
      - (a) **Annual Report** includes:
        - (i) Date of Collection
        - (ii) Specific locations (GPS Coordinates required)
        - (iii) Species collected (target and non-target)
        - (iv) Number of individuals collected (by species)
        - (v) Disposition of individuals (i.e., released unharmed)
      - (b) At this time, annual reports are disseminated to the district biologists and archived; no electronic database currently exists. No formal analyses are conducted.
    - (2) Permit must be in physical possession of any person exercising the privileges authorized by the permit.
- ii) “Specific” conditions depend upon species, location and/or method of collection.
  - (1) For instance, specific conditions apply when electrofishing is involved, such as...
    - (a) Permit holder is required to notify regional biologists prior to conducting electrofishing at site-specific locations.
    - (b) Due to lack of site-specificity upfront (for most stream typing), regional biologists can add site-specific conditions upon notification (e.g., local knowledge relevant to electrofishing site, presence of species of concern or spawning habitat, other site-species issues of concern, alternate methods, etc.).
    - (c) **NOTE:** Some permit holders have not notified biologists prior to conducting electrofishing at site-specific locations. SCP Coordinator is working to tighten down on this issue. Permit holders need to be reminded (by SCP Coordinator and TFW Stakeholders) that this is a required condition of the permit.
    - (d) **NOTE:** SCP requirement for pre-notification to WDFW is NOT the same as pre-consultation with WDFW prior to conducting protocol surveys. SCP pre-notification pertains more to electrofishing and harm to fish on a site-specific basis. Pre-consultation with WDFW prior to conducting protocol surveys is pertaining to how

the protocol survey and electrofishing informs the upper distribution of fish and fish habitat.

- iii) **NOTE:** Conditions generally are related to preventing “direct” harm to the resource (such as electrofishing can lead to mortality, injury, stress to fish adults or incubating eggs), not “indirect” harm (such as data results from protocol surveys and electrofishing could lead to lack of protection to fish habitat). The line here is not clearly resolved within WDFW as to how it fits into the agency mandate “to *preserve, protect, and perpetuate* fish and wildlife”. As pertaining to stream typing, previous thoughts were that stream typing fell under DNR’s jurisdiction, so WDFW did not have authority to condition SCPs for stream typing specifically. WDFW needs to work internally to clarify this issue.

#### **5) WDFW Approval and Denial of Permits**

- a) WDFW has 60 days to accept or deny permit after receipt of a complete application.
- b) Basis for denial:
  - i) Project conflicts with [WDFW] existing activities or conservation goals.
  - ii) Applicant was a prior permit holder and failed to submit required reports.
  - iii) Applicant or any other person involved in the collection has a history of fish or wildlife violations.

#### **6) Appeal Process**

- a) A person who is denied a SCP, who disputes the conditions of a permit, or who has a permit revoked may appeal the department action. Appeals must be filed in writing, and delivered to Legal Services, Department of Fish and Wildlife. Specific grounds for contesting the revocation, denial, or permit conditions must be stated in the appeal. An appeal will be held under the provisions of RCW 34.05, the Administrative Procedures Act. (WAC 220-20-045)

#### **7) Agency can amend or revoke permit at any time**

- a) *A permit holder who violates this section shall forfeit the permit and bond and shall not receive a similar permit for one year.* (RCW 77.32.240)
- b) *It is unlawful to fail to comply with any of the provisions of the permit ...* (WAC 220-20-045)
- c) *A scientific collection permit may be revoked for violating the conditions of the permit.* (WAC 220-20-045)

#### **8) Other issues to examine further concerning SCPs**

- a) Jurisdictional roles between DNR and WDFW concerning electrofishing and stream typing. There may be some overlap; the exact line is not yet clear. DNR and WDFW would need to consult their legal authorities to clarify this.