



Oregon

Kate Brown, Governor

Department of Fish and Wildlife

Fish Division

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2017 - SCIENTIFIC TAKING PERMIT – FISH

Permit Holder: Troy Brandt

Permit Number: 21468

Dates: 7/18/17-9/15/17



Project Title: Smith and Bybee Wetlands Channel Management Restoration Project

Organization: River Design Group, Inc.

Address: 311 SW Jefferson Avenue, Corvallis, OR 97333

Phone: (503)307-8367

Email: tbrandt@riverdesigngroup.net

Federal Authorization: **NMFS Section 7 Programatic Biop: SLOPES V Restoration biological opinion-signed 3/19/13- Chinook Salmon, Snake River fall-run (NMFS Threatened); Chinook Salmon, Snake River spring/summer-run (NMFS Threatened); Sockeye Salmon, Snake River (NMFS Endangered); Steelhead, Upper Columbia River (NMFS Threatened); Steelhead, Snake River Basin (NMFS Threatened); Steelhead, Upper Willamette River (NMFS Threatened); Chinook Salmon, Lower Columbia River (NMFS Threatened); Chinook Salmon, Upper Columbia River spring-run (NMFS Endangered); Chum Salmon, Columbia River (NMFS Threatened)**

Principal Investigator: Troy Brandt

Co-Investigator(s): Peter Gruendike

PI Signature: _____ CI Signature(s): _____

Location(s): **Sub Basin (4th Field HUC):** Lower Willamette **Waterbody Name:** Smith Lake and Bybee Lake - Columbia Slough **Township:** 2N **Range:** 1E **Section:** 31 **Latitude:** 45.611169 **Longitude:** -122.732408
UTM Zone: 10N **Eastings:** 520864 **Northing:** 5050882

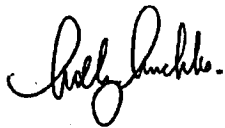
Location Description: The Smith-Bybee Wetlands Natural Area is located between the Columbia Slough, Willamette River, and the Columbia River near Hayden Island on the northwest side of Portland. The property is managed by Metro.

CONDITIONS AND AUTHORIZATION OF THIS PERMIT:

1. The Permit Holder, Principal Investigator, Co-Investigator, and all people working under their supervision shall at all times observe and comply with all federal and state laws, including the Endangered Species Act of 1973, as amended, and lawful regulations issued thereunder, which relate to threatened or endangered plant or animal species while performing activities described in the permit application. ODFW's approval of this permit does not certify that Permittee's activities described in its application are lawful under the federal ESA. Permittee's compliance with permit conditions is not in lieu of compliance with any federal requirements related to the federal Endangered Species Act. General conditions of Oregon Revised Statutes and Oregon Administrative Rules apply to this permit that cannot be used in lieu of any permit required by federal law or regulation. Permission to sample in areas where federally protected fish may occur is contingent upon the permittee obtaining necessary authorization from the appropriate federal agency and acting in accordance with the conditions established by the federal government. If a condition on this permit conflicts with a condition on a federal permit or authorization, then the permittee must comply with the more restrictive condition.
2. This permit is not transferable and must be carried while collecting. The Principal Investigator and all Co-Investigators must sign their own copy of the permit.
3. Persons not named on the permit may assist in collecting only while accompanied by the Principal Investigator or Co-investigator(s) listed above.

4. Access to private property is contingent on landowner permission. This permit does not authorize trespassing.
5. This permit is not valid in any refuge, park, city, wildlife area, or area closed to collection without written approval of manager or administrator.
6. Sampling must be coordinated with local District Biologists of the Oregon Department of Fish and Wildlife and officials of the Oregon State Police and they must be notified prior to sampling.
7. An annual activity/collection report associated with this permit must be submitted to ODFW by December 31, 2017 via <https://apps.nmfs.noaa.gov/>. Renewal of this permit will not be issued until ODFW reviews and approves the annual activity/collection report. All fish, crayfish, and mussel take must be recorded in the annual report. Take is defined as harass, harm, pursue, hunt, shoot, wound, kill, trap, control, capture, or collect, or to attempt to engage in any such conduct.
8. In-water work must occur during the appropriate in-water work window (http://www.dfw.state.or.us/lands/inwater/oregon_guidelines_for_timing_of_%20InWater_work2008.pdf). Exceptions to in-water work periods must be approved by the local ODFW District Fish Biologist and submitted to the ODFW ESA staff in writing prior to commencing work outside the approved in-water work windows.
9. May rescue or salvage fish and invertebrates (crayfish and mussels) during in-water construction area isolation as described in this final OR STP and the attached APPS take table and permit. After examination and recovery, all fish should be released as soon as possible, unharmed, in nearby free-flowing water or as instructed by local ODFW biologists. Prior to release, fish should be held in fresh, cool, aerated water.
10. May only conduct activities via methods as described in the attached APPS permit. Actual distribution of take among sites is authorized as described in the APPS permit application. All numbers of fish authorized in this permit and the attached APPS permit take table are annual totals.
11. Indirect mortality may not exceed 10%. Mortality rates are calculated as a percentage of total catch, not to exceed the number as described in the take tables in the permit application. In the event that mortality for any species exceeds this rate, the permittee should contact ODFW ESA staff, (503-947-6254 or 541-464-2185) prior to any further activity.
12. Follow FDA approved protocols and use only FDA approved substances for anesthetizing fish.
 - a) MS-222 may not be used where fish may be subject to sport harvest fisheries within 21 days;
 - b) Clove oil may not be used at all;
 - c) AQUI-S® may be used as an alternative to MS-222. To use AQUI-S® 20E as an immediate release sedative in freshwater fish for field-based activities, permit holder must sign up to participate in USFWS-AADAP INAD 11-741 and must comply with the requirements as set forth in the INAD Study Protocol for AQUI-S® 20E (for more information go to www.fws.gov/fisheries/aadap).
 - d) Carbon dioxide can be used as a fish anesthetic as per FDA rules and requires no withdrawal time;
 - e) Electro-anesthesia can be used as a fish anesthetic as an alternative to chemicals, and requires no withdrawal time.
13. If sampling in multiple sub-basins (4th field HUCs), we recommend that after each sampling event concludes all gear is cleaned and/or allowed to completely dry to prevent the spread of invasive species.
14. If you approach your permitted take or percent indirect mortality at a location and still have sampling to conduct, or would like to revise your sampling methods or procedures; please contact the ODFW ESA staff as soon as possible to request a permit modification so that you can continue your project.

ISSUED BY:



DATE: 7/18/17

Holly Huchko
Endangered Species Act Specialist
541-464-2185

Distribution: Brandt-RDG; Fish Research, Weaver, Alsbury, Walczak -ODFW

OREGON FISH BIOLOGISTS CONTACT DETAILS updated 7.13.17

ODFW District Biologist	Phone	E-mail	Watershed District	Office
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* = Assistant Fish Biologist