



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**National Marine Fisheries Service**  
Northwest Region  
7600 Sand Point Way NE  
Seattle, Washington 98115

June 17, 2009 F/NWR3

Mr. Robert Lothrop  
Manager, Policy Development and Litigation Support  
Columbia River Inter-Tribal Fish Commission  
729 N.E. Oregon Street  
Suite 200  
Portland, Oregon 97232

Re: Permit 1134-4M

Dear Mr. Lothrop:

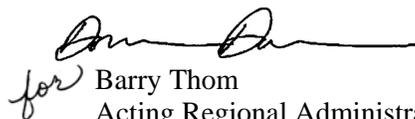
Enclosed is Scientific Research Permit 1134-4M issued to the Columbia River Inter-Tribal Fish Commission (CRITFC) under the authority of Section 10(a)(1)(A) of the Endangered Species Act. The permit authorizes the CRITFC to annually take listed salmonids while conducting Five Research Projects on Salmon and Steelhead in Idaho and Oregon.

The National Marine Fisheries Service (NMFS) requires that the individuals acting under the authority of Permit 1134-4M review the permit before engaging in the permitted activities. Please sign and date the last page then fax a copy of it (or mail a photocopy) to our office to the attention of Robert Clapp. Our fax number is (503) 230-5441. Please note that you are not authorized to conduct activities under Permit 1134-4M until our office receives a signed copy of the signature page.

Your attention is directed to Section B(19) which describes the annual report and annual authorization requirements. Permit 1134-4M is subject to annual authorization based on your reported annual take and compliance with the authorization requirements. Annual reports are due by January 31 each year. Permit 1134-4M expires on December 31, 2012.

If you have any questions concerning the permit, please contact Robert Clapp at (503) 231-2314.

Sincerely,

  
for Barry Thom  
Acting Regional Administrator

Enclosure

cc: File copy - [1134-4M], F/EN6 - NMFS Enforcement (Raneses), F/NWC1 - Northwest Fisheries Science Center (Ferguson)



National Marine Fisheries Service (NMFS)  
Endangered Species Act (ESA) Section 10(a)(1)(A) Research Permit  
(16 U.S.C. §§ 1531-1543) (50 CFR Parts 222-226)

Permit Number: 1134-4M  
Permit Type: Scientific Research  
Expiration Date: December 31, 2012  
Reporting Period: January 1 through December 31  
Annual Report Due: January 31

Permit Holder: Robert Lothrop  
Manager, Policy Development and Litigation Support  
Columbia River Inter-Tribal Fish Commission  
Address: 729 N.E. Oregon Street  
Suite 200  
Portland, Oregon 97232  
Phone: (503) 238-0667  
Email: lotr@critfc.org

Primary Contact: Jason Vogel  
Research Division Deputy Director, Fisheries Resources  
Nez Perce Tribe  
Address: P.O. Box 365  
Lapwai, Idaho 83540  
Phone: (208) 843-7145  
Email: jasonv@nezperce.org

Principal Investigator(s): Jay Hesse, Jason Vogel, Paul Kucera, Jim Harbeck, Jerald Lockhart, Wesley Keller, William Young, Sherman Sprague, Billy Arnsberg, Peter Cleary, Craig Rabe, Dougleas Nelson, Brian Michaels, Clint Chandler, Heidi McRoberts, Scotte Keller, Michael Blenden, Ryan Johnson, Thomas Backman, Danielle Schiff, Ryan Kinzer, Neal Espinosa, Shannon Richardson, Bobby Hills

Co-investigator(s): Jay Hesse, Jason Vogel, Paul Kucera, Jim harbeck, Jerald Lockhart, Wesley Keller, William Young, Sherman Sprague, Billy Arnsberg, Peter Cleary, Craig Rabe, Dougleas Nelson, Brian Michaels, Clint Chandler, Heidi McRoberts, Scotte Keller, Michael Blenden, Ryan Johnson, Thomas Backman, Danielle Schiff, Ryan Kinzer, Neal Espinosa, Shannon Richardson, Bobby Hills

Authorization:

The CRITFC is hereby authorized to conduct research activities that will take salmonid species listed under the ESA. The taking is subject to the provisions of section 10(a)(1)(A) of the ESA

(16 U.S.C. §§ 1531-1543), NMFS regulations governing permits to take listed species, and the conditions set forth in this permit. The species are:

Snake River (SR) spring/summer (spr/sum) Chinook (*Oncorhynchus tshawytscha*)  
SR fall Chinook salmon (*O. tshawytscha*)  
SR steelhead (*O. mykiss*)

Abstract:

The CRITFC is hereby authorized to annually take listed salmonids while conducting research designed to monitor the status of listed species in the Snake River basin and to use those data to inform decisions about land- and fisheries management actions and to help prioritize and plan recovery measures for the listed species. Under the proposal, the studies would continue to benefit listed species by generating population abundance estimates, allowing comparisons to be made between naturally reproducing populations and those being supplemented with hatchery fish, and helping preserve listed salmon and steelhead genetic diversity. The research comprises five projects, they are: Project 1—Adult Spring/summer and Fall Chinook Salmon and Summer Steelhead Ground and Aerial Spawning Ground Surveys; Project 2—Cryopreservation of Spring/summer Chinook Salmon and Summer Steelhead Gametes; Project—Adult Chinook Salmon Abundance Monitoring Using Video Weirs, Acoustic Imaging, and PIT tag Detectors in the South Fork Salmon River; Project 4—Snorkel, Seine, fyke net, Minnow Trap, and Electrofishing Surveys and Collection of Juvenile Chinook Salmon and Steelhead; and Project 5—Juvenile Anadromous Salmonid Emigration Studies Using Rotary Screw Traps. Under these tasks, listed adult and juvenile salmon would be variously (1) observed/harassed during fish population and production monitoring surveys; (2) captured (using seines, trawls, traps, hook-and-line angling equipment, and electrofishing equipment) and anesthetized; (3) sampled for biological information and tissue samples, (4) PIT-tagged or tagged with other identifiers, (5) and released. The CRITFC does not intend to kill any of the fish being captured, but a small percentage may die as a result of the research activities.

A. Take Descriptions and/or Levels

This permit is for activities to be conducted over an approximately five-year period. Annual take levels (listed below) are subject to NMFS' annual authorization process (see Section B - Conditions).

**Authorized Take by Species, Life Stage, Origin, and Activity for Project 2 of Permit 1134  
(C=Capture, H=Handle, T=Tag, TS=tissue sample, M=Mark, R=Release.)**

Listed Species	Life Stage	Origin*	Take Activity	# of Fish Authorized for Take	Authorized Unintentional Mortality	Research Location	Research Period
SR Spr/sum Chinook	Adult	Natural	C/H/TS/M/R	2067	11	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Spr/sum Chinook	Adult	Hatchery Non-Ad-Clipped	C/H/TS/M/R	178	1	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Adult	Natural	C/H/TS/M/R	410	9	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

\*There are no take prohibitions on hatchery fish that have had their adipose fins clipped. Therefore, while ad-clipped fish take was examined in Consultation Number 2007/09067, the only hatchery fish that need appear in this permit are those with intact adipose fins.

**Authorized Take by Species, Life Stage, Origin, and Activity for Project 4 of Permit 1134  
(C=Capture, H=Handle, T=Tag, TS=tissue sample, M=Mark, R=Release.)**

Listed Species	Life Stage	Origin*	Take Activity	# of Fish Authorized for Take	Authorized Unintentional Mortality	Research Location	Research Period
SR Spr/sum Chinook	Juvenile	Natural	C/H/R	2365	10	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Spr/sum Chinook	Juvenile	Hatchery Non-Ad-Clipped	C/H/R	715	3	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

SR Spr/sum Chinook	Juvenile	Natural	C/H/T/M/R	2365	24	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Spr/sum Chinook	Juvenile	Hatchery Non-Ad-Clipped	C/H/T/M/R	715	7	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Natural	C/H/R	5,000	20	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Hatchery Non-Ad-Clipped	C/H/R	8,300	32	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Natural	C/H/T/M/R	10,000	100	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Hatchery Non-Ad-Clipped	C/H/T/M/R	10,800	156	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Juvenile	Natural	C/H/R	16,267	485	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

SR Steelhead	Juvenile	Hatchery Non-Ad-Clipped	C/H/R	30,311	1,350	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Juvenile	Natural	C/H/T/M/R	2500	25	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

\*There are no take prohibitions on hatchery fish that have had their adipose fins clipped. Therefore, while their take was examined in Consultation Number 2007/09067, the only hatchery fish that need appear in this permit are those with intact adipose fins.

**Authorized Take by Species, Life Stage, Origin, and Activity for Project 5 of Permit 1134 (C=Capture, H=Handle, T=Tag, TS=tissue sample, M=Mark, R=Release.)**

Listed Species	Life Stage	Origin*	Take Activity	# of Fish Authorized for Take	Authorized Unintentional Mortality	Research Location	Research Period
SR Spr/sum Chinook	Adult	Any	C/H/R	90	0	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Spr/sum Chinook	Juvenile	Natural	C/H/R	450,000	1,750	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Spr/sum Chinook	Juvenile	Hatchery Non-Ad-Clipped	C/H/R	21,000	105	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Spr/sum Chinook	Juvenile	Natural	C/H/T/M/R	75,000	450	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

SR Spr/sum Chinook	Juvenile	Hatcher y Non-Ad-Clipped	C/H/T/M/R	3,500	21	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Natural	C/H/R	20,000	100	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Hatcher y Non-Ad-Clipped	C/H/R	50,000	250	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Natural	C/H/T/M/R	8,000	80	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Fall Chinook	Juvenile	Hatcher y Non-Ad-Clipped	C/H/T/M/R	2,000	20	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Adult	Natural	C/H/R	160	0	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Juvenile	Natural	C/H/R	108,750	375	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

SR Steelhead	Juvenile	Hatchery and Non-Ad-Clipped	C/H/R	7,250	25	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Juvenile	Natural	C/H/T/M/R	20,250	112	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December
SR Steelhead	Juvenile	Hatchery and Non-Ad-Clipped	C/H/T/M/R	1,350	8	Several tributaries to the Snake and Salmon Rivers in Idaho and Oregon	January - December

\*There are no take prohibitions on hatchery fish that have had their adipose fins clipped. Therefore, while their take was examined in Consultation Number 2008/09024, the only hatchery fish that need appear in this permit are those with intact adipose fins.

#### B. Conditions Common to All Research Permits Issued by NMFS' Northwest Region

Not all of these conditions may apply to the specific actions authorized by this permit.

Nonetheless, failure to adhere to any condition that does apply may cause NMFS to revoke the permit.

1. The permit holder must ensure that listed species are taken only at the levels, by the means, in the areas and for the purposes stated in the permit application, and according to the conditions in this permit.
2. The permit holder must not intentionally kill or cause to be killed any listed species unless the permit specifically allows intentional lethal take.
3. The permit holder must handle listed fish with extreme care and keep them in cold water to the maximum extent possible during sampling and processing procedures. When fish are transferred or held, a healthy environment must be provided; e.g., the holding units must contain adequate amounts of well-circulated water. When using gear that captures a mix of species, the permit holder must process listed fish first to minimize handling stress.
4. Each researcher must stop capturing and handling listed fish if the water temperature exceeds 70 degrees Fahrenheit at the capture site. Under these conditions, listed fish may only be identified and counted. Additionally, electrofishing is not permitted if water temperatures exceed 64 degrees Fahrenheit.
5. If the permit holder anesthetizes listed fish to avoid injuring or killing them during handling, the fish must be allowed to recover before being released. Fish that are only counted must

remain in water and not be anesthetized.

6. The permit holder must use a sterilized needle for each individual injection when passive integrated transponder tags (PIT-tags) are inserted into listed fish.
7. If the permit holder unintentionally captures any listed adult fish while sampling for juveniles, the adult fish must be released without further handling and such take must be reported.
8. The permit holder must exercise care during spawning ground surveys to avoid disturbing listed adult salmonids when they are spawning. Researchers must avoid walking in salmon streams whenever possible, especially where listed salmonids are likely to spawn. Visual observation must be used instead of intrusive sampling methods, especially when just determining fish presence.
9. The permit holder using backpack electrofishing equipment must comply with NMFS' Backpack Electrofishing Guidelines (June 2000) available at <http://www.nwr.noaa.gov/ESA-Salmon-Regulations-Permits/4d-Rules/upload/electro2000.pdf>.
10. The permit holder must obtain approval from NMFS before changing sampling locations or research protocols.
11. The permit holder must notify NMFS as soon as possible but no later than two days after any authorized level of take is exceeded or if such an event is likely. The permit holder must submit a written report detailing why the authorized take level was exceeded or is likely to be exceeded.
12. The permit holder is responsible for any biological samples collected from listed species as long as they are used for research purposes. The permit holder may not transfer biological samples to anyone not listed in the application without prior written approval from NMFS.
13. The person(s) actually doing the research must carry a copy of this permit while conducting the authorized activities.
14. The permit holder must allow any NMFS employee or representative to accompany field personnel while they conduct the research activities.
15. The permit holder must allow any NMFS employee or representative to inspect any records or facilities related to the permit activities.
16. The permit holder may not transfer or assign this permit to any other person as defined in Section 3(12) of the ESA. This permit ceases to be in effect if transferred or assigned to any other person without NMFS' authorization.
17. NMFS may amend the provisions of this permit after giving the permit holder reasonable notice of the amendment.
18. The permit holder must obtain all other Federal, state, and local permits/authorizations

needed for the research activities.

19. On or before January 31<sup>st</sup> of every year, the permit holder must submit to NMFS a post-season report in the prescribed form describing the research activities, the number of listed fish taken and the location, the type of take, the number of fish intentionally killed and unintentionally killed, the take dates, and a brief summary of the research results. The report must be submitted electronically on our permit website, and the forms can be found at <https://apps.nmfs.noaa.gov/>. Falsifying annual reports or permit records is a violation of this permit.

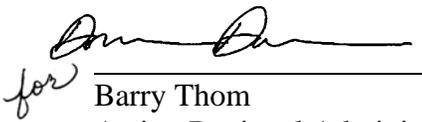
20. If the permit holder violates any permit condition they will be subject to any and all penalties provided by the ESA. NMFS may revoke this permit if the authorized activities are not conducted in compliance with the permit and the requirements of the ESA or if NMFS determines that its ESA section 10(d) findings are no longer valid.

22. Listed fish mortalities and tissue samples will be analyzed/archived at the the Nez Perce Tribe, CRITFC, and several state fish and game agencies and universities--when they are not returned to the cpature site.

C. Penalties and Permit Sanctions

1. Any person who violates any provision of this permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the ESA and 15 CFR part 904 [Civil Procedures].

2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR part 904.

*for*   
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Barry Thom  
Acting Regional Administrator

June 17, 2009  
Date

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Robert Lothrop  
Manager, Policy Development and Litigation Support  
Columbia River Inter-Tribal Fish Commission

\_\_\_\_\_  
Date