NATIONAL MARINE FISHERIES SERVICE
SECTION 10(a)(1)(A) PERMIT FOR TAKES OF ENDANGERED/THREATENED SPECIES

 Permit Number: 23163
 Permit Type: Scientific Research/Enhancement
 Program Name: Wells Complex Summer Steelhead Program
 Expiration Date: December 31, 2029

 Joint Permit Holders:
 Washington Department of Fish and Wildlife
 600 Capitol Way N
 Olympia, WA 98501-1091

 Public Utility District No. 1 of Douglas County
 1151 Valley Mall Parkway
 East Methow, WA 98802

 Contact:
 Kelly Susewind
 Director
 Phone: (360) 902-2225
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 Shane Bickford
 Natural Resource Supervisor
 Phone: (509) 881-2208
 FAX: (509) 884-0553

Authorization
The Washington Department of Fish and Wildlife (WDFW), and Public Utility District No. 1 of Douglas County (DPUD) are hereby authorized to take threatened Upper Columbia River (UCR) steelhead (Oncorhynchus mykiss) for scientific research/enhancement purposes subject to the provisions of Section 10(a)(1)(A) of the Endangered Species Act (ESA) of 1973 (16 U.S.C.1531 et seq.), National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Part 217-222), and the conditions hereinafter set forth.

Permit Description
This permit authorizes the WDFW and DPUD (hereafter referred to as Permit Holders, and meaning any employee, contractor, or agent of any of the Permit Holders), to take naturally produced and artificially propagated ESA-listed adult and juvenile, threatened UCR summer steelhead in the course of operating the Wells Complex Summer Steelhead Program, including associated monitoring and evaluation (M&E) activities. The effects of issuance of this permit on ESA-listed species were analyzed in NMFS (2017).

Description of Proposed Hatchery Program
This hatchery program is part of the Wells Anadromous Fish Agreement and Habitat Conservation Plan (HCP) (Douglas County Public Utility District 2002), and is funded and
operated by DPUD with associated M&E performed by both DPUD and WDFW currently under contract to DPUD. A portion of this production is on behalf of the Public Utility District No. 2 of Grant County (GPUD) to meet their obligations under their Salmon and Steelhead Settlement Agreement (SSSA) and associated biological opinions. The purpose of the program is to replace losses of steelhead caused by unavoidable project mortality at the Wells and Priest Rapids projects and to rebuild natural populations. The Wells HCP Hatchery Committee (HC) and the Priest Rapids Coordinating Committee Hatchery Sub-committee (HSC) oversee implementation of this program. The HC and HSC act through regularly scheduled meetings and by unanimous consent. In addition to specific requirements in the HCP, this hatchery program must comply with the provisions of Section 10(a)(1)(A) of the ESA of 1973 (16 U.S.C. §§ 1531-1543), with NMFS regulations governing ESA-listed species permits (50 CFR Parts 222-226), and with the conditions in this permit. To ensure the Permit Holders’ program meets the requirements of section 10(a)(1)(A) of the ESA, hatchery operations will be adaptively managed following the framework established in the HCP and SSSA, on the basis of an extensive monitoring and evaluation plan, and the terms and conditions described in this permit.

Wells Complex Summer Steelhead broodstock collection, hatchery rearing, M&E, and gene flow management activities authorized under this permit include:

- The collection, holding, handling, transporting, and sampling of adults for broodstock
- The artificial spawning of collected adults at the Wells, Methow, and Winthrop hatcheries or other locations as approved by the HC
- The incubation and propagation of fertilized eggs collected during spawning and the rearing of those eggs through to the fingerling, pre-smolt, or smolt life stage at Wells and Methow hatcheries or other locations as approved by the HC (the culture of GPUD’s Okanogan production will only occur at Wells Hatchery)
- The transporting of juvenile steelhead to acclimation or release locations in the Methow and Okanogan subbasins
- The release of juvenile steelhead into the Methow Subbasin and Columbia River
- The removal of excess hatchery steelhead adults before natural spawning at established trapping sites or using established collection methods (i.e., by hook-and-line angling) or by other means approved by the HC, toward the achievement of HC approved escapement, proportion of hatchery-origin spawners (pHOS), and/or proportionate natural influence (PNI) goals

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1 The transport, acclimation, release and natural environment monitoring of the Okanogan production was addressed in NMFS (2017). Wells Hatchery staff will transport some or all of the steelhead to acclimation sites in the Okanogan, or releases sites, but only to release sites if Confederated Tribes of the Colville Reservation personnel are present to take responsibility for the release.
• The M&E of the hatchery program in the hatchery and natural environment as required to assess the effects of the program on natural-origin steelhead

• Any enhancement activities not addressed in this permit will be as described in the Hatchery and Genetics Management Plan (HGMP) and supplemental materials (DPUD and WDFW 2010; DPUD and WDFW 2012)

In writing the Section 10 application for this permit, State, Federal, and Tribal fisheries managers\(^2\) agreed that the risks associated with the Wells Complex Summer Steelhead Hatchery Program were outweighed by the benefits of the program to the DPS. The operation of this hatchery program requires consideration of the tradeoff between short-term extinction risk posed by abundance-based and demographic factors that exist in the absence of a conservation hatchery program versus risks such a program poses to population productivity and diversity. In NMFS’s opinion, a hatchery program can only “enhance” a population when the natural population is better off with the hatchery program than without it. Therefore, a hatchery program that causes direct and/or incidental take of listed species must provide a clear benefit to conservation and survival of the species to justify the take incurred.

This permit clearly delineates the specific roles and responsibilities of the Permit Holders. However, the failure of one Permit Holder to satisfy their conditions may result in the loss of take authorization for all Permit Holders. Thus, NMFS urges effective collaboration between Permit Holders in carrying out the authorized activities.

The DPUD has an independent responsibility to meet hatchery compensation obligations described in the HCP and Biological Opinion (NMFS 2017). The DPUD will:

• Provide and maintain hatchery capacity for the Wells Complex Summer Steelhead Program
• Provide funding for and/or conduct hatchery operations including collecting adults for broodstock and adult management, spawning, incubation, rearing and acclimation or direct planting at Wells and Methow Hatcheries or at other locations approved by the HC and HSC
• Provide funding for and/or conduct within-hatchery and natural-environment M&E under Section 8 of the HCP, and relevant sections in the Biological Opinion (NMFS 2017).
• Fund, maintain, and operate the Wells Dam and Wells Hatchery traps, Twisp weir, and Methow volunteer channel, including staff necessary to conduct broodstock collection and gene-flow management activities

The WDFW has an independent responsibility and authority to conduct activities necessary to manage fisheries resources of the State of Washington, but is also currently under contract to DPUD to implement components of the M&E program. The WDFW will:

\(^2\) WDFW, the US Fish and Wildlife Service, The Confederated Tribes of the Colville Reservation, and the Confederated Tribes and Bands of the Yakama Nation

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• Conduct hatchery operations associated with trapping and M&E as contracted;
• Remove surplus hatchery-origin adults returning to the Methow Subbasin and Wells Columbia River program to achieve gene-flow targets at one or more of the following: Wells Dam, Wells Hatchery, Methow Hatchery volunteer channel, Winthrop National Fish Hatchery (WNFH), Twisp weir, and other locations approved by the HC;
• Develop, coordinate, and implement adult management related (surplussing) plans (where removal at dams, traps, or weirs is required) and activities where and when necessary, with the appropriate co-manager(s) and operators;
• Coordinate and issue any applicable/necessary State of Washington fish transport and/or stocking (release) permits for the implementation of DPUD steelhead programs;
• Remove residual hatchery-origin juveniles encountered during adult collection or M&E activities, or during fishway dewatering at Wells Dam.

Annual Planning

This Permit provides for ongoing, active adaptive management pursuant to the terms of the HCP, and Biological Opinion (NMFS 2017). Adjustments to the program may be made by the HCP HC or Coordinating Committee (CC), which meet on a monthly basis to discuss issues regarding upper Columbia River hatchery programs and fish passage facilities, provided they are made within the constraints of this permit and subject to the provisions of Section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1543), and NMFS regulations governing ESA-listed species permits (50 CFR Parts 222-226). Such program adjustments do not require modification of the Permit, provided that any adjustment will not result in a level or type of direct or incidental take in excess of that otherwise allowed by this Permit and by the incidental take statement (ITS). NMFS participates in the HCP, HC, and CC and notifies parties, in writing, if concerns arise and what steps should be taken to address those concerns (see reporting section below).

Take Description and Levels

This permit authorizes the take of ESA-listed species as outlined below. Take will include any of the following: harassment; capture; handling; collection; transport; holding; lethal or live spawning; biological sampling; tagging; and live release of marked and unmarked steelhead. General and specific conditions and limits on direct take are enumerated below. Take exceeding the specified levels must be reported as described in section C of this permit.

A. Direct Take Limits

The basis for authorizing the annual direct take of a threatened or endangered species is that the take will result in a net benefit to the species. Pursuant to Section 10(a)(1)(A) of the ESA, “[t]he Secretary may permit, under such terms and conditions as he shall prescribe, any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species.”
Table 1. Permissible quantifiable direct take of listed Methow steelhead for the operation, monitoring, and evaluation associated with the Wells Complex Summer Steelhead Program. HOR = hatchery-origin returns; NOR = natural-origin returns.

<table>
<thead>
<tr>
<th>Type of take</th>
<th>Amount of Annual Take</th>
<th>Mortality</th>
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<tbody>
<tr>
<td></td>
<td>Handle</td>
<td>Adult</td>
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<td>Enhancement activities</td>
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<tr>
<td>Broodstock collection</td>
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<td>Adult/juvenile removal for gene flow and residualism management</td>
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<td>Adult biological sampling</td>
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<td>Juvenile rearing</td>
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<tr>
<td>M&amp;E activities</td>
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<tr>
<td>Juvenile population monitoring</td>
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1 No more than 33 percent of the natural-origin fish in the run may be retained for broodstock.

B. Special Conditions

General Handling of ESA-listed Fish

1. The Permit Holders shall apply measures to minimize harm to ESA-listed fish. These measures include, but are not limited to: limits on the duration (hourly, daily, weekly) of trapping; limits on holding time before release; and allowance for free passage through trapping sites when those sites are not actively operated.

2. All ESA-listed species must be handled carefully. Should NMFS determine that a procedure provided for under this permit is no longer acceptable, the Permit Holders must immediately cease such activity after notification by NMFS until NMFS identifies and approves an acceptable substitute procedure. NMFS shall promptly identify an appropriate remedy.

3. Each ESA-listed fish handled for obtaining biological information must be anesthetized. Anesthetized fish must be allowed to recover (e.g., in a recovery tank) before being released. Fish that are assessed without handling must remain in water, but do not need to be anesthetized.

4. ESA-listed fish must be handled with extreme care and kept in water to the maximum extent possible during sampling and processing procedures. Adequate circulation and replenishment of water in holding units is required. When using methods that capture a...
mix of species, ESA-listed fish must be processed first. The transfer of ESA-listed fish must be conducted using equipment that adequately holds water during transfer.

5. ESA-listed fish must not be handled when water temperature exceeds 21°C (69.8°F) at the capture site. Trap operation shall cease until either temperature drops below the threshold, or pending further consultation with NMFS to determine if continued trap operation poses substantial risk to ESA-listed species. Under these conditions, ESA-listed fish may only be identified and counted.

6. Visual observation or other non-invasive protocols must be used instead of intrusive sampling methods whenever possible. This is especially appropriate when merely ascertaining the presence of anadromous fish.

**Broodstock Collection**

7. Up to 100 percent of returning adult steelhead may be captured, handled, transported, and/or released at dams or other locations, or other collection locations as approved by the HC to accomplish broodstock goals, remove excess hatchery-origin spawners, conduct stock assessment and run composition evaluations, manage gene flow, and for dam passage or other HCP HC approved studies.

8. Broodstock collection will target the retention of adults necessary to meet the full conservation program to the extent that the 33 percent NOR extraction rate and Methow Subbasin 500 total spawner abundance minimum allows (in coordination with WNFH). Any natural-origin adults shall be released as soon as it is determined that those fish are not required for broodstock. The HC can adjust the broodstock number and origin as needed to reflect changes in fecundity, age structure, and other life history parameters through the annual Broodstock Collection Protocols.

9. Up to 20 percent of the annual natural-origin steelhead run at Wells Dam may be sampled biologically to conduct stock assessment, run composition, and dam passage evaluations. The Wells HCP Coordinating Committee must approve all schedules for ladder trapping at Wells Dam prior to implementation of trapping activities.

**Gene Flow Management**

10. When the estimated total steelhead spawners in the Methow Subbasin is < 500, the Permit Holders will operate the hatchery program to achieve 500 total spawners as a Methow basin-wide minimum.

11. When the total number of Methow Subbasin spawners is estimated at > 500, the Permit Holders will manage to a PNI target of 0.67 estimated as a five-year running average, beginning in 2023 for the Methow River steelhead population. This target will include a pHOS maximum of 0.25 in the Upper Methow River and primary tributaries (see Figure 2 in (NMFS 2017)), with 0.20 percent shared between the Twisp component of the Wells Complex program and the WNFH Steelhead Program, and ≤ 0.05 allowable pHOS for...

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the Methow safety-net and Columbia mainstem components of the Wells Complex Steelhead Program. Prior to 2023 Methow River PNI will be $\geq 0.45$.

12. Hatchery-origin adults may be removed at any of the following trapping locations: Methow Hatchery, WNFH, Twisp weir, Wells Hatchery, and Wells Dam (subject to limitations on ladder-trapping schedules as determined by the Wells HCP Coordinating Committee), and during hook-and-line broodstock collection in the Methow or Columbia rivers, as necessary to achieve the applicable annual pHOS and PNI targets.

13. Hatchery-origin steelhead from outside the Methow Subbasin that are encountered incidentally at any of the fish collection sites in the Methow Subbasin shall not be returned to waters of the Methow Subbasin.

14. NMFS expects that strays into the Entiat, Wenatchee and Okanogan Rivers from the Wells Complex Steelhead Program\(^3\) will comprise no more than five percent of the recipient population's spawners (along with the Winthrop National Fish Hatchery Steelhead Program), averaged over five years beginning in 2019. In addition, steelhead from the mainstem Columbia releases will comprise no more than five percent of the Methow population's spawners.

15. In the event that the five-year running average PNI and pHOS targets are not met five years after implementation of this permit, the Permit Holders will discuss with NMFS the remaining challenges and potential solutions for achieving gene-flow targets.

**Fish Culture**

16. NMFS recognizes the need for management flexibility. Therefore, changes in fish-culture protocols consistent with best management practices, conforming to the intent of the program, and having no substantial negative effects on the survival of any ESA-listed species, as approved by the HC, will be permitted upon request.

17. Annually, up to 20 percent of the eggs or juvenile fish cultured at the facilities may be intentionally killed for assessment purposes (e.g., fish health, precocial maturation).

**Juvenile Releases**

18. Annually, the Permit Holders shall manage the program to 100 percent of the overall production goal (308,000) with releases limited to no more than 110 percent of the production goal. The 10-percent overage is intended to account for variances in pre-spawn survival, fecundity, and/or within-hatchery survival, and is not intended as a production target. Consecutive years of overproduction shall trigger an adjustment in the parameters used in the calculation of broodstock targets to reduce over-collection of broodstock.

\(^3\) Fish straying into the Entiat, Wenatchee, and Methow rivers from the Okanogan component was addressed in NMFS (2017).
19. Culling, transferring, or releasing of progeny to avoid overproduction may occur at any stage, at the direction and approval of the HC, provided that, 1) early releases must be to non-anadromous waters, 2) fish-health personnel must approve transfers to other programs, and 3) transfers must not result in the exceedance of production targets (<10%) in recipient programs.

20. Adaptive management shall be used for hatchery release strategies to achieve a balanced outcome of adult returns, PNI, homing fidelity of adult returns to their release site, minimization of precocity and residualism rates of hatchery-origin fish, and minimization of ecological interactions between hatchery- and natural-origin juveniles. NMFS is aware that some of the variables cannot be optimized without having undesirable effects on other important variables (e.g., releasing non-migrants could increase residualism rates), and would be involved in these discussions through NMFS’s role on the HC and HSC. Release of non-migrants should not result in exceedance of the ITS surrogate for the proportion of the release comprised of fish that are precociously mature or are non-migrants.

21. The Permit Holders will release hatchery-origin smolts at approximately 4-6 fish per pound (or as determined by the HC) when fish are ready to emigrate directly to the ocean. The release method will incorporate a volitional, forced, or direct plant approach, or other method as approved by the HC. If the travel time for emigrating juvenile hatchery steelhead is three days longer than the median value (which equates to 50% of the fish) identified in Table 18 of NMFS (2017) for each program for 3 or more of the next 5 years of 5-year running medians, the Permit Holders will discuss release alternatives with NMFS.

22. The Permit Holders will refine and implement marking schemes, in coordination with the HCP Hatchery Committee, PRCC Hatchery Sub-committee, and the Joint Fisheries Parties, with the goal of facilitating adult management, broodstock collection, and assessment of hatchery escapement into the wild for populations/programs above Wells Dam by allowing further differentiation of steelhead from the various programs.

23. In the event of an emergency, such as flooding, water loss to raceways, epizootic outbreak, or vandalism that necessitates early release of steelhead to prevent catastrophic mortality, any such release shall be reported within 48 hours to NMFS (see Section C for contact information).

Facility Operations

24. Permit Holders shall ensure that water intakes into artificial propagation facilities are properly screened in compliance with NMFS 1995 screening criteria and as per the 1996 addendum to those criteria (NMFS 1996) or, in the case of repair or reconstruction, subsequent updates to those criteria (NMFS 2011).

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4 NMFS recognizes that this metric can be influenced by factors other than hatchery operation.
25. Permit Holders shall inspect and monitor the water intake structure screens at their hatchery facilities to determine if listed salmon and steelhead are being harmed or being drawn into the facility; the results of this monitoring shall be included in annual reports.

26. Water withdrawals shall not exceed levels permitted by the Water Use Permits issued to each of the facilities.

27. The Permit Holders shall implement fish health policies and guidelines (NWIFC and WDFW 2006) (PNFHPC 1989), or subsequent updates, to minimize the risk of fish disease amplification and transfer, and to ensure that artificially propagated fish would be released in good health.

**Monitoring and Evaluation**

28. Any activities or methodologies associated with M&E including, but not limited to: PIT tagging, smolt trapping, adult trapping/capture, spawning ground surveys, and redd surveys must be done according to the general guidelines for handling listed fish detailed above and within the direct take limits defined in Table 1 and the ITS.

29. NMFS strongly encourages the Permit Holders to coordinate M&E with the WNFH program to avoid duplication of effort and data, and minimize take of ESA-listed species.

**C. Permit Reporting and Re-authorization Requirements**

NMFS contact for all reports and modifications:
Charlene Hurst; charlene.n.hurst@noaa.gov
Anadromous Production and Inland Fisheries Branch
Sustainable Fisheries Division
National Marine Fisheries Service, West Coast Region
1201 NE Lloyd Blvd, Suite 1100
Portland, Oregon 97232
Phone: (503) 230-5409
Fax: (503) 872-2737

1. If the authorized level of take, including mortalities, is exceeded, the Permit Holders must notify the above contact as soon as possible, but no later than two days after the authorized level of take is exceeded. The Permit Holders must then submit a written report to the above contact describing the circumstances of the unauthorized take within two weeks of take exceedance. Pending review, NMFS may suspend or amend the permit.

2. Permit Holders shall update and provide to the HC projected hatchery releases and the specific release locations as well as the broodstock plan for the coming year according to the schedules developed and approved by the HC.
3. The Permit Holders shall develop, in coordination with the HC, the reporting responsibilities of each of the joint Permit Holders. At minimum, the following issues should be addressed in annual reports submitted to the HC:

**Hatchery Environment Monitoring Reporting**

- Number and composition of broodstock (pNOB) for each program component, and dates of collection
- The numbers, pounds, dates, locations, and tag/mark information of released fish;
- Coefficient of variation around the average (target) release size immediately prior to their liberation from acclimation sites
- The percent of program fish from each release group that are precociously mature or parr (based on visual observation)
- Survival rates of all life stages
- Disease occurrence
- Description of all additional monitoring and evaluation activities occurring at the hatchery
- Any problems that may have arisen during hatchery activities and/or any unforeseen effects on listed fish

**Natural Environment Monitoring Reporting**

- The number, age, and distribution of returning Wells Complex program hatchery-origin adults by program component and natural-origin adults within the Methow Subbasin
- The number of adults PIT-tagged at Wells or Priest Rapids Dam
- Number of Wells Complex program fish removed at facilities by program component
- pHOS in the Methow subbasin
- Overall subbasin PNI
- Methow program smolt to adult survival rate (pre- and post-harvest/gene flow management)
- For non-target populations: the number of fish from the Wells Complex program and the proportion of the recipient population comprising Wells Complex fish
- Post-release out-of-basin migration timing of juvenile program fish by release group to Rocky Reach Dam
- Population estimate of juvenile abundance with associated biological data including mean length, coefficient of variation in length, outmigration timing, and age structure
- Injuries or mortalities of listed species that result from monitoring and evaluation activities

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5 Based on the multiple population model developed by Busack et al. 2015, and on a five-year running arithmetic mean.

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4. Unless otherwise noted in the specific terms and conditions, reports shall be submitted according to the schedules developed and approved by the HC.

5. The Permit Holders must provide NMFS with plans for future projects and/or changes in sampling locations or enhancement/research protocols and obtain concurrence from the HC before implementation of such changes.

D. General Conditions

1. The Permit Holders, in implementing the hatchery program authorized by this permit, has/have accepted the terms and conditions of this permit and must ensure compliance by itself and its agents with the provisions of this permit, the applicable regulations, and the ESA.

2. The Permit Holders are responsible for the actions of any individual operating under the authority of this permit. Such actions include operation of adult traps and weirs for broodstock collection and capturing, handling, holding, transporting, releasing, maintaining, and caring for any ESA-listed species authorized by this permit.

3. The Permit Holders and their agents must possess a copy of this permit when conducting the activities for which a take of ESA-listed species or other exception to ESA prohibitions is authorized.

4. The Permit Holders may not transfer or assign this permit without NMFS' approval to any other person(s), as defined in Section 3(12) of the ESA. This permit ceases to be in force or effective if transferred or assigned to any other person without prior authorization from NMFS.

5. The Permit Holders must obtain any other Federal, state, and local permits/authorizations necessary for the conduct of the activities provided for in this permit.

6. The Permit Holders must coordinate with other co-managers and/or researchers to minimize duplication and/or adverse cumulative effects as a result of the Permit Holder's activities.

7. The Permit Holders and/or their agents must allow, upon advance notice, any authorized NMFS employee(s) or any other person(s) designated by NMFS to accompany field personnel during the activities provided for in this permit. The Permit Holders must allow such person(s) to inspect the records and facilities of the Permit Holders and their agents if such records and facilities pertain to ESA-listed species covered by this permit or NMFS' responsibilities under the ESA.

8. Violation of any of the terms and conditions of this permit will subject the Permit Holders, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.

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9. The Permit Holders and their agents are responsible for maintaining the biological samples collected from ESA-listed species as long as they are useful for research purposes. The Permit Holders and their agents may not transfer biological samples to anyone not listed in the application without obtaining prior written approval from NMFS.

10. NMFS may amend the provisions of this permit after reasonable notice to the Permit Holders.

11. 50 CFR Section 222.23(d)(8) allows NMFS to charge a reasonable fee to cover the costs of issuing permits under the ESA. NMFS has waived the fee for this permit.

12. NMFS may revoke this permit if the activities are not carried out in accordance with the conditions of the permit or the ESA and its regulations, or if NMFS otherwise determines that the findings made under Section 10(d) of the ESA no longer hold.

13. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.

E. 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.

F. References


National Marine Fisheries Service Section 10(a)(1)(A) Scientific Research Enhancement Permit for Wells Complex Summer Steelhead Program
National Marine Fisheries Service Section 10(a)(1)(A) Scientific Research Enhancement Permit for Wells Complex Summer Steelhead Program
Kelly Suswind
WDFW Director

Date: 9/3/13

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