



# PROCEDURES FOR RESEARCHERS

## PERMITS AND NOTIFICATION

August 29, 2016

Are you a scientist interested in conducting research in one or more of Oregon's marine reserves? If so, we'd be interested in hearing from you. Please note that some research activities may be prohibited or require a permit or state authorization. **Scientific take of organisms** (fish, invertebrates, and algae) or **disturbance of habitats** (e.g. equipment attached to the seafloor or in rocky intertidal habitats) is **only permitted if deemed necessary and the research contributes to the evaluation of marine reserve site condition, effectiveness, or the impact of stressors** (OAR 635-012; OPAC 2008).

ODFW created this document for researchers to see what types of activities require a permit or state authorization for conducting research in a marine reserve and how to apply for the respective permit.

Researchers are also urged to review the guidelines and best practices, provided in section D, established by the U.S. Fish and Wildlife Service to avoid or minimize human disturbance to wildlife using offshore islands and rocks in reserve sites that are a part of the Oregon Islands National Wildlife Refuge.

Please contact ODFW Marine Reserves Program staff if you have any questions or would be interested in exploring possible collaborations. Our staff contact information can be found on the Oregon Marine Reserves website at [oregonmarinereserves.com/team](http://oregonmarinereserves.com/team).

## A. PERMIT NEEDED FROM OREGON DEPARTMENT OF FISH AND WILDLIFE

A Scientific Taking Permit is required to **"take" fish and marine invertebrates** for scientific or educational purposes from any waters belonging to the state of Oregon (OAR 635-007 and 635-043). "Take" as defined in Oregon Administrative Rule (OAR 635-012) means to "fish for, hunt, pursue, catch, capture or kill or attempt to fish for, hunt, pursue, catch, capture or kill." Take includes the use of all fishing gear and methods that affect an animal's behavior or movement.

*Applications for Scientific Taking Permits.* Researchers must apply for and obtain an Oregon Scientific Taking Permit in order to conduct scientific research that may include take in any marine reserve site.

In addition to the standard information required in the permit application, the following information must be provided:

- A project overview, including identification of marine reserve site(s) where work is to be conducted, and how project will contribute to the monitoring or scientific study of the site(s).
- Rationale for why the take of species is necessary for monitoring or scientific study in order to evaluate reserve condition, effectiveness, or impact of stressors. And why alternative, no-take, methods are not practicable.
- Rationale for species and amount of take requested.
- Under the application section, “measures to minimize negative effects” describe measures that will be taken to minimize impacts to species and habitats located within the site(s).

All Scientific Taking Permit applications are reviewed by the appropriate ODFW District Fish Biologist and/or Marine Resources Program biologist depending on the research location. Applications that include research to be conducted within any marine reserve site will undergo an additional review by ODFW Marine Reserves Program staff to determine if the **take is deemed necessary and the research contributes to the evaluation of marine reserve site condition, effectiveness, or impact of stressors** (OAR 635-012). Permits may take up to eight weeks for processing. For more information or to apply for a permit visit the ODFW website at: [www.dfw.state.or.us/fish/license\\_permits\\_apps/index.asp](http://www.dfw.state.or.us/fish/license_permits_apps/index.asp).

***Notification of Research Activity.*** The Principle Investigator (PI) named on the Scientific Taking Permit must send an email notification to ODFW and OSP at least 24 hours prior to conducting research within a marine reserve site. The PI is required to provide the date of activity, vessel name and ID number (if applicable), gear to be used or deployed, and the species/species groups to be collected.

Please send email notifications 24 hours in advance to the following staff:

- [Cristen.N.Don@state.or.us](mailto:Cristen.N.Don@state.or.us) (ODFW)
- [Todd.Thompson@state.or.us](mailto:Todd.Thompson@state.or.us) (OSP)

## B. AUTHORIZATION NEEDED FROM DEPARTMENT OF STATE LANDS

An authorization or removal-fill permit from the Oregon Department of State Lands (DSL) is required in order to conduct activities that may include **structures in, on, under or over the seafloor** or the **removal, fill, and/or alteration of material** (rock, gravel, sand, silt and other inorganic substances). DSL marine reserve regulations include provisions for research in marine reserve sites that require authorization or removal-fill permits (OAR 141-142). DSL will only grant an authorization or a removal-fill permit **if activities are deemed necessary to study, monitor, evaluate, enforce or protect a marine reserve site**. In addition, DSL may grant an authorization for **harvest or removal of subtidal kelp and other seaweeds** (algae) in order to study, monitor, evaluate, enforce or otherwise further the purpose of the marine reserve site.

Authorizations for scientific experiments are issued under special use authorization rules by DSL (OAR 141-125). The different types of authorizations may include:

- *Short term access agreements:* Issued for a term of less than one year. No application fee, no compensation (rent). The authorization has some indemnification language. Appropriate for short term research including the placement of instrumentation for a limited duration.

- *Special use licenses (less than 3 years) and special use leases (up to 30 years):* Both authorizations have an application fee, compensation and insurance requirements. Appropriate for the establishment of research projects that include long term placement of scientific equipment.

***Applications for Authorizations and Removal-Fill Permits.*** Researches must apply for and obtain any necessary authorization or removal-fill permit from DSL prior to conducting the research activity within the marine reserve site. The proposed activities must meet the requirements of OAR 141-142-0020(1) and the marine reserve site management plan(s).

In addition to the standard information required in the application to DSL, the following information must be provided:

- Detailed project overview, including identification of marine reserve site(s) where work is to be conducted, and how project will contribute to the monitoring or scientific study of the site(s).
- Rationale for why the activity is necessary for monitoring or scientific study to evaluate reserve condition, effectiveness, or impact of stressors. And why alternative methods are not practicable.
- Description of measures that will be taken to minimize impacts to species and habitats located within the site(s).

***Applications for Subtidal Kelp and Seaweed Collection.*** Researches must apply for and obtain authorization by DSL to harvest or remove subtidal kelp or other seaweeds (algae).

In addition to the standard information required in the application to DSL, the following information must be provided:

- Detailed project description, including identification of marine reserve site(s) where work is to be conducted, and how project will contribute to the monitoring or scientific study of the site(s).
- Rationale for why the harvest/removal of specimens is necessary for monitoring or scientific study to evaluate reserve condition, effectiveness, or impact of stressors. And why alternative methods are not practicable.
- Rationale for which types of kelp or other algae are to be harvested/removed and amount of take requested.
- Description of measures that will be taken to minimize impacts to species and habitats located within the site(s).

***Notification of Research Activity.*** The Principle Investigator (PI) named on the Scientific Taking Permit must send an email notification to ODFW and OSP at least 24 hours prior to conducting research within a marine reserve site. The PI is required to provide the date of activity, vessel name and ID number (if applicable), gear to be used or deployed, and brief description of activity to be performed.

Please send email notifications 24 hours in advance to the following staff:

- [Cristen.N.Don@state.or.us](mailto:Cristen.N.Don@state.or.us) (ODFW)
- [Todd.Thompson@state.or.us](mailto:Todd.Thompson@state.or.us) (OSP)

## C. PERMIT NEEDED FROM OREGON PARKS AND RECREATION DEPARTMENT

A permit from the Oregon Parks and Recreation Department (OPRD) is required in order to **engage in a prohibited activity (listed below) for scientific research or monitoring purposes within the Ocean Shore State Recreation Area (Ocean Shore)**. The Ocean Shore as provided in ORS 390.605(2), means the land lying between extreme low tide of the Pacific Ocean and the statutory vegetation line as described by 390.770 or the line of established upland shore vegetation, whichever is farther inland. It is necessary that the **activity be consistent with the purposes of the marine reserve**.

### *Prohibited activities:*

- (a) Collect, pick, cut, mutilate or remove living or non-living natural products (e.g., marine plants, minerals, shells, rocks, and sand);
- (b) Give or offer food items to any wildlife;
- (c) Pursue, injure, or molest any wildlife or disturb their habitats;
- (d) Dig up or remove any soil, sand, rock, or fossil materials; or
- (e) Disturb or remove any archaeological, cultural, or historical material.

***Applications for Scientific Research Permits.*** Researchers must apply for and obtain an OPRD scientific research permit in order to conduct any of the above prohibited activities within a marine reserve. In addition to the standard information required in the permit application, the following information must be provided:

- Detailed project overview, including identification of marine reserve site(s) where work is to be conducted, and how project will contribute to the monitoring or scientific study of the site(s).
- Rationale for why the prohibited activity is necessary for monitoring or scientific study to evaluate reserve condition, effectiveness, or impact of stressors and why alternative methods are not practicable.
- Description of measures that will be taken to minimize impacts to species and habitats located within the site(s).

All applications are reviewed by the appropriate OPRD Stewardship Division staff and relevant park staff. For more information or to apply for a permit visit the OPRD website at: [www.oregon.gov/oprd/NATRES/Pages/permitting.aspx](http://www.oregon.gov/oprd/NATRES/Pages/permitting.aspx)

***Notification of Research Activity.*** The Principle Investigator (PI) named on the Scientific Research Permit must send an email notification to OPRD and OSP at least 24 hours prior to conducting research within a marine reserve site. The PI is required to provide the date of activity and brief description of activity to be performed.

Please send email notifications 24 hours in advance to the following staff:

- [Laurel.Hillmann@oregon.gov](mailto:Laurel.Hillmann@oregon.gov) (OPRD)
- [Todd.Thompson@state.or.us](mailto:Todd.Thompson@state.or.us) (OSP)

## D. USFWS GUIDELINES AND BEST PRACTICES

All offshore islands and emergent rocks and reefs within marine reserve sites are a part of the Oregon Islands National Wildlife Refuge managed by the U.S. Fish and Wildlife Service (USFWS). The USFWS has developed guidelines and best practices for boaters, aviators, and wildlife viewers to avoid or minimize human caused disturbances to wildlife using the refuge islands, rocks, and reefs.

USFWS advises all motorized and non-motorized watercraft to remain at least 500 feet away from all islands and emergent rocks and reefs. Watercraft venturing closer than 500 feet may disturb wildlife and place the boat operator in violation of the Migratory Bird Treaty Act. USFWS requests aircraft pilots to maintain a minimum altitude of 2,000 feet above ground level (AGL) or maintain a one-half nautical mile lateral distance from all coastal rocks and islands. Overflights lower than 2,000 feet AGL or closer than one-quarter to one-half mile have a high potential for disturbing seabird nesting grounds and pinniped breeding and resting sites.

### *Additional USFWS Resources*

Oregon Islands National Wildlife Refuge Website: [www.fws.gov/refuge/oregon\\_islands](http://www.fws.gov/refuge/oregon_islands)

Map of Oregon Islands National Wildlife Refuge: [www.fws.gov/refuge/Oregon\\_Islands/map.html](http://www.fws.gov/refuge/Oregon_Islands/map.html)

USFWS Contact: Oregon Coast National Wildlife Refuge Complex 2127  
SE Marine Science Drive Newport, OR 97365  
(541) 867-4550  
[oregoncoast@fws.gov](mailto:oregoncoast@fws.gov)