



DIVISION OF NATURAL RESOURCES

**Wildlife Resources Section
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Stephen S. McDaniel
Director

March 8, 2018

Dear WV Approved Mussel Surveyor,

The WVDNR and USFWS have worked together to develop a standard format to address scientific collecting permit violations concerning mussel surveys in WV. We have placed common permit violations into three categories. These categories consist of a verbal warning, letter of violation, and one year revocation of permit beyond the current permit year for the entire mussel contracting company. Three verbal warnings will result in a letter and two letter violations will result in the current permit for the mussel contracting company to be revoked and no permit will be issued for the following calendar year. Record of violations will be maintained on a running two year average.

Verbal Warning Violations:

- Miss Scientific reporting deadline of November 15. One warning for each 30 day delinquent notice. Extensions may be granted PRIOR to the deadline if requested.
- Missing data in report (deadline will be provided and for each missed deadline another warning will be given).
- Failed to notify WVDNR and USFWS of survey date within one week of survey.
- Minor violation committed but the contractor is forthcoming regarding the violation.
- Failure to follow minor permit condition not already mentioned.

Letter Violations:

- Failure to notify USFWS and WVDNR within 48 hours of ES collection with coordinates and photos.
- Handling/surveying mussels without a site specific permit.
- Conduct a Phase 2 survey without authorization.
- Permittee not on site but other approved surveyor is.

Permit Revocation of company for 1 year beyond current permit year:

- Moving mussels without authorization.
- Failure to notify FWS and DNR within 30 days of ES collection w/maps and photos.
- No Scientific Collecting Permit was obtained prior to surveying.
- No approved surveyor on site during survey.

Other Violations: Below is a list of other violations that, upon the discretion of the State Mussel Program leader and the USFWS Endangered Species Biologist, can be placed into any of the three categories above given the degree of potential harm to the mussel population.

- Mishandling mussels such as leaving out of the water too long during processing.
- Relocating mussels into poor habitat.
- QA/QC conducted on survey or salvage operation and found to be unacceptable.
- Report misrepresents the data. It is the responsibility of the permittee to write the survey report or at least provide quality assurance that the data and conclusions are accurate.

These actions for permit violations do not preclude any other law violations that may have occurred such as the Endangered Species Act, Lacey Act, etc.

Sincerely,



Janet L. Clayton
WV Mussel Program Leader