



IN REPLY REFER TO:

United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue
Portland, Oregon 97232-4181

MAY 26 2006

AES-CCP

Doug Sutherland, Commissioner of Public Lands
Washington State Department of Natural Resources
1111 Washington Street SE
Post Office Box 47011
Olympia, Washington 98504-7001

Dear Commissioner Sutherland:

Enclosed is the Endangered Species Act section 10(a)(1)(B) Incidental Take Permit (TE 121202-0) for the Washington State Forest Practice Habitat Conservation Plan. This permit authorizes the incidental take of the federally threatened bull trout (*Salvelinus confluentus*), as well as other unlisted fish and amphibian species should they become listed during the term of the permit. We look forward to helping you to implement your HCP.

Thank you for helping conserve endangered and threatened species. If you have any questions about this permit please contact Mr. Ken Berg, Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503, telephone (360) 753-9440.

Sincerely,

Acting Deputy Regional Director

Enclosure(s)

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DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

STATE OF WASHINGTON
DEPARTMENT OF NATURAL RESOURCES
1111 WASHINGTON STREET SE
PO BOX 47011
OLYMPIA, WA 98504-7011
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)
16 USC 1533(d)

REGULATIONS (Attached)
50 CFR 17.22
50 CFR 17.32

50 CFR 13

3. NUMBER
TE121202-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE

7. EXPIRES

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
DOUG SUTHERLAND
COMMISSIONER OF PUBLIC LANDS

9. TYPE OF PERMIT
THREATENED AND ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Forest lands within the State of Washington subject to the Washington Forest Practices Act, and that are covered by the Forest Practices Habitat Conservation Plan, which includes approximately 9.3 million acres.

11. CONDITIONS AND AUTHORIZATIONS:

- A. GENERAL CONDITIONS SET OUT IN SUBPART D OF 50 CFR 13, AND SPECIFIC CONDITIONS CONTAINED IN FEDERAL REGULATIONS CITED IN BLOCK #2 ABOVE, ARE HEREBY MADE A PART OF THIS PERMIT. ALL ACTIVITIES AUTHORIZED HEREIN MUST BE CARRIED OUT IN ACCORD WITH AND FOR THE PURPOSES DESCRIBED IN THE APPLICATION SUBMITTED. CONTINUED VALIDITY, OR RENEWAL, OF THIS PERMIT IS SUBJECT TO COMPLETE AND TIMELY COMPLIANCE WITH ALL APPLICABLE CONDITIONS, INCLUDING THE FILING OF ALL REQUIRED INFORMATION AND REPORTS.
- B. THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.
- C. VALID FOR USE BY PERMITTEE NAMED ABOVE.
- D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

See Attached Special Term and Conditions

ISSUED BY

Acting
TITLE
DEPUTY REGIONAL DIRECTOR

Theresa E. Rasmussen

DATE

5-26-6

U.S. Fish and Wildlife Service, Portland, Oregon
Special Terms and Conditions for Permit TE121202-0

1. All sections of Title 50 *Code of Federal Regulations*, Parts 13, 17.22, and 17.32 are conditions of this permit. If any such regulations are modified, any future action taken with respect to this permit shall be in accordance with such regulations in existence at the time such action is taken except as specifically otherwise provided for by law or in the executed Implementing Agreement.

2. The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Forest Practices Habitat Conservation Plan (FPHCP) and executed Implementing Agreement, both of which are hereby incorporated into the permit. The permit, FPHCP, and Implementing Agreement are binding upon the permittee and all persons conducting "covered activities" on "covered lands" as those terms are defined in sections 1-4 and 1-5 of the FPHCP.

3. The Forest Practices Habitat Conservation Plan (FPHCP) is generally described in Chapter 4 of the document entitled "Washington State Forest Practices Habitat Conservation Plan," and is approved as constituted on the date of permit issuance. Any changes to the FPHCP shall be subject to the provisions of the Implementing Agreement for the Final FPHCP, section 11.0 on Modifications and Amendments.

4. A copy of this permit, including the accompanying FPHCP and Implementing Agreement, must be available to State personnel at the Washington Department of Natural Resources Forest Practices Division office in Olympia, Washington, and each of the regional offices. Permittee shall ensure that all persons carrying out activities covered by the permit are made aware of its applicable requirements.

5. The permittee shall maintain sufficient compliance and enforcement personnel whose responsibilities include conducting on-the-ground inspections of forest operations and documenting and reporting violations. The permittee shall ensure that these personnel are trained in forest practices regulations and enforcement procedures, and that they are equipped with vehicles and other necessary facilities and equipment. The permittee shall ensure that effective procedures are in place to identify operators who commit chronic or significant violations of forest practices regulations. The permittee shall take enforcement actions against violators, including but not limited to notices to comply, stop work orders, corrective action orders, civil penalties, disapproval of forest practices applications, financial assurance requirements, and criminal penalties, as appropriate to deter violations of these regulations.

6. The Permittee and all persons conducting "covered activities" on "covered lands" as those terms are defined in section 1-4 and 1-5 of the FPHCP are authorized pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, (USC 1531 et seq.)(Act) to incidentally take only the covered species, as listed in Table 1, in the course

of otherwise lawful conduct of covered activities as described in the Permittee's application and supporting documents, and as conditioned herein. Take authorization would become effective for the currently unlisted species concurrent with the listing of these species under the Act. If any of these species is listed, take is authorized to the extent that take of these species would otherwise be prohibited under section 9 of the Act and its implementing regulations, or pursuant to a special rule promulgated under section 4(d) of the Act. Such take is authorized only when incidental to otherwise lawful activities associated with forest practices and when consistent with the FPHCP and Implementing Agreement, and as conditioned herein.

7. The Permittee shall refer to permit number TE 121202-0 in all correspondence and reports concerning permit activities. Any questions about this permit should be directed to the Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503, telephone (360) 753-9440.

8. Reports described in Table 1.1 of the HCP and section 9.1 of the Implementing Agreement shall be submitted to the Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503, and to the Assistant Regional Director, Ecological Services, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232.

9. Under the 20-acre exemption provision (FPHCP section 4b-3.1.3 [Washington Administrative Code 222-30-023(1) for western Washington] and FPHCP section 4b-3.2.3 [Washington Administrative Code 222-30023(2) for eastern Washington]), the Permit shall only apply to the following:

(a) Forestlands owned by a person who affirms in writing on a forest practices application of qualifying as an eligible person under the "20-acre exemption" as of and since the date of Permit issuance.

(b) Forestlands that are purchased, inherited, or otherwise lawfully obtained by a person who affirms in writing on a forest practices application of qualifying at the time that person takes possession of the forestlands under the following provisions:

(i) The forestlands have continually been qualified for the "20-acre exemption" since the date of Permit issuance; or,

(ii) The forestlands have not been subject to commercial harvest under the jurisdiction of the Washington Forest Practices Act since the date of Permit issuance and are being converted to forestland from another land use.

(c) Forestlands subject to a Class IV General Forest Practices Application only when the otherwise-qualifying applicant indicates on the application that he or she is not converting those forestlands to another use within three years.

(d) Forestlands in any Watershed Administrative Unit (WAU) for which the permittee has previously established, with the review and approval by the FWS, an estimate of the length of streams on FPHCP Covered Lands. The permittee shall establish, with review and approval of the FWS, a method to reasonably estimate post-harvest the length of classified streams on a 20-acre exempt site and the proportion of riparian function as measured by recruitable large woody debris (LWD) from the site when compared to that which would have been provided under the standard riparian strategies. The permittee shall monitor 20-acre exempt timber harvest activities and maintain a reasonable estimate of the cumulative change in riparian function provided by FPHCP Covered Lands as measured by recruitable LWD in each WAU that results from 20-acre exempt forest practices covered by this Permit.

(i) The Permit shall not apply to forestlands subject to subsequent 20-acre exempt forest practices applications when the permittee anticipates that forest practices on those forestlands will result in a cumulative reduction in riparian function as measured by recruitable LWD greater than 10 percent of what would have been provided under the standard riparian strategies.

(ii) The Permit shall not apply to forestlands subject to subsequent 20-acre exempt forest practices applications in a Washington Resource Inventory Area once the WAUs within the Washington Resource Inventory Area exceeding the "10 percent limit" (above) represent more than 15 percent of the total stream length on FPHCP Covered Lands in the Washington Resource Inventory Area.

(iii) The Permit shall not apply to 20-acre exempt forestlands in any WAU where there is found the spawning and rearing habitat of bull trout populations identified in Table 3-51 of the Opinion until the permittee has established, with review and approval of the FWS, that forest practices under the 20-acre exempt provisions will not measurably diminish the level of riparian function provided by FPHCP Covered Lands in the WAU as measured by recruitable LWD when compared to that which would have been provided under the standard riparian strategies.

10. The permittee shall require trees to be left along Type Np waters under the 20-acre exemption unless it is determined that such leave trees are not necessary to protect covered species and their habitats. Unless determined by Washington Department of Natural Resources to be unnecessary, leave at least 29 conifer or deciduous trees, 6 inches in diameter or larger, on each side of every 1,000 feet of stream length within 29

feet of the stream. These leave trees may be arranged to accommodate the forest practices operation.

11. Chemical applications (e.g., the use of pesticides, herbicides, and fertilizers) are not covered activities under this permit.

12. Each year, prior to commencement of electrofishing surveys or any other activities involving capture and handling of listed species for adaptive management research and monitoring (including validation of the water-typing model), the permittee shall submit an estimate of the amount of stream surveys or electrofishing activities to be conducted and an estimate of the number of listed fish (or miles of listed-species habitat) to be affected by these activities. The permittee shall also provide the names and qualifications of the staff, contractors, or cooperators who will be supervising the field work. The permittee shall provide the FWS with a copy of the operating protocols designed to reduce effects to listed fish while maintaining the efficiency of the surveys and monitoring. This incidental take permit does not apply to operational water typing by individual landowners or to fish-salvage operations; these activities would need incidental take authorization through other means.

Following the conclusion of the field season and prior to the next field season, the permittee shall provide a report to the Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503, documenting the level of stream-survey and electrofishing activity and describing any listed fish encounters. This report shall document any effects that may rise to the level of incidental take (including mortality) and shall include the apparent condition of all listed fish specimens encountered. Results of surveys and monitoring shall be incorporated into the appropriate FPHCP periodic reports. The permittee shall obtain all needed Federal and State permits and shall abide by the conditions of each. This includes following the guidelines provided by NMFS (NMFS 2000). If the NMFS guidelines are subsequently revised, the Permittee shall follow the revised guidelines. The Permittee shall follow the guidelines unless proposed operating protocols described above are otherwise approved by FWS and NMFS, or additional restrictions are imposed by the FWS.

Table 1. Species for which take is authorized by TE 121202-0.

Common Name	Scientific Name
Threatened Species	
Bull trout	<i>Salvelinus confluentus</i>
Unlisted Fish Species	
Dolly Varden	<i>S. malma</i>
Cutthroat trout ¹	<i>Oncorhynchus clarki</i>
Rainbow/ Redband trout ²	<i>O. mykiss</i>
Kokanee	<i>O. nerka</i>
Pacific lamprey	<i>Lampetra tridentata</i>
River lamprey	<i>L. ayersi</i>
Western brook lamprey	<i>L. richardsoni</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Mountain whitefish	<i>P. williamsoni</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>
Chiselmouth	<i>Acrocheilus alutaceus</i>
Redside shiner	<i>Richardsonius balteatus</i>
Longnose dace	<i>Rhinichthys catarractae</i>
Speckled dace	<i>R. osculus</i>
Leopard dace	<i>R. falcatus</i>
Umatilla dace	<i>R. umatilla</i>
Northern pikeminnow	<i>Ptychocheilus oregonensis</i>
Tui chub	<i>Gila bicolor</i>
Lake chub	<i>Couesius plumbeus</i>
Peamouth	<i>Mylocheilus caurinus</i>
Largescale sucker	<i>Catostomus macrocheilus</i>
Bridgelip sucker	<i>C. columbianus</i>
Longnose sucker	<i>C. catostomus</i>
Mountain sucker	<i>C. platyrhynchus</i>
Salish sucker	<i>C. carli (species pending)</i>
Three-spine stickleback	<i>Gasterosteus aculeatus</i>
Sandroller	<i>Percopsis transmontana</i>
Coastrange sculpin	<i>Cottus aleuticus</i>
Prickly sculpin	<i>C. asper</i>
Reticulate sculpin	<i>C. perplexus</i>
Riffle sculpin	<i>C. gulosus</i>
Shorthead sculpin	<i>C. confusus</i>
Torrent sculpin	<i>C. rhotheus</i>
Slimy sculpin	<i>C. cognatus</i>
Paiute sculpin	<i>C. beldingi</i>
Marginated sculpin	<i>C. marginatus</i>

Common Name	Scientific Name
Mottled sculpin	<i>C. bairdi</i>
Longfin smelt	<i>Spirinchus thaleichthys</i>
Burbot	<i>Lota lota</i>
White sturgeon ³	<i>Acipenser transmontanus</i>
Unlisted Amphibian Species	
Columbia torrent salamander	<i>Rhyacotriton kezeri</i>
Cascade torrent salamander	<i>R. cascadae</i>
Olympic torrent salamander	<i>R. olympicus</i>
Dunn's salamander	<i>Plethodon dunni</i>
Van Dyke's salamander	<i>P. vandykei</i>
Pacific tailed frog	<i>Ascaphus truei</i>
Rocky Mountain tailed frog	<i>A. montanus</i>

¹ The cutthroat trout includes two subspecies: the coastal cutthroat (*Oncorhynchus clarki clarki*) and the westslope cutthroat (*Oncorhynchus clarki lewisi*).

² The rainbow trout includes two subspecies: the coastal rainbow trout (*Oncorhynchus mykiss irideus*) and the Columbia (a.k.a. Interior) redband trout (*Oncorhynchus mykiss gairdneri*).

³ The White sturgeon population in Washington State covered in this permit excludes the endangered Kootenai River Distinct Population Segment. It does not include those White sturgeon that are marine and/or anadromous (i.e., those that occur downstream of Bonneville Dam on the Columbia River).