# Incidental Take Permits for HCP Plan Species

## Permit No. 1391 – Permit for Incidental Take of Endangered or Threatened Species during the Operation and Maintenance of the Wells Hydroelectric Project (2003)

NOAA FISHERIES
PERMIT FOR INCIDENTAL TAKE OF ENDANGERED/THREATENED SPECIES

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| *Permit Number*: | 1391 |
| *Expiration Date*: | Up to fifty (50) years from the Effective Date of the Anadromous Fish Agreement and Habitat Conservation Plan for the Wells Hydroelectric Project (FERC License No. 2149) |
| *Permit Holder*: | Public Utility District No. 1 of Douglas County, Washington |
| *Principal Officer and Contact*: | William C. Dobbins<br>Chief Executive Officer/Manager |
| *Reporting Requirements*: | As described in the Anadromous Fish Agreement and Habitat Conservation Plan or in this Permit. |

*Authorization*:

The Public Utility District No. 1 of Douglas County, Washington (Douglas PUD) and its designated agents are hereby authorized incidental take of Upper Columbia River steelhead (*Oncorhynchus mykiss*), Upper Columbia River spring-run chinook salmon (*O. tshawytscha*), Upper Columbia River summer/fall-run chinook salmon (*O. tshawytscha*), and Okanogan River sockeye salmon (*O. nerka*), which are currently listed or may be listed in the future under the Endangered Species Act of 1973 (ESA) (16 U.S.C. 1531-1543), associated with the operation and maintenance of the Wells Hydroelectric Project (FERC License No. 2149). These listed and unlisted species are referred to as "Permit Species" in the Anadromous Fish Agreement and Habitat Conservation Plan offered for signing on March 26, 2002 (HCP or Agreement) and throughout the remainder of this Incidental Take Permit (Permit).

In accordance with the provisions of section 10 of the HCP, this Permit authorizes Douglas PUD to incidentally take Permit Species that are listed under the ESA, to the extent that such incidental take of those species would otherwise be prohibited under Section 9 of the ESA, and its implementing regulations, or pursuant to a rule promulgated under Section 4(d) of the ESA, and to the extent that the take is incidental to Douglas PUD's lawful operation and maintenance of the Wells Hydroelectric Project (hereinafter referred to as the "Project") pursuant to the FERC license, subject to the condition that Douglas PUD must fully comply with all requirements of the HCP and the Permit.

Authorization for incidental take is subject to the provisions of the HCP, the provisions of

Section 10 of the ESA, National Marine Fisheries Service's (NOAA Fisheries) regulations governing ESA-listed species permits (50 CFR Parts 222.301-222.309), and the conditions hereinafter set forth. In the event of a conflict between these general provisions and the provisions of the HCP, the language of the HCP shall govern. The period of the permit is fifty (50) years from the Effective Date of the HCP, unless the Agreement terminates early.[1]

This Permit does not authorize any take that might result from projects implemented in tributaries under the Tributary Enhancement Plan component of the HCP. Any projects implemented under this program that are likely to adversely affect listed species and result in incidental take of ESA-listed species will require separate ESA Section 7(a)(2) consultation. Similarly, this Permit does not authorize any take (either direct or incidental) that might result from implementing the Hatchery Compensation Plan component of the HCP, which is being considered in separate ESA Section 7(a)(2) consultations.

This Permit is based upon and incorporates by reference NOAA Fisheries' Record of Decision (ROD) regarding the issuance of this Permit and any findings and conclusions that accompany that ROD.

*Abstract*:[2]

Douglas PUD is authorized incidental take of endangered Upper Columbia River steelhead and Upper Columbia River spring-run chinook salmon associated with the operation and maintenance of the Project, pursuant to Section 10(a)(1)(B) of the ESA and the provisions of the HCP. Currently unlisted species that are adequately addressed by the HCP, and are therefore covered species, are Upper Columbia River summer/fall-run chinook salmon and Okanogan River sockeye salmon. In the event that these species are listed in the future as threatened or endangered pursuant to Section 4 of the ESA, incidental take of such unlisted covered species is also authorized. This authorization for each species will become effective upon the event that such species is listed in the future and its take is prohibited.

The HCP specifies initial conservation measures (project operations, funding for future tributary habitat protection and enhancement projects, and hatchery mitigation) to achieve No-Net-Impact for each Permit Species affected by the Project. No-Net-Impact consists of two components: 1)

[1]The Effective Date of the HCP is the latest of the following dates: 1) the Federal Energy Regulatory Commission (FERC) issues a final order approving the HCP and incorporates it into the Project license, 2) NOAA Fisheries issues Douglas PUD an Incidental Take Permit for the Project based upon the HCP, or 3) the U.S. Fish and Wildlife Service completes necessary consultations under the ESA. Thus the likely expiration of this Permit will be sometime in 2053 or 2054.

[2]This summary of the HCP within this abstract is not a definitive statement or interpretation of the rights and duties of the Signatory Parties, which are expressed exclusively in the Agreement itself. This Permit does not modify the HCP Agreement.

91% Combined Adult and Juvenile Project Survival achieved by project improvement measures implemented within the geographic area of the Project, and 2) 9% compensation for unavoidable project mortality provided through hatchery and tributary programs.

To ensure that the conservation measures achieve the HCP's No-Net-Impact standard, the HCP incorporates a long-term adaptive management framework and specifically identifies necessary survival studies throughout the term of the Permit that will provide feedback for adaptive management, and if needed, changes in the conservation measures. The HCP also establishes four committees composed of Signatory Party representatives to administer key components of the HCP. Three technical committees oversee the project passage and survival (Coordinating Committee), hatchery mitigation (Hatchery Committee), and tributary enhancement (Tributary Committee) aspects of the HCP. A fourth committee (Policy Committee) is charged with resolving disputes arising in the technical committees, although this dispute resolution process is non-binding. Thus the HCP provides for changed circumstances and the mitigation measures to respond to changed circumstances.

*Permit Effective Date, Term, and Duration*:

Upon the Effective Date of the HCP, the Permit will become immediately effective for Permit Species currently listed under the ESA. The Permit will become effective without further action for currently unlisted Permit Species upon any future listing of such species under the ESA and prohibition of such species' take.

The HCP and this Permit shall remain in full force and effect for a period of fifty (50) years from the Effective Date of the HCP, unless the Agreement terminates early. As specified in sections 1 (Term Of Agreement), 2 (Termination), and 10 (Endangered Species Act Compliance) of the HCP, under specific circumstances the HCP may terminate early or NOAA Fisheries may withdraw from the HCP and/or suspend or revoke the Permit. Although withdrawal from the HCP and revocation or modification of the Permit is subject to the "No Surprises" regulation (50 CFR §222.307(g) (2001)), as provided by that rule and through the terms of the HCP as set forth in sections 1, 2, and 10 of the HCP, Douglas PUD has consented to provisions for responding to future circumstances that differ from that rule. Amendments to the Permit or the HCP shall remain in effect for the then-remaining term of the Agreement or until the Permit is revoked, whichever occurs sooner. In the event that the HCP expires or is terminated, voided, or determined for any reason to be unenforceable before the end of its term, then: 1) with the exception of those measures set forth in section 2.5 of the HCP (Effect of Termination), Douglas PUD shall continue to implement the last agreed-to measures until FERC orders otherwise, and 2) NOAA Fisheries is not restrained in any manner from advocating to FERC measures to replace those in the HCP.

*Incidental Take*:

The ongoing lawful operation and maintenance of the Project and related predator control programs will result in the incidental take of ESA-listed Permit Species in the Middle Columbia River within the Project boundary (reservoir, forebay, dam, and tailrace).

Take of Juvenile Permit Species Resulting from Operation of the Project

Authorized project-related deaths (i.e., direct, indirect, and delayed mortality resulting from project effects) for juveniles of each Permit Species migrating through the Project will be equal to, or less than, 7% throughout the term of the HCP. However, through 2013, juvenile mortality may slightly exceed 7%, to the extent that initial measures fail to achieve the HCP standards.[3] This shall include any lethal take associated with the predator removal program or the capture, handling, and transport of naturally produced juveniles for HCP-required research. Assessments of juvenile take (Juvenile Project Survival) will adhere to the study requirements of the HCP.

Take of Adult Permit Species Resulting from Operation of the Project

NOAA Fisheries further expects, based on the available information, that project-related deaths of adults of the Permit Species (excluding Upper Columbia River steelhead kelts) will be equal to or less than 2%. The best available information indicates that total (natural and project-related) mortalities of adults migrating upstream through the Project range from approximately 2% to 4%. Taking into account natural mortality, which undoubtedly occurs, it is likely that the HCP standard of no more than 2% adult mortality resulting from project-related effects is being met at this time for each Permit Species. However, because it is not possible to distinguish between project-caused and natural mortality at this time, nor is it reasonable to determine the combined mortality at an individual project, NOAA Fisheries identifies the extent of allowed incidental lethal take of adult Permit Species to be no more than 4%. Take of adults will be monitored using conversion rates until such time that technologies allow for a reasonable differentiation of these sources of mortality. At that time, allowable project-related lethal take shall not exceed 2% for any Permit Species.

Project-related mortality of downstream migrating Upper Columbia River steelhead kelts is unknown at this time. Survival of kelts from all tributaries within the action area to below Priest Rapids Dam was estimated at about 18% in 2002. Estimates of "natural" mortality rates for these fish - which have gone many months without feeding while expending considerable energy migrating and spawning - are not available, but are thought to be high. NOAA Fisheries expects

that, compared to current survival rates, implementing HCP measures at the Project will substantially improve steelhead kelt survival through the Project in future years.

[3]Based on the available information, the incidental take of juvenile Upper Columbia River steelhead and Upper Columbia River spring-run chinook salmon at the Project is estimated at 3.8%.

Take of Permit Species Resulting from Predator Control Measures

Non-lethal take of juvenile and adult Permit Species (capture and handling) as a result of predator control measures is expected to be rare. Thus NOAA Fisheries limits non-lethal take from these measures to no more than 20 juveniles and 4 adults of any Permit Species each year, and lethal take from these measures to no more than 10 juveniles and 2 adults of any Permit Species each year.

*Conditions*:

1. In accordance with the provisions of section 10 of the HCP, the Permit authorizes Douglas PUD to incidentally take Permit Species that are listed under the ESA, to the extent that such incidental take of these species would otherwise be prohibited under Section 9 of the ESA, and its implementing regulations, or pursuant to a rule promulgated under Section 4(d) of the ESA, and to the extent that the take is incidental to Douglas PUD's lawful operation of the Wells Hydroelectric Project, subject to the condition that Douglas PUD must fully comply with all requirements of the HCP and the Permit. The Permit will become immediately effective upon issuance for Permit Species currently listed under the ESA. The Permit will become effective for currently unlisted Permit Species upon any future listing of such species under the ESA as described in section 10.2.4 (Permit Issuance) of the HCP, and in accordance with NOAA Fisheries' regulations governing ESA-listed species permits (50 CFR §222.301 and §222.309).

2. Douglas PUD, in effecting the take authorized by this Permit, is considered to have accepted the terms and conditions of this Permit and to be prepared to comply with the provisions of the HCP, the Permit, the applicable regulations, and the ESA.

3. Douglas PUD must make available a copy of the Permit, including the accompanying HCP and related agreements, to personnel, contractors, or agents of Douglas PUD conducting authorized activities. All applicable provisions of the Permit must be presented and clearly explained to all authorized employees, contractors, or agents of Douglas PUD engaged in these activities.

4. Incidental take of ESA-listed Permit Species resulting from the actions of individual employees, contractors, or agents of Douglas PUD operating under the authority of this Permit in accordance with activities described in the HCP (with the exception of tributary enhancement activities or artificial production activities which are covered under separate permits or biological opinions) shall be included, as appropriate, in the allowable take authorized above.

5. Upon request by NOAA Fisheries, Douglas PUD must allow NOAA Fisheries, or any other person(s) duly designated by NOAA Fisheries, to inspect Douglas PUD's records

5. Upon request by NOAA Fisheries, Douglas PUD must allow NOAA Fisheries, or any other person(s) duly designated by NOAA Fisheries, to inspect Douglas PUD's records and facilities if such records and facilities pertain to (i) activities for which take of listed Permit Species is authorized by this Permit, (ii) ESA-listed Permit Species covered by this Permit, or (iii) NOAA Fisheries' responsibilities under the ESA.

6. Douglas PUD must provide NOAA Fisheries with copies of the HCP-specified information and reports (e.g., survival studies, committee reports, etc.) within the time frame specified by the HCP or otherwise agreed upon by the Policy, Coordinating, Hatchery, or Tributary committees.

7. Douglas PUD shall report all observations of any adult Permit Species mortality (noting whenever possible whether adult steelhead are kelts or pre-spawning adults).

8. Douglas PUD shall report to NOAA Fisheries (by December 31 of each year) the number of juvenile and adult Permit Species salmon or steelhead caught or killed via implementation of the predator removal programs (noting whenever possible whether adult steelhead are kelts or pre-spawning adults).

*The fee in 50 CFR §222.307(d)(5) to cover the cost of issuance of this Permit has been waived.*

*Issued by:* D. Robert Lohn *Date:* 8/20/03

D. Robert Lohn
Regional Administrator

# Incidental Take Permits for HCP Plan Species

## Permit No. 1395 – Permit for Incidental Take of Endangered or Threatened Species during the Operation and Maintenance of Steelhead Hatchery Facilities (2003)

**UNITED STATES DEPARTMENT OF COMMERCE**
**National Oceanic and Atmospheric Administration**
NATIONAL MARINE FISHERIES SERVICE
525 NE Oregon Street
PORTLAND, OREGON 97232-2737

F/NWR5

OCT 2 2003

Dr. Jeffrey Koenings
Washington Department of Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501

Shaun Seaman
Public Utility District No. 1 of Chelan County
327 N. Wenatchee Ave.
Wenatchee, WA 98801

William C. Dobbins
Public Utility District No. 1 of Douglas County
1151 Valley Mall Parkway
East Wenatchee, WA 98802

Dear Gentlemen:

Enclosed is permit 1395, issued by the National Marine Fisheries Service (NMFS) jointly to the Washington Department of Fish and Wildlife (WDFW), the Public Utility District No. 1 of Chelan County (Chelan PUD), and the Public Utility District No. 1 of Douglas County (Douglas PUD), together referred to as "the Permit Holders," under the authority of Section 10(a)(1)(A) of the Endangered Species Act (ESA). Permit 1395 authorizes annual take of adult and juvenile, endangered, upper Columbia River (UCR) spring chinook salmon and endangered UCR steelhead through broodstock collection activities, hatchery operations, juvenile fish releases, and monitoring and evaluation activities associated with UCR steelhead artificial propagation programs in the UCR region. The Permit Holders, in carrying out the programs authorized by the permit, will be considered to have accepted the terms and conditions of the permit and must be prepared to comply with the provisions of the permit, the applicable regulations, and the ESA. Failure of one of the Permit Holders to satisfy the terms and conditions could result in the revocation of the permit for all Permit Holders.

NMFS requires that the Permit Holders, and the individuals acting under the authority of permit 1395, review the permit prior to engaging in the activities and comply with the permit while engaging in such activities. The permit and a signature page are enclosed (see Section E of the permit). Please sign and date the signature page and return it to our office. You may submit the copy by facsimile to (503) 872-2737 to effectuate the permit. Please note that permit 1395 is not valid until our office receives the signed signature page from each of the Permit Holders. Signature pages from each joint permit holder will be distributed after NMFS receives all of the original signature pages.

Your attention is directed to Section C, which describes reporting and authorization requirements. Permit 1395 is subject to annual re-authorization based on your reported direct and incidental take per annual period and your compliance with the terms and conditions of the permit. Annual re-authorization will be effectuated by timely submittal, and NMFS' review and approval of, the required reports.

As Permit Holders, your agencies are required to report projected juvenile steelhead releases for each coming year by December 15th, and broodstock collection protocols for each year by June 15th. Hatchery brood reports summarizing permitted program activities conducted within the hatchery environment relating to a brood cohort, and associated ESA-listed fish takes for the cohort from broodstock collection through juvenile release, are due on January 31st the year following release. Monitoring and evaluation activities of the artificial propagation programs that are conducted in the natural environment, such as redd counts and carcass surveys, may be reported separately. If reported separately, a report summarizing such activities that occur within a calendar year is due on August 31st of the subsequent year. Permit 1395 expires ten years from the date of signature by NMFS.

If you have any questions concerning the permit, please contact Kristine Petersen, of the Salmon Recovery Division, at (503) 203-5409.

Sincerely,

D. Robert Lohn
Regional Administrator

Enclosure

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

**Permit Number:** 1395
**Permit Type:** Direct Take (artificial propagation to enhance ESA-listed steelhead)
**Expiration Date:**

**Joint Permit Holders:**

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

**Contact:**
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Public Utility District No. 1 of Chelan County
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Shaun Seaman
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Public Utility District No. 1 of Douglas County
1151 Valley Mall Parkway
East Wenatchee, Washington 98802-4497

William C. Dobbins
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Fax: (509) 884-0553
BillD@dcpud.org

**Authorization:**

The Washington Department of Fish and Wildlife (WDFW), the Public Utility District No. 1 of Chelan County (Chelan PUD), and the Public Utility District No. 1 of Douglas County (Douglas PUD) are hereby authorized to take endangered upper Columbia River (UCR) steelhead (*Oncorhynchus mykiss*) and endangered UCR spring chinook salmon (*O. tshawytscha*) as a result of artificial propagation programs for the enhancement of UCR steelhead, as cited in the WDFW application and the *Anadromous Fish Agreement and Habitat Conservation Plan Wells Hydroelectric Project FERC License No. 2149* with Douglas PUD for the operation of Wells Dam (DPUD 2002), the *Anadromous Fish Agreement and Habitat Conservation Plan Rocky Reach Hydroelectric Project FERC License No. 2145* (CPUD 2002a) with Chelan PUD for the operation of Rocky Reach, and the *Anadromous Fish Agreement and Habitat Conservation Plan Rock Island Hydroelectric Project FERC License No. 943* with Chelan PUD for the operation of Rock Island Dam (CPUD 2002b), subject to the provisions of Section 10(a)(1)(A) of the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the conditions hereinafter set forth.

**Abstract:**
This permit authorizes the WDFW, the Chelan PUD, and the Douglas PUD annual take of ESA-listed adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead and UCR spring chinook salmon associated with the implementation of UCR steelhead artificial propagation enhancement programs in the UCR region. The programs are intended to supplement naturally spawning UCR steelhead production occurring upstream from Priest Rapids Dam on the mainstem Columbia River, including the Wenatchee, Methow, and Okanogan Rivers, and their tributaries.

The artificial propagation enhancement programs exist to mitigate for lost steelhead, or lost steelhead productivity, resulting from the construction and operation of hydroelectric dams on the mainstem Columbia River. All of the programs authorized in this permit are required mitigation in the three long-term Habitat Conservation Plan (HCP) agreements mentioned above. Adjustments in the implementation strategy to improve the performance, or to investigate specific program affects, of the authorized programs may be made by the HCP Hatchery Committees (each HCP agreement includes the formation of a Hatchery Committee), provide they are made within the constraints of this permit. The programs will lead to intentional take to enhance the propagation of endangered UCR steelhead. The artificial propagation programs may lead to incidental take of rearing and emigrating juvenile UCR spring chinook salmon and steelhead resulting from the release of artificially propagated steelhead juveniles into the natural environment, and during monitoring and evaluation activities of the hatchery programs that occur in the natural environment. Limitations on the steelhead broodstock collection locations and numbers, and limits on the number, life stage, size, and location of juvenile steelhead releases are applied. Additionally, operational guidelines are provided to minimize the risks of disease transmission, water quality impairment, and fish loss through hatchery facility intake screening or water withdrawals to minimize risks to listed fish. Propagated steelhead survival and straying levels will be monitored through externally marking hatchery fish, and/or through internal coded wire or passive integrated transponder (PIT) tagging of a representative proportion of annual juvenile fish releases. Monitoring and evaluation of the artificial propagation programs is mandatory. Reporting requirements of all aspects are included in the permit conditions.

The Chelan PUD and the Douglas PUD, as joint permit holders with the WDFW, have specific conditions relating to their involvement and obligation under the HCPs and the permit. The WDFW, as the primary operator of the hatchery facilities and as a managing agency of the fish resources of the state, also has specific conditions and responsibilities. The failure of one permit holder to satisfy their conditions may result in the loss of take authorization for all permit holders. Thereby, an interdependent and cooperative relationship should be encouraged in carrying out the authorized activities.

Steelhead artificial propagation enhancement program activities will include:

- The collection of broodstock through trapping operations at: Wells Dam and Wells Hatchery for Methow and Okanogan River basin releases; Dryden and Tumwater Dams for Wenatchee River basin releases;

- The holding and artificial spawning of collected adults at Wells, and Eastbank Hatcheries;

- The transfer of steelhead eggs or fry to Winthrop National Fish Hatchery for the U.S. Fish and Wildlife Service steelhead program authorized under permit 1396;

- The incubation and propagation from the fertilized egg through the fingerling, pre-smolt or smolt life stage at the Wells, Eastbank, and Chelan hatchery facilities;

- The potential for transfer of juvenile steelhead from the central hatcheries for rearing at facilities in the Wenatchee, Methow, and Okanogan River watersheds;

- The release of juvenile steelhead into the Wenatchee, Methow, and Okanogan River basins, and into the mainstem Columbia River from the hatcheries and acclimation ponds on those systems; and

- The monitoring and evaluation of the artificial propagation programs in the natural environment through activities such as redd counts and carcass surveys, and formal monitoring and evaluation plans to be developed by the HCP Hatchery Committees as called for in the HCPs.

This permit also authorizes the Permit Holders annual incidental take of listed UCR spring chinook salmon during the same activities.

A. Take Description and Levels

This permit is for activities to be conducted over a period of approximately ten years. Annual takes listed below are subject to the annual authorization process (see Section C - Reports and Annual Authorization Requirements) during the period that this permit is valid.

Permit Holders means any of the three permit holders and any employee, contractor, or agent of any of the permit holders.

The Permit Holders must ensure that listed species are taken only at the levels, by the means, in the areas, and for the purposed stated in the permit applications, and according to the terms and conditions in this permit.

Intentional Take

1. The Chelan PUD and Douglas PUD shall provide funding and operational support for artificially propagation programs of 400,000 and 349,000 yearling UCR steelhead juveniles, respectively, as described in the three HCP agreements (CPUD 2002a; 2002b; DPUD 2002).

2. The WDFW shall limit annual production of Wenatchee summer steelhead for release into the Wenatchee River to not exceed a total of 400,000 juveniles at approximately 6 fish per pound released in April or May.

3. The WDFW shall limit annual production of steelhead for release into the Methow or Okanogan Rivers to not exceed a total of 349,000 juveniles at approximately 6 fish per pound released in April or May.

4. The WDFW shall limit annual production of steelhead for release into the Columbia River from Ringold Springs Rearing Facility to not exceed a total of 180,000 juveniles at approximately 6 fish per pound.

5. The WDFW may collect and retain 125,000 eggs for transfer to the U.S. Fish and Wildlife Service for eventual release into the Methow River as authorized in permit 1396.

6. The WDFW may collect and retain eggs to meet a 150,000 steelhead juvenile production level in addition to the production levels identified above for use as hydro project passage survival study fish, following approval and recommendation of the production by the HCP Hatchery Committees.

7. The Permit Holders may capture, handle, and release up to 20 percent of the natural-origin steelhead juveniles in a tributary basin using standard juvenile fish trapping techniques such as rotary screw traps. Lethal take may not exceed two percent of the fish captured.

8. The WDFW may intercept and biologically sample 10 percent of the UCR steelhead run at Priest Rapids Dam for stock assessment. In some years up to 400 UCR steelhead adults may receive radio or active transmitting tags for migration and dam passage studies if approved by the HCP Hatchery Committees. An injuries or mortality that occur from this activity must be noted in an annual report.

9. The WDFW shall manage artificially propagated steelhead returning to the Wenatchee River, Methow River, and Okanogan River basin tributary spawning areas in a manner consistent with recovery goals to enhance natural-origin populations. To reduce the number of artificially propagated UCR steelhead in the spawning areas in excess of full habitat seeding levels and to increase the proportion of the natural-origin steelhead in the tributary spawning populations, the WDFW may employ two methods. They may remove artificially propagated steelhead at dams or other trapping sites and they may use recreational fisheries to reduce the number of adipose fin-clipped hatchery-reared steelhead that may spawn naturally if the conditions described below are met:

   a. Tier 1: When the natural-origin UCR steelhead run is predicted to exceed 1,300 fish at Priest Rapids Dam and the total UCR steelhead run is predicted to exceed 9,550 steelhead, then a harvest fishery may be considered as an option to remove excess adipose fin clipped hatchery reared steelhead. For a fishery to be authorized in the tributary areas, the tributary escapements must be predicted to meet the minimum targets listed in Table 1, Tier 1. The mortality impact on natural-origin UCR steelhead, including catch and release mortality and illegal harvest, must not exceed the limits specified for Tier 1 in each tributary area.

   b. Tier 2: When the natural-origin UCR steelhead run is predicted to exceed 2,500 fish at Priest Rapids Dam, the total UCR steelhead run is predicted to exceed 10,035 steelhead, and the tributary escapements meet the minimum targets listed in Table 1, Tier 2, then the natural-origin UCR steelhead mortality impacts, including catch and release mortality and illegal harvest, must not exceed the limits specified for Tier 2 for each tributary area.

   c. Tier 3: When the natural-origin UCR steelhead run is predicted to exceed 3,500 fish at Priest Rapids Dam, and the total UCR steelhead run is predicted to exceed 20,000 steelhead, and the tributary escapements meet the minimum targets listed in Table 1, Tier 3, then the natural-origin UCR steelhead mortality impacts, including catch and release mortality and illegal harvest, must not exceed the limits specified for Tier 3 in each tributary area.

   d. The WDFW may remove artificially propagated steelhead at dams or other trapping sites to reduce the number of artificially propagated UCR steelhead in the spawning areas in excess of full habitat seeding levels to increase the proportion of the natural-origin steelhead in the spawning population.

**Table 1. Natural-origin UCR steelhead run-size criteria for recreational harvest in the Wenatchee River, Methow River, and Okanogan River basin tributary spawning areas and mortality take limit of natural-origin UCR steelhead. Catch and release mortality is assumed at five percent.**

| *Tributary Area* | Estimated Escapement | Maximum Allowable |
|---|---|---|
| Priest Rapids Dam Count | to Tributary Area | Mortality Impact |
| *Wenatchee River and Columbia River above Rock Island Dam to below Rocky Reach Dam* | | |
| <837 | <599 | 0% |
| Tier 1 838 | 600 | 2% |
| Tier 2 2,146 | 1,700 | 4% |
| Tier 3 3,098 | 2,500 | 6% |
| *Methow River and Columbia River above Wells Dam* | | |
| <908 | <499 | 0% |
| Tier 1 804 | 500 | 2% |
| Tier 2 2,224 | 1,600 | 4% |
| Tier 3 3,386 | 2,500 | 6% |
| *Okanogan River Basin upstream of the Highway 97 Bridge* | | |
| <175 | <119 | 0% |
| Tier 1 176 | 120 | 5% |
| Tier 2 180 | 120 | 7% |
| Tier 3 795 | 600 | 10% |

Incidental Take

Incidental takes of UCR spring chinook salmon associated with hatchery operations, and juvenile fish releases from the program, are authorized. Because of the inherent biological attributes of aquatic species such as salmon and steelhead, the dimensions and variability of the Columbia River system and tributaries, and the operational complexities of artificial propagation program actions, determining precise numerical incidental take levels of ESA-listed species attributable to the hatchery activities are not possible at present. The existence of concurrent WDFW artificial propagation programs for listed spring chinook salmon and unlisted salmon at the same facilities further complicate the ability to identify incidental takes occurring specifically through the UCR steelhead programs.

In the absence of quantitative estimates of incidental take, NMFS will monitor fish release numbers/locations and limit broodstock collection operations, hatchery operational practices, and fish release practices as reported by the Permit Holders and other sources to ensure that incidental takes do not operate to the disadvantage of ESA-listed species. If NMFS determines that incidental takes due to the artificial propagation activities have the potential to operate to the disadvantage of ESA-listed species, the WDFW, the Chelan PUD, and the Douglas PUD must

suspend those activities that result in the incidental takes until a reasonable solution is achieved, this permit is amended, and/or the programs are reevaluated under Section 7 of the ESA.

B. Program Management and Operating Conditions

The following conditions address program management, fish handling, hatchery facility operations and monitoring and evaluations activities.

1. The Chelan PUD and Douglas PUD shall fund the specific elements of the artificial propagation programs objectives developed by the HCP Hatchery Committee, which may include contributing to the rebuilding and recovery of naturally reproducing populations in their native habitats, while maintaining genetic and ecologic integrity, and supporting harvest.

2. The Permit Holders are responsible for the actions of any individual operating under the authority of this permit. Such actions include capturing, handling, releasing, transporting, maintaining, and caring for any ESA-listed species authorized to be taken by this permit.

3. The Permit Holders must ensure that all ESA-listed species are 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 until an acceptable substitute procedure is identified and approved by NMFS.

4. Measures shall be applied to ensure that artificially propagated UCR steelhead juveniles released will be ready to actively migrate to the ocean. To meet this condition, fish must be released at a uniform size and state of smoltification that ensures that the fish will migrate seaward without delay after release. Variance from this smolts-only release requirement shall only be allowed in the event of an emergency, such as flooding, water loss to raceways, or vandalism, that necessitates early release of ESA-listed steelhead to prevent catastrophic mortality. Any emergency steelhead releases made by the action agencies shall be reported immediately to the NMFS Salmon Recovery Division in Portland.

5. The Permit Holders must allow any NMFS employee or representative to accompany field personnel while they conduct authorized activities.

6. The Permit Holders are responsible for obtaining all other federal, state, and local permits/authorizations needed for the proposed activities.

7. The Chelan PUD and Douglas PUD shall be responsive to new information and technologies that are developed, and approved by the HCP Hatchery Committees, which may be considered and utilized in the monitoring and evaluation of the artificial propagation programs, where appropriate.

8. The Chelan PUD and Douglas PUD shall fund artificial propagation program monitoring and evaluation consistent with the HCPs, the general objectives and guidelines listed for in the BAMP, the section 7 Biological Opinion on the issuance of this permit, and as determined by the HCP Hatchery Committees.

9. The WDFW shall operate and manage the UCR steelhead artificial propagation programs including following impact minimization measures as proposed in section 2.1 of the section 7 Biological Opinion on the issuance of this permit.

10. Each ESA-listed fish handled out-of-water for the purpose of recording biological information must be anesthetized. Anesthetized fish must be allowed to recover (e.g., in a recovery tank) before being released. Fish that are simply counted must remain in water but do not need to be anesthetized.

11. 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 holds water during transfer.

12. To the extent possible without imposing increased risk to listed species, Chelan PUD, Douglas PUD, and WDFW shall enumerate and identify marks and tags on all anadromous species encountered at adult and juvenile trapping sites. This information shall be included in either an annual brood program report or a monitoring and evaluation report submitted to NMFS.

13. In trapping operations directed at the collection of broodstock, the Permit Holders shall apply measures that minimize the risk of harm to listed salmon and steelhead. These measures include, but are not limited to: limitations on the duration (hourly, daily, weekly) of trapping in mainstem river areas to minimize capture and handling effects on listed fish; limits on trap holding duration of listed fish prior to release; application of procedures to allow safe holding, and careful handling and release of listed fish; and allowance for free passage of listed fish migrating through trapping sites in mainstem and tributary river locations when those sites are not being actively operated.

14. ESA-listed juvenile fish must not be handled if the water temperature exceeds 21°C (69.8°F) at the capture site. Under these conditions, ESA-listed fish may only be identified and counted.

15. If water temperature at adult trapping sites exceeds 21°C (69.8°F), the trap operation shall cease pending further consultation with NMFS to determine if continued trap operation poses substantial risk to ESA-listed species.

16. The WDFW shall monitor the incidence of, and minimize capture, holding, and handling effects on, listed salmon and steelhead encountered during trapping. The WDFW shall carefully handle and immediately release upstream incidentally captured listed UCR spring chinook salmon adults that are not intended for use as broodstock in concurrently operated and previously authorized listed stock recovery programs.

17. The WDFW shall limit operation of Wells Dam east and west ladder traps to no more than three days per week from July through November. If both traps are operated, they shall be operated concurrently, operating on the same three days each week. When operating, active trapping may occur up to 16 hours per day. The ladder shall be open to passage at night to allow passage for listed steelhead.

18. The Permit Holders shall ensure that water intakes into artificial propagation facilities be properly screened in compliance with 1995 NMFS screening criteria and as per the 1996 addendum to those criteria (NMFS 1996). As an alternative, they shall comply with transitional criteria set forth by NMFS in 1999 for juvenile fish screens constructed prior to the establishment of the 1995 criteria (NMFS 1996), to minimize risks to listed salmon and steelhead. The Permit Holders shall inspect and monitor the water intake screen structures at their hatchery facilities to determine if listed salmon and steelhead are being drawn into the facility; the results of this monitoring shall be included in annual reports.

19. The Permit Holders shall implement the "Salmonid Disease Control Policy of the Fisheries Co-managers of Washington State" (NWIFC and WDFW 1998) and Pacific Northwest Fish Health Protection Committee (PNFHPC 1989) guidelines to minimize the risk of fish disease amplification and transfer, and to ensure that artificially propagated fish would be released in good health.

20. The Permit Holders shall conduct hatchery operations and monitor hatchery effluent in compliance with applicable National Pollutant Discharge Elimination System (NPDES) (EPA 1999) permit limitations.

21. In the event that circumstances, such as unanticipated, higher-than-expected fecundity, or high egg-to-fry survival rates, lead to the inadvertent possession of steelhead substantially in excess (>110 %) of program production levels specified above, then surplus eggs or fish shall be culled from the population in a manner consistent with achieving program goals.

22. Visual observation protocols must be used instead of intrusive sampling methods whenever possible. This is especially appropriate when merely ascertaining the presence of anadromous fish.

23. The Permit Holders are responsible for any biological samples collected from listed species, which shall only occur if they are valuable for research purposes. The Permit Holders may not transfer biological samples to anyone not listed in the application without prior written approval from NMFS.

24. The Permit Holders must coordinate with other co-managers and researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holder's activities. This coordination shall include, but is not limited to, the HCP Hatchery Committees.

25. All artificially propagated UCR steelhead juveniles shall be externally marked (i.e., visual implant elastomer tag or adipose fin clipped) prior to release.

26. At least a representative portion of the artificially propagated UCR steelhead juveniles shall be internally tagged (e.g., CWT, PIT tag) prior to release to allow monitoring and evaluation of fish performance and contribution rates, including straying levels to natural spawning areas and to other hatcheries. The appropriate level of tagging shall be based in the investigational or management objectives and shall be reviewed by a trained statistician or biometrician.

27. When radio tags or active tags or Petersen disk tags are applied, recreational harvest regulations will clearly and specifically identify these fish as not available for retention. Information concerning the application, tracking, and final disposition of fish with these tags shall be included in annual reports.

28. In years when harvest activities are implemented, the WDFW shall conduct regular enforcement patrols and include a summary of enforcement actions, including regulation compliance statistics, in the annual report described below in Condition C.9.

29. The Permit Holders may conduct spawning ground and carcass surveys to assess the distribution and impact of artificially propagated UCR steelhead on the natural-origin steelhead populations.

C. Reports and Annual Authorization

NMFS contact for all reports:

NMFS - Salmon Recovery Division
525 NE Oregon Street, Suite 510
Portland, Oregon 97232
Phone: (503) 230-5407
Fax: (503) 872-2737

1. The Permit Holders 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 Holders must submit a written report detailing why the authorized take level was exceeded or is likely to be exceeded.

2. The Permit Holders shall update and provide to NMFS by December 15th of each year, the projected hatchery releases by age class and location for the coming year.

3. The Permit Holders shall provide annual reports that summarize numbers, pounds, dates, tag/mark information, locations of artificially propagated fish releases, and monitoring and evaluation activities that occur within the hatchery environment, and adult return numbers to the UCR basin for each program. The Permit Holders shall ensure collection and reporting of the coefficient of variation around the average (target) steelhead release size immediately prior to their liberation from the acclimation sites as an indicator of population size uniformity and smoltification status. Reports shall also include any preliminary analyses of scientific research data, any problems that may have arisen during conduct of the authorized activities, a statement as to whether or not the activities had any unforeseen effects, and steps that have been and will be taken to coordinate the research or monitoring with that of other researchers. Unless otherwise noted in the specific terms and conditions, the reports shall be submitted by January 31st, of the year following release (i.e., brood year 2002, release year 2003, report due January 2004) to NMFS.

4. The Permit Holders must provide plans for future projects and/or changes in sampling locations or enhancement/research protocols and obtain approval from NMFS prior to implementation of such changes.

5. Adult return information shall include the most recent annual estimates of the number and proportion of artificially propagated fish on the spawning grounds, and the number and location of artificially propagated adults that were recovered outside the release areas. Adult return information and results from monitoring and evaluation activities outside the hatchery environment should be included in the annual report or a separate report. If a separate report on monitoring and evaluation activities conducted outside the hatchery environment is prepared, it shall be submitted by August 31st, of the year following the monitoring and evaluation activities (i.e., surveys conducted in 2003, report due August 2004) to NMFS.

6. The Chelan PUD and Douglas PUD, in coordination with the HCP Hatchery Committees, shall develop five-year monitoring and evaluation plans for the hatchery programs that are updated every five years. The first monitoring and evaluation plans shall be completed within one year of the issuance of the FERC order incorporating the HCPs into the hydroproject operation licenses. Existing monitoring and evaluation programs shall continue until replaced by the HCP Hatchery Committees.

7. The Chelan PUD and Douglas PUD shall assume the lead, and work in coordination with the HCP Hatchery Committees, in developing the ten-year hatchery program reviews and directing the development of annual summary reports. The program reviews will determine if egg-to-fry and smolt-to adult survival rates, and other appropriate hatchery program goals and objectives of the HCPs and the ESA section 10 permits have been met or sufficient progress is being made towards their achievement. This review shall include

a determination of whether artificially propagated production objectives are being achieved.

8. The WDFW shall develop annual broodstock collection and spawning protocols for the UCR ESA-listed steelhead artificial propagation programs. Protocols should be coordinated with the co-managers and HCP Hatchery Committee which must be submitted to NMFS by June 15th of the collection year.

9. Prior to opening any fishery targeting surplus artificially propagated UCR steelhead, the WDFW shall provide the proposed regulations to NMFS. The proposed regulations should include definition of the fishing areas, steelhead retention limits, anticipated encounter rate of natural-origin steelhead, estimated mortality impacts on natural-origin steelhead, monitoring plan, enforcement plans, and potential fisheries adjustments that would be made if impacts exceed authorized levels.

10. In years when harvest activities are implemented, the WDFW shall provide monthly reports by the 10th working day of the following month to NMFS. The report shall summarize the fishery activities, including angler effort, number of steelhead harvested, number of encounters with natural-origin UCR steelhead by tributary fishery area, and estimated UCR steelhead mortality impact; these reports shall include low enforcement information, particularly an estimate of illegal harvest and degree of regulation compliance. A final report detailing the fishery impacts by month and fishery area as described above in Condition C.9 shall be submitted to NMFS by August 31st of the year the fishery was concluded.

11. The Permit Holders must report the take of any ESA-listed species not included in this permit when it is killed, injured, or collected during the course of enhancement/research activities. Notification should be made as soon as possible, but no later than two days after the unauthorized take. The Permit Holders must then submit a detailed written report of the non-permitted take. Pending review of these circumstances, NMFS may suspend enhancement/research activities.

D. Penalties and Sanctions

1. The persons actually doing the activity must have a copy of this permit while conducting the authorized activities.

2. The Permit Holders 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.

3. If a permit holder violates any permit term or condition, they will be subject to any and all penalties provided by the ESA.

4. The Permit Holders, in effectuating the take authorized by this Permit, are considered to have accepted the terms and conditions of this permit and must be prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.

5. The Salmon Recovery Division, NMFS, may amend the provisions of this permit after reasonable notice to the Permit Holder.

6. 50 CFR Section 222.23(d)(8) allows NMFS to charge a reasonable fee to cover the costs of issuing permits under the ESA. The fee for this permit has been waived.

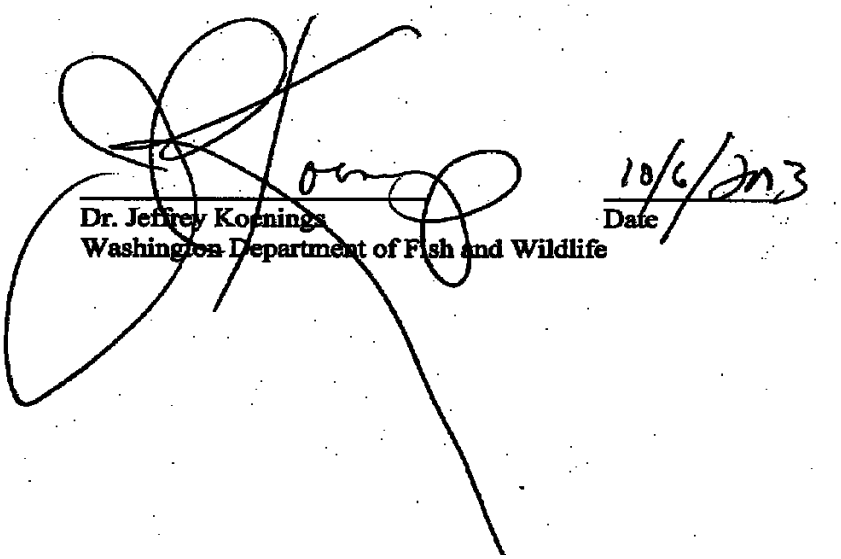
7. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.

8. Under the terms of the regulations, a 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.

E. Signatures

D. Robert Lohn
Regional Administrator

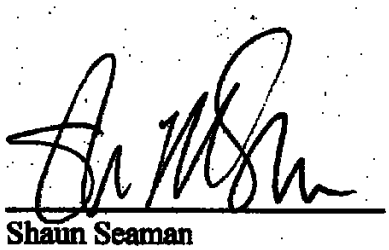
10/2/03
Date



10/6/2013

Dr. Jeffrey Koenings
Washington Department of Fish and Wildlife

Date



10-6-03

Shaun Seaman — Date

Public Utility District No. 1 of Chelan County

William C. Dobbins

10-6-03

William C. Dobbins
Date
Public Utility District No. 1 of Douglas County

F. References

CPUD (Public Utility District No. 1 of Chelan County). 2002a. Anadromous fish agreement and habitat conservation plan: Rocky Reach Hydroelectric Project, FERC license No. 2145. Chelan PUD. Wenatchee, Washington.

CPUD. 2002b. Anadromous fish agreement and habitat conservation plan: Rock Island Hydroelectric Project, FERC license No. 943. Chelan PUD. Wenatchee, Washington.

DPUD (Public Utility District No. 1 of Douglas County). 2002. Anadromous fish agreement and habitat conservation plan: Wells Hydroelectric Project, FERC license No. 2149. Douglas PUD. East Wenatchee, Washington.

EPA (Environmental Protection Agency). 1999. National Pollutant Discharge Elimination System (NPDES) Permit Program. Available at *http://www.epa.gov/owm/gen2.htm*.

NMFS (National Marine Fisheries Service). 1996. Juvenile fish screen criteria for pump intakes. Available at *http://www.nwr.noaa.gov/1hydrop/pumpcrit1.htm*.

Nordlund, B. 1999. NMFS position regarding screen built prior to current screen criteria. Letter to Dr. Robert Clubb, Public Utility District No.1 of Douglas County. NMFS Hydro Program. Portland, Oregon.

NWIFC (Northwest Indian Fisheries Commission) and WDFW (Washington Department of Fish and Wildlife). 1998. Salmonid disease control policy of the fisheries Co-managers of Washington state. Formally adopted on March 17, 1998. Fish Health Division, Hatcheries Program. Washington Dept. Fish and Wildlife, Olympia, Washington.

PNFHPC (Pacific Northwest Fish Health Protection Committee). 1989. Model comprehensive fish health protection program. 19 pp.

# Incidental Take Permits for HCP Plan Species

## Permit No. 1347 – Permit for Incidental Take of Endangered or Threatened Species during the Operation and Maintenance of Non-listed Anadromous Hatchery Facilities (2003)

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

**Permit Number:** 1347
**Permit Type:** Incidental Take (artificial propagation of unlisted salmon)
**Expiration Date:** October 22, 2013

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

**Contact:**
Ross Fuller
Phone: (360) 902-2655
Fax: (360) 902-2183
*fullerkf@dfw.wa.gov*

Public Utility District No. 1 of Chelan County
327 N Wenatchee Avenue
Wenatchee, WA 98801

Shaun Seaman
Phone: (509) 663-8121
Fax: (509) 664-2338
*shaun@chelanpud.org*

Public Utility District No. 1 of Douglas County
1151 Valley Mall Parkway
East Wenatchee, WA 98802-4497

William C. Dobbins
Phone: (509) 884-7191
Fax: (509) 884-0553
*BillD@dcpud.org*

**Authorization:**
The Washington Department of Fish and Wildlife (WDFW), the Public Utility District No. 1 of Chelan County (Chelan PUD), and the Public Utility District No. 1 of Douglas County (Douglas PUD) are hereby authorized to take endangered Upper Columbia River (UCR) steelhead (*Oncorhynchus mykiss*) and endangered UCR spring chinook salmon (*O. tshawytscha*) as a result of artificial propagation programs for the enhancement of UCR steelhead, as cited in the WDFW application and the *Anadromous Fish Agreement and Habitat Conservation Plan (HCP)Wells Hydroelectric Project FERC License No. 2149* with Douglas PUD for the operation of Wells Dam (DPUD 2002), the *Anadromous Fish Agreement and Habitat Conservation Plan Rocky Reach Hydroelectric Project FERC License No. 2145* (CPUD 2002a) with Chelan PUD for the operation of Rocky Reach Dam, and the *Anadromous Fish Agreement and Habitat Conservation Plan Rock Island Hydroelectric Project FERC License No. 943* with Chelan PUD for the operation of Rock Island Dam (CPUD 2002b), subject to the provisions of Section 10(a)(1)(B) of the Endangered Species Act (ESA) of 1973 (16 U.S.C. §§ 1531-1543), NOAA's National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the conditions hereinafter set forth.

**Abstract:**
This permit authorizes the WDFW, the Chelan PUD, the Douglas PUD annual incidental take of adult and juvenile, endangered, naturally produced and artificially propagated, UCR spring chinook salmon and UCR steelhead of ESA-listed species associated with the implementation of non-ESA-listed salmon artificial propagation programs in the UCR region. The programs are intended to supplement naturally spawned unlisted summer chinook salmon, fall chinook salmon, and sockeye salmon (*O. nerka*) production occurring upstream from the vicinity of Priest Rapids Dam on the mainstem Columbia River, including the mainstem Columbia River and the Wenatchee, Methow, and Okanogan Rivers and their tributaries.

The artificial propagation programs exist to mitigate for lost salmon, or lost salmon productivity, resulting from the construction and operation of hydroelectric dams on the mainstem Columbia River. With the exception of the Priest Rapids fall chinook salmon program, all of the programs authorized in this permit are required mitigation in the three long-term HCP agreements mentioned above. The artificial propagation programs may lead to incidental take of migrating ESA-listed adult spring chinook salmon and steelhead during unlisted salmon broodstock trapping activities, and incidental take of rearing and emigrating ESA-listed juvenile spring chinook salmon and steelhead resulting from the release of artificially-propagated unlisted salmon juveniles into the natural environment, and during monitoring and evaluation activities of the hatchery programs that occur in the natural environment. Limitations on unlisted adult salmon broodstock collection locations and timing; limits on the number, timing, and location of juvenile salmon releases; and operational guidelines applied to minimize the risks of disease transmission, water quality impairment, and fish loss through hatchery fish screening or water withdrawals for facility operations are some strategies that the WDFW, the Chelan PUD, and the Douglas PUD will employ to minimize risks to listed fish. Unlisted salmon survival and straying levels will be monitored through externally marking hatchery fish, and/or through internal coded wire or passive integrated transponder (PIT) tagging of a representative proportion of annual juvenile fish releases.

The Chelan PUD and the Douglas PUD, as joint permit holders with the WDFW, have specific conditions relating to their involvement and obligation under the HCPs and the permit. The WDFW as the primary operator of the hatchery facilities and as a managing agency of the fish resources of the state, also has specific conditions and responsibilities. The failure of one permit holder to satisfy their conditions may result in the loss of take authorization for all permit holders. Thereby, an interdependent and cooperative relationship should be encouraged in carrying out the authorized activities.

Unlisted salmon artificial propagation program activities will include:

- The collection of broodstock through trapping operations at: Wells Dam for Methow and Okanogan River summer chinook salmon populations, Wells Hatchery for summer chinook salmon releases from Wells and Turtle Rock hatcheries, Dryden and Tumwater Dams for Wenatchee River summer chinook salmon and Wenatchee sockeye salmon, and Priest Rapids Hatchery for Priest River hatchery-origin fall chinook salmon.

- The holding and artificial spawning of collected adults at Wells, Eastbank, and Priest Rapids Hatcheries, and Lake Wenatchee Net Pens.

- The incubation and propagation from the fertilized egg through the fingerling, pre-smolt or smolt life stage at the Wells, Eastbank, and Priest Rapids Hatchery complex facilities.

- The transfer of summer chinook salmon and sockeye salmon fingerlings or pre-smolts from the hatcheries for rearing at facilities in the Wenatchee, Methow, and Okanogan Rivers' watersheds, and to net-pens in Lake Wenatchee.

- The release of summer chinook salmon, fall chinook salmon, and sockeye salmon smolts into the Wenatchee, Methow, and Okanogan Rivers' basins, and into the mainstem Columbia River from the hatcheries, acclimation ponds, and net-pens on those systems.

- The monitoring and evaluation of these artificial propagation programs in the natural environment through activities such as redd counts and carcass surveys, and formal monitoring and evaluation plans to be developed by the HCP Hatchery Committees as called for in the HCPs.

A. Take Description and Levels

This permit is for activities to be conducted over a period of approximately ten years. Annual takes listed below are subject to the annual authorization process (see Section D - Reports and Annual Authorization) during the period that this permit is valid.

Permit Holders means any of the three permit holders and any employee, contractor, or agent of any of the permit holders.

The Permit Holders must ensure that listed species are taken only at the levels, by the means, in the areas, and for the purpose stated in the permit applications, and according to the Terms and Conditions in this permit.

Incidental takes of ESA-listed species associated with broodstock collection activities, hatchery operations, and juvenile fish releases from the program are authorized. Because of the inherent biological attributes of aquatic species, such as salmon and steelhead, the dimensions and variability of the Columbia River system and tributaries, and the operational complexities of hatchery actions, determining precise incidental take levels of ESA-listed species attributable to the hatchery activities is not possible at present. The existence of concurrent WDFW broodstock collection programs for listed steelhead at Wells Dam, Dryden Dam, and Tumwater Dam (previously authorized by NMFS through Section 10 direct take Permit 1395), and for listed spring chinook salmon at Tumwater Dam (previously authorized by NMFS through Section 10 direct take Permit 1196), further complicates the ability to identify incidental take occurring through the unlisted salmon programs.

In the absence of quantitative estimates of incidental take, NMFS will monitor fish release numbers/locations and limit broodstock collection operations, hatchery operational practices, and fish release practices to assure that incidental takes do not operate to the disadvantage of ESA-listed species. If NMFS determines that incidental takes due to the artificial propagation activities have the potential to operate to the disadvantage of ESA-listed species, the WDFW, the Chelan PUD, and the Douglas PUD must suspend the activities that result in the incidental takes until a reasonable solution is achieved, this permit is amended, and/or the programs are reevaluated under Section 7 of the ESA.

B. Production Levels

The following conditions address the production levels limits of unlisted chinook salmon and sockeye salmon.

1. The WDFW shall limit annual production of sockeye salmon for release into Lake Wenatchee to not exceed 200,000 yearling juveniles released in August through November. These juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release.

2. The WDFW shall limit annual production of Wenatchee summer chinook salmon for release into the Wenatchee River to not exceed 864,000 yearling juveniles released in April to May. These juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release.

3. The WDFW shall limit annual production of summer chinook salmon for release into the Methow River to not exceed 400,000 yearling juveniles released in April or May. These juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release.

4. The WDFW shall limit annual production of summer chinook salmon into the Similkameen River or Okanogan River to not exceed 576,000 yearling juveniles released in April or May. These juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release.

5. The WDFW shall limit annual production of summer chinook salmon for release into the Columbia River from Wells Hatchery to not exceed 320,000 yearling juveniles released in April, and 484,000 sub-yearling juveniles released in June. These juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release.

6. The WDFW shall limit annual production of summer chinook salmon for release from Turtle Rock Hatchery into the mainstem Columbia River to not exceed 200,000 yearling juveniles released in April, and 1,600,000 sub-yearling juveniles in June. The yearling juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release. At least 200,000 of the sub-yearling juveniles shall be externally marked with an

adipose fin-clip and internally tagged prior to release.

7. The WDFW shall limit annual production of fall chinook salmon for release into the Columbia River from Priest Rapids Hatchery to not exceed 6,700,000 sub-yearlings, released in June. At least a portion of the juveniles shall be externally marked with an adipose fin-clip and internally tagged prior to release.

8. In the event that circumstances, such as unanticipated, higher-than-expected fecundity, or high egg-to-fry survival rates, lead to the inadvertent possession of salmon substantially in excess (>110 percent) of program production levels specified above, then surplus eggs or fish shall be culled from the population in a manner consistent with achieving program goals.

C. Program Management and Operating Conditions

The following conditions address program management, fish handling, hatchery facility operations, and monitoring and evaluations activities.

1. The Chelan PUD and Douglas PUD shall fund the specific elements of the artificial propagation programs objectives developed by the HCP Hatchery Committee, which may include contributing to the rebuilding and recovery of naturally reproducing populations in their native habitats, while maintaining genetic and ecologic integrity, and supporting harvest.

2. The Permit Holders are responsible for the actions of any individual operating inder the authority of this permit. Such actions include capturing, handling, and releasing any ESA-listed species authorized to be incidentally taken by this permit.

3. The Permit Holders must ensure that all ESA-listed species are 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 until an acceptable substitute procedure is identified and approved by NMFS Salmon Recovery Division.

4. Measures shall be applied to ensure that artificially propagated chinook salmon juveniles will be ready to actively migrate to the ocean when released. To meet this condition, fish must be released at a uniform size and state of smoltification that ensures that the fish will migrate seaward without delay. Variance from this smolts-only release requirement shall only be allowed in the event of an emergency, such as flooding, water loss to raceways, or vandalism, that necessitates early release of ESA-listed steelhead to prevent catastrophic mortality. Any emergency releases made by the action agencies shall be reported immediately to the NMFS Salmon Recovery Division.

5. The Permit Holders must allow any NMFS employee or representative to accompany field personnel while they conduct authorized activities.

6. The Permit Holders are responsible for obtaining all other Federal, State, and local permits/authorizations needed for the proposed activities.

7. The Chelan PUD and Douglas PUD shall be responsive to new information and technologies that are developed, and approved by the HCP Hatchery Committees, which may be considered and utilized in the monitoring and evaluation of the artificial propagation programs, where appropriate.

8. The Chelan PUD and Douglas PUD shall fund artificial propagation program monitoring and evaluation consistent with the HCPs, the general objectives and guidelines listed for in the Biological Assessment and Management Plan (BAMP), this Opinion, and as determined by the HCP Hatchery Committees.

9. The WDFW shall operate and manage the artificial propagation programs including following impact minimization measures as proposed in the Section 7 Biological Opinion on the issuance of this permit.

10. To the extent possible without imposing increased risk to listed species, the Permit Holders shall enumerate and identify marks and tags on all anadromous species encountered at adult and juvenile trapping sites. This information shall be included in either an annual brood program report or a monitoring and evaluation report submitted to NMFS.

11. In trapping operations directed at the collection of broodstock, the Permit Holders shall apply measures that minimize the risk of harm to listed salmon and steelhead. These measures include, but are not limited to: limitations on the duration (hourly, daily, weekly) of trapping in mainstem river areas to minimize capture and handling effects on listed fish; limits on trap holding duration of listed fish prior to release; application of procedures to allow safe holding, and careful handling and release of listed fish; and allowance for free passage of listed fish migrating through trapping sites in mainstem and tributary river locations when those sites are not being operated.

12. All traps that have the potential to incidentally capture listed UCR spring chinook salmon or UCR steelhead when they are operated must be checked and have all trapped fish removed at least daily.

13. If water temperature at adult trapping sites exceeds 21°C (69.8°F), the trap operation shall cease, pending further consultation with NMFS to determine if continued trap operation poses substantial risk to ESA-listed species that may be incidentally encountered.

14. The Permit Holders shall monitor the incidence of, and minimize capture, holding, and handling effects on, listed salmon and steelhead encountered during trapping. The WDFW shall carefully handle and immediately release upstream incidentally captured listed UCR spring chinook salmon and steelhead adults that are not intended for use as broodstock in concurrently operated and otherwise authorized listed stock recovery programs.

15. The Permit Holders shall limit operation of Wells Dam east and west ladder traps to no more than three days per week from July through November. If both traps are operated, they shall be operated concurrently, operating on the same three days each week. When operating, active trapping may occur up to 16 hours per day. The ladder shall be open to passage at night for listed steelhead.

16. The Permit Holders may operated Dryden Dam right and left bank traps up to 7 days per week to collect summer chinook broodstock from July through August. Incidental take of UCR steelhead shall not exceed 11 steelhead. Steelhead capture and handling authorized under permit 1395 will not count toward this incidental take limit.

17. The Permit Holders shall limit operation of Tumwater Dam trap for the collection of sockeye salmon broodstock to no more that three days per week, beginning after the sockeye migration peak at Rock Island Dam, but no earlier that July 15.

18. The WDFW shall collect fall chinook salmon adults volunteering to the Priest Rapids Hatchery trap as the primary means for obtaining broodstock for the Priest Rapids Hatchery program.

19. The WDFW may collect fall chinook broodstock at Priest Rapids Dam ladder trap as a secondary broodstock collection site. The incidental take of UCR steelhead shall not exceed 10 steelhead. Steelhead encountered during otherwise authorized activities, such as UCR steelhead run monitoring, authorized under permit 1395 shall not count toward this take limit.

20. The Permit Holders shall ensure that water intakes into artificial propagation facilities be properly screened in compliance with 1995 NMFS screening criteria and as per the 1996 addendum to those criteria (NMFS 1996). As an alternative, they shall comply with transitional criteria set forth by NMFS in 1999 for juvenile fish screens constructed prior to the establishment of the 1995 criteria (NMFS 1996), to minimize risks to listed salmon and steelhead. The Permit Holders shall inspect and monitor the water intake screen structures at their hatchery facilities to determine if listed salmon and steelhead are being drawn into the facility; the results of this monitoring shall be included in annual reports to NMFS.

21. The Permit Holders shall implement the "Salmonid Disease Control Policy of the Fisheries Co-managers of Washington State" (NWIFC and WDFW 1998) and Pacific Northwest Fish Health Protection Committee (PNFHPC 1989) guidelines to minimize the risk of fish disease amplification and transfer, and to ensure that artificially propagated fish would be released in good health.

22. The Permit Holders shall conduct hatchery operations and monitor hatchery effluent in compliance with applicable National Pollutant Discharge Elimination System (NPDES) (EPA 1999) permit limitations.

23. Visual observation protocols must be used instead of intrusive sampling methods whenever possible. This is especially appropriate when merely ascertaining the presence of anadromous fish.

24. The WDFW shall monitor and report Priest Rapids Hatchery fall chinook salmon contribution to natural spawning in the Hanford Reach, and straying levels to other Columbia River Basin watersheds, including mainstem river reaches upstream of Wanapum Dam. Information regarding contribution to natural spawning and straying to natural areas will be included in the annual report for the program.

25. The Permit Holders must coordinate with other co-managers and researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holders' activities. This coordination shall include, but is not limited to, the HCP Hatchery Committees.

26. The Permit Holders may conduct spawning ground and carcass surveys to assess the distribution and impact of artificially propagated salmon on the natural-origin populations.

D. Reports and Annual Authorization

NMFS contact for all reports:

NMFS - Salmon Recovery Division
525 NE Oregon Street, Suite 510
Portland, Oregon 97232
Phone: (503) 230-5407
Fax: (503) 872-2737

1. The Permit Holders 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 Holders must submit a written report detailing why the authorized take level was exceeded or is likely to be exceeded.

2. The Permit Holders shall update and provide to NMFS by December 15 of each year, the projected hatchery releases by age class and location for the coming year.

3. The Permit Holders shall provide annual reports that summarize numbers, pounds, dates, tag/mark information, locations of artificially propagated fish releases, and monitoring and evaluation activities that occur within the hatchery environment, and adult return numbers to the UCR basin for each program. The Permit Holders shall ensure collection and reporting of the coefficient of variation around the average (target) release size immediately prior to their liberation from the acclimation sites as an indicator of population size uniformity and smoltification status. Reports shall also include any preliminary analyses of scientific research data, any problems that may have arisen during conduct of the authorized activities, a statement as to whether or not the activities had any unforeseen effects, and steps that have been and will be taken to coordinate the research or monitoring with that of other researchers. Unless otherwise noted in the specific terms and conditions, the reports shall be submitted by January 31 of the year following release (i.e., brood year 2002, release year 2003, report due January 31, 2004) to NMFS.

4. The Permit Holders must provide plans for future projects and/or changes in sampling locations or enhancement/research protocols and obtain approval from NMFS prior to implementation of such changes.

5. Adult return information shall include the most recent annual estimates of the number and proportion of artificially propagated fish on the spawning grounds, and the number and location of artificially propagated adults that were recovered outside the release areas. Adult return information and results from monitoring and evaluation activities outside the hatchery environment should be included in the annual report or a separate report. If a separate report on monitoring and evaluation activities conducted outside the hatchery environment is prepared, it shall be submitted by August 31, of the year following the monitoring and evaluation activities (i.e., surveys conducted in 2003, report due August 31, 2004) to NMFS.

6. The Chelan PUD and Douglas PUD, in coordination with the HCP Hatchery Committees, shall develop five-year monitoring and evaluation plans for the hatchery programs that are updated every five years. The first monitoring and evaluation plans shall be completed within one year of the issuance of the FERC order incorporating the HCPs into the hydroproject operation licenses. Existing monitoring and evaluation programs shall continue until replaced by the HCP Hatchery Committees.

7. The Chelan PUD and Douglas PUD shall assume the lead, and work in coordination with the HCP Hatchery Committees, in developing the ten-year hatchery program reviews and directing the development of annual summary reports. The program reviews will determine if egg-to-fry and smolt-to adult survival rates, and other appropriate hatchery program goals and objectives of the HCPs and the ESA Section 10 permits, have been met or if sufficient progress is being made towards their achievement. This review shall

include a determination of whether artificially propagated production objectives are being achieved.

8. The WDFW shall develop annual broodstock collection and spawning protocols for the sockeye salmon and chinook salmon artificial propagation programs. Protocols should be coordinated with the co-managers and HCP Hatchery Committees and must be submitted to NMFS by April 15 of the collection year.

9. The Permit Holders must report the take of any ESA-listed species not included in this permit or authorized under a separate ESA permit, when it is killed, injured, or collected during the course of enhancement/research activities. Notification should be made as soon as possible, but no later than two days after the unauthorized take. The Permit Holders must then submit a detailed written report of the non-permitted take. Pending review of these circumstances, NMFS may suspend enhancement/research activities.

E. Penalties and Sanctions

1. The persons actually doing the activity must have a copy of this permit while conducting the authorized activities.

2. The Permit Holders 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.

3. If a Permit Holder violates any permit term or condition, they will be subject to any and all penalties provided by the ESA.

4. The Permit Holders, in effectuating the take authorized by this Permit, are considered to have accepted the Terms and Conditions of this permit and must be prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.

5. The NMFS Salmon Recovery Division may amend the provisions of this permit after reasonable notice to the Permit Holders.

6. 50 CFR Section 222.23(d)(8) allows NMFS to charge a reasonable fee to cover the costs of issuing permits under the ESA. The fee for this permit has been waived.

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

8. Under the terms of the regulations, a 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.

F. Signatures

D. Robert Lohn
Regional Administrator

10/22/03
Date

Ross Fuller
Washington Department of Fish and Wildlife

10/27/03
Date

10-30-03

Shaun Seaman
Public Utility District No. 1 of Chelan County

Date

Wm C Dobbins

William C. Dobbins

10-30-03

Date

Public Utility District No. 1 of Douglas County

G. References

CPUD (Public Utility District No. 1 of Chelan County). 2002a. Anadromous fish agreement and habitat conservation plan: Rocky Reach Hydroelectric Project, FERC license No. 2145. Chelan PUD. Wenatchee, Washington.

CPUD. 2002b. Anadromous fish agreement and habitat conservation plan: Rock Island Hydroelectric Project, FERC license No. 943. Chelan PUD. Wenatchee, Washington.

DPUD (Public Utility District No. 1 of Douglas County). 2002. Anadromous fish agreement and habitat conservation plan: Wells Hydroelectric Project, FERC license No. 2149. Douglas PUD. East Wenatchee, Washington.

EPA (Environmental Protection Agency). 1999. National Pollutant Discharge Elimination System (NPDES) Permit Program. Available at *http://www.epa.gov/owm/gen2.htm*.

NMFS (National Marine Fisheries Service). 1996. Juvenile fish screen criteria for pump intakes. Available at *http://www.nwr.noaa.gov/1hydrop/pumpcrit1.htm*.

NWIFC (Northwest Indian Fisheries Commission) and WDFW (Washington Department of Fish and Wildlife). 1998. Salmonid disease control policy of the fisheries Co-managers of Washington state. Formally adopted on March 17, 1998. Fish Health Division, Hatcheries Program. Washington Dept. Fish and Wildlife, Olympia, Washington.

PNFHPC (Pacific Northwest Fish Health Protection Committee). 1989. Model comprehensive fish health protection program. 19 pp.

# Incidental Take Permits for HCP Plan Species

## Amended Permit No. 1196 – Permit for Incidental Take of Endangered or Threatened Species during the Operation and Maintenance of Spring Chinook Hatchery Facilities (2004)

January 20, 2004

Mr. Ross Fuller
Washington Department of Fish and Wildlife
600 Capitol Way N
Olympia, WA 98501-1091

Mr. Shaun Seaman
Public Utility District No. 1 of Chelan County
327 N. Wenatchee Ave.
Wenatchee, WA 98801

Mr. William C. Dobbins
Public Utility District No. 1 of Douglas County
1151 Valley Mall Parkway
East Wenatchee, WA 98802-4497

Dear Gentlemen:

Enclosed is the amended scientific research/enhancement permit 1196, issued jointly to the Washington Department of Fish and Wildlife (WDFW), Public Utility District No. 1 of Chelan County (Chelan PUD), and Public Utility District No. 1 of Douglas County (Douglas PUD), together referred to as the "Permit Holders," under the authority of Section 10(a)(1)(A) of the Endangered Species Act (ESA). Permit 1196 authorizes annual take of adult and juvenile endangered Upper Columbia River (UCR) spring chinook salmon, associated with artificial propagation supplementation programs for the species. Permit 1196 also authorizes the Permit Holders annual incidental take of endangered UCR steelhead, associated with broodstock collection activities, hatchery facility operations, juvenile fish releases from the artificial propagation programs, and monitoring and evaluation activities associated with the artificial propagation programs. The Permit Holders, in carrying out the program authorized by the permit, will be considered to have accepted the terms and conditions of the permit and must be prepared to comply with the provisions of the permit, the applicable regulations, and the ESA. Failure of one of the Permit Holders to satisfy the terms and conditions could result in the revocation of the permit for all Permit Holders.

NMFS requires that the Permit Holders, and the individuals acting under the authority of permit 1196, review the permit prior to engaging in the research/enhancement activities and comply with the permit while engaging in such activities. The amended permit with signature pages is enclosed (see Section F of the permit). Please sign and date the appropriate signature page (marked with a tab) and return the original to our office. Signature pages from each joint permit

holder will be distributed after NMFS receives all of the original signature pages. Please note that the amended permit 1196 is not valid until our office receives the signed copy of the signature page from each of the Permit Holders.

Your attention is directed to Section C, which describes reporting and authorization requirements. Amended permit 1196 is subject to annual authorization based on your reported take per annual period and your compliance with the terms and conditions of the permit. Annual authorization will be effectuated by submittal, and NMFS' review and approval of the required reports.

As Permit Holders, your agencies are required to report projected juvenile salmon releases for the coming year by December 15, and broodstock collection protocols for each year by April 15. Hatchery brood reports summarizing permitted program activities conducted within the hatchery environment relating to a brood cohort and reporting of monitoring and evaluation activities conducted in the natural environment, such as redd counts and carcass surveys, are required annually. Permit 1196 allows the specific content, format, and time lines of reports to be determined by the HCP Hatchery Committees with final NMFS approval of the reporting specifications. Permit 1196 expires ten years from the date of signature by the Northwest Region, NMFS.

If you have any questions concerning the permit, please contact Kristine Petersen at (503) 230-5409.

Sincerely,

D. Robert Lohn
Regional Administrator

Enclosure

**SECTION 10(a)(1)(A) PERMIT FOR TAKES OF ENDANGERED/THREATENED SPECIES**

**Permit Number:** 1196
**Permit Type:** Scientific Research/Enhancement - Artificial Propagation
**Expiration Date:** January, 20, 2014


**Joint Permit Holders:**

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

**Contact:**
Ross Fuller
Phone: (360) 902-2655
Fax: (360) 902-2943
*fullerkf@dfw.wa.gov*

Public Utility District No. 1 of Chelan County
327 N. Wenatchee Ave.
Wenatchee, WA 98801

Shaun Seaman
Phone: (509) 663-8121
Fax: (509) 664-2338
*shaun@chelanpud.org*

Public Utility District No. 1 of Douglas County
1151 Valley Mall Parkway
East Wenatchee, WA 98802-4497

Shane Bickford
Phone: (509) 881-2208
Fax: (509) 884-0553
*SBickford@dcpud.org*


**Authorization:**

The Washington Department of Fish and Wildlife (WDFW), the Public Utility District No. 1 Chelan County (Chelan PUD), and the Public Utility District No. 1 of Douglas County (Douglas PUD), are hereby authorized to take endangered upper Columbia River (UCR) spring chinook salmon (*Oncorhynchus tshawytscha*) and endangered UCR steelhead (*O. mykiss*) for scientific research/enhancement purposes, as cited in the WDFW application and the *Anadromous Fish Agreement and Habitat Conservation Plan Wells Hydroelectric Project FERC License No. 2149* with Douglas PUD for the operation of Wells Dam (DPUD 2002), and the *Anadromous Fish Agreement and Habitat Conservation Plan Rocky Reach Hydroelectric Project FERC License No. 2145* (CPUD 2002a) with Chelan PUD for the operation of Rocky Reach, and the *Anadromous Fish Agreement and Habitat Conservation Plan Rock Island Hydroelectric Project FERC License No. 943* with Chelan PUD for the operation of Rock Island Dam (CPUD 2002b), subject to the provisions of Section 10(a)(1)(A) of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Parts 222-226), and the conditions hereinafter set forth.

**Abstract:**
The Permit Holders are authorized annual take of adult and juvenile, endangered, naturally produced and artificially propagated, UCR spring chinook salmon associated with artificial propagation supplementation programs for the Wenatchee River and Methow River Basin populations of the species. The programs are intended to supplement the species' naturally spawned production in the two watersheds. The authorized programs includes the collection of ESA-listed adults for broodstock, the use of artificial propagation in a hatchery environment, the rearing of artificially spawned progeny in the hatchery facilities, and the release of artificially propagated juveniles into the respective stream of origin. All aspects of the program will be monitored in the hatchery and natural environments in a manner that allows comparison of the effectiveness of programs.

The WDFW operates hatchery facilities within the UCR Basin for the propagation of spring chinook salmon. These facilities and all aspects of the artificial propagation programs within the facilities are funded by the Chelan PUD and the Douglas PUD.

This amended permit addressed the same actions as the original permit with regard to the WDFW implementation of artificial propagation programs in the Wenatchee River and Methow River Basins. It adds Chelan and Douglas PUDs to the permit as joint permit holders with the WDFW in accordance with the three Habitat Conservation Plan (HCP) agreements reach between the PUDs, NMFS, the WDFW, the U.S. Fish and Wildlife Service (USFWS), and the Confederated Tribes of the Colville Reservation. The PUDs' actions include funding of and implementation support for all aspects of the artificial propagation programs. The duration of the permit is extended from five to 10 years. Additionally, this amended permit consolidates monitoring and evaluations activities that have previously been authorized under separate permits.

The Methow River Basin program uses returning UCR spring chinook salmon adults collected at weirs on the Methow River and its tributaries, the Twisp and Chewuch Rivers. The Wenatchee River Basin program uses spring chinook salmon broodstock collected at weirs on the Chiwawa River and potentially Nason Creek, tributaries of the Wenatchee River, and at Tumwater Dam on the Wenatchee River. The programs include satellite ponds for rearing, acclimation and release of yearling smolt spring chinook salmon on the aforementioned tributaries.

Supplementation activities will include:

- Collection of broodstock through trap operations on the Twisp River, Chewuch River, at Foghorn Dam on the Methow River, and at Methow Hatchery for Methow River populations (with potential collections at Wells Dam), and on the Chiwawa River and Nason Creek or Tumwater Dam for Wenatchee River Basin spring chinook salmon;
- Transfer of adults and fertilized eggs between the Methow Hatchery and the Winthrop National Fish Hatchery (NFH);

- Holding and artificial spawning of collected adults at the Methow and Eastbank Hatcheries;
- Incubation and propagation from the fertilized egg through the smolt life stage at the Methow and Eastbank Hatcheries;
- Transfer of fingerlings and pre-smolts from the two hatcheries for rearing in acclimation ponds on the Chiwawa, Twisp, and Chewuch Rivers;
- Release of smolts into the Methow, Chewuch, Twisp, and Chiwawa Rivers from the hatcheries and acclimation ponds on those systems;
- Monitoring of the programs in the hatchery environment using standard techniques such as growth and health sampling; and
- Monitoring of the programs in the natural environment using standard techniques such as juvenile fish traps and adult spawner surveys.

This amended permit also authorizes the Permit Holders annual incidental takes of ESA-listed species, including endangered UCR steelhead, associated with broodstock collection activities, hatchery operations, juvenile fish releases from the program, and monitoring and evaluation activities. This amended permit supercede the previous permit 1196. Conditions that have been added to the permit appear in **bold**. The language or order of some conditions may have been altered from the previous permit 1196 in order to alleviate inconsistencies with similar and related permits or to provide additional clarity to the conditions.

A. Take Description and Levels

This permit is for activities to be conducted over a period of **ten** years. Annual take listed below is subject to the annual authorization process (see Section C - Reports and Annual Authorization Requirements) during the period that this permit is valid.

Permit Holders means any of the three permit holders and any employee, contractor, or agent of any of the permit holders.

The Permit Holders 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 terms and conditions in this permit.

Intentional Take

1. Adult and jack endangered UCR spring chinook salmon (both natural and hatchery origin) that return to the Chiwawa River weir and potentially at a future weir on Nason Creek, and Tumwater Dam each year may be captured, anesthetized, handled (enumerated, measured, sampled for tissues and/or scales), passive integrated transponder (PIT) tagged, and released for the investigation of

reproductive success and general program monitoring of naturally spawning hatchery and naturally produced spring chinook salmon in the Wenatchee River.

2. No less than one-third of the broodstock for the Wenatchee River Basin programs shall be naturally produced spring chinook salmon.

3. Of the combined total number of naturally produced spring chinook salmon adults and jacks that return to the Chiwawa River and Nason Creek each year, WDFW may retain no more than 400 or one-third, whichever is less, for broodstock to meet the smolt production levels of the program. The ESA-listed adult chinook salmon retained for broodstock may be transferred to transport vehicles and transported to holding/spawning facilities.

4. Of the combined total number of natural and artificially propagated spring chinook salmon that return to areas above Tumwater Dam in the Wenatchee River Basin, the WDFW may retain no more than one-third of the run for broodstock annually.

5. Up to 672,000 juvenile, endangered, artificially propagated, UCR spring chinook salmon, progeny generated from the supplementation program, may be transported from the hatchery and placed into acclimation ponds on the tributary rivers in the Wenatchee River Basin for subsequent release when they are ready to out-migrate. **The release level may be adjusted downward by the HCP Hatchery Committees to meet specific program objectives on an annual basis.**

6. Adult and jack, endangered UCR spring chinook salmon (both natural and hatchery origin) that return to Wells Dam, the Twisp River trap, the Chewuch River trap, the Fulton Dam, and Foghorn Dam each year may be captured, anesthetized, handled (enumerated, measured, sampled for tissues and/or scales), PIT tagged, and released to investigate reproductive success and general program monitoring.

7. The WDFW may retain adult and jack, endangered UCR spring chinook salmon that return to the Twisp River trap, Chewuch River trap, Foghorn Dam, Winthrop NFH, and/or the Methow Hatchery (and when necessary Wells Dam) for use as broodstock. Broodstock retained by WDFW may be used in WDFW's and in the USFWS's Winthrop NFH Methow River Basin supplementation programs (authorized separately under permit 1300). See Condition B.20 below for operational guidance for broodstock collection.

8. The annual production level for WDFW's artificial propagation program at Methow Fish Hatchery shall not exceed 550,000 juveniles until modifications are

made at the Methow Hatchery. If modifications at the fish hatchery are made and additional funding is obtained, the annual production level may be increased up to 738,000 juveniles after concurrence with the HCP Hatchery Committees. These juvenile salmon may be transported from the hatchery and placed into acclimation ponds on the tributary rivers of the Methow River Basin for subsequent release when they are ready to out-migrate. **The release level may be adjusted downward by the HCP Hatchery Committees to meet specific program objectives on an annual basis.**

9. **The Permit Holders may capture, handle, and release up to 20 percent of the naturally produced spring chinook salmon juveniles in a tributary basin using standard juvenile fish trapping techniques such as rotary screw traps. For the purposes of developing population estimates, the Permit Holders may also apply marks or tags (e.g., coded-wire or PIT tags) to the spring chinook salmon juvenile prior to release. Lethal take may not exceed two percent of the fish captured.**

10. **The WDFW may capture, non-lethally sample, tag, and release up to 2,000 naturally produced and up to 2,000 artificially propagated juvenile spring chinook salmon for the investigation of reproductive success of naturally spawning hatchery and naturally produced spring chinook salmon in the Wenatchee River.**

11. **The tissue samples collected by the WDFW for the investigation of reproductive success of naturally spawning hatchery and natural spring chinook salmon in the Wenatchee River may be transferred to NMFS personnel for microsatellite DNA analysis.**

Incidental Take

1. If collection of UCR spring chinook salmon broodstock occurs at Wells Dam, then take, in the form of capture and release shall not exceed 100 listed UCR steelhead. Mortalities from this activity shall not exceed nine steelhead.

2. **Incidental take in the form of capture, handle, and release will not exceed 20 percent of the tributary population.**

3. **The mortality take shall not exceed one percent of the trapped UCR steelhead.**

The existence of concurrent WDFW artificial propagation programs for listed steelhead and unlisted salmon at the same facilities that also include monitoring and research activities

complicate the ability to identify incidental takes occurring during most of the activities associated with the UCR spring chinook salmon programs.

In the absence of quantitative estimates of incidental take, NMFS will monitor fish release numbers/locations and limit broodstock collection operations, hatchery operational practices, and fish release practices as reported by the Permit Holders and other sources to ensure that incidental takes do not operate to the disadvantage of ESA-listed species. If NMFS determines that incidental takes due to the artificial propagation activities have the potential to operate to the disadvantage of ESA-listed species, the Permit Holders must suspend those activities that result in the incidental takes until a reasonable solution is achieved, this permit is amended, and/or the programs are reevaluated under Section 7 of the ESA.

B. Program Management and Operation Conditions

The following conditions address PUD obligations, program management, fish handling, hatchery facility operations, and monitoring and evaluations activities.

1. **The Chelan PUD shall provide the necessary capacity to allow artificial propagation compensation of 672,000 yearling UCR spring chinook salmon juveniles for release in the Wenatchee River Basin as described in the HCP agreements (CPUD 2002a, 2002b).**

2. **The Chelan PUD shall provide the necessary capacity to allow artificial propagation compensation of 288,000 yearling UCR spring chinook salmon juveniles for release into the Methow River Basin as described in the HCP agreements (CPUD 2002a, 2002b).**

3. **The Douglas PUD shall provide the necessary capacity to allow artificial propagation compensation of 49,200 pounds of UCR spring chinook salmon in the Methow River Basin. Through the duration of this permit, Douglas PUD shall provide artificial propagation compensation of 61,071 yearling UCR spring chinook salmon juveniles for release into the Methow River Basin.**

4. **Through the 2003 brood year, 2005 release year, Douglas PUD shall provide artificial propagation compensation of 225,000 yearling UCR spring chinook salmon juveniles for release into the Methow River Basin in a species trade to replace sockeye salmon compensation as described in the Wells Dam HCP agreement (DPUD 2002).**

5. **The Chelan PUD and Douglas PUD shall fund the specific elements of the artificial propagation programs objectives developed by the HCP Hatchery**

**Committees consisted with the HCPs, which may include contributing to the rebuilding and recovery of naturally reproducing populations in their native habitats, while maintaining genetic and ecologic integrity of the natural population, and supporting harvest.**

6. **The Chelan PUD and Douglas PUD shall be responsive to new information and technologies that are developed, and approved by the HCP Hatchery Committees, that may be considered and utilized in the monitoring and evaluation of the artificial propagation programs, where appropriate.**

7. **The Chelan PUD and Douglas PUD shall fund artificial propagation program monitoring and evaluation consistent with the HCPs, the general objectives and guidelines listed for in the BAMP, the section 7 Opinion on the issuance of this permit, and as determined by the HCP Hatchery Committees.**

8. The Permit Holders are responsible for the actions of any individual operating under the authority of this permit. Such actions include capturing, handling, releasing, tagging, transporting, maintaining, and caring for any ESA-listed species authorized to be taken by this permit.

9. The Permit Holders are responsible for obtaining all other federal, state, and local permits/authorizations needed for the proposed activities.

10. **The WDFW shall operate and manage the UCR spring chinook salmon artificial propagation programs including the impact minimization measures as proposed in Section II of the section 7 Biological Opinion on the original issuance of permit 1196 and in the permit application (WDFW 1998).**

11. The Permit Holders must ensure that all ESA-listed species are 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 until an acceptable substitute procedure is identified and approved by NMFS.

12. **Each ESA-listed fish handled out-of-water for the purpose of recording biological information must be anesthetized. Anesthetized fish must be allowed to recover (e.g., in a recovery tank) before being released. Fish that are simply counted must remain in water but do not need to be anesthetized.**

13. The ESA-listed adult fish retained for broodstock may be marked and/or tagged, treated with antibiotics, placed in holding ponds, and spawned. Sperm from ESA-listed adult males may be cryopreserved for potential future use.

14. Carcasses of the ESA-listed fish spawned in captivity must either be outplanted in the watershed of origin for nutrient enrichment if disease protocols, as determined by fisheries co-managers are met, donated for educational purposes, incinerated, or disposed of at waste disposal facilities.

15. The adult and jack endangered UCR spring chinook salmon not retained for broodstock must be released unharmed above the respective trapping facility for natural spawning immediately after being enumerated.

16. **To the extent possible without imposing increased risk to listed species, the Permit Holders shall enumerate and identify marks and tags on all anadromous species encountered at adult and juvenile trapping sites. This information shall be included in either an annual brood program report or a monitoring and evaluation report submitted to NMFS. Specific reporting protocols will be determined by the HCP Hatchery Committees.**

17. In trapping operations directed at the collection of broodstock, the Permit Holders shall apply measures that minimize the risk of harm to listed salmon and spring chinook salmon. These measures include, but are not limited to: limitations on the duration (hourly, daily, weekly) of trapping in mainstem river areas to minimize capture and handling effects on listed fish; limits on trap holding duration of listed fish prior to release; application of procedures to allow safe holding, and careful handling and release of listed fish; and allowance for free passage of listed fish migrating through trapping sites in mainstem and tributary river locations when those sites are not being actively operated.

18. The Permit Holders must provide seven-day-a-week on-site monitoring of the adult traps and acclimation sites. The adult trap/holding box must be secured with locking lids or other mechanisms to prevent vandalism and/or unauthorized take.

19. Broodstock collection shall retain a representative sample of both hatchery and naturally produced fish for the Methow River Basin spring chinook programs and generally follow the following conditions:

a.) At the 550,000 fish production level at Methow Hatchery, when the total annual adult return to Wells Dam is predicted to be 668 adults or fewer, then all of the adult fish may be retained and placed into WDFW's (and USFWS' program authorized under permit 1300) adult-based supplementation programs. When the total annual adult return to Wells Dam is predicted to be 669 to 964, up to 69 percent of the adult run may be placed into WDFW's (and USFWS') adult-based supplementation programs and a minimum of 296 adults shall be passed upstream of the dam for natural spawning. When the total annual adult return to Wells

Dam is predicted to be over 964, the retention of adults shall be at levels that will meet maximum production objectives for WDFW (and USFWS) programs.

b.) At the 738,000 fish production level at Methow Hatchery, when the total annual adult return to Wells Dam is predicted to be 740 fish or fewer, then all of the adult fish may be placed into WDFW (and USFWS') adult-based supplementation programs. When the total annual adult return to Wells Dam is predicted to be 741 to 1,415, up to 60 percent of the adult fish may be placed into the WDFW's (and USFWS') adult-based supplementation programs and the remainder of the adult fish shall be passed upstream of the dam for natural spawning. When the total annual adult return to Wells Dam is predicted to be greater than 1,415, the retention of adults shall be at levels that will meet maximum production objectives for WDFW (and USFWS) programs.

20. **If water temperature at adult trapping sites exceeds 69.8˚F(21˚C), the trap operation shall cease pending further consultation with NMFS to determine if continued trap operation poses substantial risk to ESA-listed species.**

21. ESA-listed fish indirect mortalities associated with capturing, handling, and transporting activities must not exceed five percent of the total adult fish collected.

22. In the event that circumstances, such as unanticipated, higher-than-expected fecundity, or high egg-to-fry survival rates, lead to the inadvertent possession of spring chinook salmon substantially in excess (>110 %) of program production levels specified above, then surplus eggs or fish shall be removed from the hatchery population in a manner consistent with achieving program goals.

23. The resulting eggs generated from the supplementation program may be incubated and the ESA-listed juvenile fish progeny may be reared in captivity. ESA-listed juvenile fish produced from WDFW's supplementation program may be tagged/marked with coded wire tags, PIT tags, fin clips, and/or other biological identifiers.

24. ESA-listed juvenile fish within the hatchery environment may be monitored to acquire meristic and morphological information or sacrificed to obtain otoliths for future reference and/or to obtain pertinent pathological or physiological information.

25. All artificially propagated UCR spring chinook salmon juveniles shall be externally marked or tagged (i.e., visual implant elastomer tag or adipose fin clipped) or internally tagged (coded-wire or PIT tags) prior to release.

*Amended permit 1196*

26. **Measures shall be applied to ensure that artificially propagated UCR spring chinook salmon juveniles that are released as yearlings are ready to actively migrate to the ocean with minimal delay. To meet this condition, fish must be released at a uniform size and state of smoltification. To prevent catastrophic mortality or to reduce the preponderance of chronic disease, variance from the smolts-only release requirement may be pursued after agreement with the HCP Hatchery Committees and NMFS. Conditions such as flooding, water loss to raceways, or vandalism may warrant early release into appropriate environments after review by the HCP Hatchery Committed and NMFS. Any emergency release of UCR spring chinook salmon covered under this permit shall be reported immediately to the NMFS Salmon Recovery Division in Portland, Oregon.**

27. The progeny produced from the Methow Fish Hatchery shall be released on-station or transferred to the Chewuch Pond as yearlings for acclimation and release. The progeny of known Twisp River spring chinook salmon shall be acclimated and released from the Twisp Pond or on-station. A portion of the eggs/progeny from the Methow Fish Hatchery may be transferred to the Winthrop NFH for rearing and release.

28. **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 holds water during transfer (e.g., sanctuary net or boot).**

29. **The Permit Holders shall ensure that water intakes into artificial propagation facilities be properly screened in compliance with 1995 NMFS screening criteria and as per the 1996 addendum to those criteria (NMFS 1996). As an alternative, they shall comply with transitional criteria set forth by NMFS in 2000 for juvenile fish screens constructed prior to the establishment of the 1995 criteria, to minimize risks to listed salmon and steelhead. The Permit Holders shall inspect and monitor the water intake screen structures at their hatchery facilities to determine if listed salmon and steelhead are being drawn into the facility; the results of this monitoring shall be included in annual reports.**

30. The Permit Holders shall implement the "Salmonid Disease Control Policy of the Fisheries Co-managers of Washington State" (NWIFC and WDFW 1998) and Pacific Northwest Fish Health Protection Committee (PNFHPC 1989) guidelines

to minimize the risk of fish disease amplification and transfer, and to ensure that artificially propagated fish would be released in good health.

31. **The Permit Holders shall conduct hatchery operations and monitor hatchery effluent in compliance with applicable National Pollutant Discharge Elimination System (NPDES) (EPA 1999) permit limitations.**

32. **ESA-listed juvenile fish must not be handled if the water temperature exceeds 69.8˚F (21˚C) at the capture site. Under these conditions, ESA-listed fish may only be identified and counted.**

33. The WDFW shall monitor the incidence of, and minimize capture, holding, and handling effects on, listed salmon and steelhead encountered during trapping.

34. **Visual observation protocols must be used instead of intrusive sampling methods whenever possible. This is especially appropriate when merely ascertaining the presence of anadromous fish.**

35. The Permit Holders must coordinate with other co-managers and researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holders' activities. This coordination shall include, but is not limited to, the HCP Hatchery Committees.

36. **The Permit Holders shall conduct spawning ground and carcass surveys to assess the distribution and impact of artificially propagated UCR spring chinook salmon on the natural-origin spring chinook salmon populations.**

37. Tissue samples and/or scales collected during activities authorized above may be transferred within WDFW or to NMFS laboratories for analysis and/or maintained in an archive.

C. Reports and Annual Authorization

NMFS contact for all reports:

NMFS - Salmon Recovery Division
525 NE Oregon Street, Suite 510
Portland, Oregon 97232
Phone: (503) 230-5407
Fax: (503) 872-2737

1. The Permit Holders 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 such as a mortality event of greater than 10 percent of the brood group). The

Permit Holders must submit a written report detailing why the authorized take level was exceeded or is likely to be exceeded.

2. The Permit Holders must provide plans for future projects and/or changes in sampling locations or enhancement/research protocols and obtain approval from NMFS prior to implementation of such changes.

3. Each year, prior to the conduct of research/enhancement activities, the Permit Holders must identify the personnel designated to act under the authority of this permit and confirm their experience through resumés or other evidence of their qualifications.

4. The Permit Holders shall update and provide to NMFS by December 15 of each year the projected hatchery releases by age class and location for the coming year.

5. The WDFW shall develop annual broodstock collection and spawning protocols for the UCR spring chinook salmon artificial propagation programs that are consistent with the conditions of this permit. Protocols should be coordinated with the co-managers and HCP Hatchery Committees which must be submitted to NMFS by April 15 of the collection year.

6. The Permit Holders must report the take of any ESA-listed species not included in this permit when it is killed, injured, or collected during the course of enhancement/research activities authorized under this permit. Notification should be made as soon as possible, but no later than two days after the unauthorized take. The Permit Holders must then submit a detailed written report of the non-permitted take. Pending review of these circumstances, NMFS may suspend enhancement/research activities.

7. The Permit Holders shall develop through the HCP Hatchery Committees the reporting responsibilities of each of the three joint Permit Holders. Final approval of report content, responsibilities, and time lines shall be obtained from NMFS Salmon Recovery Division in Portland, Oregon. The following issues should be considered for required reporting:

*Within Hatchery Environment Monitoring Reporting*

- The numbers, pounds, dates, tag/mark information, and locations of fish releases;
- Standard survival benchmarks within the hatchery environment as defined by the HCP Hatchery Committees;
- Monitoring and evaluation activities that occur within the hatchery environment;
- Coefficient of variation around the average (target) release size immediately prior to their liberation from the acclimation sites as an indicator of population size uniformity and smoltification status;

- Any problems that may have arisen during conduct of the authorized activities;
- A statement as to whether or not the activities had any unforeseen effects;
- Steps that have been and will be taken to coordinate the research or monitoring with that of other researchers;

***Natural Environment Monitoring Reporting***

- **Annual adult return information shall include estimates of the number and proportion of artificially propagated fish on the spawning grounds;**
- **The number and location of artificially propagated adults that were recovered outside the release areas (e.g., in fisheries or strays to other rivers);**
- **Total and index redd counts by tributary basin;**
- **Carcass recovery summary which includes sex, origin, tributary location, age, and stock data.**
- **Broodstock monitoring and collection summary by location, including summary of all species encountered.**
- **Summary of all activities monitoring juvenile UCR spring chinook salmon in the natural environment including trap locations, tributary or subbasin population estimates;**
- **Biological sampling conducted on artificially propagated and natural origin juveniles in the natural environment;**
- **Injuries or mortalities of listed species that result from monitoring activities; and**
- **Any other information deemed necessary for assessing the program defined by the HCP Hatchery Committees.**

8. **The Chelan PUD and Douglas PUD, in coordination with the HCP Hatchery Committees, shall develop five-year monitoring and evaluation plans for the hatchery programs that are updated every five years. The first monitoring and evaluation plans shall be completed within one year of the issuance of the FERC order incorporating the HCPs into the hydroproject operation licenses. Existing monitoring and evaluation programs shall continue until replaced by the HCP Hatchery Committees newly developed five-year monitoring and evaluation plans.**

9. **The Chelan PUD and Douglas PUD shall assume the lead, and work in coordination with the HCP Hatchery Committees, in developing the ten-year hatchery program reviews and directing the development of annual summary reports. The program reviews will determine if egg-to-fry and smolt-to-adult survival rates, and other appropriate hatchery program goals and objectives of the HCPs and the ESA section 10 permits have been met or sufficient progress is being made towards their achievement. This review shall include a determination of whether artificially propagated production objectives are being achieved.**

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D. General Conditions

1. The Permit Holders must ensure that the ESA-listed species are taken only by the means, in the areas, and for the purposes set forth in the permit application, as limited by the terms and conditions in this permit.

2. The Permit Holders must ensure that all ESA-listed species are 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 until NMFS determines an acceptable substitute procedure.

3. The Permit Holders, in effecting the take authorized by this Permit, is considered to have accepted the terms and conditions of this permit and must be prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.

4. The Permit Holders are responsible for the actions of any individual operating under the authority of this permit. Such actions include capturing, handling, releasing, transporting, maintaining, and caring for any ESA-listed species authorized to be taken by this permit.

5. The Permit Holders, personnel, or designated agent acting on the Permit Holders' behalf 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 herein.

6. The Permit Holders may not transfer or assign this permit to any other person(s), as person is 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.

7. 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. In addition, before taking ESA-listed species in the territorial waters of a foreign country, the Permit Holders must secure consent from, and comply with the appropriate laws of, that country.

8. Any personnel of the Permit Holders requiring Federal or state licenses to practice their profession must be duly licensed under the appropriate law.

9. The Permit Holder must coordinate with other co-managers and/or researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holders' activities.

10. The Permit Holders must allow any 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 Permit Holder's records and facilities if such records and facilities pertain to ESA-listed species covered by this permit or NMFS's responsibilities under the ESA.

11. Under the terms of the regulations, a 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.

12. The Permit Holders are responsible for biological samples collected from ESA-listed species as long as they are useful for research purposes. The terms and conditions concerning any samples collected under this authorization remain in effect as long as the Permit Holders maintains authority and responsibility of the material taken. The Permit Holders may not transfer biological samples to anyone not listed in the application without obtaining prior written approval from NMFS. Any such transfer will be subject to such conditions as NMFS deems appropriate.

13. The Salmon Recovery Division, NMFS, may amend the provisions of this permit after reasonable notice to the Permit Holders.

14. 50 CFR Section 222.23(d)(8) allows NMFS to charge a reasonable fee to cover the costs of issuing permits under the ESA. The fee for this permit has been waived.

15. NMFS may revoke this permit if the activities provided for by it are not carried out, if the activities are not carried out in accordance with the conditions of the permit and the purposes and requirements of the ESA, or if NMFS otherwise determines that the findings made under section 10(d) of the ESA no longer hold.

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

17. The permit holders, in signing this permit, has accepted and will comply with the provisions of this permit, applicable regulations (50 CFR 222), and the ESA.

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.

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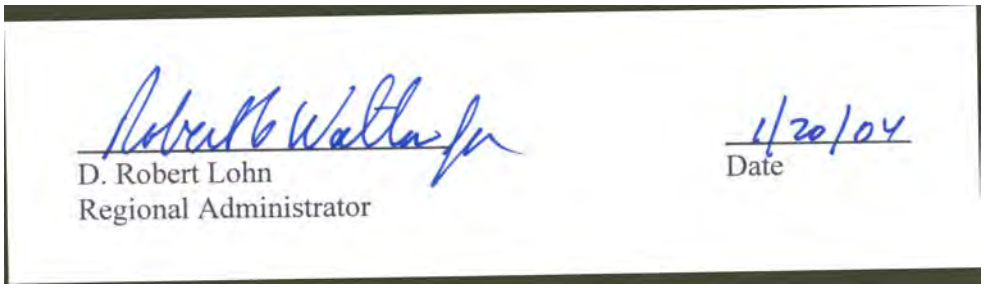
F. Signatures



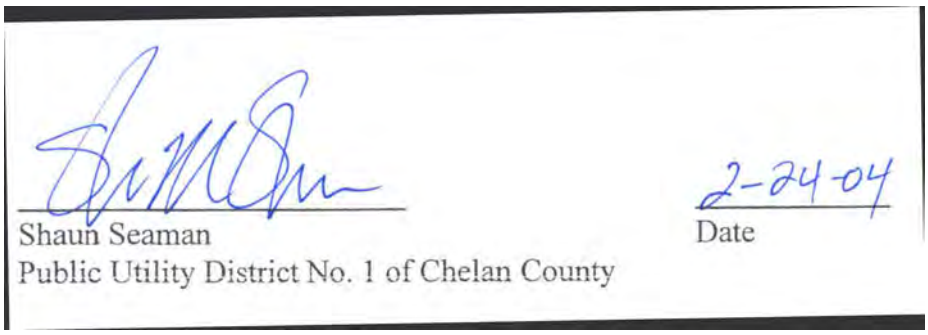
D. Robert Lohn
Regional Administrator

1/20/04
Date

*Amended permit 1196*

Ross Fuller
Washington Department of Fish and Wildlife

6-15-04
Date



Shaun Seaman
Public Utility District No. 1 of Chelan County

2-24-04
Date

William C. Dobbins
Public Utility District No. 1 of Douglas County

2-23-04
Date

G. References

CPUD (Public Utility District No. 1 of Chelan County). 2002a. Anadromous fish agreement and habitat conservation plan: Rocky Reach Hydroelectric Project, FERC license No. 2145. Chelan PUD. Wenatchee, Washington.

CPUD. 2002b. Anadromous fish agreement and habitat conservation plan: Rock Island Hydroelectric Project, FERC license No. 943. Chelan PUD. Wenatchee, Washington.

DPUD (Public Utility District No. 1 of Douglas County). 2002. Anadromous fish agreement and habitat conservation plan: Wells Hydroelectric Project, FERC license No. 2149. Douglas PUD. East Wenatchee, Washington.

EPA (Environmental Protection Agency). 1999. National Pollutant Discharge Elimination System (NPDES) Permit Program. Available at *http://www.epa.gov/owm/gen2.htm*.

NMFS (National Marine Fisheries Service). 1996. Juvenile fish screen criteria for pump intakes. Available at *http://www.nwr.noaa.gov/1hydrop/pumpcrit1.htm.*

NWIFC (Northwest Indian Fisheries Commission) and WDFW (Washington Department of Fish and Wildlife). 1998. Salmonid disease control policy of the fisheries Co-managers of Washington state. Formally adopted on March 17, 1998. Fish Health Division, Hatcheries Program. Washington Dept. Fish and Wildlife, Olympia, Washington.

PNFHPC (Pacific Northwest Fish Health Protection Committee). 1989. Model comprehensive fish health protection program. 19 pp.