



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:

Dr. Jeffrey Koenings
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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.

<i>Tributary Area</i>	<i>Priest Rapids Dam Count</i>	<i>Estimated Escapement to Tributary Area</i>	<i>Maximum Allowable Mortality Impact</i>
<i>Wenatchee River and Columbia River above Rock Island Dam to below Rocky Reach Dam</i>			
	<837	<599	0%
Tier 1	838	600	2%
Tier 2	2,146	1,700	4%
Tier 3	3,098	2,500	6%
<i>Methow River and Columbia River above Wells Dam</i>			
	<908	<499	0%
Tier 1	804	500	2%
Tier 2	2,224	1,600	4%
Tier 3	3,386	2,500	6%
<i>Okanogan River Basin upstream of the Highway 97 Bridge</i>			
	<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.

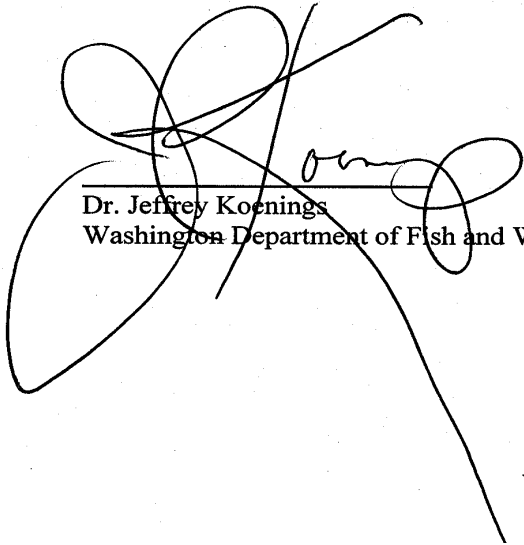
E. Signatures



D. Robert Lohn
Regional Administrator

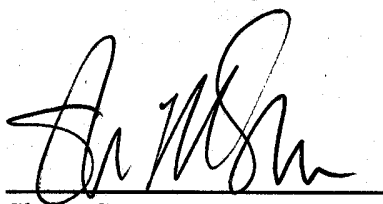


Date



Dr. Jeffrey Koenings
Washington Department of Fish and Wildlife

10/6/2013
Date



Shaun Seaman
Public Utility District No. 1 of Chelan County

10-6-03

Date

W C Dobbins

William C. Dobbins

Public Utility District No. 1 of Douglas County

10-6-03

Date

F. References

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