

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,

A handwritten signature in black ink, appearing to read "Robert Lohn". The signature is fluid and cursive, with a prominent initial "R".

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

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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.

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.**

D. General Conditions

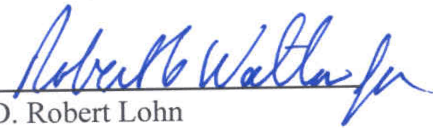
1. The Permit Holders must ensure that the ESA-listed species are taken only by the means, in the areas, and for the purposes set forth in the permit application, as limited by the terms and conditions in this permit.
2. The Permit Holders must ensure that all ESA-listed species are handled carefully.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

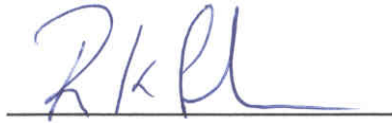
9. The Permit Holder must coordinate with other co-managers and/or researchers to ensure that no unnecessary duplication and/or adverse cumulative effects occur as a result of the Permit Holders' activities.
10. The Permit Holders must allow any NMFS employee(s) or any other person(s) designated by NMFS, 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.

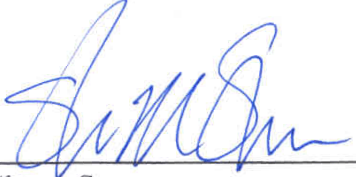
F. Signatures

 _____ D. Robert Lohn Regional Administrator	<u>1/20/04</u> Date
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A handwritten signature in blue ink, appearing to read 'RkF', is written over a horizontal line.

Ross Fuller
Washington Department of Fish and Wildlife

6-15-04
Date

 _____ Shaun Seaman Public Utility District No. 1 of Chelan County	<u>2-24-04</u> Date
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W C Dobbins

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.