

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

Permit Number: 1493
Permit Type: Scientific Research
Expiration Date: September 15, 2009

Permit Holder:
Bonneville Power Administration
P.O. Box 3621
Portland, Oregon 97208-3621

Contacts:
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Agent of Permit Holder:
Confederated Tribes and Bands of the
Yakama Nation
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Toppenish, Washington 98948

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Authorization:

The Bonneville Power Administration (BPA) and the Confederated Tribes and Band of the Yakama Nation (Yakama Nation) as their agent, are hereby authorized to take naturally produced and artificially propagated endangered Upper Columbia River (UCR) spring chinook salmon (*Oncorhynchus tshawytscha*) and endangered UCR steelhead (*O. mykiss*) for scientific research purposes, as described in the permit application (BPA and YN 2004), 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 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:

As one part of a basin wide research, monitoring, and evaluation effort, the BPA and the Yakama Nation are authorized to conduct research, monitoring, and evaluation work in Nason Creek, a tributary of the Wenatchee River in Washington State. The activities to be conducted by the Yakama Nation with funding and support from the BPA include: operation of a rotary fish trap to capture juvenile fish in Nason Creek; collection of ESA-listed juvenile UCR spring chinook salmon and steelhead for enumeration; and biological sampling of fish captured in the form of examination for external marks or tags, length and weight measurement, and non-lethal collection of scales or tissue samples. Additionally, a portion of the collected UCR spring

chinook salmon and steelhead may be externally marked or tagged and released upstream of the trap location to determine trap efficiency. All UCR spring chinook salmon and steelhead captured must be released unharmed after data is collected.

The activities authorized in permit 1493 must be coordinated with other entities (i.e., Washington Department of Fish and Wildlife, Public Utility District No. 1 of Chelan County, and U.S. Fish and Wildlife Service) conducting research and monitoring activities in the Wenatchee River Basin. Coordination includes using standardized trap operation, data collection techniques, and data analysis techniques. The duration of the permit is five years from the date of NMFS signature.

The term “Permit Holder” means the BPA, the Yakama Nation as their agent, and any other individuals acting under the authority of Permit 1493.

A. Take Description and Levels

1. This permit is for activities to be conducted over a period of five years. Annual take listed below is subject to the annual authorization process (see Section B - Reports and Annual Authorization Requirements) during the period that this permit is valid.
2. The Permit Holder 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.
3. The Permit Holder may operate a rotary screw fish trap in Nason Creek, Washington annually from March 1 through November 30.
4. The Permit Holder may capture up to 20 percent of the naturally produced and artificially propagated UCR spring chinook salmon juveniles in Nason Creek using standard juvenile fish trapping techniques such as rotary screw traps.
5. The Permit Holder may capture, handle, and release up to 20 percent of the naturally produced and artificially propagated UCR steelhead juveniles in Nason Creek using standard juvenile fish trapping techniques such as rotary screw traps.
6. Lethal take of UCR spring chinook salmon or steelhead may not exceed two percent of the fish captured.
7. For the purposes of developing population estimates, the Permit Holder may apply marks (e.g., caudal fin clip) or tags (e.g., coded-wire or PIT tags) to the UCR spring chinook and steelhead juveniles prior to release.
8. 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.

9. 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 a mix of species is captured, 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 bucket).
10. ESA-listed 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.
11. Tissue samples and/or scales collected during activities authorized above may be transferred to The Washington Department of Fish and Wildlife or NMFS laboratories for analysis and/or maintained in an archive.

B. Reports and Annual Authorization

NMFS contact for all reports:

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

1. Quarterly, annual, and Biological Opinion reports must be completed and submitted by the Permit Holder to NMFS Salmon Recovery Division as described in the statement of work for project #2003-017-00 (NMFS 2003).
2. The Permit Holder 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 Holder must submit a written report detailing why the authorized take level was exceeded or is likely to be exceeded.
3. The Permit Holder must provide plans for future projects and/or changes in sampling locations or research protocols and obtain approval from NMFS prior to implementation of such changes.
4. The Permit Holder 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 Holder must then submit a detailed written report of the non-permitted take. Pending review of these circumstances, NMFS may suspend research activities.

C. General Conditions

1. The Permit Holder 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 Washington Department of Fish and Wildlife and the U.S. Fish and Wildlife Service.
2. The Permit Holder 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 Holder must immediately cease such activity until NMFS determines an acceptable substitute procedure.
3. The Permit Holder, personnel, or designated agent, acting on the Permit Holder's 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.
4. The Permit Holder 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.
5. The Permit Holder 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 Holder must secure consent from, and comply with the appropriate laws of, that country.
6. Any personnel of the Permit Holder requiring Federal or state licenses to practice their profession must be duly licensed under the appropriate law.
7. The Permit Holder 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 Holder 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' responsibilities under the ESA.
8. Under the terms of the regulations, a violation of any of the terms and conditions of this permit will subject the Permit Holder, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.
9. The Permit Holder is 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 Holder maintains authority and responsibility of the material taken. The Permit Holder 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.

10. The Salmon Recovery Division, NMFS, may amend the provisions of this permit after reasonable notice to the Permit Holder.
11. 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.
12. 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.
13. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.
14. 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.

D. 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.

E. References

BPA and YN (Bonneville Power Administration and Yakama Nation). 2004. Application for Permit for Scientific Purposes and to Enhance the Propagation or Survival of Listed Species under the Endangered Species Act of 1973: Smolt Trap Operation in Nason Creek to Monitor Populations of Upper Columbia River (UCR) Spring Chinook Salmon and UCR Steelhead as part of a Basin-Wide Status and Effectiveness Monitoring Program. May 12, 2004. Bonneville Power Administration. Portland, Oregon.

NOAA (National Oceanic Atmospheric Administration). 2003. Integrated Status & Effectiveness Monitoring Program Project # 2003-017-00. Principle Investigator: Dr. Chris Jordan, NOAA Fisheries, NWFSC: Statement of Work: Expansion of Existing Smolt Trapping Program in Nason Creek by Yakama Nation Fisheries Resource Management. NWFSC, Montlake, Washington.


F. Signatures



D. Robert Lohn
Regional Administrator



Date



Nancy Weintraub
Bonneville Power Administration



Date