



FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE

BUREAU OF INDIAN AFFAIRS - NEZ PERCE TRIBE
C/O CRITFC
729 N.E. OREGON, STE 200
PORTLAND, OR 97232-2107
U.S.A

2 AUTHORITY-STATUTES
16 USC 1533(d)

REGULATIONS (Attached)
50 CFR 17.32

50 CFR 13

3 NUMBER

TE001598-3

AMENDMENT

4 RENEWABLE

YES

NO

5. MAY COPY

YES

NO

6 EFFECTIVE

01/07/2009

7 EXPIRES

01/06/2013

8 NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)

ROBERT C LOTHROP
MANAGER, PUBLIC POLICY AND LITIGATION

9 TYPE OF PERMIT

THREATENED SPECIES

10 LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

ON LANDS SPECIFIED WITHIN THE ATTACHED SPECIAL TERMS AND CONDITIONS.

11 CONDITIONS AND AUTHORIZATIONS

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

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 1/31

See permit conditions for further reporting requirements.

ISSUED BY

Sarah B. Hill

TITLE

PROGRAM MANAGER - ENDANGERED SPECIES

DATE

02/09/2009

SPECIAL TERMS AND CONDITIONS
Bureau of Indian Affairs -Nez Perce Tribe

This permit was previously issued on January 7, 2005. The terms and conditions set forth in that permit are hereby superseded by this amendment.

2. Acceptance of this permit serves as evidence that the permittee understands and agrees to abide by the "General Conditions for Native Endangered and Threatened Wildlife Species Permits," 50 CFR Part 13, and/or 50 CFR 17.32 (threatened wildlife), as applicable (copies attached). In addition, the permittee must have any other applicable State and Federal permits prior to the commencement of activities authorized by this permit.

3. The permittee is authorized to take (harass by survey, capture, handle, tag, mark, hold, and release) the bull trout (*Salvelinus confluentus*) while monitoring populations and conducting scientific research for the purpose of enhancing its survival, as specified in the permittee's November 5, 2008, renewal request, in accordance with the conditions stated below.

4. Permitted activities are restricted to the following geographic areas in Oregon and Idaho:

Snake River Basin (including Grande Ronde River, Imnaha River, and Salmon River subbasins) and Clearwater River Basin.

5. Authorized individuals:

Only individuals on the attached List of Authorized Individuals (List) are authorized to conduct activities pursuant to this permit. The List, printed on U.S. Fish and Wildlife Service (Service) letterhead, may identify special conditions or circumstances under which individuals are authorized to conduct activities and must be retained with these Special Terms and Conditions. Each named individual shall be responsible for compliance with the terms and conditions of this permit.

To request changes to the List, the permittee shall submit written requests to the Recovery Permit Coordinator at the Service's Idaho Fish and Wildlife Office (IFWO), 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709 (telephone: 208-378-5243; fax: 208-378-5262). Two copies of the request shall be submitted at least 30 days prior to the requested effective date. The request shall be signed and dated by the permittee and include:

- a. The name of each individual to be appended to the List;
- b. The resume/qualifications statement of each person to be appended to the List, detailing their experience with each species and type of activity for which authorization is requested;

- c. The names and phone numbers of a minimum of two references for persons to be appended to the List; and
- d. The names of the individuals to be deleted from the List.

Note: This procedure is for personnel changes only. For requests to renew/amend this permit, a complete application must be submitted to the Program Manager, Endangered Species at the Service's Pacific Regional Office (PRO), Ecological Services, 911 NE. 11th Avenue, Portland, Oregon 97232-4181.

6. Taking of the bull trout:

The permittee is authorized to harass by survey, capture, handle, insert Passive Integrated Transponder (PIT) tags, mark, measure, and release all incidentally captured bull trout within the geographic boundaries specified above, and the time limitation specified in the permit, provided that the following conditions are met:

- a. These activities shall be conducted in accordance with the study plans (as modified by the Special Terms and Conditions) accompanying the permit application.
- b. Workers shall ensure that hands are free of sunscreen, lotion, or insect repellent prior to conducting activities that may involve handling bull trout.
- c. All capture, retention, handling, and observation of bull trout shall be implemented at times that will avoid temperature stress to fish being sampled. At locations that have potential to contain bull trout, sampling shall not be done if water temperature exceeds 15 degrees Celsius (64 degrees Fahrenheit). On hot summer days it may be necessary to conduct the activity in the morning or evening to avoid temperature stress to captured fish.
- d. All sampling and observation methods shall be implemented at times that will avoid disturbance of spawning fish. Any purposeful take of bull trout that are actively spawning or are near bull trout spawning sites is prohibited. Surveyors shall minimize collection, survey, and sampling activities near spawning areas. The permittee shall not physically disturb bull trout redds during these activities.
- e. Disturbance of or impacts to bull trout habitat shall be minimized during project activities. Surveyors shall take precautions to avoid stepping in areas that may be potential redd locations for resident or fluvial bull trout (i.e., small gravel deposits behind boulders; under overhanging vegetation; near wood debris or logs; or areas of hydraulic influence such as confluences of tributaries, springs, seeps, pool tail

crests, or edges of pools), since redds of resident and small fluvial bull trout may be difficult to see due to their small size.

- f. If bull trout are captured or handled:
- i. Any bull trout captured shall be released as soon as possible, and as close as possible to the point of capture.
 - ii. A healthy environment must be provided for bull trout held in a tank, and the holding time must be minimized. Water to water transfers, the use of shaded or dark containers, and supplemental oxygen shall all be considered in designing fish handling operations. [Bull trout may be held for up to 1 hour during electrofishing operations.] To avoid intra-species predation, numerous bull trout should not be held in the same live-well.
 - iii. Any captured bull trout that shows signs of stress or injury shall only be released when able to maintain itself. It may be necessary to nurture the fish in a holding tank until it has recovered. The holding tank water shall be conducive to bull trout health (clean, cool water with ample dissolved oxygen).
- g. For electrofishing activities:
- i. Electrofishing shall be conducted using the methods outlined in the National Marine Fisheries Service's guidelines (attached).
 - ii. Any electrofishing conducted during the bull trout spawning season (after August 15) shall only be performed in areas where 'adult' bull trout (305 millimeters or larger) or their redds have not been observed. Electrofishing is prohibited for areas in Oregon identified as "spawning" by: Buchanan, D., M. Hanson, and R. Hooton. 1997. *Status of Oregon's bull trout. Distribution, life history, limiting factors, management considerations, and status*. Oregon Department of Fish and Wildlife, Portland, OR. Electrofishing during this time period shall be terminated upon collection of an adult bull trout.
 - iii. Electrofishing in bull trout spawning areas may continue in May when emergence of fry has occurred. Electrofishing equipment shall be operated at the lowest possible effective equipment settings to minimize injury or death to bull trout. Electrofishing activities shall be minimized where larger, fluvial bull trout might be collected.

Because electrofishing during the spring in bull trout habitat runs the risk of injuring or killing alevins or fry that remain in or near the gravels, if salmonid alevins or fry are seen during spring electrofishing, the electrofishing activity shall immediately cease until the alevins or fry can be identified. If they are determined to be bull trout, electrofishing shall be terminated at the site.

- h. The permittee may collect fish statistics (length, weight, sex, ripeness, scale sample, mark, condition/health, angling injury, etc.) from captured bull trout.

The permittee may capture bull trout using nets. All netting used for capturing, handling, and holding of fish, including the incidental capture of bull trout, shall be composed of a fine mesh, knot-free material that will minimize injury to the fish.

Bull trout shall not be used for rotary screw trap "trapping catch efficiency" or "containment" studies. Bull trout shall be released on the appropriate side of the trap to accommodate the apparent direction of travel of individual fish.

- k. The permittee may tag bull trout greater than 60 mm using PIT tags.

The permittee is authorized to capture, handle, and release up to 500 individual bull trout each calendar year.

- 7. The number of bull trout allowed to be incidentally injured or killed during activities pursuant to this permit is 20 individuals, of all life stages combined, each calendar year. No more than five bull trout may be incidentally killed in any one tributary stream.

- a. Any incidental injury or killing shall be reported within 3 working days to the Service's PRO and the IFWO.
- b. In the event that the number of individuals allowed to be incidentally injured or killed is exceeded during the performance of permitted activities, the permittee must:

Immediately cease the activity until reauthorized by the PRO, which may, after analysis of the circumstances of injury or mortality, revoke or amend this permit.

- ii Immediately notify the PRO (telephone: 503-231-2063; fax: 503-231-6243) and the IFWO. Verbal notification shall be followed up by written notification.

- iii. With the written notification, shall provide a report of the circumstances that led to the injury or mortality. A description of the changes in activity protocols that will be implemented to reduce the likelihood of such injury or mortality from happening again should be included, if appropriate. The incident shall also be discussed in the annual report that is subsequently submitted.
 - c. Reports of incidental injury or killing shall include the date, time, precise location of the injured animal or carcass, and any other pertinent information such as cause of death or injury. All incidental mortalities shall be preserved in a fashion to best provide maximum scientific information (otoliths, scales, genetic samples, general fisheries statistics, etc.).
 - d. Preserve any dead specimens in accordance with standard museum practices. Before expiration of the permit, all preserved specimens shall be properly labeled and deposited at of the designated depository. The permittee shall supply the depository with a copy of this permit to validate that the specimens were taken pursuant to a permit.
8. Designated depository:

The Idaho Museum of Natural History, Dr. C. R. Peterson, Curator of Fish, Campus Box 8007, Idaho State University, Pocatello, Idaho 83209.
9. Annual Reports:
 - a. An annual report of activities conducted under this permit shall be submitted to the Recovery Permit Coordinator at the IFWO by January 31, following each year this permit is in effect. If no activities occurred over the course of a year, indication of such shall be submitted as an annual report.
 - b. The annual report shall include, but not be limited to:
 - Summary presentations and brief discussions of significant research results;
 - ii. A map (at a minimum, a 1:24,000 scale U.S. Geological Survey map) depicting the location of the survey site(s), and labeled with the assessor's parcel number (if possible), the USGS quad name, the county, and a north arrow; - or - geographic information system data or global positioning system coordinates depicting the survey/research site and point localities for species identification;
 - iii. The results of all sampling efforts, including estimates of population sizes, and length and weight of bull trout that were handled;



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4181

IN REPLY REFER TO:
FWS\RI\AES\TE-001598-3

LIST OF AUTHORIZED INDIVIDUALS TE-001598-3

Individuals authorized to independently conduct activities pursuant to this permit:

Jay Hesse, Jason Vogel, Paul A. Kucera, Bill Arnsberg, Peter Cleary, William Young, Craig Rabe, Jim Harbeck, Brian Michaels, Sherman Sprague, Michael Blenden, Neal Espinosa, Doug Nelson, Ryan Kinzer, Wesley Keller, Dale Scott Kellar, Ryan Johnson, Carol Reuben, Joe McCormack, Shawn Sealey, Travis Covell, Jade Helmich, Michael Busby, Jerry Lockhart, Joe Bushyhead, Clint Chandler, Heidi McRoberts, Bobby Hills, Cameron Albee, Scott Storms, Mark Pishl, Dave Bright, and Thomas Backman.

Supervised individuals may conduct activities pursuant to this permit only under the direct, on-site supervision of an independently authorized individual listed above. "On-site supervision is defined as a supervised individual conducting activities within sight of an authorized individual.

2/9/09
Date

Sarah B. Hill
for Program Manager, Endangered Species

This List is only valid if it is dated on or after the permit issuance date.

- iv. Reports or other documents that include information gathered under the authority of this permit;
- v. The numbers of individuals incidentally killed, including dates, locations, circumstances, depository receiving the preserved specimen(s), and an estimate of the numbers of individuals otherwise harmed or harassed (e.g., displaced during snorkeling surveys);
- vi. Other pertinent observations made during sampling efforts regarding the status or ecology of the species; and
- vii. Planned future activities if authorized under this permit.

10. Failure to comply with reporting requirements may result in non-renewal or suspension/revocation of this permit.

2/9/09
Date

for Zarah B. Hill
Program Manager, Endangered Species