

U.S. Fish and Wildlife Service, Portland, Oregon
Special Terms and Conditions for Permit TE078319-0

1. All sections of Title 50 Code of Federal Regulations, §§ 13 and 17.22 and 17.32 (Attachment) are conditions of this permit. If any such regulations are modified, any future action taken with respect to this permit shall be in accordance with such regulations in existence at the time such action is taken, except as specifically otherwise provided for by law.
2. The authorization granted by this permit is subject to full and complete compliance with the Tagshinny Tree Farm Safe Harbor Agreement (Agreement), which is hereby incorporated by reference into this permit.
3. The Permittees (Tree Management Plus, Inc., Tom and Sherry Fox, Jim and Patricia Murphy, and Gary Davis) shall be responsible for ensuring compliance with the Agreement by any authorized officer, employee, contractor, or agent while conducting covered activities. All applicable provisions of this permit must be presented and clearly explained to all authorized officers, employees, contractors, or agents of Permittees conducting covered activities.
4. The Permittees and authorized officers, employees, contractors, and agents are authorized pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended, to incidentally take the Permit Species--northern spotted owl (*Strix occidentalis caurina*), marbled murrelet (*Brachyramphus marmoratus*), bald eagle (*Haliaeetus leucocephalus*)--on the Tagshinny Tree Farm, in accordance with the Agreement, as a result of otherwise lawful covered activities, as such activities are described in the Agreement.
5. Chemical applications, i.e. the use of pesticides, herbicides, and fertilizers, are not authorized covered activities under this Permit or the Agreement.
6. The Permittees shall apply the following measures if nest trees are found to be occupied by northern spotted owls, marbled murrelets or bald eagles:
 - (i) protect the nest tree for 3 years after abandonment;
 - (ii) notwithstanding any provisions in the Agreement to the contrary, locate the required leave trees around the nest tree, unless impracticable; and
 - (iii) harvest the stand containing the nest tree as late in the nesting season as economically and operationally feasible. Nesting seasons for these species are as follows: spotted owl, March 1 through August 31; marbled murrelet, April 1 through September 15; and bald eagle, January 1 through August 15.

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7. The Permittees shall restrict timber harvest activities in the area covered by this Agreement to protect the nesting great blue heron near the Kinzie Road parcel as follows: harvesting within 75 feet of the wetland will be limited to the period between July 15 and October 1.
8. The Permittees shall notify the U.S. Fish and Wildlife Service's (Service) Western Washington Fish and Wildlife Office of any locations of a listed species (other than a fish) that are discovered to be occupying habitat on the Tagshinny Tree Farm at least 10 days prior to commencement of a harvest operation on the occupied parcel to allow the Service to translocate the affected individual(s), if possible and appropriate. If nests or other signs of occupancy by listed species are observed after harvesting has commenced, the Permittees shall notify the Service within 24 hours, so that the Service may translocate affected individuals of the species, if possible and appropriate. Such action by the Service will occur within 24 hours of notification, following which time the Permittee may resume scheduled harvest operations.
9. Upon locating any dead or injured listed species, the Permittees must notify the Service's Division of Law Enforcement by facsimile at (360) 753-6045 and the Western Washington Fish and Wildlife Office by telephone at (360) 753-9440 immediately, and in writing within 3 working days. Notification must include the date, time, and precise location of the carcass; cause of death, if known; and any other pertinent information.

Care must be taken in handling injured specimens to ensure effective treatment and care, and in the handling of dead specimens to preserve biological material in the best possible state for later analysis of cause of death or other research. Instructions for proper handling and disposition of such specimens will be issued upon notification. Should any individuals of a treated listed species survive, the Permittees must contact the Service regarding the final disposition of the animals.

10. The Permittees shall submit reports to the Field Supervisor, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Drive SE, Suite 102, Lacey, Washington 98503, by March 1 of the year following the year in which covered activities occurred for each year that the permit is in effect, or as amended by mutual consent of the Service and the Permittees. Reports shall contain the information described in the Agreement.
11. The Permittees are not required to obtain a new permit if there is a change in the legal individual or business name, or in the mailing address of the Permittees. Within 10 calendar days of such change, the Permittees are required to notify the issuing office (U.S. Fish and Wildlife Service, Regional Office, Division of Endangered Species, 911 NE 11th Avenue, Portland, Oregon 97232). This provision does not authorize any change in location of the conduct of the permitted activities when approval of the location is a qualifying condition of the permit.

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12. The Permittees shall refer to permit number TE078319-0 in all correspondence and reports concerning permit activities. Any questions regarding this permit should be directed to the Field Office Supervisor, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, Lacey, Washington (360) 753-9440.