

U.S. FISH AND WILDLIFE SERVICE
SPECIAL TERMS AND CONDITIONS FOR PERMIT TE44034B-0

E. Acceptance of this permit serves as evidence that the Permittees and their authorized agents understand and agree to abide by the terms and conditions of this permit and all applicable sections of Title 50 Code of Federal Regulations, parts 13 and 17 pertinent to U.S. Fish and Wildlife permits.

F. The authorization granted by this permit is subject to:

1. Full and complete compliance with and implementation of, the Old Mill District Oregon Spotted Frog (*Rana pretiosa*) Candidate Conservation Agreement with Assurances (CCAA).
2. These permit terms and conditions supersede and take precedence over any inconsistent provisions in the CCAA or other documents associated with this 10(a)(1)(A) enhancement of survival permit.
3. Full and complete compliance with applicable local, State, Federal and Tribal laws, regulations, and restrictions governing the site and the covered activities. This includes laws and regulations pertaining to but not limited to wildlife, land use, water quality, air quality local economy, and historic and archeological resources.

G. The Permittee will implement conservation measures as outlined in the CCAA. Key conservation measures in the CCAA include:

- Maintaining a consistent water level of 40-45 cm in the Casting Pond that enables breeding through metamorphosis for spotted frog;
- Maintaining water levels of 40-45 cm in the Casting Pond to protect developing embryos and larvae during the breeding and summer season;
- Maintaining water levels of 40-45 cm in the Casting Pond during the winter to help protect overwintering spotted frogs from freezing;
- Management of Casting Pond vegetation to support open water areas and hiding cover will provide habitat for breeding and rearing habitat;
- Improvement of Casting Pond perimeter to include natural barriers and sedges to manage human access where appropriate;
- Protection of the riparian zones and the continued biological successional changes of the river banks will provide cover used by the spotted frog during the summer active season; and
- Protection and maintenance of the LSA Marsh to enable breeding through metamorphosis for spotted frog.

- H. Incidental Take Authorization:** Incidental take of Oregon spotted frog is anticipated in the form of mortality due to Casting Pond maintenance activities and the potential for egg mass stranding when water levels drop in existing or future ponds or bioswales. Maintenance activities on the Casting Pond are scheduled to occur once every three years. Therefore, the amount of take authorized over the 20 year term of the Permit will be 12 adult/juvenile Oregon spotted frogs from Casting Pond maintenance activities. Take will be avoided or minimized by: 1) maintaining adequate water levels in the pond except for the 24-hour period of vegetation management and repairs; 2) conducting vegetation management and repairs during the spotted frog overwintering period from December to February on days when temperatures are above freezing; 3) limiting vegetation management and pond repairs to a 24 hour period once every three years; 4) refilling the casting pond with water immediately following the repairs; 5) maintaining the integrity of the geotechnical base material of the Casting Pond and protecting the edges of the pond from erosion; 6) managing for 30 percent aquatic vegetation and 70 percent open water in the Casting Pond and 7) avoiding known overwintering sites.

Existing and future ponds and bioswales could result in the stranding of one egg mass or resulting tadpoles annually when water levels drop. Therefore, over the life of the 20-year Permit take of 20 egg masses or the resulting 8,400 tadpoles could occur when water levels drop. Take will be avoided or minimized through monitoring of stormwater ponds and bioswales during the breeding season. If breeding is detected, the CCAA provides for two options to avoid or minimize the likelihood of take: 1) water levels will be maintained at levels similar to the Casting Pond to allow for successful breeding and metamorphosis; or 2) the Permittee will work closely with the Service to develop a course of action for implementing a salvage plan.

- I.** Upon locating any dead, injured, or sick Oregon spotted frog, initial notification must immediately be made to the Service's Division of Law Enforcement in Oregon at (503) 682-6131. Instruction for proper handling and disposition of such specimens will be issued by the Division of Law Enforcement. Care must be taken in handling sick or injured Oregon spotted frogs to ensure effective treatment and care must be taken in handling dead specimens to preserve biological materials in the best possible state for later analysis of cause of death. In conjunction with the care of sick or injured Oregon spotted frogs, or the preservation of biological materials from a dead Oregon spotted frog, the Permittees have the responsibility to ensure that information relative to the date, time, and location of the frog when found and possible cause of injury or death of each Oregon spotted frog be recorded and provided to the Service.
- J. Assurances:** The assurances provided for in the CCAA through this permit are those in 50 CFR 17.22(d)(5) or 17.32(d)(5), as applicable. These assurances apply to Permittees that are fully implementing their commitments under the CCAA.
- K. Reporting Requirements:** Permittees will implement all agreed upon reporting responsibilities identified in sections VI (*Monitoring, Evaluation, and Adaptive*

Management) and VIII (*Responsibilities of the Parties*) of the CCAA with the following additions and clarifications:

1. Annual reports are due to the U.S. Fish and Wildlife Service office indicated under condition O. by June 1 for the previous calendar year.
 2. Annual reports will contain the following information:
 - a. Conservation Measures (CMs) implemented in the reporting year.
 - b. Effectiveness of CMs implemented and factors that influenced both positive and negative outcomes
 - c. Summary of compliance, effectiveness, biological, and take monitoring data collected for the year.
 - d. Any adaptive management strategies that were implemented.
 - e. Changed circumstances that have occurred and CMs or CCCMs implemented to respond to the changed circumstance.
- L.** Permittee shall allow Fish and Wildlife Service employees and/or it's agents, with reasonable prior notice (at least 48 hours), to enter the covered lands to complete agreed upon activities necessary to implement the CCAA and to ensure compliance with this Permit.
- M.** The CCAA is in effect upon approval of the agreement and will have duration of 20 years from the date it is signed. The CCAA may be renewed before it expires. The CCAA will cover the Permittees, who are fully implementing their conservation commitments under the CCAA from the date of this permit until the end of their participation in the CCAA, either through expiration or termination.
- N.** This permit will have a duration that is concurrent with the CCAA, and like the CCAA it may be renewed prior to expiration. Incidental take authorization specified in this permit becomes effective on September 29, 2014, the effective date that the Oregon spotted frog (*Rana pretiosa*) becomes listed as threatened under the Endangered Species Act. The permit will cover the Permittees and their authorized agents, who are fully implementing their conservation commitments under the CCAA and the terms and conditions of the permit, from the date of the permit until the end of their participation in the CCAA either through expiration or termination.
- O.** Include Permit TE44034B-0 on reports and any correspondence to the USFWS associated with implementation of the CCAA. The contact office of the USFWS is as follows:

Field Supervisor
U.S. Fish and Wildlife Service
63095 Deschutes Market Road
Bend, OR 97701
Tel: (541) 383-7146
Fax: (541) 383-7638

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