

U.S. FISH AND WILDLIFE SERVICE  
SPECIAL TERMS AND CONDITIONS FOR PERMIT TE56830B-0

- E.** Acceptance of this permit serves as evidence that the permittee, Malheur County Soil and Water Conservation District (SWCD), and its 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, 17, and 21 pertinent to FWS permits.
- F.** The authorization granted by this permit is subject to:
1. Full and complete compliance with, and implementation of, the Greater Sage-Grouse Programmatic Candidate Conservation Agreement with Assurances for Private Rangelands in Malheur County, Oregon (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 work with interested non-federal landowners to develop site specific plans (SSPs) consistent with the programmatic CCAA. Upon receiving a Letter of Concurrence from the Service regarding an SSP, the permittee will enroll the SSP lands under the CCAA through a certificate of inclusion (CI) with participating landowners. A copy of the CCAA and this permit will be included with each SSP/CI.
- H.** The U.S. Fish and Wildlife Service (USFWS) will implement all agreed upon responsibilities in *Section 9* of the CCAA, *Responsibilities of the Parties*, with the following additions/clarifications: The Service will approve an SSP only after determining that it meets the CCAA standard which states: *“When evaluating a potential CCAA, the FWS must determine that the benefits of conservation measures to be implemented by a property owner under a CCAA, when combined with those benefits that would be achieved if the conservation measures were also to be implemented on other necessary properties, would preclude or remove any need to list the covered species.”*
- I.** By signing the CI, participating landowners become authorized agents of the permittee, and will implement all agreed upon responsibilities in *Section 9* of the CCAA, *Responsibilities of the Parties* and the conservation commitments identified in their SSP.
- J.** If mitigation actions for offsite developments are proposed on enrolled lands, participating landowners will notify permittee, and permittee will notify the USFWS. The USFWS will review the information to ensure that the proposed actions do not conflict with the CCAA and agreed upon provisions in the participating landowner’s SSP; and ensure that applicable mitigation agreements are in place.

- K. Incidental Take Authorization:** Incidental take of greater sage-grouse is anticipated in the form of harm, harassment, and mortality. The amount of take authorized will be proportional to the number of acres of Preliminary Priority Habitat (PPH) and Preliminary General Habitat (PGH) enrolled under the CCAA. If all eligible lands, approximately 900 thousand acres, are enrolled under the programmatic CCAA the Service would exempt incidental take of up to 90 sage-grouse per year based on a rolling 5-year average. The USFWS will update the amount of authorized take as acres of PPH/PGH are approved for enrollment under an SSP/CI, as specified in Section 12. *Authorized Take of the CCAA.* The USFWS will provide this information to the permittee in the letter of concurrence for each approved SSP.
- L.** Upon locating any dead or injured sage-grouse permittee and participating landowners will immediately notify the appropriate USFWS or Oregon Department of Fish and Wildlife (ODFW) office (see item R below) and follow their instructions for proper handling and disposition of such specimens. Care must be taken in handling sick or injured birds to promote effective treatment and in handling dead specimens to preserve biological material in the best possible state.
- M. Assurances:** The assurances provided for in the CCAA and through this permit are those in 50 CFR 17.22(d)(5) or 17.32(d)(5), as applicable. These assurances apply to permittee and all participating landowners that are fully implementing their commitments under the CCAA and their SSP/CI, respectively.
- N.** The tracking system to be used in communications between permittee and USFWS will be as follows:
1. Each participating landowner will be assigned an identifier (ID), this ID will be used in place of the landowners name on all documents provided to the Service.
  2. Maps provided to the USFWS *will not show*: legal descriptions, place-names, locator maps or PPH & PGH coverage.
  3. Maps provided to the USFWS at a minimum *will show*: lands to be enrolled, background NAIP imagery, monitoring units/parcels and ecological states of parcels. Each parcel monitored will be assigned a number or letter and this will be depicted on the map.
  4. SSP files will be available for USFWS inspection at the Malheur County SWCD office and for use during site-visits to enrolled lands.
  5. Permittee will retain in their files a master list of landowner names and contact information that correlates to the ID; photos; original inventory and monitoring forms (those contained in *Appendix D of the CCAA*); field notes; interview notes; detailed maps; and legal description of enrolled lands.
- O. Reporting Requirements:** Permittee will implement all agreed upon responsibilities in Section 9 of the CCAA, *Responsibilities of the Parties*, with the following additions/clarifications:
1. Annual reports for each SSP, one report for each participating landowner, must be completed and sent to the USFWS office indicated under item R. by January 31<sup>st</sup> for the previous calendar year.

2. Annual reports will contain the following information using the tracking system detailed in *Section G* above:
  - i. Acres of habitat enrolled and quantification of acres that are designated as PPH or PGH.
  - ii. Current ecological state of enrolled lands. (State A, B, etc. of the State and Transition models in *Appendix C of the CCAA*.)
  - iii. Conservation Measures (CMs) implemented in the reporting year for each SSP to be used for compliance monitoring.
  - iv. Effectiveness of CMs implemented and factors that influenced both positive and negative outcomes
  - v. Summary of monitoring data collected for the year, including trend data, effectiveness monitoring or any other monitoring results.
    1. For each monitoring unit (pasture etc.) compiled results of trend data collected including: estimates of cover percentages of perennial species (sagebrush, forbs and grasses), density of perennial species (sagebrush, forbs and grasses), annual grass presence and general abundance.
    2. Compare trend data to initial baseline date and provide an indication of the direction the site is trending.
  - vi. Any adaptive management strategies that were implemented and any changes to agreed upon CMs in the original SSP.
  - vii. Photos from all photo point monitoring.
  - viii. Annual Grazing and Habitat Summary Forms
  - ix. Changed circumstances that have occurred and CMs or CCCMs implemented to respond to the changed circumstance.
3. A map on 8.5" X 11" paper showing: Harney County boundary, the covered area boundary, ODFW Action Areas<sup>1</sup>, lands designated as PPH/PGH, and all enrolled lands.

**P.** The CCAA is in effect upon approval of the agreement and will have a duration of 30 years from the date it is signed. The CCAA may be renewed before it expires. The CCAA will cover the permittee and participating landowners, who are fully implementing their conservation commitments under the CCAA and their SSP/CI, from the date their lands are enrolled until the end of their participation in the CCAA, either through expiration or termination.

**Q.** 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 will become effective if and at such time that the greater sage-grouse (*Centerocercus urophasianus*) becomes listed as either threatened or endangered under the Endangered

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<sup>1</sup> ODFW Action Areas are areas that share common threats to sage-grouse and are intended to help focus efforts for future habitat management and mitigation needs. They were identified by Local Implementation Teams for the *Greater Sage-grouse Conservation Assessment and Strategy for Oregon 2011* by Christian Hagen, ODFW, Bend Oregon. For additional information see ODFW's website at <http://www.dfw.state.or.us>

Species Act. The permit will cover the permittee and all participating landowners, who are fully implementing their conservation commitments under the CCAA, their SSP/CI, and the terms and conditions of the permit, from the date their lands became enrolled until the end of their participation in the CCAA either through expiration or termination.

- R.** Include Permit TE56830B-0 on reports and any other correspondence to the USFWS associated with implementation of the CCAA. The contact offices of the USFWS and the ODFW are as follows:

Field Supervisor, La Grande Field Office  
U.S. Fish and Wildlife Service  
3502 Highway 30  
La Grande, OR 97850  
Tel: (541) 962-8584  
Fax: (541) 962-8581

District Biologist  
Oregon Department of Fish and Wildlife  
Ontario Field Office  
3814 Clark Blvd  
Ontario, OR 97914  
Tel: (541) 889-6975

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