# United States Department of the Interior

FISH AND WILDLIFE SERVICE

911 NE. 11th Avenue
Portland, Oregon 97232-4171


IN REPLY REFER TO
AES-CCP

MAR 1 2021

Russell Hoeflich
The Nature Conservancy
821 SE 14th Avenue
Portland, Oregon 97214

Dear Mr. Hoeflich:

Enclosed is a copy of your Endangered Species Act 10(a)(1)(A) enhancement of survival permit for the Threemile Canyon Multi-Species Candidate Conservation Agreement with Assurances. This permit, effective if the Washington ground squirrel, ferruginous hawk, loggerhead shrike, or sage sparrow becomes listed under the Endangered Species Act, authorizes incidental take of these species in conjunction with compliance and implementation of the conservation agreement and the permit.

Thank you for helping to conserve species. If you have any questions about this permit please contact Mr. Kemper McMaster, State Supervisor of our Oregon Fish and Wildlife Office, at (503) 231-6179.

Sincerely,

Deputy Regional Director

TAKE PRIDE IN AMERICA

DEPARTMENT OF THE INTERIOR
U.S. FISH AND WILDLIFE SERVICE

3-201
(1/97)

# FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

THE NATURE CONSERVANCY
814 SE 14TH AVENUE
PORTLAND, OR 97214
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)
16 USC 1533(d)

REGULATIONS *(Attached)*
50 CFR 17.22
50 CFR 17.32

50 CFR 13

3. NUMBER
**TE082920-0**

4. RENEWABLE
☒ YES
☐ NO

5. MAY COPY
☒ YES
☐ NO

6. EFFECTIVE
*

7. EXPIRES
2/28/2029

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*
RUSSELL S. HOEFLICH
VICE PRESIDENT

9. TYPE OF PERMIT
THREATENED AND ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Located along the south bank of the Columbia River, Morrow and Gilliam Counties, Oregon. Town of Boardman is 6 miles to the Northeast. Interstate 84 runs through the north portion of the covered area.

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.

* Should any of the Covered Species become listed under the Endangered Species Act during the term of the permit, the permit will become effective for that species upon the date of its listing.

☒ ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

| ISSUED BY | TITLE | DATE |
|---|---|---|
| David H Wesley | DEPUTY REGIONAL DIRECTOR | 03/01/2004 |

E. All sections and provisions of Title 50 Code of Federal Regulations, parts 13 and 17, are conditions of this permit. The current version of these regulations are provided in Attachment 1.

F. The authorization granted by this permit is subject to full and complete compliance with, and implementation of the Threemile Canyon Farms Multi-Species Candidate Conservation Agreement with Assurances (MSCCAA). This permit and the MSCCAA are binding upon Threemile Canyon Farms (Farm), Portland General Electric (PGE), The Nature Conservancy, and the Oregon Department of Fish and Wildlife (ODFW) (Permittees), and their designated agents, including any authorized officers, employees, or contractors conducting permitted activities.

G. The Permittees and their designated agents are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (injure, kill, harass, harm) the Washington ground squirrel (*Spermophilus washingtoni*); ferruginous hawk (*Buteo regalis*); loggerhead shrike (*Lanius ludovicianus gambeli*); and sage sparrow (*Amphispiza belli*) (Covered Species) if and when they become listed. Take authorization would become affective concurrent with the listing of these species under the Act. If any of these species is listed, take is authorized to the extent that take of these species would otherwise be prohibited under section 9 of the Act and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the Act. Take must be incidental to otherwise lawful covered activities on the enrolled lands in Morrow and Gilliam Counties, Oregon and consistent with implementation of the MSCCAA.

H. Prior to any ground disturbance within previously undisturbed portions of the Covered Area, a qualified, Fish and Wildlife Service approved, archaeologist shall consult with the State Historic Preservation Office (SHPO) and the appropriate tribes in the identification and evaluation of any historic or cultural resources that may be located in the Covered Area. The Farm and PGE shall work with the archaeologist to design an appropriate inventory strategy for archaeological field investigations. If cultural resources are identified, SHPO would be consulted to evaluate the significance of the resources and to evaluate the potential effects from the proposed activities. If SHPO determines that adverse effects would occur, SHPO, PGE and/or the Farm would attempt to consult and resolve the adverse effects within a 30-day period. In the event that adverse effects cannot be resolved, the consultation may be terminated and further resolution efforts conducted pursuant to pertinent National Historic Preservation Act regulations in effect at the time.

I. Special Restriction:

Actions conducted under the MSCCAA will comply with the provisions of the Migratory Bird Treaty Act (MBTA) with avoidance measures for actions affecting MBTA Covered Species which include the ferruginous hawk, loggerhead shrike, and sage sparrow. The MBTA prohibits the killing or possessing of migratory birds and identifies a variety of prohibited actions including the taking of individual birds, young, feathers, eggs, nests, etc. There are currently no MBTA Covered Species that are subject to a Special Purpose Permit at this time. Should any of the MBTA Covered Species become listed under the Act during the life of the Permits, the Permits would also constitute an MBTA Special Purpose Permit for that species for a 3-year term as specified under 50 CFR § 21.27 subject to renewal by the Permittees.

J. Upon locating any dead, injured, or sick individuals of any of the Covered Species, the Permittees shall, within 3 working days, notify the Fish and Wildlife Service's Oregon Fish and Wildlife Office (503-231-6179). The notification shall include the date, time, and location of the specimen, a photograph, cause of death, if known, and any other pertinent information. Care should be taken in handling the dead specimens to preserve biological material in the best possible state for later analysis.

K. The Permittees will notify the Fish and Wildlife Service, by phone, of any new ground squirrel sightings or occupied sites within 7 working days.

L. Consistent with Regional Fish and Wildlife Service policy, pesticide use is not a Covered Activity under the permit.

M. Consistent with Part 7.1.1.2 of the MSCCAA, the Farm shall conduct a survey for the Washington ground squirrel prior to any ground disturbance on the radar range. The survey will be conducted according to ODFW protocol and results will be provided to ODFW and the Fish and Wildlife Service prior to any ground disturbance. The Farm will also provide the ODFW and the Service at least 30 days notification prior to the survey.

N. Permittees shall refer to the appropriate permit number in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be directed to the State Supervisor, U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE 98th Avenue, Suite 100, Portland, Oregon 97266, or at the above mentioned number.

O. A copy of this permit must be in the possession of the Permittees and designated agents while conducting taking activities.

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