



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
NATIONAL MARINE FISHERIES SERVICE  
Northwest Region  
7600 Sand Point Way N.E., Bldg. 1  
Seattle, WA 98115

July 9, 2001

Mr. Ken Merry, Superintendent  
Tacoma Public Utilities, Water Division  
3628 South 35th Street  
Tacoma, Washington 98409-3192

Dear Mr. Merry,

Enclosed is Permit 1305 issued to the City of Tacoma, through its agency Tacoma Water, under the authority of Section 10 of the Endangered Species Act (ESA). Permit 1305 authorizes incidental take of threatened Puget Sound chinook salmon associated with Tacoma's water withdrawal and watershed management in the Green River basin, Washington state.

The National Marine Fisheries Service (NMFS) has determined that if Tacoma management activities are conducted as described in the Tacoma Water Green River Habitat Conservation Plan (HCP), and in compliance with the terms and conditions of the Implementing Agreement (IA) and the Permit, the expected take will be appropriately minimized and mitigated for and will not appreciably reduce the likelihood of survival or recovery of the PS chinook Evolutionarily Significant Unit.

The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the HCP and IA. The term of this permit is for the duration of the HCP and expires July 9, 2051.

As per the terms of the unlisted species provisions of the IA, should any additional anadromous salmonid species that were unlisted at the time of Permit issuance become listed under the ESA, the new species will be added to this permit according to provisions in section 4.2 of the IA.

If you do not comply with the terms and conditions of the permit, or if you cannot provide adequate funding for the HCP, the incidental take of PS chinook is not authorized. If you have any questions concerning the permit, please contact the Washington State Habitat Branch Chief, Steve Landino, at (360) 753-9530.

Sincerely,

Donna Darm  
Acting Regional Administrator



bcc: F/PR3-Brewer  
F/NWR3-Crouse/Landino/Longenbaugh/File Copy  
F/NWR-Darm  
F/PR3-Koch

NATIONAL MARINE FISHERIES SERVICE  
PERMIT FOR INCIDENTAL TAKE OF ENDANGERED/THREATENED SPECIES

Permit Number: 1305

Expiration Date: July 09, 2051

Permit Holder:

Tacoma Public Utilities, Water Division  
(an agency of the City of Tacoma, Washington)  
3628 South 35th Street  
Tacoma, WA 98409-3192

Principal Officer and Contact:

Superintendent  
Tacoma Water  
P.O. Box 11007  
Tacoma, WA 98411-0007  
Phone: (253) 502-8206  
Fax: (253) 502-8694

Reporting Requirements: As described in Section 8 of the Implementation Agreement ("IA") and section 8.0 of the related Habitat Conservation Plan (HCP).

Authorization:

The City of Tacoma, through its agency Tacoma Water, together with its authorized officers, employees, contractors, and agents, is hereby authorized to incidentally take members of the Covered Species listed on the attached Table 1 (Covered Species), in connection with its timber management activities in western Washington, subject to the provisions of the IA, the HCP, Section 10 of the Endangered Species Act of 1973 (ESA) (16 U.S.C. §§ 1531-1543), the National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Parts 222.301-222.309), and the conditions hereinafter set forth. In the event of a conflict between these provisions and the provisions of the IA, the language of the IA shall govern. The period of the permit is 50 years.

Abstract:

The City owns and manages approximately 15,173 acres within the Green River watershed in King County, Washington. These properties are located west of the City of Tacoma, Washington,

along the upper Green River, which flows west and north from the Cascade mountains for approximately 75 miles to its confluence with the Black River to form the Duwamish River (Waterway) at River Mile 12, which then empties into Puget Sound at Elliott Bay. The Permit area is defined to be: 1) those areas affected by the operation of the City's water supply diversion, 2) areas in the watershed where mitigation and restoration activities will occur in association with specific projects, and 3) all lands owned by the City in the upper Green Watershed. For purposes of this permit and the supporting HCP, the upper Green Watershed is defined to be upstream of the Tacoma Headworks at River Mile 61.0, including the Howard Hanson Dam and Reservoir up to elevation 1,167 feet, which are operated under separate agreements and authorities by the U.S. Army Corps of Engineers. The middle Green River is located between the Tacoma Headworks and the confluence with Big Soos Creek near Auburn, Washington at River Mile 33.8. The lower Green River continues from Big Soos Creek to the upstream extent of tidal influence at River Mile 11.0.

This permit covers activities required to implement the suite of measures, prescriptions, projects, and other operations described in the HCP prepared by the City that occur at various locations within the upper, middle, and lower Green River areas. The upper Green Watershed is the focus of most activities, which now include, but are not limited to, the supply of municipal water through diversion at the Tacoma Headworks, operation of the North Fork Green River Well Field, maintenance of appurtenant facilities, and forest management. A more fully described in section 3.3 of the IA, activities covered by this permit including water withdrawals for municipal water supply, construction and operation of fish passage facilities, construction of Headworks improvements, a suite of mitigation and restoration efforts at various sites in the Green River watershed, facilities maintenance, conservation measures implemented in cooperation with the U.S. Army Corps of Engineers, and forest management and timber harvest activities. The Permit and HCP also cover certain monitoring, mitigation, habitat restoration and construction activities, and related scientific experiments.

The HCP applies prescriptions to protect and restore aquatic and riparian habitats and to minimize and mitigate take associated with water withdrawals from the mainstem Green River and the North Fork of the Green River. Forest management is focused on the maintenance and development of riparian forest functions primarily through limitations on the annual harvested acreage and a forest management approach stratified by ecological principles. The HCP also provides for limits on harvest and other activities within wetland areas and on unstable slopes, and contains prescriptions dealing with road construction, maintenance and restoration activities, and management for water quality. The initial prescriptions in the HCP are subject to adjustment based on an adaptive management procedure outlined in the HCP. The HCP establishes a process for participation of state and Federal agencies, Indian Tribes, and other interested parties to review and comment upon the results of plan implementation and to assist in developing the research and monitoring program.

### Incidental Take

The covered activities that may cause incidental take of Covered Species will be conducted on the covered lands, waters, and facilities described in section 3.4 of the IA (the "plan area"). The covered activities will be conducted on the permittee's property and facilities located in King County in the State of Washington, which property encompasses approximately 15,173 acres of the Upper Green Watershed and such other areas defined in section 3.4 of the IA.

NMFS anticipates that an undetermined number of Covered Species may be taken as a result of covered activities over the 50-year life of the permit. The incidental take of this species is expected to be in the form of harm, harassment, kill and injury.

### Conditions:

1. The provisions of this permit may be amended as provided in Section 13 of the IA.
2. Transferability of the permit shall be governed by NMFS regulations in force at the time of a desired transfer. Under regulations in force at the time of issuance of this permit (50 C.F.R. § 222.305(a)), the permittee may not transfer or assign this permit to any other person(s), as person is defined in Section 3(12) of the ESA.
3. This permit does not authorize the permittee or any other person to take ESA-listed species in the territorial waters of another country without the consent of that country. The permittee is responsible for securing consent from that country and complying with that country's appropriate laws.
4. A copy of this permit, including the accompanying HCP and related agreements, must be available to City personnel at the permittee's office in Tacoma, Washington (or if the permittee moves the operation center to a different location, at the relocated center of operations). All applicable provisions of this permit must be presented and clearly explained to all authorized officers, employees, contractors, or agents of the permittee conducting covered activities in the plan area.
5. The permittee, in effecting the take authorized by this permit, is considered to have accepted the terms and conditions of this permit and to be prepared to comply with the provisions of this permit, the applicable regulations, and the ESA.
6. As provided for in Section 8.4 of the IA, upon request by NMFS, the permittee must allow NMFS to enter upon and inspect the plan area.

7. The permittee is responsible for the activities of any individual who is operating under the authority of this permit. Such activities include capturing, handling, releasing, transporting, maintaining, and caring for any fish authorized to be taken by this permit.

8. The permit takes effect for currently listed Covered Species on the date of issuance. For unlisted covered species, the permit will take effect upon the listing of such species as endangered, or if such species is listed as threatened, upon the effective date of a rule under Section 4(d) of the ESA prohibiting take of such species.

9. This permit will not cover activities that my adversely affect any site, building, structure, or object that is included in, or eligible for inclusion in, the National Register of Historic Places until completion of any consultation that may be required under Section 106 of the National Historic Preservation Act with regard to that activity.

10. Upon locating any dead, injured, or sick individuals of any listed species covered by this permit, the permittee shall, within three working days, notify NMFS's Washington State Branch Office, Olympia, Washington ((360)753-9530). Instructions for proper handling and disposition of such specimens will be issued at that time. Care must be taken in handling sick or injured specimens to ensure effective treatment and care, and in the handling of dead specimens to preserve biological material in the best possible state. This condition does not apply to spawned-out carcasses.

11. The fee in 50 CFR Section 222.307(d)(5) to cover the cost of issuance of this permit has been waived.

Issued by :



Donna Darm  
Acting Regional Administrator,  
Northwest Region

Date:

7/9/01