



**UNITED STATES DEPARTMENT OF COMMERCE**  
**National Oceanic and Atmospheric Administration**  
**NATIONAL MARINE FISHERIES SERVICE**  
West Coast Region  
501 West Ocean Boulevard, Suite 4200  
LONG BEACH, CA 90802

Refer to NMFS No.:  
WCRO-2022-01763

August 9, 2023

Sent Via Email

Mike Warjone  
President, US Forestry  
Port Blakely  
8133 River Drive SE  
Tumwater, Washington 98501  
mwarjone@portblakely.com

Re: Issuance of Section 10(a)(1)(B) Incidental Take Permit 26729

Dear Mr. Warjone:

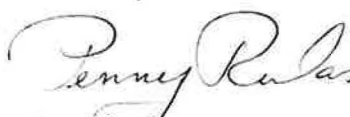
Enclosed is Incidental Take Permit 26729, issued to Port Blakely US Forestry (Port Blakely) under the authority of section 10(a)(1)(B) of the Endangered Species Act (ESA). The permit authorizes incidental take of threatened Lower Columbia River (LCR) Chinook salmon (*Oncorhynchus tshawytscha*), threatened Upper Willamette River (UWR) Chinook salmon, threatened LCR coho salmon (*O. kisutch*), threatened LCR steelhead (*O. mykiss*), and UWR steelhead that may occur while conducting the covered activities as described in the Port Blakely Habitat Conservation Plan (HCP) for the John Franklin Eddy Forestlands.

We direct your attention to Table 1 in the attached permit, which describes the take limits. Permit 26729 authorizes take at the levels, by the means, in the areas, and for the purposes stated in the permit application. Reports are due by January 31 of each year they're required. The National Marine Fisheries Service (NMFS) shall be notified within 48 hours of discovery if the take threshold is exceeded. Port Blakely shall coordinate with NMFS and provide the results of required monitoring as specified in the HCP.

NMFS requires that individuals acting under the authority of Permit 26729 sign and date their corresponding page attached to the permit and email a PDF file of the signature page to Annie Birnie at [annie.birnie@noaa.gov](mailto:annie.birnie@noaa.gov).

If you have any questions concerning this permit, please contact Annie Birnie via email at [annie.birnie@noaa.gov](mailto:annie.birnie@noaa.gov) or call 503-230-5407.

Sincerely,

  
for Jennifer Quan  
Regional Administrator





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West Coast Region  
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**NATIONAL MARINE FISHERIES SERVICE  
PERMIT FOR INCIDENTAL TAKE OF THREATENED/ENDANGERED SPECIES**

**Permit No.:** 26729  
**Expiration Date:** September 1, 2073  
**Permittee:** Port Blakely US Forestry

**Names and Titles of Principal Officer:**

Mike Warjone  
President, US Forestry  
Port Blakely  
8133 River Drive SE  
Tumwater, Washington 98501

**Reporting Requirements**

As described in Section 6.6 of the Port Blakely Habitat Conservation Plan for the John Franklin Eddy Forestlands, the Permittee shall provide compliance reports to the National Marine Fisheries Service (NMFS), documenting forest management activities and implementation of conservation measures described in the HCP. Reports shall be submitted annually for the first five years of the permit term, biennially for the next 10 years, and then every five years for the remainder of the permit term, starting in 2023. The annual reports shall be submitted to: [owco.or.consultationrequest@noaa.gov](mailto:owco.or.consultationrequest@noaa.gov) and are due January 31 each year they're required.

Reports shall include a compilation and discussion of the following items along with information listed in section 6 of the HCP:

1. Compliance Monitoring: All items listed in Section 6.4.1 of the HCP.
2. Biological/Effectiveness Monitoring: All items listed in Section 6.4.2 of the HCP.
3. Discuss any changed or unforeseen circumstances that occurred, if any, and how they were addressed (Section 8 of the HCP).
4. The remaining elements of the reports, as identified in Section 6.6 of the HCP.



The Permittees must also comply with and implement the monitoring and reporting requirements in Section 6.4 of the HCP and in Sections 2.9.3 (Reasonable and Prudent Measures) and 2.9.4 (Terms and Conditions) of the biological opinion for the issuance of this Incidental Take Permit (ITP).

### **Permit Area**

As described in Section 1.3 of the HCP the permit area refers to Port Blakely's forestlands in Clackamas County, Oregon (30,859 acres), and other ownerships within one half-mile of Port Blakely's forestlands where aquatic and terrestrial Covered Species may be affected by the HCP Covered Activities. One half-mile buffers on all parcels increases the permit area to 92,530 acres.

In addition, this initial permit area shown in Figure 1-4 of the HCP may be expanded to include future forestland acquisitions. Port Blakely estimates that the current ownership may be increased by as much as 25% over the 50-year permit term. Potential acquisition land area within the Lower Columbia River and Upper Willamette River Evolutionary Significant Units (ESU) are bounded by the Columbia River to the north, the Douglas-fir zone to the east, the Upper Willamette River ESU boundary to the south, and I-5 to the west. This results in an additional 23,133 acres of parcels, including half-mile buffers, to the permit area. The actual anticipated acquisition acreage will be 7,714 acres. Thus, the total permit area, including the potential addition of lands as described, is 115,662 acres.

### **Covered Species**

The covered species include threatened Lower Columbia River (LCR) Chinook salmon (*Oncorhynchus tshawytscha*), threatened Upper Willamette River (UWR) Chinook salmon, threatened LCR coho salmon (*O. kisutch*), threatened LCR steelhead (*O. mykiss*), and UWR steelhead.

### **Covered Activities**

The covered activities include Port Blakely's forest management activities: Timber Harvest, Silviculture, and Road Management. These activities are described in more detail in Section 2.2 of the HCP. The covered activities also include a conservation program, which is a combination of conservation strategies that are expected to minimize and mitigate, to the maximum extent practicable, the impacts of take of the covered species addressed in the HCP and associated with the covered activities. The conservation strategies address sedimentation, water temperature, large wood inputs and habitat restoration. The conservation strategy is described in more detail in Section 6 of the HCP. The take authorization granted under this permit applies only to take resulting from the covered activities conducted in accordance with the descriptions contained in the HCP and the terms of this permit.

### **Authorization**

The Permittee listed above is hereby authorized incidental take of the covered species associated with covered activities, as described above and in more detail in the HCP (Section 3.1), for a duration of 50 years, subject to the provisions set forth in Chapter 6 (Conservation Program) of the HCP, the provisions of section 10 of the Endangered Species Act (ESA) of 1973 (16 U.S.C. § 1531–1543), NMFS regulations governing ESA-listed species permit (50 CFR Parts 222.301–

222.309), and the conditions hereinafter set forth. Incidental take is only authorized within the permit area.

### **Amount or Extent of Incidental Take Authorization**

Incidental take of the covered species is expected to be in the form of harm. This will occur throughout the 50-year term of the HCP. The primary impacts to covered species is harm due to increased suspended sediment, increased stream temperatures, and decreased in-stream wood recruitment which diminishes the quantity and quality of the covered species' habitat, disrupting feeding, breeding, and migration. The number of covered species taken is not quantifiable because of the uncertainty of: (1) the spatial and temporal distribution of individuals within various segments of the permit area, and (2) no practical means to count or observe the number of fish impacted. The quantified take is listed in Table 1 below and described in Section 2.9.1 of NMFS' 2023 biological opinion for this ITP. Because Port Blakely's monitoring program includes reporting their harvest implementation and road construction to NMFS *at a minimum* of once every 5 years, we correlate this reporting with an extent of take that equals a summation of acres harvested and miles of road constructed for each 5-year period.

**Table 1.** Extent of take for the habitat-related effects.

<b>Treatment Type.</b>	<b>Habitat Effect.</b>	<b>Amount for a 5-year Period.</b>
Timber Harvest	Increase in stream temperature, decrease in large wood loading.	6, 250 acres
Road Construction	Increase in suspended sediment.	35 miles

### **Permit Conditions**

1. General requirements set out in Subpart C of 50 CFR 222, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance with and for the purposes described in the ITP application submitted by the Permittee. 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. Continued validity of this permit is subject to complete and timely compliance with all applicable conditions, including the submission of all required information and reports.
3. The validity of this permit is also conditioned upon compliance with all applicable Federal, State, local, or tribal laws. This permit does not relieve the Permittee from compliance with other applicable foreign, State, local, or other Federal law.
4. Acceptance of this permit serves as evidence that the Permittee agrees to abide by all conditions stated. The terms and conditions of the permit are inclusive;



incidental take resulting from any activity not specifically included in the HCP as a covered activity is not covered by this permit.

5. The Permittee is responsible for the activities of any individual who is operating under the authority of this permit, including authorized officers, employees, contractors, or agents. Such activities include capturing, handling, releasing, transporting, maintaining, and caring for any animal authorized to be taken by this permit. The authorization granted by this permit is subject to compliance with, and implementation of the HCP, which is incorporated by reference. The HCP includes avoidance, minimization, and mitigation measures, along with monitoring, adaptive management, and funding assurances that are all requirements of this permit. The permit terms and conditions, and the HCP, are binding on the Permittee and any authorized officer, employee, contractor, or agent conducting covered activities. The permit shall supersede and take precedence over any inconsistent provisions in the HCP or other related documents. All applicable provisions of this permit must be presented and clearly explained by the Permittee to their authorized officers, employees, contractors, or agents conducting covered activities.
6. NMFS may suspend or revoke the permit that it issued for cause in accordance with applicable laws and regulations (See 5 U.S.C. § 558; 50 CFR § 222.306; 15 CFR § 904.). Such suspension or revocation may apply to an entire permit, or only to specified covered species, permit areas, or covered activities.
7. This permit is only valid for use by the Permittee named above. The Permittees may request transfer of this permit to another person(s), as person is defined in section 3(13) of the ESA, following the procedures outlined in 50 CFR 222.305. Any new permittee must meet the requirements outlined in 50 CFR 222.305. This permit is not in force or effective if transferred or assigned to any other person without the approval of NMFS consistent with 50 CFR 222.305.
8. Upon request by the Regional Administrator of the West Coast Region (WCR) and with reasonable notice from NMFS, the Permittee must allow any employee(s) of NMFS, or any other person(s) duly designated by the Administrator, to inspect the Permittee's records and facilities if such records and facilities pertain to activities for which a take of covered species is authorized by this permit or pertain to the Administrator's responsibilities under the ESA. The provisions of this permit may be amended upon reasonable notice by the Regional Administrator of the WCR, in accordance with applicable law. A Permittee may request an amendment of this permit following the procedures outlined in the HCP and 50 CFR 222.306.
9. In the event a covered species (LCR Chinook salmon and steelhead, LCR coho salmon, UWR Chinook salmon and steelhead) is killed or injured during the course of activities in the permit area, the Permittee must notify NMFS as soon as possible, but not later than 48 hours after the event. If the individual is killed, it must be retained for scientific analysis. Instructions for proper handling and disposition of such specimens will be issued at that time. Care must be taken in

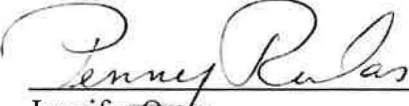
handling sick or injured specimens to ensure effective treatment and care and in the handling of dead specimens to preserve biological material in the best possible state. The Permittee must submit a written report including date of discovery, location, age (adult or juvenile), and suspected cause of death or injury. The written report may be submitted to: [owco.or.consultationrequest@noaa.gov](mailto:owco.or.consultationrequest@noaa.gov).

10. If, during the term of this permit, the project design or extent of the covered activities is altered in a manner that increases take of the covered species above authorized levels, the Permittee shall contact NMFS' Portland, Oregon office at 503-230-5400. The Permittee must obtain an amendment to this permit before commencing any construction, operations, maintenance, or other activities that are likely to result in the incidental take of listed species beyond that authorized by this permit.
11. If actions associated with implementation of the HCP are shown to result in the incidental take of ESA-listed species not covered by this permit, those activities and any take that has occurred shall be reported to NMFS' Portland, Oregon office at 503-230-5400 within 48 hours. If the individual is killed, it must be retained for scientific analysis. 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.
12. If the amount or extent of take authorized under this permit is exceeded, all Permittee activities causing such take must immediately cease, and any take above that authorized under this permit shall be reported to NMFS' Portland, Oregon office at 503-230-5400 within 48 hours.
13. The Permittee shall monitor compliance with the HCP and implement the monitoring program described in Section 6.4 of the HCP to document progress toward meeting the biological goals and objectives identified in Section 6.2 of the HCP.
14. The Permittee must comply with and implement reasonable and prudent measures 1 and 2 in Section 2.9.3 and the associated terms and conditions in Section 2.9.4 of the biological opinion for this ITP.
15. The Permittee is required to adequately fund the HCP and shall strictly adhere to the HCP and the conditions of this Permit. Upon request by NMFS, the Permittee shall provide documentation that the HCP is receiving adequate funding.
16. The Permittee must strictly adhere to the HCP and the conditions of this permit. If the Permittee is not implementing or adhering to the HCP or the conditions of this Permit, then the take authorization provided by this Permit shall not apply.
17. The Permittee must notify NMFS, as described in Section 10 of the HCP, of the following circumstance:
  - a. Permittee(s) seeking amendment to or exit from the HCP.

18. The fee in 50 CFR Section 222.23(d)(8) to cover the cost of issuance of this permit has been waived.
19. The Permittee shall schedule permit review meetings, concurrent with the delivery of the reports, with NMFS at years 5, 10, 15, 20, 25, 30, 35, 40, 45 and 50 of the permit term.

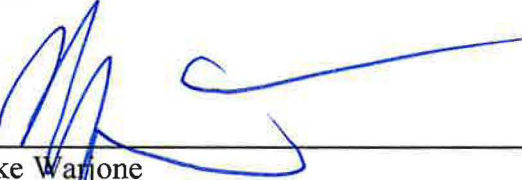
#### **Penalties and Permit Sanctions**

1. Any person who violates any provision of this permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the ESA and 15 CFR part 904 (Civil Procedures).
2. All permits are subject to suspension, revocation, modification, and denial in accordance with applicable laws and regulations, including but not limited to 5 U.S.C. § 558, subpart B of 50 CFR 222 and subpart D of 15 CFR part 904. Such suspension or revocation may apply to an entire permit, or only to specified covered species, permit areas, or covered activities.

Issued by:   
for Jennifer Quan  
Regional Administrator  
West Coast Region  
National Marine Fisheries Service

August 9, 2023  
Date

**Acceptance of the permit serves as evidence that the permittee agrees to abide by all conditions stated.**

  
Mike Wajone  
President  
Port Blakely US Forestry

September 8, 2023  
Date

