

U.S. Fish and Wildlife Service, Portland, Oregon  
Special Terms and Conditions for Permit Number  
(TE064055-0)

- E. All sections and provisions of Title 50 Code of Federal Regulations, parts 13 and 17, are conditions of this permit.
- F. The authorization granted by this permit is subject to full and complete compliance with and implementation of the Daybreak Mine Expansion and Habitat Enhancement Project Habitat Conservation Plan (HCP) and executed Implementing Agreement (IA), both of which are hereby incorporated into the permit.
- G. The Permittee and their designated agents are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (injure, kill, harass, and/or harm) the federally threatened bull trout (*Salvelinus confluentus*) within the action area (as described in the HCP), to the extent the take of this 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 occur incidental to otherwise lawful activities associated with the expansion and operation of the Daybreak Mine and its ancillary facilities, and with implementation of the HCP and IA, and as conditioned herein.
- H. Take authorization would become effective for 4 currently unlisted species: coastal cutthroat trout (*Oncorhynchus clarki clarki*); pacific lamprey (*Lampetra tridentata*); river lamprey (*Lampetra ayresi*); and the Oregon spotted frog (*Rana pretiosa*), 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 occur incidental to otherwise lawful activities associated with the expansion and operation of the Daybreak Mine and its ancillary facilities, and with implementation of the HCP and IA, and as conditioned herein.
- I. Upon locating any dead, injured, or sick individuals of any of the Covered Species, the Permittee shall, within 3 working days, notify the Fish and Wildlife Service's Western Washington Fish and Wildlife Office (360-753-9440). 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.
- J. Reports as described in Section 5 of the Habitat Conservation Plan shall be submitted to the Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, 510 Desmond Dr. SE, Suite 102, Lacey, Washington 98503 and to the Deputy

Regional Director – Ecological Services, U.S. Fish and Wildlife Service, 911 NE 11<sup>th</sup> Avenue, Portland, Oregon 97232.

- K. The Permittee will immediately notify the Fish and Wildlife Service at the above phone number if any Oregon spotted frogs are confirmed to be present on the project area.
- L. Consistent with Regional Fish and Wildlife Service policy, pesticide use is not a Covered Activity under the permit.
- M. Permittee 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 Project Leader, U.S. Fish and Wildlife Service, Western Washington Fish and Wildlife Office, at the above mentioned address or number.
- O. A copy of this permit must be in the possession of the Permittees and designated agents while conducting taking activities.