



DEPARTMENT OF THE INTERIOR
 U.S. FISH AND WILDLIFE SERVICE
 Migratory Bird Permit Office
 911 NE 11th Ave. - Portland, OR 97232
 Tel: 503-872-2715 Fax: 503-231-2019
 Email: permitsR1MB@fws.gov

2. AUTHORITY-STATUTES
 16 USC 668a

REGULATIONS
 50 CFR 13
 50 CFR 22.26

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

PORT OF TILLAMOOK BAY
 4000 BLIMP BOULEVARD
 TILLAMOOK, OR 97141
 U.S.A.

3. NUMBER **MB79214B-1** AMENDMENT

4. RENEWABLE	5. MAY COPY
<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> NO	<input type="checkbox"/> NO

6. EFFECTIVE 01/01/2016	7. EXPIRES 09/30/2017
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8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
 MICHELE BRADLEY
 GENERAL MANAGER

9. TYPE OF PERMIT
 EAGLE TAKE ASSOCIATED WITH BUT NOT THE PURPOSE OF AN
 ACTIVITY

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
 Activity Conducted in City of Tillamook, OR 45.46158, -123.85219
 Records Maintained at Address in Block 1 (above)
 TILLAMOOK COUNTY

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, TRIBAL, OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. For estuary restoration and re-connection of a flood plain, you are authorized to:

Disturb 1 bald eagle nest

Location: City of Tillamook, OR [45.46158, -123.85219]

Activity Date(s): January 1, 2016 - November 30, 2016

Reporting Required: 2016, 2017, 2018

E. The authorizations granted by permits issued under this section apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the Service to determine whether a permit amendment is required in order to retain take authorization.

F. This permit does not authorize intentional take of live eagles, eggs or young.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS
 Annual Reports Due September 30
 Years Monitoring Required: 2016, 2017, 2018
 Annual Report Form: <http://www.fws.gov/forms/3-202-15.pdf>

ISSUED BY 	TITLE CHIEF, MIGRATORY BIRD PERMIT OFFICE - REGION 1	DATE 11/25/2015
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G. You must comply with the following avoidance, minimization, or other mitigation measures:

- 1) Excavation within the 660' to 330' nest tree buffer must not begin prior to June 1, 2016, and excavation within the 330' buffer must not begin prior to June 15, 2016, to allow the juveniles, if present, to fledge.
- 2) The nest tree and adjacent mature conifers will be retained.
- 3) Any identified murrelet habitat trees that need to be removed to facilitate estuary restoration within 660' will be felled prior to February 28th or after September 15th. Any non-murrelet trees that need to be removed to facilitate estuary restoration within 660' will be felled prior to February 28th or after June 15th. Felled trees will be left onsite until it is dry enough for them to be removed. Trees within the 660' to 330' nest tree buffer must not be removed prior to June 1st, and trees within the 330' buffer must not be removed prior to June 15th.
- 4) All work must take place between 2 hours after sun rise to 2 hours before sunset January 1 through June 15, 2016.
- 5) The haul road located within 660' of the nest must not be used prior to June 1, 2016.
- 6) If an alternative nest site is established within 660' of the project area, the above minimization measures will be applied to that new nest site.

H. You must follow state and federal guidelines laws and label instructions if using pesticides, herbicides, or other chemicals.

I. You remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

J. You are required to monitor eagle use of important eagle-use areas where eagles are likely to be affected by your activities during the season(s) when eagles would normally be present, to the area where the take is likely to occur, and noting whether eagles continue to nest, roost, or forage there. Monitoring must consist of:

(1) Territory Occupancy Monitoring (January - April)

Initial monitoring of eagles to determine territory occupancy must be conducted once every two weeks January 15 - April 15. The following constitute positive direct evidence of occupancy: 1) when both birds are seen perched near the nest, or 2) when a bird is detected incubating in the nest. The following constitute positive indirect evidence of occupancy, 1) fresh moss or green tree branches placed or interwoven into the nest top, or 2) fresh droppings ("whitewash") on vegetation or the ground beneath the nest tree. Once occupancy is confirmed monitoring can continue on a monthly basis as described below.

Visits must be long enough to make a positive identification of occupancy or at least 4 consecutive hours to determine no occupancy. (Normally occupancy is seeing both adults at or near a nest within the territory.) If occupancy is not confirmed by April 15, monitoring efforts may cease.

(2) Monthly Breeding Season Monitoring (April - July)

After April 15, monitor the site once a month until eaglets fledge or the nesting attempt fails (i.e. nestlings die). Each monitoring session must be long enough to confirm that status of the nest, or 90 minutes, whichever is shorter. Monitoring must occur at a time of day when nest site activity is likely to be high, e.g. in the two hours after sunrise or two hours before sunset. Monthly monitoring must determine a) if the nest is still occupied, and b) if possible, how many nestlings are present in the nest.

Monitoring must be able to provide data on the following:

- 1) Nest activity status (active, inactive),
- 2) Nesting status (incubating bald eagle eggs, bald eaglets present), and
- 3) Nest success (bald eaglets fledged, nest failed).

(3) Annual Reports - Due September 30

Monitoring reports must be submitted by **September 30** of each calendar year a report is required to the issuing Migratory Bird Permit Office and should include the following information:

- 1) Date and length of time bald eagles were observed;
- 2) Time of day;
- 3) Number of bald eagles observed;
- 4) Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight)
- 5) In the event a new bald eagle's nest is built on/adjacent to your property, you must also report the new location and whether the bald eagles produced young at that site.

K. You must submit an annual report summarizing the information you obtained through monitoring in **2016, 2017, and 2018**, to the issuing permit office at US Fish and Wildlife Service, 911 NE 11th Avenue, Portland, OR 97232. Form 3-202-15 (Eagle Non-purposeful Take Report) can be found online at www.fws.gov/forms/3-202-15.pdf.

- L. You must immediately notify the migratory bird permit issuing office at PermitsR1MB@fws.gov regarding any apparent injury or death occurring to any eagle, including viable eggs, during project activities. You must immediately transport any injured eagle to a Federally permitted eagle rehabilitator.
- M. You must contact the migratory bird issuing office immediately upon discovery of any unanticipated take.
- N. While the permit is valid and for up to 3 years after it expires, you must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s).
- O. You may delegate the authority granted in this permit to the following subpermittee(s): None Listed.
- Any subpermittee who has been delegated this authority may not re-delegate to another individual/business.
- P. Subpermittees must be at least 18 years of age. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.
- Q. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.
- R. All of the provisions and conditions of the governing regulations at 50 CFR 13 and 50 CFR 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. For copies of the regulations, visit: www.fws.gov/permits/mbpermits/birdbasics.html.
- S. This permit does not authorize you to conduct activities on Federal, State, Tribal, or other public or private property other than your own without additional prior written permits or permission from the agency/landowner.
- T. You must maintain records as required in 50 CFR 13.46. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
- U. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.46).
- V. Permittees and subpermittees operating under this permit may not take or disturb eagles contrary to the laws or regulations of any State, Tribal, or Municipal government, and none of the privileges of this authorization are valid unless the permittee possesses the appropriate State permits, or other authorizations, if required.
- W. The U.S. Fish and Wildlife Service is not liable for any damage or injury to person, wildlife, or property that occurs as the result of carrying out the activities associated with this permit.

