

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

Permit Number: 1267

Expiration Date: November 20, 2000

Permit Holders:

Plum Creek Timber Company, Inc., Plum Creek Timberlands, L.P., Plum Creek Timber I, L.L.C., Plum Creek Marketing, Inc., Plum Creek Land Company, Plum Creek Northwest Lumber, Inc., Plum Creek Northwest Plywood, Inc., and Plum Creek MDF, Inc. The foregoing Permit holders are referred to collectively and individually as "Permittee".

Principal Officer and Contact:

Michael J. Covey
Vice President - Resources
Plum Creek Marketing, Inc.
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Reporting Requirements: As described in Commitments A4, A5, A6 and Table NFHCP 7-1 of section 7.0 of the Plum Creek Timber Company Native Fish Habitat Conservation Plan ("NFHCP") and in sections 8.1 and 8.2 of the Implementing Agreement ("IA") for the NFHCP.

Authorization:

The Permittee is hereby authorized incidental take of the species listed on Exhibit A to this Permit associated with its Covered Activities as defined in sections 3.2 and 4.2.3 of the IA and Chapter 2 of the NFHCP, the provisions of 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 general provisions and the provisions of the IA, the language of the IA shall govern. The period of the Permit is 30 years.

Abstract:

The Permittee is authorized incidental take of the species identified on Exhibit A to this Permit associated with the Permittee's activities in Montana, Idaho and Washington, pursuant to Section 10(a)(1)(B) of the ESA and the provisions of the IA for the NFHCP. Currently unlisted species that are adequately addressed by the NFHCP, and are therefore Covered Species, are identified on Exhibit A. As provided in section 4.2.1 of the IA, the Permit will take effect as to currently unlisted species upon the listing of a species as endangered, and for a species listed as threatened, on the effective date of a rule under Section 4(d) of the ESA prohibiting take of the species.

The NFHCP utilizes a combination of conservation measures that are expected to minimize and mitigate, to the maximum extent practicable, the impacts of take of the fish species addressed in the NFHCP due to conduct of the Covered Activities. These minimization and mitigation measures described in the NFHCP are the minimum level of conservation and mitigation measures that the Permittee has committed to implement. Several aspects of the NFHCP are subject to adaptive management. To ensure that the mitigation and minimization strategies are effective, the NFHCP incorporates a variety of monitoring components and supplemental studies that will provide feedback for adaptive management, and if needed, changes in the conservation measures.

Incidental Take

Covered Activities, as defined in section 3.2 of the IA, that may cause incidental take of listed species will be conducted on the Covered Lands as defined in section 3.3 of the IA which covers approximately 1.6 million acres in the states of Montana, Idaho and Washington.

The NMFS anticipates that an undetermined number of Covered Species may be taken as a result of Covered Activities over the 30-year life of the Permit. This incidental take is expected to be in the form of harm, harassment, kill and injury.

Conditions:

1. The provisions of this Permit may be amended or revised as provided in sections 12.2 and 12.3 of the IA.
2. As provided in section 14.11 of the IA, the Permittee may assign this Permit to any other person(s), as person is defined in Section 3(12) of the ESA only as allowed under NMFS regulations applicable at the time of transfer or assignment, currently found at 50 CFR Section 222.305.

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 NFHCP and related agreements, must be available to Plum Creek personnel at all of the Permittee's administrative unit offices throughout the Covered Lands (or wherever those offices may be relocated). 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.
5. The Permittee, in conducting the Covered Activities, 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 8.3 of the IA, upon request by NMFS, the Permittee must allow NMFS, or any other person(s) duly designated by NMFS, to inspect the Permittee's records and facilities if such records and facilities pertain to (i) activities for which take of listed species is authorized by this Permit, (ii) ESA-listed species covered by this Permit, or (iii) NMFS's responsibilities under the ESA.
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 will take effect for listed Covered Species on the effective date of a rule under Section 4(d) of the ESA prohibiting take of the species. For Unlisted Covered Species, the Permit will take effect upon the listing of a species as endangered, and for a species listed as threatened, on the effective date of a rule under Section 4(d) of the ESA prohibiting take of the species.
9. As provided in Section 4.2.3 of the IA, until completion of consultation under the National Historic Preservation Act, Covered Activities for purposes of this Permit shall not include any activity that but for this Permit would constitute unlawful take of a Covered Species and will adversely affect a historic property.
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 : /s/ Donna Darm Date: 11/20/00

Donna Darm
Acting Regional Administrator,
Northwest Region
National Marine Fisheries Service

Exhibit A

National Marine Fisheries Service

Permit No. _____

The following species are Covered Species under the Permit:

- *Columbia River Chum Salmon ESU (*Oncorhynchus keta*)
- *Lower Columbia River chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Lower Columbia River/Southwest Washington coho salmon ESU (*Oncorhynchus kisutch*)
- *Lower Columbia River steelhead ESU (*Oncorhynchus mykiss*)
- Mid-Columbia River spring chinook salmon ESU (*Oncorhynchus tshawytscha*)
- *Mid-Columbia River steelhead ESU (*Oncorhynchus mykiss*)
- *Snake River steelhead ESU (*Oncorhynchus mykiss*)
- *Snake River spring/summer chinook ESU (*Oncorhynchus tshawytscha*)
- *Snake River fall chinook salmon ESU (*Oncorhynchus tshawytscha*)
- Upper Columbia River summer/fall chinook salmon ESU (*Oncorhynchus tshawytscha*)

* Listed under the Endangered Species Act at time of Permit issuance.