



### FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

THE NATOMAS BASIN CONSERVANCY  
1750 CREEKSIDE OAKS DRE. SUITE 290  
SACRAMENTO, CA 95833  
U.S.A.

2. AUTHORITY-STATUTES  
16 USC 1539(a)  
16 USC 703-712

REGULATIONS (Attached)

50 CFR 17.22 & 17.32  
50 CFR 21.27  
50 CFR 13

3. NUMBER  
TE073667-0

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
JUN 27 2002

7. EXPIRES  
JUN 27, 2053

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)  
JOHN R. ROBERTS  
EXECUTIVE DIRECTOR

9. TYPE OF PERMIT  
THREATENED AND ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
Within the Natomas Basin, California, on Mitigation Lands controlled and managed by The Natomas Basin Conservancy as described in the Natomas Basin Habitat Conservation Plan and Implementation Agreement.

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.

THE VALIDITY OF THIS PERMIT IS ALSO CONDITIONED UPON STRICT OBSERVANCE OF ALL APPLICABLE FOREIGN, STATE, LOCAL OR OTHER FEDERAL LAW.

C. VALID FOR USE BY PERMITTEE NAMED ABOVE.

D. Further conditions of authorization are contained in the attached Special Terms and Conditions.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

*David G. Paulie* Acting

TITLE

Deputy Manager, California/Nevada Operations

DATE

6/27/03

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- D. All sections of Title 50 CFR §§ 13, 17.22, and 17.32 are conditions of this Incidental Take Permit (Attachment 1).
- E. The authorization granted by this Incidental Take Permit is subject to compliance with, and implementation of, the Final Natomas Basin Habitat Conservation Plan (NBHCP), dated April 2003, and executed Implementation Agreement (IA), both of which are hereby incorporated into this Permit.
- F. The Permittee (The Natomas Basin Conservancy or "Conservancy"), and third persons under the direct control of the Permittee, are authorized to take (harm or harass) 15 wildlife species on the Federal list of "Covered Species" (Attachment 2) to the extent that take of these species would otherwise be prohibited under section 9 of the Endangered Species Act of 1973, as amended (ESA), and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the ESA. Take authorization for currently listed wildlife species is effective at permit issuance. For each wildlife Covered Species which is not listed as threatened or endangered under the ESA, this Incidental Take Permit will become effective with respect to such species concurrent with their listing under the ESA. Take must be incidental to otherwise lawful Conservancy "Covered Activities" within the Natomas Basin on Mitigation Lands controlled and managed by the Conservancy, as described in the NBHCP and IA, and as conditioned herein. The amount of take and limitations of take coverage are described in chapter VII of the NBHCP.
- G. Take of plant Covered Species is not prohibited under the Act and is not authorized by this Permit. Seven plants are included on the Federal list of Covered Species in recognition of the conservation benefits provided for them under the NBHCP. Assurances provided under the "No Surprises" Rule at 50 CFR §§ 17.3, 17.22(b)(5), and 17.32(b)(5) extend to all Covered Species.
- H. If during the term of the of this Permit, an avian Covered Species which is protected under the Migratory Bird Treaty Act (MBTA) of 1918, as amended (16 U.S.C. §§ 703-712), is listed under the ESA, this Permit will also constitute a Special Purpose Permit under 50 CFR § 21.27 for the "take," (as that term is understood under the MBTA) of that species in the amount and/or number specified in the NBHCP, subject to the following terms and conditions: (1) no lethal take is authorized; and (2) take of active nests is not permitted at any time. The take of such species in conjunction with the terms of this Permit will not be in violation of the MBTA. Such Special Purpose Permit shall be valid for a period of 3 years from the date the species is listed under the ESA provided that this Incidental Take Permit remains in effect for that period. Such Special Purpose Permit will cover any avian Covered Species listed under the ESA during the 3-year permit

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term. Such Special Purpose Permit shall be renewed provided that the Permittee requests renewal in writing and continues to fulfill its obligations under this Incidental Take Permit. Each such renewal shall be valid for the maximum period of time allowed by 50 CFR § 21.27 or its successor at the time of renewal.

- I. Any incidental take of Covered Species due to mortality or harm from habitat loss within U.S. Army Corps of Engineer's (Corps) jurisdictional wetlands or other waters of the United States, or resulting from other Covered Activities that may be Federally funded or require a Federal permit or authorization, is only authorized by this Incidental Take Permit provided that appropriate authorization is first also secured from the Corps or any other applicable Federal agency with jurisdiction. Authorization for incidental take by the applicable Federal agencies shall be provided through future ESA Section 7 consultations, while authorization for incidental take by the Conservancy and third parties acting under the Conservancy's direct control shall be provided through this Incidental Take Permit. Incidental take of wetland associated or dependent species by the Conservancy and third parties under the Conservancy's direct control resulting from Covered Activities both within and outside of jurisdictional wetlands shall be in accordance with the NBHCP and the IA.
- J. Consistent with the Final NBHCP and IA: no mitigation lands will be acquired in Area B, an area outside of the Basin; all mitigation lands shall be acquired in the Natomas Basin.
- K. Upon finding dead, injured, or sick Covered Species associated with activities authorized under this Incidental Take Permit, the Permittees must notify the Service's Sacramento Fish and Wildlife Office within 3 working days. The Service contact person is the Branch Chief of the Sacramento Valley Branch, Endangered Species Division. The phone number is (916) 414-6600. All observations of Covered Species - live, injured or dead - shall be recorded on California Natural Diversity Data Base field sheets and sent to the California Department of Fish and Game, 1220 South Street, Sacramento, California 95814.
- L. Any other federally listed or proposed species found on or adjacent to the Permit Area must be reported within 3 working days of its finding. The Service contact for this information is the Chief of the Endangered Species Division, Sacramento Fish and Wildlife Office, at (916) 414-6600.
- M. All reporting for this permit shall be in compliance with the NBHCP and IA. Permittee shall provide an Implementation Annual Report, due by May 1 of each calendar year during which the permit is in effect. This report shall be submitted to the Field

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Supervisor, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite W-2605,  
Sacramento, California 95825.

- N. A copy of this permit must be on file with the Permittee. Please refer to the permit number in all correspondence and reports concerning permit activities. Any questions you may have about this permit should be directed to the Field Supervisor, Sacramento Fish and Wildlife Office, at 916-414-6600.