



United States Department of the Interior

FISH AND WILDLIFE SERVICE

California/Nevada Operations Office
2800 Cottage Way, Suite W-2606
Sacramento, California 95825

FEB 21 2002

Gerry N. Kamilos
Metro Air Park Property Owners Association
2277 Fair Oaks Boulevard, Suite 285
Sacramento, California 95825

Dear Mr. Kamilos:

Enclosed is a copy of your Endangered Species Act incidental take permit for the Metro Air Park Project. This permit authorizes incidental take of the threatened giant garter snake (*Thamnophis gigas*) and valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). The Permit would also cover 12 currently unlisted species, should they become listed during the 50-year life of the Permit. The project site is the 2,015-acre parcel in the Natomas Basin, Sacramento County, California. We look forward to assisting you in implementing your Habitat Conservation Plan.

Thank you for helping to conserve endangered species. If you have any questions about this permit, please contact Mr. Wayne White, Field Supervisor of the Fish and Wildlife Service's Sacramento Fish and Wildlife Office, at (916) 414-6000.

Sincerely,

Deputy Manager

Enclosures



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

METRO AIR PARK PROPERTY OWNERS ASSOCIATION
2277 FAIR OAKS BOULEVARD, SUITE 285
SACRAMENTO, CA 95825
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(A)

REGULATIONS (Attached)
50 CFR 17.32
50 CFR 13

3. NUMBER
TE036473-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
02/21/2002

7. EXPIRES
02/20/2052

8. NAME AND TITLE OF PRINCIPAL OFFICER (if #1 is a business)
GERRY N. KAMILOS
SECRETARY

9. TYPE OF PERMIT
THREATENED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
The 2,015-acre Metro Air Park Project Area within the Natomas Basin, Sacramento County, California

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 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

TITLE
DEPUTY MANAGER, CA/NV OPERATIONS OFFICE

D. FEB 21 2002

U.S. FISH AND WILDLIFE SERVICE, SACRAMENTO, CALIFORNIA
SPECIAL TERMS AND CONDITIONS FOR TE036473-0

Page 1 of 2

- E. All sections of *Title 50 Code of Federal Regulations*, parts 13, 17.22, and 17.32, are conditions of this permit (Attachments 1, 2, and 3).
- F. The authorization granted by this permit is subject to compliance with and implementation of, the *Habitat Conservation Plan for the Metro Air Park Project in the Natomas Basin, Sacramento County, California* (HCP) and the fully executed Implementing Agreement (IA); which are hereby incorporated into the permit.
- G. The permittee and designated agents are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (injure, kill, harass, harm) the threatened giant garter snake (*Thamnophis gigas*), and the threatened valley elderberry longhorn beetle (*Desmocerus californicus dimorphus*). Take will occur within the 2,015-acre Metro Air Park project area as a result of urban development of the Metro Air Park site (including associated infrastructure improvements); rice farming; managing, enhancing, and monitoring of reserves; and other scientific surveys and studies required under the HCP. 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 be incidental to otherwise lawful activities associated with the urban development (including associated infrastructure improvements); rice farming; managing, enhancing, and monitoring of reserves; and other scientific surveys and studies required under the HCP of the 2,015-acre Metro Air Park site within the Natomas Basin, Sacramento County, California, and with implementation of the HCP and IA, as conditioned herein.
- H. The permittee and designated agents are also authorized under the Act should any of the following 12 currently unlisted species become listed in the future during the 50-year life of the Permit. These 12 species include two species formerly listed as threatened and endangered: the Aleutian Canada goose (*Branta canadensis leucopareia*) and peregrine falcon (*Falco peregrinus anatum*), de-listed on March 20, 2001, and August 25, 1999 respectively. The Permit also covers eight currently unlisted animal species, including the Swainson's hawk (*Buteo swainsoni*), white faced ibis (*Plegadis chihi*), bank swallow (*riparia*), greater sandhill crane (*Grus canadensis tubida*), tricolored blackbird (*Agelaius tricolor*), northwestern pond turtle (*Clemmys marmorata marmorata*), loggerhead shrike (*Lanius ludovicianus*), and burrowing owl (*Athene cunicularia*). Authorization to take two currently unlisted plants, to the extent that it can be granted, is extended to the Delta tule pea (*Lathyrus jepsonii* ssp. *jepsonii*) and Sanford's arrowhead (*Sagittaria sanfordii*).
- I. Prior to commencing any urban development on the covered lands, the permittee is required to transfer, to the Natomas Basin Conservancy (NBC), fees sufficient to purchase the 200-acre Swainson's hawk nest tree reserve. Proof shall be provided to the Sacramento Fish and Wildlife Office, that the fees have been provided to the NBC.

U.S. FISH AND WILDLIFE SERVICE, SACRAMENTO, CALIFORNIA
SPECIAL TERMS AND CONDITIONS FOR TE036473-0

Page 2 of 2

- J. The permit is not valid until the IA is fully executed by all parties.
- K. Permittee will provide the NBC with monthly accounts of the numbers of acres under development and the amount of mitigation fees paid to the County. Permittee will also provide the NBC, California Department of Fish and Game, and Service with an annual accounting of the number of acres under urban development, mitigation fees paid, and the number of rice farming acres under Certificates of Inclusion. NBC will include the MAP information in the annual report.
- L. Permittee, or NBC on behalf of the permittee, shall submit an Annual Report which details urban development activities; habitat acquisition, management, and monitoring activities; and financial status for the preceding year. The report will include, but is not limited to: (1) the number of acres under urban development or being farmed as rice; (2) the acreage, location, and type of lands acquired or proposed for acquisition; (3) the status of acquisition of the 400 acre minimum habitat blocks; (4) number of acres acquired in Sacramento County; (5) mitigation fees paid; and (6) other miscellaneous funding status accounts. The first annual report will also include the status of the 200-acre Swainson's Hawk Reserve since MAP POA has to acquire up front or transfer money to the NBC to acquire the Swainson's Hawk Reserve. The annual report is due 60 calendar days from the last day of each calendar year, or portion of a calendar year, during which the permit is in effect.
- M. Upon finding dead, injured, or sick endangered or threatened wildlife species, the permittee or their designated agents must notify the Service's Division of Law Enforcement (2800 Cottage Way, Room W-2928, Sacramento, California 95825; phone: (916) 414-6660) or the Sacramento Fish and Wildlife Office (2800 Cottage Way, Room W-2605, Sacramento California 95825; phone (916) 414-6000) within 1 working day. Written notification to both offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.
- N. A copy of this permit must be in the possession of the permittee and designated agents while conducting taking activities. Please refer to the permit number in all correspondence concerning permit activities. Any questions you may have about this permit should be directed to the Field Supervisor, Sacramento Fish and Wildlife Office at the address and phone number above.

Attachments