

PERMIT APPLICATION FORM INSTRUCTIONS

The following instructions pertain to the standard License/Permit Form 3-200 that must be completed as an application for a U.S. Fish and Wildlife Service permit. Please read the General Permit Procedures (50 CFR 13) sent with this package.

- * Complete all appropriate blocks/lines. Print clearly or type in the information. *A complete application prevents delays!*
- * Sign the application *in ink* and send an *original* to the address on the top of the application. Faxed copies will not be accepted.
- * Applications will be processed in the order they are received.

Most of the application form is self-explanatory, but the following provides some further assistance for completing the form.

COMPLETE EITHER BLOCK A OR BLOCK B:

Block A. **"Complete if applying as an individual"** - Enter the complete name of the responsible party who will be the permittee if a permit is issued. Enter personal information that identifies the applicant. All blocks must be completed. If you are applying on behalf of a client, the personal information must pertain to the client. A notarized document stating power of attorney must be included with the application.

Block B. **"Complete if applying as a business, corporation, public agency or institution"** - Enter the complete name and address of the business, agency or institution who will be the permittee if a permit is issued. Give a brief description of the type of business the applicant is engaged in, the name and phone number of the person in charge, and if the company is incorporated, the state in which it was incorporated.

ALL APPLICANTS COMPLETE BLOCK C:

Block C.1 **"Do you currently have or have you had any Federal Fish and Wildlife license or permits?"** - List the number of any FWS or CITES permits. If applying for a renewal, the original permit must be returned with this application.

Block C.2 **"Have you obtained any required state or foreign government approval to conduct the activity you propose?"** - If the proposed activity is regulated, check the appropriate box. If "yes", list the State or foreign countries involved and type of document required. Include a copy of these documents with the application. If "no" indicate what steps you have taken to secure approval (use attachment if necessary). If the proposed activity is not regulated check "not required".

Block C.3 **"Attachments"** - Consult the fact sheet or regulation. Provide any required additional information outlined on the supplemental page(s) of the application form. Be as complete and descriptive as possible. If there is any doubt as to the information's relevance, include it with the application. An incomplete or unclear application may cause delays in processing.

Block C.4 **"Check or money order (if applicable)"** - There is a permit processing fee unless you are fee exempt. Consult the enclosed APPLICATION PROCESSING FEE SCHEDULE information. Make the check or money order payable to the **U.S. Fish and Wildlife Service** and attach it to the application form. If fee exempt, write "exempt" in this space.

Block C.5 **"CERTIFICATION"** - The **individual applicant in Block A, the person named in Block B, or person with power of attorney must sign and date** the application in ink. This signature binds that person to the statement of certification. This means that you certify that you read and understood the regulations that apply to the permit. You also certify that everything included in the application is true to the best of your knowledge. Be sure to read the statement and re-read the application before signing.

**NATIVE ENDANGERED & THREATENED SPECIES
APPLICATION FOR PERMIT**

**INCIDENTAL TAKE PERMITS ASSOCIATED WITH A
HABITAT CONSERVATION PLAN (HCP)**

INSTRUCTIONS TO APPLICANTS

You are urged to coordinate with the Service as soon as possible for guidance in assembling a complete application package, therefore expediting timely issuance of a permit should one be granted. If you are renewing or amending an existing permit, your complete application package must be received at least 30 days prior to the expiration of your existing permit.

The time required to process an application for an Incidental Take permit will vary depending on the size, complexity, and impacts of the HCP involved. Procedurally, the most variable factor in application processing is the level of analysis required for the proposed HCP under the National Environmental Policy Act (whether an Environmental Impact Statement, Environmental Assessment, or a categorical exclusion is required), although other factors such as public controversy can also affect application processing times. The target timeline from receipt of a complete application to the issuance of a permit is: up to 3 months for low-effect HCPs, 4 to 6 months for HCPs with an Environmental Assessment, and up to 12 months for HCPs with a 90-day comment period and/or an Environmental Impact Statement. Although not mandated by law or regulation, these targets are adopted as Service and National Marine Fisheries Service (NMFS) policy and all offices are expected to streamline their Incidental Take permit programs, and to meet these targets to the maximum extent practicable.

The information provided in your permit application will be used to process your application in accordance with the Endangered Species Act, its implementing regulations (which may include the solicitation of public comments on the application for 30 to 90 days), and with U.S. Fish and Wildlife Service policy. Receipt and possession of a permit under the Endangered Species Act should be regarded as a privilege, as we must balance permit issuance with our duties to protect and recover listed species.

Before you submit an application for an Incidental Take permit, we may require you to conduct biological surveys to determine which species and/or habitat would be impacted by the activities sought to be covered under the permit. These biological surveys provide information that the applicant needs to develop an adequate Habitat Conservation Plan, and that we need to assess the biological impacts. In addition, the information provided in a biological survey can reduce the applicant's risk of take under Section 9 of the Endangered Species Act by ensuring that affected species and/or habitat will be identified and thus covered under the permit.

Section 10(a)(2)(A)(i) of the Endangered Species Act requires that no Incidental Take permit may be issued unless the applicant submits a conservation plan that specifies the impacts which will likely result from the incidental take. These impacts can be determined by conducting a biological survey. Our general permit regulations at 50 CFR 13.12(a)(9) also allow us to collect such other information as we determine that is relevant to the processing of a permit application.

Prior to conducting the biological survey, you may wish to obtain a permit from us for Scientific Purposes, Enhancement of Propagation or Survival (commonly called a Recovery permit) which will authorize any taking of listed species that would result from the survey. Contact the nearest Service Field office to discuss the need for a biological survey and a corresponding Recovery permit, as we will evaluate this on a case-by-case basis. If a biological survey is required, we urge you to apply for the corresponding Recovery permit at least 3 months prior to the desired start of the survey to allow for processing time.

If you are not applying as an individual, but as a business, corporation, institution, or non-Federal public agency (block B. on page 1), the person to whom the permit will be issued (e.g., the president, director, executive director, or executive officer) is legally responsible for implementing the permit. Although other people under the direct control of the permittee (e.g., employees, contractors, consultants) receive third party take authorization in their capacity as designees of the permittee, the individual named as the permittee ultimately is legally responsible for the permit and any activities carried out under the permit except as otherwise limited in the case of permits issued to State or local government entities under 50 CFR 13.25(d).

Up-to-date annual reports and any other required reports under your existing permit(s) must be on file before a permit will be considered for renewal or amendment.

If your activities may affect species under the authority of the NMFS, then you may need to obtain a separate permit from NMFS. NMFS and the Service share jurisdiction for sea turtles. The Service issues permits to conduct activities impacting sea turtles on land, and the NMFS issues permits to conduct activities impacting sea turtle in the marine environment. To apply for a permit to conduct activities with sea turtles in the marine environment, please contact the NMFS via the Internet at http://www.nmfs.noaa.gov/prot_res/PR3/Permits/ESAPermit.html

Please check one:

New application for Incidental Take permit associated with a Habitat Conservation Plan.

Renewal of an existing Incidental Take permit associated with a Habitat Conservation Plan using my current application package on file. Note: if the information in your current application package has changed in a manner that triggers a major amendment or a change not otherwise specified in the HCP or Implementing Agreement, then you must apply for an amendment to your existing permit. Such changes may include changes in location, activity,

amount or type of take, or species to be covered by the permit.

Amendment of existing Incidental Take permit associated with a Habitat Conservation Plan.

Transfer or succession of an existing Incidental Take permit associated with a Habitat Conservation Plan using the current application package on file.

General permit regulations for the U.S. Fish and Wildlife Service can be found at 50 CFR 13. Regulations for an Incidental Take permit can be found at 50 CFR 17.22(b)(1) for endangered wildlife species and 50 CFR 17.32(b)(1) for threatened wildlife species. Applications for an Incidental Take permit associated with a Habitat Conservation Plan must provide the following specific information (relevant to the activity) in addition to the general information on page 1 of this application. In addition, each landowner who wishes to be covered under the Incidental Take permit associated with a Habitat Conservation Plan must sign (in ink) and date the Incidental Take Permit Application Certification Notice on page 9, unless the landowner will be covered under this U.S. Fish and Wildlife Service Incidental Take permit via another vehicle, such as a certificate of inclusion (50 CFR 13.25(d)).

You have 4 options for providing the specific information for items 1 - 7 below. Choose only one option.

Option I. Renewal of Existing Incidental Take Permit

If you are applying for renewal of your existing valid renewable Incidental Take permit with no changes, excepting changes allowed under the existing permit such as minor amendments, you may sign the following statement. If you have any changes to your Incidental Take permit, you must use Option II. The same person who signs in box C.6 on page 1 should sign the statement below.

I certify that the statements and information submitted in support of my original application for a U.S. Fish and Wildlife Service Incidental Take permit # _____ are still current and correct and hereby request renewal of that permit. This certification language is required under 50 CFR 13.22(a).

Signature

Date

Please print name legibly

* Please note: If you have signed above statement, then your renewal request is complete. Please submit this renewal request to the return address on page 1 of the application. Requests for renewals must be received no later than 30 days prior to permit expiration to

ensure that your current permit remains in effect while we process your request for permit renewal.

Option II. New or Amended Incidental Take Permit

If the information below is already provided in the attached Habitat Conservation Plan (or Implementing Agreement, if applicable), then you do not have to provide it here. Instead, check the box below and indicate after each item the page numbers in the Habitat Conservation Plan or Implementing Agreement that provides the requested information. If the information is not in the attached Habitat Conservation Plan (or Implementing Agreement if applicable), then use Option III. below.

I am not providing the information for items 1 - 7 as part of my permit application because it is already provided in my Habitat Conservation Plan or Implementing Agreement (copy attached or already submitted) on the pages indicated below. Please specify whether the page numbers are from the Habitat Conservation Plan or the Implementing Agreement.

If you have already submitted a final draft Habitat Conservation Plan, please indicate the document's date.

Date of final draft Habitat Conservation Plan _____

1. Identify property description:

- a. Provide the physical address(es), or location of activities. Include a formal legal description such as Section/Township/Range, County tax parcel number, or other formal legal description. Fill in below, or provide page references where the requested information is located.

Page(s) & source: _____

- b. Attach map and/or plat of property under consideration.

Total acres involved _____
Approximate acres to be impacted _____
Approximate acres to be protected _____

- c. Describe proposed management activities to enhance, restore, or maintain habitat, including timeframes. Fill in below, or provide page references where the requested information is located.

Page(s) & source: _____

2. Provide a complete description of activity(ies) to be authorized. Fill in below, or provide page references where the requested information is located.

Page(s) & source: _____

3. Identify species and activity:

- a. For a new permit:

Provide the common and scientific names of the species sought to be covered by the permit, as well as the species' status (federally classified as endangered (E), federally classified as threatened (T), proposed for federal classification as endangered (PE), proposed for federal classification as threatened (PT), federal candidate for listing (C), or local species of concern (SOC)). Also include the number, age, and sex of such species, if known. Also, please quantify any anticipated effects to the habitat of each covered species.

- b. For an amended permit:

Identify the additional species sought to be covered by the amendment (provide both the scientific, to the most specific taxonomic level, and common names), as well as the species status (see a. above).

Provide the number, age and sex of such species (if known).

Identify the activity sought to be authorized for each species.

Identify the species on your existing permit and activities authorized for each species. If any activities requested in this application differ from those authorized in your existing permit, then state the current activity and the requested new activity for each species.

Identify species to be deleted from your existing permit.

Quantify any anticipated effects to the habitat of each added species.

Fill in below, or provide page references where the requested information is located in the conservation plan.

Page(s) & source: _____

4. A conservation plan that specifies:
 - a. The impact that will likely result from the incidental taking. A discussion of the impact that will likely result from the incidental take should include quantification of any anticipated effects to the habitat of the species sought to be covered by the permit.
 - b. The steps that will be taken to minimize and mitigate such impacts, the funding that will be available to implement such steps, and the procedures to deal with unforeseen circumstances.
 - c. The steps that will be taken to monitor and report on such impacts, including a copy of the monitoring plan. We are authorized to require reports of activities conducted under a permit per the Service's general permit regulations at 50 CFR 13.45.
 - d. Alternative actions to such incidental taking that have been considered and the reasons why these alternatives are not proposed for use.
 - e. The biological goals(s) and objectives for the Habitat Conservation Plan.
 - f. The duration requested for the proposed permit.

5. An Implementing Agreement

is *is not* (FWS Field Office to circle one)

required as part of the permit application for a Habitat Conservation Plan.

This Implementing Agreement, which must be signed at finalization of the Habitat Conservation Plan, is legally enforceable. Are you willing to commit to an Implementing Agreement at finalization of the Habitat Conservation Plan?

Yes, I am willing to commit to an Implementing Agreement. Please submit any unsigned, draft Implementing Agreement that you have prepared with our Field Office.

No, I am not willing to commit to an Implementing Agreement.

6. Although not required, we strongly encourage applicants to ensure that their Habitat Conservation Plans are consistent with the Habitat Conservation Planning Handbook, subsequent Handbook addendums, and current policies.

7. Identify any additional permits currently held or needed for the proposed activities (i.e. permission to work on Federal lands, Federal bird banding permit, State permits, etc).
 - a. Attach a copy or give agency name, permit number, if any, date of signature, and duration of permit.
 - b. If you have already applied for these additional permits/authorizations and are awaiting issuance of the permits/authorizations, then state it here. *[If you do not have this permission at this time, please provide an explanation.]*

Option III. If any of the above information in items 1-3 and 5-7 is not in your attached Habitat Conservation Plan (or Implementing Agreement if applicable), then attach separate pages. In order to assist us in processing your application, please provide the item number (1.a., etc.) of the required information before each of your responses. Thank you.

Option IV. Permit Transfer or Succession of a Permit

If you are applying for an existing permit to be transferred to you or obtaining rights of succession of an existing permit, please fill out the following information. You and the current permit holder may also need to sign an assumption agreement.

Please indicate the name of the Habitat Conservation Plan to be transferred or succeeded and indicate the document's date.

Name of Habitat Conservation Plan _____

Date of Habitat Conservation Plan _____

An Assumption Agreement

is *is not* (FWS Field Office to circle one)

required as part of the transfer or succession permit application for a Habitat Conservation Plan.

Regardless of which Option you choose to provide the required information, all applicants must sign the following Certification. This language may be altered only under certain circumstances, such as a permit transfer; any change in the language must be reviewed by the Department of Interior, Office of the Solicitor and approved by the Service. The same person who signs in box C.6 on page 1 should sign the certification.

**Incidental Take Permit Application
Certification Notice**

By submitting this application and receiving an Incidental Take permit pursuant to Section 10(a)(1)(B) of the Endangered Species Act, I

_____ (print name(s))
attest that I/we own the lands indicated in this application, or have sufficient authority or rights over these lands to implement the measures of the Habitat Conservation Plan (and Implementing Agreement if applicable) covered by the Incidental Take permit. Further, upon receipt of the Incidental Take permit, I/we agree to conduct the activities as specified in the Habitat Conservation Plan (and Implementing Agreement if applicable) according to the terms and conditions of the Incidental Take permit and its supporting documents.

Signature

Date

Please print name legibly

Signature

Date

Please print name legibly

The public reporting burden for completing this application is estimated to be less than 2.5 hours, including time for reviewing instructions, gathering and maintaining application data, and completing and reviewing the forms. Comments regarding the burden estimate or any other aspect of the reporting requirement(s) should be directed to the Service Information Collection Clearance Officer, MS 222 ARLSQ, Fish and Wildlife Service, Washington, DC 20240.

An agency may not conduct and a person is not required to respond to a collection of information unless a currently valid OMB control number is displayed.

Application for a Federal Fish and Wildlife License/Permit

Paperwork Reduction Act and the Privacy Act - Notices

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501, *et seq.*) and the Privacy Act of 1974 (5 U.S.C. 552a), please be advised that:

1. The gathering of information on fish and wildlife is authorized by:
 - (a) Bald Eagle Protection Act (16 U.S.C. 668);
 - (b) Endangered Species Act of 1973 (16 U.S.C. 1539);
 - (c) Migratory Bird Treaty Act (16 U.S.C. 703-711);
 - (d) Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383);
 - (e) Wild Bird Conservation Act (16 U.S.C. 4901-4916);
 - (f) Lacey Act (18 U.S.C. 42 & 44);
 - (g) Convention on International Trade in Endangered Species of Wild Flora and Fauna (TIAS 8249);
 - (h) Title 50, Part 10, of the Code of Federal Regulations;
 - (i) Title 50, Part 13, of the Code of Federal Regulations;
 - (j) Title 50, Part 14, of the Code of Federal Regulations;
 - (k) Title 50, Part 15, of the Code of Federal Regulations;
 - (l) Title 50, Part 16, of the Code of Federal Regulations;
 - (m) Title 50, Part 17, of the Code of Federal Regulations;
 - (n) Title 50, Part 21, of the Code of Federal Regulations;
 - (o) Title 50, Part 22, of the Code of Federal Regulations; and
 - (p) Title 50, Part 23, of the Code of Federal Regulations.
2. Information requested in this form is purely voluntary. However, submission of requested information is required in order to process applications for licenses or permits authorized under the above acts. Failure to provide all requested information may be sufficient cause for the U.S. Fish and Wildlife Service to deny a permit. Response is not required unless a currently valid Office of Management and Budget (OMB) control number is displayed.
3. Certain applications for permits authorized under the Endangered Species Act of 1973 (16 U.S.C. 1539) and the Marine Mammal Protection Act of 1972 (16 U.S.C. 1371-1383) will be published in the Federal Register as required by the two acts.
4. Routine use disclosures may also be made:
 - (a) To the U.S. Department of Justice when related to litigation or anticipated litigation;
 - (b) Of information indicating a violation or potential violation of a statute, regulation, rule, order or license to appropriate Federal, State, local or foreign agencies responsible for investigation or prosecuting the violation or for enforcing or implementing the statute, rule, regulations, order or license;
 - (c) From the record of an individual in response to an inquiry from a Congressional office made at the request of that individual (42 FR 1903; April 11, 1977);
 - (d) To subject matter experts, and State and other Federal agencies, for the sole purpose of obtaining advice relevant to issuance of the permit.
5. For individuals, personal information such as home address and telephone number, financial data, and personal identifiers (social security number, birth date, etc.) will be removed prior to any release of the application.
6. The public reporting burden for this information collection varies depending on the specific activity for which a permit is requested. The relevant burden for completing the application for an Incidental Take permit associated with a Habitat Conservation Plan is 2.5 hours. This burden estimate includes time for reviewing instructions, gathering and maintaining data and completing and reviewing form. You may direct comments regarding the burden estimate or any other aspect of the form to the Service Information Clearance Officer, Fish and Wildlife Service, Mail Stop 222, Arlington Square, U.S. Department of the Interior, 1849 C Street, NW, Washington D.C. 20240

Freedom of Information Act - Notice

For organizations, businesses, or individuals operating as a business (*i.e.*, permittees not covered by the Privacy Act), we request that you identify any information that should be considered privileged and confidential business information to allow the Service to meet its responsibilities under FOIA. Confidential business information must be clearly marked "Business Confidential" at the top of the letter or page and each succeeding page, and must be accompanied by a non-confidential summary of the confidential information. The non-confidential summary and remaining documents may be made available to the public under FOIA [43 CFR 2.13(c)(4), 43 CFR 2.15(d)(1)(i)].

APPLICATION PROCESSING FEE

The fee to process an application for an Incidental Take permit associated with a Habitat Conservation Plan is \$25.00. Check should be made payable to "U.S. Fish and Wildlife Service." The fee applies to permit applications, renewals, and amendments. The processing fee shall not be refunded if the permit is issued or denied, or if the application is abandoned.

The fee schedule does not apply to any Federal, State or local government agency or individual or institution under contract to such agency for the proposed activities. Until further notice, the fee will be waived for public institutions. As defined in 50 CFR 10.12 - "Public as used in referring to museums, zoological parks, and scientific or educational institutions, refers to such as are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized, but not operated for profit."