



DEPARTMENT OF THE INTERIOR  
U.S. FISH AND WILDLIFE SERVICE

# FEDERAL FISH AND WILDLIFE PERMIT

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

REGULATIONS  
50 CFR 17.22  
50 CFR 21.23  
50 CFR 21.27  
50 CFR 13

1. PERMITTEE

COLORADO DEPARTMENT OF NATURAL RESOURCES  
1313 SHERMAN STREET  
DENVER, CO 80203  
U.S.A.

3. NUMBER  
**TE80162A-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
11/14/2012

7. EXPIRES  
12/31/2042

8. NAME AND TITLE OF PRINCIPAL OFFICER *(If #1 is a business)*

MIKE KING  
GENERAL MANAGER

9. TYPE OF PERMIT

NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E  
WILDLIFE; MIGRATORY BIRDS

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

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

## San Luis Valley Habitat Conservation Plan

### Permitted species:

Southwestern willow flycatcher - endangered  
Yellow-billed cuckoo - candidate

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

TITLE

**ACTING**

REGIONAL DIRECTOR, REGION 6

DATE

11/15/12

SPECIAL TERMS AND CONDITIONS FOR  
COLORADO DEPARTMENT OF NATURAL RESOURCES  
San Luis Valley Regional  
Habitat Conservation Plan

Species: **Southwestern Willow Flycatcher** (*Empidonax traillii extimus*)  
**Western U.S. DPS of the yellow-billed cuckoo** (*Coccyzus americanus*)

This permit authorizes the Colorado Department of Natural Resources employees, its designees, and its residents to take the endangered southwestern willow flycatcher (flycatcher) and candidate western U.S. distinct population segment (DPS) of the yellow-billed cuckoo (cuckoo) while conducting routine agricultural activities, small community infrastructure activities, and riparian conservation and restoration activities as specified in the San Luis Valley Regional Habitat Conservation Plan (HCP). Such take is authorized within Alamosa, Conejos, Costilla, Mineral, Rio Grande, and Saguache counties in south-central Colorado, as described and illustrated in the HCP. The cuckoo is currently a candidate species; therefore, the take authorization for the cuckoo becomes effective for this permit if and when it is listed under the Endangered Species Act of 1973, as amended. The permit is valid for 30 years through December 31, 2042 under the following conditions:

- E. Permittee is authorized to conduct routine agricultural activities, small community infrastructure activities, and riparian conservation and restoration activities as further detailed in the San Luis Valley HCP, under the following conditions:
1. Full and complete compliance with, and implementation of, the minimization and mitigation measures outlined in the HCP, and the Implementation Agreement, and all specific terms and conditions contained in this permit. These permit terms and conditions supersede and take precedence over any inconsistent provisions in the other documents associated with this Section 10(a)(1)(B) Incidental Take permit.
  2. Full and complete compliance with any applicable local, State, or Federal law, regulation, or restriction governing the covered lands, the mitigation lands and those activities (as described within the HCP) pertaining to, but not limited to, wildlife, land use, water quality, air quality, local economy, and cultural resources.
- F. Permittee is authorized to take up to 6 adult flycatchers, and up to 12 eggs, nestlings, or fledging flycatchers in the form of harm and harassment through alteration/destruction of 304.2 acres (123.2 ha) and disturbance resulting from implementation of the covered activities over the 30-year permit term. Take is not assessed to each individual permittee, but rather is a cumulative level for all permits issued under this HCP.

Permittee is authorized to take up to 2 adult cuckoos, and 4 eggs, nestlings, or fledging cuckoos in the form of harm and harassment through alteration/destruction of 304.2 acres (123.2 ha) and disturbance by implementation of the covered activities over the 30-year permit term. Take is not assessed to each individual permittee, but rather is a cumulative level for all permits issued under this HCP.

- H. Permittee shall conduct surveys for the flycatcher and cuckoo as stipulated in Section 6.1 of the HCP.
- I. Upon locating any dead, injured, or sick flycatchers or cuckoos, the permittee shall, within 3 working days, notify the Western Colorado Ecological Services Office (see condition M below). Instructions for proper handling and disposition of such specimens shall be given by the Western Colorado Ecological Services Office. Care must be taken in handling sick or injured birds to promote effective treatment, and in handling dead specimens to preserve biological material in the best possible state. Sick or injured birds shall be taken to a licensed veterinarian or a Service-permitted bird rehabilitator.
- J. An annual report will be submitted to the Western Colorado Ecological Services Office (see condition M below) by March 1 of each year for the 30-year term of this permit. The Colorado Department of Natural Resources will provide information as warranted to the Rio Grande Water Conservation District, who will compile the report and submit it to the Service. The report is expected to include the following information, but other information may be included as warranted:
- Summary of key tasks identified and implemented in a work plan
  - Description of mitigation lands added (or removed), and the mechanisms by which those areas are eligible for mitigation (e.g., conservation easement, habitat restoration)
  - Summary of the current impact totals and mitigation credits
  - Summary of habitat and species monitoring efforts and findings
  - Description of outreach and educational contacts
  - Identification of upcoming conservation issues and opportunities
  - Description of implementation priorities for the next year.
- K. Upon agreement of the parties and compliance with all applicable laws, this permit may be renewed in accordance with 50 CFR 13.22. If a Permittee desires to renew this permit, the permittee will notify the Service at least one year prior to expiration of this permit (December 31, 2041). The Service will reevaluate the HCP and its modifications to determine if permit issuance criteria are met before agreeing to permit renewal.
- L. If you have questions regarding this permit or need additional information, please contact the Project Leader, Western Colorado Ecological Services Office, 764 Horizon Drive, Building B, Grand Junction, Colorado 81506; telephone 970-243-2778.