



NATIVE THREATENED SP. HABITAT CONSERVATION PLAN
- T WILDLIFE

Permit Number: ESPER0028464 **Version**
Number: 0

Effective: 2022-08-08 **Expires:** 2042-08-08

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
ES Lakewood Permit Office
P.O.Box 25486
Lakewood, Colorado 80225-0489
permitsR6ES@fws.gov

Digitally signed by

Permittee:

City of Gunnison

Authority: Statutes and Regulations: 16 U.S.C. 1533 (d) 50 CFR 17.32, 50 CFR 13

Location where authorized activity may be conducted:

See permit conditions for location(s)

Reporting requirements:

See permit conditions for reporting requirements

Authorizations and Conditions:

A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accordance 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.

Special Terms and Conditions for
The City of Gunnison
Gunnison Rising Annexation Development
Habitat Conservation Plan

Species: Gunnison sage-grouse (*Centrocercus minimus*)

This Permit authorizes the City of Gunnison (Permittee) to incidentally take the federally threatened Gunnison sage-grouse (GUSG) associated with issuance of building permits resulting in residential and commercial construction in the Gunnison Rising development area. In addition to residential and commercial development, covered activities include consequences of actions from private and public building maintenance, pedestrian and vehicle traffic, law enforcement, municipal code enforcement, emergency services response, and recreational activities as well as activities specified in the Gunnison Rising Annexation Development Habitat Conservation Plan (HCP) under sections 5.5.2, 5.7, and 7 regarding the HCP's effectiveness monitoring, adaptive management strategy, and changed and unforeseen circumstances, respectively.

- D. The authorization granted through this permit, under section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended, is subject to the following conditions:
1. Full and complete compliance with, and implementation of, the HCP 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 with the HCP) pertaining to, but not limited to, wildlife, land use, water quality, air quality, local economy, and historical and cultural properties.
 3. The Permittee must understand and agree to abide by 50 CFR Part 13 for general permit regulations and 50 CFR 17.32 for threatened species permit regulations, as applicable.
- E. The Permittee is authorized to take up to 4 adult GUSG in the form of harm through alteration/destruction of habitat and disturbance on 597 acres resulting from implementation of the covered activities over the 20-year permit term. Coverage of take to residential and commercial developers of Gunnison Rising will be transmitted through certificates of inclusion as drafted in Appendix B of the HCP. The City's Permit will cover other activities associated with the development, as described above, which may cause take.
- F. Upon locating any dead, injured, or sick Gunnison sage-grouse the Permittee shall, within 3 working days, notify the Western Colorado Ecological Services Office (see List of Contacts 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.

- G. An annual report will be submitted to the Western Colorado Ecological Services Office (see List of Contacts below) by December 31st each year of the 20-year Permit.

Annual Reports to the FWS will include:

- GIS mapping showing what development/construction activities have occurred in Gunnison Rising and the number of Building permit applications taken within the Permit Area.
- A brief summary or list of project activities accomplished during the reporting year (e.g. this includes development/construction activities, and other covered activities).
- Project impacts (e.g. number of acres graded, number of buildings constructed, etc.).
- Educational and signage activities implemented during the year.
- Description of all adaptive management changes to this conservation plan by reporting period, including a very brief summary of the actions.
- Description of any changed or unforeseen circumstances that occurred and how they were dealt with.
- Funding expenditures, balance, and accrual.
- Description of any minor or major amendments.
- An update of the CPW Annual Lek count data for the Tomichi Village Lek Area.
- A report of monitoring for GUSG sign or activity within the Permit Area.
- Description of any take that occurred for GUSG (includes cause of take, form of take, take amount, location of take and time of day, and deposition of dead or injured individuals).
- Any Radio-telemetry data that might have been done by BLM/CPW on adjacent property to help provide information on future use of WCU donation area especially in light of approved trails through WCU and on BLM.
- Any voluntary Migratory bird protection conservation measures that are implemented.

- H. Upon agreement of the parties and compliance with all applicable laws, this Permit may be renewed in accordance with 50 CFR 13.22. If the Permittee desires to renew this Permit, the Permittee will notify the Service at least one year prior to expiration of this Permit. The Service may consider renewing the HCP and this Permit, if necessary, with appropriate analyses and compliance with the ESA section 10 and other required regulations.

- I. In the event that more than the authorized take of this permit occurs, Project activities must immediately cease. The USFWS Western Colorado Field Office Supervisor of the Western Colorado Ecological Services Field Office and Resident Agent in Charge (see List of Contacts) must be contacted within 24 hours of the occurrence of maximum take, as described in F.

- J. If you have questions regarding this permit or need additional information, please contact the Western Colorado Field Office Supervisor, (see List of Contacts).

List of Contacts

Western Colorado Field Office Supervisor; U.S. Fish and Wildlife Service; Western Colorado Ecological Services Field Office; 445 W. Gunnison Ave., Suite 240; Grand Junction, Colorado 81501; telephone (970) 628-7180.

Resident Agent in Charge; USFWS Office of Law Enforcement; Lizz Darling; Littleton, CO RAC Office (CO/UT/KS); 6550 Gateway Road; RMA, Bldg. 128-B; Commerce City, Colorado 80022; telephone (303) 729-2284.