



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

FEDERAL FISH AND WILDLIFE PERMIT

3-201
(1/97)

2. AUTHORITY-STATUTES
16 USC 1539(a)(1)(A)
REGULATIONS (Attached)
50 CFR §§ 13 & 17

3. NUMBER
TE-133286-0

4. RENEWABLE	5. MAY COPY
<input checked="" type="checkbox"/> YES	<input checked="" type="checkbox"/> YES
<input type="checkbox"/> NO	<input type="checkbox"/> NO

6. EFFECTIVE 5/1/2008	7. EXPIRES 5/1/2058
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1. PERMITTEE

City of Tempe
31 East 5th Street
Tempe, Arizona 85281
480-350-8096

8. NAME AND TITLE OF PRINCIPAL OFFICER (if #1 is a business)
Chris Messer, Principal Planner

9. TYPE OF PERMIT
Endangered Species – Incidental Take

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
Rio Salado Project area within the Salt River in the City of Tempe, Arizona, including; the area upstream of Tempe Town Lake to McClintock Drive, and the area downstream of Tempe Town Lake to Priest Drive.

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 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 OR OTHER FEDERAL LAW. THIS PERMIT DOES NOT WAIVE THE OBLIGATION TO ABIDE BY OTHER FOREIGN, STATE, LOCAL OR FEDERAL LAW IN CARRYING OUT AUTHORIZED ACTIVITIES.
- C. VALID FOR USE BY PERMITTEES NAMED ABOVE.
- D. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE PERMITTEE UNDERSTANDS AND AGREES TO ABIDE BY THE "GENERAL CONDITIONS FOR NATIVE ENDANGERED AND THREATENED WILDLIFE SPECIES PERMITS" (copy enclosed).

12. REPORTING REQUIREMENTS

Annual reports shall be submitted by June 1 of each year the permit is in effect.

ISSUED BY:

TITLE
Deputy Regional Director

DATE

4.22.08

- E. The authorization granted by this permit is subject to:
1. Full and complete compliance with, and implementation of, the terms and conditions of the Safe Harbor Agreement (Agreement), Biological Opinion, and all specific terms and conditions contained in this permit. These permit terms and conditions shall supersede and take precedence over any inconsistent provisions in the Agreement or other documents associated with this section 10(a)(1)(A) enhancement of survival permit.
 2. Full and complete compliance with any applicable local, State, or Federal law, regulation, or restriction governing the site and those conservation practices (as described within the Agreement) pertaining to, but not limited to, wildlife, land use, water quality, air quality, local economy, and cultural resources.
 3. Compliance with all necessary and required permits and licenses applicable to fulfillment of the Agreement.
- F. This permit shall be issued for a period of 50 years, and provides for take of southwestern willow flycatcher, Yuma clapper rail, and bald eagle as specified in the Agreement. Incidental take for any other listed species is not authorized. The permit may be renewed at the end of the permit period, should the Permittees and the U.S. Fish and Wildlife Service (FWS) agree.
- G. The current Safe Harbor policy of FWS provides that additional land, water, or resource restrictions or financial obligations shall not be required of the Permittees or their successors or assigns for the covered species as a result of implementing the conservation measures outlined in the Agreement on the specified portions of the property to be enrolled under the Agreement, if the permit and Agreement are fully and completely complied with and implemented.
- H. Carry out adaptive management actions to maintain the habitat value established by the Rio Salado Environmental Restoration Project, in accordance with the implementation schedule in Appendix A of the Agreement.
- I. Provide an Annual Monitoring Report to FWS in the format provided in Appendix B of the Agreement for the enrolled lands.
- J. Notify FWS at least 60 days in advance of any planned land management activity (i.e., controlled burn, fencing, construction, tilling, hay operation) that the Permittee reasonably anticipates will result in incidental take of the covered species on the enrolled lands; and provide the service the opportunity to capture and/or relocate any potentially affected covered species.
- K. Notify FWS of any change to the enrolled property's management, including prior notification for returning the enrolled property to baseline conditions; and identify the actions that would result in changed management or return to baseline.

- L. Be responsible for monitoring and reporting on the implementation of the Agreement and fulfilling its provisions, including agreed-upon conservation measures and take authorized by the permit.
- M. Allow access by FWS, or another agreed-upon party to the enrolled lands for the purpose of carrying out monitoring and management activities. In the event of an emergency, FWS may enter the premises to care for and protect covered species at any time.
- N. Permittee may incidentally take covered species by returning the property to its baseline conditions by ceasing management activities designed to benefit covered species through enhancements to habitat, as further described in the Agreement, but only in accordance with the Agreement.
- O. This permit and each of its terms and conditions shall be binding on and for the benefit of the Permittee. If the Permittee transfers ownership of the enrolled property to a non-Federal entity, FWS will regard the new owner(s) as having the same rights and obligations with respect to the enrolled property as the original owner, if the new owner(s) agrees to become a party to the original Agreement and this permit prior to the permit expiration date.
- P. If at any time during the duration of the permit FWS determines that the status of any of the covered species has declined to the point where the continuation of the permitted activity would be likely to result in jeopardy to the covered species, FWS may revoke the permit. However, FWS will do everything possible to avoid this situation.
- Q. Acceptance of the permit serves as evidence that the Permittee understand and agree to abide by the terms and conditions of this permit and all applicable sections of 50 CFR 13, 17, and 21 pertinent to issued permits.
- R. Upon locating a dead, injured, or sick individual of any covered species, or any other endangered, threatened, or candidate species, the Permittee is required stop all conservation activities on the enrolled property and contact FWS's Law Enforcement Office in Mesa, Arizona (480) 967-7900 immediately for care and disposition instructions. Permittee is also required to contact the Arizona Ecological Services Office at (602) 242-0210 within one business day for any additional instructions. Extreme care should be taken in handling sick or injured individuals to ensure effective and proper treatment. Care should also be taken in handling dead specimens to preserve biological materials in the best possible state for analysis of cause of death. In conjunction with the care of sick or injured endangered/threatened species, or preservation of biological materials from a dead specimen, the Permittee and their contractor(s)/subcontractor(s) have the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed.

- S. For purposes of monitoring compliance and administration of the terms and conditions of this permit, the contact office of FWS is:

U.S. Fish and Wildlife Service
Arizona Ecological Services Field Office
2321 West Royal Palm Road, Suite 103
Phoenix, Arizona 85021
Telephone: (602) 242-0210
Facsimile: (602) 242-2513

- T. Annual reports, and any correspondence generated from implementation, modification, or administration of the permit, shall be provided by the Permittee to the contact office and:

U.S. Fish and Wildlife Service
Endangered Species Division
P.O. Box 1302, Room 4102
Albuquerque, New Mexico 87103
Telephone: (505) 248-6654
Facsimile: (505) 248-6788

-----End of Terms and Conditions Permit # TE-133286-0-----