NOAA's NATIONAL MARINE FISHERIES SERVICE

PERMIT

FOR

INCIDENTAL TAKE OF ENDANGERED/THREATENED SPECIES

Permit Number: 17722

Type of Permit:

Endangered/Threatened Species – Incidental Take, ESA Section 10(a)(1)(B)

Effective Date: November 28, 2012

Expiration Date: November 28, 2062

Permittee:

Fruit Growers Supply Company
1216 Fruit Growers Road
Hilt/Hornbrook, CA 96044-9710

Name and Title of Principal Officer:

Mr. Charles Brown
Fruit Growers Supply Company
1216 Fruit Growers Road
Hilt/Hornbrook, CA 96044-9710

Reporting Requirements:

Reports as described in Fruit Growers Supply Company Final Multi-Species Habitat Conservation Plan, dated March, 2012 (HCP), and in the associated Implementing Agreement (IA) shall be submitted to NOAA's National Marine Fisheries Service (NMFS), Northern California Office, 1655 Heindon Road, Arcata, CA 95521.

Abstract:

The Permittee is authorized incidental take of one (1) ESA listed anadromous species under NMFS' jurisdiction, associated with the Permittee's forest management practices (*i.e.*, Covered Activities) on its fee lands in northern California (*i.e.*, Plan Area), pursuant to ESA section 10(a)(1)(B). Two unlisted anadromous salmonids occurring within Fruit Growers Supply Company lands, which are also under NMFS' jurisdiction, are also covered under this Permit.

The HCP utilizes a combination of conservation measures that are expected to minimize and mitigate to the maximum extent practicable, the impacts of take of the anadromous species addressed in the HCP. The HCP includes an administrative framework that supports the development, implementation, and refinement of the minimization and mitigation measures. The HCP also includes a variety of protection measures designed to restore and maintain riparian and upslope processes that create, restore, and maintain aquatic habitat, with particular emphasis on large woody debris recruitment, shade retention, and control of the delivery of coarse and fine sediments, arising from forest management activities, to aquatic habitat (HCP Chapter 5). To ensure that the mitigation and minimization strategies are effective, the HCP incorporates a variety of monitoring and reporting components (HCP Chapter 7) that will provide feedback to the Services and FGS for adjustments to the conservation management activities, if deemed necessary.

Authorization of Incidental Take:

Fruit Growers Supply Company ("Permittee"), and their designees, conducting "Covered Activities" in the "Plan Area", as those terms are defined in HCP Chapter 1, and IA section 3.10, are hereby authorized incidental take of one listed threatened species (see attached Table 1), associated with forest practices subject to provisions of the IA, the provisions of Section 10 of the Endangered Species Act of 1973 (ESA), as amended,(16 U.S.C. § 1531-1543), NMFS' regulations governing ESA-listed species permits (50 C.F.R. §§ 222.301 - 222.307), and the conditions hereinafter set forth. Take authorization would also become effective for the currently unlisted species covered by this permit (see attached Table 1) concurrent with the listing of these species under the ESA. If any of these unlisted species become listed, take is authorized to the extent that take of these species would otherwise be prohibited under ESA section 9 and its implementing regulations, or pursuant to a special rule promulgated under ESA section 4(d).

Covered Activities that may cause incidental take of listed species will be conducted throughout the Plan Area. The Initial Plan Area as defined in HCP Chapter 1 consists of approximately 152,178 acres of commercial timber land located in northern California. As provided in section 10 of the IA, and as defined by section 1.2.1 of the final HCP as an "Adjustment Area", the Plan Area can expand or contract through the term of the Permit by up to 10 percent of the Initial Plan Area, allowing for Fruit Growers Supply Company's limited purchase and sale of timber lands under the HCP. The Plan Area

primarily consists of commercial forest lands, but also includes some other lands such as meadows, ponds, and wetlands.

The Fruit Growers Supply Company HCP and its associated documents clearly identify anticipated impacts to affected species likely to result from the proposed taking and the measures that minimize and mitigate those impacts to the maximum extent practicable. The incidental take of these species is expected to be in the form of harm, harassment, and mortality. All conservation measures described in the proposed HCP, together with the terms and conditions described in the associated Implementing Agreement and the Biological and Conference Opinion's Incidental Take Statement (ITS) are hereby incorporated by reference as conditions of this Incidental Take Permit.

All of the conditions in this permit are non-discretionary and must be undertaken for the exemptions under section 10(a)(1)(B) of the Act to apply.

Conditions:

1. NMFS regulations governing ESA listed species permits, (50 C.F.R. §§ 222.301 – 222.307), are conditions of this permit. If any such regulations are modified, future action taken with respect to this permit shall be in accordance with such regulations in existence at the time such action is taken except as specifically otherwise provided for by law or in the IA.

2. The authorization granted by this permit is subject to full and complete compliance with, and implementation of the operating conservation plan described in the HCP Chapter 5, and the IA, both of which are hereby incorporated into this permit.

3. The Permittee and its agents are authorized the amount and extent of incidental take as is described in the ITS of the Biological and Conference Opinion, dated May 17, 2012.

4. The Permit, HCP, and IA are binding upon the Permittee and all persons conducting "Covered Activities" in the "Plan Area" as those terms are defined in the HCP, and IA.

5. The required HCP prescriptive elements are described in Chapter 5, and are approved as constituted on the effective date. Any changes to the HCP shall be subject to the provisions of the HCP's IA, section 11 Modifications and Amendments.

6. A copy of this permit, including the accompanying HCP and related agreements, must be available to Fruit Growers Supply Company personnel and contractors. The Permittee shall ensure that all applicable provisions of this permit are presented and clearly explained to all persons carrying out activities covered by the permit and that said persons are made aware of all applicable requirements.

7. The Permittee shall refer to permit number XXX in all correspondence and reports concerning permit activities. Any questions about this permit should be directed to the NMFS Northern California Office, 1655 Heindon Road, California 95521.

8. Reports described in the HCP and section 8 of the IA shall be submitted to the NMFS Northern California Office, 1655 Heindon Road, Arcata, California 95521.

9. Chemical applications (*e.g.*, use of pesticides, herbicides, and fertilizers) are not covered activities under this permit.

10. This permit does not relieve the Permittee from compliance with applicable foreign, state, local, or other federal law.

11. The Permittee, in effecting the take authorized by this permit, is considered to have accepted the terms and conditions of this permit, the applicable regulations, and the ESA.

12. As provided for in section 8.7 of the IA, upon request by NMFS, the Permittee will use its best efforts to allow NMFS, or any other person(s) duly designated by NMFS, to inspect the Plan Area on which Covered Activities have occurred or are expected to occur if such activities pertain to: (i) activities for which take of listed species is authorized by this permit; (ii) ESA listed species covered by this permit; or (iii) NMFS' responsibilities under the ESA.

13. The Permittee is responsible for the activities of any individual who is operating under the authority of this permit. Such activities include, but are not limited to, capturing, handling, releasing, transporting, maintaining, and caring for any fish authorized to be taken by this permit.

14. For unlisted covered species identified in the HCP and in Table 1 of this permit, the permit will take effect upon the listing of a species as endangered, and for a species listed as threatened, on the effective date of a rule under ESA section 4(d) prohibiting take of the species.

15. Upon locating any dead, injured, or sick individuals of any listed species covered by this permit, the Permittee shall, within three working days, notify the NMFS' Northern California Office, 1655 Heindon Road, Arcata, California, 95521. Instruction for the proper handling and disposition of such specimens will be issued at that time. Care must be taken in handling sick or injured specimens to ensure effective treatment and care and in the handling of dead specimens to preserve biological material in the best possible state. This condition does not apply to carcasses of listed fish that have already spawned.

16. The fee in 50 C.F.R. section 222.307(d)(5) to cover the cost of issuance of this permit has been waived.

Signed by: _____ Date: 28 NOV 2012

FOR Rodney R. McInnis
Regional Administrator
Southwest Region

Table 1. List of anadromous salmonid species covered by Permit 17722

ITP Species	ESA listing status
Coho Salmon (*Oncorhynchus kitsutch*)	
Southern Oregon/Northern California Coast Evolutionarily Significant Unit (ESU)	Threatened
Chinook Salmon (*Oncorhynchus tshawytscha*)	
Upper Klamath and Trinity Rivers ESU	unlisted
Steelhead (*Oncorhynchus mykiss*)	
Klamath Mountains Province ESU	unlisted