



United States Department of the Interior



FISH AND WILDLIFE SERVICE
Pacific Southwest Region
2800 Cottage Way, Suite W-2606
Sacramento, California 95825-1846

In Reply Refer To:
FWS/R8/ES

NOV 27 2012

Fruit Grower Supply Company
Attn: Mr. Charles Brown
Vice President
1216 Fruit Growers Road
Hilt, CA 96044

Dear Mr. Brown,

Enclosed is the original Endangered Species Act section 10(a)(1)(B) incidental take permit amendment for the Fruit Growers Supply Company, Multiple Species Habitat Conservation Plan. Please thoroughly and carefully read the enclosed permit. Compliance with the Special Terms and Conditions is required for the permit to remain effective. Acceptance of this permit acknowledges your commitment to comply with all Special Terms and Conditions included in the permit.

Thank you for helping to conserve federally listed species. We look forward to assisting you in implementing the HCP.

If you have any questions about this permit please contact Ms. Erin Williams, Field Supervisor, Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, at (530) 841-3112.

Sincerely,

Deputy Regional Director

Enclosures



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

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

FRUIT GROWERS SUPPLY COMPANY
1212 FRUIT GROWERS ROAD
HILT, CA 96044
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1533(d)

REGULATIONS
50 CFR 17.32

50 CFR 13

3. NUMBER
TE232253-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
11/27/2012

7. EXPIRES
11/27/2062

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
CHARLES J BROWN
VICE PRESIDENT

9. TYPE OF PERMIT
NATIVE THREATENED SP. HABITAT CONSERVATION PLAN - T
WILDLIFE

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.

Permit Conditions -

E. The authorization granted by this Permit is subject to Fruit Growers Supply Company's ("Permittee") full and complete compliance with and implementation of the "Fruit Growers Supply Company Multi-Species Habitat Conservation Plan" (HCP), dated March, 2012. All conservation measures described in the HCP, together with the terms and conditions described in the associated Implementing Agreement (IA) and the Biological and Conference Opinion's Incidental Take Statement are hereby incorporated by reference as conditions of this Permit. This Permit and the HCP are binding upon the Permittee, and any authorized officer, employee, contractor, or agent conducting the Covered Activities as described in the HCP. 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 Endangered Species Act (ESA) to apply.

F. The Permittee is authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take (as that term is currently defined in 16 U.S.C. § 1532(19) and 50 C.F.R. § 17.3), up to 83 individual northern spotted owls (*Strix occidentalis caurina*) incidental to the commercial timber harvesting operations and related activities ("Covered Activities" as defined by the HCP and the IA) within the location identified in condition H during the permit period and as conditioned herein. Measures to minimize and mitigate this take are described in section 5.3.1 of the HCP.

G. This Permit is for a term of 50 years.

H. The location where take associated with covered activities under the Permit is authorized consists of approximately 152,178 acres of commercial timberlands located in Siskiyou County, California owned by the Permittee at the time of permit issuance. Any addition of commercial timberlands to the Permit by the Permittee after the effective date of the Permit is restricted to lands within the three management areas in Siskiyou County identified and analyzed in the HCP and EIS (the "Adjustment Area", as defined in section 1.2.1 of HCP) in accordance with and subject to the provisions of the IA. The Permit Area is described and specified in section

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

TITLE

DEPUTY REGIONAL DIRECTOR

DATE

11/27/2012

1.2 of the HCP.

I. As described in the HCP, the Permittee will submit periodic reports describing its activities and results of the compliance and effectiveness monitoring programs implemented during the prior calendar year by March 31 of the following year. The content of these reports is described in detail in section 7.3.2 of the HCP and section 8 of the IA. By January 1st of each calendar year during the Permit Term, and following the adoption of the Permittee's budget by its Board of Directors, the Permittee will also provide the Service with a Yearly Expenditure Report. Reports shall be sent to: Regional Director, U.S. Fish and Wildlife Service, 2800 Cottage Way, Room W2606, Sacramento, California 95825, and Field Supervisor, Yreka Fish and Wildlife Office, U.S. Fish and Wildlife Service, 1829 South Oregon Street, Yreka, California, 96097.

J. The Service must be notified immediately in the event that incidental take exceeds the amount authorized in this Permit.

K. The Permittee shall notify the Service of any transfer of ownership of real property or harvesting rights on covered lands in accordance with the requirements of the IA.

L. Any dead or injured northern spotted owl must be reported to the Service's Law Enforcement Division (916-414-6660) as soon as possible, and turned over to the Law Enforcement Division or to a game warden or biologist of the CDFG for care or analysis. Care should be taken in handling sick or injured specimens to ensure effective treatment and care or handling of dead specimens to preserve biological material in the best possible state for later analysis of cause of death. In conjunction with the care of any sick or injured northern spotted owl or preservation of biological materials from a dead animal, the finder has the responsibility to carry out instructions provided by Law Enforcement to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed. The Service is to be notified in writing within three working days of the accidental death of, or injury to, a northern spotted owl, or of the finding of any dead or injured northern spotted owl during implementation of the proposed action. The Service contact for this written information is the Field Supervisor at (530) 842-5763.

M. The Permittee will provide, within 30 days of being requested by the Service, any additional information in its possession or control related to implementation of the HCP that is requested by the Service for the purpose of assessing whether the terms and conditions of the Permit and the HCP are being fully implemented.

N. As required by 50 C.F.R., 13.21 (e)(2) and provided under section 8.7 of the IA, upon request by the Service, the Permittee will allow the Service, or any other person(s) duly designated by the Service, 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) the Service's responsibilities under the ESA.

O. The General provisions contained in 50 C.F.R. 13, Subpart D, and specific provisions of 50 C.F.R. § 17.32 (attached) are hereby incorporated as conditions of this Permit. The continued validity or renewal of this Permit is subject to the Permittee's complete and timely compliance with all permit conditions, including the filing of all required information and reports as provided in the HCP and IA.

P. By accepting this Permit, the Permittee is considered to have accepted the terms and conditions of this Permit, the applicable regulations, and the ESA. This Permit does not relieve the Permittee from compliance with applicable foreign, state, local, or other federal law.

Q. A copy of this Permit, including the accompanying HCP and related agreements, must be available to the Permittee's 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.

R. Please refer to the Permit number in all correspondence and reports concerning permit activities. Any questions you may have about this Permit should be directed to the Field Supervisor, Yreka Field Office.