



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

COLOR COUNTRY RESOURCE CONSERVATION AND DEVELOPMENT COUNCIL
2390 WEST HIGHWAY 56, SUITE 14
CEDAR CITY, UT 84720
U.S.A.

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

REGULATIONS (Attached)
50 CFR 17.22
50 CFR 21.23
50 CFR 21.27
50 CFR 13

3. NUMBER
TE199631-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
01/07/2009

7. EXPIRES
12/31/2058

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

9. TYPE OF PERMIT
ENDANGERED SPECIES

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 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.

Safe Harbor Agreement (SHA)

Permitted species:
Southwestern willow flycatcher
Virgin River chub
Western yellow-billed cuckoo
Woundfin

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

TITLE
DEPUTY ARD - ECOLOGICAL SERVICES

DATE
01/07/2009

SPECIAL TERMS AND CONDITIONS FOR
Color Country Resource Conservation
and Development Council Inc.

Species: **Southwestern willow flycatcher** (*Empidonax traillii extimus*)
Virgin River chub (*Gila seminuda*)
Western yellow-billed cuckoo (*Coccyzus americanus occidentalis*)
Woundfin (*Plagopterus argentissimus*)

This programmatic Safe Harbor Agreement authorizes the following activities in Washington and Kane Counties, Utah, through December 31, 2058, to restore, enhance, and manage native riparian habitats in southwestern Utah, under the following conditions:

- E. Permittee shall be in full and complete compliance with implementation of the terms and conditions of the Programmatic Safe Harbor Agreement (SHA). These permit terms and conditions supersede and take precedence over any inconsistent provisions in the SHA or other documents associated with the Section 10(a)(1)(A) Enhancement of Survival Permit.
- F. Permittee shall obtain the required permits and licenses applicable to the fulfillment of the SHA. Permittee shall conduct your activities in compliance with all applicable laws and regulations of the State(s), Federal, or tribal agencies upon whose lands you work.
- G. This permit authorizes conservation practices that may incidentally “take” Southwestern willow flycatchers, Western yellow billed cuckoos, Virgin River chub, or woundfin in the course of daily business and implementation of the SHA. Take shall only occur in accordance with the terms and conditions provided in the September 18, 2008 Biological Opinion. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. This permit authorizes take of up to 3 Southwestern willow flycatchers, 5 Virgin River chubs, and 5 woundfins.
- H. The Western yellow-billed cuckoo is not currently listed as threatened or endangered under the Endangered Species Act, therefore no prohibitions against take exist. In the event the Western yellow-billed cuckoo becomes federally listed as threatened or endangered under the Endangered Species Act, this permit will allow take of 3 Western yellow-billed cuckoos in Washington and Kane Counties, Utah, as identified in the SHA and these permit conditions.

Take is authorized to the extent that take of this species would otherwise be prohibited under Section 9 of the Endangered Species Act and its implementing regulations, or pursuant to a rule promulgated under Section 4(d) of the Endangered Species Act. Take must be incidental to otherwise lawful activities in Washington and Kane Counties, Utah, and must be consistent with implementation of the SHA.

- I. Any Southwestern willow flycatcher, Western yellow billed cuckoo, Virgin River chub, or woundfin incidentally taken must be reported to the Project Leader and the Utah Division of Wildlife Resources (see attached list).
- J. If you have questions regarding this permit or need additional information, please contact the Project Leader (see attached list).
- K. Any funding received from the Natural Resources Conservation Service (NRCS) or other entities for project activities and conservation measures associated with this SHA must adhere to all of the reasonable and prudent measures and terms and conditions listed in the September 18, 2008, Biological Opinion and must be coordinated with the Project Leader (see attached list).

Contact List:

Project Leader, Ecological Services, 2369 West Orton Circle, West Valley City, UT 84119,
telephone 801-975-3330

Utah Division of Wildlife Resources in Cedar City, telephone 435-865-6120 or in St. George,
telephone 435-688-1426

bcc: ES/Permit Coordinator, R2
ES/Salt Lake City
permit file
ES rf

Olsen/01/07/2009