



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

SAN BERNARDINO COUNTY
DEPARTMENT OF PUBLIC WORKS
825 E. THIRD STREET
SAN BERNARDINO, CA 92515-0835
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS (Attached)
50 CFR 17.22

50 CFR 13

3. NUMBER
TE134528-0

4. RENEWABLE

YES
 NO

5. MAY COPY

YES
 NO

6. EFFECTIVE

7. EXPIRES

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

PATRICK J MEAD
DIRECTOR

9. TYPE OF PERMIT

ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

At the intersection of Valley Boulevard and Pepper avenue in the City of Colton, San Bernardino County, California.

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.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

TITLE
FIELD SUPERVISOR

DATE

August 31, 2006

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- E. All sections of Title 50 *Code of Federal Regulations*, §§ 13, 17.22, and 17.32 are conditions of this permit (Attachment 1).
- F. The authorization granted by this permit is subject to compliance with, and implementation of, the final Habitat Conservation Plan (HCP) for the Valley Boulevard/Pepper Avenue Intersection Realignment and Improvement Project, City of Colton, San Bernardino County, California, which is hereby incorporated by reference into the permit.
- G. Except as conditioned below, the Permittee and its designated agents are authorized under the Federal Endangered Species Act of 1973, as amended (Act), to incidentally take the following species, to the extent that take would otherwise be prohibited under section 9 of the Act and its implementing regulations, or pursuant to a rule promulgated under section 4(d) of the Act. Take must be incidental to otherwise lawful covered activities associated with the Valley Boulevard/Pepper Avenue Realignment and Improvement Project within the 16.84-acre project site, as identified more specifically in the HCP and as conditioned herein. The amount of take authorized is as follows:
- Endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*): Harm, including death or injury, of an unknown number of eggs, larvae, pupae and adults within 1.84-acres of DSF habitat within the project site is authorized;

Conditions

The Permittee has two mitigation options from which to choose.

- (i) Should the Permittee choose the Hospital Preserve Extension Alternative as described in the HCP, a \$100,000 non-wasting endowment will be established for monitoring and management of the Acquisition parcel. Prior to any ground-disturbing activities, the Permittee will provide to the Service's Carlsbad Fish and Wildlife Office (CFWO) both a final conservation easement for the Acquisition Parcel and proof that a \$100,000 endowment has been established;
- (ii) Alternatively, if the Permittee chooses the Conservation Bank Alternative, the Permittee will provide the CFWO with proof of purchase towards conservation of 5 acres at the Colton Dunes Conservation Bank.

Notification may be by facsimile, regular mail, or e-mail to Karen Goebel, U.S. Fish and Wildlife Service, 6010 Hidden Valley Road, Carlsbad, California 92009; facsimile 760-431-5902; e-mail karen_goebel@fws.gov.

- H. Upon finding dead, injured, or sick endangered or threatened wildlife species, the

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Permittee or its designated agents shall notify orally within 1 working day the Service's Carlsbad Fish and Wildlife Office, telephone (760) 431-9440. Written notification to the Carlsbad Fish and Wildlife Office shall be made within 3 working days and shall include the date, time, and location of the specimen and any other pertinent information. Dead animals may be marked in an appropriate manner, photographed, and left on site. Should any sick or injured animals survive, the Carlsbad Fish and Wildlife Office shall be contacted regarding final disposition of the animals. In the event that a species has been taken in contravention of any Federal, State, or local law, all relevant information shall be reported within 24 hours to the Carlsbad Fish and Wildlife Office or to the Service's Division of Law Enforcement in San Diego, (619) 557-5063.

- I. The permittee shall submit to the Carlsbad Fish and Wildlife Office a post-construction monitoring report within 60 days of completing project construction.
- J. The Permittee and designated agents shall maintain a copy of this permit on file while conducting taking activities. Please refer to the permit number in all correspondence concerning permit activities. Any questions you may have about this permit should be directed to the Field Supervisor, Carlsbad Fish and Wildlife Office.

Attachment