



FEDERAL FISH AND WILDLIFE PERMIT

1 PERMITTEE

COLORADO DIVISION OF WILDLIFE
6060 BROADWAY
DENVER, CO 80216
U.S.A.

2 AUTHORITY-STATUTES

16 USC 1539(a)
16 USC 1533(d)
16 USC 703-712

REGULATIONS (Attached)

50 CFR 17.22
50 CFR 17.32
50 CFR 21.23 & 21.27
50 CFR 13

3 NUMBER

TE117730-0

4 RENEWABLE

YES
 NO

5 MAY COPY

YES
 NO

6 EFFECTIVE

10/23/2006

7 EXPIRES

12/31/2026

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

BRUCE MCCLOSKEY
DIRECTOR

9 TYPE OF PERMIT

THREATENED AND 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.

Candidate Conservation Agreement with Assurances
Permitted species: Gunnison sage-grouse

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12 REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 12/31

ISSUED BY

TITLE

ARD - ECOLOGICAL SERVICES

DATE

10/23/2006

TERMS AND CONDITIONS FOR
Colorado Division of Wildlife
Candidate Conservation Agreement with Assurances

Species: Gunnison Sage-grouse (*Centrocercus minimus*)

This Permit authorizes the staff of the Colorado Division of Wildlife (CDOW) (the Permittee) to conduct activities on property in Colorado enrolled in a Candidate Conservation Agreement with Assurances (CCA) under the following conditions:

- D. Permittee named on the face of this Permit is responsible to ensure that the activities of all individuals are in compliance with the terms and conditions of this Permit.
- E. The authorization granted by this Permit is subject to:
 - 1. Full and complete compliance with, and implementation of, the CCA and all specific terms and conditions contained in this Permit. These Permit terms and conditions supersede and take precedence over any inconsistent provisions in the CCA or other documents associated with the 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 CCA) pertaining to, but not limited to, wildlife, land use, water quality, air quality, local economy, and cultural resources.
- F. Compliance with all necessary and required Permits and licenses applicable to the fulfillment of the CCA.
- G. This Permit authorizes conservation measures that may incidentally take Gunnison sage-grouse and/or reduce habitat on enrolled properties to a predetermined level as identified in the conference opinion. For estimated populations of 200 adult Gunnison sage-grouse or less take of 1 adult per year per population on enrolled lands is permitted. This includes the Cerro Summit-Cimarron-Sims Mesa population the Crawford population, the Dove Creek group the Pinon Mesa population and the Poncha Pass population. Take of 2 Gunnison sage-grouse per year is permitted for the San Miguel Basin population, which was estimated to be 334 in 2004. For the Gunnison Basin population, take of 24 Gunnison sage-grouse is permitted. This is based on 1 percent of the 2004 population estimate. Two nests and eggs or chick clutches per year in the Gunnison Basin population are permitted to be taken, but only one nest or chick clutch per year is permitted to be taken in the other populations due to their small size. Take of nests and eggs or clutches would be through direct mortality or harassment from the covered activities. In each population, we anticipate that 185 acres of Gunnison sage-grouse habitat permitted to be significantly modified or degraded over the 20-year life of the CCA and Permit.

Direct take of Gunnison sage-grouse by shooting or other means is not permitted. 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 on the enrolled lands in Colorado and consistent with implementation of the CCAA. If take levels are met or exceeded as described in the conference opinion, the Service and CDOW will identify and implement additional protective measures to minimize any further incidental take.

- H.** Permittee is authorized to extend the provisions of this Permit to non-Federal landowners who enter into a Certificate of Inclusion (CI) with the Permittee, as well as their successors in interest. The following eligibility requirements are mandatory prior to a CI being issued from the Permittee to a participating landowner:
 - 1.** Landowner owns real property within Colorado that contains occupied, potentially suitable or vacant or unknown habitat as defined in the CCAA.
 - 2.** Prior to signature and approval of the CI, the Permittee will allow the Service 30 days to review the CI.
- I.** This Permit is issued for a period of twenty (20) years, and only provides for incidental take of Gunnison sage-grouse as specified in the CCAA and conference opinion. The Permit may be renewed at the end of the Permit period, should the Permittee and the Service agree.
- J.** Upon signing a CI the landowner agrees to allow the Permittee, Service, or mutually agreed party, after reasonable prior notification, the right to enter onto the property for the purposes of determining compliance with the CCAA.
- K.** Upon locating any dead, injured, or sick individuals of any Gunnison sage-grouse, the Permittee and enrolled landowners will, within 3 working days, notify the Service's Western Colorado Field Office (970-243-2778). The notification will include the date, time, and location of the specimen, a photograph, cause of death, if known, and any other pertinent information. Care should be taken in handling the dead specimens to preserve biological material in the best possible state for later analysis. Take through harm (activities impairing essential behavioral patterns including breeding, feeding, or sheltering [i.e., habitat loss or modification]) will be reported annually along with an annual report of take as specified in the CCAA.
- L.** The CDOW and enrolled landowners will refer to Permit number TE-117730-0 in all correspondence and reports concerning Permit activities. Any questions you may have about this Permit should be directed to Western Colorado Supervisor, U.S. Fish and Wildlife Service, 764 Horizon Drive, Building B, Grand Junction, Colorado 81506 or at the above mentioned number.

- M.** The Permittee will notify the Service 60 calendar days in advance of any planned activity that a landowner or the Permittee reasonably anticipates will result in take (i.e., death, injury, or other harm) of Gunnison sage-grouse on the enrolled property, and provide the Service the opportunity to capture and/or relocation of any potentially affected species, if appropriate. If 60 days notice cannot be provided, notification should be made immediately upon recognition that take will occur.
- N.** The landowner or Permittee will notify the Service of any transfer of ownership of the enrolled lands, so the Service and/or Permittee can attempt to contact the new owner, explain the conservation measures applicable to the enrolled property, and seek to interest the new owner in signing the existing CI or a new CI to benefit the covered species. The Permittee may elect to contact the new owner and report the new ownership and any changes in the CI to the Service in the annual report. The Permittee will provide the information described in 50 CFR § 13.25 (section of the regulation that addresses transfer of Permit and scope of Permit authorization) to the Service. The Service shall evaluate such information expediently so that the Permit can continue to cover all activities described in it.
- O.** Provide an annual report to the Western Colorado Field Supervisor, Ecological Services, 764 Horizon Drive, Building B, Grand Junction, Colorado 81506, telephone 970-243-2778, fax 970-245-6933, due no later than December 31 of each year summarizing progress in implementing the CCAA and developing CIs, results of compliance, treatment and habitat monitoring, and all permitted take that occurred.
- P.** Acceptance of this Permit serves as evidence that the Permittee understands and agrees 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.