



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

CITY OF SACRAMENTO  
OFFICE OF THE CITY MANAGER  
915 I STREET, ROOM 301  
SACRAMENTO, CA 95814-2684

**EXHIBIT. E**

2. AUTHORITY-STATUTES

16 USC 1539(a)

REGULATIONS (Attached)

50 CFR 17.32

50 CFR 17.22

3. NUMBER

PRT-823773

4. RENEWABLE

YES

NO

5. MAY COPY

YES

NO

6. EFFECTIVE

12/31/1997

7. EXPIRES

12/30/2047

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

William H. Edgar, City Manager

9. TYPE OF PERMIT

Incidental Take PRT-823773

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Natomas Basin, which contains incorporated and unincorporated areas within the jurisdictions of the City of Sacramento, Sacramento County, and Sutter County.

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 HERESY 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.

SEE ATTACHED SHEETS

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ON REVERSE ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY

*Michael Dean*

TITLE

Regional Director

DATE

12/31/97

ORIGINAL

JAN 09 1998

U.S. FISH AND WILDLIFE SERVICE, PORTLAND, OREGON  
PERMIT CONDITIONS FOR PRT-823773

D. All sections of Title 50 *Code of Federal Regulations*, parts 13 and 17.22 and 17.32 are conditions of this permit (copies attached).

E. The permittee, and their designated agents, are authorized to incidentally take (harm or harass) 26 covered species (named below) that are listed or may be listed in the future under the Federal Endangered Species Act of 1973, as amended (Act), to the extent that take of these species 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 authorization for currently listed species is effective once the Implementation Agreement and this permit have been signed. For unlisted covered species, take authorization will become effective upon their listing under the Act. The level of incidental take authorized under this permit, and the conditions under which such take may occur, are described in the Natomas Basin Habitat Conservation Plan. Such take must be incidental to planned activities described in the permit application and as conditioned herein.

Covered Species:

Listed

*Birds*

- |                              |                                      |
|------------------------------|--------------------------------------|
| 1. Aleutian Canada goose     | <i>Branta canadensis leucopareia</i> |
| 2. American peregrine falcon | <i>Falco peregrinus anatum</i>       |

*Reptiles and Amphibians*

- |                       |                         |
|-----------------------|-------------------------|
| 1. giant garter snake | <i>Thamnophis gigas</i> |
|-----------------------|-------------------------|

*Invertebrates*

- |                                      |  |
|--------------------------------------|--|
| 1. Conservancy fairy shrimp          | <i>Branchinecta conservatio</i>          |
| 2. longhorn fairy shrimp             | <i>Branchinecta longiantenna</i>         |
| 3. vernal pool fairy shrimp          | <i>Branchinecta lynchi</i>               |
| 4. vernal pool tadpole shrimp        | <i>Lepidurus packardi</i>                |
| 5. valley elderberry longhorn beetle | <i>Desmocerus californicus dimorphus</i> |

*Plants*

- |                            |                            |
|----------------------------|----------------------------|
| 1. Colusa grass            | <i>Neostapfia colusana</i> |
| 2. Sacramento Orcutt grass | <i>Orcuttia viscida</i>    |
| 3. slender Orcutt grass    | <i>Orcuttia tenuis</i>     |

Unlisted*Birds*

- |                           |                               |
|---------------------------|-------------------------------|
| 1. loggerhead shrike      | <i>Lanius ludovicianus</i>    |
| 2. white-faced ibis       | <i>Plegadis chihi</i>         |
| 3. tricolored blackbird   | <i>Agelaius tricolor</i>      |
| 4. greater sandhill crane | <i>Grus canadensis tubida</i> |
| 5. Swainson's hawk        | <i>Buteo swainsoni</i>        |
| 6. burrowing owl          | <i>Athene cunicularia</i>     |
| 7. bank swallow           | <i>Riparia riparia</i>        |

*Reptiles and Amphibians*

- |                                |                                    |
|--------------------------------|------------------------------------|
| 1. northwestern pond turtle    | <i>Clemmys marmorata marmorata</i> |
| 2. California tiger salamander | <i>Ambystoma californiense</i>     |
| 3. western spadefoot toad      | <i>Scaphiopus hammondi</i>         |

*Invertebrates*

- |                           |                            |
|---------------------------|----------------------------|
| 1. midvalley fairy shrimp | <i>Branchinecta</i> n. sp. |
|---------------------------|----------------------------|

*Plants*

- |                            |   |
|----------------------------|---|
| 1. Delta tule pea          | <i>Lathyrus jepsonii</i> ssp. <i>jepsonii</i> |
| 2. Sanford's arrowhead     | <i>Sagittaria sanfordii</i>                   |
| 3. Boggs Lake hedge-hyssop | <i>Gratiola heterosepala</i>                  |
| 4. legenere                | <i>Legenere limosa</i>                        |

G. The authorization granted by this permit is subject to full and complete compliance with, and implementation of the Natomas Basin Habitat Conservation Plan, in accordance with the executed Implementation Agreement, which is hereby incorporated into the permit.

H. Upon locating dead, injured, or sick endangered or threatened wildlife species, the permittees or their designated agents must notify within 1 working day the Service's Division of Law Enforcement (3310 El Camino Avenue, Suite 140, Sacramento, California, 95821, telephone 916-979-2986) or the Sacramento Fish and Wildlife Office (3310 El Camino Ave., Suite 130, Sacramento, California 95821, telephone 916-979-2725). Written notification to both offices must be made within 3 calendar days and must include the date, time, and location of the finding of a specimen and any other pertinent information.

I. A copy of this permit must be in the possession of the permittees and designated agents while conducting taking activities. 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, Sacramento Fish and Wildlife Office.

J. Annual reports shall be prepared as described in the Habitat Conservation Plan and submitted within 60 calendar days from the last day of each calendar year that the permit is in effect, beginning in 1999. One copy of the annual report shall be submitted to (1) the Field Supervisor, Sacramento Fish and Wildlife Office, and (2) the Assistant Regional Director, Ecological Services, Fish and Wildlife Service, 911 Northeast 11th Avenue, Portland, Oregon 97232.

K. The No Surprises assurances in the Habitat Conservation Plan and the Implementation Agreement, specifically including those contained in section 6.9 of the Implementation Agreement, are of no effect and are not part of this permit. The Fish and Wildlife Service may formally amend the permit in the future to include No Surprises assurances.