



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

FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

CITY OF COLTON
650 N LA CADENA DR.
COLTON, CA 92324
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS
50 CFR 17.22

50 CFR 13

3. NUMBER
TE49164B-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
2/2/2015

7. EXPIRES
2/2/2045

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
STEPHEN P COMPTON
CITY MANAGER

9. TYPE OF PERMIT
NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E
WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

The West Valley HCP is comprised of approximately 416.3 acres of lands within the City of Colton, north of the I-10 Freeway and 5.8 acres encompassing a portion of East Slover Avenue south of the I-10 Freeway.

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.
- E. All sections of Title 50 Code of Federal Regulations, §§ 13, 17.22, and 17.32 are conditions of this permit (Attachment).
- F. The authorization granted by this permit is subject to compliance with, and implementation of, the final Habitat Conservation Plan (HCP) for the issuance of a section 10(a)(1)(B) permit for incidental take of the federally endangered Delhi Sands flower-loving fly (*Rhaphiomidas terminatus abdominalis*) in connection with 79.4 acres of commercial and residential development, 0.1 acres of trail construction and 1.7 acres in connection with the closure of a portion of East Slover Avenue, emergency vehicle access, trail maintenance, and management of conservation areas, within the boundaries of the HCP as described and mapped in the HCP, which is hereby incorporated by reference into the permit.
- G. Except as conditioned below, the Permittee (City of Colton) and its designated agents are authorized under the 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 total 81.2 acres of permanent and temporary impacts, as identified more specifically in the HCP and as conditioned herein. The amount of take authorized is as follows:
 - All Delhi Sands flower-loving fly eggs, larvae, and pupae within the permanent impact areas totaling 79.5-acres and within the temporary impact areas totaling 1.7 acres. This incidental take authorization includes direct mortality and also injury and death associated with the permanent loss of 79.5 acres and temporary disturbance to 1.7 acres of breeding, feeding, and sheltering habitat.

Conditions

The Permittee shall implement the following mitigation measures for the Delhi Sands flower-loving fly:

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ISSUED BY <i>Stephanda Pitts</i>	TITLE DEPUTY REGIONAL DIRECTOR	DATE 2-2-15
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The City will establish a development fee program by ordinance to finance the purchase and management of the habitat not currently controlled by the City as mitigation for loss of DSF habitat. The City will establish and contribute to a management endowment during the 30 year permit period as needed to ensure a perpetual revenue source will be available to manage and monitor the onsite conservation areas.

The Permittee will protect, restore, and manage 50.3 acres of conservation lands within the HCP plan area. The 50.3 acres will be acquired in phases, staying in rough step with development, as described in the HCP. Within one year of permit issuance, the City of Colton will demonstrate its compliance with the Stay-Ahead Provision by the methodology described in the HCP. The amount of DSF habitat acquired for conservation will exceed by 5 percent the amount of DSF habitat. The applicant shall place a "Jump Start" conservation easement over a 20.8 acre site known as the "King is Coming", as described and mapped in the HCP; or alternatively over 19.3 acres in two different locations, including 12.3 acres of occupied Delhi Sands flower-loving fly habitat southwest of the intersection of San Bernardino Avenue and Indigo Avenue and 7.0 acres of habitat adjacent to the Hermosa Cemetery, as described and mapped in the HCP. The applicant shall provide the Palm Springs Fish and Wildlife Office evidence that a conservation easement has been recorded for the first "Jump Start" acquisition(s) prior to any ground-disturbing activities within the HCP plan area; and for all subsequent conservation acquisitions according to the Stay Ahead provision. Development of the 0.6-acre parcel along West Valley Boulevard mapped and labeled as Parcel 124 in the HCP, may occur before the implementation of the Jump Start Provision provided the City, as a condition of approval, requires the project proponent to pay the required mitigation fee once it is established. In addition, the City shall provide a letter to the Palm Springs Fish and Wildlife Office stating that it will record a permanent conservation easement over the 7.0 acres of habitat adjacent to the Hermosa Cemetery. Notification shall be to the Palm Springs Fish and Wildlife Office as specified in Condition I. below.

The Permittee, with the stewardship of the Riverside Land Conservancy (RLC or conservation land manager) or other land management entity approved by the U.S. Fish and Wildlife Service (Service), shall be responsible for the permanent management and maintenance of the 50.3 acres of onsite conservation area according to the Habitat Management Plan included in the HCP and approved by the Service. Within 1 year of permit issuance, the Permittee will enter into an agreement with RLC or other Service approved land management entity to ensure that all features of the Habitat Management Plan are implemented within the specified time frames. The RLC or other land management entity approved by the Service will prepare and submit an implementation report to the Permittee and to the Service within the following time frames: (1) at the end of the first calendar year after permit issuance, (2) annually for the next 5 years, and (3) every 3 years thereafter until permit expiration. The implementation report will contain the information specified in the Habitat Management Plan. In the event that violations or other conflicts with the conservation conditions are observed, RLC will coordinate with the City to resolve the issues. The City will address issues resulting in potential impacts to DSF and its habitat, including trespass and breaches in the perimeter fence within 30 days of being notified of the issue.

The Permittee shall implement the following minimization measures for the Delhi Sands flower-loving fly, as specified in the HCP:

1. Require project proponents to retain an experienced Delhi Sands flower-loving fly biologist, defined as someone who is familiar with the Delhi Sands flower-loving fly and has conducted field research and/or presence/absence surveys for the subspecies, to function as the project's Biological Monitor. The Biological Monitor shall be responsible for ensuring that the approved limits of grading are not exceeded, that the fencing delineating the limits of construction is maintained, and that the construction contractor adheres to all the required avoidance and minimization measures.
2. Retain a qualified Biological Monitor (as defined in condition G.1 above) for any repair, operations or maintenance, or emergency activities resulting in disturbance to occupied or potentially suitable Delhi Sands flower-loving fly habitat.
3. Require all contractors and city employees who may work in areas containing occupied or potential Delhi Sands flower-loving fly habitat to attend a worker environmental awareness program conducted by a Biological Monitor (as defined in condition G.1 above), to ensure that they are informed of the sensitivity of conserved areas and all applicable avoidance and minimization requirements.
4. Provide all project proponents a map clearly delineating Delhi Sands flower-loving fly existing or proposed conservation areas in proximity to their project site.
5. Require a Biological Monitor (as defined in condition G.1 above) to clearly mark existing and proposed conservation areas prior to commencement of clearing or grading activities, and require project proponents to install temporary fencing between the conservation areas and construction areas to prevent disturbance by construction vehicles. All movement of construction personnel, including ingress and egress of equipment and personnel shall be limited to designated construction zones.
6. Report any incidences of damage to Delhi Sands flower-loving fly habitat not approved for development under the HCP to the Palm Springs Fish and Wildlife Office within 24 hours as follows:
 - a. The proponent shall mitigate any damage or loss of 0.25 acres or more of Delhi Sands flower-loving fly habitat within existing or proposed conservation areas resulting from construction or construction related activities by acquisition of credits in the Colton Dunes Conservation Bank at a 5:1 ratio, with the minimum compensation being 1-acre.
 - b. The proponent shall fully fund the restoration of all damaged Delhi Sands flower-loving fly habitat. The proponent will prepare and submit a restoration plan for the review and approval of the Permittee and the Service. The restoration plan shall meet the restoration criteria and performance standards described in the HCP.
7. Require all project proponents to comply with the avoidance and minimization measures described in the HCP during and after the construction of any development project covered by the HCP.

- H. This Permit authorizes the Permittee and its designated agents (i.e., Biological Monitors of the Permittee or a project proponent, as defined in condition G.1 above) to dispose of dead Delhi Sands flower-loving flies and to remove injured Delhi Sands flower-loving flies out of harm's way. In the event that a listed species has been taken in contravention of any Federal, State, or local law, all relevant information shall be reported within 24 hours to the Palm Springs Fish and Wildlife Office or to the Service's Division of Law Enforcement in San Diego at telephone 619-557-5063.
- I. The Permittee shall submit to the Palm Springs Fish and Wildlife Office a post-construction monitoring report within 30 days of completing any part of the project construction, as specified in the HCP.
- J. The Permittee and designated agents shall maintain a copy of this permit on file while conducting any activities that may result in take of Delhi Sands flower-loving fly. Please refer to the Permit number in all correspondence concerning permit activities.

- K. Notwithstanding anything to the contrary in the HCP, the Service retains statutory authority, under both sections 7 and 10 of the Act, to revoke incidental take permits that are found likely to jeopardize the continued existence of a listed species in accordance with 50 CFR § 13.28.
- L. All correspondence and required notifications shall be provided to the Assistant Field Supervisor, U.S. Fish and Wildlife Service, 777 East Tahquitz Canyon Way, Suite 208, Palm Springs, California 92262; telephone 760-322-2070; fax 760-322-4648. Please contact the Palm Springs Fish and Wildlife Office for the appropriate email address.