



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

ARIZONA GAME AND FISH DEPARTMENT
2221 WEST GREENWAY ROAD
PHOENIX, AZ 85023

2. AUTHORITY-STATUTES

16 USC 1539(a)
16 USC 1533(d)

REGULATIONS (Attached)

50 CFR 17.22 & 17.32
50 CFR 17.62

50 CFR 13

3. NUMBER

TE821577-0

4. RENEWABLE

YES
 NO

5. MAY COPY

YES
 NO

6. EFFECTIVE

07/18/2007

7. EXPIRES

12/31/2011

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

DUANE L. SHROUFE
DIRECTOR

9. TYPE OF PERMIT

THREATENED AND ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

Arizona

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. Your permit is being renewed for a period of 4 years. The terms and conditions set forth in the previous permit dated July, 15, 2002, and any subsequent amendments or renewals are hereby superceded by this renewal.

E. Acceptance of this permit serves as evidence that the Permittee agrees to abide by the "General Conditions for Native Endangered and Threatened Wildlife Species Permits" (copy attached).

F. Acceptance of this permit serves as evidence that the Permittee agrees to abide by all conditions stated. Terms and conditions of this permit are inclusive. Any activity not specifically permitted is prohibited.

G. Disposal, transplant, or release of live wildlife/plants or plant parts taken or held under the terms of this permit, unless specifically authorized, requires prior written approval by the species lead U.S. Fish and Wildlife Service (USFWS) office. You must dispose of dead wildlife/plants or plant parts as specified by the terms of this permit. If terms are not specified, they can be destroyed or transferred to a public institution. A copy of the permit and this letter, along with a cover letter referencing your permit number, must accompany each shipment and must be retained with the specimens. The cover letter must specify who will receive the specimens and the numbers

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 12/15

ISSUED BY

Nancy J. Gleman

TITLE

Acting
ASSISTANT REGIONAL DIRECTOR

DATE

07/18/2007

involved. A copy of the letter must be furnished to the following addresses:

U.S. Fish and Wildlife Service
Regional Office
Division of Endangered Species - Section 10 Permits
P.O. Box 1306 / Room 4102
Albuquerque, New Mexico 87103
505-248-6654 or 505-248-6920

Arizona Ecological Services Office
2321 W. Royal Palm Road, Suite 103
Phoenix, Arizona 85021-4951
602-242-0210

A copy should also be retained in your files. Transfers deviating from the above conditions require prior written approval by the USFWS.

H. An annual report of the activities conducted (including field data forms, if appropriate) under authority of this permit must be submitted to the Arizona Ecological Services Office (AESO) stated above. Reporting shall be accomplished by including the relevant information in the annual Section 6 (Federal Aid Project E-5) Performance Report submitted by the Arizona Game and Fish Department to the USFWS Region 2 Office. An electronic version of the annual report must be submitted to the Division of Endangered Species - Permits to the following electronic mailing address: FW2_TE_Permits@fws.gov on or before December 15 of each year (unless otherwise stated). Failure to submit a report, or failure to submit an adequate report, is a violation of the permit and is cause for suspension or revocation of the permit. A violation may disqualify a person from receiving or exercising the privileges of a permit as long as the deficiency exists.

I. The annual report will include citations of any unpublished or published reports generated by the permitted studies or projects, and other public-accessible data useful for the conservation or recovery of the species. The report must also be submitted to the AESO with updates of computerized (Heritage Data Management System; HDMS) locality information annually. These updates shall include status information gathered pursuant to Section 6 annual work plans.

*If an amendment or renewal request is also needed at this time, please make sure requests are submitted under separate cover. **Do not include permit requests along with annual reports.***

J. 'Designated agents' of the Arizona Game and Fish Department (AGFD) will also be granted the same authorities under this permit for any otherwise prohibited activities under the Endangered Species Act and their implementing regulations, with the exception for the Mohave desert tortoise, see below (Item BB.). Prior to the designated agents conducting activities pursuant to this permit, they must possess a copy of a letter which the AGFD submits to the USFWS stating official contract authorization. This letter will include a brief description of the particular species' proposed project/activity, dates, localities and the name (s) of the designated agents. In addition, the USFWS recommends the AGFD coordinate with the appropriate USFWS species project leader prior to the designated agents commencing activities.

K. Should any mortality occur to an individual of the species during permitted activities (above the amount that may be specified below) all operations must immediately cease and you are required to contact the AESO above within 24 hours.

L. Please note that this permit is limited to the below activities and species and is functional only when used in combination with a valid state permit.

M. Activities involving migratory birds and their parts (see 50 CFR 10, Migratory Bird Treaty Act (16 USC 703- et seq) and implementing Regulations at 50 CFR 21) or bald and golden eagles (see Bald and Golden Eagle Protection Act (16 USC 668a) and 50 CFR 22), may require additional permits or authorizations. Please contact the respective Regional Migratory Bird Permit Office for additional information at: <<<http://www.fws.gov>>>.

N. This permit does not, either directly or by implication, allow or grant right of trespass. Permission to enter lands must be obtained in writing from the landowner or land managing agency.

O. If conducting research on a National Wildlife Refuge, you must obtain a refuge special use permit. The refuge permit will need to be used in conjunction with this permit and a valid state permit in order to meet all applicable laws.

P. You are requested to furnish the USFWS, Division of Endangered Species - Section 10 Permits (address above) with a copy of the permit issued to you by the Indian Tribal Government(s) prior to conducting research and recovery activities on Tribal lands.

Q. You or any employee or designated agent acting on your behalf must have a copy of this permit in your possession while conducting the authorized activities.

R. A request for **renewal**, if appropriate, must be submitted to the Division of Endangered Species - Section 10 Permits (at the above address) at least 30 days prior to the expiration date of the current permit. Any person holding a valid, renewable permit who submits a written request (application form 3-200-55) for renewal at least 30 days prior to the expiration date, may continue to conduct those activities under the expired permit while the USFWS takes action on such person's request for renewal.

All requests to renew, amend, or obtain a new permit will require submittal of an application. The application may be obtained by going to the following website: <<<http://forms.fws.gov/3-200-55.pdf>>>. Please submit this application and a cover letter describing your request to the attention of the Section 10 Coordinator located in the Regional Office. The address is listed under condition G above. If you wish to confirm your application request was received, please send your application via certified mail or Federal Express, or provide an e-mail address for electronic notification.

S. Mr. Duane L. Shroufe and employees or other designated agents under their direct supervision are hereby authorized through December 31, 2011, pursuant to USFWS Endangered Species Permit TE821577-0 and Section 10(a)(1)(A) of the Endangered Species Act (Act), to conduct the specific activities listed in this letter.

(a) The States have specific authority for management of Endangered Species, in part, manifested through State Section 6 Agreements, which authorize management activities for Endangered Species. Pursuant to the Section 6 Agreement (subsection 2, parts b, c, and d, which are repeated below) between the USFWS and the AGFD:

(b) Any employee or agent of the AGFD who is designated by that Agency for such purposes, may, when acting in the course of his official duties, take any federally listed endangered fish or wildlife for conservation purposes that are consistent with the purposes of the Act and this Section 6 Conservation Agreement, or any Project Agreement attached thereto, provided that such taking is not reasonably anticipated to result in:

- (1) the death or permanent disabling of the specimen;
- (2) the removal of the specimen from the State of Arizona;
- (3) the introduction of the specimen or any of its progeny into an area beyond the historical range of the

species; or

(4) the holding of the specimen in captivity for a period of more than 45 consecutive days.

(c) Any employee or agent of the AGFD who is designated by that Agency for such purposes, may, when acting in the course of his official duties, take any federally listed threatened fish or wildlife for conservation purposes that are consistent with the purposes of the Act and this Section 6 Conservation Agreement, or any Project Agreement attached thereto.

(d) Any employee or agent of the AGFD who is designated by that Agency for such purposes, may, when acting in the course of his official duties, take federally listed endangered or threatened fish or wildlife without a permit if such action is necessary to:

(1) aid a sick, injured, or orphaned specimen; or

(2) dispose of a dead specimen; or

(3) salvage a dead specimen which may be useful for scientific study; or

(4) remove specimens which constitute a demonstrable, but non-immediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live capturing and releasing the specimen unharmed, in a remote area; or

(5) defend his own life or the lives of others.

Note: Any taking pursuant to subsection 2(d) above must be reported in writing within 5 days to the appropriate USFWS species lead (attached). The specimen may only be retained, disposed of, or salvaged in accordance with directions from the USFWS.

The species and activities authorized pursuant to the Section 6 Conservation Agreement between the USFWS and AGFD are identified in separate annual work plans on file with the USFWS, Albuquerque Regional Office. AGFD's annual work plan (beginning with Project E5 Work Plan, Segment 18, as amended October 26, 2006; paragraph A. Jobs) provides information on jobs that address conservation needs of threatened, endangered, and candidate species, as well as other species of concern. Activities to be carried out include survey, monitoring, research, and other site and species management functions, as well as administrative, planning, and evaluation functions.

Administrative and planning functions for AGFD's annual work plan will proceed in full compliance with the National Environmental Policy Act (NEPA), and where appropriate, the Act. Documentation under NEPA, and consultation under the Act, will be completed for each planned action, where appropriate, prior to implementation.

Jobs that lack sufficient funding directly pursuant to the E5 project will be carried out as funding from other sources permits. Other known and potential sources of funding for work under this Project include but are not limited to: Game and Fish license revenues; voluntary Nongame Wildlife Checkoff contributions; Arizona Heritage Funds (State Lottery revenues); Federal Aid in Sportfish and Wildlife Restoration funds (primarily Federal Aid Projects F-7-M, F-W-11, W-53-M, W-78-R, W-95-M); State Wildlife Grants, Wildlife Conservation Fund, Partnerships for Wildlife Program; contracts and other agreements with state agencies, federal agencies, and private partners (e.g. conservation organizations, private industry); and voluntary private donations.

Pursuant to Section 10(a)(1)(A) of the Act and in addition to activities that fall within those identified in the

Section 6 agreement, you and your employees or other agents under their direct supervision are authorized to conduct the following specific activities annually:

SPECIES SPECIFIC CONDITIONS

INVERTEBRATES

T. Kanab Ambersnail (*Oxyloma haydeni kanabensis*). You are authorized for scientific research and recovery purposes to take no more than 25 voucher specimens from any wild or translocated populations and any newly discovered population, and to collect, during otherwise authorized activities, and retain unlimited numbers of dead specimens for future scientific research.

You are further authorized to hold, for recovery and on-site refugia purposes, and maintain, for future scientific research and/or recovery actions, unlimited numbers of the above listed invertebrate species. You may designate other facilities to hold, for recovery and on-site refugia purposes, and maintain, for future scientific research and/or recovery actions, unlimited numbers of the above listed invertebrate species. Administrative files on each such refugium population and all pertinent specimen disposal or stocking records will be maintained by AGFD and reported in the Section 6 project performance reports.

FISH

U. You are authorized during annual scientific research and recovery activities (e.g., routine sampling and monitoring programs) to accidentally cause mortality, up to the number of wild caught specimens listed within the brackets [] below. Coordination with USFWS species leads will be made to ensure that accidental mortality from small wild populations will not exceed greater than 10% of the estimated number of individuals within those populations. If accidental mortality is expected to exceed the limits below or is greater than 10% of the estimated number of individuals within those populations, contact the USFWS species lead as soon as possible.

A population is a reproductively isolated group of animals that interbreed within a discrete aquatic habitat.

Bonytail chub (*Gila elegans*) [5]
Humpback chub (*G. cypha*) [200]
Gila chub (*G. intermedia*) [500]
Yaqui chub (*G. purpurea*) [100]
Virgin River chub (*G. seminuda*) [20]
Razorback sucker (*Xyrauchen texanus*) [100]
Desert pupfish (*Cyprinodon macularius macularius*) [5000]
Quitobaquito pupfish (*C. m. eremus*) [500]
Colorado pikeminnow (*Ptychocheilus lucius*) [200]
Gila topminnow (incl. Yaqui) (*Poeciliopsis occidentalis*) [10000]
Woundfin (*Plagopterus argentissimus*) [125]

V. In addition, you are authorized to use unlimited numbers of captively-raised endangered fish for future scientific research, recovery purposes, and for implementation of approved Safe Harbor Agreements and Habitat Conservation Plans.

You are further authorized to hold, for recovery and on-site refugia purposes, and maintain, for future scientific research and/or recovery actions, unlimited numbers of the above listed captively-raised fish species per USFWS reviewed Section 6 plans. In cooperation with the USFWS, you may designate other facilities to hold, for recovery and on-site refugia purposes, and maintain, for future scientific research and/or recovery actions, unlimited numbers of the above listed fish species. Administrative files on each such refugium population and all pertinent

specimen disposal or stocking records will be maintained by AGFD and reported to the USFWS in the Section 6 project performance reports.

EXEMPT FISHES

W. In accordance with the provisions of 50 CFR 17.31 and 17.44 Special Rules--fishes, the following fish species are listed as Threatened with Special Rules and do not need to be covered under a U.S. Fish and Wildlife Service Endangered Species Permit, however, individuals taking these species must possess a valid State permit and must adhere to all applicable state Fish and Wildlife Conservation laws and regulations:

Apache trout (*Onchorynchus apache*)
Gila trout (*Oncorhynchus gilae*)
Beautiful shiner (*Cyprinella formosa*)
Spikedace (*Meda fulgida*)
Loach minnow (*Tiaroga cobitis*)
Little Colorado spinedace (*Lepidomeda vittata*)
Yaqui catfish (*Ictalurus pricei*)
Sonora chub (*Gila ditaenia*)

The USFWS requests that you contact the USFWS species lead if incidental take or fishes removed for recovery purposes (e.g., stocking approved sites, refugia), and send the USFWS copies of all permits issued and permittee reports submitted on the above species. This information is needed by the USFWS to conduct section 7 consultations and five year status reviews.

AMPHIBIANS

X. **Sonora tiger salamander** (*Ambystoma tigrinum stebbinsi*). You are authorized for scientific research and recovery purposes to survey and take no more than 10 voucher specimen from the wild to document newly discovered populations, and to take no more than 30 specimens/egg masses for contaminants and/or disease analyses and necropsy purposes, and/or genetic analysis.

Y. **Chiricahua leopard frog** (*Rana chiricahuensis*). Completion of a Chiricahua leopard frog survey training seminar or 40 hours of fieldwork under the mentorship of a qualified individual is required of permittee agents conducting scientific research, surveys, and recovery activities for Chiricahua leopard frog (*Rana chiricahuensis*). These surveys shall be conducted in accordance with the "Chiricahua leopard frog survey protocol" developed by AGFD, New Mexico Game and Fish Department, and USFWS.

You are authorized for scientific research and recovery purposes to take no more than 2 voucher specimens from the wild to document newly discovered populations; to take no more than 10 specimens per population for genetics, contaminants, and/or disease analyses and necropsy purposes (20 specimens per population for populations containing >100 adult frogs); and to take unlimited moribund frogs for scientific research purposes.

You are further authorized to hold, for recovery (i.e., stocking or re-stocking approved sites) and on-site refugium purposes, and maintain, for future scientific research and/or recovery actions, unlimited numbers of amphibians, tadpoles/larval forms, and eggs. You may designate other facilities to hold, for recovery (i.e., stocking or re-stocking approved sites) and on-site refugium purposes, and maintain, for future scientific research and/or recovery actions, unlimited numbers of amphibians, tadpoles/larval forms, or eggs. Administrative files on each such refugium population and all pertinent specimen disposal or stocking records will be maintained by AGFD and reported in the Section 6 project performance reports.

Z. To prevent inadvertent movement of disease or parasitic organisms among sites when conducting surveys for

amphibians, research and management activities shall conform to the Declining Amphibians Population Task Force Fieldwork Code of Practice (www.npwrc.usgs.gov/narcam/techinfo/dapftf.htm <<http://www.npsc.nbs.gov>>), with the exception that 10% bleach solution or quaternary ammonia (Quat 128) should be used to clean equipment rather than 70% ethanol.

REPTILES

AA. **New Mexican Ridge-nosed Rattlesnake** (*Crotalus willardi obscurus*). You are authorized for scientific research and recovery purposes to take no more than one voucher specimen from the wild to document a newly discovered population.

BB. **Desert tortoise** (*Gopherus agassizii*), Mohave population: AGFD is authorized for take of no more than 50 wild specimens collectively, on an annual basis, for contaminants, disease, and/or genetic analyses. Only AGFD designated agents that qualify as "Authorized Biologists" may take desert tortoises as specified above. Any AGFD designated agent is authorized to remove/salvage unlimited numbers of carcasses from the wild for necropsy and retention purposes and report to the AESO. AGFD personnel who anticipate involvement in the taking of Mohave desert tortoise over the term of this permit must contact the AESO for individual approval as either an "Authorized Biologist" or a "Biological Monitor."

BIRDS

CC. **Bald Eagle** (*Haliaeetus leucocephalus*). You are authorized to collect unlimited numbers of feathers, eggshells, addled eggs, and dead nestlings for contaminants analyses and necropsy purposes in collaboration with the AESO. Feathers and eggshell fragments may be collected as encountered. Intact eggs and dead nestlings may be collected only after a nest has been determined to be inactive (i.e. the nest has been abandoned or young have fledged with the addled egg(s) and/or dead nestling(s) remaining in the nest). All feathers, eggshells, intact eggs, and dead nestlings will be analyzed and disposed of in accordance with guidance from the AESO.

DD. **Willow Flycatcher** (*Empidonax traillii*). You are authorized to collect no more than 60 willow flycatcher nests per year to study abundance and effects of ectoparasites on flycatcher nestlings. Nests may only be taken after the clutch has failed or the young have fledged. It is understood that these nests will be destroyed in the process of this study. However, if any remain sufficiently intact after extracting study materials, you will offer them to appropriate public museums before destroying them. You are also authorized to collect unlimited numbers of feathers, eggshells, addled eggs, dead nestlings for use in contaminants studies being conducted in collaboration with the AESO. Eggshell fragments may be collected as encountered. Intact eggs and dead nestlings may be collected only after a nest has been determined to be inactive (i.e. the nest has been abandoned or young have fledged with the addled egg(s) and/or dead nestling(s) remaining in the nest). All feathers, eggshells, intact eggs, and dead nestlings will be analyzed and disposed of in accordance with the contaminants project study plan approved by the AESO and the Department.

MAMMALS

EE. **Mexican long-nosed bat** (*Leptonycteris nivalis*). You are authorized for scientific research and recovery purposes to take no more than 10 voucher specimens from each newly or recently discovered population or subpopulation for documentation purposes and to conduct genetic analyses. Individuals not needed as vouchers will be marked and released at the point of capture.

FF. **Hualapai Mexican Vole** (*Microtus montanus hualpaiensis*). You are authorized for scientific research and recovery purposes to take no more than 10 voucher specimens from each population or subpopulation (including those in the Hualapai Mountains) for documentation purposes and to conduct genetic analyses. Individuals not needed as vouchers will be marked and released at the point of capture.

ENVIRONMENTAL EDUCATION AND OUTREACH

GG. For the purposes of science education and the promotion of natural resource awareness, you are encouraged to seek out collaborative project opportunities with the public sector in order to instill awareness and appreciation for Threatened & Endangered wildlife. Projects should state a conservation message and identify species as threatened or endangered under the Endangered Species Act. Projects should also state the habitat, ecological role, and conservation needs of the affected species, such as threats and human caused changes to the environment. The Service recommends that you discuss and/or coordinate such activities with the AESO.

Primary Field Agents of Duane L. Shroufe

AGFD employees are the primary agents for carrying out work pursuant to this permit. Non-permanent employees, interns, and volunteers carrying out activities pursuant to this permit shall be under the direct supervision of one of these employees. A current list of AGFD employees may be obtained by contacting the USFWS Albuquerque Regional Office, Ecological Services Section 10 Permit Program or AESO.

End Permit TE821577



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Washington, D.C. 20240

ADDRESS ONLY THE DIRECTOR
FISH AND WILDLIFE SERVICE

GENERAL CONDITIONS FOR NATIVE ENDANGERED AND THREATENED WILDLIFE SPECIES PERMITS

1. All sections of Title 50 *Code of Federal Regulations* Part 13 are conditions of the permit.
2. All applicable foreign, State, local, or other Federal laws, including those requiring permit, must be observed.
3. Living specimens must be handled and shipped so as to minimize risk of injury, damage to health or cruel treatment.
4. The container in which authorized wildlife is shipped must be plainly marked with names and addresses of shipper and consignee and an accurate description of the contents including common and scientific name and number of each within.
5. Permittee must carry a copy of permit while conducting authorized activities.
6. Permit number must be legibly printed on all documents and advertisements involving activities conducted under permit.
7. Any dead or injured specimens of the authorized wildlife found may be salvaged or cared for.
8. Unless otherwise authorized on the face of the permit, the wildlife must be immediately released at or near the capture site after the permitted activity.
9. Unexpected death, injury, or escape of the authorized wildlife shall be reported to the Fish and Wildlife Service before the end of the next business day.
10. BIRD BANDING, marking, radio tagging, etc., must be conducted in accordance with a Federal Bird Marking and Salvage permit.

THE FOLLOWING CONDITIONS APPLY UNTIL AUTHORIZED DISPOSAL OF THE WILDLIFE,
REGARDLESS OF THE EXPIRATION DATE OF THE PERMIT:

11. The authorized wildlife may NOT be sold, donated, or transferred unless the receiver has first been issued authorization by the Director.
12. Any dead authorized wildlife shall be preserved and held for scientific purposes whenever practical.
13. Any live SEA TURTLES held must be maintained in accordance with the "Standards for Care and Maintenance of Sea Turtles Held in Captivity" specified by the Fish and Wildlife Service.

Implemented June 1982