



### FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

THE NATURE CONSERVANCY - EASTERN NEW YORK CHAPTER  
195 NEW KARNER ROAD  
SUITE 201  
ALBANY, NY 12205  
U.S.A.

2. AUTHORITY-STATUTES  
16 USC 1539(a)

REGULATIONS  
50 CFR 17.22

50 CFR 13

3. NUMBER  
**TE162713-0**

4. RENEWABLE  
 YES  
 NO

5. MAY COPY  
 YES  
 NO

6. EFFECTIVE  
05/07/2010

7. EXPIRES  
05/06/2040

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

9. TYPE OF PERMIT  
NATIVE ENDANGERED SP. SAFE HARBOR - E WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED  
Albany, Saratoga, Schenectady, and Warren Counties, New York

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 and by owners of properties enrolled in accordance with the terms of the final Safe Harbor Agreement for the Karner blue butterfly

D. Acceptance of this permit serves as evidence that the permittee and its authorized agents understand and agree to abide by the terms of this permit and all sections of Title 50 Code of Federal Regulations, Parts 13 and 17, pertinent to issued permits.

SEE ATTACHED CONTINUATION SHEETS 1 THROUGH 2 FOR ADDITIONAL PERMIT CONDITIONS E THROUGH H.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

Reporting requirements are enumerated in items 1, 4, 5, and 6 of Part 6.A of the final Safe Harbor Agreement.

ISSUED BY

Acting

TITLE  
REGIONAL DIRECTOR - REGION 5

DATE

05/07/2010

SPECIAL TERMS AND CONDITIONS  
The Nature Conservancy – Eastern New York Chapter

- E. Authorization must be in accordance with full implementation of the April 2010 final Safe Harbor Agreement for the Karner blue butterfly (attached).
- F. Authorized take includes:
1. Mortality of Karner blue butterfly eggs, larvae, pupae, and adults resulting from landowner-implemented mowing; cutting and removal of woody, shrubby, or invasive vegetation; or fence construction for the purpose of maintaining suitable habitat conditions in occupied habitat in accordance with conditions specified in the landowner's Cooperative Agreement.
  2. Mortality of Karner blue butterfly eggs, larvae, pupae, and adults occurring when landowners return enrolled lands to baseline.
  3. Take (including capture, collection, and mortality) associated with translocation of Karner blue butterfly eggs, larvae, pupae, and adults from habitat where a landowner intends to return enrolled lands to baseline.
- G. Take of Karner blue butterflies associated with other habitat management activities (e.g., herbicide application, prescribed burning, collection of lupine seeds) on lands enrolled under the final Safe Harbor Agreement will be authorized under (and in compliance with) permit number TE838253-6 or successor permits.
- H. The permittee will implement the following procedures for compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470) and Section 14.09 of the New York State Historic Preservation Act of 1980 for every project (undertaking) involving land acquisition, ground disturbance, or buildings and structures 50 years and older:
1. The permittee or its designee will consult with the State Historic Preservation Officer (HPO) as agent for the Service for the specific project (undertaking) for the purpose of identifying cultural resources in the area of potential effect and obtain from the HPO a determination of no historic properties or no effect on historic properties;
  2. Prior to entering into each landowner agreement, the permittee or its designee, will:
    - allow the State HPO at least 30 calendar days to respond to requests for a determination of historic property presence,

- provide appropriate public and local government notification of the project,
  - notify appropriate Indian tribes about the project,
  - provide the Regional HPO with sufficient documentation to determine if the Section 106 process is completed before the project is implemented, and
  - provide the Service with copies of the HPO letters of no historic properties or no effect on historic properties before the project commences;
3. The permittee will notify the Service if the State HPO fails to respond appropriately after 30 calendar working days, and the Service will take over the Section 106 process; and
4. If evaluation of cultural resources for being eligible for the National Register of Historic Places is needed, or if properties on or eligible for the National Register could be affected by the project, the permittee will notify the Service and the Service will take over the Section 106 process.

5/10/10  
Date

  
Acting Regional Director, Region 5