



FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 1539(a)
16 USC 1533(d)

REGULATIONS
50 CFR 17.22
50 CFR 17.32

50 CFR 13

1. PERMITTEE

NEW HAMPSHIRE FISH & GAME DEPARTMENT
11 HAZEN DRIVE
CONCORD, NH 03301-6500

3. NUMBER
TE38637A-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
03/31/2011

7. EXPIRES
03/30/2061

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

9. TYPE OF PERMIT
NATIVE ENDANGERED & THREATENED SP. CANDIDATE
CONSERVATION - E & T WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED

State of New Hampshire; Cheshire, Hillsborough, Merrimack, Rockingham, and Strafford Counties

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. Valid for use by permittee named above and by owners of properties enrolled in accordance with the terms of the final Candidate Conservation Agreement with Assurances for the New England cottontail rabbit (*Sylvilagus transitionalis*).
- E. 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.
- F. Authorization must be in accordance with full implementation of the January 28, 2011 final Candidate Conservation Agreement with Assurances (CCAA) for the New England cottontail rabbit (attached).
- G. Amount of take:

The total annual take authorized will be based on the total acreage of managed and adjacent lands that are enrolled in the CCAA. For example, if the total acreage covered under cooperative agreements reaches the acreage targeted for enrollment (5,000 acres managed for NEC and 10,000 acres of adjacent lands), an estimated annual take of 70 NECs is anticipated. The take will most likely occur in the form of killing, harassment, and harm (see Permit Terms and Condition G below). If any NEC are determined to have been incidentally taken within enrolled lands during any calendar year, the Service and New Hampshire Fish and Game Department and the participating property owner will identify and consider the need for and feasibility of additional protective measures to minimize any further incidental take.

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

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

NHFGD agrees to provide the Service access to parcel data and will provide annual updates by September 01 of each year.

ISSUED BY

TITLE

ASSISTANT REGIONAL DIRECTOR - ES

DATE

04/01/2011

H. Authorized take includes:

1. Harm, harassment, killing and wounding of New England cottontail rabbits on enrolled properties resulting from the covered activities specified in section 6 of the CCAA.
2. Take (including capture, killing, and wounding) associated with the translocation of New England cottontail rabbits from habitat where a landowner intends to terminate the cooperative agreement entered into under the CCAA.
- i. Take of New England cottontail rabbits associated with activities other than those specified in the CCAA on lands enrolled under the final CCAA will be authorized under (and in compliance with) a subpermit issued under the Regional Director's permit number TE697823-4.

J. 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 New Hampshire Code Title XIX, Chapter 227-C:9 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 historical properties;
2. Prior to entering into each landowner agreement, the permittee or its designee, will:
 - Allow the State HPO at least 30 calendar working days to respond to requests for a determination of historic property presence;
 - Provide appropriate public and local government notification of the project,
 - Provide Regional HPO with sufficient documentation to determine if the Section 106 process is completed 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 eligibility of cultural resources 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.