



FEDERAL FISH AND WILDLIFE PERMIT

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS (Attached)
50 CFR 17.22

50 CFR 13

3. NUMBER
TE094221-0

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
07/19/2006

7. EXPIRES
12/31/2021

1. PERMITTEE

THE NATURE CONSERVANCY
5690 CHASE STREET
MERRILLVILLE, IN 46410
U.S.A.

8. NAME AND TITLE OF PRINCIPAL OFFICER (If #1 is a business)
PAUL LABUS
NORTHWEST INDIANA REGIONAL DIRECTOR

9. TYPE OF PERMIT
ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
INDIANA - WEST GARY RECOVERY UNIT

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. The Permittee (TNC), to the best of his ability, will ensure the West Gary Recovery Unit Karner blue butterfly Safe Harbor Agreement is being implemented.
- E. The Permittee assumes responsibilities for securing any permits or other authorizations needed to implement the project.
- F. The Permittee is authorized to take Karner blue butterfly to the extent that take would otherwise be prohibited under Section 9 of the Endangered Species Act. Such take must be incidental to activities associated with operations conducted during the Agreement and the potential future return of the Enrolled Lands to the baseline condition described in the Agreement. This permit authorizes the Permittee to take all individuals of the species, and their progeny, that have increased in numbers and/or distribution on those lands, as a result of the Permittee's voluntary conservation activities. Permit issuance does not preclude the need for the Permittee to abide by all other applicable Federal, State, and local laws and regulations.
- G. The Permittee is responsible for documenting baseline conditions at each enrolled property. The baseline condition is described as 1) All existing patches that include a canopy opening of at least 20 meters and support a minimum of 500 stems of lupine and 2) All open areas that support small patches of lupine and adult resources e.g., nectar and perching plants. The Permittee will also document all habitat patches occupied by Karner blue butterfly at the time of enrollment.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS
ANNUAL REPORT DUE: 09/30

ISSUED BY

TITLE
CHIEF - ENDANGERED SPECIES

DATE
07/19/2006

- H. The Permittee reserves the right to return to baseline at the end of the Agreement period or prior to, if the Permittee decides to terminate the Agreement. The Agreement can be terminated and the land returned to baseline without realizing the expected net conservation benefits only for circumstances beyond the Permittee's control. If under any circumstances the Permittee decides to return to baseline conditions, the U.S. Fish and Wildlife Service (Service) requests reasonable advance written notice (60 days minimum) for the opportunity to relocate individuals.
- I. The Permittee shall notify the Service at least 15 days in advance of any planned activity that the Permittee anticipates will result in "take" of the Karner blue butterfly on Enrolled Lands, and provide the Service the opportunity to capture and/or relocate.
- J. Monitoring take, as well as monitoring the effectiveness of the Safe Harbor Agreement will be accomplished by the Permittee. The Permittee shall allow access to enrolled property for purposes related to this Agreement upon reasonable notice by the Service or other agreed-upon party to the Permittee or individual landowners. Purposes related to this Agreement means any activity for which the Party is responsible, including but not limited to, monitoring and capture and relocation of the covered species. The Permittee shall submit a summary report to the Service on the effects and effectiveness of the Agreement and conservation actions prior to September 30 each year for the duration of the Agreement.
- K. Conditions of this permit shall be binding on and for benefit of the Permittee and his respective successors and assigns. If the permit requires an administrative or minor amendment, the Service will process the amendment without the requirement of the Permittee preparing any new documents or providing any mitigation over and above that required in the Agreement.
- L. The Permittee shall report to the Service any dead or injured specimens observed on the Enrolled Lands within 5 working days of its finding. The Permittee shall contact the Service (BFO) for care and disposition instructions.
- M. The Service's current Safe Harbor policy provides that additional resource restrictions in the form of land, water, or financial obligations shall not be required of the Permittee, their successors, or assigns if the permit and Agreement are fully complied with and implemented. This applies to specified portions of property included in the Agreement.
- N. Acceptance of this Permit serves as evidence that the Permittee, and its Cooperators, agree to abide by the terms of this permit and all sections of Title 50 CFR, Parts 13 and 17, pertinent to issued permits. Section 11 of the Endangered Species Act, as Amended, provides for civil and criminal penalties for failure to comply with permit conditions.
- O. Land management practices will be conducted in accordance with the Agreement unless otherwise specified in a fully executed Certificate of Inclusion, or as agreed to by the Service and the Permittee. Land management activities under this Agreement include:
- O.1. Mechanical Removal of Trees and Shrubs
 - O.2. Mechanical Suppression of Shrubs and Saplings
 - O.3. Prescribed Fire
 - O.4. Supplementing Lupine Populations
 - O.5. Supplementing Nectar Sources
 - O.6. Captive Breeding and Reintroduction of Butterflies
- P. Permittee, its Agents and Parties to the Agreement are authorized to implement a Participation Plan for private citizens in Indiana. Private parties identified as voluntary are authorized to the benefits of the Agreement and incidental take authorization upon receipt of a Certificate of Inclusion issued by the Permittee as described in the Agreement.
- Q. Reports are due on September 30 each year this permit is in effect. In addition, copies of all reports and publications resulting from data obtained under the authority of this permit shall be submitted to the U.S. Fish and Wildlife Service, Regional Safe Harbor Coordinator, Ft. Snelling, Minnesota (contact information in Condition N.1.) as they become available. Failure to furnish any reports that are required by this permit is cause for permit revocation and/or denial of future permit applications. Permittee shall refer to Section 6.A. of the Safe Harbor Agreement for reporting requirements.

R. Copies of reports shall be sent to the offices listed below. When possible, electronic copies shall be submitted in lieu of hard copy in MS Word, Rich Text Format, or other file formats that are compatible with the receiving office.

R.1. Regional Safe Harbor Coordinator

U.S. Fish and Wildlife Service
1 Federal Drive
Fort Snelling, Minnesota 55111-4056
(612/713-5467; fax 612/713-5292)

R.2. Endangered Species Coordinator

U.S. Fish and Wildlife Service
Ecological Services Field Office
620 South Walker Street
Bloomington, Indiana 47403-2121
(812/334-4261 x217; fax 812/334-4273)

R.3. Cathy Carnes

Endangered Species Coordinator for Wisconsin
U.S. Fish and Wildlife Service
Ecological Services Field Office
2661 Scott Tower Drive
New Franken, Wisconsin 54229
Phone: 920-866-1717

R.4. Katie Gremillion-Smith

Endangered Species Coordinator
Indiana Department of Natural Resources
Division of Fish and Wildlife
Room W273, 402 W. Washington St.
Indianapolis, Indiana 46204-2267
(317/232-8160; fax 317/232-8150)

cc: FWS/ESFO IN and WI
DNR/ IN (Attn: Endangered Species Coordinator)

END