



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

MICHIGAN ELECTRIC TRANSMISSION COMPANY, LLC
540 AVIS DRIVE
SUITE H
ANN ARBOR, MI 48108
U.S.A.

2. AUTHORITY STATUTES
16 USC 1539(a)

REGULATIONS (if/when)
50 CFR 17.22

50 CFR 13

3. NUMBER

TE094217-0

4. RENEWABLE

YES
 NO

5. MAY COPY

YES
 NO

6. EFFECTIVE

04/08/2005

7. EXPIRES

12/31/2010

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

JULIE A COUILLARD
EXECUTIVE V.P. & CHIEF OPERATING OFFICER

9. TYPE OF PERMIT

ENDANGERED SPECIES

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED:

4.07-miles of transmission ROW located just north of the Muskegon County Sewage Reclamation Area into the southwest corner of Newaygo County, Michigan. Specifically T10N, R15W, Sections 1,2, and 11; T11N, R14W, Section 31.

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. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THE PERMITTEE AND ITS AUTHORIZED AGENT'S UNDERSTAND AND 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 OF 1973, AS AMENDED, PROVIDES FOR CIVIL AND CRIMINAL PENALTIES FOR FAILURE TO COMPLY WITH PERMIT CONDITIONS.
- E. This Permit authorizes take of the Karner blue butterfly (*Lycaeides melissa samuelis*) incidental to otherwise lawful land management as described in the HCP. Conditions in this Permit, and measures in the HCP, will be employed by the Permittee to ensure incidental take of the Karner blue butterfly is minimized and mitigated to the maximum extent practicable. This Permit does not authorize intentional take (i.e., capture, mark, collect) unless specifically authorized by the Service to enhance the survival of the species in the wild. The authorization granted by this permit is subject to full and complete compliance with, and implementation of, the Permittee's Karner blue butterfly HCP.
- F. This permit authorizes the incidental taking of the Karner blue butterfly on the right-of-way (ROW) discussed in the HCP. Take means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct. The Service anticipates a maximum of 5.75 acres of Karner blue butterfly habitat will be temporarily disturbed as the result of the proposed project and the Service's issuance of the 10(a)(1)(B) permit. It is likely that direct take of animals will occur as a result of trampling of eggs and larvae from equipment necessary for construction activities. It is expected that take in the form of harm and harassment is likely to occur from

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 1/31

ISSUED BY

TITLE

ASSISTANT REGIONAL DIRECTOR - ES

DATE

04/08/2005

temporary loss and modification of habitat due to construction equipment. The loss of habitat and the take of Karner blue butterflies are expected to be minimized and offset such that the adverse effects are negligible.

- G. The following measures will be employed by the Permittee to ensure Karner blue butterfly take is minimized and mitigated.
- G.1. Provide and distribute educational and species identification materials about the Karner blue butterfly to the Environmental Inspector and construction personnel. At least one Environmental Inspector shall be employed for the duration of the construction activities familiar with the Karner blue butterfly and its habitat. This Inspector shall provide environmental training to the construction manager and foreman and will perform field visits to monitor adherence to the environmental requirements of the project.
 - G.2. The existing ROW access road shall be used to minimize the disturbance to wild lupine and other vegetation between pole locations. All truck and heavy equipment (cranes and earthmovers) traffic shall stay on the existing access road that runs along the ROW when not located at one of the active construction areas.
 - G.3. In areas where wild lupine cover is prevalent, locations shall be marked where wild lupine cover is least dense. To the extent possible, contractors or subcontractors shall perform construction work in areas where wild lupine is less prevalent (i.e. dropping towers and/or poles in a certain direction to minimize impact).
 - G.4. The new wooden utility poles will be installed adjacent to the metal towers and the power lines transferred from the metal towers to the new wooden poles. A crane will then attach a cable to the top of the metal towers and lower legs will be cut by plasma cutting or welding torches. Towers will be lowered to the ground by the crane and then lifted onto the ROW road for disassembly.
 - G.5. Create a minimum of 1.4 acres of additional KBB habitat as mitigation for temporary disturbances from construction activities as described in Section 3.2 of the HCP.
 - G.6. Disturbed or reseeded areas that do not recover in accordance with the monitoring plan (HCP Appendix B) shall be reseeded or retreated as needed to establish suitable lupine cover.
- H. The Permittee shall permit the Service, or other properly permitted and qualified persons designated by the Service to enter the Project boundaries for purposes specified in Title 50 CFR § 13.21(e)(2).
- I. Any observed intact specimens of the Karner blue butterfly or larvae accidentally killed or freshly dead may be salvaged and preserved according to practices from the Service Field Office in Condition L.2. All specimens obtained under this permit remain the property of the United States Government and must be clearly identified as such. A list of specimens collected under this condition shall be provided in the annual report.
- J. The Permittee and the Service acknowledge even with the above detailed provisions for minimizing and/or mitigating impacts to the Karner blue butterfly, circumstances may arise which were not fully anticipated by this Permit and are considered unforeseen. Such circumstances may become apparent either to the Permittee, agents, or Service. For purposes of implementing this condition, unforeseen circumstances are defined as any significant, unanticipated adverse change in the status of the species; any significant, unanticipated adverse change in impacts of the project or in other factors upon which the HCP and Permit are based; or any other significant new information relevant to the Permit and plan property unforeseen by the Permittee and the Service that could give rise to the need to review the Permittee's conservation program. If there are unforeseen or changed circumstances related to the Karner blue butterfly or other critical activities, the Service may suggest and the Permittees may consider changes in the operating conservation program in the future, provided such changes are consistent with the HCP, agreed to by the Permittees.
- K. The Permittee shall submit a report to the Service by January 31 following each year this permit is in effect. The annual report shall outline and describe implementation and success of mitigation and minimization measures. The Permittee shall identify non-compliance and measures employed to remediate non-compliance. At a minimum the annual report shall address the following:
- K.1. The effects of construction activities on wild lupine densities in areas disturbed within the ROW.
 - K.2. The success of planting wild lupine, grasses, and nectar plants within disturbed areas.
 - K.3. The success of the mitigation efforts within the ROW.
 - K.4. The presence or absence of Karner blue butterflies within the ROW after construction.

K.5. Report of any corrective measures or other changes that may be necessary to improve permit efficiency.

L. Copies of your reports shall be sent to the offices listed below. When possible, electronic copies shall be submitted in lieu of hard copies, provided the file format is compatible with the receiving office.

L.1. Regional Permits Coordinator
U.S. Fish and Wildlife Service
Bishop Henry Whipple Federal Building
1 Federal Drive
Fort Snelling, MN 55111-4056
(612/713-5343; fax 612/713-5292)
email: permitsR3ES@fws.gov

L.2. Endangered Species Coordinator
U.S. Fish and Wildlife Service
East Lansing Field Office
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823
(517/351-6274; fax 517/3736705)
email: mike_decapita@fws.gov

L.3. Todd Hogrefe
Endangered Species Coordinator
Michigan Department of Natural Resources
Natural Heritage
P.O. Box 30180
Lansing, Michigan 48909
(517/373-3337; fax 517/373-6705)
email: hogrefet@michigan.gov

cc: FWS/ESFO MI (Attn: Endangered Species Coordinator)
DNR - MI (Attn: Endangered Species Coordinator)

END