



FEDERAL FISH AND WILDLIFE PERMIT

1. PERMITTEE

WISCONSIN DEPARTMENT OF NATURAL RESOURCES
101 SOUTH WEBSTER STREET
P O BOX 7921
MADISON, WI 53707-7921
U.S.A.

2. AUTHORITY-STATUTES
16 USC 1539(a)

REGULATIONS
50 CFR 17.22

50 CFR 13

3. NUMBER
TE010064-6

AMENDMENT

4. RENEWABLE
 YES
 NO

5. MAY COPY
 YES
 NO

6. EFFECTIVE
07/12/2010

7. EXPIRES
12/31/2019

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

9. TYPE OF PERMIT
NATIVE ENDANGERED SP. HABITAT CONSERVATION PLAN - E
WILDLIFE

10. LOCATION WHERE AUTHORIZED ACTIVITY MAY BE CONDUCTED
THROUGHOUT THE STATE OF WISCONSIN

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.

C.1. VALID FOR USE BY THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES (DNR) AND PARTIES TO THE WISCONSIN STATEWIDE KARNER BLUE BUTTERFLY HABITAT CONSERVATION PLAN (HCP) AS DESCRIBED IN THE UPDATED HCP PREPARED BY THE WISCONSIN DNR (MAY 2010). THIS PERMIT SERVES AS A CERTIFICATE OF INCLUSION FOR THE FOLLOWING PARTNERS TO THE HCP:

- WISCONSIN DEPARTMENT OF NATURAL RESOURCES (LEAD)
- ADAMS COLUMBIA ELECTRIC COOPERATIVE
- ALLIANT ENERGY - WISCONSIN POWER AND LIGHT COMPANY
- AMERICAN TRANSMISSION COMPANY, LLC
- ANR PIPELINE COMPANY - TRANSCANADA CORPORATION
- BURNETT COUNTY FOREST & PARKS
- CLARK COUNTY FORESTRY AND PARKS DEPARTMENT
- DAIRYLAND POWER COOPERATIVE
- EAU CLAIRE COUNTY PARKS AND FORESTRY-
- ENBRIDGE ENERGY COMPANY, INC.
- JACKSON COUNTY FORESTRY AND PARKS
- JOHNSON TIMBER CORPORATION - FUTUREWOOD
- JUNEAU COUNTY LAND, FORESTRY & PARKS
- MONROE COUNTY FOREST
- NEW PAGE WISCONSIN SYSTEM, INC.

ADDITIONAL CONDITIONS AND AUTHORIZATIONS ALSO APPLY

12. REPORTING REQUIREMENTS

ANNUAL REPORT DUE: 05/01

ISSUED BY
Thomas O. Melius

TITLE
REGIONAL DIRECTOR

DATE
07/12/2010

NORTHWESTERN WISCONSIN ELECTRIC COMPANY
OAKDALE ELECTRIC COOPERATIVE
PLUM CREEK TIMBER COMPANY
POLK-BURNETT ELECTRIC COOPERATIVE
THILMANY PAPERS
WASHBURN COUNTY FORESTRY
WAUSAU PAPER CORPORATION
WISCONSIN DEPARTMENT OF AGRICULTURE, TRADE AND CONSUMER PROTECTION
WISCONSIN DEPARTMENT OF TRANSPORTATION
WISCONSIN GAS COMPANY - WE ENERGY
WISCONSIN PUBLIC SERVICE CORPORATION - INTEGRYS ENERGY GROUP
WISCONSIN RIVER POWER COMPANY - INTEGRYS ENERGY GROUP
WOOD COUNTY FOREST
XCEL ENERGY, INC.

ADAMS COUNTY HIGHWAY DEPARTMENT (Limited Partner)
ADAMS, TOWN OF (Adams County, Wisconsin) (Limited Partner)
BURNETT COUNTY HIGHWAY DEPARTMENT (Limited Partner)
EAU CLAIRE COUNTY HIGHWAY DEPARTMENT (Limited Partner)
FOSTER, TOWN OF (Clark County, Wisconsin) (Limited Partner)
JUNEAU COUNTY HIGHWAY DEPARTMENT (Limited Partner)
LINCOLN, TOWN OF (Burnett County, Wisconsin) (Limited Partner)
MILLSTON, TOWN OF (Jackson County, Wisconsin) (Limited Partner)
QUINCY, TOWN OF (Adams County, Wisconsin) (Limited Partner)
SWISS, TOWN OF (Burnett County, Wisconsin) (Limited Partner)
WAUPACA COUNTY HIGHWAY DEPARTMENT (Limited Partner)
WOOD COUNTY HIGHWAY DEPARTMENT (Limited Partner)

PERMIT COVERAGE FOR FUTURE PARTNERS/PARTICIPANTS IS EFFECTIVE UPON ISSUANCE OF A CERTIFICATE OF INCLUSION BY THE WISCONSIN DNR IN ACCORDANCE WITH THE COORDINATION PROCEDURES AND SPECIES AND HABITAT CONSERVATION AGREEMENT (SHCA) REVIEW REQUIREMENTS IDENTIFIED IN ATTACHMENT 1.

- D. PERMITTEE IS AUTHORIZED TO TAKE THE ENDANGERED KARNER BLUE BUTTERFLY (*LYCAEIDES MELISSA SAMUELIS*) ON LANDS IN WISCONSIN, SUBJECT TO THE TERMS AND CONDITIONS STIPULATED HEREIN.
- E. ACCEPTANCE OF THIS PERMIT SERVES AS EVIDENCE THAT THE WISCONSIN DNR, THROUGH THE IMPLEMENTING AGREEMENT, AND HCP PARTNERS, THROUGH THEIR SHCAs, 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.
- F. THE WISCONSIN DNR IS AUTHORIZED TO OVERSEE ACTIVITIES CONDUCTED UNDER THE AUTHORITY OF THIS PERMIT AND TO CONDUCT ACTIVITIES DESCRIBED IN THE IMPLEMENTING AGREEMENT (INCLUDING APPENDIX A) BETWEEN THE DNR AND THE SERVICE.
- G. THIS PERMIT AUTHORIZES TAKE OF THE KARNER BLUE BUTTERFLY INCIDENTAL TO OTHERWISE LAWFUL LAND USE / LAND MANAGEMENT ACTIVITIES IN WISCONSIN AS DESCRIBED IN THE HCP. PARTNERS TO THE HCP AND THEIR AUTHORIZED AGENTS WILL IMPLEMENT THE PROTOCOLS AND ASSOCIATED CONSERVATION MEASURES IN THE HCP USER'S GUIDE AND PARTNER SHCAs TO ENSURE THAT INCIDENTAL TAKE OF THE KARNER BLUE BUTTERFLY IS MINIMIZED AND MITIGATED TO THE MAXIMUM EXTENT PRACTICABLE.
- H. THIS PERMIT DOES NOT AUTHORIZE INTENTIONAL TAKE (CAPTURE, NET, COLLECT) UNLESS SPECIFICALLY AUTHORIZED BY THE SERVICE TO ENHANCE THE SURVIVAL OF THE SPECIES IN THE WILD (RECOVERY RESEARCH, SEE CONDITION M; VOUCHER SPECIMENS, SEE CONDITION O).
- I. LAND MANAGEMENT PRACTICES WILL BE CONDUCTED IN ACCORDANCE WITH THE APPROVED HCP UNLESS OTHERWISE SPECIFIED IN FULLY EXECUTED PARTNER SHCAs, THE PERMITTEE'S IMPLEMENTING AGREEMENT (APPENDIX A), OR AS AGREED TO BY THE SERVICE AND THE WISCONSIN DNR. IN THE EVENT THAT AN SHCA OR THE IMPLEMENTING AGREEMENT IS SILENT ON AN ISSUE, THE PARTNERS AND PERMITTEE AGREE THAT THE HCP PROTOCOL SHALL BE FOLLOWED PRIOR TO CONDUCTING MANAGEMENT ACTIVITIES. SUCH ACTIVITIES INCLUDE:
- I.1. CONDUCTING PRE-TREATMENT SURVEYS OF LANDS TO BE MANAGED TO DETERMINE PRESENCE/ABSENCE OF WILD LUPINE AND THE KARNER BLUE BUTTERFLY.

I.2. DESIGNING/IMPLEMENTING MANAGEMENT PRACTICES THAT PROVIDE FOR CONSERVATION OF KARNER BLUE BUTTERFLIES ON THE WISCONSIN LANDSCAPE THROUGHOUT THE DURATION OF THE PERMIT.

I.3. PERMITTEE AND HCP PARTNERS SHALL IMPLEMENT ADAPTIVE MANAGEMENT AS NEW INFORMATION IS OBTAINED, AS OUTLINED IN THE HCP AND SPECIES AND HABITAT CONSERVATION AGREEMENTS.

I.4. HCP PARTNERS SHALL FOLLOW AGREED-UPON PROTOCOLS TO MEASURE SUCCESS OF HCP IMPLEMENTATION.

I.5. THE FOLLOWING LAND MANAGEMENT CATEGORIES ARE COVERED UNDER THIS CONDITION:

FOREST MANAGEMENT
TRANSPORTATION MANAGEMENT
BARRENS, PRAIRIE, AND SAVANNA MANAGEMENT
UTILITY RIGHT-OF-WAY MANAGEMENT
RECREATIONAL MANAGEMENT

J. PERMITTEE, ITS AGENTS AND PARTIES TO THE HCP, ARE AUTHORIZED TO IMPLEMENT A PARTICIPATION PLAN FOR PRIVATE CITIZENS IN WISCONSIN AS DESCRIBED IN CHAPTER 5 OF THE HCP, ENTITLED, PARTICIPATION STRATEGY AND OUTREACH AND EDUCATION.

J.1. PRIVATE PARTIES WHO ARE CLASSIFIED IN THE PARTICIPATION STRATEGY AS NON-VOLUNTARY (I.E., REGULATED LANDOWNER/USER GROUP) MAY BECOME PARTY TO THE HCP, EITHER AS A PARTNER, LIMITED (LOCAL) PARTNER, OR ONE-TIME PERMITTEE, AS DESCRIBED IN THE HCP. THESE PARTNERS AND ONE-TIME PERMITTEES MAY ENJOY FULL BENEFIT OF HCP PARTICIPATION AND INCIDENTAL TAKE AUTHORIZATION UPON RECEIPT OF A CERTIFICATE OF INCLUSION ISSUED BY THE WISCONSIN DNR.

J.2. PRIVATE PARTIES WHO ARE CLASSIFIED IN THE PARTICIPATION STRATEGY AS VOLUNTARY (I.E., UNREGULATED LANDOWNER/USER GROUP) ARE AUTHORIZED TO INCIDENTALY TAKE KARNER BLUE BUTTERFLIES IN THE COURSE OF OTHERWISE LAWFUL ACTIVITIES. *THIS AUTHORIZATION DOES NOT EXTEND TO INTENTIONAL TAKE (I.E., CAPTURE, NET, COLLECT).*

K. THE DNR AND HCP PARTNERS WILL IMPLEMENT THE OUTREACH AND EDUCATION PLAN ASSOCIATED WITH THE PARTICIPATION STRATEGY AS PRESENTED IN THE HCP (APPENDIX D). THIS INCLUDES FOCUSING EDUCATION AND OUTREACH EFFORT TO LANDOWNERS IN THE KARNER BLUE BUTTERFLY BIOLOGICAL RECOVERY ZONES IDENTIFIED IN THE HCP, EMPHASIZING THE AREAS MOST CRITICALLY IN NEED OF PROTECTION AND SUBJECT TO RECOVERY EFFORTS.

L. PERMANENT TAKE WITHIN THE CONTEXT OF THIS HCP IS DEFINED AS TAKE OF OCCUPIED KARNER BLUE BUTTERFLY HABITAT IN A MANNER THAT DOES NOT ALLOW FOR HABITAT REGENERATION OVER TIME. EXAMPLES INCLUDE THE PLACEMENT OF BUILDING FOUNDATIONS OR THE PAVING OF A PARKING LOT. PERMANENT TAKE OF OCCUPIED KARNER BLUE BUTTERFLY HABITAT BY PARTNERS SHALL NOT EXCEED 200 ACRES OVER THE 10-YEAR PERMIT PERIOD. CURRENT PARTNERS IDENTIFIED IN THIS PERMIT ARE RESPONSIBLE TO MITIGATE PERMANENT TAKE VIA A MITIGATION PLAN APPROVED BY THE WISCONSIN DNR AND THE SERVICE'S ECOLOGICAL SERVICES FIELD OFFICE, NEW FRANKIN, WISCONSIN (ESFO). PERMANENT TAKE BY FUTURE PARTNERS AND ONE-TIME PERMITTEES, AND THE REQUIRED MITIGATION FOR SUCH TAKE, SHALL BE ADDRESSED IN THE APPLICATION AND REQUIRED CONSERVATION AGREEMENT. THE PERMITTEE IS RESPONSIBLE TO MONITOR PERMANENT TAKE TO ASSURE THAT THE LIMIT STATED IN THIS CONDITION IS NOT EXCEEDED.

M. PROPOSED RESEARCH IN SUPPORT OF RECOVERY OF THE SPECIES INVOLVING TAKE OF THE KARNER BLUE BUTTERFLY, AND RESEARCH TO FURTHER SCIENTIFIC KNOWLEDGE RELATIVE TO CONSERVATION AND MANAGEMENT OF THE SPECIES, MAY BE CONDUCTED WITH THE WRITTEN APPROVAL OF THE SERVICE'S FIELD SUPERVISOR, ESFO. THE PARTNER MUST PROVIDE A WRITTEN PROPOSAL TO THE ESFO AND THE WISCONSIN DNR AT LEAST 45 DAYS PRIOR TO CONDUCTING THE PROPOSED ACTIVITY. WRITTEN APPROVAL FROM THE ESFO MUST BE CARRIED WITH THIS PERMIT WHILE CONDUCTING RESEARCH INVOLVING TAKE OF KARNER BLUE BUTTERFLIES. YOUR APPROVAL LETTER FROM THE ESFO SHALL INCLUDE ANY ADDITIONAL TERMS AND CONDITIONS DEEMED NECESSARY BY THAT OFFICE, AND THOSE TERMS AND CONDITIONS ARE MADE A PART OF THIS PERMIT WHEN SIGNED BY THE FIELD SUPERVISOR.

- N. THE PERMITTEE SHALL INSURE THAT THOSE INVOLVED IN KBB MONITORING FOR THE HCP ARE APPROPRIATELY TRAINED AND QUALIFIED IN THE IDENTIFICATION OF THE BUTTERFLY AND ITS HABITAT CHARACTERISTICS AND PROPER TECHNIQUES FOR CONDUCTING SURVEYS.
- O. A TOTAL OF UP TO 20 VOUCHER SPECIMENS MAY BE TAKEN AS FOLLOWS:
- O.1. ONLY SECOND FLIGHT (FOLLOWING PEAK FLIGHT) MALE ADULTS MAY BE COLLECTED FOR USE AS EDUCATIONAL SPECIMENS EXCEPT AS INDICATED BELOW. SPECIMENS MUST REMAIN IN THE POSSESSION OF THE DEPARTMENT OF NATURAL RESOURCES UNTIL ULTIMATE DISPOSITION AT THE MILWAUKEE PUBLIC MUSEUM OR ANOTHER CURATED DEPOSITORY IN WISCONSIN THAT IS OPEN TO THE PUBLIC AND APPROVED BY THE ESFO.
 - O.2. UP TO TEN (10) ADULT FEMALES MAY BE COLLECTED FOR OUTREACH PURPOSES PROVIDING SUCH REMOVAL WILL NOT ADVERSELY AFFECT KARNER BLUE BUTTERFLY POPULATIONS AT THE COLLECTION SITE(S). THIS INCLUDES COLLECTION OF FEMALE ADULTS IN WESTERN WISCONSIN COUNTIES WHERE L. MELISSA MELISSA IS FOUND, IF NEEDED TO DISTINGUISH THE TWO SUB-SPECIES.
 - O.3. OBSERVED INTACT DEAD SPECIMENS (REFER ALSO TO CONDITION P).
- P. ANY OBSERVED INTACT SPECIMENS OF THE KARNER BLUE BUTTERFLY, LARVAE, PUPAE, OR EGG THAT ARE ACCIDENTALLY KILLED, OR FRESHLY DEAD (AS A RESULT OF RESEARCH OR OTHER ACTIVITIES) *AND THAT WILL NOT BE USED AS VOUCHER SPECIMENS* MAY BE SALVAGED AND PRESERVED ACCORDING TO STANDARD MUSEUM PRACTICES, PROPERLY IDENTIFIED AND INDEXED [INCLUDE COLLECTOR, DATE AND LOCATION OF COLLECTION (TOWNSHIP, RANGE, AND SECTION), COMPLETE SCIENTIFIC AND COMMON NAME, AND PERMIT NUMBER UNDER WHICH THE SPECIMENS WERE COLLECTED, I.E. TE-010064]. THE SPECIMENS SHALL BE SENT TO: CURATOR OF LEPIDOPTERA, MILWAUKEE PUBLIC MUSEUM, 800 WEST WELLS STREET, MILWAUKEE, WISCONSIN 53707 (414/278-6158), OR TO ANOTHER CURATED DEPOSITORY IN WISCONSIN THAT IS OPEN TO THE PUBLIC AND APPROVED BY THE ESFO. ALL SPECIMENS OBTAINED UNDER THIS PERMIT REMAIN THE PROPERTY OF THE UNITED STATES GOVERNMENT AND MUST CLEARLY BE IDENTIFIED AS SUCH (THE LABEL SHOULD IDENTIFY THAT THE SPECIMEN BELONGS TO THE U.S. FISH AND WILDLIFE SERVICE, ECOLOGICAL SERVICES, 1 FEDERAL DRIVE, FORT SNELLING, MN 55111-4056). A LIST OF SPECIMENS COLLECTED, AND THOSE SENT TO THE MILWAUKEE PUBLIC MUSEUM OR OTHER APPROVED DEPOSITORY (ALONG WITH LABEL INFORMATION), SHALL BE PROVIDED TO THIS OFFICE (FORT SNELLING) AND TO THE SERVICE'S ESFO ANNUALLY, AS PART OF YOUR ANNUAL REPORT.
- Q. THE WISCONSIN DNR WILL COORDINATE WITH THE SERVICE'S ESFO ON PARTNER AUDITS AND MAKE EVERY REASONABLE EFFORT TO SCHEDULE AUDITS ON DATES WHEN THE SERVICE CAN ACCOMPANY THE DNR ON THE AUDITS. IN ADDITION, THE WISCONSIN DNR WILL INITIATE COORDINATION WITH THE ESFO ON SCHEDULING THE AUDITS OF WISCONSIN DNR LANDS.
- R. A REPORT OF THE CALENDAR YEAR (JAN 1 - DEC 31) ACTIVITIES CONDUCTED UNDER THE AUTHORITY OF THIS PERMIT SHALL BE PREPARED BY THE WISCONSIN DNR AND SUBMITTED TO THE SERVICE BY MAY 1 FOLLOWING EACH YEAR THIS PERMIT IS IN EFFECT. THE WISCONSIN DNR SHALL CONSOLIDATE AND SUMMARIZE INFORMATION SUPPLIED BY PARTNERS AND SHALL REPORT ON THE SUCCESS OF THE IMPLEMENTATION OF THE HCP IN ITS ENTIRETY. THE REPORT SHALL INCLUDE THE INFORMATION IDENTIFIED IN THE ANNUAL REPORT SECTION, CHAPTER 4 OF THE HCP, WHICH OUTLINES REPORTING PARAMETERS FOR COMPLIANCE, AUDITING, EFFECTIVENESS, AND MONITORING OF THE HCP.
- R.1. THE WDNR SHALL SUBMIT A REPORT DURING YEAR 5 AND YEAR 9, DUE 12/31/2014 AND 12/31/2019, RESPECTIVELY, THAT PROVIDES A "BIG PICTURE" ANALYSIS OF THE DIRECTION OF THE HCP'S CONSERVATION PROGRAM FOR THE KARNER BLUE BUTTERFLY. THE REPORTS SHALL INCLUDE A SUMMARY OF MAJOR ACCOMPLISHMENTS AND ANY SIGNIFICANT CHANGES TO CONSERVATION STRATEGIES RESULTING FROM NEW INFORMATION AND/OR IMPLEMENTATION OF ADAPTIVE MANAGEMENT STRATEGIES.
 - R.2. OTHER INFORMATION THAT THE SERVICE REQUESTS PERTINENT TO UNDERSTANDING AND TRACKING ACTIVITIES CONDUCTED UNDER THE HCP.

S. WDNR SHALL PROVIDE COPIES OF THE ANNUAL REPORT TO THE FOLLOWING OFFICES:

S.1. HCP COORDINATOR
U.S. FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES
1 FEDERAL DRIVE
FT. SNELLING, MINNESOTA 55111-4056

S.2. FIELD SUPERVISOR
U.S. FISH AND WILDLIFE SERVICE
ECOLOGICAL SERVICES FIELD OFFICE
2661 SCOTT TOWER DRIVE
NEW FRANKEN, WISCONSIN 54229

cc: FWS/LE - MADISON, WI
FWS/ESFO - NEW FRANKIN, WI
FWS/NECEDAH NWR

END