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New Hampshire Fish and Game Department

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April 5, 2013

Her Excellency, Governor Margaret Wood Hassan
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the New Hampshire Fish and Game Department to accept \$10,000 and enter into a memorandum of agreement with the Albany Pine Bush Preserve Commission (vendor code #200920) for Karner blue butterfly conservation work. This agreement will be effective from the date of Governor and Council approval through April 1, 2015. Funding to be deposited into:

03-75-75-751520-2125 Wildlife Program –Nongame Species Management	<u>FY13</u>
20-07500-21250000-402766 Donations-Nongame Program \$10,000.00	<u>\$10,000</u>

EXPLANATION

The Albany Pine Bush Preserve Commission will provide non-federal programmatic funds to the Fish and Game Department in support of this project. The goal of the project is to transport Karner blue butterflies from Albany, New York to Concord, New Hampshire for the purpose of restoring the diminished local population. Butterflies transported from New York are propagated in Concord and released in both states to augment the source and recipient populations. The Albany Pine Bush Preserve Commission is expanding restoration and augmentation activities and is providing funding in support of increased propagation capacity in Concord. Butterflies have been exchanged between the states under federal permits since 2002. The contribution of funds from Albany Pine Bush Preserve has helped increase the number of Karner blue butterflies produced for both states.

Respectfully Submitted,

Glenn Normandeau
Executive Director

Kathy Ann LaBonte
Chief, Business Division

MEMORANDUM OF AGREEMENT (MOA)
Between the
Department of Fish and Game
and the
Albany Pine Bush Preserve Commission
Concerning
Inter-State Translocation and Propagation of Karner blue butterflies

THIS MEMORANDUM OF AGREEMENT (MOA) is entered into by the New Hampshire Department of Fish and Game and the Albany Pine Bush Preserve Commission, herein referred to as NHFG and APBPC, respectively. The purpose of this agreement is to accomplish translocation and propagation of Karner blue butterflies (Kbb) for the purpose of restoring populations within the Concord Municipal Airport Conservation Zones, Concord, NH, and at the Albany Pine Bush Preserve in Albany, New York.

This MOA will cover the period from the date of Governor and Council approval through April 1, 2015.

WHEREAS, in compliance with all applicable federal permits, laws, and regulations NHFG is working with the United States Fish and Wildlife Service (USFWS) and the New York State Department of Environmental Conservation – Endangered Species Unit as outline in the federal Karner blue butterfly Recovery Plan (September 2003), to translocate and propagate Kbb, in Concord, New Hampshire and Albany, New York;

WHEREAS, the NHFG has the authority to carry out conservation of wildlife species listed as threatened or endangered under the Endangered Species Conservation Act (RSA 212-A: Fis 1000);

WHEREAS, the NHFG operates a Karner blue butterfly captive breeding facility in Concord, New Hampshire for the purpose of facilitating the recovery of the species in accordance with all applicable permits, laws and regulations;

WHEREAS, per Article 46 of the NYS Environmental Conservation Law (ECL, 1988), the New York State Legislature declared it to be in the public interest to protect and manage the Albany Pine Bush by establishing an Albany Pine Bush Preserve (hereinafter “Preserve”) consisting of dedicated public and dedicated private land and a commission made up of representatives of state and local governments and private citizens to manage the Preserve for purposes of its protection and controlled and appropriate recreation and education purposes; and

WHEREAS, APBPC is a body corporate and public in the New York State Department of Environmental Conservation (DEC) consisting of eleven voting members including: the commissioner of the New York State DEC, the commissioner of the New York State Office of Parks, Recreation and Historic Preservation, the mayor of the City of Albany, the town supervisors of the towns of Colonie and Guilderland, the chief executive officer of the county of Albany, the state director of the New York field office of The Nature Conservancy and four members to be appointed by the governor with the advice and consent of the Senate; and

WHEREAS, in compliance with all applicable state and federal permits, laws, and regulations APBPC is cooperating with the United States Fish and Wildlife Service and the New York State Department of Environmental Conservation – Endangered Species Unit as outlined in the federal Karner blue butterfly Recovery Plan (September 2003), to recover viable populations of the Karner blue butterfly (*Lycaeides melissa samuelis*), an endangered species under the federal Endangered Species Act of 1973 and the NYS ECL Article 11, and as described in the 2010 Management Plan and FEIS for the Preserve, and

WHEREAS, the respective missions of APBPC and NHFG reflect significant overlap and identity of purpose regarding the restoration of Karner blue butterfly populations in the Albany Pine Bush Preserve and Concord Pine Barrens, and are in other respects complimentary and mutually supportive; and

WHEREAS, for many years APBPC and NHFG have worked together to achieve a broad range of conservation goals in the Albany Pine Bush Preserve and the Concord Pine Barrens; and

WHEREAS, APBPC and NHFG wish to reaffirm their continuing collaboration in order to advance the parties' respective conservation missions in the Pine Bush and Concord Pine Barrens, and in that connection desire to clarify their relationships in certain respects;

NOW THEREAFTER, the parties agree as follows:

The APBPC shall:

1. Secure and maintain all NY state and/or federal endangered/threatened species permits (and reporting) for the captive rearing and translocation of Kbb between New York (NY) and New Hampshire (NH);
2. Capture and transport adult female Kbb to NH, and pupae to NY as outlined in Exhibit A and in plans submitted to New York State Department of Environmental Conservation (NYDEC) and the USFWS;
3. Contribute APBPC staff time as necessary and available to assist with propagation operations at the Concord, NH Kbb captive breeding facility;
4. Provide general programmatic funding to NHFG in support of the Concord, NH captive rearing facility and operations;
5. Cite the NH Fish and Game Department, Wildlife Division, Nongame and Endangered Wildlife Program as one of the sources of data resulting from this project in any publications or other presentations of the data.

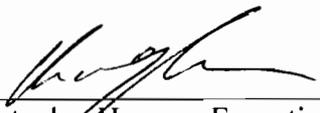
The NHFG shall:

1. Secure and maintain all applicable NH state and/or USFWS permits (and reporting) for the captive rearing and translocation of Kbb between NY and NH;

2. Take receipt of Albany Pine Bush adult female Kbb for captive propagation as outlined in Exhibit A and all applicable NY, NH and USFWS permits;
3. Provide APBPC with Kbb pupae as described in Exhibit A and all applicable NY, NH, and/or USFWS permits.
4. Cite the Albany Pine Bush Preserve Commission as one of the sources of data resulting from this project in any publications or other presentations of the data.

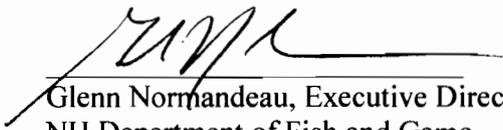
NHFG and APBPC mutually agree that the terms of this agreement may be modified subject to further written agreement of the parties and that the parties will continue collaborating substantially as before, working together toward the achievement of Kbb recovery in the Albany Pine Bush and Concord Pine Barrens.

IN WITNESS WHEREOF, the parties have signed this Agreement as of the date shown above.



Christopher Hawver, Executive Director
Albany Pine Bush Preserve Commission

3/12/13
Date



Glenn Normandeau, Executive Director
NH Department of Fish and Game

4/25/13
Date

APPROVED BY: ATTORNEY GENERAL OF NEW HAMPSHIRE FOR FORM, SUBSTANCE AND EXECUTION

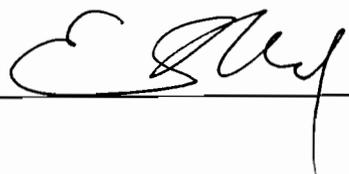
BY:  _____ DATE: 4-29-13 _____

Exhibit A

Scope of work to perform Inter-State Translocation and Propagation of Karner blue butterflies.

To be performed by APBPC:

Task 1: Capture and Transport of Karner blue butterflies

- APBPC will capture Kbb in Albany NY or locations designated in applicable permits;
- The number of live specimens collected from each life stage will be determined in consultation with NHFG, USFWS, and NYDEC prior to each collection event;
- Data documenting the capture conditions will be recorded for each specimen and delivered to NHFG upon transport to NHFG;
- Transportation protocols named in applicable permits will be adhered to for each life stage;
- APBPC will transport Kbb to the propagation facility in Concord, NH;
- The time of delivery and disposition of specimens will be determined in consultation with NHFG prior to transport.

Task 2: Assist with captive propagation at the Concord, NH facility

- As necessary and subject to funding limitations, APBPC will assign a work detail to assist NHFG with captive propagation at the Concord, NH facility;
- Staff from APBPC will follow protocols set forth by NHFG to ensure safe handling and propagation of Kbb at the captive propagation facility;
- APBPC will provide for the lodging and travel expenses of staff assigned to assist at the captive propagation facility.

Task 3: Provide general programmatic funding

- Upon approval of this MOA, APBPC will provide \$5,000 annually in general programmatic funds to NHFG in support of captive propagation operations;
- Subject to funding availability and the concurrence of both parties, APBPC will provide funding in the future.

To be performed by NHFG:

Task 4: Receive captive specimens

- NHFG will receive Kbb captured by APBPC and delivered to Concord, NH;
- The number of live specimens received from each life stage will be determined in consultation with APBPC, USFWS, and NYSDEC prior to delivery;
- NHFG will allocate specimens to a breeding protocol, a translocation recipient protocol, or a donor population augmentation protocol in consultation with APBPC;
- NHFG will not receive specimens in excess of the operational capacity of the captive propagation facility.

Task 5: Conduct captive propagation

- NHFG will propagate live Kbb in the Concord captive propagation facility in accordance with the protocols established in applicable permits and in consultation with APBPC, USFWS, and NYSDEC;
- Specimens provided by APBPC will be contained in rigorous exclusion from all other captive specimens, unless designated for translocation to a NH recipient population;
- In consultation with APBPC, USFWS, and NYSDEC, NHFG may terminally quarantine captive specimens for the purpose of protecting wild populations in both states;
- NHFG will request assistance from APBPC as necessary;
- NHFG will assist APBPC with arranging lodging for visiting staff as needed;
- Data on the survival of live specimens will be recorded and provided to APBPC upon request;
- Specimens will be provided to APBPC post-mortem only if preservation of specimens is agreed upon during the pre-delivery consultation and documented in writing at the time of delivery.

Task 6: Assist with capture, transport, and donor population augmentation

- As necessary and subject to funding limitations, NHFG will assign a work detail to assist APBPC with live capture, transport, and augmentation of the donor populations in NY;
- Staff from NHFG will follow protocols set forth by APBPC to ensure safe handling and release of Kbb in the NY donor populations;
- NHFG will help accommodate the lodging and travel needs of staff assigned to assist at the captive propagation facility.

