



Conservation Benefit Agreement - Native
Endangered Wildlife

Permit Number: ESPER10850524

Version Number: 0

Effective: 2026-05-01 **Expires:**
2061-05-01

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
ES Bloomington Permit Office
5600 American Boulevard, West, Suite
990
Bloomington, Minnesota 55437-1458
permitsR3ES@fws.gov

Digitally signed by

Acting Assistant Regional Director, Ecological Services

Permittee:

The Board of Trustees of the University
of Illinois
dba University of Illinois Chicago 1309
S Halstead St., M/C 156 Chicago,
Illinois 60607
U.S.A.

Name and Title of Principal Officer:

Clifford P. Haefke - Director, Energy
Resouces Center

Authority: Statutes and Regulations: 16 U.S.C. 1539 (a) 50 CFR 17.22, 50 CFR 13

Location where authorized activity may be conducted:

See permit conditions for location(s)

Reporting requirements:

Annual Report Due: 05/15 following each year this permit is in effect



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See permit conditions for reporting requirements

Authorizations and Conditions:

I. Permit Term: 35 years from issuance date Note: Permits issued under 50 CFR 17.22(c)(4) and 17.32(c)(4) become effective for listed covered species upon the date the permittee signs the enhancement of survival permit, which must be within 90 calendar days of issuance.

II. Authorizations and Conditions:

A. All sections and provisions of Title 50 Code of Federal Regulations, parts 13, 17.22 and 17.32 are conditions of this Permit. All activities authorized herein must be carried out in accordance 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. As set forth in Title 50 Code of Federal Regulations 17.22(c)(5) and 17.32(c)(5), should any non-listed covered species become listed as threatened or endangered under the Endangered Species Act, no additional conservation measures, nor additional land, water, or resource use restrictions for the cover species on enrolled non-Federal lands, beyond those described herein and within the Agreement, will be required should any non-listed covered species become listed in the future.

A. Permit/Certificate of Inclusion (CI) holder actions resulting in take may occur on ROW easements or leased lands where the Permit/CI holder does not own fee title. When the easement or leased lands are enrolled in the Agreement, the underlying fee title owner receives assurances that they will not be held liable for take that is solely caused by the permit/CI holder.

D. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local, tribal, or other Federal law.

E. Valid for use by permittee named above, for incidental take of the following covered species: rusty patched bumble bee (*Bombus affinis*), Franklin's bumble bee (*B. franklini*), Suckley's cuckoo bumble bee (*B. suckleyi*), Crotch's bumble bee (*B. crotchii*), southern plains bumble bee (*B. fraternus*), Morrison's bumble bee (*B. morrisoni*), western bumble bee (*B. occidentalis*), American bumble bee (*B. pensylvanicus*), yellow banded bumble bee (*B. terricola*), Ashton's cuckoo bumble bee (*B. bohemicus*), and variable cuckoo bumble bee (*B. variabilis*) caused by the implementation of the programmatic Conservation Benefit Agreement



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and Candidate Conservation Agreement as described below. In this Agreement, incidental take includes effects to habitat (for example, impacts to open habitats that may include foraging, nesting and overwinter habitat, or directly to individuals (for example, harm or mortality of eggs, larva, or adults).

F. Acceptance of the permit serves as evidence that the Permittee agrees to abide by all conditions stated herein and further described in the Agreement. Please read through these conditions carefully as violations of permit terms and conditions could result in the Permit being suspended or revoked. Violations of Permit terms and conditions that contribute to a violation of the Endangered Species Act could also subject Permittees to criminal or civil penalties.

B. This Permit authorizes the University of Illinois-Chicago's Energy Resources Center (Program Administrator of the Agreement) and its Certificate of Inclusion (CI) holders (Partners) to conduct permitted activities on Covered Lands enrolled in CIs. The Permit terms and conditions are binding on the Program Administrator, Partners, and any authorized employee, contractor, or agent. In the event any of the non-listed Covered Species becomes federally listed as threatened or endangered under the Endangered Species Act (ESA), this Permit authorizes take of these Covered Species in accordance with the Agreement.

C. **Agreement Area:** As described in Section 4.1 of the Agreement, the Agreement Area includes lands managed by energy and transportation partners within the entirety of the range for the eleven covered bumble bee species which covers the entirety of the lower 48 states of the continental U.S. Within the Agreement Area, the Program Administrator may issue CIs including Partner properties owned in fee title, as well as those lands on which Partners maintain leases, easements, or other agreements that allow them to conduct the conservation measures and/or covered activities agreed to in their CIs.

D. Each enrolled Partner must establish the baseline condition prior to enrolling in the Agreement. See Section 4.4 of the Agreement.

E. The Program Administrator is responsible for ensuring that the activities of all Partners are in compliance with the terms and conditions of this Permit.

K. The authorization granted to this Permit is subject to the following conditions:

- a. Full and complete compliance with, and implementation of, the Agreement and all specific terms and conditions contained in this Permit. These Permit terms and conditions supersede and take precedence over any inconsistent provisions in the Agreement or other documents associated with the Section 10(a)(1)(A) Enhancement of Survival Permit.



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b. Compliance with any regulations, restrictions, or conditions (e.g., conditions of easements, leases, or other permits) governing the enrolled lands pertaining to, but not limited to, fish and wildlife, land and water use, water quality, local economy, and cultural and historic resources.

c. Compliance with any additional necessary permits, leases, easements, or licenses applicable to the fulfillment of the Agreement.

L. Coordination with Federal land management agencies: *[Note: This condition implements the term and condition that the Service included in the incidental take statement that it provided with the biological and conference opinion that it completed for the Agreement/CCA. Partners must implement this condition if any of the covered non-listed species are listed as threatened or endangered and if their actions would result in prohibited take of the covered species on federal lands.]* At times, the Permittees will carry out activities that will affect covered species on Federal lands. The relevant Federal land management agencies are likely to have their own objectives for covered species conservation on their lands and to be planning and implementing actions to conserve the species. In addition, they are likely to hold special expertise with regard to the status and trends of the species and its habitat in the areas where Permittees will propose to implement covered activities, conservation measures, or both. Therefore, Permittees shall coordinate with the relevant land management agencies to reduce negative effects to covered species and to minimize the extent of incidental take. This coordination will also allow Permittees to ensure that Federal land management agencies are aware of their enrollment in the Agreement and of this incidental take statement.

a. Notify and coordinate with Federal land management agencies

Before carrying out covered activities or conservation measures for the covered bumble bee species on Federal lands in pursuit of the Agreement, holders of Certificates of Inclusion (Partners) shall provide the relevant Federal land management agency with an explanation of the proposed activities and their objectives. This notification shall include all activities that the Partner will carry out on lands under the jurisdiction of the land management agency that are included in their Certificate of Inclusion. This notification may be conducted programmatically for all activities undertaken by a Partner on Federal lands. As part of this notification, the Permittees shall request the agency's input on any aspect of the activities that could affect covered species and that could avoid or minimize effects to the covered species or further enhance the benefits of proposed conservation measures.

This condition does not alter any existing notification requirements and timeframes already in place on the Permittee's easements or permits across Federal lands. It requires Partners only to notify relevant agencies, but does not require additional permissions or approvals beyond



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those already required under existing easements or permits from the agencies. For example, if a Partner has notified relevant agencies, but does not receive a response, this requirement is considered as fulfilled for the purposes of this term and condition.

To ensure that agency staff at the appropriate level are aware of activities that affect covered species on the lands for which they have primary management responsibility, a Partner shall contact specific Federal land managers when acquiring special use permits, access permits, or other authorization notices. Notification is intended to be conducted at this local level, rather than contacting regional or national headquarters offices. The Program Administrator will provide assistance to the Partners if they are uncertain of the appropriate agency contacts.

III. Incidental Take

A. Pursuant to 50 CFR 17.22 (c) and 17.32 (c), this Permit authorizes the incidental take of covered species and/or the reduction of their habitats on enrolled properties resulting from the implementation of conservation measures, covered activities, and monitoring activities as described in the Agreement. Take must be incidental to otherwise lawful activities on the enrolled lands in the Covered Area and consistent with the implementation of the Agreement, this Permit, and the analyses and conclusions of the Service's intra-service Section 7 biological and conference opinion. The amount of authorized incidental take for covered species is contingent upon Partners commitment to sustain and improve covered species foraging, nesting, and overwintering habitat for covered species on a specified proportion of enrolled lands annually, in order to achieve a net conservation benefit (as explained in Section 6 of the Agreement "Conservation Measures" and in Appendix D of the Agreement).

IV. Annual Report

A. The Program Administrator shall submit an annual report to the Midwest Fish and Wildlife Service Regional Office (Bloomington, MN), Ecological Services Program. This report will be based, in part, on the annual reports provided by CI holders and submitted data including the location and number of enrollment acres managed. See Agreement Section 14 'Monitoring Provisions' for the required reporting information. At a minimum, the annual report to the Service shall include:

- In table format: a cumulative summary of the CIs issued under the Agreement, including (at a minimum) the name of the CI holder, the term of the CI, the date issued, number of acres enrolled, number of implementation acres annually, the conservation measures and covered activities included in the CI, geographic location, the properties and number of acres added and removed from the CI over the last year (if applicable), any CI changes or adaptive management reported under the CI for the last year, whether or not the CI has developed an individual implementation plan and if activities have been conducted in accordance with that plan.



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- In table format: a summary of the number of CIs issued to date, acres enrolled by major sector (energy and transportation), and conservation measure implementation acres in the Agreement as a whole.
- Summary of major accomplishments of the collective, Advisory committee, or UIC (e.g., new trainings)
- Whether or not the Program Administrator believes they are in compliance with the Permit, Agreement, and Biological and Conference Opinion
- Acknowledgment that the Program Administrator confirmed compliance by reviewing geospatial database (or other database) containing CI annual reports and confirming details as necessary- to ensure appropriate implementation of the Agreement
- Summary results or reports from field compliance inspections, as available. (The Program Administrator or other designated parties may conduct field compliance inspections to ensure proper implementation of conservation measures, of avoidance and minimization measures (AMMs) specified in CIs or individual implementation plans.)
- Identification of any future improvements or changes to the Agreement that the Program Administrator expects to pursue
- A brief summary of what's going well in the Agreement at a high level. Is this Agreement performing as intended? Does the Agreement streamline covered activities?
- A summary of any neighboring landowner agreement including the acreage, confirmation that baseline and current activities were documented and the general location (county, state).
- A brief summary of challenges
- Self-verification that Partners have complied with S106 and S7 for areas where covered activities and conservation measures have been implemented and can demonstrate compliance if asked
- Adaptive management and changed circumstances, whether any adaptive management occurred, or any event triggering a changed circumstance occurred, and what actions were taken
- Summary of effectiveness monitoring in table form, and connected to geospatial location where monitoring was done
- A copy of updated compiled monitoring database
- A redacted version of the annual report (removing sensitive information) to allow the U.S. Fish and Wildlife Service can make publicly available to interested parties

V. Permit Revocation

A. In accordance with criteria in 50 CFR 13.28. and 50 CFR 17.22/32(c)(9) this permit may be revoked for reasons set forth in 50 CFR 13.28(a)(1) through (4):

- (1) The permittee willfully violates any Federal or State statute or regulation, or any Indian tribal law or regulation, or any law or regulation of any foreign country, which involves a violation of the conditions of the permit or of the laws or regulations governing the



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permitted activity; or

(2) The permittee fails within 60 days to correct deficiencies that were the cause of a permit suspension; or

(3) The permittee becomes disqualified under 50 CFR 13.21(c) of this part; or

(4) A change occurs in the statute or regulation authorizing the permit that prohibits the continuation of a permit issued by the Service; or

(5) Except for permits issued under 50 CFR 17.22 (c)(2)(iii) and 50 CFR 17.32(c)(2)(iii), the population(s) of the wildlife or plant that is subject of the permit declines to the extent that continuation of the permitted activity would be detrimental to maintenance or recovery of the affected population.

VI. Neighboring Landowners

A. Under this Agreement, non-federal landowners whose properties are located on or adjacent to enrolled lands may receive take coverage for any of the ESA-listed covered species within the entirety of the underlying or abutting parcel, or within 200 meters (656 feet), whichever distance is shortest. To receive coverage, the neighboring or underlying landowner will need to submit a neighboring landowner enrollment form to the Program Administrator, which is available through the Bumble Bee CBA website. See Section 5.5 of the Agreement for more information about neighboring landowner agreements. This will be an agreement between the neighboring landowner and the Program Administrator and will remain valid even if the neighboring landowner's enrolled Partner is no longer enrolled in this Agreement.