

MANAGEMENT PLAN
FOR
CONSERVATION OF THE
CROSSGATES KARNER BLUE BUTTERFLY HABITAT

Modified 9/28/81 and 10/2/81 and 10/5/81

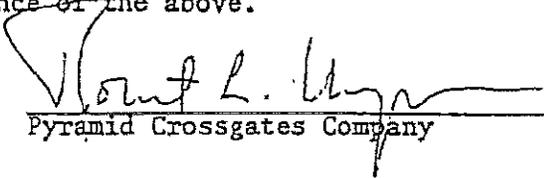
Construction Phase

1. Following receipt of permits and prior to the start of clearing, the Applicant shall erect an 8 foot high chain link fence with opaque white vinyl webbing as described herein. The Applicant's environmental consultant shall clearly mark in the field where the fence is to be constructed. The fence shall be posted, at 25 foot intervals, with notices prohibiting trespass and instructing construction crews that the enclosed area is not open to access and subject to important specifications in the construction contract. The entire perimeter shall be inspected daily and shall be immediately repaired wherever open.
2. Construction specifications for the project shall contain procedures detailed herein for the preservation of the Karner Blue habitat and shall be specifically guaranteed by the contract performance bond to assure compliance. Specific reference shall be made to applicable State law and regulations governing the taking of Karner Blue butterflies and their protection from interference.
3. Following receipt of permits and prior to the start of clearing, the Applicant shall clearly mark in the field those areas which are to be protected along the ring road from Washington Avenue Extension driveways west to the Rapp Road driveway from the ring road to a point 100 feet beyond the northern limit of the Niagara-Mohawk distribution line corridor and along the corridor north of the Karner Blue hill by erecting a permanent barrier of rope and flags to clearly identify those areas which are to be left intact. In such areas, there shall be no operation of construction equipment or removal of vegetation, no operation or parking of any vehicle, and no emplacement of construction materials, debris or stockpiling of soil. These areas shall be left undisturbed.
4. The construction schedule for site clearing, grubbing and grading shall be adjusted, to the extent feasible, to concentrate activity away from the Karner Blue Hill during the period April-August, in general, and during the spring and summer flight periods of the Karner Blue Butterfly specifically. The Applicant's environmental consultant shall advise the Applicant when the butterfly is on the wing during the months of May and July of the construction year and during such time as the butterfly is on the wing, the Applicant shall avoid non-essential construction activity within protected areas when efforts can be directed elsewhere on the site.
5. No open fires shall be allowed within the protected areas during construction. The Applicant shall exercise due care to prevent fires within protected areas during construction and shall use all means within its powers to suppress any fire which might affect protected areas during and following construction except those which are part of a prescribed burn authorized by the Department of Environmental Conservation.
6. The applicant, the Applicant's General Contractor and each Subcontractor involved in work within the protected areas shall designate an individual with authority to enforce these provisions. Such individuals shall certify in writing that they have reviewed the provisions of this Plan and that they will direct all activities under their control on the site in accordance with it.
7. All woody vegetation will be removed from the clearing on top of the hill and only from the clearing, not from the rest of the hillside. An area on the order of 5 acres will be fenced off at the base of hill 311.7. Except as described herein, the hill within this fence will be maintained intact in its present natural state; no grading will occur, and no sterile hybrids will be planted within. A qualified individual will be named to supervise all construction and post-construction activity related to hill 311.7.

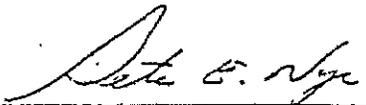
Operation and Maintenance Phase

1. Rapp Road Driveway - Cleared graded areas along Rapp Road driveway may serve, following construction, as an appropriate migration corridor for the Karner Blue Butterfly. An assemblage of andropogon grasses, wild blue lupine and compatible species shall be encouraged and, if this early successional community becomes established, mowed annually after mid-August.
2. Karner Blue Hill - Within the hilltop clearing, all woody vegetation shall be removed by sawing off at ground level and all new sprouts shall be removed at 3-year intervals, thereafter. The gate to the hillside shall be locked securely. There shall be established inside the mall an interpretive display explaining the life cycle of the Karner Blue Butterfly and the purpose of the on-site preserve. The Applicant shall, upon written application, countersigned by the Department of Environmental Conservation, allow access to the hillside to qualified individuals with legitimate scientific research interests. A list of persons having keys to the preserve and an entry log of persons entering the preserve will be maintained. The Applicant's security service shall inspect the fence daily during the period April-August each year and weekly at other times and any breaches in the fence shall be immediately repaired by the Applicant.
3. The Applicant will provide a fire hydrant at the entrance to the Karner Blue Hill and will notify the Westmere Fire District of the location thereof and the necessity for continued fire protection on this hill.
4. All conditions agreed to herein shall be carried out by the Applicant during the duration of the ownership of this property.

Signatures affixed hereto indicate acceptance of the above.


Pyramid Crossgates Company

10/5/81


Department of Environmental Conservation

10/5/81