

EXHIBIT 10

2008 USDA CULLING AND TRAPPING AGREEMENT

**FIRST AMENDMENT
to the
COOPERATIVE SERVICE AGREEMENT
between
MUNICIPALITY OF MT. LEBANON (MUNICIPALITY)
and
UNITED STATES DEPARTMENT OF AGRICULTURE (USDA)
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
WILDLIFE SERVICES (WS)**

Under the provision of Article 12, the MUNICIPALITY and APHIS WS hereby mutually agree to revise Cooperative Service Agreement number 07 7242 8009 RA.

ARTICLE 4

MUNICIPALITY agrees:

A. To reimburse the U.S. Department of Agriculture the sum of **\$50,837** for costs of services provided under this Agreement up to but not exceeding the amount specified in the Financial Plan. MUNICIPALITY will begin processing for payment invoices submitted by APHIS WS within 30 days of receipt. The MUNICIPALITY ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.

ARTICLE 10

MUNICIPALITY certifies that APHIS WS has advised the MUNICIPALITY that other private sector service providers may be available to provide wildlife management services and notwithstanding these other options, MUNICIPALITY requests that APHIS WS provide wildlife management services as stated under the terms of this agreement.

MUNICIPALITY OF MT. LEBANON:

By:

Stephen Feller, Municipal Manager
Municipality of Mt. Lebanon
710 Washington Road
Pittsburgh, PA 15228

Date

In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a TAXPAYER IDENTIFICATION NUMBER (TIN) for individuals or businesses conducting business with the agency.

Municipality of Mt. Lebanon TIN: _____

Approved as to Form:

Per: _____
Counsel

Date

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES:**

By: _____
Charles S. Brown, Eastern Regional Director
USDA APHIS WS
920 Main Campus Drive, Suite 200
Raleigh, NC 27606

Date

By: _____
Harris Glass, State Director
USDA APHIS WS
PO Box 60827
Harrisburg, PA 17106-0827

Date

WORK PLAN

Planned USDA APHIS WS Activities

APHIS WS biologist/technicians will conduct white-tailed deer removal activities on property controlled by the municipality and as shown on the map attached (Attachment C) in accordance with the following terms and conditions:

- 1) Preliminary site visits will be conducted by APHIS WS biologist/technicians to determine safe and appropriate shooting locations and to become familiar with the area.
- 2) APHIS WS will notify MUNICIPALITY prior to any operational activities being conducted.
- 3) APHIS WS biologist/technicians will locate and shoot up to five days per week (Monday evening-Friday morning) during the term of this contract (excluding rifle deer season). This CSA is intended for one day of field preparation/investigation and 20 days of operational control activities (assuming 8 hour days). Additional days of operational control may be added as needed if allocated funding per the FINANCIAL PLAN (Attachment B) allows or Attachment B is amended to fund additional days.
- 4) APHIS WS will make a reasonable effort to conduct operational control activities. In the event of adverse or unsafe circumstances created by individuals who are not directly responsible for carrying out the terms of this CSA, APHIS WS will request and require that MUNICIPALITY provide additional (law enforcement/security) support to allow APHIS WS to conduct activities in a safe and efficient manner. In the event that MUNICIPALITY cannot provide adequate assistance, this CSA will be terminated and the appropriate costs accumulated by APHIS WS will be reimbursed by MUNICIPALITY.
- 5) Deer will be removed by use of suppressed rifles with high expansion ammunition along with the aid of elevated stands, vehicles, artificial light, night vision equipment, and forward-looking infrared (FLIR). Quick-kill head or neck shots will be used whenever possible to ensure humane and rapid death. Deer will be recovered and removed quickly to reduce the disruption of the immediate environment.
- 6) Deer will be removed using live capture traps in locations where culling is deemed unsafe (as per APHIS WS discretion). Live capture traps will also be available for use on private property to avoid localized results. Once captured, deer will be humanely euthanized.
- 7) Removal activities will occur between 9:00 PM and 6:00 AM. MUNICIPALITY preferences regarding days, time, location, and procedure will be adhered to when instructed by the Municipal Manager and his/her designated representative. The Municipal Manager will work with APHIS WS to ensure that said preferences do not prevent APHIS WS from fulfilling their obligations.
- 8) Shooting of deer by APHIS WS personnel will take place from elevated positions.
- 9) Operational control (i.e., spotlighting and shooting) activities will be conducted with regular and overtime hours as necessary to accomplish the mission.
- 10) Wildlife removal will be approved and coordinated with the Pennsylvania Game Commission.

Effective Dates

The CSA shall commence on November 01, 2007 and shall expire on September 30, 2008.

FINANCIAL PLAN

| | |
|--|-----------------|
| Personnel Costs | \$25,605 |
| Vehicle Usage | \$4,175 |
| Travel (lodging and per diem) | \$7,280 |
| Supplies and Equipment (ammunition, batteries, deer processing, bait, etc) | \$5,847 |
| Uniform Capitalization Cost | \$1,000 |
| Program Support | \$6,930 |
| TOTAL COST..... | \$50,837 |

The distribution of the Budget from this project FINANCIAL PLAN may vary as necessary to accomplish the purpose of this Amendment but may not exceed **\$50,837.00**. Additional funds for processing may be necessary if more than 150 deer are removed from the MUNICIPALITY or alternative processors are used.

It is further understood by and between the parties that, in all other respects, the terms, conditions and provisions of said Cooperative Service Agreement shall remain in full force and effect.

FINANCIAL POINT OF CONTACT

| | | |
|---------------|-------------------------------------|--------------|
| MUNICIPALITY: | Stephen Feller Municipal Manager | 412-343-3400 |
| APHIS WS: | Sandra Vinson Budget Analyst | 717-236-9451 |



United States
Department of
Agriculture

Animal and
Plant Health
Inspection
Service

Wildlife
Services

PO Box 60827
Harrisburg, PA 17106
(717) 236-9451
(717) 236-9454 Fax

BILL FOR COLLECTION

| COOPERATOR | |
|--|--------------|
| Stephen Feller, Municipal Manager Municipality of Mt. Lebanon 710 Washington Road Pittsburgh, PA 15228-2018 | |
| Telephone: | 412-343-3400 |

| | |
|--------------------|------------------|
| Bill Number | BD 724208057 |
| Vendor Code | 256002218 A |
| Agreement No. | 0872428009 RA |
| Billing Date | 9/8/2008 |
| Payment Due | 10/8/2008 |

Dates of Service

Oct 07 - Sep 08

| DESCRIPTION | AMOUNT |
|--|--------------------|
| <i>For Services Provided Per Cooperative Service Agreement</i> | |
| <i>Salary & Benefits</i> | \$27,721.24 |
| <i>Mileage</i> | \$3,800.00 |
| <i>Travel/Tolls</i> | \$1,291.23 |
| <i>Processing</i> | \$2,020.00 |
| <i>Supplies & Equipment</i> | \$9,226.58 |
| <i>Uniform/Equipment Capitalization Cost</i> | \$1,000.00 |
| <i>Program Services</i> | \$5,777.95 |
| TOTAL DUE: | \$50,837.00 |

SEP 11 2008

**PLEASE INCLUDE A
COPY OF THIS BILL
WITH YOUR PAYMENT**

| ACCOUNT SUMMARY | | |
|-----------------|--------------|--------------------|
| | 873-7242-051 | \$40,259.05 |
| | 873-7242-700 | \$5,777.95 |
| For Internal | 873-7242-701 | \$3,800.00 |
| Use Only | 873-7242-702 | \$1,000.00 |
| | 873-7242-704 | \$0.00 |
| | Total | \$50,837.00 |

NEW INFORMATION ABOUT HOW TO PAY

| | |
|--|---|
| <p>Please remit USDA, APHIS WS payment within PO Box 60827 30 days to Harrisburg, PA 17106-0827</p> <p><u>PAYMENTS MUST INCLUDE A COPY OF THIS BILL</u></p> <p>Make checks payable to: USDA-APHIS Please write your Bill Number on your check.</p> <p>To pay with a credit card (VISA, MasterCard, American Express, or Discover), please call the Accts. Receivable Helpline at 1-877-777-2128.</p> <p>For questions concerning this bill, please contact: Sandy Vinson (717) 236-9451</p> | <p>In accordance with the Debt Collection Improvement Act of 1996, invoices issued by USDA-APHIS are due and payable within 30 days. Payments not received by the due date are subject to late payment charges assessed at the rate established by the Dept. of Treasury (31 USC 3717).</p> <p><i>For overnight delivery, send payment to:</i> USDA, APHIS, Wildlife Services Attn: Sandy Vinson Farm Show Complex Maclay Street Entrance, 2nd Floor Harrisburg, PA 17110</p> |
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