
Wisconsin Karner Blue Butterfly Habitat Conservation Plan and Environmental Impact Statement

Chapter 2: Statewide Karner Blue Butterfly Habitat Conservation Plan (HCP)

F. Participation Strategy and Additional Conservation Measures

This part of Chapter II discusses the Wisconsin Karner Blue Butterfly HCP partners' plans for involving additional landowners and users in statewide conservation efforts. It is broken into eight sections:

- ☞ an introduction and summary,
- ☞ a discussion of the need for a statewide conservation effort,
- ☞ a description of a non-partner participation plan,
- ☞ an outreach, education and assistance strategy,
- ☞ an outline of initial education, outreach and assistance efforts,
- ☞ provisions for review of conservation activities,
- ☞ a description of related conservation efforts, and
- ☞ a discussion of federal Karner blue butterfly recovery efforts.

It is believed that by involving additional participants in HCP implementation, the likelihood of successful conservation is greatly increased.

1. Introduction and Summary

This innovative approach to endangered resources conservation is designed to move industry and the regulated community beyond compliance and into efforts to proactively apply conservation measures on the land while engaging in their land management activities. Congress, in establishing the incidental take permit (ITP) provision of the ESA expressed the hope that it would encourage creative partnerships between the public and private sectors and among governmental agencies in the interest of species and habitat conservation and provide a framework to permit cooperation between the public and private sectors. Those goals are achieved by this HCP that arose out of and has been developed through a solid and diverse grassroots effort in Wisconsin.

The Karner blue butterfly is dependent on continuous disturbance regimes or management programs designed to assure that the habitat is not lost because of the natural succession of competing vegetation. Therefore, this conservation plan must be species driven and designed to

encourage disturbance activities to the habitat rather than preservation. To accomplish a disturbance and management regime statewide, this strategy has been developed with the design to include all Wisconsin landowners and users that might affect the species, regardless of land size and use. The HCP creates a broad statewide partnership in conservation while realizing the limitation on resources to accomplish its objectives. The strategy seeks to incorporate conservation into everyday land management and on-going work. The HCP is built upon the extensive land ownership and conservation commitments of the 27 partners

identified in this HCP, but seeks to go beyond those partners to include the assistance and participation of others landowners, nonprofit groups, environmental and industrial organizations and a variety of governmental units.

This plan, with its biological approach, focuses its efforts on geographic areas and activities which provide the highest potential to safeguard or enhance Karner blue butterfly habitat. The strategy seeks to reach all landowners and users, but will vary in approach and process. The HCP's inclusion strategy includes:

1. A concept of non-voluntary participants that must formally apply for and receive a Certificate of Inclusion from the USFWS, because of the value their land and activities provide to conservation of the species; and a provision for voluntary participants that receive ITP coverage, without further process, so as to encourage land management activities that may benefit the species.
2. An extensive public outreach and education plan to reach all landowners and land users, and others, to describe the effort and encourage their cooperation and participation in this conservation effort; and
3. A review of the participation strategy after three years of implementation to determine its effectiveness, with the option of modifying it should it prove to need changes to provide the anticipated conservation.

By this plan, the partnership intends to achieve the endangered species conservation goals while protecting the economic interests of non-federal landowners through this increasing partnership statewide.

2. The Need for a Statewide Conservation Effort

The Wisconsin Karner Blue Butterfly HCP partners envision a *statewide* conservation effort that gains and incorporates the support of landowners and land users throughout Wisconsin. As the

applicant for the incidental take permit, the DNR will administer the permit with the cooperation of the 27 partners identified in Table 1.1 (page 9), as well as other participants and cooperators. Regardless of their individual roles, each of the HCP partners has shown the capability and the resolve to make significant contributions to the Karner blue butterfly conservation effort either through management practices or through public outreach, education and assistance programs; the 27 partners own or manage nearly two million acres of land in the state and have agreed to manage lands under their control with conservation considerations. Individual partner roles and commitments for both management and outreach are described elsewhere in this chapter, in the individual partner's conservation agreements, or in the case of the DNR, in its Implementing Agreement with the USFWS.

In addition, the development of this HCP and its direction has not solely involved the partners identified on page 9. Other persons representing various associations and organizations have contributed extensive and continuous time and effort. These associations and organizations include the Sierra Club, the Wisconsin Audubon Council and the Wisconsin Woodland Owners Association. It is anticipated that persons from these organizations, and others, will play an important role in the implementation of this plan and conservation of the Karner blue butterfly.

As discussed elsewhere, the Karner blue butterfly is specialized to barrens and other early successional habitats. Because these habitats are disturbance-dependent, an important aspect of this HCP is to provide for land management regimes that assure a balance between habitat gain from disturbance and habitat loss from vegetational succession. Stopping land management activities which provide desirable disturbance would be detrimental to maintaining this balance. A conventional "do not touch" regulatory approach, therefore, is inappropriate for the particular considerations presented in the conservation of the Karner blue butterfly. Such an approach would discourage, in many cases, the maintenance of habitat and conservation of the species. Consequently, this statewide conservation program may be distinct in its approach and application.

As applied to participation, this approach is designed to provide incentives for conservation through cooperative partnerships, yet includes a review mechanism to ensure that it does not adversely affect the species. In addition, the approach focuses on permanent take of habitat and long-term maintenance activities, rather than short-term, incidental take. It includes a notification system designed to inform landowners and users, where possible and feasible, of the opportunities presented under this HCP. Finally, this plan has a geographical focus on the areas that have the highest potential to support the species and its habitat (see Figure 2.9, page 54). Implementation is intended to be at the county level, as much as possible, using county and town communication mechanisms and providing information and assistance locally.

3. Non-partner Participation

Recognizing a need for greater involvement in the HCP process, the partners developed a participation plan for non-partners. Details of this participation plan are outlined in this section. A flow chart for determining options for ITP coverage is included in the EIS (see Fig. 3.6, pages 212-213)

The participation plan addresses only *occupied* lands -- those lands on which the Karner blue butterfly is present in any of its life forms. Non-partner efforts are intended to focus primarily on *voluntary, cooperative* efforts and participation. Nevertheless, requisite participation -- based upon scientific considerations and the biological needs of the species -- is also a component of the plan. Inclusion in this HCP will provide the landowner or user with authorization to incidentally take Karner blue butterflies while conducting lawful land management or land use activities. *Intentionally taking* Karner blue butterflies, regardless of location or activity, is still *prohibited* unless specifically authorized by the USFWS.

Non-partner participants are divided into two groups:

- ☞ **non voluntary**- non-partner landowners and land users that are required to obtain a Certificate of Inclusion (see pages 130-135). Landowners and users in this category are within the high potential area, own or manage lands, are engaging in activities and are further identified in Part A of Appendix D.
- ☞ **voluntary**- non-partner landowners and land users that are not required to obtain a Certificate of Inclusion (see pages 135-140). Landowners and users in this category will be covered in the HCP and ITP without further application or inclusion processes.

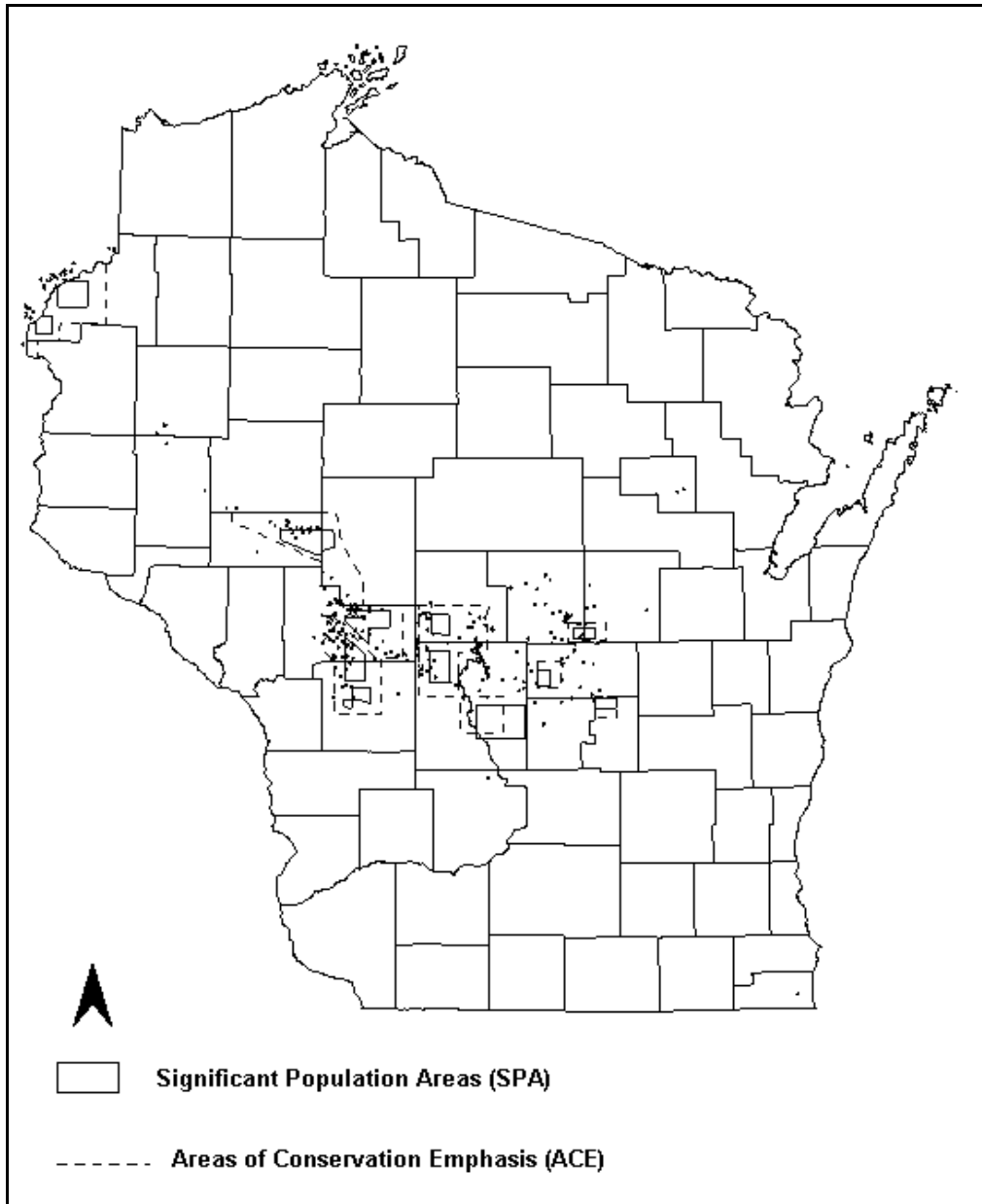
Non-voluntary Category (Certificates of Inclusion). Non-partner landowners and land users engaged in activities and in locations that may significantly affect the Karner blue butterfly are required to obtain a "Certificate of Inclusion" from the USFWS, either as a single project applicant or as a partner. Through application to and review by the DNR, these landowners and land users may ultimately be covered under the ITP. Landowners or land users are required to apply to the DNR, if they: (1) own land or engage in activities within the high potential area, and (2) are involved in activities resulting in permanent take, right-of-way or corridor development and maintenance, or commercial forestry. Through this application and review process land owners and land users may obtain a Certificate of Inclusion from the USFWS which will allow incidental take of the Karner blue butterfly,

Permanent take is an impact to Karner blue butterfly habitat, through land management or land use activities, that precludes Karner blue butterfly occupation. Such long-term impact involves

taking that does not allow for the restoration and reoccupation of the site for a minimum of five years. Activities or projects that may fall within the definition of permanent take include, but are not limited to:

- ☞ construction of roadways and parking lots;
- ☞ construction of buildings or structures and associated facilities;
- ☞ other construction or development projects that cover or replace the habitat in a permanent manner (at least 5 years), such as an airport or a flowage; and
- ☞ residential housing developments subject to subdivision plat (ch. 236, *Wis. Stats.*), certified survey (ch. 236, *Wis. Stats.*), or condominium (ch. 703, *Wis. Stats.*) approvals. [Note: This category does not include a permanent or second home and associated structures that are owned or built by the owner for his or her own use. This provision applies only to those housing developments approved after the date of permit issuance.]

Figure 2.11. Areas of Geographic Focus for Non-Partner Participation



The ROW or corridor development and maintenance category includes all landowners, land users and other agencies or entities engaged in road or highway, railroad, utility, communication, power and pipeline development or maintenance; these entities are identified in Appendix D and will be notified by mail of this process requirement. Participation from this group is required because the development of roadways or other corridor facilities may involve permanent take. Moreover, the maintenance regimes associated with right-of-way or corridor management provide the opportunity to encourage the continuation of Karner blue butterfly habitat. Possible maintenance strategies for roadways are included in Appendix D.

Participation by commercial forest owners is required because of the known Karner blue butterfly occurrences on such land, the flexibility these landowners and managers may have in management and the benefits that may accrue to Karner blue butterflies through implementation of on-going forest management activities. Forest owners in this category must own in excess of 1,000 acres of forest land in Wisconsin. Forest owners who own 1,000 acres or less are considered "voluntary" participants and are not required to obtain a Certificate of Inclusion for coverage under the ITP (see pages 135-138). "Forest land" can include land in the Forest Crop, Woodland Tax, or Managed Forest Law classifications under the Wisconsin Tax Assessment Classification system for real property, as well as land that is designated as "Industrial Forest" by the DNR under its forest tax law programs. Such owners are identified in Appendix D and will be notified by mail of this process requirement.

Notification or Information Strategies (Non-Voluntary Category). Those landowners or land users who require permit coverage, are offered an opportunity to participate in this HCP (and associated ITP coverage) through a process as follows:

1. Notification by inclusion in appendix (names and addresses) and other notification methods.
 - a. Road, railroad, or corridor development or maintenance entities. Entities subject to this obligation will be notified, by the following methods: listing in the appendix; contact by mail; and other communication methods, including news releases, trade magazine publications and HCP/EIS publication. County and town officials in the appropriate areas will also be contacted.
 - b. Commercial forest land owners. These landowners will be notified by listing them in the appendix; contacting them by mail; and other communication methods, including news releases, trade magazine publications, HCP/EIS publication; and cooperation and information dissemination through the forest industry partners, Wisconsin Woodland Owners Association and the Wisconsin Paper Council.

2. Notification by information at county offices, public outreach, or trade organizations.
 - a. Permanent take. It would be impossible to comprehensively anticipate all those that may be involved in a permanent take of Karner blue butterflies in the future. Information regarding inclusion requirements, therefore, would be provided to such persons in the HCP/EIS, news releases, trade or information publications and by local, county and state governmental planning offices which review or approve various forms of development. The DNR will also work with builders' associations to encourage participation.

Landowners and land users who may incidentally take will be subject to other methods of public outreach, education, or assistance. In this case, groups, organizations, associations and agencies representing particular interests or activities will distribute information materials prepared by the HCP partnership and the DNR to those affected. The DNR will be responsible for notifying landowners or land users not associated with such interests or activities.

Application Process for Coverage under the ITP (Non-Voluntary Category). Landowners or land users desiring to receive incidental take authority under the HCP and ITP, may apply to the DNR for such coverage to ultimately receive a Certificate of Inclusion from the USFWS. Application may be for a single project or to become a partner. An applicant expecting to be involved in a single project with a potential for incidental take may not wish to become a partner; those involved in long-term management or operations, however, may be better accommodated by partner status. A partner, as described in the Articles of Partnership of the HCP partnership is:

A person, agency or organization entering into and agreeing to the Articles of Partnership; and who has:

- a. an ownership interest (i.e. fee title or easement in land with existing or potential Karner blue butterfly habitat); or
- b. economic assets at risk as a result of the listing of the Karner blue butterfly as endangered; or
- c. a role in implementing the HCP (e.g., ASCS, municipalities).

To obtain a Certificate of Inclusion, an applicant must apply to the DNR. This application entails a detailed description of the ownership and activities of the applicant, as well as their conservation intentions for the Karner blue butterfly identified in a conservation agreement. In addition, any other information requested by the DNR or IOC shall be submitted with a non-refundable application processing fee of \$50, unless the applicant is a governmental unit.

Application review will be consistent with procedures and standards established either in the HCP or by the DNR, with recommendations of the HCP Implementation and Oversight Committee (see Part H of Chapter 2). If the conservation strategy of the applicant is consistent with the HCP and ITP, the DNR and the Implementation and Oversight Committee will recommend that the USFWS issue a Certificate of Inclusion. According to the USFWS, a new landowner or land user may only obtain coverage under the ITP by the issuance of the Certificate of Inclusion. The Certificate of Inclusion will be issued by the USFWS following review of the recommendations, approval of the application and the DNR's receipt of additional fees for the partnership.

A template of the conservation agreement a future partner will enter into is included in Appendix D. For other persons seeking inclusion, the DNR will attempt to use a more streamlined conservation agreement.

Additional fees, unless the applicant is a governmental unit, required to become an HCP partner and obtain ITP coverage are:

- ☞ To become a Partner: the applicant must pay an inclusion fee of \$2,500, in addition to the \$50 application fee.
- ☞ To obtain coverage for a single project: the applicant must pay an inclusion fee of the lesser of \$5,000 or 5 percent of the value of the project, in addition to the \$50 application fee. An applicant may be given credit for conservation efforts, but this credit may not exceed 50 percent of the inclusion fee.

Take and Mitigation (Non-Voluntary Category). For landowners and land users involved in activities that result in permanent take of the Karner blue butterfly, mitigation will be required in a manner acceptable to the DNR and the USFWS. Mitigation may take the form of land, activities or monetary compensation. Mitigation in the form of land compensation may occur either on lands owned or managed by the applicant, or on those of another. In-kind services or monetary compensation in the form of annual payments during the life of the ITP may also be used as mitigation to defray the implementation costs of the partner. As mentioned earlier, conservation efforts may lessen the fees imposed on an applicant.

ROW or corridor development involving permanent take will be processed under the permanent take category. ROW or corridor maintenance that may involve incidental take should typically use prescribed avoidance or maintenance techniques established by the partner and required by a Certificate of Inclusion and signed conservation agreement. The USFWS, the DNR and the IOC will strive to develop standard conservation measures to ease evaluation of applications and issuance of Certificates of Inclusion.

Commercial forest owners (those who own more than 1000 acres of forest in the state) will likely also be subject to a DNR forest tax program, allowing collaboration with DNR foresters to work on Karner blue butterfly conservation efforts. Again, with the development of conservation strategy standards, the Certificates of Inclusion issuance process may be simplified and built into existing forest tax law implementation efforts. With best management practices, those owners not in such programs may work with partners or participants. Commitments to particular conservation strategies would be included in a Certificate of Inclusion and signed conservation agreement. With such best management practices in place, the USFWS will work with the DNR and the IOC to ease the evaluation of applications and issuance of Certificates of Inclusion.

Voluntary Participation (Automatic Inclusion). The voluntary non-partner participation category includes those landowners, land users, or activities that either do not meet the criteria requiring a Certificate of Inclusion or were listed as an exception to the requirement. Participation in the conservation effort by this group is voluntary; such an approach to endangered and threatened species conservation has historically been successful in Wisconsin. Activities engaged in by landowners and managers in this category will be covered by the ITP without further approval or process whether the Karner blue butterfly is incidentally taken or not, unless that treatment is modified following a review of this participation strategy as discussed in Part 6 of this section (pages 145-147).

Forestry Landowners With Less than 1000 Acres (Voluntary Category). According to Wisconsin's 1996 Forest Inventory, forest land comprises about 46 percent (15.9 million acres) of land cover in Wisconsin. Of that land, about 57 percent is privately owned, 30 percent is government-owned, seven percent is forest industry-owned, four percent is owned by private corporations and two percent is tribal land.

Based upon 1993 information, the owners of the forest land number about 245,000 individuals, corporate and government entities. About 230,000 individuals, in combination, own more than 7,560,000 acres. Of those individuals, about 213,000 own less than 100 acres of land each, with more than 78,000 individual owners owning less than 10 acres of land. No more than 200 corporate owners (including the forest industry) own more than 1000 acres of forest land apiece, totalling close to 2,000,000 acres of forest land throughout the State. A Karner blue butterfly conservation plan focusing on all forest land owners in the State is not realistic in that it would be impossible to negotiate partnership agreements with over 200,000 small landowners. Also, attempting to include all individual land owners is far from an efficient use of scarce resources because: (1) such small landowners have little, if any, flexibility to address conservation management; and (2) these owners may be reached and encouraged to participate through established communication channels and programs, such as the DNR's private forestry and forest tax programs.

Many of the forest land owners in the state, private and corporate, have entered their land under the DNR's forest tax law management programs (Forest Crop, Woodland Tax, Managed Forest Land programs). These forest management programs require that the owner agrees to forest management and oversight consistent with a forest management plan, or schedule, developed or approved by the DNR in return for a property tax benefit. Many of these plans already address unique resources, including endangered or threatened resources. Therefore, DNR foresters providing advice and oversight to forest tax landowners, can and have included advice or assistance regarding the Karner blue butterfly and its habitat.

In the counties comprising the Karner blue butterfly high potential range, approximately 31 large landowners (in excess of 1000 acres of forest land) own a total of about 1,152,000 acres. The HCP partners involved in the strategy are included among these 31 large landowners. Focusing a plan involving formal partnership arrangements with these large landowners will affect Karner blue butterfly conservation on large contiguous tracts of land which will better provide landscape benefits for this species. The smaller landowners with forest lands under the forest tax programs will continue to be subject to DNR oversight and communications. An excellent example of regular communications is through two forest tax newsletters published annually.

In addition, forest landowners with land entered under the forest tax programs and others, receive information from the Wisconsin Woodland Owners Association (an HCP participant), four of the forest industry partners (through their Tree Farm Family and forestry assistance programs) and the DNR's private forestry stewardship program (that is not linked to the forest tax programs). Since at least 1993, The Wisconsin DATCP has been broadly communicating Karner blue butterfly information to the agriculture community and professional resource agencies through their Endangered Species Program. The Wisconsin DATCP has been promoting Karner blue butterfly conservation along with pesticide use guidance. The DNR cooperates with three U.S.D.A. agencies on delivery of service to non-industrial private forest owners: Forest Service - State and Private Forestry; Natural Resources Conservation Service; and Farm Service Agency. Related programs and services provided are outlined in Table 2.18 (page 137).

Table 2.18 [U.S.D.A. Agency Programs and Services](#) ⁶

USDA Agencies	Programs and Services
Forest Service	<ul style="list-style-type: none"> • funding • training • technical support • resource inventories • Forestry Stewardship Program (FSP) • Stewardship Incentives Program (SIP)
Natural Resources Conservation Service (NRCS)	<ul style="list-style-type: none"> • Conservation Technical Assistance • HEL (highly erodible land) & Swampbuster (wetland) provisions of the 1985 Food Security Act (As amended by the Food, Agriculture, Conservation and Trade Act of 1990 (16 U.S.C. 3801 <i>et seq.</i>)) • Federal Conservation and Trade Act of • Clean Water Act (sect. 404 wetlands • Wetlands Reserve Program • Wildlife Habitat Incentives Program • Environmental Quality Incentives Program • Forestry Incentives Program <p>Also, technical assistance regarding the FSA programs listed below.</p>
Farm Service Agency (FSA)	<ul style="list-style-type: none"> • Conservation Reserve Program

Experience in the DNR's Bureau of Endangered Resources voluntary landowner contact program and related DNR forestry programs, demonstrates that small forest landowners, as well as others, will provide Karner blue butterfly conservation on a voluntary basis that will surpass what might

be reasonably expected in other endeavors. For example, the DNR's endangered resources landowner contact program has experienced outstanding results. Over the course of the program, 185 private landowners have either voluntarily signed memoranda of understanding (MOUs) to protect individual species or rare habitats or cooperated on endangered resources surveys. Of these 185 MOUs, 69 were negotiated in 1997 alone, and 19 were signed specifically to protect Karner blue butterfly sites. In addition to the strong conservation plan of the HCP partners, this HCP can and must reasonably depend on voluntary participation to address conservation on a statewide basis.

Agricultural Community (Voluntary Category). The inclusion of the agricultural community in the voluntary non-partner participation category is based on the experience and knowledge of Karner blue butterfly habitat requirements, historic Karner blue butterfly element occurrences and the location of significant population areas. Most agricultural operations do not appear to support habitat for the Karner blue butterfly or present a threat to the continued existence or recovery of the Karner blue butterfly in Wisconsin. For the purpose of this strategy and exception "Agricultural lands, activities or use", shall have a similar meaning as that provided in s. 91.01(1), *Wis. Stats.*, which describes agricultural use to mean:

... beekeeping, commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest (except "commercial forest" as defined above) and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; participating in the milk production termination program under 7 USC 1446(d); and vegetable raising.

The unfamiliarity of landowners with the species, its presence, or its habitat needs presents the primary obstacle to its conservation within the agricultural community. Fortunately, the agricultural community has shown the initiative to assist in the implementation of the outreach, education and assistance plan. Their participation, in turn, has helped to shape the development of the plan.

Although agricultural agencies at the federal, state and county levels will be involved in this program, the Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) will be the principal partner, through a memorandum of understanding with the DNR, orchestrating the efforts of the agricultural community. The DATCP has committed to working on request with the various growers organizations, as well as the owners and users of agricultural land, to assist in the implementation of the outreach, education and assistance program. The DATCP, with input from agricultural businesses and growers groups, has produced recommendations for protecting Karner blue butterflies from mechanical and chemical injury on

agricultural lands. These recommendations are part of the educational materials the DATCP is providing these groups to distribute to their members and clients. Where the DATCP works with individuals to develop a management plan, plans and affected sites will be periodically examined for workability and habitat health or butterfly occupancy.

Non-subdivision Residential Development (Voluntary Category). Another activity exempted from the requirement of obtaining a Certificate of Inclusion is small scale residential development. Landowners or persons building a permanent or seasonal home with associated structures, such as a garage or driveway, are not considered a threat to the continued existence of the Karner blue butterfly or its recovery.

Voluntary participation in conservation efforts, however, will be encouraged through outreach, education and assistance. Through this strategy, the partnership is confident that it will gain the cooperation of many non-partner landowners.

Outreach and Education (Voluntary Category). As a nonregulatory approach, substantial public outreach, education and assistance programs will be included to foster partnerships and encourage conservation efforts on a voluntary basis. At a minimum, partner efforts will include:

- ☞ Partner public outreach, information and technical assistance. This will include efforts such as state agency support; county forest personnel assistance; timber industry tree farm programs; The Nature Conservancy assistance; utility contacts and education programs; as well as others;
- ☞ Personal landowner or land user contacts by the DNR or other partners or participants;
- ☞ Participation efforts including meetings, workshops, publications and assistance from groups and persons including the Sierra Club, Audubon Society and Wisconsin Woodland Owners Association;
- ☞ Other private lands programs offered or conducted by federal, state and local agencies, including the USFWS and DNR private lands and assistance programs;
- ☞ Publication and meeting support by various governmental associations and organizations, including the Wisconsin Towns Association; and
- ☞ Preparation of informational materials, such as brochures, videos and news releases, by the partnership and the federal or state agencies promoting conservation.

The partners intend this education and outreach program to be user friendly, non-threatening and successful. Accordingly, the DNR intends to work with local and county planning agencies to establish what development is currently planned. With the hope of some implementation at the county level, it is also expected that University of Wisconsin-Extension agents, as well as other governmental representatives working with landowners, will aid in disseminating information and creating cooperative relationships with landowners.

In order to encourage cooperation in this conservation strategy, landowners and land users in the voluntary participation category must be given assurances that engaging in conservation efforts will not be disadvantageous. It is essential that landowners and land users be guaranteed that participation in conservation efforts will not result in restrictions due to the presence of the Karner blue butterfly. In other HCPs, the USFWS has approved "safe-harbor" agreements to grant similar assurances to landowners. As a statewide endeavor, a detailed inventory and individual agreements are impractical. Therefore, persons in this category have assurances within the ITP for a period through (and beyond its duration, if the ITP is renewed) that there will be no restrictions on incidental take nor on the use of the land with regard to the Karner blue butterfly. Otherwise, a landowner may be reluctant to engage in conservation efforts.

Recognition and review is also intended to be a component of this plan. In order to provide greater incentive for furthering conservation of the Karner blue butterfly, the development of a landowner and land user recognition program is anticipated; such a program would be contingent on the availability of funds. Regardless, it is prudent to ensure the establishment of a review process evaluating the effectiveness of the public outreach strategy. With a focus on voluntary support, periodic evaluation will allow for the outreach strategy to be consistent with the adaptive approach of the HCP.

4. Outreach, Education and Assistance

The Outreach, Education and Assistance Strategy is key to the effectiveness of the voluntary, non-partner segment of this conservation effort. This strategy focuses on areas with known significant populations of Karner blue butterflies. As goals in these areas are realized, the scope of efforts will extend to areas throughout Wisconsin. The areas will be emphasized in order of importance, which are "significant butterfly population areas," then "areas of conservation emphasis," then "high potential area," and, finally, the "remainder of the state."

Significant Population Areas. Significant population areas are located in the eleven counties indicated in Figure 2.11 (page 131). Since these are the areas where the core population exists, intensive outreach and education activities, including personal contacts, will be focused here. The participation strategy will include the following:

- ☞ Landowner and land user conservation activities. Only landowners and land users that have made such a commitment will be required to engage in conservation/recovery efforts. All landowners will be encouraged to participate in conservation/recovery efforts on a voluntary basis.

- ☞ Outreach activities. Landowners with potential to contribute to the Karner blue

conservation effort will be personally contacted by a representative of the DNR or a partner to encourage participation in conservation or recovery efforts. The voluntary group of landowners and users have no obligation to engage in such efforts, nor to obtain permission to incidentally take the Karner blue butterfly when engaging in otherwise lawful activities, unless they are among those requiring a Certificate of Inclusion, as previously mentioned.

- ☞ Land acquisition for recovery or long term maintenance. Based on the availability of funds, the DNR or other partners will consider acquiring land from voluntary sellers in areas suitable for application of management practices and recovery purposes.
- ☞ Land acquisition for conservation activities. The DNR and other partners may acquire land from voluntary sellers for conservation purposes, including the possibility of its use for a mitigation or mitigation banking strategy.
- ☞ Forest management. Forest management will be tracked through the forest tax programs, forest stewardship plans and private forestry and tree planting programs. Landowners and land users offering Karner blue butterfly conservation opportunities through forest management will be encouraged to participate in conservation consistent with the programs and management plans, as well as any relevant amendments.

Areas of Conservation Emphasis. Areas of Conservation Emphasis are located in the fourteen counties indicated in Figure 2.11 (page 131), surrounding those areas identified as significant population areas. These areas are important to Karner blue butterfly conservation because they have large populations, large numbers of occurrences and large areas of public land available for long-term management and protection.

The DNR and other partners will contact by mail, owners of land with the potential to contribute to the conservation effort. Information and assistance will be provided, and landowners will be encouraged to participate in conservation efforts.

Apart from those in the categories identified as requiring a Certificate of Inclusion, landowners with the potential to contribute to the conservation effort include those who own or use the lands that are:

- ☞ abandoned or older rights-of-way or trails;
- ☞ adjacent to or have been in agricultural use;
- ☞ recreational lands and facilities with potential for habitat restoration or maintenance; or
- ☞ in forest management.

Lands that may potentially contribute to the conservation effort, such as those with the appropriate soils and management regimes, will be identified by consulting with the appropriate agencies and organizations, reviewing county records and examining available maps, photos and soil surveys. Workshops on conservation techniques will be conducted for the affected counties, possibly through the assistance of partners, participants or governmental agencies.

High Potential Area. The high potential range, as indicated in Figure 2.9 (page 54), covers an even larger range. Like the first two, this category maintains a geographical focus. It is defined by the qualities necessary to have a high potential for Karner blue butterfly habitat and concentrates on lands and activities affecting the long-term existence of the species. These are forest lands, treated similar to the previous categories, and other landowners and land users in the area.

Landowners and land users within this geographical focus will be subject to the outreach and education program designed to encourage conservation and provide information on plan requirements. Information will be distributed through the assistance of partners, participants and local governmental agencies. Technical assistance, when available, will also be offered. The partnership anticipates that associated organizations will be involved in such efforts. The DNR and the partners will target areas with known occurrences or a high potential for continued populations for focused landowner contact and participation.

Remainder of the State. After the specific geographic areas of focus have been addressed, the landowners and land users in the remainder of the state will be included in this public outreach effort. Landowners and land users in the remainder of the state are not required to obtain Certificates of Inclusion for incidental take of Karner blue butterflies, regardless of their land management practices.

5. Initial Education, Outreach and Assistance Efforts

A broad initial awareness campaign will be implemented and targeted toward all landowners and land users in the high potential range of the Karner blue butterfly in Wisconsin.

The objectives of this effort will be to:

- ☞ educate landowners, land users and others about the unique circumstances of Karner blue butterflies and landowners in Wisconsin;
- ☞ identify those who would engage in conservation activities for the Karner blue butterfly, whether voluntary or non-voluntary;
- ☞ offer the opportunity to become involved in this unique conservation effort to those who are willing; and

- ☞ seek to develop cooperative conservation alliances as described elsewhere in this section.

A general outreach campaign will be further defined and initiated within one year of issuance of an ITP. Attempts will be made to initiate this campaign prior to and in anticipation of the subsequent full field season. Specialized outreach designed by partners (e.g., DATCP efforts targeted at the agriculture community) is described along with any corresponding time commitments outlined in conservation agreements. The following section describes a review component for the participation strategy. Following this analysis, additional general or specialized awareness campaigns, outreach and education programs, or assistance efforts will be added if determined by the DNR, the USFWS and the IOC to be necessary and cost-effective. Educational efforts and recruitment will continue throughout the ITP period, as long as they are warranted.

Although outreach will be intended to reach any and all parties with the potential to become involved in Karner blue butterfly conservation, geographical areas associated with the greatest potential will be given greater outreach emphasis. For example, broad general efforts will be made statewide, greater effort will be made in the high potential range, even greater individualized outreach to those in the areas of conservation emphasis and significant population areas. This is described in greater detail in the previous section (pages 140-142). Likewise, certain groups of landowners and land users whose activities, along with their location, pose greater opportunities for impacts (positive or negative) to Karner blue butterflies, will be singled out and will be made aware of the statewide HCP effort; groups like county and town highway departments, other ROW and corridor groups (e.g., railroad, utility, power, pipeline and communication companies), as well as commercial and private forest owners and operators will be specifically identified and made aware of the Karner blue butterfly's circumstances and the opportunities through mechanisms described elsewhere in this section.

Efforts Prior to Application. Several partners were actively involved in education and outreach activities during the development of the HCP. Some of these activities include:

- ☞ HCP/EIS Scoping meetings (held in three cities in the Wisconsin range of the Karner blue butterfly): June 27-29, 1995
- ☞ Wisconsin Woodland Owners Association annual meeting (informational slide show/presentation); follow up article in *Woodland Management*: Fall 1994
- ☞ Northern States Power Company work with Altoona Schools and Beaver Creek Preserve (middle school student research projects): 1995-present
- ☞ Wisconsin County Highway Association annual conference (informational slide show/presentation to highway commissioners): Fall 1996
- ☞ County Highway Regional meetings (five slide shows/presentations): Fall 1996
- ☞ Wisconsin Association of Land Conservation Employees (staffed Karner blue butterfly HCP display): Feb. 20, 1996

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- ☞ Milwaukee Sentinel Sports Show (staffed endangered resources display): Mar. 1996
 - ☞ Outdoor Wisconsin (special segment on Wisconsin Public Television): Spring 1996
 - ☞ Wisconsin Towns Association (informational slide show/presentation): Oct. 15, 1996
 - ☞ Land Conservation Association annual conference (staffed Karner blue butterfly HCP display): Dec. 4-5, 1996
 - ☞ Wisconsin DATCP (informational contacts with grower groups and agricultural businesses): 1996
 - ☞ Wisconsin DATCP (update in *Cooperative Pest Bulletin*): 1996
 - ☞ University of Wisconsin Arboretum Association (informational slide show/ presentation): Winter 1997
 - ☞ Burnett County Board meeting (informational slide show/presentation): Jan. 23, 1997
 - ☞ Congressional briefing and HCP update to upper level USFWS administrators, Washington, DC: May 12, 1997
 - ☞ Farm Progress Days (staffed Karner blue butterfly HCP display): July 1997, September 1998
 - ☞ Lake States Forestry Alliance, National Rural Partnership Development Conference (partnership workshop presentation): Aug. 26, 1997
 - ☞ Wisconsin DATCP (development of pesticide recommendations and agricultural guidelines with growers groups and agricultural businesses): 1996-1997
 - ☞ Wisconsin DATCP (distribution of information to Wisconsin Potato and Vegetable Growers Association, Wisconsin State Cranberry Producers, Wisconsin Christmas Tree Producers, Wisconsin Pork Producers): 1994-1997
 - ☞ Northern States Power (produced and distributed Karner blue butterfly brochure): 1996
 - ☞ Wisconsin Power & Light Company (produced and distributed Karner blue butterfly brochure): Spring 1997
 - ☞ Wisconsin DATCP (participation in "Fertilizer, Agrilime and Pest Control" conference)
 - ☞ International Papers, Thilmany Division (produced and made available a Karner blue butterfly HCP video): Spring 1998
 - ☞ Numerous newsletters and initial press releases have carried information about the Karner blue butterfly and the Wisconsin statewide HCP: DNR, Trees For Tomorrow, Wisconsin Towns Association, Wisconsin Paper Council and others.
 - ☞ Numerous interviews by press, TV and radio talk shows

Cooperative Partnerships. The DNR and the partners will establish working relationships with, and cooperatively develop mechanisms for public outreach and education, notification and an application process for permit coverage with the cooperation of land conservation district agents, county extension agents, DNR area offices and customer service centers, and other willing cooperators throughout the counties in the high potential range. These partnerships will be initiated within the first year following issuance of an ITP, and will continue throughout the

permit period as additional opportunities present themselves.

Update of Existing Information Materials and Development of New Materials. All existing outreach and education materials will be matched to their targeted audiences, updated as appropriate, and made available for use in this strategy within six months of the issuance of an ITP. New materials will be developed for specific audiences and presentations by the partners, the IOC, the DNR, and with consideration of the presentation needs of the cooperators mentioned above. New materials needed for the initial awareness campaign will be developed in a timely fashion.

Karner Blue Butterfly Specimens. If dead Karner blue butterflies are found, up to 20 individual specimens may be retained by the DNR for educational purposes. Only specimens found dead and collected by the DNR and other HCP partners will be retained. All specimens collected by the partners will be forwarded to the DNR. The collection will be cataloged and maintained specifically by the HCP Coordinator. Specimens may be on educational loan for displays at HCP outreach and education activities, DNR service centers, or other appropriate educational opportunities consistent with the HCP, Implementing Agreement, conservation agreements and ITP. All specimens will be retained within the State of Wisconsin. If more than 20 specimens should be collected, the specimens will be deposited in USFWS approved curated collections in Wisconsin (open to the public). Any changes to the provisions of the collection and use of these specimens are subject to USFWS approval.

Resource Library. A resource library will be established for existing Karner blue butterfly and Wisconsin statewide HCP informational and instructional materials. This effort was initiated in July 1997 and is being lead by the Wisconsin Woodland Owners Association and the DATCP. This program will be in place as a repository for use in implementing the outreach, education and assistance strategy within one year of issuance of an ITP.

6. Review Component

The review component of the Participation Plan is designed to assure effectiveness and adaptivity of the partners' efforts to involve other landowners. The review, it is anticipated, will include consideration and analysis of:

- ☞ the activities and conservation efforts of the partners. Based on information provided in their conservation agreements and required reporting, monitoring, or auditing, the impacts of current activities on the Karner blue butterfly or its habitat will be assessed;
- ☞ the activities and conservation efforts of the recipients of Certificates of Inclusion. Based

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- on information obtained through the application process and required reporting, monitoring, or auditing, the impacts of current activities on the Karner blue butterfly or its habitat will be assessed;
- ☞ information from other landowners and land users regarding the Karner blue butterfly and its habitat;
 - ☞ information from federal agencies regarding the Karner blue butterfly and its habitat. Such sources would include agencies of the U.S. Department of Agriculture, such as the Natural Resources Conservation Service, and the USFWS;
 - ☞ information from state agencies regarding the Karner blue butterfly and its habitat. Such sources would include the Wisconsin DATCP, the Wisconsin DOT, the DNR and the University of Wisconsin-Extension;
 - ☞ information from county agencies regarding the Karner blue butterfly and its habitat. Such sources would include land conservation departments, planning departments and county forests.
 - ☞ information from nonprofit or conservation organizations regarding the Karner blue butterfly and its habitat. Such sources would include the Wisconsin Woodland Owners Association, the Sierra Club and the Audubon Society;
 - ☞ the public outreach and assistance program conducted by the DNR and the partnership;
 - ☞ any other information that may be relevant to the analysis, including:
 - an analysis of whether the activities or conservation efforts under this program jeopardize the likelihood of recovery of the Karner blue butterfly in Wisconsin;
 - the opinions of organizations, participants, partners and federal, state, county and local agencies on the effectiveness of the conservation program; and
 - the opinions of the public, through appropriate processes, on the success of the conservation program.

DNR experts, the IOC and other consultants will review the data, with regard to the recommendations of the partnership and the USFWS. This approach must be recognized as qualitative; a quantitative approach, such as the number of acres of Karner blue butterfly habitat, may be meaningless. Location, populations, maintenance regimes available, willingness of landowners to affirmatively manage for the species, and other elements, must be considered. A county level approach, with cooperation of state and county conservation, agriculture and planning agencies, may be the most effective level for analysis because of the scale and the amount of information available.

If, upon completion of its review, the DNR determines that conservation or participation practices require modification, the conservation program may be altered.

1. Based on the recommendations of DNR experts and the IOC, permissible activities and management strategies should be adopted or modified as part of the inclusion as a partner

or Certificate of Inclusion process.

2. The Participation Plan should be modified, as necessary, to minimize or halt demonstrated adverse effects on the Karner blue butterfly and its habitat. Modifications may include a shift for some landowners and land users from a voluntary effort to a more traditional regulatory approach. The modification need not be a carte blanche change in the total "voluntary" category or treatment of those in it. Modifications should focus on those areas of the participation plan that have demonstrated significant adverse impacts to the conservation program and its goal of assuring the continuation of the species.

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3. If needed, the DNR and IOC will request amendments to the ITP. Such changes will be published to inform landowners and land users and will not be considered retroactive.

The review will be conducted in the fourth year following issuance of the ITP (e.g., ITP issued March 1, 1999; review started March 1, 2002). Notice of the review will be provided to news media in the state and those known to be interested in the conservation program. At the time of the formal review, the DNR may include in its analysis any expertise or resource considered necessary to completely conduct its review.

7. Related Conservation Efforts

Lupine and Nectaring Plant Seed Coordination. The DNR, in cooperation with other HCP partners and participants, will coordinate a lupine and nectaring plant seed gathering program for use in the conservation effort. The DNR is willing to provide training in seed harvesting and cleaning as part of its other assistance programs. The DNR will also provide seed for land conservation efforts. The DNR will coordinate efforts to help assure seed is available for others who choose to use seeding as part of their enhancement efforts.

8. Federal Karner Blue Butterfly Recovery Efforts

The ESA requires the USFWS to develop recovery plans for species listed as endangered or threatened, unless the Secretary of the Interior finds that such a plan will not promote the species conservation. The goal of recovery planning is to establish recovery goals, guidelines and funding priorities for restoring imperiled populations to viable levels into the indefinite future. The goal of the recovery plan is to establish viable populations of the Karner blue butterfly across its U.S. range so that it may be reclassified as federally threatened and/or completely delisted.

In 1994, the USFWS appointed a federal recovery team for the Karner blue butterfly, which at the time of this writing has produced a working draft recovery plan for the butterfly (USFWS 1997). Representatives of three Wisconsin Karner Blue Butterfly HCP partners participated in development of the draft recovery plan: the DNR, Consolidated Papers, Inc. and Georgia-Pacific Corporation.

HCP Partners Involved in Recovery. Two Wisconsin HCP Partners, the DNR and The Nature Conservancy, fully intend to participate in federal recovery efforts, as funding allows. In addition, Jackson and Eau Claire county forests (also HCP Partners), will consider participating in recovery, pending approval by their respective county boards. Any proposed changes in management practices on public lands will, of course, be subject to public review, approval through the DNR property master planning and County Forest 10-year planning processes, and

available funding.

Federal Properties Involved in Recovery. In addition to the conservation and recovery efforts planned on partner lands, substantial recovery efforts will occur on several federally-owned properties in Wisconsin. The following federal properties, although not HCP partners, will contribute very significantly to the long-term viability of some of Wisconsin's best Karner blue butterfly populations:

- ☞ Fort McCoy Military Reservation (Monroe County)
- ☞ Necedah National Wildlife Refuge (Juneau County)
- ☞ Meadow Valley Wildlife Area (Juneau County - leased by the DNR)
- ☞ Air National Guard Hardwood Gunnery Range (Juneau County)

Recovery Goals for Wisconsin. The working draft recovery plan (USFWS 1997) for the Karner blue butterfly recommends goals for the number of viable populations and large viable populations determined necessary for reclassifying and delisting the butterfly. In Wisconsin, five recovery units are identified, based largely on ecological region boundaries. The plan recommends a total of 13-14 viable and/or large viable populations be established across Wisconsin prior to reclassification and 15-17 viable and/or large viable populations prior to delisting. All but two properties included in viable population areas are public properties. The remaining two privately owned sites have been committed by the landowners -- one of which is the Nature Conservancy, an HCP partner -- who wish to contribute to recovery and have volunteered conservation efforts.

Table 2.19 (page 150) lists those minimum viable and large viable populations needed per recovery unit for reclassifying and delisting of the Karner blue butterfly. Also given are names of the properties targeted for formal establishment of each of these viable populations. While the majority of the recovery actions will take place on the properties noted, other public and private landowners may contribute to recovery in these areas. Readers are referred to the working draft Federal Recovery Plan (USFWS 1997) for details and a map illustrating these recovery units.

Under the current ESA, delisting of the Karner blue butterfly in Wisconsin will require attainment of viable population goals across the butterfly's entire range in the U.S. In the eastern United States, attainment of these goals will require more effort than in Wisconsin, although the recovery goals for the eastern states are not as high. The recovery strategy reflects a recognition of the fact that Wisconsin and Michigan support the best remaining populations and have the greatest potential for long-term viability.

Table 2.20 (page 150) shows which HCP partners wish to participate in recovery and lists acreages that will be committed to recovery per property, provided these landowners have adequate funding and necessary approvals by their governing bodies and the public. Table 2.21 (page 151) identifies specific DNR properties that will be involved in recovery efforts.

Implementation of this HCP will also contribute to achieving several other federal recovery goals identified in the Karner Blue Butterfly Working Draft Recovery Plan (USFWS 1997). These tasks include the development and distribution of educational and outreach materials, development of recovery implementation plans for partner properties voluntarily involved in recovery efforts, development of management guidelines (e.g., see Appendix F) and the collection of critical ecological data on the Karner blue butterfly and its habitat.

Table 2.19 Viable and Large Viable Population Goals for Recovery

Recovery Units	Recovery Goals	
	Reclassification	Delisting
Morainal Sands	1 large viable population	2 large viable populations, or 2 viable populations and 1 large viable population
Glacial Lake Wisconsin	2 viable populations and 2 large viable populations	2 large viable populations and 2 viable populations west of the Wisconsin River and 1 viable population east of the Wisconsin River
West Central Driftless Area	1 viable populations and 3 large viable populations	1 viable population and 3 large viable populations
Wisconsin Escarpment	1 viable population	1 large viable population
Superior Outwash	2 viable populations or 1 large viable population ⁷	2 viable populations or 1 large viable population

Table 2.20 HCP Partner Acreage Commitments to Recovery

Partner	Acreages Committed to Recovery
DNR	21,665
The Nature Conservancy	1,150
Eau Claire County Forest	To be Determined
Jackson County Forest	170
Total	To be Determined

Table 2.21 DNR Lands and Acreages Committed to Recovery

Property	Acreages			
	Management to Enhance			Total
	Long-term Habitat	Shifting Mosaic	Corridors	
Black River State Forest	200	3,000		3,200
Crex Meadows and Fish Lake Wildlife Areas	7,700	2,300		10,000
Meadow Valley, Sandhill and Wood County Wildlife Areas	850	2,150		3,000
Greenwood Wildlife Area	1,437			1,437
White River Marsh Wildlife Area	4,000			4,000
Emmons Creek Fisheries Area	15		3	18
Hartman Creek State Park	10			10
Total	14,212	7,450	3	21,665

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