

**Karner Blue HCP
Implementation Oversight Committee (IOC) Meeting
December 7, 2006
9:30 a.m. -2:30 p.m.
American Transmission Company
2 Fen Oak Ct, Madison**

Minutes

Members Present: Dave Lentz, Bob Hess, Joel Aanensen, Matt Krumenauer, Ursula Petersen, Gary Birch, Jim Heap, Steve Richter (a.m. only), Joe Henry (recorder)
Guests present: Cathy Carnes, Ted Sickley

1. Anti-Trust Statement

Dave opened the meeting at 9:34 a.m. by reading the anti-trust statement.

2. Approve minutes from 10-24-06

The minutes were reviewed from the 10-24-06 meeting; Joel moved to accept the minutes as printed; this was seconded by Gary Birch; all were in favor.

3. Review action items from previous meetings (see next page)

Karner Blue HCP - IOC Meeting held October 24, 2006

Action Items:

- Reporting Incidental Take

Action Item: Dave asked for each IOC representative to give an example of an area where intense management occurred that still support Kbb's.

Progress: No KBB examples were given.

New Action Item: Dave asked that examples be sent to him by the end of business 12/12.

Action Item: What is the definition of take that we will be using to define PT not short- term take?

Progress update: No progress.

- Proposed amendment to HCP/ITP to allow DNR to do audits on DNR lands (rather than FWS as it currently states).

Dave felt that the ITP & HCP are currently not completely accurate. DNR (Dave) audits partners including DNR properties. This is the Service's role in the documentation. The Service oversees the process and attends some audits to confirm the process. To make the documentation correct, Dave suggested amending them. In response to the published IOC agenda, Scott Swengel commented that he "*think(s) it is a bad precedent to have the DNR audit state-owned properties because it could look to outsiders like a conflict of interest.*" We agreed that the perception is logical. Jimmy commented that Scott's concern should be asked of the Service, not the DNR.

Action Item: Dave will put the question to the Service if an amendment to clarify that DNR can audit DNR properties should be proposed or not.

Cathy said the Service was comfortable with DNR performing audits of DNR properties.

New Action Item: Dave will draft a proposed amendment. *Post meeting suggestion from Cathy Carnes:* Instead of making this an amendment, just agree to a changed audit protocol (per the IA page 10, Provision 11.1 b(14)). This saves us from doing an amendment which requires WDNR to identify all clauses in the HCP to amend and then get approval from IOC to make the changes.

WDNR could request the change of the Service via letter or email with rationale and Service could reply in kind. Dave agrees and will follow up.

- **HCP Winter Meeting 2007 – Schedule and Plan Review dates.**

Action Item: Joe to send out placeholder memo to the widest HCP distribution list and reserve a location for the event. DONE

Previous Actions Items FOR TODAY'S AGENDA ITEM #4

Update High Probability Range Map. (KBB Probability Model)

How should model be applied to HCP implementation?

IOC developed a draft table identifying roles and activities and reporting responsibilities for partners in the various geographic and Kbb probability areas across the Kbb High Potential Range. The table is draft and needs additional work.

Action Item: Dave to flesh out table to include NNLOH indicator criteria in addition to activities and reporting responsibilities. Distribute next draft to IOC members for comments.

Table emailed to IOC and presented at meeting. This table will continue to be fine tuned.

New Action Item: All IOC members to review and consider applications in light of the discussions at 12/7 IOC meeting; email comments and questions to Dave by 12/12/07.

Previous Action Item FOR TODAY'S AGENDA ITEM #5

Guideline Repackaging and Improvement Team (GRIT)

Action item: Joe to send out draft “users manual” template and any protocols revised since the last IOC review. DONE

- Timber Harvest (draft) protocol updates

Action Item: Bob is currently redrafting a revision to the protocol to delete “over snow-covered, frozen ground”, and which will emphasize avoidance should be attempted to the greatest extent practicable no matter what the ground condition. Note: There was some discussion re: adding invasive plant control recommendations to the management guidelines and eliminating it from the protocols.

New Action Item: Joe to look at Protocols and Guidelines to see if this information has been incorporated.

New Action Item: Joe to re-include web-version caveat to protocols and guidelines as appropriate.

4. Define a Regulatory Boundary to replace HPR related to High Probability Range Map. (KBB Probability Model)

(See attached process and steps: file name: *\Regulatory Range dev process.doc*)

Matt commented that there was agreement at the six month HCP review meeting to accept the proposed high probability model as the new Kbb range. This range will be used to determine where partners will perform regulatory requirements under the permit and where regulated, non-partners will be accountable under the ESA to get permit authority (become a partner).

This agreement is that the high probability range for regulatory purposes will now include all Kbb element occurrences and the lands in the 50-100 % probability classes within a 10 mile radius of these occurrences. It will not include lands outside of this area.

The task of the IOC in this agenda item is to brainstorm ideas that can be put into action to define this boundary for practical application to aid partners in knowing where to apply the HCP on their lands.

This will also be used to practically determine if and where non-partners in the non-voluntary (regulated) strategy need to acquire permit authority for incidental take.

Discussion on the 10-mile buffer

This issue came up at more than one time during the meeting. For clarity the discussions are gathered together here:

Gary asked what would happen if the buffer range was reduced from 10 to 5 miles? Would we still be on the conservative side so that we can really concentrate where Kbb's are? Dave suggested that if we consider dropping it any further we should consider expanding the biological recovery zones to include more private lands. It is a matter of dropping emphasis in one area but to make it up in another, perhaps more appropriate location. Ursula asked what 10 miles really means because there seems to be a lot of areas included that do not have any Kbb occurrences?

Dave asked Cathy if the FWS would be comfortable with a 5 mile buffer given that the known Kbb dispersal distance is <2 miles (and generally accepted to half that or less). Cathy indicated that the FWS would be open to considering it but they are more comfortable with 10 miles for now. When more knowledge is gained the buffer can be changed (adaptive management). It will be easier to reduce the buffer later than to increase it later.

Process for redefining the regulatory boundary:

There are two parts to this:

- (1) How will partners' responsibilities be different and the same within and outside of the new boundary?
- (2) How can the boundary best be described so partners are able to determine where their land is inside the new boundary?

(1) HCP Responsibilities:

Dave briefly discussed what the regulatory efforts and commitments of partners would likely be in light of the proposed high probability range. A table was presented that demonstrated what the proposed commitments might be and where they would be required. Essentially, all required activities under the ITP and HCP will still be done. The only real change is that the HPR boundary will be moved inward, consistent with the high probability classes of the model, thus reducing the area affected by regulatory oversight.

Cathy offered that the new approach to conservation (Ted's model) should include a summary of what conservation activities would be gained/lost with this new approach and a list of goals and objectives. Dave asked the committee if they would do anything less toward Kbb conservation. Joel offered that the only thing that it would change for Plum Creek would be the number of surveys that they are required to do. Dave suggested that it might change where roadside mowing is done by Limited Partners, since most don't have Kbb's they might mow low probability areas during the growing season instead of in the fall. Matt offered that for ATC, all of their lands have been surveyed and all occupied sites are captured in the blue range on the map so very little if anything would change for them. Cathy stated that it sounds like that the conservation efforts of the partnership will not change if their land falls within the blue part of the range map. Dave agreed that this is true. Conservation is not being lost in areas that are being excluded. These areas will still benefit from disturbance management by the partners; the only difference will be a reduction in geographic area i.e. lands subject to regulatory oversight.

(2) How can the boundary best be described for practical application?

Matt and Jim generally follow county lines as a means of knowing where to stop their monitoring/management areas. Joel indicated that Plum Creek overlays their forest stand layers

(GIS) on top of the high potential range map so they can pinpoint it exactly. Bob indicated that many County Forests have or can get the same capability that Plum Creek uses. Gary indicated that DOT uses the current HPR line.

After much discussion the following criteria for creating the regulatory boundary were agreed upon:

- Expand (intersect) 500m pixels with nearest ¼ sections (any ¼ that touches pixel is becomes blue, i.e. is included)
- For the time being apply the same 10 mile buffer around all known Kbb occurrences.
- Delete the original HPR boundary line and redefine to the above criteria.

Dave asked if the committee was okay with using ¼ sections to define the regulatory boundary.

Decision: The IOC members and Cathy all agreed that using ¼ sections were an acceptable means of describing this boundary.

Dave summarized the mornings conversations by recapping that the new regulatory map (HPR) will be developed using all of the blue (all EOs with a 10-mile buffer around known occurrences), and will further extend out to the nearest 1/4 section. Dave also suggested adding the 5 recovery unit boundary lines to the map as this would be very beneficial to DNR to relate the high probability lands in the recovery context. It will also help all partners to visualize recovery in relationship to their own lands as this is the real prize we all seek. It was agreed that the recovery units will be added to the map.

Action Item: Cathy to send Dave a shape file of the recovery units.

Action Item: Dave to request that Ted Sickley makes the above changes to the map.

Some high probability land was identified outside the original High Potential Range (HPR). Partners may not have included lands under the permit in these areas. This involves less than 1% of the land in the HPR.

Action item: Dave to notify partners of the expanded land outside of the current HPR. Partners will need to identify lands that they want included in the permit in these areas and notify the DNR to assure coverage under the ITP.

Decision/agreement: The new “regulatory range” will still be called the **High Potential Range (HPR)**. All the same HCP and ESA implications are the same; the only change is the geographical range is being reduced as a result of adaptive management. The new HPR includes high probability classes equal to and greater than 50% and all known Kbb occurrences plus high probability land within a 10 mile radius of the occurrence. This accommodates and is equivalent to the documented range (DR), therefore making a separate DR boundary redundant and not necessary. This represents a biological probability range in WI and is sufficiently conservative with the inclusion of the ¼ section and 10-mile buffers to satisfy the need for a regulatory boundary.

Partner entity groups will be able to apply the new HPR directly with GIS, or by overlaying the ¼ section information on their ownerships. It was understood that no other boundary lines were needed on the map to assist partners in identifying the HPR on their lands.

Action Item: Dave to ask Ted to extend absence data to the tan portions of the model along with bar charts and/or other information and dialog in his “report” to the Service that provides justification for the elimination of the tan areas from the new HPR (regulatory range).

The committee and Cathy commended Ted on his work and commitment to helping the partnership apply adaptive management

5. Guidelines, Protocols and HCP User's Guide

Comment and final approval to remove draft and prepare to share with partners

Dave and Matt opened the discussion by asking the committee to offer their opinions and ideas on how we can better arrange the information in this document to help partner staff understand how to implement the Guidelines and Protocols that apply to their specific work activities. Some suggestions:

- Add separate section in table of contents (TOB) for monitoring guidelines and protocols, e.g. regular monitoring, limited partner lupine monitoring, recovery monitoring (distance sampling).
- Add section in TOB for referenced documents; remove complete standard reference documents, i.e. Nectar Plants from User's Guide.
- Add definitions in the glossary for new terms, i.e., HProbR, HProbR map, occupied, and high potential habitat, etc...
- Keep the HPR name to simplify and eliminate administrative burden
- Keep the name SPA's but redraw them to take place of the proposed "biological recovery zones". Action: redraft definition of SPA to reflect BRZ
- Take page 6 out of the Pesticide Protocol as it is not applicable
- Add an Acronym List to the User's Guide with the glossary
- Add a conversion table for linear habitat into acres
- Add a contact sheet for HCP Coordinator, data manager, IOC reps, etc. to the web version of the User's Guide
- Create separate document "Policy & Procedures" for administrative guidance
- Notify partners of data sharing authority in Policy and Procedures, how do they get it?

Action Item: GRIT (Dave has lead) with IOC help to make necessary changes in bullets listed above.

Action Item: Dave and Cathy to look into SHCA implications of terminology difference between HPR and HProbR.

Action Item: Dave and Cathy to look at HCP-wide administrative implications of calling the new "biological SPAs" BRZs instead of SPAs. BRZ may be more accurate and less confusing than changing the definition and long understanding of SPAs to be something different.

Action Item: Dave and Jimmy to look at the implications of the changes being made to the HPR acres and conservation measures as to how this may affect NEPA and WEPA compliance. This information and DNR recommendations will be shared with Cathy. The Service will use this documentation to determine if NEPA requirements will be triggered. This needs to be done well before the winter meeting. Dave will make a draft list of HCP related changes to consider how the conservation plan is being changed and the implications of that, e.g., partner acreage, Ted's report, final map & justifications, conservation activities, i.e., protocols, etc.

The committee and Cathy agreed that the changes are part of Adaptive Management and do not likely represent a significant action requiring NEPA or WEPA actions, however this should be formally considered by appropriate persons at the FWS and DNR, and documented.

Action Item: Joe to look at Guidelines to see if invasive language is in up to date.

Action Item: Ted to turn on the absence data that overlays the high probability classes to provide further verification that Kbb's do not occupy specific high probability areas.

Decision Item: Joel moved to make the Guidelines and Protocols final versions (with revisions listed above) as of today. The motion was seconded by Matt; all present approved the motion. The documents are subject to adaptive management in the future; noted particularly following presentation to and use by all partners.

Regarding publishing the guidelines and protocols in the new format, Matt suggested we finalize the partners' logo and add color to it.

Decision Item: Gary moved to authorize up to \$1000 to upgrade the partnership logo to color; Jim seconded the motion, the motioned stands approved.

Action Item: Matt will take steps to get the logo upgraded. Ursula will supply Matt with an example and the name of a graphic artist.

6. Action Item from 6-month review meeting:

IOC to discuss the SAFE HARBOR issue to see what direction the partnership would like to take.

At the 6-month meeting it was agreed that amendments to the HCP for safe harbor assurances was no longer urgent or currently needed.

The IOC agreed it is not urgent and tabled the issue until after the Winter Meeting.

Action Item: Carry over the safe harbor topic until a 2007 IOC meeting.

7. Closing

- Action Items for Ted were summarized before he left. Other actions will be reviewed by the IOC with the first draft of these minutes.
- Do we need an early January IOC meeting? YES! Tuesday January 9th, 9:30 AM at ATC – Madison. The meeting will be used to finalize the winter meeting program/agenda.
Action Item: Matt and Dave will distribute a draft program/agenda in early January for IOC members' comments. Comments are expected from all members by the end of business 1/8/07. Participation on 1/9 will be up to each member.
- The 1/24/07 IOC meeting at Stoney Creek Inn is still planned for final review of all changes and items to present to partnership, to finalize winter meeting program plans and discuss breakout sessions and meeting assignments.
Action Item: Matt agreed to develop and distribute a draft presentation for roll-out of new HPR boundaries and "HCP User Guide" format to partnership and templates for entity group breakout sessions.
- IOC Meeting (set up and dress rehearsal) on February 20th will be at 2:30 p.m. at Stoney Creek Inn, Wausau.