

**Karner Blue HCP
Implementation Oversight Committee (IOC) Meeting
April 18, 2007
9:00 a.m. -2:30 p.m.
Mirror Lake State Park, Baraboo**

MINUTES

Attending: Gary Birch (DOT), Joel Aanensen (Plum Creek), Jim Heap (ANR Pipeline), Ursula Petersen (DATCP), Jody Gindt (Eau Claire County Forest), Steve Richter (TNC), Bob Hess (DNR), Kozue Nogami (DNR), Dave Lentz (DNR), Jason Fleener (DNR, recorder)

1. Anti-Trust Statement: Dave Lentz gave the anti-trust statement.

Given by Dave Lentz

2. Approve minutes from 1-24-07

Joel moved to approve the minutes as written. Gary seconded the motion. All were in favor. Minutes stand approved.

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

All actions completed from 1/24/07

Continuation of issues incorporated in 4/18/07 IOC Agenda

From minutes December 7, 2006

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.

Update: Matt could not find anybody to help with the logo.

Decision: It was agreed not to spend \$1000 for this. This money would be better spent on recovery.

Action Item: Dave to try and find someone within the DNR to help with the logo.

4. Announce new IOC alternates

• **for the Utility group (by Jody):**

Alternates: ANR - Jim is looking for an alternate. He emailed Rita Hayden at ATC. Dave suggested asking Amber Zuhlke.

Action Item: Jim to continue to identify an alternate.

• **for the County Forest group (by Joel):**

Jim Zahasky agreed to be the IOC representative following Jody's term.

Alternates: Jody or Chad Ziegler (Administrator of Monroe Co. forests).

Action Item: Jody to follow up with Chad.

5. Select a new IOC Chair to succeed Matt Krumenauer

Dave briefly talked about the changing roles of the IOC. Discussion took place about the direction of the IOC before the topic of the new chair person was discussed. Bob talked about how partners could help with recovery efforts. Dave suggested that Steve would be a good representative for the IOC. Steve wanted to get more input from TNC nationwide before he would consider the chair position. Dave reinforced that a non-DNR partner was best to lead the committee to emphasize that this is an HCP partners' committee and not a Department committee. Jim suggested someone closer to Madison should be chair, because they will be more

able to work closely with Dave. Discussion: some committee members would like approval from their superiors and the entities they represent before they agree to be chair. Joel expressed possible interest if he was hired as a consultant after retirement.

Carry Over Item: No resolution for successor until August meeting.

6. Review 3/27/07 meeting with FWS

- **Streamlining HCP and driving toward a successful exit strategy (recovery in WI)**

Dave discussed meeting with region 3 representatives. Louise Clemency's objective was to give an overview of streamlining to the FWS Asst. Regional Director, Wendi Weber. Louise favors continued streamlining and collaborative conservation, especially where supportive of recovery. New policies within FWS emphasize "strategic conservation," which is similar to what we're doing in WI. Louise wants more support for our program from NFWF. FWS is hoping for sooner recovery. Bob Hess is developing a recovery plan for Wisconsin.

- **Solicitor's opinion on Significant Portion of Range. How might this affect KBB Listing?**

Dave said the significant portion of the range does not necessarily mean the significant portion of the historical range. Wisconsin's portion is the significant portion of the Kbb range nationally. Dave explained how New York's Kbb populations are struggling, and how the FWS is viewing metapopulations in other states. Bob said 29 populations are needed nationwide to have enough significant portions, and Wisconsin currently has 13. Dave mentioned that there have been at least 10 court cases on issues related to the significant portion of range, so it is very much being discussed.

New Discussion on "Recovery":

Bob is working on securing funding for 8 interns on working with conservation projects related to recovery. They would work on habitat assessment projects and developing GPS layers.

Gary asked how this will achieve recovery goals. Dave explained that there are 5 recovery units in the state. Once recovery is established in a unit, HCP requirements outside the recovery effort in the rest of that unit will be able to be reduced or eliminated. Until the Kbb is de-listed, there will still be a need for a permit, so partners will still need to do something to stay connected to the ITP. Possibly 3-5 years until we get recovery goals completely established. Bob explained how we could potentially reach recovery in 15 years. Once recovery goal is met, we need to show how the populations are maintained. Crex Meadows will perform new sampling methods this year.

Steve was in favor of pushing sooner legislation for implementing recovery goals and is asking for ways to make it happen. Bob and Dave talked about how Wendi Weber with the FWS is interested in the WI HCP program and how she wants Dale Hall to come out and hear about our program this summer.

Gary talked about how some partners are having a hard time seeing the "light at the end of the tunnel" and are just doing what they need to do. Some partners feel they are just going through the motions of compliance with the Service and are resigned to be "stuck" in this mode throughout their careers. Partners need to realize that an "exit strategy" and recovery are real possibilities. Ursula wanted to know the definition of recovery and how we will know when it is accomplished.

- Service is rethinking ESA. How might this affect KBB?

Dave explained that the Service is looking at ways to improve the ESA. Specifics are not known at this time, but the direction sounds consistent with the WI HCP approach.

7. NRF Account update. Discussed alternatives to best leverage these funds.

Dave stated that the Kbb escrow account has approx. \$10,000. Steve asked that members discuss ideas to spend money and spend it ASAP before the NRF charges eat up the money in the fund. Ursula suggested using the money as match with grants. Dave suggested leveraging the money with NFWF. Bob mentioned that someone is needed to develop management plans for each property. Jody suggested the best use of the money would be to get to recovery. Bob said \$55,000 - \$60,000 will be needed to hire summer interns, purchase supplies, travel, etc. to perform recovery monitoring. Dave suggested that we are well on our way with the 1st 3 points of the 5-Point Plan, and that Point #4 is recovery, and that DNR and the Service are poised to aggressively move forward toward recovery. All IOC members agreed that the best use of the KBB escrow monies would be to help accomplish recovery in WI. The sooner this goal is achieved the better.

8. IOC Role: Is the IOC role changing?

What do you see the HCP being like today and beyond 2009? Do you see the role of the IOC and partners the same as designed in the HCP? What about annual HCP Team meetings? Communication Plan? Partners role and participation in recovery? DNR's role? Have a discussion as Steve Richter suggests from a previous email.

Partners have been implementing the HCP very well for several years. The IOC has worked hard the last 1-1/2 years to streamline the HCP. The near future tasks for the IOC will be supporting Recovery and proposing an ITP amendment/HCP renewal. Dave wants to prove to the FWS that we can continue managing if we didn't have a permit within the next couple of years. Steve showed more interest in a theoretical 5-year ITP rather than a 10-year ITP. Dave briefly discussed the original purpose of the IOC and what the IOC role has been to guide the implementation of the HCP and adaptive management. That role is changing. Steve recommended that our partners use representatives to advocate policy change in the legislature. Steve also suggests we need to have the IOC partners talk to their appropriate government relation staff or some sort of political action committee, to make sure we get their feedback on how to craft the messages we want the Dept of Interior to hear at the summer event. Dave suggested an ad hoc team of experts may be more appropriate in forming Outreach & Education directed toward HCP policy improvements. Steve suggests that future meetings be more "working" meetings to get these issues resolved, rather than the "discussion" type of meeting.

A continued IOC role will be to plan summer and winter HCP team meetings. Dave asked what members thought the goals of this summer's meeting should be: help educate, get people involved, show them we are an interactive partnership, and helping new and experienced folks get to know each other and for new people to understand what this HCP is all about. Jim wants to show partners that recovery is an achievable goal and encourage their support. Steve wants us to prepare to make a difference at the summer meeting and to give a strong message to the FWS and asked if a particular venue will give a stronger message to the FWS about our partnership. Steve suggested working on a timetable and more action in future meetings.

Gary feels that partners may feel they are stuck in the HCP forever, no matter what good things they do. This has fostered an attitude of resignation and minimal effort just to keep the Service happy. Dave suggested that we need to start working on an "exit strategy" as opposed to passively going along "doing the HCP". A successful exit strategy has to include recovery. Whatever we as an IOC and a partnership will affect the content and duration of a permit renewal. We will need to work on all of these things in the upcoming 10 months in order to share and discuss options with the whole partnership at the 2008 winter meeting.

9. Summer field event: Discuss options, a process and planning team to work on the event.

DNR is waiting to hear from the Service if the event should be planned to include FWS Director Dale Hall. If this is the case, the most likely time window will be the last half of July and 1st week of August. This would offer the opportunity to see Kbb habitat with Kbb in flight. It is likely if Dale

Hall attends that other important people may attend. A date should consider when important legislators would be out of session. It was agreed that the Sandhill bison pasture would be a good location. Returning to the site of the signing ceremony would bring closure to this phase of the HCP and help move the partners forward into the recovery/ITP renewal phase. Once we know more about the FWS attendance, we will need to assemble a planning team. Dave offered to take the lead and that Kozue and Jason could be on the team and help with logistics planning.

Action: Dave to check in with the FWS on the summer event.

Action: Write program overview of summer event

Dave suggested we talk about our experiences and HCP partnership success at summer meeting to inspire Dale Hall or other representatives that may attend.

- 10. WEPA/NEPA press release** (DNR is planning to do press release on the adaptive management improvements the HCP has made, especially highlighting the KBB Model and new High Potential Range. Update on DNR (WEPA) opinion: DNR does not see these changes as affecting WEPA. Is IOC okay with this approach? Yes.

Dave suggested the approach of the press release would be to express the successes within the program over the first several years of implementation. Ursula requested for the partners to receive notification of the press release.

- 11. Short-term take vs. Permanent take Definitions:** Review last drafts; discuss proposal to Service. All IOC members agreed the short-term take language was good as written, and would not change a thing.

- 12. Short-term take approval:** In the meeting notes from 4-11-06 it was noted that we (FWS, DNR, IOC chair verbally agreed that FWS pre-approval was not needed for activities resulting in short term take (formerly called temporary take). Formal definition of this to be discussed at next HCP Review.
- No mitigation is needed
 - Construction is included (without paving)
 - Re-seeding areas from construction is acceptable for reclamation.
 - Short term may preclude Kbb for less than 5 years, but not over 5 years.

Since 4/11/06, IOC members, particularly Matt Krumenauer, Gary Birch and Jim Heap have said that there is significant value in having Service oversight and formal approval of major projects and projects where other agencies (federal) have oversight. What needs to change is that the length of time it takes to get approval must be shorter and predictable. Also, we need a clear and understandable definition to distinguish the difference between what is a “major” project and what is “minor”.

- 13. Construction Projects: Major vs. Minor** construction and maintenance projects (relates to pre-approval and project planning) Gary Birch and Matt Krumenauer have offered guidance:

The following proposals can form a starting point:

1. ROW CORRIDOR MAINTENANCE AND CONSTRUCTION ACTIVITIES
MAJOR VS. MINOR
UTILITY CORRIDORS (M. Krumenauer)

Here is a list of minor maintenance work:

- Pole replacements and repairs: change-outs wood pecker repairs, reinforcements, hardware replacements
- Pipeline repairs: repair small sections of pipe, repair exposed pipe etc. involves small localized excavation and heavy equipment

- Rebuild of existing lines on the same ROW with same alignment: this is going to be a larger impact similar to new construction, but will leave the site as it was with no new additional impacts
- Emergency Repairs
- Patrols, vegetation management, remedial pole treatment, facility locates (diggers hotline) and painting--involves travel on ROW with vehicles should not be considered a construction activity.

Major Construction would be limited to new utility construction, major re-builds, and new right of way/property acquisition.

2. ROAD ROWS (G. Birch)

I think majors should still be pre-approved because of public perception and it keeps our engineers aware of what's going on (that visibility thing). Pre-approval is not a big deal if there is reasonable turn-around time, e.g., a week a month. It's not reasonable when 3-4 months to a year is taken as it has been in the past.

Section 7 does not trigger majors here. Nor does other federal involvement trigger majors, e.g., COE or EPA. Our minor projects are still very big in comparison to other entities, e.g. adding new lanes to existing highways, re-designed intersections. We're talking several to 30-40 acres of ripped-up land. Our majors are huge, e.g., the Marquette interchange, Hwy 10, Hwy 29 from Green Bay to Eau Claire, I-94 re-construction, hundreds, sometimes thousands of acres ripped-up.

3. Some additional minor ROW projects identified at the 2-21-07 HCP Winter Meeting by the ROW workgroup (Jim Heap was listing these on a flipchart) reminded by C. Carnes:

- culvert repair/replacement
- new driveways and related culvert work
- short segments of gas lines
- stump removal
- fence repair and installation

Discussion: What is major and minor? Is it based on the size of the area of land? What kinds of projects should be included? Gary expressed interest for a protocol to be developed soon, and asked if a particular number of butterflies on a corridor will determine construction activities. Bob suggested a protocol to be written by corridor managers for major and minor construction definitions.

Action: Gary and Jim to develop guidelines for major and minor definitions

Action: Jason to send a complete list of major and minor definitions to Jim and Gary

Miscellaneous

14. Rx Burn study being proposed again on West field at Sandhill WA. Discussion/feasibility? Does not affect non-DNR partners.

15. Update on UW GIS contract:

Contract is being expanded for Fiscal Year 2008. UW is nearing hiring Ted Sickley's successor.

16. MSWG in Madison June 19

The Multi-State Working Group is a non-profit, international group whose purpose is to influence improvements to environmental policy, in favor of collaborative conservation. Dave, Jim Christenson and Matt Krumenauer are presenting at the national conference this year, June 19, 2007 at the Monona Terrace in Madison. Dave asked if the partners would like to make a presentation or participate on a panel discussion.

Action: Dave to send out more information on MSWG conference to IOC members and discuss with potential candidates.

17. Point 5: Start talking about the process for renewal, i.e. 10-year program assessment, steps, responsibilities, and timetable. This item is being carried over to the August meeting.

18. Closing

- Summarize Action Items
- Reschedule June 13 (Joel & Dave); Aug 8 (Dave); and Oct 4 (Dave) meetings?

Reschedule meetings:

- June 14, 2007 at 9:00 AM (Mirror Lake State Park)
- August 29, 2007 at 9:00 for August meeting (location TBD)
- October 10, 2007 (Schmeckle Reserve, Stevens Point)

Action: Jason to send out IOC schedule to partners and check with Schmeckle Reserve for an October site.

- Plan Next IOC agenda: June meeting will be primarily to work on the summer field event.
- Evaluate this meeting: One of the best and most encouraging meetings we have had.

IOC meeting adjourned at 1:10 PM

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