

	Title: Cable Plowing Protocol	
	Date: June 27, 2006	Revision: 02

I. Purpose and Applicability

This protocol is intended to avoid and minimize take of the Karner blue butterfly (Kbb) that is incidental to cable plowing activities. This protocol applies to sites known to be occupied by Kbb, and to lupine sites within the KBB High Potential Range where Kbb presence or absence is not known.

Note: Cable plowing activities on private residential and business property is exempt from this protocol. (See additional discussion in part III below.)

II. Conservation Measures

a. Avoid Take

- i.* Lupine areas that are known to be occupied by Kbb, or in areas where the presence of the Kbb is likely to occur (e.g., in lupine patches near occupied habitat) will be avoided to the greatest extent practicable (In the event that complete avoidance is not possible or practicable, refer to b.ii below).

b. Minimize Take

- i.* Pre-management surveys for lupine and Kbb presence or absence will be done on pre-planned cable plowing sites whenever practicable.
- ii.* Cable plowing will be done so that the minimum amount of occupied habitat is impacted by the tractor or plow. Measures that can be taken to minimize and avoid harm include clearly marking the boundaries of lupine areas with flagging or other means, avoiding the more dense lupine areas with the cable plow, and operating and parking transport vehicles and equipment in areas that do not support lupine.
- iii.* If pre-management surveys were not able to be conducted, post-management surveys for lupine and Kbb presence/absence will be conducted no later than the following flight season.

c. Emergency

- i.* In emergency situations lupine areas will be avoided to the greatest extent practicable.
- ii.* Post-management surveys for lupine and Kbb presence/absence will be conducted no later than the following flight season.

III. Definitions/Background

a. Cable Plowing

Cable plows are commonly used by electrical utilities for installing underground electrical distribution cables along rights-of-way and to homes and businesses between transformers and electrical meters.

b. Note on Applicability:

- i. If initiated by the HCP partner: When a HCP partner is installing cable on a project they initiate, e.g., cable replacement projects, or new installations, the partner will implement the conservation measures noted above.*
- ii. If requested by a private landowner in the HCP's voluntary category: Residential and business underground cable installations occur almost exclusively on privately owned land and are installed under a contractual arrangement with the utility. When a HCP partner is installing underground cable under contract with (and at the request of) a private landowner who meets the criteria to be included in the "voluntary participation category" and is therefore exempt from these requirements, then the partner is not required to apply these guidelines. It is still recommended that avoidance or measures to minimize impacts are taken when lupine habitat is known or site is suspected to be occupied by KBB. The HCP partner can consider this as an opportunity to extend outreach and educate the landowner. (Refer to HCP Chapter 2.F. to determine if a private landowner is in the "voluntary category". If at all unsure, contact the HCP Coordinator).*
- iii. If requested by a private landowner in the HCP's regulated category: For all other non-voluntary (regulated) landowners, i.e. residential and commercial developers requesting installation, the landowner or developer is responsible to consult with the U.S. Fish and Wildlife Service if any of their project development activities (e.g., roads, buildings, electrical service, etc.) could result in the take of the Kbb. To the extent practicable, the HCP partner will advise the contracting private landowner (developer) as early as possible in the planning phase whether their project site supports (if known), or has a likelihood to support Kbb. The HCP partner may further advise the developer that if project activities could result in take of the butterflies that the U.S. Fish and Wildlife Service should be consulted. Projects that may result in take of the Kbb shall not*

proceed in occupied Kbb habitat without a permit that covers that take.

c. Recommendations & Suggestions When Approaching Developers and Other Regulated Entities:

When advising developers of their potential to take Kbbs, use whatever tools and data that are available and reasonably reflect the potential for Kbb presence and that will appropriately caution the developer of their risk of unauthorized take. Possible tools could be: (a) surveys at nearby sites, (b) observed presence of wild lupine on or near the cable insertion site, (c) the KBB Probability Model, (d) your suspicions based on Kbb ecology, i.e. dispersal distance from other known sites (Kbbs are known to disperse about 2 miles over open landscapes), etc.

Be mindful that as an HCP partner you do not speak on behalf of the FWS or with any regulatory authority, in fact or implied. Advise your client/customer (e.g. the developer) in the spirit of sound and responsible business practices and customer concern, while demonstrating your own company's concern for the welfare of the Karner blue butterfly and for "doing the right thing". If appropriate, suggest that the developer contact the USFWS-Green Bay Field Office for permitting options and information or the DNR's HCP Coordinator for additional HCP information.

IV. Referenced Documents

(reserved)