

**KARNER BLUE BUTTERFLY
HCP & RECOVERY REVIEW & COORDINATION MEETING**

October 28, 2010

10:00 – 3:00 p.m.

Wisconsin Bar Association

MINUTES

Attending: Cathy Carnes (FWS), Martin Brockman (FWS), Quinn Williams (DNR), Bob Hess (DNR), Rebecca Schroeder (DNR), Bernie Williams (DNR/recorder), Dave Lentz (DNR)

- 1.) Review and agenda repair. No changes were made.
- 2.) Review outstanding action items:

Action: Dave to request silviculture team (Joe Kovach) to develop a correlation between forest stand density class and 75% crown closure for jack pine, red pine, scrub oak and aspen.

This proposal would result in a very costly research project, which would not be commensurate with the HCP's need. We are currently developing a simple crown closure chart -- a graphic silhouette that we believe would be an effective field tool to estimate 75% crown closure. When completed, it will be included in the monitoring guidelines to assess the crown closure criteria for viable habitat.

Action: Bob and Cathy to develop a comprehensive set of HCP/ITP monitoring and reporting conditions specifically for Recovery properties under this ITP. This is not the same as Section 6 reports but has some overlap.

The goal of this exercise is to explore HCP monitoring/reporting relief to managers of recovery properties e.g., relief from pre-management surveys outside recovery areas and relief from some HCP reporting requirements. Cathy and Bob will make a list of HCP monitoring and reporting requirements (with Dave's help) and review them. Cathy suggested one approach to monitoring relief (of Kbb's outside recovery areas) would be to complete the recovery implementation plan (RIP) for the property as this will identify where Kbb populations will be managed and monitored and areas not included in recovery. High risk areas need to be identified and kept under observation. We need to also keep in mind partners are doing more than what we ask if they are working on recovery.

New Action Item: Cathy, Bob and Dave will continue to work on this. Cathy will schedule a conference call w/ the goal of completing the exercise by December 31, 2010.

Action: Bob will consider putting WDNR land at Quincy into Kbb recovery program pending discussions with the Service on expectations and requirements.

Bob commented that since there are no Kbb at Quincy now and that he doesn't feel it is appropriate to commit the property to recovery at this time. If Kbb colonize the site in the future, this might be reconsidered. Rebecca said that the best Kbb population is about 10 miles from Quincy at a ski hill in Friendship; there is private and industrial (Plum Creek) between the ski

hill and Quincy. While a lot of restoration work has been done on state land (at Quincy), more is needed to restore barrens. Quincy is about 10,500 acres in size w/ about half supporting wetlands, DNR owns 6000 acres. Cathy mentioned that climate change issues have been brought up potentially indicating that Quincy being at the southern end of the Kbb range in WI may not be a good recovery site, as it will warm over time. Sarah Wright masters thesis found that lupine did best at the Merrimack site (about 40 miles from Quincy). We may want to wait for findings from Kbb climate change research being conducted by USGS (Ralph Grundel) and Univ of Notre Dame (IN) (*Cathy's after meeting info: a habitat suitability study done in MI is showing Kbbs doing better in areas that are wetter; Kbbs doing well at Whitewater WMA which has wetlands; the wetlands at Quincy may make it a suitable reintroduction site*). Rebecca suggested a field trip to Quincy next summer and Dave suggested that Quincy issues be moved to the KBB Recovery Work Group (*Cathy's after meeting thought: we may want to keep potential reintroduction at Quincy with this work group for now as much of it is state property requiring a state decision and Rebecca is knowledgeable about the property*).

Action: Bob to coordinate field trip for summer 2011 to Quincy, with participants including Rebecca Cathy, Jon Robaidek, and Hannah Spaul.

Action: Dave and Bob to work on a combined HCP/Recovery annual report form for DNR Recovery properties to give some paperwork relief for Recovery properties.

Dave and Bob agreed that a combined report would add more confusion. Therefore, the recovery report and HCP report will stand alone. Cathy noted that Bob's KBB Recovery Report could be referenced in the HCP and/or pieces extracted for inclusion in the HCP annual report.

New Action Item: Dave will evaluate the HCP annual report form to determine if there are ways to simplify HCP reporting by recovery properties.

Action: Dave to follow up with investigative audits related to the Swengels' allegations of ITP non-compliance.

The one non-partner being accused (Wood County Highway) has since joined the HCP as a Limited Partner and is performing conservation measures consistent with the HCP. The two DNR properties (Black River State Forest and Crex Meadows) have not been investigated due to time constraints and lack of staff. This will have to wait until the 2011 growing season.

Tasks yet to complete re: updated HCP:

Action: Dave to draft administrative procedures to be included in the HCP, Appendix E, e.g. Compliance Audit Procedure, IOC Administrative Procedures, Research Request Procedure.

No additional work has been done, due to time and staff shortages.

HCP AGENDA ITEMS

3.) HCP Strategic Thinking Beyond the 5 Point Plan

For the most part, the goals and objectives of four of the five points in the 5-Point Plan have been achieved. The 5-Point Plan served very well as a focused adaptive management model and rallying point for the partners at a time when the need for improvements was very complex. However, now with the HCP greatly improved and streamlined, a simpler model is in order. Dave shared his vision for goals and objectives over the next 5 years. The proposal is in the early draft stages; therefore it is a work in progress. During the IOC meeting (10/21/10) we concluded that most partners were overwhelmed in the past year (2009) due to the renewal of the permit. This of course is not an excuse for the numerous errors that occurred on the 2009 Annual Reports, though it provides a bit of insight.

This new “plan” will have a narrower focus and will address the need to simplify and make HCP implementation very clear to partners. It will take into account the fact that the passing on of information following staff attrition needs to be better than in the past; staff turnover will continue to be significant. Training systems will take advantage of the Kbb web page and be very learnable and sustainable. The single initiative in the 5-Point Plan that received the least attention was supporting Kbb recovery. With all the improvements needed in the HCP program, partners were not able to get their arms around what this issue meant. Also, the recovery program was in its infancy and not clear about what they needed from HCP partners. The Karner Blue is a hard sell species. With its restricted and federally listed status the problem lies in somehow recognizing that the Karner Blue is abundant in Wisconsin and then getting them out from under the regulatory compliance umbrella. This recovery initiative will carry over to the new plan. The HCP Team winter meeting will emphasize Kbb Recovery and all the progress that has been made by the DNR’s Kbb Recovery Program and outline the needs to achieve recovery in Wisconsin.

Note: As an indication of Partners intentions for Kbb recovery, the IOC recently approved allocating the current balance of the Partners’ KBB Fund of \$2550 to Bob Hess to be used for a matching grant and for habitat restoration at Meadow Valley WA.

4.) Small Business exemption (proposed for inclusion in the “voluntary” category).

Quinn explained that, this is something that we discussed rolling into the HCP and presently we have small businesses that fall into this category. Small business = those making < \$5 million or having < 25 employees and operating all year. While we have examples of small businesses – I want to propose a standard we can use to handle the take of the species when small businesses are involved.

The question is; what is permanent take for a species when smaller businesses are involved? Does the FWS need to review the permits for each of these small businesses? Another issue is whether or not these small businesses get a free ride or should we have them pay a standard fee? From a parody standpoint how is a farmer not included? They are specifically covered in the HCP - why aren’t small businesses exempt? Basically, land disturbance is part of a farmers business where as other small businesses do not include this in their routine of business.

Is the risk analysis that small businesses don’t inhibit the species? Or will it seem like the full partners are carrying the load? What is there to gain?

Perhaps we could implement a one time fee that small businesses would pay into based on the damage done to the habitat & species. This could be a type of mitigation money that supports KBB conservation that occurs through recovery & mitigation.

Could it possibly be written as allowing a minimum of take (e.g. one acre), and above this the take would need to be permitted? Currently to cover incidental take of Kbb for small businesses they would need to become a partner to the HCP or become a one-time permittee. Should small business be put into the voluntary group? Or, should we do nothing now and wait for a small business to come forward that we can work with to determine the one-time permittee options works. This way no changes would need to be made to the HCP.

Currently we don't have too many of these small businesses that come to us, but to add a caveat to all the counties that happen to have partners and Karners there they would need to be an additional fee - an administration fee that would probably need to be split. I think it is easier to keep them in the voluntary category. Nobody wants another permitting process; the DNR certainly doesn't want to bring in any type of law enforcement. Conserve yes, but is it at a cost for whom?

The risk analysis says that the small private landowner and farmers are not an issue. Is this something we should table - or bring up at the winter meeting? Or do we talk about this later in the spring when Louise is here or do we want to work on it to make it more in line with what the partners are doing? Do we run another risk analysis? I think we should go through our records and see if things have changed and if they have; where do we go from there?

We would need to develop the argument for the FWS. The IOC believes that a one time fee is a very viable option with funds potentially going towards recovery. Right now we need to give the IOC a proposal to help them (and us) assess how to treat small businesses in the HCP?.

Action Item: Quinn and Dave will evaluate the pros/cons of including Small businesses in the voluntary category and develop (if considered appropriate) a proposal for a small business exemption idea before the next 6-month meeting..

5.) Alternative mitigation

Some partners are spending large amounts of money for surveys in areas outside BRZs. Dave would rather see this money directed at recovery rather than surveys that don't provide any additional conservation for Kbb. After many years of surveying, Partners pretty much know where they have lupine and where they don't. Dave reminded that, with slight modification, the conservation measures in the management protocols are what Partners did even before listing, which is why WI has so many Kbb to begin with. Partners would do these same beneficial disturbances even without pre-management surveys. Performing pre-management Kbb presence/absence surveys only serve a regulatory function: knowing whether or not "take" occurred.

Action Item: Dave will develop an issue paper outlining the idea, which will include examples of the trade off costs of not doing surveys and what it could do if put into recovery program.

6.) New Partner Inclusions (progress report).

The only current potential candidate is the Town of Anderson (Burnett County). The town roads are in and around Fish Lake WA (a Kbb Recovery property), so there is a strategic significance for the town to become a partner and work with the DNR. Dave developed a draft conservation agreement with them 2 years ago, but due to changes in town leadership, they have not signed an SHCA.

Action Item: Dave will follow up with the Town of Anderson to see if they are still interested in becoming a Limited Partner.

7.) The recovery program analyzes trends data, but it is a low level (coarse) survey. This trends monitoring is being done on some recovery properties for recovery purposes. (a) Should the recovery program analyze this data and provide a report or comment for the HCP annual report? Cathy said that the HCP annual report could just reference the KBB Recovery Report for this information or extract pertinent information to include in HCP annual report (b) In lieu of trends monitoring by partners, what other partner data would be helpful to summarize for us in tracking conservation for the Kbb (per Cathy C. 9/15/10 email). Cathy suggested that tracking Kbb EOs in BRZs would allow us to see how Kbb populations are changing through time. This lead to a discussion on the need for the NHI database to be updated with Kbb EOs not yet in the database (as noted below).

Cathy asked if the Kbb Element Occurrences (EO) were current on the Kbb High Potential Range Map. Rebecca commented that there is a backlog of EO's not mapped in NHI. EO's are only mapped when someone pays for the mapping. Dave asked Rebecca for an estimate of the cost of putting Kbb sites into the NHI database thinking he might be able to use some DNR Forestry funds if the cost is minimal.

Action Item: Rebecca will send Dave an estimated cost to have Kbb EO's mapped.

8.) HCP 2011 Winter Meeting planning

Dave shared a preliminary agenda for the HCP Team Annual Winter Meeting. The IOC is targeting the meeting for the first half of February in Stevens Point.

10.) The FWS will report on a potential violation in BRSF.

Cathy reported that Gary Jagodzinski (Service, LE) and Jamie Dahl (DNR) investigated the disking along a logging road in the BRSF. The violator was cited under state law under destruction of state property; penalty = \$200.00. Gary said he felt he could not prove the disking resulted in take of the Kbb and if the violator wanted to oppose an ESA citation the case would have to go to trial and would likely be dismissed. The person who did the disking is married to a Native American and lives on land at end of the logging road (land is part of a Native American homestead). He disked along the edges of the logging road after the loggers left to "clean it up." According to Gary the violator said if he had known lupine was there he would not have disked the land.

Bob Hess stated that the area disked was part of a habitat restoration for Kbbbs – it had been seeded w/ lupine and nectar and Kbbbs were known to be present.

11.) Land Included documentation

Cathy would like updated partner “lands included” maps for the FWS HCP files. Dave explained that while the updated HCP says an updated map will be included with each land transfer, it has not been strictly enforced (inadvertently overlooked). He said that with the multitude of land transfers from some partners, and the volume of acres and maps, that it would be more appropriate for Partners who have land transfers to do an updated map once a year with their annual reports. The land transfer form details the location of the land being transferred and should be sufficient for the DNR’s and Service’s purposes in the meantime. Cathy agreed that this made sense. Cathy also requested that a set of Partner lands included maps be on file at the GBFO. Updated maps due to land transfers can be provided to the Service with the annual report.

Action Item: Dave will draft a proposed amendment to the HCP to require that an updated map reflecting land transfers be submitted once a year with annual reports.

Action Item: Bernie will send a current set of all partners’ “lands included maps” (SHCA lands included) to Cathy.

RECOVERY AGENDA ITEMS

1.) Recovery on County forests

Quinn reported that the Attorney General’s response on this is expected soon (he provided copy of a May 6, 2010 letter to the Attorney General asking for an informal opinion on the issue). Quinn thinks a perpetual easement may be allowed on county forest lands as long as it does not interfere with forestry activities.

Action Item: Quinn will follow up on this request and report back at the next Review Meeting.

2.) Questions on Recent Recovery Data Call Report (Report to the Service from Gregor and Bob)

Cathy noted that the KBB information that Bob and Gregor sent for the August 2010 Service’s annual Recovery Data Call (RDC) included good information on Kbb population densities at sites monitored and good information on threats.. The WDNR Section 6 KBB Recovery Program report for the year can build on that RDC report which should be expanded to include all the accomplishments realized through the KBB Recovery Program. The report should also include the methodology used to derive the Kbb population numbers using Distance and update (status?) on habitat assessment work.

Action Item: Bob provide KBB Recovery Report to the Service. Include comments on methodology for Distance sampling.

3) Update on 2010 Recovery Program Results

Some sites where Kbb numbers were low are now showing an increase in the population. It is too early to tell if this is a response to management, a response to better weather conditions, or both.

BRSF: Kbb numbers on two recovery sites on the Black River State Forest were up from the 2009 count. The Distance sampling site increased approximately 3-fold to about 1,500 Karners. Another nearby site sampled for relative abundance also indicates an increase in the population.

Crex/Fish Lake - Nine years of drought appears to be a primary cause for low Kbb population levels since we started Distance sampling in 2008. 2010 populations recovered a bit on sites where Distance sampling was conducted. We believe this may be due to increased snow cover and rainfall last winter and into the summer. We hope that this will result in even higher population counts in 2011.

Metapopulations consist of numerous interconnected subpopulations. A subpopulation must be separated from other subpopulations by at least 200 meters of vegetation without the presence of lupine. Population surveys should sample subpopulations separately. Individual site estimates can be added together to get the total metapopulation estimate.

Karners appear to be increasing at most sites across the state, possibly due to increased precipitation since the 2009 season. Ongoing research in Michigan suggests that robust Kbb populations tend to be located close to open water or wet areas. This may explain why Kbb populations at Crex have declined over the past nine years (their wetlands and flowages were very dry), while populations at White River remained relatively high. At White River wetlands, ditches and streams remained moist while many other sites across the state were very dry.

4.) 2010 DNR Karner Numbers

Refer to spread sheets provided by Bob

5.) Location of 2011 KBB distance monitoring

In 2011 we will be adding more Distance sampling sites to those surveyed in 2010 based on relative abundance sampling results from the 2010 surveys. The additional sites will probably be located on the Black River State Forest, White River W.A., Sandhill W.A., Emmons Creek F.A. and Crex Meadows W.A. There was some discussion about switching the VP from Sandhill to Meadow Valley (MV) but property administration does not want to do this.

6) Research - BRSF

There will be a meeting in Black River Falls in November to discuss several research projects that involve Kbb and vegetation sampling on barrens sites. In one instance two research projects were taking place on a recovery site where we also conducted both Distance and vegetation sampling. This created a high amount of research traffic on that site. The meeting will discuss better coordination and communication so that all parties are aware of each others' presence, and to minimize excessive traffic on recovery sites in any one season.

Action Item: Bob will meet w/ BRSF to work through any potential conflicts in management and surveying planned for next year

7) Other Recovery Activities:

Wayne Hall is working with Juneau Co. Highway Department regarding HCP guidelines for mowing roadsides in an effort to help restore Kbb populations at Meadow Valley.

The Hamel property supports a good Kbb population and the landowners are interested in participating in the Kbb recovery program. WDNR is exploring the designation of their property as a SNA because of Karner and other T/E species found there.

Kbb Restoration Project on Welch Property: Greg Hamilton can help w/ restoration work via FWS Partners Program. The Service's GBFO (Gary VanVreede) worked with Bob in the past.

Action Item: Bob – advise Bob Welch to contact Greg Hamilton re: restoration work.

8) Recovery Implementation Plans

There has been no progress toward developing recovery implementation plans (RIPs) for the recovery properties due to staff shortages and time constraints.

RIPs are required by FWS as part of the State recovery program. RIPs need to be incorporated into property master plans, either by amendment to existing plans or by incorporation into new plans as they are developed. We need to work with Division of Lands (Kate Fitzgerald), regions, and properties to get this done. A number of DNR recovery properties are now in the master planning process. The process includes biotic inventories conducted by BER prior to development of the master plan.

The Kbb Recovery Program cannot work with properties to develop RIPs until we find the funding, staff, and time to do it.

9.) Recovery Program Funding Needs

See “Other funding sources” handout from Bob.

There is definitely a shortfall in both funding and staff for this coming year. The new Kbb Citizen Scientist Volunteer Group will continue to conduct vegetation, relative abundance, and presence/absence surveys on recovery sites in 2011. Distance sampling will still be conducted by trained contractors (UWSP and Matt Berg from Grantsburg). In the future, volunteers may also be able to do the more intensive and demanding Distance surveys, but those volunteers would need to be experienced and have a performance track record with us.

Per Rebecca, there is no longer any ATC Green Tier funding for Kbb work. This translates to a loss of about \$35-50,000 for the Kbb program (Rita Hayen, Kbb supporter at ATC has retired).

Bob is working on a Barrens Restoration SWG proposal to fund 2011-2012 Kbb and vegetation monitoring work in Central and NW WI (see handout). Total SWG proposal request = \$59,174; match = \$21,000 (35.5%).

We plan to submit another Challenge grant application to Necedah National Wildlife Refuge for barrens restoration on the Meadow Valley Wildlife Area.

There may be additional funding available to add to the GLRI EPA grant (\$ 109,000) that has been awarded for habitat restoration work on the Morainal Sands R.U.

Action Item: Bob and Cathy are working on supplement to the 2010 GLRI grant Bob rec'd for barrens restoration work in the Morainal Sands RU (we can try folding in costs for RIPS in this RU).

11.) Citizen Scientist Volunteer Program

Bob shared several handouts on the development of the new Kbb Citizen Scientist Volunteer Program being developed by Tracy Lee Karner, our Kbb Volunteer Coordinator (Tracy is also a volunteer). Over the summer Tracy Lee contacted a number of citizen volunteer to provide help with monitoring, and also located a number of FWS interns from DNR, FWS and NRCS that provided valuable help. She is currently is developing a website for volunteers that will provide information on the Karner blue, and links to the DNR Karner websites for Endangered Resources and Division of Forestry. The volunteer website will have a signup sheet for anyone interested in doing volunteer work, and may have a secure entry blog site for active volunteers.

A DNR pilot, Bev Paulan, based in Eau Claire is interested in working with Tracy Lee Karner in the Kbb Citizen Scientist Volunteer Program.

Action Item: Bob and Tracy Lee: Develop appropriate links between the Volunteer website and DNR websites. Talk to Lori.

Action Item: Bob and Tracy Lee: Set up a training schedule and agenda for volunteers. Post same on the Volunteer website.

Action Item: Dave and Bob will meet with Bev and Tracy Lee to determine how they can work together on this.

Action Item: All: Watch for possible RFP for FWS/DNR Internship program for 2011 and provide additional assistance to Tracy and Bev.

Closing Thoughts and Ideas:

Current DNR KBB fund does not include funding for administration of HCP
Develop check off for hunting license – add /\$1.00 fee (suggested by Martin Brockman)

Rebecca: NRF – raises funds a variety of ways; DNR lists things they want them to fund (including Kbb) and prioritizes these, NRF picks from these and match up w/ donors; also fund raise for projects they think are important

Martin – might there be a group out there that would want to fund raise? Sell mugs, T-shirts, etc. Friends Group, Tracy Lee Karner (plans on working on fund raising – her time is limited due to illness).

2009 HCP Annual Report – Bernie is still working w/ Monroe Co Forest and Oakdale Cooperative to get data to finalize report.

Meeting adjourn

\ *HCP_Recovery Review Minutes 10-28-10*