

**Karner Blue HCP
October 19, 2011
9:30 a.m. - 3:30 p.m.
Mirror Lake State Park
E10320 Fern Dell Road, Baraboo**

MINUTES

Present: Dave Lentz (DNR), Gary Birch (DOT), Deb Frosch (Alliant), Rebecca Gass (DNR), Jenni Heaton-Amrhein (DATCP), Brian Loyd (Juneau Co. Forestry & Parks), Janet Smith (DOT), Todd Watson (Plum Creek), Shane Yokom (Enbridge) and Jenny Bardeen (DNR)

1. Anti-Trust Statement – read by Dave.
2. Introductions: Introduce new IOC members (officially took over 9/27/11)
3. Agenda review/repair

Discussion Items:

4. A mining entity group? We have a likely 1st candidate for HCP Partnership from the mining industry.

Unimin, the largest supplier of fracturing and gravel packing sands, approached our program to become a HCP Partner. Frac-sand is a specific size of sand particle with rounded rather than angular edges. As a sand mining corporation, Unimin's activities may include permanent and short-term take of Karner blues associated with the construction of the mine, building & maintaining roads, snow plowing and possible some pesticide use. Uniman often maintains long-term site restoration, sometimes will return to mine the glass sand below. Mine will be operated about 40-50yrs. If Unimin is accepted as a partner, Dave would start drafting SCHA as soon as possible.

Other issues associated with frac-sand mining include air quality concerns, water and noise. Tom Woletz is the DNR single point of contact (SPOC) for frac-sand issues. Wisconsin has substantial frac-sand resources, much of which is in the Karner range. There's potential for many sand mining HCP partners.

Sand mining doesn't fit neatly into our existing entity groups. Do we want to have a separate entity group for mining? Gary suggested they'd probably want their own representative on IOC. Sometimes they fall under cranberry laws when they work in wetlands. It makes sense to create an entity group for them. Unimin can decide if they want an IOC representative and draft something up for them to respond to. Creating a new entity group would require amending the HCP. No negatives in accepting Unimin as a partner as Dave sees it.

Are county forests going to sell land to frac-sand mining companies? Probably not, according to Brian, because they'd have to withdraw from county forest program.

Decision: All partners voted to accept Unimin as a partner.

Action Item: Dave and Jenny to draft an HCP amendment to establish a “mining” entity group, draft a mining guideline and any new management protocols not covered by the HCP.

Action Item: Dave will discuss IOC representation with Unimin’s representative to see if there is interest.

5. Lupine surveys: post-mortem. Plans to develop a training module to survey for lupine presence/absence after senescence. Does this change 7/31 deadline? Should anyone be qualified w/training? Can absence stand as a regulatory decision?

Background: The program has had a number of construction projects come up after the July 31 deadline for identifying lupine. One was a campground expansion that involved a federal grant in September. The campground owners would have lost the grant if the site couldn’t be cleared of any Kbb issues. With FWS approval, Dave chose to survey for senesced lupine and assess the habitat. He determined that it wasn’t suitable habitat.

Another proposed project was a gas main. Fortunately, we had existing surveys from other partners. Otherwise, Dave might have had to survey for post-senescence lupine to avoid another type of train wreck.

Dave has done enough Kbb egg salvage that he could argue that he could identify Kbb habitat after July 31. The July 31 deadline is in HCP and other programs in other states use it. The problem is that the Fish and Wildlife Service will only accept a post-senescence survey from a few people at this time and the DNR does not have enough staff to survey for senesced lupine and Kbb habitat each time it comes up.

Discussion on developing training for senesced lupine.

Consultants would jump on the opportunity. Utilities and electrical cooperatives are often asked to put in services to new facilities with little advance notice and can’t foresee all their pre-management survey needs. Identifying Kbb habitat outside of the current timeframe would give them greater flexibility and not impair economic development unnecessarily.

Todd said that it is very difficult to plan for everything you’ll do in one year. For instance, if a logger wants to buy a Plum Creek road, right now Plum Creek has to wait because if they haven’t surveyed the road for lupine and/or Kbb. Or if a farmer wants to buy Plum Creek land and Plum Creek hasn’t surveyed it, they have to wait.

The challenge is that a person must have a restoration ecologist eye to look for habitat, not just identify senesced lupine. To be approved by the FWS, there may be some limitations or criteria for who can be certified to do post-senescent lupine/habitat assessments.

Gary noted that if a partner finds what looks like good Kbb habitat in August, they may assume it is occupied and the program could assume it is occupied. Most companies when they have already started a project would rather mitigate than delay the project waiting for a Kbb presence/absence survey.

Dave asked Deb (Alliant) about gas pipeline project they just worked on together. Would Alliant have mitigated or waited for a Kbb presence/absence survey? Deb said they might have mitigated, but they might have argued against it on the basis that the ten feet of road right-of-way the project was likely to impact wasn't good Kbb habitat.

We could make the training a habitat assessment rather than a lupine issue and train people who have experience looking at habitat structure. Companies could choose between 2 options: mitigate assuming Kbb might be present or wait to conduct Kbb presence/absence surveys.

To make an artificial assumption (i.e. presence of Kbb without a survey), could be dicey from a regulatory perspective. It might be hard to enforce an agreement without proof of Kbb presence. Are we going to allow people to move forward without a survey and mitigate?

Gary said that DOT often assumes the presence of an Endangered/Threatened species without surveys and moves forward under that assumption. The question is about creating a training to delineate Kbb habitat similar to what wetland delineators do, i.e. Kbb habitat delineators?

We also need to be mindful about other issues facing the state such as job creation and delaying important economic development and jobs for real people when there is no evidence one way or the other to support it.

Dave and Jenny could work with regional ecologists such as Joe Henry, Armund Bartz and other staff to develop the training. The training could be offered as an optional segment to the Monitoring training with trainees returning in September/October for field training; offerings could be across the WI range covering the variety of Kbb habitat types. Consultants are a definite target audience since they serve clients who meet these timely circumstances and have staff with appropriate biological credentials.

Decision: Yes, develop training for senesced lupine and Kbb habitat for people with adequate credentials and/or experience looking at habitat structure.

Action Item: Dave and Jenny will develop an issue paper and tie this training need into the IOC's Training sub-committee.

6. Assessment of HCP Implementation – an ongoing method to assess where training/improvements are needed.

Background: For years, we saw no problems with surveys and annual reports. However, in the last 2 years, we've seen more and more mistakes on reports and surveys. Some reports are also late. Partners usually only deal with the program once/year and it is a lot like taxes, it has to be relearned.

Partner audits tell us the most about how we are implementing the program and how well partners understand the program. However, audits are only conducted every 5 years. Audits are not the only indicator of potential problems. We want to address mistakes before a partner's next audit because it could have significant ramifications if they conduct work at that site. The bottom line is that we need to improve our performance on surveys & reports.

What will happen if we continue to see mistakes in surveys & reports? The partnership would lose the trust we've built. The worst consequences would be if the permit was lost, and all the partners would have to go to the FWS for individual permits.

Discussion on Issues

Todd recognized that new staff can be a problem. Last year interns kept up Plum Creek's spreadsheet and he saw mistakes. Turn-over in staff is definitely an issue and there's the concern that mistakes will be repeated and may snowball. Alliant does right-of-way clearing and that covers many sections in a town range. Sometimes it is hard to document all the sections.

Are the mistakes clerical? Dave said they are more than clerical errors. For example, a survey is good for 5 years prior to any activity and he's seen instances where that time limit is not adhered to.

Jenni H-A said the forms aren't always intuitive, especially the annual report form. The form-fill boxes are locked, individual names are already on them and can't be changed. Sometimes she'd like to add more text or explanation but is prevented because of the box size.

We can collect data on what types of mistakes are being made to get a better handle on to address them. Then we can conduct training at the annual winter meeting.

Action Item: Jenny will collect data on type and frequency of mistakes for the training sub-committee.

7. HCP Training Team (an IOC sub-committee)?

Who does IOC have who could be on sub-committee for about 1-1.5 years to address staff turn-over, training needs, etc.?

Action Item: Jenni and Janet volunteered for sub-committee. Brian volunteered Monty from Juneau County.

Action Item: Recruit other committee members from partners to be on sub-committee.

Action Item: Jenny will develop a survey to help determine what the partners need for training at the annual winter meeting.

Break

Decision Items:

8. Election of new IOC Chair

The main responsibility of the IOC Chair is helping with the Annual Meeting in February and occasionally being a sounding board for Dave (DNR's HCP Coordinator) during the 2-year term. Gary estimated that it was at most an hour/month. The IOC demonstrates to the Fish and Wildlife Service that the partnership is engaged and working well for the partnership. DNR staff cannot be the IOC chair.

It was difficult for many partners to step forward and commit to being the IOC Chair due to changing job responsibilities, lack of time and staff, and a sense of not having enough history or experience with the partnership to represent it well.

It was suggested that a citizen formerly involved with Karner blues or the HCP as a Partner (retired) could volunteer as the chair. Several names were mentioned. This did not seem a very likely alternative.

The IOC decided to elect co-chairs for a one-year term to address the obstacles of having a single chairperson. Janet and Brian offered to co-chair the IOC. The chair position will need to be readdressed in one year.

Decision: co-chairs: Janet and Brian for one year.

Work Item:

9. Plan winter HCP Team meeting

What do you think the partners want to hear about?

What training needs do the partners have?

What else???

What do you think partners want to hear about?

1. Recovery Report – **Bob Hess**. Morainal Sands – 2 more years of population estimates to achieve recovery. We need 4 out of 5 years of a certain population size. Meadow Valley is small too.

Last year Alliant and Juneau County Forestry discussed helping on Recovery Properties and conducting surveys. Now that the recovery program has more momentum and reaching goals on some properties is optimistic, could we revisit this idea to see if the Service can reciprocate this voluntary recovery assistance?

2. Sand Mining – maybe a presentation by **Unimin**, a new partner and a new entity group to the HCP program. Tell us who you are, what you do. Nick Schaff with Eau Claire DNR gave a nice talk on frac-mining.
3. Meadow Valley update – **Wayne Hall** and new techniques to remove trees and woody vegetation in order to restore Kbb habitat. Is this working?

4. An update from the Service on recovery status in other states and their take on the prospect of recovery in WI – **Cathy Carnes and/or Pete Fassbender**, FWS so we can see where we fit in larger pictures. Roadmap to help us understand what we need to achieve to reach recovery. “The reason why we do this.” Lots of visuals! Start large and bring it down to specifics of what partners do. This could be especially beneficial for new staff that don’t know the program history and don’t know what life would be like without it i.e. show the benefit of the HCP program to the Partners’ organizations.

Side Discussion: If WI could reach recovery goals, we can’t down list it but we can get the maximum level of regulatory relief possible under the HCP while Kbb is still listed. What would regulatory relief look like and how does partner work fit in? Regulatory relief might mean no more annual reports, no intentional take either, but properties shift to management plan which is less intensive. FWS has verbally suggested this avenue is possible but there isn’t a formal agreement between DNR & FWS.

What’s the end point of all the partners’ work? Can partners receive regulatory relief (i.e. not having to survey for lupine/Kbb) if a recovery unit’s Kbb population goals are met? Partners are strongly in favor of this idea and agreed that we need some sort of agreement with FWS to move toward and hopefully get voluntary support and funding from partners to assist DNR in achieving the recovery goals. If the prospect of recovery is real, it’ll motivate partners in annual work and funding recovery. For an incentive to be taken seriously, the IOC feels a firm agreement of reciprocation from the Service would be necessary to get Partner support for recovery.

5. Mitigation Schedule, cost/acre, no strings attached. (10 min plug for Mitigation on recovery properties as opposed to own land)
6. Hwy 54 mitigation agreement between DOT & FWS as case study. The process (a report card) and the prospects for future major construction projects – **Janet & Gary**.

What training could we do at the annual meeting?

As noted in item #7, Jenny will develop a survey for partners asking them their opinions on monitoring training, would more field time to work with survey forms in the field be useful, do they need help with annual reports, what records to keep, how to prepare for a compliance audit, construction guideline (how to determine if your project is major or minor and what to do next, etc.

Training sub-committee will consider trainings on:

- annual reports
- surveys & monitoring training
- management guidelines and protocols.

The annual meeting could have multiple tutorials in the afternoon after the business meeting, rather than training en mass. We could also consider an entity training i.e. training just for utilities, etc. Another topic could be how to apply conservation measures.

An important question for the sub-committee is how can we sustain the HCP program and maintain high quality performance? Can a mentoring program play a role?

Meeting Space and Logistics:

Last Years meeting room was too small, long and narrow (a divided double room at Holiday Inn – Stevens Point). Make sure to get a larger room for 2012. Consider UW-SP for a room that has catering, food service. The downside might be parking. Janet is familiar with UW-SP. Consider a V rather than a U shaped configuration of the tables and chair. People like having tables at the meeting. To encourage interaction between partners, provide lunch in a separate room with large round tables.

Get Karner coffee cups from Cathy Carnes.

Assignments: Deb & Shane will staff the Registration Desk.
Todd will collect money for lunch at the Registration Desk.
Brian & Janet will jointly emcee the meeting and act as runners to address any issues such as volume control, etc.
Dress rehearsal the night before the meeting.

Action Items: Jenny will send an e-mail to hold the date with a paragraph of what the meeting will cover. Then send out the RSVP with an agenda.

Action Item: Dave will invite Bob Hess, Pete Fassbender and/or Cathy Carnes and Unimin's Doug Losee to provide presentations.

Action Item: Gary will contact Wayne Hall regarding presenting.

[end of #9 - **Plan winter HCP Team meeting**]

Information Items:

10. HCP Strategic Plan and Goals for 2010-2014 (review progress and discussion items from HCP 2-Pt. Plan)

- Mitigation cost/acre included in Construction Guideline process
Dave handed out cost/acre schedule.
- Construction Guideline & Protocols are now posted on HCP webpage.
- Pesticide Guideline revision almost ready to post.

11. Karner Blue HCP Partners' Account

Update and/or discussion on use of any current balance

The account balance is zero and is funded through new partner fees, gifts and fines. The funds from Dairyland, our newest partner, were spent at Meadow Valley. \$2550 will be coming from Unimin as their entry fee to the HCP. This fund will now have 2 columns in the ledger: (1st sub-account): the funds from new partner fees, gifts, fines, etc., which are spent at the IOC's discretion, and (2nd sub-account): a new sub-account will be segregated from partner fees, etc. that will come from mitigation fees (e.g. road construction or frac-sand mining where they have permanent take). The mitigation funds must be used for Kbb recovery work. One day the funding from mitigation may eventually be large enough that habitat management and restoration can be funded from account interest rather than the principle to sustain the work. If this time comes, a separate interest bearing escrow account will need to be identified.

12. Recovery monitoring update on 5 Kbb Biological Recovery Zones

Overall, the populations have improved over last 3 years. To achieve the federal recovery team set goals for recovery, the Kbb populations by property must reach 3000 Kbb (Viable Population) or 6000 Kbb (Large Viable Population 4 out of 5 years running).

Escarpment and Sandstone Plateau

Eau Claire County Forest and Clark County Forest

Eau Claire & Clark County Forests are only large significant ownerships with Kbb.

There are no dedicated recovery areas in this recovery unit at this time.

Glacial Lake Wisconsin

Sandhill Wildlife Area, Meadow Valley Wildlife Area, Hardwood Range, and Necedah National Wildlife Refuge

Sandhill has maintained a very large sustained population.

Meadow Valley has few Kbb, but management is occurring to restore habitat.

Morainal Sands

Hartman/Emmons/Welch Complex, Greenwood Wildlife Area, White River Marsh Wildlife Area

Morainal Sands: several properties plus a private property (the Hamel's) easement, worked with FWS private lands program, currently has nearly a large viable population. The DNR properties and adjacent Bob Welch Property have good sustainable Kbb populations. White River Marsh has a very good population.

Superior Outwash

Crex Meadow Wildlife Area and Fish Lake Wildlife Area

Crex and Fish Lake experienced a severe Kbb population drop as a result of several years of drought. Populations there are rebounding very well now that the drought is over.

West Central Driftless and County Forest

Black River State Forest

The Black River Falls area is struggling.

13. Closing:

- Summarize Decisions, Action Items and Assignments
- Schedule next IOC meeting

Action Item: Type up notes, ask IOC to review, publish on the web within 10 days of today.

Action Item: Schedule IOC Meeting in Early January. Jenny to send out Doodle poll.