

**Minutes of Karner Blue HCP
Implementation Oversight Committee (IOC) Meeting
January 7, 2009 9:00 a.m. - 2:30 p.m. Mirror Lake State Park
E10320 Fern Dell Road, Baraboo**

MINUTES

Present: Gary Birch (Chair), Dave Lentz, Jim Zahasky, Pat Kandziora, Ursula Petersen (recorder)

Absent: Dave Ziarnik, Hannah Spaul and Todd Watson

Note: A quorum was not present.

The meeting started at 9:00 a.m.

1. Anti-Trust Statement - Was not needed since the attendees were all government employees.
2. IOC membership updates (*Utility alternate is still open*) – There are some candidates, Dave Ziarnik is still trying to recruit an alternate; so far no takers.
3. Agenda review and repair – addition: Dave requested adding an update on the previous day’s meeting of the DNR’s KBB Recovery Implementation Group.
4. Minutes from 10-30-08 – Pat requested that the word **use restrictions be changed to use limitations** in the Intrepid agenda item.
Action: Dave will change this and have the minutes reposted to the web.
Action: Due to the lack of a quorum, approval of these minutes is carried over.
5. Review action items from previous meetings (*See page 2 for 10-30-08 action items.*)
Most action items not completed or carried over were covered in the following agenda items from this meeting.

Action: Dave and Gary to contact participant members on IOC, e.g. Audubon, WWO, Sierra, Paper Council to see if they want to continue to be on the IOC even though they have not actively participated for a number of years. Nancy Bozek (WVOA) would like to be kept informed, but doesn’t have the time to actively participate. Earl Gustafson would like to continue to be kept informed, but feels the HCP is doing well and does not see a need to be very involved at this time. Jim Olson is no longer active in his Kbb role with Sierra. Jim reports that there is new leadership in the chapter, and the Kbb is not likely on their radar screen since the HCP is doing fine. Dave has not been able to contact Lou Locke (Audubon). The committee agreed to keep them informed by mail/email.

6. HCP 6-month Review Meeting 11-4-08 (See meeting Minutes at http://dnr.wi.gov/forestry/karner/pdf/HCP_6-month_review_minutes_11-04-08.pdf *Questions and discussion*)

There were no questions.

Dave commented that the Service agreed that land management (taking) can be lumped in the annual report as opposed to recording each incident as a separate line item. This has not been addressed in the annual report form for 2008, but will be changed in the 2009 version of the annual report. Also, the Service agreed that partners do not need to record in the annual report, which conservation measures were applied, These are documented by the partner and are available in a compliance audit.

The process for declaring temporary work space for construction projects in order to have incidental take authority was discussed. This has not been completely resolved, but the Service has suggested a flexible means to do this. Since the 6-month review meeting, Dave said another way to declare temporary work space could be by inclusion in the project plan; for major projects these plans are approved by the DNR & FWS before the work is done. It would be very unusual for minor projects to need temporary work space.

7. Reconsider retaining the Articles of Partnership: *Re-open discussion (See 10-30-08 minutes for previous discussion http://dnr.wi.gov/forestry/karner/pdf/IOC_Minutes_10-30-08.pdf)*

At the October 2008 IOC meeting Dave proposed moving the operational instructions out of the AOP and into the new HCP Chap. 2; and replacing the AOP mission and goal statements with the Declaration of Intent (DOI). At the time Quinn Williams cautioned the IOC that by giving up the AOP, we would lose an important and hard fought part of the HCP Partners' culture and heritage. In discussions with Quinn following the October meeting, Dave realized that it would be a mistake to lose the AOP. While the partners had read and agreed with the DOI, it wasn't their Articles, and wasn't signed by them, but by the Interior, the Service and the DNR. For 14 years, the Articles of Partnership have been the common touchstone that has bound the partners together.

After reviewing the operational parts of the AOP, Dave realized that these are important basic processes for things like decision making, and should stay in the AOP since the AOP can't be amended without all the partners being a part of the decision.

Since the AOP need some significant updates, all partners will have to be a part of the decision to accept the amendments. Therefore, it will be important for the IOC to complete a good quality draft for partners to review and likely discuss within their organizations before the winter meeting.

Action: Dave will re-send current re-draft to IOC.

Action: IOC to review this draft and work to complete a final draft version for partners to review.

8. Winter meeting agenda and duties:

Prepare for winter meeting

- Invitation letter, agenda topics (trailer, not actual timed agenda) and RSVP form will be sent out very soon.
- #4 – HCP Chap. 2 needs to be re-written to reflect what partners do now. Dave has not started yet. If not ready, those issues that are not finalized without all partner input can be developed at the meeting and Chap. 2 can be completed anytime before the permit is renewed.

Issues that need more work and partner input and/or decisions:

- Complete and approve the HCP's biological goal; develop method to measure shifting mosaic objective.
- Complete and approve an updated Articles of Partnership.
- Determine adjustments to the participation strategy to align roles and responsibilities of various types of partners with reporting, auditing, and other regulatory requirements, e.g. DATCP doesn't manage land, so can't answer most of the same annual report and audit questions as land managers (a hybrid full partner); clarify role for Limited Partners; and clarify fit of 1-time permittees.
- Outreach and Education strategy and Communication plan: Clarify partner role, requirements, etc.
- HPR maps need to be updated to remove anomalies and add new Element Occurrences. Currently, DNR anticipates updating the HPR and BRZ maps once every five years. Maps will be updated before the ITP is renewed; DNR will take orders for the updated maps and shape files when ready.

The committee discussed preparation and presentation assignments. Dave updated the draft Agenda.

9. SHCA template proposal (full partners): *Questions, issues, discussion – A draft template was not available in time for discussion at this meeting.*

Action: Carry over to next IOC meeting.

Jim commented that the county forest partners will need to amend their 15-Year Plans if they change their SHCAs

Action: Dave will give all county forest partners the new draft template with notes on what is different from their current SHCAs. At a minimum, the *term of the agreement* will need to be amended for most partners for their SHCAs to be valid after 12-31-09.

10. HCP Goal -- Proposed new description of the HCP's Biological Goal
Questions, issues, discussion

- Review proposed description

- Discuss need for measurement method for Shifting Mosaic

No Net Loss of Habitat (NNLOH) is still the same goal (verbatim) as it has been for the last 9 years. It has been difficult to measure – perhaps until now. The proposed description of the goal includes 3 measurable outcomes, all of which we have been gathering information about or observing to some extent all along.

- Outcome 1 – Complete destruction of habitat; permanent take or short term take. Acres of habitat lost and corresponding habitat mitigated or replaced are documented. NNLOH from this type of activity is simple math.
- Outcome 2 – Beneficial disturbance management is critical to the success of the Kbb. We have tried to measure take and relate this to NNLOH. Since disturbance management is mostly coincidental to other management objectives and partners are not obligated to intentionally do habitat management for its own sake, measuring this never seemed to equate. What may be of greater influence on NNLOH is how management gets done, i.e. with consideration for Karners, e.g. by following the conservation measures in the management protocols partners avoid and minimize take. Successful application of conservation measures has been a part of compliance audits all along.
- Outcome 3 – The long held assumption that there will be NNLOH due to shifting mosaic as a result of forest management is not as easily observed or quantified. A parameter that is useful is partner effort to observe, understand SM on their landscape and seek opportunities to enhance the affect where opportunities are there. A way to measure this outcome still needs to be determined by the SM partners in their breakout session at the winter meeting. The committee began to brainstorm some examples of things partners might do that can be reported and tracked. Success is not a minimum threshold value, but a subjective judgment by the FWS, similar to the accumulated results of O&E in the 3-Year Participation Plan Report.

11. New hybrid partner group -- partner/participant: Some current partners have no management to document and nothing to report, and thus nothing to audit.

Consider various levels of participation that appropriately reflect the regulatory requirements of HCP participation. Partners who own/manage land ... vs. Those that don't.

Most required documentation, monitoring, reporting and compliance audit questions are related to those partners that manage land and utilize the incidental take permit (Take Kbb.). It is easy to see that the regulatory requirements and conditions of the incidental take permit apply to them. However, non-land managing partners (do not own or manage land and therefore do not take Kbb) should not be required to fulfill regulatory requirements as a condition of take, since they do not take Kbb. However, as partners, they have had to submit annual reports, be audited, etc. These partners, like DATCP and Thilmany meet one criterion for being a partner, “*d. Has a role in implementing the HCP ... etc.*” Their role is outreach and education in support of the voluntary category. This group should stand apart from land managing partners. In as much as they provide a voluntary service, but do not take, they should only be held to fulfill the commitments in their SHCAs or MOU in DATCP’s case.

The roles, responsibilities and requirements of other groups in the participation strategy should also be looked at prior to updating the HCP (Chap. 2) for renewal.

Action: Dave will draft an issue paper and a proposal for inclusion in the updated HCP for partners to consider at the winter meeting.

12. Updated HCP: *Progress report; questions, issues, discussion?*

Due to a lack of LTE staff support, there is no progress to report. Draft documents were not available in time for discussion at this meeting.

Action: Carry over to next IOC meeting.

13. KBB Recovery Status Update from 1-6-09 Recovery Implementation Group meeting

2008 was a very low year for Karners here. Recovery monitoring and habitat assessment results from this past summer indicate that there is a need for habitat work to improve some sites. In a time of scarce resources, a greater focus on management than on monitoring is called for.

Another conclusion or maybe realization is that in Wisconsin we have all been collecting Karner data since as far back as 1988. With at least 20 years of data, it would seem that there is better (if not more) information available to determine or in this case to re-assess the federal recovery plan's recovery goal. If long term sustainability is what the goal is supposed to be based on, then it stands to reason that the Wisconsin data, being widespread across a broad latitudinal part of the Kbb range should have more value than data from the northern fringe of the range (Ontario), which was used to set the goal. Sustainability may be able to be proven as a useful surrogate recovery goal in lieu of minimum viability (extirpation) where we have past harvest records and future harvest projections for recovery properties that do forestry (SM) and for Permanency of Habitat (POH) recovery properties we have continuous management to feature and enhance Karners. The DNR's Recovery Implementation Group will be looking at the feasibility of such research using our existing data. The hitch as always is funding. If this concept has some strong possibilities and is embraced by the FWS, the WI Recovery Team may be asking the partners for assistance, e.g. funding, grant match in-kind service, etc. The FWS is required to do a five-year review of their recovery plans. This data may prove to be very useful to them in their assessment.

14. Construction Guideline and Protocols

Progress report on guideline and protocols; mitigation in perpetuity; declaring temporary work space for ITP coverage
Draft documents were not available in time for discussion at this meeting.

Action: Carry over to next IOC meeting.

15. Develop Process to Update SHCA Appendix A. - Lands Included – Map – find way to be able to pinpoint protected area.

The committee looked at the HPR map with the 5-mile radii. The intersections of the buffer circles appear to form mostly closed and contiguous sets of areas, not unlike the two old HPR polygons. Partners who don't have GIS and might find it difficult to determine what lands to include where their land goes in and out of high probability areas (blue pixels) should be able to include all land within the HPR circles, whether blue or white, and apply monitoring and conservation measures in the blue pixels using county level maps with roads, DTRS, etc.

This will need some discussion with all the partners at the winter meeting to see what they can do to update their lands included.

The meeting ended at 2:45 p.m.