

**Karner Blue HCP
Implementation Oversight Committee (IOC) Meeting
March 3, 2010
Madison - DATCP Room 266**

MINUTES

Attending: Gary Birch (Chair), Dave Lentz, Dana Halverson, Pat Kandziora, Todd Watson, Brian Loyd, Shane Yokom (phone), Bernie Williams (recorder)

1.) Anti-Trust Statement

Dave read the anti-trust statement.

2.) Introductions

Dave introduced Dana Halverson of Alliant-WP&L as the new IOC representative for the utility managers' entity group, replacing Dave Ziarnik. Shane Yokum of Enbridge Energy will continue to serve as the alternate.

3.) Update on ITP renewal application status

Due to additional steps in the process for publishing in the Federal Registry, the notice of our application for permit renewal did not get published in time for a 60-day public comment period to allow for a signing ceremony at the April 7th HCP Team Winter Meeting. The signing is tentatively being considered for May 21st (National Endangered Species Day). It is possible that Secretary Salazar may attend. Since there will not be a signing ceremony April 7th, the HCP winter meeting will be devoted almost entirely to normal HCP business.

Important note: Since the permit application was submitted prior to the deadline, the current permit will be enforce and valid until a new permit is approved.

4.) Plan Winter HCP Team meeting agenda and assignments

The April 7th meeting in Stevens Point is confirmed with the meeting facility. Logistics are being handled. RSVPs will be going out soon.

- *April 7 meeting* Agenda Item #5 - In place of a signing ceremony at the beginning of the agenda, Lisa Mandell (FWS) will give an update on the status of the permit renewal application. The Service is planning on sharing words of congratulations and recognition to Partners.

Assignment: Todd Watson agreed to take photos at the meeting.

- *April 7 meeting* Agenda Item #6 – Recovery Report. Bob Hess will give a report on the last year and the progress made over the last two years. There will be some discussion of what partners may be able to do to hasten recovery and explore ideas about the HCP Partners' support role in recovery.
- *April 7 meeting* Agenda Item #7 – Dave will give a brief progress update on the 5-Point Plan to demonstrate that progress has been made on all points, notably a recap on the permit renewal efforts. The two main objectives here will be to conclude that we have successfully completing or made significant success in most activities and bring some closure to the plan; and that now we need to focus our efforts on Point 4: Kbb Recovery.
 - Show the current HPR and BRZ maps.
 - Show the complete HCP users guide flow chart: management, monitoring, and administrative protocols & procedures.

Action item: Keep this item on the agenda, but be brief here. Instead, Dave will ask Lisa to elaborate more on the renewal process in agenda item #5.

- *April 7 meeting* Agenda Item #8 -- Open discussion. What do partners need from the DNR and IOC going into the future? It took 5 years to write the original HCP. During that time it was important to meet frequently and to have summer field trips to continue to learn. Last year we did not have a summer meeting. Is that an important component for the future?

What do partners want out of the winter meeting?

Before opening the discussion, Dave should frame out the question being asked, and make some opening suggestions, i.e.:

- maybe tutorials for new people
- training field staff
- ask for success stories from the audience – and what worked for them; and what wasn't so good

Action Item: Dave to send out a homework assignment for attendees prior to the meeting; bring success stories (and non-successes) to the meeting. What things were helpful and not helpful (even confusing), i.e. procedures, maybe a mentor program; possibly use at the winter meeting as a template to build on.

- *April 7 meeting* Agenda Item #9 - Break out sessions
Construction breakout for utility and roadway partners. Guidelines will be sent to partners in advance to review. The guidelines will be draft until after the breakout, at which time they will be published as final.

Assignment: Dave and Cathy Carnes will lead this session.

Shifting mosaic measurements for NNLOH breakout for forestry partners. Work on understanding the proposed measures and determine if all partners can produce these measures. Also, how might we use these measures to do an analysis of NNLOH?

Assignment: Todd and Brian will lead and facilitate this session.

Bob Hess summarized the measures brought out during last year's meeting, so he may be a good resource for Todd and Brian before and during the breakout.

Action: Dave will ask Bob Hess to attend this breakout session.

Action: Dave will put together a preliminary handout for both breakout sessions.

- *April 7 meeting* Closing comments
What should we do? (TBD)

Action: Dave will repack the agenda – and send it out.

5.) IOC Administrative Procedure – drafting process

Vague language has been pulled out of the original HCP and put into a draft protocol template.

Action: Dave will send the draft procedures out for comments, edits, and review.

Action: Dave will distribute updated partner contact list to IOC.

6.) HCP 6-month review future agenda items – brief review and input from IOC

- Perpetuity issue: When is management in perpetuity required? This is related to the construction guidelines. Currently, the Service feels that mitigation for a permanent take needs to be managed in perpetuity, even if the mitigation is at the same site, and there is other habitat there. One could argue that the partner will resume/continue doing beneficial management at the site on behalf of the Kbb. There may be too many barriers to getting approval for this. If perpetuity for mitigation for permanent

take is upheld, then it would stand to reason that Partners who can not make a perpetual commitment should not try to mitigate on their own property, but rather do mitigation on recovery properties where it will be managed in perpetuity.

The IOC agreed that Dave should discuss at the next 6-month review meeting and bring to conclusion one-way or another.

- What is a significant enough removal of land from the HCP that it would trigger a major amendment to the ITP? This issue is in the HCP, but has no guidance or criteria as to a metric. Dave is not comfortable with this being so open ended and unclear, especially as some Partners are currently selling land and removing it from the HCP in volumes that were not anticipated when the original HCP was written.

The IOC agreed that Dave should approach the Service on this.

- Small business exemption; similar to the voluntary participation category? There are small businesses that have less involvement than even the family farms. Is it feasible to categorize small businesses under the same umbrella as the voluntary group? Example: A small auto body shop in the country needs to install a culvert in the ditch for their driveway. A farmer or commercial cranberry company can do this; even permanent take. However, this doesn't apply to the body shop. It falls under commercial. How different is a small business? Many small (non-agricultural) businesses have the potential for much less impact than a cranberry company or a commercial farm. The difference is that when the HCP was first written, no one lobbied for small businesses. Dave and Quinn Williams are working on a small business exemption with the Service and will continue the discussion.
- Alternative mitigation on recovery properties in lieu of short-term take regulatory activities. A partner could be partially excused from some regulatory activities outside of BRZ's for providing major assistance with significant and strategic recovery activities when other funding is not available. Wouldn't recovery be a better investment than regulatory activities for their own sake? Beneficial disturbance will continue either way.

The IOC recommended Dave and Gary discuss the subject with the Service.

7.) Closing

- Decisions, action items and assignments were summarized.
- Schedule next IOC meeting: Forego the usual mid-August where new IOC candidates attend prior to taking over at the permit anniversary (September 27). Instead have this meeting shortly after Labor Day, then have another meeting in November to plan the 2011 HCP Team Winter Meeting.

Action: Bernie will solicit dates from members for a September IOC meeting.

Meeting adjourned at 3:20 p.m.