

**HCP Working Group
JANUARY 10, 2007 MEETING
GBFO New Franken**

Attending: Cathy Carnes, Bob Hess, Matt Krumenauer, Dave Lentz

- 1. Review Regulatory Boundary map from 12/13/06 (10-mile EO and ¼ Section buffers)**
Decide among various alternatives (see regulatory buffer exercise and alternative buffered range maps.)

Decision 1

- **HCP Implementation Range:** High probability range (>50% probability), biological (500 m cells), within 5 miles of known of Kbb occurrences. Supporting information:
 - Maximum dispersal (rare) of 1.4 miles (G.80 FRP); longest dispersals are males only; 1 mile/year dispersal of 5 miles over 5 years;
 - Partner lands have mostly been surveyed within the HPR;**Action:** Dave to confirm what areas SM partners have not have surveyed; review new populations and expanded habitat, then adjust range map in 5-year increments.
- Kbb range in model has a high confidence level (statistically significant at the 95% confidence level)
Action: Dave reconfirm above statement with Ted S.)
 - This will significantly release partner resources and we can focus resources in and around recovery properties.
 - All known Kbb populations are included in the map; this includes populations beyond partner lands.
 - What will be lost by reducing the HPR to this HCP Implementation Range (HCPIR)? We will lose regulatory oversight, mandatory conservation measures and likelihood of identified addition Kbb on approximately 8.5 million acres outside of the HCPIR. This is justified by the facts and data that tell us the likelihood of finding Kbb here is very low.**Action:** Dave to work with Joel A. (PC) to understand how much potential Kbb areas they have not surveyed; may choose to complete some surveys in the 5 mile range.

Decision 2

- **Proposed Regulatory Range (RR) (beyond existing partners):** High probability range (>50% probability), biological (500 m cells), within 10 miles of known of Kbb occurrences; including tan areas?

Definition:

The regulatory range is the area in which non-partners, one-time-permittees and new partners need to perform habitat assessment (lupine surveys) and Kbb P/A surveys when indicated. Existing partners who acquire land outside the HCPIR, but inside the RR will do this same assessment. Once a partner has completed assessment in the RR outside the HCPIR, the partner need only implement the HCP using the HCP Implementation Range map.

Action: Dave to ask Ted S. to remove the MN recovery unit from previous maps.

2. **Responsibility Table related to partner activities within the new Regulatory Range and HCP Implementation Range).** This needs our review, completion and approval. (Refer to \model applic table 12-13-06 revs.doc)

Dave made revisions to the table as agreed on at the 12/13/06 meeting. The table was reviewed.

Action: Dave to develop an issue paper that describes the actions, relationship to the new ranges and the justifications for the changes.

- **HCP Goal (NNLOH) Measurement Process – DNR/IOC proposal** (Refer to \NNLOH Measurable Indicators.doc)
Extra discussion was given to the NNLOH indicators. It was agreed that the indicators made good sense.

Decision: Move forward with NNLOH indicators.

Action: Dave to implement necessary changes in the 2006 annual report better organize and describe these changes.

Action: Dave to issue a memo to all partners that the 2006 Annual Report form will not be released in January. It will be discussed at the meetings February 19 & 21 (DNR and HCP meetings respectively).

- Decision made 12/13/06: It was agreed to eliminate the use of ACE's and redefine the SPA's.
Reconsider following decision: Is it more confusing to use SPA with a different definition than to establish a new concept for BRZ?
Dave offered that the acronym SPA has a different definition than BRZ. To call BRZs SPAs will likely be confusing. It would be better to use the term BRZ. To avoid the need to change all references for SPAs to BRZs, Gary suggested noting in the change summary list that BRZs are different, but will be treated as SPAs have been where SPA is referenced in SHCAs, IA, etc.

ACTION: Dave to add the following statement to the Summary of Changes and Definitions list: "Regulatory requirements for BRZs are the same as previously in SPA".

3. **HCP Monitoring in 2007 – confirm direction** (Refer to /2007 HCP Monitoring proposal 1-8-06.doc); **discuss implications for MIT, i.e. trends monitoring (distance) in context of Recovery monitoring, other?**

- Monitoring changes and 2007 strategy
- If no trends monitoring on the majority of partners' lands, do we need a site pool with sites no larger than 40 acres or 250 meters long for ROWs? If not, can we agree to focus on habitat and occupied sites and drop tracking of sites for all other lands included until a pre-management survey identifies lupine and/or Kbb?
It was agreed that the original site pool of artificially designated sections of land irrespective of habitat or Kbb presence was no longer needed since we don't randomly select sites as a survey selection process.

Action: Dave to eliminate the site pool concept and any use or reference to the pool in protocols and practice.

- What do we do about the SM partners' inventory efforts, i.e. 200 sites/year? What value is there in continuing this as opposed to identifying new sites with pre-management surveys? (Obvious exception is to intensify habitat assessment and inventory in BRZs.)

Consider (Needs further discussion.): Drop the 200 site mandatory requirement and ask current partners if they have completed initial lupine/Kbb assessments in the RR minus HCPIR areas? And if so, all partners will just apply the HCPIR on a need-to-do pre-

management survey timetable? And if not, that existing partners will need to assess these exterior areas previously not surveyed and on a timetable at their discretion?

- Should we add L3 surveys in 2007 on R-properties other than Crex (Assuming surveys will convert to satisfactory Distance results?)

Action: Bob to ask Kirsten if Distance conversion will work with straight line transects as well as Pollard-Yates. Also, will this be a satisfactory way to estimate populations (confidence factor)?

4. **Reporting Incidental Take** (see annual report issue brief & IOC minutes 10/24/06)

Action: Dave to develop a proposal to measure management activities on occupied sites that provide beneficial disturbance. Apply to populations. Add maximum take per year. How close to occupied sites?

- Annual Report improvements (from 12/13/06 meeting)

Action: Dave to revise Annual Report form for 2006 consistent with (Refer to \Annual Report Form 2005.doc:

- O&E: Delete ACE: Yes
- Assoc. Spp.: Delete section: Yes.
- Proactive Conservation reporting: discuss what if anything merits documentation and reporting. Consider partner assurances. Yes.
- **Permanent/Temporary Take:** Delete Temporary? On hold until >1/10/07 meeting. Cathy said the Service considers complete habitat removal as permanent take. Dave reminded that the HCP defines permanent take as a change in land use that precludes Kbb from occupying **the site** for more than 5 years. There was much discussion around how much of a site needs to be removed before it is considered “permanent take”. It was realized that this was not a good approach.

Decision: Agreed to use the term temporary take as Cathy and Dave described it in an earlier version of the “mitigation guideline”.

Following the meeting it was agreed that there is no term or definition for “temporary take”. (Louise Clemency & Dave Lentz). This term applies to short-term take that removes some or all habitat for a short period of time (less than 5 years; permanent take is defined as precluding Kbb occupation for over 5 years.)

Decision: Matt and Cathy agreed that temporary take involved in utility corridor projects, i.e. laying a pipeline still will need pre-approval regardless of how well we define a streamlined and standardized habitat replacement process. The primary reason for pre-approval is that multiple federal agencies are involved in review and approval of these types of projects and they often fall under much scrutiny.

Decision: Ditch repairs, road ROW maintenance and grooming will not always need pre-approvals after current guideline and protocol developments are successfully implemented. These activities are generally done with existing funds and seldom involve other federal agency reviews.

- Post management surveys for C-E study reporting only.
- Replace post-management surveys with post-mitigation assessments: Leave for C-E and SPAs. (in instruction clarify where post mgt surveys are required.)
- If no site pool, will need to redefine site identification under activities, i.e. locator information for auditing. Add a survey form number for tracking site and site splits.

5. **Review Enbridge Energy Project** – Final information is available on acres of “take” and habitat replacement.

Objective is to approve mitigation plan.

Cathy had reviewed the information submitted by Enbridge.

Action: Dave will contact Enbridge regarding additional questions Cathy has to complete and strengthen the proposal.

6. Service's role at HCP Team meeting 2-21-06?

Action: Bob and Cathy will work on presenting the Recovery part of the agenda (5-Point Plan: Point #4)

ITEMS TO CARRY OVER TO A NEXT MEETING (not scheduled)

7. Construction and Ditch Repair & Maintenance Guideline (s) (a.k.a. mitigation guideline) and associated protocols

- Guidelines and flowchart
- Habitat Restoration Protocol (in principle; discuss content in next meeting)
- Egg Salvage Protocol (in principle; discuss content in next meeting)

8. NEPA implications for current HCP changes?

Action Item: Dave to draft a list of changes so DNR and FWS can determine and document the need or lack of need to amend NEPA and/or WEPA.

Review and forward to FWS & DNR for decisions and documentation.

9. Changed Circumstances amendment proposal

Decision 12/13: Cathy suggested that we consider keeping the Changed Circumstances section of the HCP and just change the Conservation Measures section (refer to p. 177) to read something like: *Prior to a management action on lands impacted by the changed circumstance, the land manager will assess any necessary changes in management that may be needed to further the conservation of the Kbb and incorporate those measures into the management plan (e.g., burn management on lands impacted by a forest fires or other wildfire may have to be adjusted (e.g., postponed) . There are no specific reporting requirements above and beyond normal annual reporting.*

Action: Dave Draft a minor amendment proposal consistent with decision above.

10. Proposed amendment to HCP/ITP to allow DNR to do audits on DNR lands (rather than FWS as it currently states).

Action: Dave Draft a minor amendment proposal consistent with decision that Service is comfortable with current policy.

Cathy said the Service was comfortable with DNR performing audits of DNR properties.

New Action Item from 12-7-06 IOC minutes: Dave will draft a proposed amendment.

Post meeting suggestion from Cathy Carnes: Instead of making this an amendment, just agree to a changed audit protocol (per the IA page 10, Provision 11.1 b(14)). This saves us from doing an amendment which requires WDNR to identify all clauses in the HCP to amend and then get approval from IOC to make the changes. WDNR could request the change of the Service via letter or email with rationale and Service could reply in kind. Dave agrees and will follow up.

11. Amend ITP: Partner names, Scott Hassett as principle officer, and other updates.

Other future agenda items:

1. In the meeting notes from 4-11-06 it was noted that we verbally agreed that FWS pre-approval was not needed for activities resulting in short term take. Time permitting, lets discuss; if this is so, then I think we should officially document our decision on this.
2. Another agenda item (which we don't have to cover) from our last 6-mo. meeting (from my April 11, 2006 notes): What activities qualify for major vs. minor amendments. This relates to what would be considered a "substantive" vs. non-substantive change to

- the HCP conservation program. We can discuss this at the meeting if you like, or wait until we actually have an amendment issue in front of us to consider. There's guidance relative to this topic on pp. 173-175 of the HCP.
3. Safe Harbor issue
 4. Approval Process Table: Confirm agreement; review progress
 5. Reporting Incidental Take (see annual report issue brief & IOC minutes)
 6. Approval Process Table: Confirm direction; review progress. (Refer to \HCP approval process 8-25-06 Draft.doc
 7. Another agenda item from April 11, 2006 HCP review meeting notes): What activities qualify for major vs. minor amendments. This relates to what would be considered a "substantive" vs. non-substantive change to the HCP conservation program. We can discuss this at the meeting if you like, or wait until we actually have an amendment issue in front of us to consider. There's guidance relative to this topic on pp. 173-175 of the HCP.
 8. Kbb specimens: Should we bother to mount these worn specimens? If not, what should be done with current specimens? Can we collect quality m/f specimens in 2007?
Decision: Yes. The cost to mount the specimens is negligible. Joe suggested they can be used as examples of worn specimens. If they are not of use as educational specimens, DNR should send them to the Milwaukee Public Museum with appropriate documentation.
 9. In the meeting notes from 4-11-06 it was noted that we verbally agreed that FWS pre-approval was not needed for activities resulting in short term take. Time permitting, let's discuss; if this is so, then I think we should officially document our decision on this.
 10. Demonstrating Shifting Mosaic. What do we do about this into the future? Within SPA's? Outside SPA's?

\Minutes Carry Over meeting 1-10-07.doc