Karner Blue Butterfly Habitat Conservation Plan

Interviews:

Gary Birch, Environmental Policy Analyst, WI DOT (1/23/98)
Fred Souba, Vice President, Johnson Timber (1/27/98)
Catherine Carnes, Endangered Species Coordinator US FWS (4/10/97)
Dave Lentz, HCP Coordinator, Wisconsin DNR (4/8/97)
Louis Locke, Wisconsin Audubon Council (1/23/98)
Nancy Braker, The Nature Conservancy (1/28/98)
Tom Hunt, Manager of Land Resources Wisconsin Power and Light, (1/22/98)
Nancy Bozek, Wisconsin Woodland Owners Association (2/2/98)

I. BACKGROUND

• **Participants:** The Wisconsin Department of Natural Resources (DNR) is the lead applicant, and will be the only entity receiving an ITP from the Fish and Wildlife Service (USFWS). The HCP is being prepared by a consortium of 28 partner organizations — who represent most of the significant private and public landowners within the Wisconsin range of the Karner blue butterfly (KBB). A number of interest groups, known as participants — without property or other assets at stake — have also been involved in the formation of the plan. Partners include county forests, utility companies, forest products companies, three state agencies, and one non-profit land trust (The Nature Conservancy). Participants include a woodland owners association and a number of local chapters of national environmental organizations (“Karner Blue Butterfly Partners,” DNR 7/12/96; Articles of Partnership).

• **Location, Size and Species Involved:** The HCP is a state-wide conservation plan for the entire potential range of the Karner blue butterfly (*Lycaeides melissa samuelis*) throughout central and northwestern Wisconsin (approximately 9 million acres). The Karner blue is dependent on wild lupine, since KBB caterpillars feed exclusively on its leaves. Adult butterflies feed on a variety of flowering plants’ nectar. The suppression of disturbances — such as wildfire and grazing — and development, have severely restricted the Karner blue’s historical range to remnants in Illinois, Indiana, Minnesota, New Hampshire, and New York. Although the Karner is fairly widespread in Wisconsin (it is not listed as a State endangered species in Wisconsin, although it is a state species of concern), it was listed as a federal endangered species in December 1992 based on its range-wide status.

Species other than the Karner blue are not included in the HCP, but some individual partners have drafted agreements to conserve associated species. Twenty-three rare species (including state and federally listed species, and state ‘special concern’ species) are associated with the rare jack pine barrens and oak savannah ecosystems that also provide habitat for the Karner blue.
- **Status and Duration**: The Draft HCP and accompanying Draft EIS is anticipated to be completed during the Summer of 1998. The current application seeks a 10 year permit.

- **Causes/Catalysts**: Following the listing of the Karner blue, the Fish and Wildlife Service began outreach to forest products industries. USFWS’s “Forestry Technical Team” (with members of the DNR) sought, during 1993, to provide information about the Karner blue to foresters as well as to gain information from foresters as to their land use activities affecting Karner blues (Carnes). Following this outreach, Georgia Pacific Corporation approached the DNR and USFWS, and indicated that they would like to participate in — but not lead — an HCP effort. During the Spring of 1994, DNR held meetings with county forest administrators, forest products industry representatives, and at least one utility company representative. After deciding to lead a statewide effort, the DNR, in July of 1994, started trying to recruit potential partners through a statewide mailing to two or three thousand people and companies (Lentz).

- **Major Elements of the Plan**: The DNR is the applicant for the ITP. The 28 individual partners (sub-permittees) will receive incidental take privileges by preparing separate agreements (“Species Habitat Conservation Agreements”) with the DNR. These agreements, which will also be subject to the review of the USFWS, describe conservation strategies and the management activities (as well as avoidance and mitigation measures) that will be carried out by individual permittees to implement the strategies. These plans also describe the monitoring programs that permittees will utilize to ensure that their activities are conserving Karners. In addition, a number of permittees will carry out public education and outreach about Karners. These conservation agreements, although entered into voluntarily, become legally binding, and are subject to external auditing for compliance by the DNR (Lentz).

Because the Karner blue habitat is dependent on disturbance, each partnership agreement will specify how disturbance regimes will be maintained, or how the partners will otherwise contribute to Karner conservation. Partner management agreements roughly break down into four strategies: (1) matrix (shifting) forest management on timber lands, (2) continued habitat management on rights-of-ways and other lands, (3) integrated multiple species and recovery management (on certain DNR and County forest properties), and (4) management of currently unoccupied potential habitat for Karners and, in some cases, other species. Taken together, these strategies cover such management practices as mowing, burning, herbicide application, and forestry practices, as well as issues of timing and application of these approaches. In addition, the DNR and partners will encourage voluntary conservation efforts for Karner blue conservation on private lands through public education and outreach (Lentz).

- **Monitoring and Adaptive Management**: The monitoring program for the KBB is described as three combined elements: Individual, statewide, and compliance. Each partner must participate in a monitoring plan as part of their Species Habitat Conservation Agreements (SHCAs) with the DNR. The DNR intends to provide training for conducting and coordinating monitoring activities (Carnes) and will audit partners to ensure that they are
performing the management activities specified in their SHCAs (Lentz). Individual and statewide monitoring efforts will be based on monitoring protocols developed by a monitoring subcommittee, with input from the biological subcommittee as well as USGS, University of Wisconsin Stevens Point, and a Wisconsin DNR statistician. (That monitoring plan is still under development, but is reportedly nearing completion, according to USFWS.) Finally, an adaptive management approach will be implemented to insure changes in management activities to benefit the KBB as knowledge is gained through the monitoring program.

• **Important External Events:** Several participants indicated that the process was affected by outside political forces. For example, several people interviewed indicated that a number of HCP participants had an expectation — after the advent of the Republican-controlled 104th Congress —that the ESA would be changed in such a way that an HCP wouldn’t be necessary. One partner stated, “some of our partners [were] waiting to see if they could get off the hook, and were ...log rolling... slowing the process down...to see if the act [ESA] would change ...”. Another partner agreed, stating that others seemed to grab onto relatively small issues, and “run with it.” According to that observer, “They wouldn’t care about that issue, but would be ... kind of a backdoor method of getting into repealing ESA or whatever their main goal was.”

On the other hand, other partners have indicated that they perceived internal politics within the USFWS and Interior Department as promoting the process. One timber industry representative stated, “I went out there and made a presentation to some DC (USFWS) folks about this. And I think they were just begging for a plan. By that I mean they were very excited about the nature in which it was being developed.” Another observer agreed, saying “I think the Service was really interested in stepping back from the brink, because they’ve been through ... 4 or 5 really high profile [endangered species conflicts], and they can’t afford any more like those. They know the Endangered Species Act could be taken away ... and I think that they have been ...very interested in working with us because of that.”

II. **DESCRIPTION OF THE PUBLIC PROCESS**

Beginning with meetings and mailings described above, the DNR sought to include as many partners (as well as participants) in the process as possible. (Lentz) Meetings continued into the Fall of 1994, during which time Articles of Partnership were drawn up, describing the mission, and goals of the partnership. After preparing the Articles, the DNR circulated them with another letter of subscription. Dave Lentz, HCP coordinator at the DNR, described the rationale behind the recruitment:

We recruited enough people until we said we had the parties we wanted. We thought we had most of the large Karner populations, and represented a broad enough group that we could define strategies for each land use type. [For example] if we didn’t have any utility rights-of-way people at the table, we would need at least one there for their perspective to
be written into the HCP and the kinds of ...mitigating techniques that they could do, given what they do on the landscape (Lentz).

The Articles of Partnership were signed by numerous partners on January 23, 1995 (Lentz). Those articles described the principal goal of the HCP process as developing an “ecologically and economically sound solution integrating Karner blue butterfly conservation with economic and other land uses acceptable to the citizens of Wisconsin and the owners and managers of public and private lands” (Articles of Partnership, pg. 1). That document further described the roles of the partners (people with land or other assets at stake), and participants (other active members of the public) (AOP pg. 2-3). The signing of the Articles did not preclude other partners from joining the partnership; in fact, the DNR sought to bring more partners on board, especially major landowners such as the Wisconsin Department of Transportation (Lentz). Even after the completion of the HCP, partners can join the process, though they will have to contribute money and other resources, as well as submit a Species Habitat Conservation Agreement with the DNR and get the approval of USFWS who would issue a “certificate of inclusion” (Lentz).

Partnership meetings have been held on a monthly basis since the origin of the group, except during the final months of 1997 during the intensive preparation of the draft HCP (Braker). Decisionmaking within the partnership meetings has been primarily a consensus process. According to a DNR participant, “its consensus of all participants -- in other words, if we have a non-partner who dissents on an issue, we don’t want to just tell them to go away. We want them there. We want to know their position, we want them to try to convince us and we work to great ends to do that” (Lentz). Partners described “one or two” occasions when partner-only votes were taken because a decision had to be made, but otherwise noted that the process remained consensus-driven throughout (Birch). Participants also work on one or more subcommittees — on funding, biology, monitoring, and other issues, which undertake specific projects and report back to the full partnership.

Following some initial work on the plan, as part of the NEPA and WEPA processes, public scoping hearings were held during the summer of 1995 to “allow interested parties to tell the DNR and the (USFWS) what they think the important issues are in developing a plan to conserve the Karner blue...” (USFWS Press Release 6/14/95). The joint NEPA and WEPA process will continue when the Draft HCP and EIS are released for public comment during the Summer of 1998 (anticipated).

III. DISCUSSION

• **Views on Public Participation:** Although most of the participants in the planning process describe a process that provided ample opportunity for public involvement, a number of those participants chose not to define public participation simply by the number of people that attended meetings. Fred Souba of Johnson Timber Corporation, credited the DNR with involving many entities in the planning process, “I think they’ve done an excellent job ... [short
of] actually dragging people to the meetings, I think there’s been an excellent effort made to involve as many public entities and individuals as possible” (Souba). Although those views predominated the conversations, others questioned the extent to which the larger public — those who were neither participants or partners — was involved in the process. “There was an effort to inform and educate the public -- there were press releases, and some public talks and so forth,” stated one partner, “but there was very little public involvement in the actual production of the HCP. I can remember specifically the interested citizens who came to meetings, and there were no more than half a dozen of them...I think that’s pretty limited involvement given [that] we were meeting for four years” (Braker).

- **Process Barriers & Facilitators:** Most of the HCP participants describe the preparation of the HCP as a challenging yet ultimately rewarding process. Tom Hunt, from Wisconsin Power and Light Co. for example, described it as a “very frustrating overall process,” but in the next breath stated that he was tempted to rate the process as a “five” on a scale of one to five, because the group overcame the challenges (Hunt). The assurances afforded by the HCP were what kept people going through the difficult times and years of work. Dave Lentz of the DNR summed up the process by saying, “The prize was big enough that ... we persevered, but I can’t think of anything process-wise that was easy” (Lentz).

A major challenge that faced the group was that of trying to make consensus decisions in an unwieldy group. Nearly every participant described difficulties associated with functioning in such a large group. “This was a very large group,” said a Timber company participant, “you get nothing done in large groups” (Souba). Lentz, from the DNR, pointed out that “you can work through [things] a lot quicker with a smaller group of people because you can confront issues and work together to build trust a lot easier than you can in a huge group” (Lentz). However, numerous participants have pointed to benefits that they received through struggling through the process with a large group. After describing how her ties with companies with whom she will have to work “to do effective conservation in Wisconsin,” have increased as a result of the process, Nancy Braker of The Nature Conservancy stated, “If it had been an easy process, and we only had to meet a couple times, we would have never developed those relationships and those opportunities” (Braker).

Another major challenge faced by the group was the fact that the process required substantial investments of resources — even to attend the meetings. Meetings are held during the working day, and according to one industry representative, “I think my average one way travel was 110 miles...you’re looking at a major commitment of a day” (Hunt). However, though this arrangement probably burdened some of the groups unfairly, one of the non-partners said, “even though it might preclude some people from attending, they really did take all day to get through things, to have those in the evening...you wouldn’t have gone home until two in the morning” (Bozek). However, others have noted that those with assets at stake made the time to attend the HCP meetings (Souba).
Factors for Success: Despite its difficulties, the HCP process has so far been regarded as a success by its participants. Participants highlighted many reasons that they regarded the process as successful, though a number of reasons stand out: (1) A willingness to work hard on the part of a cadre of committed individuals, (2) The leadership and commitment of DNR, (3) The support of participants, including funding, (4) The organization of the process along analogous land management practices, and (5) The ease with which Karner blue butterfly management can be accommodated with other land uses.

1. Nearly everyone agreed that the hard work and commitment of individuals to the process was a key element to completing the plan. Tom Hunt, from Wisconsin Power and Light, found the commitment of participants, “from such a disparate background, to come together and work so hard and be so committed,” to be “impressive” (Hunt). Gary Birch, from WI DOT stated, “There was a real spirit of ‘let’s do this thing.’ And that mostly came from the private sector, because they wanted to get through this” (Birch). On the other hand, Fred Souba of Johnson Timber Corporation emphasized that it was a small cadre of committed people. “There were a handful that really did the stubby pencil work. The other people just came once a month, and wouldn’t participate outside of the meetings” (Souba).

2. Many people pointed out the strong, yet inclusive and open role played by the DNR to be a key element of the success of the plan. Cathy Carnes of the USFWS stated that, “DNR has taken a strong lead role here -- they have a very good facilitator and planner that heads up their full team meetings and guides the planning process” (Carnes). Other participants noted that that leadership role was a difficult one for a public agency. “That was a double-edged sword, as you might imagine,” said Tom Hunt, “because there are always those that...if the DNR shows too much direction or leadership, [will] ... say ‘we’re being railroaded’. The other side of it, if the DNR sits on its heels too much, others will accuse them of ... floundering, of being wayward, and of being a tool of the industry. So I think that they were smart enough to ride that thread, if you will, between those -- and did a darn good job” (Hunt).

3. Although Cathy Carnes from the USFWS indicated that funding was at times a struggle, she nevertheless praised the contributions made by the partners to the process, including funding an author for the EIS, and funding herbicide research (Carnes). Louis Locke, from the Audubon Council, said that he was “quite pleased with...the willingness of major lumber and paper companies to financially support ...[the project]. I feel they’ve done a remarkable job” (Locke).

4. Participants noted that, throughout the process, there was a somewhat different approach being taken to conservation by the two major types of land managers — rights-of-way and forest land — on the HCP (Lentz). However, several participants noted that after partners committed to specific goal and plans, everyone realized that separating the two major types of management activities into separate planning processes would make the
process work better (Souba). According to Gary Birch, “The major overall HCP consists of two major agreements, one from the right of way folks, and one from the forest industry folks … Because the forestry needs were different than the utility [right-of-way] needs” (Birch).

5. Numerous participants pointed to the relative ease which the Karner blue can be accommodated within existing management. Louis Locke, stated that the Karner blue, “It is not an animal that really is endangered in this state” (Locke). Moreover, Gary Birch, with the WI DOT, stated, “…A small critter like this can be accommodated fairly easily. … The major actors are involved … and its not going to cost them a whole lot. You can still [harvest timber] for the forestry folks, we can still mow a smaller portion of the right of way for highways, you can still set up pipelines and stuff like that, you just have to do a little accommodation...” (Birch). That potential to easily accommodate the Karners, according to Nancy Braker of TNC, will benefit other species as well. “I think one of the things that’s good about this is that it is going to capture a whole bunch of other species, and provide good habitat for those species, even if the managers of the lands are not doing it intentionally” (Braker). Some partners, including the TNC, County forests, and DNR, in addition to others, are planning to manage for multiple species.

• **Role of the Non-Partners**: Non-partners — such as the Sierra Club, Audubon Council, and Wisconsin Woodland Owners Association — did not have voting privileges within the Partnership. But their relative power was generally not a function of voting privileges. According to Gary Birch of the Wisconsin DOT, “the woodland owners and Audubon … were less [powerful] … there was only one person from each group. Whereas … from the two major groups, you might have had a dozen people” (Birch). Another partner noted that while “The companies had paid staff -- and I mean to the tune of quite a lot of money, in some instances shipping consultants from all over the country,” for the environmentalists and other interested publics, “their budgets were considerably different in terms of how they could travel. But to their credit, most everybody showed up...” (Hunt).

Those non-partner groups appeared to show up because they felt their input was accepted — they did not seem to perceive themselves as less powerful than the partners. Regarding the lack of voting privileges, Nancy Bozek of the Wisconsin Woodland Owners said “there were certain things that would come up that were clearly partner concerns,” such as when, partners were committing to specific management activities or funding responsibilities, “[then] as a participant I didn’t feel that I should comment, because this would not apply to me” (Bozek). Similarly, Louis Locke from the Wisconsin Audubon Council noted, “I was welcomed to attend [sub-committee meetings] … There were a couple other subcommittees that I participated in. Even though I was not a partner, I was ... a full participant. It was very inclusive” (Locke). To Nancy Braker, the input of those participants was beneficial to the process for a number of reasons. For one, she said, “I think it headed off some of the possible conflicts that you might otherwise get into during the public review period. They
know what’s coming, they’ve been involved, and they understand why its being formulated in the way it is” (Braker).

- **Role of Science**: Scientific information regarding the habitat needs of the Karner blue was incorporated into the planning process through the efforts of a biological team that drew on DNR biologists, USFWS biologists, University of Wisconsin - Stevens Point researchers, USGS biologists, and others. That working group made recommendations to the partners, who then decided what could or could not be done. One biological team member described the process:

  The science team would come up with something, and ... the driving thing here was, ‘is this reasonable, is it doable for all the partners to do?’  Science was certainly an important part of it, but certainly practicality became an equal and strong point... Was the science compromised? Oh yeah, sure. It wasn’t pure science, but we live in the real world.

One particularly contentious scientific issue involved the recommendations of a study by a professor at the University of Wisconsin - Stevens Point. That work was financed by the timber companies — and provided what some observers thought would be an affordable and credible approach to monitoring. “Basically,” according to one partner, “it ended up getting thrown out the window, because the timber industry felt that it was not affordable.” Others have pointed out that portions of the Stevens Point monitoring research will be applied to another set of monitoring protocols being prepared. However, those new protocols, which draw on research from DNR biologists and others, lack the same amount of rigorous field testing that the Stevens Point proposal had. Nevertheless, participants have expressed optimism that those monitoring protocols will be effective.

- **Role of NEPA**: Most participants agree that NEPA has not provided much more than another avenue for wider public review of the documentation. Although the draft HCP and EIS has not yet been circulated for public review and comment, participants have expressed the opinion that most of the major concerns that could be raised in that process will have already been discussed through the incorporation of participant’s points of view (Braker). According to Gary Birch, “NEPA (and WEPA) might have made a difference only in people getting an opportunity to say something in the very beginning -- the scoping part of it. Everything else was essentially duplicated by the HCP process” (Birch).
IV. CONCLUSIONS AND LESSONS

The Karner Blue Butterfly HCP adopted a collaborative steering committee model to develop the statewide conservation plan. The public has so far been involved in the plan primarily through statewide outreach by DNR. That outreach brought in partners and participants at the outset of the process, but has done little else to involve the general public, save for the joint NEPA/WEPA scoping process. Although some participants believed that the general public should have been more involved in the process (Braker) others participants indicated that additional public openness would have been challenging and confusing given that the process was constantly developing and changing. According to one participant, “When you’re working on something as large as this, I don’t know how you could bring in more public comments until you really do have a final draft...because so many things change” (Bozek). Still, there is a general sentiment among participants that members of the public that had an interest in the proceedings were kept apprised. Nancy Bozek stated, “At least the groups or the organizations that wanted to be informed were certainly always invited to come to the meetings and participate.” Tom Hunt, from Wisconsin Power and Light, phrased it differently -- that groups knew that the process was going on, and if they wanted to really engage in that process, they were welcomed, “if they’re not included, then it’s simply because they didn’t work to be included or they didn’t convey their ideas in a way that the partnership could embrace” (Hunt).

A large, consensus based project requires considerable amounts of patience and perseverance of all active participants. Some have questioned the wisdom of creating such a large group process that had to struggle with basic questions of how to approach Karner blue conservation on a statewide basis. The DNR representative stated, “we bit off more than we could chew by trying to take on all these partners. In retrospect, we should have had a core HCP and added a lot more people later. Instead we added almost everybody at first...” (Lentz). Still, partners who stayed with the process have recorded a high degree of satisfaction. If any one thing helped that process along, it was the commitment of individual partners and participants to see the work through. That hard work towards a shared goal was instrumental to the success process. Such work was aided by the fact that, according to several participants, most people involved in the process were professional ecologists, foresters or natural resource managers (Locke). Tom Hunt stated that, “Most of the timber industry personnel, certainly the utility personnel, are well trained biologists, restoration ecologists, whatever. I know some of these people personally, and they’re definitely very committed” (Hunt). On the other side, one observer made note of who was not at the table: “There may have been some secretive ones there, but I don’t think there were any attorneys there. I don’t know what that says...[but]...I think that might have been a real contributing factor” (Birch).

Another lesser-mentioned, yet significant component of success, was the definition of roles and responsibilities. One partner explained that by committing to certain actions, the project took a definite form and participants were able to see how conservation strategies and work fit together (Souba).
Finally, as noted above, the relative abundance of Karner blue butterflies in Wisconsin, and the ease with which they can be incorporated into a diverse set of management practices certainly made the process achievable (Braker). In addition, the “prize” of an incidental take permit for reasonable costs (Lentz) provided the incentive for participants to stay with the process.

1. Early inclusion of many stakeholders makes for a long and sometimes challenging process — but a potentially rewarding one. Although none of the participants seemed to get all that they wanted in the plan, most characterized the plan as one that they can live with. Moreover, most people indicated that they believe the plan accommodates both the needs of the Karner blue and the various industrial and private land uses throughout the Karner’s range.

2. Opening the process to interested parties, not just people with property interests at stake, makes for a long process, but one with a high likelihood of success. Although the process is not complete, most participants indicated that their major objections with the plan have been aired out. That is at least in part because some of the major groups that might have been expected to raise objections to the plan have been included in the process throughout. According to their own accounts, those participants have felt that their opinions and points of view have generally been incorporated into the planning process.

3. Collaborative processes also have side benefits. Several participants noted improved communication — and in some cases work on other issues — as a side benefit of this process. People both in the forest products and utility industries reported that their communications with others in their same line of work have been improved. In addition, participants from both the non-profit and government sectors reported that their ties to the private sector have been enhanced as a direct result of the length and difficulty of the Karner blue process.

4. Commitment of individuals is essential. Most members noted that without strong commitment of partners and participants, the process would have either taken much longer, or would not have been successful. Several participants noted that the actual core group of committed individuals was smaller than the larger group of participants.

5. Strong leadership can direct even an ill-defined process. Although several of the participants in the KBB HCP discussed the fact that the process was ill-defined — especially at the outset — those same participants and others noted that the lead applicant was a strong and successful leader. The DNR is reported to have successfully ‘walked a fine line’ between many challenges with the project, and thus led what most have characterized as a successful project.

6. Shared professional background of the participants may aid a process. Several participants noted that the presence at the table of many people with a background in land management or biology seemed to keep the process focused on mutual goals. At least one participant noted that the absence of lawyers similarly seemed to keep the process on target.
7. **Easily accommodated species might make for a successful project.** Several members noted that the Karner blue butterfly is not the Northern Spotted Owl. Since management activities can be built around the Karner blue butterfly in ways that might not so easily accommodate other species, the challenges that arose were often seen as surmountable. Thus, negotiators stayed at the table and worked through difficulties that might have proven more divisive if management activities were to be more highly impacted by species protection efforts.