

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name: Westlake Ranch LLC Habitat Conservation Plan

B. Affected species: Oregon silverspot butterfly (*Speyeria zerene hippolyta*)

C. Project size (in acres): 165 acres

D. Brief project description including minimization and mitigation plans:

The proposed Habitat Conservation Plan (HCP) was submitted by two applicants for consideration: Westlake Ranch LLC and Randy and Tasha Curs. Westlake Ranch LLC proposed development of approximately 74 residential lots on 160 acres in Clatsop County, Oregon. These 160 acres contain 12 patches of early blue violets (*Viola adunca*), the larval host plant for the Oregon silverspot butterfly (*Speyeria zerene hippolyta*) (OSB). The 12 violet patches total approximately 0.14 acre. The Curs, whom are adjacent land owners to Westland Ranch LLC, anticipate receiving 2.6 of the 160 acres through transfer from Westlake Ranch LLC and have proposed to develop a 5-acre residential lot with proactive management of early blue violet habitat.

No Action Alternative

Without the HCP and permit issuance, it is expected that these 12 patches of violets and other native plant species will be diminished in size and/or numbers over the next several years by several invasive species, including Scot's broom (*Cytisus scoparius*).

Proposed Action Alternative:

The applicant Westlake would:

- 1) Cluster the development to minimize impacts to any other early blue violet patches found in areas that were not developed for residences. The proposed development will be built over seven violet patches and immediately adjacent to five additional violet patches near the shore of Neacoxie Creek,
- 2) Protect a 6.5 acre Mitigation Area by recording a permanent conservation easement. The Mitigation Area currently contains approximately 0.5 acre of violets, and 0.5 acre of dune goldenrod (*Solidago spathulata*) which is a native nectar source for adult OSBs. Active management of the Mitigation Area (including mowing and monitoring of any viable violet populations) will be done by Westlake or a future 3rd party as a requirement of the proposed HCP. OSB habitat would be expected to increase in the Mitigation Area over time and,
- 3) The second applicant, Randy and Tasha Curs, whom are adjoining landowners to Westlake Ranch LLC, anticipate developing a single residential lot on approximately five acres adjacent to their existing home site. A 2.6 acre portion of these five acres would be transferred from Westlake Ranch LLC to the Curs.

Background

The Curs currently have a Conservation Agreement with the Fish and Wildlife Service (Service) for the construction of their first home. Their current agreement states that they will not develop and agree to pro-actively manage 1.5 acres of habitat containing early blue

violets. Under this proposed HCP, this conservation agreement will now be formalized with a permit issuance and those 1.5 acres will continue to be protected and managed for early blue violet habitat. No additional violets would be impacted by their future residential development.

II. Does the HCP fit the low-effect criteria in the HCP Handbook?

A. Are the effects of the HCP minor or negligible on federally-listed, proposed, or candidate species and their habitats covered under the HCP prior to implementation of the mitigation plan? (Handbook pg. 1-8 and 1-9).

OSBs have not been seen on the Clatsop Plains since 1998, and recent surveys of the covered area have found no OSBs. The HCP will result in the loss of a maximum of 12 patches of early blue violets totaling about 0.14 acre. Eleven of these patches are no more than 0.005 acre. Ten of these patches contain less than 11 plants each and 1 contains more than 20. In addition, an approximately 0.09 acre patch contains between 11 and 20 plants. The size and distribution of these patches do not provide high quality habitat for the OSB and are not likely to sustain a population of OSBs. No known violet patches are likely to be impacted by the Curs' single lot development. Without the HCP, it is expected that these violets will diminish in size and/or number, or disappear over the next several years as Scot's broom, non-native grasses, and other invasive species out-compete them. All but eight of the proposed residential lots could be developed without the HCP. Based upon the low quantity and quality of existing habitat to be impacted, the likelihood of continued decline of this habitat, and the low likelihood of OSBs in the immediate area, the effects to the OSB are considered minor or negligible.

Future occupation of the development area could potentially result in incidental take of dispersing OSBs. However, impacts from this potential future take are expected to be negligible because OSBs are not expected to be using the development area in any significant numbers due to lack of suitable habitat conditions.

B. Are the effects of the HCP minor or negligible on other environmental values or resources (e.g., air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, etc.) prior to implementation of the mitigation plan? (Handbook pg. 1-8 and 1-9)

Only eight housing lots are proposed to be developed where the larval host plant (early blue violet) currently exists and five additional violet patches occur adjacent to four additional lots. The majority of the proposed residential lots could be developed without the incidental take permit or HCP. According to the HCP Handbook (pgs. 5-1, 5-2), the purpose of the HCP process is to provide an incidental take permit to the applicant that authorizes the take of federally-listed species. The scope of the analysis covers the direct, indirect, and cumulative effects of the proposed incidental take and the mitigation and minimization measures caused by approval of the HCP. The anticipated environmental effects may be confined to effects on the covered species simply because there are no other important effects. Thus, the scope of effects of this HCP is the incremental effects within eight lots where the violets are likely to be impacted, the small area outside of the lots where the violet patches occur, and the habitat management activities within the proposed mitigation area.

Air Quality: The incremental effect within the eight lots on air quality will be negligible. The difference in developing 67 versus 75 lots will not create a measurable difference in air quality

during construction. Similarly, air quality impacts from eight additional homes and the traffic they generate will be minor.

Geology and Soils: The majority of the area to be impacted is former pastureland that is composed of non-native grasses, forbs, and shrubs and is privately owned. About a third of the 165-acre development area (see Figure 1 of HCP) will be retained as open space. Soils are primarily composed of Gearhart fine sandy loam and Waldport fine sand. Eight residential lots will have a negligible impact on soils.

Water Quality and Quantity: Hydrology on the property is influenced by rainfall, groundwater and fog drip. A wetland determination performed on the property identified three wetlands which are located outside of the proposed residential lot boundaries. Any jurisdictional wetlands that could be impacted will require review by the U.S. Army Corps of Engineers (COE). OSB habitat is not known to be present in any of the wetland areas. The sandy soils present are not likely to result in significant runoff during construction activities. Clatsop County has regulatory authority over the land-use approval process in which the Oregon Department of Environmental Quality (DEQ) may participate regarding groundwater. The eight lots are not expected to have a significant impact on water quality or quantity.

Socioeconomic: Construction employment will not vary significantly, nor will employment, based on the eight houses. The tax base would increase incrementally. Overall, the socioeconomic effects of eight lots would be negligible or minor.

Cultural Resources: Pre-field research and an archaeological survey by Archaeological Investigations NW, Inc., identified six cultural resource sites within the project area. Four of the six sites will be protected through avoidance measures. Sites that will be avoided include a shallow shell midden (site # 35CLT60), shell fragments (site # 03/1012-1), a decaying and collapsed barn (site # 03/1012-2), and a homesite (no site #) that has no surface expression but has the potential to be a significant historical resource if a subsurface component is found. Two sites that may be impacted from the proposed development include a cache of 14 choppers that were located in 1951 (site # 35CLT10) and an area which once contained five homes, according to a historical USGS map. These sites occur where no violets exist, hence, they could be developed without the HCP. Attempts that were made to relocate the two sites failed to identify any evidence of their existence. Given that the sites will be avoided and that the OSB habitat is outside of the area that will be developed, implementation of the HCP will not affect cultural resources.

Recreation: The project is located near the Oregon coast and the nearby beach provides a variety of recreational opportunities. In addition, the project itself includes large open spaces, as well as oversized lots where passive and active recreation could occur. Impacts to recreation should be minor or negligible.

Visual Resources: The project is located in an area with several visual resources. Neacoxie Creek/Sunset Lake forms the western boundary of the site. The Pacific Ocean is across Highway 101 from the project site. The rural density of the project and large open spaces included minimize impacts on these visual resources.

The effects of this HCP are therefore considered minor or negligible on other environmental values or resources.

C. Would the impacts of this HCP, considered together with the impacts of other past, present and reasonably foreseeable similarly situated projects not result, over time,

in cumulative effects to environmental values or resources which would be considered significant? (Handbook pg. 5-3).

The impacts of the HCP rest primarily with the eight lots that include areas currently containing early blue violets since the majority of the development could occur without the HCP and accompanying incidental take permit. The area to be impacted by the activities covered by this HCP is of low environmental value due to its past use and presence of non-native species, as described above. Past projects have had similar, non-significant effects. Air quality is generally good, soils are stable, water quality is protected by DEQ, and recreation opportunities are abundant, as are visual resources. There are not likely to be many other similarly situated projects containing OSB habitat since many of the larger tracts of developable lands have already been developed in the Clatsop Plains. Significant cumulative effects are therefore not anticipated.

III. Do any of the exceptions to categorical exclusions apply to this HCP? (from 516 DM 2.3, Appendix 2) If the answer is "yes" to any of the questions below, the project can not be categorically excluded from NEPA. Each "no" response should include an explanation.

Would implementation of the HCP:

A. Have significant adverse effects on public health or safety?

No. The proposed development is a residential community and only eight lots of the development contain early blue violets where incidental take of OSBs may occur. There are no identifiable issues of public health or safety associated with this proposed development.

B. Have adverse effects on such unique geographic characteristics as historic or cultural resources, park, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or ecologically significant or critical areas, including those listed on the Department's National Register of Natural Landmarks?

No. While wetlands occur in the area, they are not likely to be significantly impacted. Similarly, cultural resources will be avoided as described above. The proposed developed area will be located outside the floodplain such that no impacts to the floodplain will occur. Groundwater will be protected by Clatsop County and DEQ through state and local land-use approvals.

C. Have highly controversial environmental effects?

No. Although the area does contain some unique geographic characteristics, no impacts to them are anticipated. Other residential developments have been proposed in similar settings and have been developed without strong controversy.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks?

No. There are no unique or unknown environmental risks associated with the proposed residential development. Residential development has been occurring in the surrounding area and similar effects can be anticipated by the proposed actions under the HCP.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects?

No. The proposed action does not establish precedent or represent a decision in principle about future actions. The proposed action does not have potentially significant environmental effects. All future development activities that may affect OSBs on the Clatsop Plains will be viewed on an individual basis. The proposed HCP involves activities that were based upon a review of the site specific characteristics and the availability of potential butterfly habitat.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects?

No. The proposed HCP is not related to any other action with potentially significant environmental effects.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places?

No. A review of the information indicates that no impacts to any known places are anticipated.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species?

No. Any potential effects to the OSB resulting from the loss of early blue violets would be minor to the species since the amount of habitat being affected is small, the habitat is of low quality, and they have not been seen in the area since 1998. No designated critical habitat will be affected.

I. Have adverse effects on wetlands, floodplains or be considered a water development project thus requiring compliance with either Executive Order 11988 (Floodplain Management), Executive Order 11990 (Protection of Wetlands), or the Fish and Wildlife Coordination Act?

No. While wetlands occur in the area, they are not anticipated to be impacted. The project complies with the policy expressed in Executive Order 11990. Any impacts to jurisdictional wetlands would be subject to review by the U.S. Army Corps of Engineers.

J. Threaten to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment?

No. We are not aware of any Federal, State, local or tribal law or requirement imposed for the protection of the environment that would be violated by activities covered by this HCP.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Westlake Ranch LLC HCP qualifies as a "Low Effect" HCP as defined in the Fish and Wildlife Service *Habitat Conservation Planning Handbook*. Therefore, this action is categorically excluded from further NEPA documentation as provided by 516 DM 2, Appendix 1 and 516 DM 6, Appendix 1.

Other supporting documents:

Westlake Ranch LLC Oregon Silverspot Butterfly Habitat Conservation Plan

Concurrence:


(1) State Supervisor

05/12/05
Date


ACTING (2) Deputy Regional Director

5/18/05
Date