

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM FOR
SAFE HARBOR AGREEMENTS (SHA)**

I. Project Information

A. Project name:

Oregon Silverspot Butterfly Central Coast Safe Harbor Agreement with The Nature Conservancy (Agreement)

B. Affected species:

Oregon silverspot butterfly (*Speyeria zerene hippolyta*).

C. Project Size:

The covered area or geographic scope of this Agreement includes all non-federal properties on the central coast of Oregon located in whole or in part within the approximately five-mile corridor along the central coast between Bray Point and Big Creek in Lane County, Oregon. The maximum area to be addressed under this Agreement is estimated to be 90 acres if all potential habitat acres are enrolled.

D. Brief project description including conservation elements of the plan:

The Fish and Wildlife Service (Service) proposes to enter into this Agreement with The Nature Conservancy (Permittee) to benefit the federally-listed as threatened Oregon silverspot butterfly. The Nature Conservancy will work with landowners to restore and/or maintain Oregon silverspot butterfly habitat on the central Oregon coast. Under the Agreement a section 10(a)1(A) permit will be issued that would allow for the incidental take of Oregon silverspot butterflies that may occur during management activities or when the landowners decide to return their lands back to the original environmental baseline conditions established when they sign on to the Agreement. In most cases, the environmental baseline is anticipated to be zero (i.e., no habitat and no butterflies present). The landowners would sign separate cooperative agreements and would receive certificates of inclusion to the section 10 permit. The term of the permit and Agreement is 35 years.

TNC and/or the landowners would implement restoration and management actions to enhance coastal meadow habitat for the Oregon silverspot butterfly. TNC has agreed to work with landowners to improve Oregon silverspot butterfly habitat by suppressing or removing invasive vegetation, planting native coastal meadow vegetation, and/or specifically enhancing early blue violet plant populations. The requested permit coverage would allow management activities to proceed that might result in some limited amount of take incidental to those activities that are intended to benefit the species over the term of the permit. TNC would carry out the management activities itself on private lands or work in conjunction with landowners to carry out management activities. TNC has

already begun working with landowners in the area. The proposed management activities are expected to restore and improve habitat conditions, potentially increase the local butterfly population, and provide habitat patches linking butterfly populations in the area.

II. Does the SHA fit the criteria as described in the SHA policy?

A. Are the effects of the SHA less than significant on the range-wide population of federally-listed, proposed, or candidate species or other wildlife and their habitats covered under the SHA?

Yes. This Agreement will have minor or negligible harmful effects along with beneficial effects on the covered species. Most of the properties that are likely to be enrolled in the Agreement will have a baseline of zero for the Oregon silverspot butterfly. The permit may result in take of the Oregon silverspot butterfly if natural colonization occurs over time and/or the property is returned to baseline conditions. However, avoidance and minimization measures have been incorporated into the Agreement in the form of monitoring, notification, and removal of individuals, if appropriate, prior to returning to baseline conditions to reduce the potential for incidental take to occur.

The total area of potential habitat is relatively small, about 90 acres scattered along five miles of coastline, with many of the habitat patches less than one acre in size. The intent of this Agreement is to create a connective migratory corridor between its northern and southern ends where butterflies have been known to occur. Butterfly movement is likely limited because of a lack of suitable habitat to serve as feeding and egg-laying habitat.

B. Are the effects of the SHA 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.)?

Yes. The Agreement will have minor or negligible cumulative impacts on other environmental values and resources. The project will occur on private lands and involves limited ground disturbance associated with planting of native plant seeds and plugs. Activities normally conducted on the rural residential, private lands (e.g., forestry, livestock grazing, landscaping) will be negligibly influenced by the conservation activities prescribed in the Agreement. The Agreement will primarily address planting and monitoring.

The project is not anticipated to have any effects on cultural resources due to screening for cultural resources and very limited ground surface disturbance when planting.

C. Would the impacts of this SHA, considered together with the impacts of other past, present and reasonably foreseeable projects not result, over time, in cumulative effects to environmental values or resources which would be considered significant?

Yes. The Agreement will have only minor or negligible cumulative impacts. The area of potential impacts is not expected to exceed 90 acres and is likely to be much lower. This Agreement covers a geographic area in which there are no known reasonably foreseeable projects planned in the vicinity that would result in significant changes in habitat for the Oregon silverspot butterfly. Based on the amount of habitat that will be available for this species to use and the potential to return to baseline conditions, this Agreement has negligible cumulative impacts to environmental values or resources.

III. Do any of the exceptions to categorical exclusions apply to this SHA? (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 SHA:

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

No adverse effects on public health are anticipated from increasing the amount of habitat for the Oregon silverspot butterfly and continuing management activities on private lands.

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 adverse effects are anticipated, on park, recreation, refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, or known historic or cultural resources. Cultural resources compliance will be completed for projects under this Agreement.

C. Have highly controversial environmental effects?

No. As previously noted, no additional controversial environmental effects are anticipated from increasing habitat for the Oregon silverspot butterfly and management activities on a maximum total of about 90 acres of private land distributed across five miles of coastline.

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

No unique or unknown environmental risks are anticipated from increasing habitat for the Oregon silverspot butterfly or by management activities on these private lands. The planting, management, and monitoring activities associated with the Agreement are not unique or uncommon. The areas in which these activities are likely to occur have usually

been previously disturbed for residential development or other rural residential and agricultural land uses.

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

No. We do not anticipate the Agreement will establish a precedent for future action with potentially significant environmental effects. TNC has previously worked with landowners in the area to assist in habitat management activities and the activities included in this Agreement are similar to those on-going activities. If this Agreement leads to additional increased habitat for the Oregon silverspot butterfly on private lands, the Agreement also allows landowners to return their lands to baseline conditions. Any future safe harbor agreements will be evaluated based upon the information available at that time, and the specific area and actions involved.

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

No. The Agreement is not directly related to other actions that would have significant cumulative effects. This Agreement is intended to address multiple landowners in a geographic area who are willing to engage in similar management activities. No other Agreements are proposed or anticipated at this time.

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

No. The activities proposed under the Agreement involve minor ground disturbance. The properties will be evaluated as to whether they are listed or eligible to be listed on the National Register of Historic Places and potential impacts to these properties will be avoided. We anticipate no adverse effects.

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

No. The intent of the Agreement is to conduct management activities that would restore native coastal prairie habitat and encourage the establishment of Oregon silverspot butterflies. These management activities are intended to benefit this species. Designated critical habitat for the Oregon silverspot butterfly does exist in the area. Actions taken under the Agreement would potentially improve the quality of any critical habitat and create conditions that would establish primary constituent elements where they are currently lacking. There are no other known listed species or critical habitats in the area that would be adversely affected by the activities undertaken by the Agreement. There is no evidence that the presence of the Oregon silverspot butterfly would adversely affect other listed or proposed species or designated critical habitat for those species.

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, as previously stated, the Agreement is not expected to effect wetlands or floodplains. In addition, this Agreement is not considered a water development project.

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

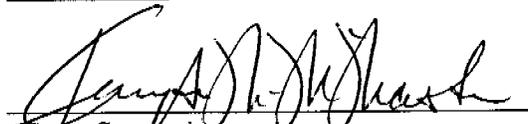
No. The Agreement is not expected to violate a Federal, State, local or tribal law or requirement imposed for the protection of the environment.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, this Agreement meets the qualifications for Safe Harbor Agreements whose implementation represents a class of actions which do not individually or cumulatively have a significant effect on the human environment. 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: Intra-Service Formal Consultation for Issuance of an Endangered Species Act Section 10(a)1(A) Permit for the proposed Oregon Silverspot Butterfly Central Coast Safe Harbor Agreement with The Nature Conservancy.

Concurrence:


State Supervisor

06/14/07
Date

