

SCREENING FORM FOR LOW-EFFECT HCP DETERMINATIONS

I. Project Information

A. Project name: Yamhill County Road Maintenance Activities HCP

B. Affected species: Fender's blue butterfly (*Icaricia icarioides fenderi*), Kincaid's lupine (*Lupinus oregonus*)

C. Project size (in acres): 2,000 hectares (4,943 acres) of County right-of-way along 1,090 km (677 miles) of roadway

D. Brief project description including minimization and mitigation plans:

Fender's blue butterfly and Kincaid's lupine could be affected by Yamhill County's road maintenance activities and, therefore, are proposed to be covered under this HCP. Road maintenance activities are conducted pursuant to the County's responsibility to provide essential services to the residents, businesses, and visitors of the County. Yamhill County is required to maintain county roadways to protect public safety and to enhance the quality of life in Yamhill County. Yamhill County is seeking coverage for its road maintenance activities conducted on 1,090 km (677 miles) of County roads and right-of-ways. The County right-of-way is divided into two distinct sections based on the activities performed in these sections of right-of-way: 1) the first 1.52 meters (5 feet) from the shoulder of the road to the back of the ditch, referred to as the "Potential Impact Zone" and 2) the remaining 4.57 meters (15 feet) from the back of the ditch to the end of the right-of-way, referred to as the "No Impact Zone." The Potential Impact Zone represents the area where normal maintenance activities occur. The No Impact Zone represents the area where normal maintenance is not performed, but still must be maintained for right-of-way purposes.

The following conservation measures are included in the HCP: establishing Special Maintenance Zones at locations within the County right-of-way known to support Fender's blue butterfly and/or Kincaid's lupine; establishing procedures and protocols for maintenance activities occurring within Special Maintenance Zones to avoid or reduce potential impacts; and mitigating potential habitat impacts at a ratio of 2:1. Habitat enhancement will occur specifically within the "no impact zone" of the Special Maintenance Zones and at the County-owned Deer Creek Park and will include the planting of Kincaid's lupine at Deer Creek Park. Deer Creek Park provides a larger block of potential habitat than the road right-of-way strip and can be more effectively managed.

II. Does the HCP fit the low-effect criteria in the HCP Handbook? *The answer must be 'yes' to all three questions below for a positive determination. Each response should include an explanation.*

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). Yes. The primary area of impact is within the first five feet from the edge of the county road bed on both paved and unpaved roads. The HCP does not include coverage for new roads. Roadside habitat is not ideal habitat to begin with due to the on-going effects of traffic (disturbance) and the artificial road bed material (asphalt or gravel). A very small portion of the right-of-way is potential habitat. These County roads have been in place for usually decades, and most if not all were present prior to these species' listings. There are very few Kincaid's lupine plants that are likely to occur within the first five feet and they are not likely to thrive in this often disturbed environment. There are also very few nectar plants within this area. Fender's blue butterflies are likely to be disturbed by traffic and thus may avoid the area immediately adjacent to the roadway. Thus they are less likely to be impacted from any alteration of roadside habitat.

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). The HCP covers routine maintenance activities that have occurred for decades since the roads were established. Most of the impact occurs in the narrow, five-foot strip of right-of-way adjacent to the road bed. The HCP will result in little change from past activities, but will include seasonal restrictions for some maintenance activities that will be beneficial to the species.

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 HCP does not include coverage for new roads and we do not anticipate any changes to the right-of-way. Due to the very limited impact area, and the even smaller area within which the covered species may occur, we do not anticipate the effects of the HCP to result in any significant cumulative impacts.

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 HCP will not result in any significant changes to road maintenance for the purposes of addressing the needs of the covered species.

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. The right-of-way is a previously disturbed area that has been maintained as a right-of-way since the creation of the roads. No new roads are covered under the HCP. We are unaware of any unique characteristics, historic or cultural features, or ecologically significant areas that would be affected by any covered activities.

C. Have highly controversial environmental effects? No. There will be no controversial changes to the management of the right-of-way.

D. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks? No. The covered activities have been on-going for many years. The primary change will be seasonal mowing changes in the Special Maintenance Zones.

E. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects? No. The covered activities are routine road right-of-way activities and do not set any precedents.

F. Be directly related to other actions with individually insignificant but cumulatively significant environmental effects? No. There are no other activities that are directly related to the covered activities that would result in cumulatively significant effects.

G. Have adverse effects on properties listed or eligible for listing on the National Register of Historic Places? No. We are unaware of any such properties or places in the right-of-way. The effects of the covered activities do not significantly differ from previous on-going effects.

H. Have adverse effects on listed or proposed species, or have adverse effects on designated Critical Habitat for these species? Critical habitat for the Fender's blue butterfly and Kincaid's lupine does occur within the covered area. Approximately seven percent of Fender's blue butterfly critical habitat within Yamhill County could be potentially affected by the covered activities. Yamhill County supports a total of 28.85 hectares (71.30 acres) of critical habitat for Fender's blue butterfly. Road maintenance activities will occur along only 1.62 km (1.02 miles) or 1.98 hectare (4.90 acres) of Fender's blue butterfly critical habitat in critical habitat units FBB-1 and FBB-2. Approximately four percent of Kincaid's lupine critical habitat within Yamhill County could be potentially affected by the covered activities. Yamhill County

supports a total of 57.34 hectares (141.7 acres) of critical habitat for Kincaid's lupine. Critical habitat for the lupine is mostly coincidental with critical habitat for Fender's blue butterfly. Road maintenance activities will occur along 1.64 km (1.03 miles) or 2.15 hectares (5.31 acres) of Kincaid's lupine critical habitat in units KL-2, KL-3, and KL-4. These figures include the entire 20- to 30-foot-width of the right-of-way. Potential negative impacts would be mostly limited to about one quarter of these areas within the first five feet of the right-of-way. Because of the ongoing nature of these road maintenance activities, it is not anticipated to significantly alter any of the primary constituent elements in place at the time of designation. Therefore, due to the small area of impact and the level of impact, we do not believe that there would be any significant adverse impacts.

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. There are no water development projects associated with the HCP. Routine road maintenance is the primary covered activity, which has largely been ongoing and affects the same area year after year. The HCP does not result in any changes to these activities, other than some seasonal operational restrictions.

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 that will be violated by the covered activities, which have been ongoing for many years in the same areas.

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Yamhill County Road Maintenance HCP qualifies as a "Low Effect" HCP as defined in the U.S. 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 (list): Yamhill County Road Maintenance HCP

Concurrence:

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State Supervisor

Date