Screening Form

Low-Effect Incidental Take Permit Determination and

National Environmental Policy Act (NEPA)

Environmental Action Statement

I. HCP Information

A. HCP Name: Garrapata Tanks Slope Repair Project Low-Effect Habitat Conservation Plan

B. Affected Species: Federally endangered Smith's blue butterfly (*Euphilotes enoptes smithi*).

C. HCP Size (in stream miles and/or acres): 1.1 acres.

D. Brief Project Description (including minimization and mitigation plans):

The project is on private property in the Big Sur area within Monterey County, California. The project will be conducted by California American Water, the Applicant. The Applicant has right-of way access but does not own the project area property. The project consists of slope stabilization and repair of a concrete pad to support two 40,000-gallon water tanks. Potential impacts to Smith's blue butterfly include removal approximately 0.03 acre of Smith's blue butterfly habitat including removal of ten seacliff buckwheat (*Eriogonum parvifolium*) plants (an obligate host plant for Smith's blue butterfly) and, if present during project activities, take of individual Smith's blue butterfly. The requested permit term is five years.

Species Occupation and Baseline

No protocol surveys for Smith's blue butterfly have been conducted on the 1.1-acre project site. A habitat assessment of the project area and surrounding area determined suitable habitat on site in the form of seacliff buckwheat plants. A review of the California Natural Diversity Database revealed 25 occurrences of Smith's blue butterfly within 1,000 feet of the project site. The applicant has assumed presence of Smith's blue butterfly in the seacliff buckwheat plants on the project site.

Goals and Objectives of the HCP

The goals and objectives of this low-effect HCP are as follows:

- Goal 1: Minimize take of Smith's blue butterfly during project construction.
    - Objective 1: Implement the avoidance and minimization measures.
- Goal 2: Restore approximately 0.3 acre area temporarily disturbed during construction.
    - Objective 2: Implement the revegetation measures.
- Goal 3: Mitigate for the loss of Smith's blue butterfly presumed-occupied host plants by successfully replacing all seacliff buckwheat plants removed on site at a 3:1 ratio.

- Objective 3: Plant seacliff buckwheat on site at a 3:1 ratio.
- Objective 4: If, at the end of each annual monitoring period, it is determined that plants have failed or are dying, replant to ensure survival of seacliff buckwheat at the 3:1 ratio.

The Proposed HCP

The HCP would include the following measures to avoid, minimize, and mitigate the project's impacts to Smith's blue butterfly:

Avoidance and Minimization Measures:

The following Avoidance and Minimization Measures (AMM) will be implemented to achieve Goals 1 and 2:

AMM 1 Smith's blue butterfly (i.e., presumed-occupied seacliff buckwheat plants) will be avoided to the greatest extent feasible. A biological monitor will supervise the implementation of the Smith's blue butterfly protection measures.

AMM 2 Presumed-occupied seacliff buckwheat plants that will be impacted by the project will be moved to protected areas by hand by a Service-approved biologist prior to disturbance.

AMM 3 A Service-approved biologist will conduct an Employee Education Program for the construction crew prior to any construction activities.

AMM 4 A Service-approved biologist will monitor initial ground disturbing construction activity for a sufficient amount of time to train an individual to act as the on-site construction monitor. Both the Service-approved biologist and the construction monitor will have the authority to stop and/or redirect project activities to ensure protection of resources and compliance with all environmental permits and conditions of the project.

AMM 5 To avoid impacts to Smith's blue butterfly from excess dust, dust control measures will be implemented.

AMM 6 Following construction, temporarily disturbed areas (approximately 0.3 acre) will be restored to pre-project contours to the maximum extent possible and revegetated using locally-occurring native species and native erosion control seed mix, per the recommendations of a qualified biologist and/or restoration contractor. Weed control will be conducted post construction and throughout the five-year permit term.

Measures to Mitigate Unavoidable Impacts:

The following Mitigation Measures (MM) will be implemented to achieve Goal 3:

MM 1 Seacliff buckwheat seedlings will be planted at the site at a 3:1 ratio to seacliff buckwheat plants removed.

MM 2 Use of fertilizer will be avoided for the revegetation. Soil amendments and fertilizers may be used as adaptive management if necessary.

MM 3 Irrigation will be used only if necessary to promote restoration success.

Monitoring

Construction Monitoring:

Monitoring will be conducted by a Service-approved biologist and will train an individual to act as the on-site construction monitor. Both the Service-approved biologist and the construction monitor will have the authority to stop and/or redirect project activities to ensure protection of resources and compliance with all environmental permits and conditions of the project.

Revegetation Monitoring:

A qualified biologist with documented Smith's blue butterfly experience will be contracted prior to revegetation and designated as the Project Monitor. The Project Monitor will work with the Revegetation Contractor(s) prior to and during revegetation (including plant material collection), perform the required inspections, and prepare the monitoring reports. All revegetation areas will be monitored within 30 days after plant installation, and then annually in the month of June for the next five years.

If it is determined that the revegetation effort did not meet the success criteria, the Project Monitor will prepare a supplemental report that identifies the causes of failure and, if determined necessary, will propose remedial action to Cal Am for approval, and the monitoring period will be extended as needed until success is achieved.

Long-Term Compliance Monitoring:

Following construction, a Service-approved biologist will conduct long-term compliance monitoring to review the land use and determine if it is consistent with the terms and conditions of the HCP, including an evaluation of any changed circumstances.

Reporting

Post Construction Reporting:

A post-construction report will be provided to the Service no more than 30 days after work is complete.

Annual Revegetation Monitoring:

Monitoring of revegetation areas will be conducted by the Project Monitor within 30 days after revegetation, and then annually for the next five years. The total duration of monitoring will be a minimum of five years from initial revegetation implementation monitoring, but may be extended if the success criteria are not met.

A final report will be submitted at the end of the entire monitoring period and will include a cumulative analysis, a summary of the data collected throughout the duration of the five-year monitoring period, and a definitive statement if the revegetation effort met the success criteria.

Long-Term Compliance Reporting:

Long-term compliance monitoring reports will be provided to the Service within 30 days of each annual compliance monitoring event.

II. Does the HCP fit the following Department of Interior and Fish and Wildlife Service categorical-exclusion criteria?

A. Are the effects of the HCP minor or negligible on federally listed, proposed, or candidate species and their habitats covered under the HCP?

Yes. The project may result in the removal of one individual and approximately 17 square feet of seacliff buckwheat, an obligate host plant for Smith's blue butterfly. The project will result in the removal of approximately 10 individual seacliff buckwheat plants in a 0.03-acre area. Focused surveys and population counts for Smith's blue butterfly have not been conducted at the site; however, the presence of Smith's blue butterfly within the project site is inferred based on the presence of its host plant within the site and documented occurrences of this species within 1,000 feet of the site. As such, the anticipated level of take is based on the amount of habitat impacted, not the number of individuals impacted.

Given the amount of available Smith's blue butterfly habitat documented within the survey area and likely occurring outside the survey area, direct construction impacts are likely to have a negligible impact on Smith's blue butterfly individuals because it is unlikely that the majority of the population is concentrated within the seacliff buckwheat plants that would be impacted directly or indirectly by the project. Further, the project would not result in a net loss of habitat as it would be replaced following construction.

B. Are the effects of the HCP minor or negligible on all other components of the human environment, including environmental values and environmental resources (e.g. air quality, geology and soils, water quality and quantity, socio-economic, cultural resources, recreation, visual resources, environmental justice, etc.), after implementation of the minimization and mitigation measures?

Yes. The project consists of repairing and stabilizing an existing structure (the water tank concrete pad). Operation of the project would be consistent with the existing use. Shotcrete would be added to provide support for the concrete pad and water tanks, but would be designed to look like a natural rock feature; therefore, the project would not negatively impact views from Highway 1. Construction is expected to last 90 days, and would comply with applicable laws and regulations; therefore, any environmental impacts resulting from construction (e.g., visual impacts, noise, increased worker trips, etc.) would be temporary and intermittent, and thus minor or negligible.

C. Would the incremental impacts of this HCP, considered together with the impacts of other past, present, and reasonably foreseeable future actions (regardless of what agency or person undertakes such other actions) *not* result, over time, in cumulative effects to the human environment (the natural and physical environment) which would be considered significant?

Yes. As described above, operation of the project would be consistent with the existing use. Any impacts to Smith's blue butterfly habitat would be mitigated through implementation of a post-construction revegetation plan. The only permanent impact resulting from the project would be

the addition of shotcrete on the slope face to provide structural support for the water tanks and concrete pad. However, shotcrete would be designed to look like a natural rock feature, and would not substantially alter the visual quality of the site. The Service is not aware of any additional projects in the area which would result in cumulative impacts.

III. Do any of the exceptions to categorical exclusions (extraordinary circumstances) listed in 43 CFR 46.215 apply to this HCP?

Would implementation of the HCP:

A. Have significant impacts on public health or safety?

No. The purpose and need of the proposed project is to improve public safety by preventing failure of the slope supporting the water tanks that serve a community of nine homes. The HCP addresses the construction and repair of a slope, concrete pad, and associated structures, and revegetation of the 0.3 acre disturbed area. The work will be conducted according to local codes As such, the project is not anticipated to result in adverse effects to public health or safety, and will improve the safety of the public. There will not be significant beneficial impacts on public health and safety.

B. Have significant impacts on such natural resources and unique geographic characteristics as: historic or cultural resources; park, recreation, or refuge lands; wilderness areas; wild or scenic rivers; national natural landmarks; sole or principal drinking water aquifers; prime farmlands; wetlands (Executive Order 11990) or floodplains (Executive Order 11988); national monuments; migratory birds, eagles, or other ecologically significant or critical resources?

No. The project site does not contain historic or cultural resources, parks, recreation or refuge lands, wilderness areas, wild or scenic rivers, sole or principal drinking water aquifers, prime farmlands, wetlands, floodplains, or areas listed on the National Register of Natural Landmarks.

C. Have highly controversial environmental effects (defined at 43 CFR 46.30), or involve unresolved conflicts concerning alternative uses of available resources [see NEPA section 102(2)(E)]?

No. The project consists of repairing and stabilizing an existing structure, and revegetating the disturbed areas, and is representative of a project which typically has no highly controversial environmental effects. Further, the project is consistent with County zoning laws and regulations.

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

No. The minimal environmental effects of this project are considered to be certain and predictable.

E. Establish a precedent for future action or represent a decision in principle about future

actions with potentially significant environmental effects?

No. This HCP identifies and mitigates for impacts consistent with past, similar actions and, as such, would not set a precedent for future actions.

F. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects?

No. This project is a single action and is not directly related to any other projects.

G. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places?

No. The project site is not listed or eligible for listing on the National Register of Historic Places.

H. Have significant impacts on species listed, or proposed to be listed, on the List of Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species?

No. Given the amount of available Smith's blue butterfly habitat documented within the survey area and likely occurring outside the survey area, direct construction impacts are likely to have a low impact on Smith's blue butterfly individuals because it is unlikely that the majority of the population is concentrated within the seacliff buckwheat plants that would be impacted by the project. Further, the project would not result in a net loss of habitat as it would be replaced following construction. No Critical Habitat has been designated for Smith's blue butterfly. No other listed or proposed species, or Critical Habitat for such species, are present within the project site.

I. Violate a Federal law, or a State, local, or tribal law, or a requirement imposed for the protection of the environment.

No. The project would comply with all applicable federal, state, local, and tribal laws and requirements.

J. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 12898).

No. The proposed project would have no effect on low income or minority populations. The project site is small in geographic area, only taking place on the applicant's right-of-way access. Moreover, the project is also confined in scope and is not anticipated to cause effects beyond the project site itself.

K. Limit access to and ceremonial use of Indian sacred sites on Federal lands by Indian religious practitioners or significantly adversely affect the physical integrity of such sacred sites (Executive Order 13007).

No. Ceremonial or sacred sites do not occur on the proposed project site and would not be affected by implementation of the HCP.

L. Contribute to the introduction, continued existence, or spread of noxious weeds or non-native invasive species known to occur in the area or actions that may promote the introduction, growth, or expansion of the range of such species (Federal Noxious Weed Control Act and Executive Order 13112).

No. A component of the HCP is to restore and revegetate 0.3 acres of coastal sage scrub habitat and remove and control invasive species for five years.