

**ENVIRONMENTAL ACTION STATEMENT SCREENING FORM
FOR SAFE HARBOR AGREEMENTS**

I. Project Information

A. Project name:

Safe Harbor Agreement for Smith's blue butterfly (*Euphilotes enoptes smithi*) and California red-legged frog (*Rana draytonii*) at Garrapata State Park, Monterey County, California.

The proposed safe harbor agreement (Agreement) is between the U.S. Fish and Wildlife Service (Service) and the California Department of Parks and Recreation, Monterey District (Applicant) for property in Monterey County, California. The Service and Applicant are collectively referred to as the "Parties," and singularly as "Party," for the purposes of this document.

B. Affected species:

The species included in the Agreement are the federally threatened California red-legged frog (*Rana draytonii*) and endangered Smith's blue butterfly (*Euphilotes enoptes smithi*). The Agreement would provide incidental take coverage for the California red-legged frog and Smith's blue butterfly, which are collectively referred to as the "Covered Species."

C. Project size (in acres):

Garrapata State Park is approximately 2,902 acres.

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

The purpose of the Agreement is to restore, enhance, and maintain habitat for the Smith's blue butterfly and California red-legged frog on lands owned and managed by the Applicant.

The mission of the California Department of Parks and Recreation is to provide for the health, inspiration and education of the people of California by helping to preserve the State's extraordinary biological diversity, protecting its most valued natural and cultural resources, and creating opportunities for high-quality outdoor recreation. The Applicant manages State Park lands within Monterey, San Benito, Santa Clara, and Stanislaus Counties, including the Big Sur region. Within the Big Sur region, the Applicant manages Andrew Molera State Park, Carmel River State Beach, Garrapata State Park, John Little State Natural Reserve, Julie Pfeifer Burns State Park, Limekiln State Park, Pfeifer Big Sur State Park, Point Lobos State Natural Reserve, and Point Sur State Historic Park.

The property subject to the Agreement (Enrolled Property) is owned and managed by the Applicant. The Enrolled Property is Garrapata State Park (Park), located approximately 5.5 miles south of the city of Carmel-by-the-Sea in Monterey County, California. The Enrolled

Property is approximately 2,902 acres. The Applicant manages the Enrolled Property for the protection of historical and cultural resources, its natural communities and habitats, and passive recreation (hiking trails, shoreline fishing, and photography).

The Applicant acquired the first parcel of the Enrolled Property in 1980 and it was classified a State Park in 1985. The Enrolled Property is part of the former Doud Ranch, a cattle ranch that operated until the 1950s. Designation of State-owned lands as a State Park includes a commitment to long-term conservation activities that maintain, restore, and protect the site's native environmental composition, making the area available for public enjoyment and education in a manner consistent with the preservation of natural, scenic, cultural, and ecological values for present and future generations.

The Agreement focuses on conservation activities for the Covered Species, which have potential to occur in the following vegetation communities that provide habitat for these listed species at the Enrolled Property: coastal scrub; coastal bluff scrub; oatgrass prairie, willow riparian woodland; and stream and adjacent wetlands and riparian areas. Additional communities within the Enrolled Property include non-native tree groves and coast redwood forest.

The Enrolled Property contains 2,267 acres of coastal scrub and coastal bluff scrub. Grassland, including patches of California oatgrass prairie, occurs within some scrub areas. The scrub is composed of both native and non-native shrubs, sub-shrubs, grasses, and forbs. Seacliff buckwheat (*Eriogonum parvifolium*) occurs in most, but not all, of the scrub habitat within the Enrolled Property. Seacliff buckwheat is a host plant for Smith's blue butterflies. Suitable habitat for the Smith's blue butterfly is present within the coastal scrub, coastal bluff scrub, and grassland where seacliff buckwheat occurs. The Enrolled Property contains approximately 1,453 acres of coastal scrub, coastal bluff scrub, and grassland that are occupied by seacliff buckwheat plants. Smith's blue butterflies have been observed at the Soberanes Point and Rocky Ridge areas within the Enrolled Property and are presumed present in other areas of the Enrolled Property that support suitable habitat.

The Enrolled Property includes 10 "blue-line streams" per the Soberanes Point U.S. Geological Survey Quadrangle Map (see Figure 2 and Table 3 in the Agreement). There is an additional drainage that contains an unnamed ephemeral stream, which is not indicated as a "blue-line stream" on the quadrangle map. The quadrangle map depicts Granite Creek as a "blue-line stream;" however, Granite Creek's entire length, including its terminus at Pacific Ocean, lies to the east of Highway 1 outside of the Park. Seven of the 10 "blue-line streams" have perennial flow and the other 3 "blue-line streams" have intermittent flow. Of the perennial streams, three are unnamed; the others are Wildcat Creek, Malpas Creek, Soberanes Creek, and Doud Creek.

All of the streams within the Enrolled Property contain suitable non-breeding aquatic and adjacent upland habitat for the California red-legged frog and the species has the potential to occur at the Park; however, the presence of aquatic breeding habitat at the Enrolled Property is unlikely. The Enrolled Property contains approximately 45,640 linear feet of aquatic habitat for

California red-legged frogs in these streams and approximately 108 acres of adjacent upland habitat for the California red-legged frog.

The pre-Agreement (Baseline) conditions at the Enrolled Property were determined by the Parties. Baseline conditions are defined in the Service's Safe Harbor Agreement policy (64 Federal Register (FR) 32717) as population estimates and distribution and/or habitat characteristics and determined area of the enrolled property that sustain seasonal or permanent use by the covered species at the time the safe harbor agreement is executed between the Service and the property owner. The Baseline conditions must reflect the known biological and habitat characteristics of the Enrolled Property. Under the Agreement we have established Baseline conditions for both the Smith's blue butterfly and California red-legged frog, as described below.

The Parties have agreed to set the Baseline for the Smith's blue butterfly at the Enrolled Property as the area occupied by seacliff buckwheat, its host plant, within the Park. The area in which seacliff buckwheat occurs encompasses 1,453.58 acres. Therefore, the Baseline area for the Smith's blue butterfly at the Enrolled Property is the 1,453.58-acre area that is occupied by seacliff buckwheat.

The Parties have agreed to set the Baseline for the California red-legged frog at the Enrolled Property as the current length of suitable aquatic stream habitat for the species plus an adjacent area of riparian and wetland vegetation that provides suitable upland habitat for the species, although California red-legged frogs could occur beyond this area.

The Baseline conditions for the California red-legged frog at the Enrolled Property consist of:

- 5.37 acres at Wildcat Creek, composed of 2,342.09 linear feet of aquatic stream habitat by 100 feet of adjacent upland habitat;
- 33.17 acres at Malpaso Creek, composed of 9,862.60 linear feet of aquatic stream habitat by 150 feet of adjacent upland habitat;
- 0.14 acre at the unnamed creek at Gate 1, composed of 296.08 linear feet of aquatic stream habitat by 20 feet of adjacent upland habitat;
- 14.27 acres at the unnamed creek at Gate 4.3, composed of 5,439.49 linear feet of aquatic stream habitat by 115 feet of adjacent upland habitat;
- 0.50 acre at the unnamed creek at Gate 6.2, composed of 1,097.89 linear feet of aquatic stream habitat by 20 feet of adjacent upland habitat;
- 2.10 acres at the unnamed creek at Gate 6.4, composed of 2,288.76 linear feet of aquatic stream habitat by 40 feet of adjacent upland habitat;

- 50.37 acres at Soberanes Creek (Gate 7.5), composed of 22,236.93 linear feet of aquatic stream habitat by 100 feet of adjacent upland habitat;
- 0.17 acre at the unnamed creek at Gate 12C.5, composed of 255 linear feet of aquatic stream habitat by 30 feet of adjacent upland habitat;
- 0.11 acre at the unnamed creek at Gate 16.5, composed of 162.90 linear feet of aquatic stream habitat by 30 feet of adjacent upland habitat;
- 0.29 acre at the unnamed creek at Gate 17B.3, composed of 426.67 linear feet of aquatic stream habitat by 30 feet of adjacent upland habitat; and
- 1.13 acres at Doud Creek (Gate 18B), composed of 1,233.83 linear feet of aquatic stream habitat by 40 feet of adjacent upland habitat.

The total Baseline area for the California red-legged frog at the Enrolled Property is 107.62 acres.

The management activities in the Agreement have been developed to promote the conservation and recovery of the Covered Species. These activities would be beneficial to these species because they would maintain, enhance, and/or restore habitat, and would implement other activities beneficial to the conservation and recovery of these species. Other management activities described in the Agreement are associated with the continued use of the Enrolled Property for park, open space, natural resource conservation, and recreation, provided these activities would not reduce the Applicant's ability to maintain the Baseline conditions. The Applicant's park maintenance, trail construction, and park, open space, and natural resource conservation activities would be conducted in a way that would not interfere with the implementation of the beneficial activities referenced above.

The management activities outlined in the Agreement, which will remain in place for at least 15 years, have been developed to enhance and protect suitable habitat for the Covered Species. These activities include recovery actions for the Covered Species, as identified in their respective recovery plans. The net conservation benefit is expected to be achieved by providing habitat protection and insurance against the loss of the Covered Species on the Enrolled Property.

The Applicant will notify the Service at least 60 days in advance of any planned activity that the Applicant reasonably anticipates will result in take of the Covered Species on the Enrolled Property, including a return of the Enrolled Property to the habitat Baseline, and provide the Service the opportunity to capture and relocate any individuals that could potentially be affected.

The Applicant will notify the Service 60 days prior to the transfer of ownership so that the Service can attempt to contact the new owner, explain the Baseline responsibilities applicable to

the Enrolled Property, and seek to interest the new owner in signing the existing Agreement or a new one to benefit the Covered Species on the Enrolled Property.

The Applicant will conduct surveys for Smith's blue butterflies and California red-legged frogs in the areas identified as containing suitable habitat for the respective species and that are safely accessible. If additional suitable habitat for any of the Covered Species is established after restoration work has been completed, surveys will be conducted in the newly established habitat. These surveys will be conducted according to Service guidance and recommendations. Surveys will be conducted during the year following the signing of the Agreement and enhancement of survival permit, and then once every 5 years for the remainder of the Agreement period. The results of these surveys will be reported to the Service in the annual report.

The Applicant will provide the Service with an annual report, due November 1 of each year for the prior calendar year, that will include the results from any monitoring/surveys conducted and describe any habitat restoration activities and any substantial change in condition of previously established listed species habitat that occurred during the previous year, any observations of the listed species by the Applicant during the previous year, the status of implementation of the management activities, and any incidental take of Covered Species that occurred.

II. Does the Safe Harbor Agreement fit the criteria as described in the Safe Harbor Agreement policy (meet the standard of “net conservation benefit” and contribute to recovery)?

In accordance with the Service’s Safe Harbor Agreement policy (64 FR 32717), “net conservation benefit” means “the cumulative benefits of the management activities identified in a Safe Harbor Agreement that provide for an increase in a species’ population and/or the enhancement, restoration, or maintenance of covered species’ suitable habitat within the Enrolled Property, taking into account the length of the Agreement and any off-setting adverse effects attributable to the incidental taking allowed by the enhancement of survival permit. Net conservation benefits must be sufficient to contribute, either directly or indirectly, to the recovery of the covered species.”

The management activities in the Agreement have been developed to support Covered Species recovery actions as identified in the recovery plans for the California red-legged frog and Smith's blue butterfly. The Service anticipates that implementation of these management activities will produce a net conservation benefit to the Covered Species by providing areas where existing suitable habitat for the Covered Species will be maintained or increased in quantity and quality, providing areas where suitable habitat for the Covered Species will remain relatively undisturbed, providing habitat for the Covered Species to increase in population numbers or distribution, and maintaining movement corridors and habitat connectivity. Therefore, management activities associated with the Agreement would benefit the Smith's blue butterfly and California red-legged frog by contributing to their conservation and recovery.

These activities will result in habitat protection and insurance against the loss of the Covered Species on the Enrolled Property. The Applicant will manage the Enrolled Property in a manner that is beneficial to Covered Species while conducting park maintenance and other activities. The net conservation benefit to Covered Species from the Agreement, and thus contribution to recovery, will remain in place for at least 15 years.

The Service has determined that the Applicant's conservation measures, as described in the Agreement, will be reasonably expected to provide the net conservation benefits listed above for the Covered Species. The Service has also determined that the duration of the Agreement and associated enhancement of survival permit will be reasonably expected to be sufficient to achieve these net conservation benefits.

A. Are the effects of the Safe Harbor Agreement less than significant on the rangewide population of federally listed, proposed, or candidate species or other wildlife and their habitats covered under the Safe Harbor Agreement?

Yes. There will be positive, beneficial effects to the affected species due to implementation of conservation measures in the Agreement.

B. Are the effects of the Safe Harbor Agreement 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. Changes in air quality, geology and soils, water quality and quantity, socio-economic resources, recreation, and visual resources are expected to be negligible as a result of the Agreement. A cultural resource inventory of the Enrolled Property identified 25 sites; two of which along trail work areas. The Applicant will require a qualified archaeological monitor to be present during work near any known or suspected cultural sites to ensure the sites are avoided and not disturbed.

C. Would the impacts of this Safe Harbor Agreement, 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?

Yes. There are no significant cumulative effects expected to occur as a result of approval of the Agreement and issuance of the enhancement of survival permit. A beneficial effect to natural resources is expected to occur as a result of approval of the Agreement and issuance of the enhancement of survival permit.

III. Do any of the exceptions to categorical exclusions apply to this Safe Harbor Agreement (from 516 DM 2.3, Appendix 2)?

None of the exceptions to categorical exclusions apply to the Agreement.

Would implementation of the Safe Harbor Agreement:

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

No. Implementation of the Agreement is not likely to result in impacts to public health or safety.

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. There are no registered National Landmarks, wilderness areas, wild or scenic rivers, or sole or principle drinking water aquifers at the Enrolled Property. The project will not adversely affect parks, historic or cultural resources, wetlands, floodplains, or ecologically significant or critical areas. Implementation of the Agreement will enhance conservation efforts on the Enrolled Property. Therefore, no adverse effects on unique geographic characteristics are anticipated in association with the Agreement.

C. Have highly controversial environmental effects?

No. Given the negligible impacts to all resources there is no scientific controversy over environmental effects.

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

No. The proposed management activities are expected to result in beneficial effects to the Covered Species. Therefore, approval of the Agreement would not have highly uncertain or potentially significant environmental effects or involve unique or unknown environmental risks.

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

No. Future actions would be reviewed on their own merits in meeting requirements under the Federal Endangered Species Act, its implementing regulations, and other laws. Effects from approval of the Agreement are minor or negligible; therefore, approval of the Agreement would not represent a decision in principle about future actions with potentially significant environmental effects.

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

No. Approval and implementation of the Agreement is not directly related to other actions with cumulatively significant environmental effects.

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

No. The enhancement of survival permit authorizes the take of species incidental to otherwise lawful activities, including habitat enhancement, restoration, and maintenance. The otherwise lawful activities, which are subject to approval under State or local regulations, are not being proposed for authorization under the enhancement of survival permit. Thus, pursuant to 36 CFR 800.3(a)(1) of the National Historic Preservation Act (NHPA), the Service has determined that the issuance of an enhancement of survival permit for take of species in an undertaking that is a type of activity that has no potential to cause effects on historic properties.

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

No. Under the approved Agreement and enhancement of survival permit, incidental take of California red-legged frogs and Smith's blue butterflies may occur, as a result of: implementing the management activities identified in Section 5 of the Agreement; surveys and monitoring; and returning to Baseline conditions.

The Service determined that the anticipated level of take is not likely to result in jeopardy to the California red-legged frog or Smith's blue butterfly.

The Enrolled Property is located west of unit MNT-2 and north of unit MNT-3 of designated critical habitat for the California red-legged frog and is not within any designated critical habitat for the species. There is no designated critical habitat for the Smith's blue butterfly.

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. Approval and implementation of the Agreement will not negatively affect wetlands or floodplains; therefore, compliance with these orders and the Fish and Wildlife Coordination Act are not required.

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

No. Approval of the Agreement will be in accordance with all applicable laws. One specific condition of the enhancement of survival permit will be that it be carried out in accordance with all applicable Federal, State, or local laws.

DRAFT

IV. ENVIRONMENTAL ACTION STATEMENT

Based on the analysis above, the Safe Harbor Agreement for Smith's blue butterfly (*Euphilotes enoptes smithi*) and California red-legged frog (*Rana draytonii*) at Garrapata State Park, Monterey County, California meets the qualifications for a Safe Harbor Agreement 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 8.

Other supporting documents (list): Safe Harbor Agreement

Concurrence:

Field Supervisor, Ventura Fish and Wildlife Office

Date