

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT OFFICE

CATEGORICAL EXCLUSION REVIEW

A. Background

Project Name: Eugene District Fenders Blue Butterfly Monitoring, April 1, 2012 – September 30, 2016

Date: February, 28, 2012,

Categorical Exclusion Number: DOI-BLM-OR-E060-2011-20CX

Location: The general project area is the Eugene District Bureau of Land Management (BLM). The proposed action would occur in prairies or meadows occupied by Kincaid's lupine and Fender's blue butterfly in the West Eugene Wetlands and Oak Basin Area of Critical Environmental Concern (ACEC). The action could occur in other areas if new locations of Fender's blue butterfly are located.

Description of Proposed Action:

Fender's blue butterfly is federally listed as endangered. Kincaid's lupine is federally listed as threatened. The Eugene District BLM proposes to conduct survey and/or monitoring (hereafter referred to as monitoring) of the species by means of counting adults and/or eggs. This would be accomplished by walking through the species' prairie and meadow habitats. No mechanized or ground-disturbing equipment would be used. The action is recognized as a necessary component of managing for Fender's blue butterfly and contributing to its recovery under the Endangered Species Act.

All individuals that monitor or survey for Fender's blue butterfly adults or eggs would be permitted by the United States Fish and Wildlife Service (USFWS) and would follow the most current Terms and Conditions, methods, and Authorizations of these permits. An example of relevant excerpts from the current monitoring permit is included after Project Design Features.

The methods, frequency and amounts of monitoring would be chosen annually by BLM staff based on: site-specific monitoring needs for local population biological information (e.g., population trends); or ongoing management actions (e.g., habitat restoration); and the efficacy and biological effects of monitoring to individual Fender's blue butterfly populations.

B. Plan Conformance Review:

The Eugene District initiated planning and design for this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the proposed action is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

C. Compliance with NEPA:

The Proposed Action is categorically excluded from further documentation under the National Environmental Policy Act (NEPA) in accordance with 516 DM 2, Appendix 1, (1.6) – *Nondestructive data collections, inventory (including field, aerial, and satellite surveying and mapping), study, research, and monitoring activities.*

The categorical exclusion is appropriate because there are no extraordinary circumstances potentially having effects that may significantly affect the environment, as documented in the following table. The proposed action is reviewed below, and none of the extraordinary circumstances described in 516 DM 2 apply.

D. Signatures:

Prepared By: /s/ Mike Blow Date: 2/29/2012
Mike Blow,
Wildlife Biologist, Upper Willamette Resource Area

Reviewed By: /s/ Richard Hardt Date: 2/29/2012
Richard Hardt, Environmental Coordinator

Approved By: /s/ Virginia Grilley Date: 3/1/2012
Virginia Grilley, District Manager, Eugene District BLM

Contact Person:

For additional information concerning this Categorical Review, contact:
Mike Blow, Upper Willamette Resource Area biologist (541) 683-6495

**UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
EUGENE DISTRICT**

CATEGORICAL EXCLUSION REVIEW
Extraordinary Circumstances Checklist

Proposed Action: Categorical Exclusion No. DOI-BLM-OR-E060-2011-20CX Fender's Blue Butterfly Monitoring

Review the proposed action against each of the 12 "extraordinary circumstances" listed below. Any action that is normally categorically excluded must be subjected to sufficient environmental review to determine whether it meets any of the extraordinary circumstances, in which case, further analysis and environmental documents must be prepared for the action. If the criterion does not apply, indicate "Not Applicable." Any mitigation measures (such as contract stipulations or terms and conditions on permits) necessary to ensure that the proposed action qualifies as a categorical exclusion should be identified at the bottom of the page.

| Extraordinary Circumstances | YES | NO |
|---|-----|----|
| <p>1. Have significant impacts on public health or safety. <u>Rationale:</u> All proposed activities follow established Occupational Safety and Health Administration rules concerning health and safety.</p> | | X |
| <p>2. 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); floodplains (Executive Order 11988); national monuments; migratory birds; and other ecologically significant or critical areas. <u>Rationale:</u> There would be no effects to any of the above. When the proposed action would occur within Areas of Critical Environmental Concern (e.g. Oak Basin ACEC), it would be consistent with desired management for these areas.</p> | | X |
| <p>3. Have highly controversial environmental effects or involve unresolved conflicts concerning alternative uses of available resources [NEPA Section 102(2)(E)]. <u>Rationale:</u> There are no predicted environmental effects from the proposed action which are considered to be highly controversial nor are there unresolved conflicts concerning alternative uses.</p> | | X |
| <p>4. Have highly uncertain and potentially significant environmental effects or involve unique or unknown environmental risks. <u>Rationale:</u> There are no predicted effects from the proposed action that are highly uncertain, potentially significant, unique, or unknown risks.</p> | | X |
| <p>5. Establish a precedent for future action or represent a decision in principle about future actions with potentially significant environmental effects. <u>Rationale:</u> There is no evidence that this action has potentially significant environmental effects.</p> | | X |
| <p>6. Have a direct relationship to other actions with individually insignificant but cumulatively significant environmental effects. <u>Rationale:</u> Individual tree removal will not have significant direct, indirect, or cumulative effects. No trees will be removed from the site and are not part of other actions.</p> | | X |
| <p>7. Have significant impacts on properties listed, or eligible for listing, on the National Register of Historic Places as determined by either the bureau or office. <u>Rationale:</u> No properties listed, or eligible for listing, on the National Register of Historic Places are located within the units of the proposed action.</p> | | X |
| <p>8. Have significant impacts on species listed, or proposed to be listed, as an Endangered or Threatened Species, or have significant impacts on designated Critical Habitat for these species. <u>Rationale for Critical Habitats:</u> The proposed action would have no effect on critical habitat for any species.</p> | | X |

| Extraordinary Circumstances | YES | NO |
|---|-----|----|
| <p>#8 cont...</p> <p><u>Rationale for Fender's blue butterfly:</u> The proposed action could result in adverse effects to Fender's blue butterfly adults or larvae. Some Fender's blue butterfly adults could be injured or harmed by net captures and handling; and some eggs may be crushed by handling or human foot traffic.. In the greater context of critical need for survey/monitoring data to adequately find, monitor, and manage local populations of Fender's blue butterfly, such effects are considered acceptable, unavoidable, and are permitted by the USFWS. Overall, the effects of monitoring are not considered significant to local populations or the species as a whole because: only a small number of populations (estimated 4-5) would be affected; and the effects to individual populations, while not quantifiable, are expected to be small enough to not compromise population viability. All individuals that monitor or survey for Fender's blue butterfly adults or eggs would be permitted by the USFWS and follow the most current Terms and Conditions, methods, and Authorizations of these permits (see example after Project Design Features).</p> <p><u>Rationale for Kincaid's lupine:</u> Monitoring of Fender's blue butterfly adults or eggs could result in the crushing of some stems due to human foot traffic or hand methods that turn and examine leaves (for egg monitoring). This would not adversely affect local Kincaid's lupine populations due to the low amount of total damage to plants and that no more than 25% of the total lupine cover would be impacted in a given year.</p> <p><u>Rationale for other species that are listed, or proposed to be listed, as Endangered or Threatened:</u> No adverse effects are expected to these other species because they do not exist within proposed action areas or; because individuals conducting the proposed action would be trained in identification of other listed, or proposed for listing, plant species and would avoid impacting them due to human foot traffic or other means.</p> | | |
| <p>9. Violate a Federal law, or a State, local, or tribal law or requirement imposed for the protection of the environment.</p> <p><u>Rationale:</u> The proposed action conforms to the direction given for the management of public lands in the Eugene District ROD/RMP, which complies with all applicable Federal, State, local and tribal laws.</p> | | X |
| <p>10. Have a disproportionately high and adverse effect on low income or minority populations (Executive Order 2898).</p> <p><u>Rationale:</u> The proposed action would have no known effect on low income or minority populations.</p> | | X |
| <p>11. 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).</p> <p><u>Rationale:</u> No known cultural resources would be affected by the proposed action. If cultural resources are found within a unit through inventories or during activities, appropriate measures would be applied.</p> | | X |
| <p>12. 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).</p> <p><u>Rationale:</u> The proposed action does not result in measurable changes to the current baseline of the risk, or actual introduction, continued existence, or spread of noxious weeds or non-native invasive species in or from the project area. Existing and likely continuing activities including, but not limited to, motor vehicle traffic, recreation use, rural and urban development, road construction, timber harvest, and natural processes can contribute to the introduction, existence, and spread of noxious weeds/invasive species. Vehicles accessing the project area for the proposed action would stay on existing roads (no additional roads proposed), reducing the potential of picking up and dispersing noxious weeds or seed. The proposed action does not introduce any vector for spread or introduction beyond such vectors already found.</p> | | X |

Project Design Features

Bureau Special Status and Listed, or Proposed for Listing, Plants and Their Habitats

Botanists would review project areas to avoid any inadvertent damage to known SSS plants within the project area. Individuals conducting the proposed action would be trained in identification of other Special Status or listed, or proposed for listing, plant species and would avoid affecting them due to human foot traffic or other means. If necessary any season, plants would be well-marked on the ground (flagging, flag-pins) so that they would not be damaged by crews and equipment and a qualified specialist would be present to monitor implementation of the project.

Standards for Fender's Blue Butterfly Survey and Monitoring of Eggs and Adults.

Individuals that survey for or monitor Fender's blue butterfly adults or eggs would be permitted by the USFWS and follow all Terms and Conditions in such permits. Under the current version of these permits, the permittee is authorized to harass, survey by pursuit, capture, and handle adults, larvae, and eggs of the Fender's blue butterfly in association with monitoring the species and research activities, provided that (excerpts from permit):

- a. Care shall be taken when conducting population monitoring activities to avoid stepping on plants that may have eggs or larvae on them.
- b. Capture shall be by netting, and butterflies shall be handled for the minimal amount of time necessary.
- c. Trampling of actively growing *Lupinus sulphureus ssp. kincaidii* (Kincaid's lupine) plants shall be limited to less than 25 percent of lupine cover during the growing season.
- d. The OFWO shall be kept informed of actions benefiting listed species or their habitats, and a copy of any publications summarizing results of restoration activities shall be provided to the OFWO.
- e. A maximum of 20 percent of the blue butterflies (*Glaucopsyche damus*) and male Fender's blue butterflies) counted at all surveyed sites would be captured each week of the flight season to determine the ratio of listed Fender's blue butterflies to the unlisted silvery blue butterflies. The permittee shall only survey sites identified by the OFWO during the annual butterfly working group meeting.
- f. Also under these permits, it is recognized that the number of Fender's blue butterflies anticipated to be incidentally injured or killed during survey and monitoring activities is two adults. An undeterminable number of Fender's blue butterfly larvae or eggs are anticipated to be incidentally injured or killed by trampling during survey and monitoring activities or seed collection. The following standards apply (excerpts from the permit):
- g. Any incidental injury or killing [adults] shall be reported within 3 working days to the PRO and the OFWO by telephone or fax.
- h. In the event that the number of individuals [adults] allowed to be injured or killed is exceeded during performance of permitted activities, the permittee shall :

- i. Immediately cease activities until reauthorized by the PRO, who may, after analysis of the circumstances of mortality or injury, revoke or amend the permit.
- ii. Immediately notify the PRO and the OFWO. Within 3 working days, the permittee shall follow-up such verbal notification in writing to both offices, and a copy shall be sent to the Oregon Natural Heritage Program, 821 SE. 14th Avenue, Portland, Oregon 97214 (telephone 503-731-3070).
- iii. In the written notification, the permittee shall include a report of the circumstances that led to the injury or mortality. A description of the changes in activity protocols that would be implemented to reduce the likelihood of such injury or mortality from happening again would be included, if appropriate. The incident shall also be discussed in the annual report that is subsequently submitted.

Any dead specimens [adults] shall be preserved in accordance with standard museum practices. Before expiration of the permit, all preserved specimens shall be properly labeled and deposited with the designated depository. The permittee shall supply the depository with a copy of this permit to validate that the specimens were taken pursuant to a permit.

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DECISION RECORD

Decision:

It is my decision to implement this action on BLM lands as described in the categorical exclusion documentation DOI-BLM-OR-E050-2011-20CX

Land Use Plan Conformance:

The Eugene District initiated planning and design for this project to conform and be consistent with the Eugene District's 1995 RMP. Following the March 31, 2011 decision by the United States District Court for the District of Columbia in Douglas Timber Operators et al. v. Salazar, which vacated and remanded the administrative withdrawal of the Eugene District's 2008 ROD and RMP, we evaluated this project for consistency with both the 1995 RMP and the 2008 ROD and RMP. Based upon this review, the proposed action is clearly consistent with the goals and objectives in the 2008 ROD and RMP. Accordingly, this project is consistent with the Eugene District's 1995 RMP and the 2008 ROD/RMP.

Survey and Manage:

Survey and Manage does not apply since Kincaid's Lupine and Fender's Blue Butterfly are not Survey and Manage species and the proposed activities are not considered habitat-disturbing (Survey and Manage ROD 2001, Standards and Guidelines, p.22). Decision Rationale:

The proposed action has been reviewed by Resource Area Staff and appropriate project Design Features as specified, will be incorporated into the proposal. Based on the NEPA Categorical Exclusion Review, I have determined that the proposed action involves no significant impact to the human environment and no further analysis is required.

Administrative Remedies

Notice of the decision to be made on the action described in this categorical exclusion will be posted on the District internet website. The action is subject to appeal to the Interior Board of Land Appeals under 43 CFR Part 4.

Authorizing Official:

Virginia Grilley
District Manager
Eugene District Office

Date: