



# Revisions to the Draft Benton County Prairie Species Habitat Conservation Plan- September 2009

*The following list includes a description of the substantive revisions to the draft Benton County HCP prior to its re-release for public comment in September 2009. These changes are the result of comments and recommendations received from the HCP Advisory Committees, comments received during the January 2-April 2, 2009 public comment period, and additional internal County review.*

## **Formatting Improvements**

- Comment period information (to be finalized) and contact information added to the cover.
- Tables and figures embedded with text throughout.

## **Throughout the HCP**

- Editorial improvements and clarifications completed.
- Detail added to figures/maps for clarity.
- Clarity added as to Oregon Department of Agriculture's role, responsibilities, and requirements as one of the signatories to the HCP.

## **Chapter 1 Introduction**

- Modifications made to reflect changes in later chapters (e.g., modified list of cooperators).
- Information added regarding Prairie Conservation Strategy.
- Updated list of public meetings held.

## **Chapter 2 Covered Species**

- List of Fender's blue butterfly nectar species for Benton County updated (based on work by Schultz/Crone Research group from WSU and MSU).
  - Native species added: *Lomatium triternatum*, *Camassia leichtlinii*, *Linum perenne*, *Plectritis congesta*, *Sidalcea campestris*, *Vicia americana*)

## **Chapter 3 Plan Area**

- Cooperators Added
  - Pioneer Telephone Cooperative
- Cooperators Removed:
  - Oregon State Parks and Recreation Department - no covered species.
  - Oregon Department of Fish and Wildlife - no covered animal species and no impacts foreseeable to covered plants. ODFW is already working with other state agency (ODA) for restoration permitting.
  - City of Philomath- no impacts foreseeable.
- List of species introductions throughout Benton County updated.

## **Chapter 4 Covered Activities**

- Seed collection added as a covered activity (with no other permits required). for Benton County and Cooperators except ODOT (already has coverage).
- Utility work on private lands added for Pioneer Telephone Cooperative.
- Date after which subdivided lots are excluded from the HCP changed from Dec 31, 2008 to July 31, 2009.
  - Changed to date when revised Fender's Blue Zone was adopted.
- ODOT coverage for habitat restoration and HCP implementation activities removed, as they already have this coverage (or can easily amend their own existing permits).
- Information in Appendix D: Detailed Descriptions of Covered Activities Appendix incorporated into Chapter 4. Appendix removed.
- Section 4.3 Non-Covered Activities (p 52-53). New non-covered activities added, and all non-covered activities separated into three categories
  1. Not covered because impacts will be avoided.
  2. Not covered but will still require separate consultation and or incidental take coverage from ODA and/or USFWS.
  3. Not covered because they will not result in new impacts to the Covered Species, beyond those that have occurred prior to this HCP, for example:
    - maintaining an existing garden, landscaped area or driveway;
    - mowing a lawn or pasture that has been regularly mowed in the past;
    - grazing the same type of livestock at a similar timing and intensity as has occurred in the same area in the past;
    - maintaining or replacing an existing fence; or
    - vegetation clearing to maintain the County recommended 30' firebreak around existing structures in the Fender's Blue Zone.

## Chapter 5 Impacts

- Impacts from Pioneer Telephone Cooperative added (increases take requested for Fender's blue by about 2%).
- Fender's blue zone map refined as a result of 2009 surveys
  - Roughly 1000 acres (~360 taxlots) removed (mostly along Alsea Hwy corridor, where ~120 properties were surveyed).
  - ~115 acres (~50 taxlots) added, ~ half from expansion of the Fender's blue zone from newly discovered populations and ~ half from map refinement
- Occupancy of Kincaid's lupine for impact modeling was re-calculated to target the revised Fender's Blue Zone, with all available data updated.
  - Average Kincaid's lupine cover revised from 0.02% to 0.028%.
- Occupancy of native nectar species for impact modeling was re-calculated using data collected in the 2009 field season specifically for this purpose.
  - Average native nectar species cover (non-roadside) reduced from 1.8% to 1.7%.
- Impacts calculation for private lands in the revised Fender's Blue Zone refined and re-done. Overall, revised estimate resulted in fewer structures constructed, and decrease in impacts, especially to nectar for Fender's blue.

- Was based on estimated maximum construction per lot, now based on permit trends.
- Impacts from Medical Hardship dwellings added.
- Impacts from additions to structures (e.g., added attached garage) added.
- Estimate of septic impact increased from 6,000 sq ft to 15,000 sq ft based on recommendation from BC Environmental Health Department.
- Good Neighbor Principle added
  - Private landowners living outside the Fender's blue zone, whose properties are colonized by endangered species as a result of habitat restoration on nearby properties, are held harmless for take resulting from their actions on their property during the 50 year HCP permit term.
  - Map of potential Taylor's checkerspot butterfly habitat added, and language indicating that if it (currently a candidate for listing) becomes listed as threatened or endangered, the County will consult with USFWS to determine if it needs to revise its private lands permitting processes in Taylor's checkerspot habitat, or amend the HCP.

### **Chapter 6 Conservation Measures**

- Conservation Measures added to detail the Prairie Conservation Strategy.
- Conservation Measures added regarding Conservation Programs for Landowners.
- Benton County "grace period" for pre-mitigation for Fender's blue butterfly in the Benton County Fender's Blue Butterfly Conservation Areas extended from the first 6 years of the HCP Permit to the first 10 years of the HCP Permit.
  - This gives the County 4 years to accumulate habitat enhancement, then allows for the required 6 year period that amount of plants/habitat must persist for mitigation to be complete.
  - This only applies if the County is able to secure high quality Fender's blue butterfly habitat under conservation easement, and begin actively enhancing the habitat immediately.

### **Chapter 7 Monitoring and Adaptive Management**

- Clarified that each Cooperator is responsible to complete own monitoring of habitat restoration work for conservation or mitigation purposes.
- Clarified that annual reporting of habitat restoration, enhancement, or management for conservation or mitigation purposes is required of Benton County and the Cooperators at sites where the covered species are present.

### **Chapter 8 Implementation**

- Clause added to allow Benton County to refuse a Certificate of Inclusion and take coverage to any party for any reason (USFWS recommendation).
- HCP Permit and Mitigation Fee Removed. Benton County will develop needed funding to pay for mitigation on private lands within the Fender's Blue Zone.
- Language clarified that Cooperators will pay for own mitigation.
- Clarified that the HCP Advisory Committee shall be an existing committee such as the Parks Advisory Board.

- In first HCP draft, the Parks Advisory Board and the Environmental Issues Advisory Committee were both identified.

### **Chapter 9 Alternatives**

- Clarified the “No HCP” alternative.
  - Implications for both covered plants and butterflies considered and clarified.

### **Appendix E: Prairie Conservation Strategy**

- Appendix now complete and included.

### **Appendix I: Prairie Habitat Vegetation Management Guidelines**

- Grazing recommendations:
  - Modified language to allow grazing to be used as a habitat restoration, enhancement and management tool in areas with Covered Species, if it is managed so as not to impede the ability of the covered species to survive and reproduce (see Appendix for specific grazing limitations for some of the species).
  - As with any other habitat restoration, enhancement and management activity in areas with the Covered Species, annual reporting of the activity (in this case, descriptions of #, type, and duration of livestock use) is required, as is monitoring every three years.
- Prescribed fire recommendations:
  - Modified recommendation that for those species with uncertain responses to fire (such as Nelson’s checkermallow), burning will be limited to 50% rather than 75% of the population until research indicates fire effects are positive or neutral.

### **Appendix M: Draft Taylor’s Checkerspot Butterfly Management Plan**

- Appendix now complete and included.

### **Appendix O: Sample Annual Compliance Report**

- Detail added on County/Cooperator annual reporting requirements for Habitat restoration, enhancement and management activities

### **Appendix Q: Implementation Agreement**

- Re-named- was Implementing Agreement.
- Language added detailing the role of Oregon Department of Agriculture.