

**Annual Compliance Report
for the Yamhill County Habitat Conservation Plan
for Fender's Blue Butterfly and Kincaid's Lupine**



**September 2015
BO #14-568**

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Board of Commissioners on
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Yamhill County Habitat Conservation Plan 2015 Annual Compliance Report

Background

Yamhill County (County) maintains the right-of-way easements along county roads for the purposes of public safety and optimum travel conditions. Some of the road maintenance activities have the potential to affect Fender's blue butterfly (*Icaricia icarioides fenderi*), Kincaid's lupine (*Lupinus oregonus*) and their habitat as defined under the Endangered Species Act (ESA, 16 U.S.C.5131-1344, 87 Stat. 887). In March, 2014, the U.S. Fish and Wildlife Service (USFWS) issued an Incidental Take Permit (ITP) TE10049B-0 pursuant to Section 10 (a)(1)(B) of the ESA. The ITP includes County road and right-of-way maintenance activities. The ITP is conditional upon implementation of the Yamhill County Habitat Conservation Plan (HCP; Cardno ENTRIX 2013). The HCP provides measures to minimize adverse effect from these essential services on Fender's blue butterfly and Kincaid's lupine.

This report records actions completed during the Fiscal Year (FY) 2014-2015 (July 1, 2014 through June 30, 2015) under the 30-year ITP issued to Yamhill County for Fender's blue butterfly on March 14, 2014 (TE10049B-0). As part of HCP implementation, the County is required to submit an annual report to USFWS documenting the following:

- A description of conservation measures initiated, continued, or completed during the previous year, and a description of conservation measures projected to be implemented during the upcoming year.
- A summary of findings, results, and conclusions of monitoring activities, and a projection of monitoring needs for subsequent years.
- A tabulation and description of funds expended during the previous year, and a projection of funds to be expended during the upcoming year.
- Other recommendations, such as minor modifications or amendments to the HCP document.

Conservation measures during FY 2014-2015, and projected for FY 2015-2016

Following is a description of conservation measures initiated, continued, or completed during FY 2014-2015, and a description of conservation measures projected to be implemented during FY 2015-2016:

- The County adhered to the measures described in the HCP for maintenance in the existing Threatened and Endangered Species Special Maintenance Zones (T&E SMZ) and in the newly created T&E SMZs around the seven Kincaid's lupine locations that were identified as being occupied by Fenders blue butterflies (during the butterfly dispersal survey). This will be continued in FY 2015-2016.
- The County adhered to the requirements of the HCP in non-occupied sites by refraining from adverse management activities such as application of broad spectrum herbicides or early mowing that would have harmed the lupines. This will be continued in FY 2015-2016.
- The County's updated 'Blue Book', which includes the location of all T&E SMZs and maintenance activity conservation measures, was provided to Brett Henry, the director of Yamhill County Parks and Recreation. The 'Blue Book' is provided to all appropriate County employees.
- The County again contracted with Dr. Paul Hammond to perform Fender's blue butterfly surveys at sites not covered by USFWS funding within Yamhill County during spring 2015. Surveys followed USFWS protocols established for Fender's blue butterfly surveys and the HCP monitoring plan was followed. This will be continued in FY 2015-2016.
- The County conducted a field visit with species experts and members of the HCP Implementation Committee (HCPIC) on August 27, 2014. This visit was used, and will continue to be used, by the

County to help formulate their habitat restoration plans in the T&E SMZs and Deer Creek Park as described in the HCP and ITP. A field visit will be scheduled in FY 2015-2016 to continue to monitor HCP progress.

- The HCP Implementation Committee held a meeting on April 8, 2015, where the members toured roads in the T&E SMZs to observe and further discuss the County’s maintenance activities in those areas. This is expected to become an annual event.
- The County sprayed Himalayan blackberries with Garlon in October 2014, and sprayed tall oat grass with Poast in April 2015 in the T&E SMZs in order to expose Kincaid’s lupines to more sunlight. It will continue this practice in accordance with SMZ work plans.
- The County held a training event on April 9, 2015 to educate County employees who work in the County right-of-way (ROW) of the requirements for working in the T&E SMZs. This training will continue in FY 2015-16.
- On August 12, 2015, the County held a training event to educate non-County employees (e.g. utilities, arborists) who perform work in the County ROW of the requirements for such work. This event was advertised in two local newspapers as well as notified via letter and e-mail to approximately 30 individuals. Richard Szlemp of the US Fish and Wildlife, Oregon Education branch, and Michal Wert, Chairperson of the County’s Roadside Vegetation Technical Advisory Committee made the presentation. Nearly all invited companies sent representatives. The audio of the training event has been posted on the Public Works website. Further training will be conducted annually as needed.
- The County modified its ROW permits to more strongly warn about the restrictions in protected habitats and the need for consultation with experts prior to engaging in any activities. Shape files of the protected butterfly and lupine sites (for GIS accessibility) have been posted to the website.
- This Annual Report was reviewed by the HCPIC and their comments are integrated within it.

Findings, results, and conclusions of monitoring activities during FY 2014-2015 and projected for FY 2015-2016

Dr. Hammond’s findings and conclusions after surveying in April and May of 2015 are that the County’s efforts at cutting dense stands of brush and small trees, and spraying a grass specific herbicide on exotic tall oat grass, were successful habitat management efforts which increased the lupine population. Per his recommendation that such treatment should be conducted in other areas of suppressed lupines, the County will implement this management action during the upcoming year.

The Deer Creek Park environment had no butterflies on May 29 when surveyed, but under direction from Dr. Paul Hammond and the HCPIC, the County’s efforts have resulted in the lupine population growing vigorously and expanding. The County will follow the recommendation that brush management be increased to continue these improvements. The butterfly population remained low.

Funds expended during FY 2014-2015, and projected for FY 2015-2016

Below is a tabulation of funds spent during FY 2014-15 by the County on HCP activities.

Expenses	Cost
County Personnel (Director and Division Manager)	\$21,211
Material and Services - Dr. Hammond survey, CARDNO oversight services, payment to road department for maintenance	\$34,701
Reserve for Future Obligations	\$5,000
Total HCP Expenses	\$60,912

The County Public Works Department expended over \$46,000 from the road fund for labor (including mowing, brush-cutting, tree removal, weed spraying), equipment and material costs in improving habitat environments. This was in excess of the amount budgeted and will be reimbursed from the HCP funds in future years. It was felt important to “jump start” the program to see progress as soon as possible, and to reimburse in future years when the sites are in more of a maintenance mode.

It is estimated that \$62,560 will be expended during FY 2015-16 on continued restoration and mitigation. A portion of this will be for reimbursement to the road department for its services and contribution for the HCP’s professional services that exceeded the FY 2014-2015 HCP budget. The majority the expenditure will be to continue developing and implementing restoration and mitigation plans. These will include utilizing the expertise of Dr. Paul Hammond to survey lupines and butterflies in Deer Creek Park, and in other sites in accordance with the HCP’s species status monitoring requirements. The County will implement his suggestions for mowing, cutting, and spraying to improve the roadside habitat and release more and invigorated lupine populations for butterfly egg laying.

In Deer Creek Park, the County will work to eradicate blackberries, Scotch broom and small trees affecting the lupines. The objective is to increase the butterfly numbers in as many of the 22 designated sites as is possible in future years. The Public Works department will work with the HCPIC and Parks Director to fabricate an interpretive sign for Deer Creek Park for facilitation of outreach and education.

Other recommendations

There are no recommendations for changes to the HCP at this time.