

Response to the ISRP Review

Project ID: 31002

Project Title: Wildlife Habitat Protection, Lower McKenzie Watershed (Jaqua)

Project Sponsor: The Nature Conservancy

Short Description: Acquire a wildlife habitat conservation easement over 1240 acres of oak savanna and woodlands, Douglas fir forests, and grasslands to benefit listed and target species in the Lower McKenzie River Watershed.

Subbasin: Willamette

The following memorandum provides responses to the questions (see attached posed by the Independent Scientific Review Panel regarding about Project number). We organized our responses into three areas: Structure of the Project; Justification and Importance of the Project; and Restoration Goals and Monitoring.

STRUCTURE OF THE PROJECT

Acquisition Of A Wildlife Mitigation Easement: BPA has approached wildlife mitigation through a variety of legal mechanisms (fee acquisition, Memorandums of Agreement, easements). In our past, direct experience working with BPA on wildlife mitigation projects, they have always preferred acquiring easements rather than fee title. Our Amazon Creek/Willow Creek and Zumwalt Prairie Projects have both been approached in this manner.

One of the benefits to the Fish and Wildlife Mitigation Program of acquiring an easement rather than fee is lower acquisition costs for an easement (versus fee title). From our perspective, by structuring the project such that we hold fee and BPA holds an easement provides a good mechanism for formalizing our partnership and interests in the property and wildlife mitigation opportunities. Further, easements are very flexible legal documents that can be tailored to the needs of the property and/or purpose of the program. It is our preference to approach the project in this manner, but we would be happy to assist BPA acquire fee title to the property and enter into a Memorandum of Agreement if that would be preferable.

Wildlife Mitigation Easement: We used the term “wildlife mitigation easement” to describe what is typically referred to as a conservation easement to emphasize the purpose of the easement for the primary benefit of fish and wildlife mitigation. Easements are very flexible legal instruments and can be structured for a variety of

purposes with varying degrees of restrictions and affirmative rights. The easements we have structured in the past with BPA for Wildlife Mitigation have restricted all commercial activity on a property and provided affirmative rights to BPA to manage the property for fish and wildlife mitigation. Under a conservation easement such as the one attached, the only authorized uses of the property (remaining for the underlying fee owner) would be management for wildlife purposes as described in a BPA approved management plan and possibly limited passive recreational use consistent with those purposes. For your reference, I am attaching a copy of the easement document over the Willow Creek Wildlife Mitigation Project.

Purchase Price: How is this value derived?

The purchase price for a wildlife mitigation easement over the Jaqua property was estimated based on the landowners assessment of the total value of the property multiplied by the percentage of the value that would be reflected in the easement. The landowner estimates that the property is worth \$2000/acre. We estimated that a conservation easement such as the one that we have at Willow Creek would represent approximately 90% of the value of the property. The landowner has agreed to sell the property for the fair market value of the easement (or fee) as determined by a federally approved appraisal. We believe that such an appraisal would value the property at or below the estimated value listed in the proposal. As such, the project costs will be no more than that estimated in the proposal and it could be substantially less. We are currently working with the landowner to complete a preliminary appraisal on the property.

Alternatives to spending \$2.2 million

The lower portions of the Willamette Subbasin are almost entirely in private ownership (96%) and very little is currently dedicated to conservation purposes (less than 2% total). Habitat protection through the acquisition of fee title ownership or conservation easements is one of the primary tools for mitigating for wildlife habitat losses under these circumstances. While land use and other types of regulatory mechanisms provide some protection to habitat from conversion to other uses, they do not protect habitat from resource extraction (logging and grazing), nor do they address other threats to habitat conditions such as non-native species invasions, altered fire regimes, etc.

Most properties in the lower Willamette are or have already been partitioned into small parcels (< 360 acres). The smaller the ownership, the greater the edge effects, chances of habitat fragmentation, and the cost per acre. At 1240 acres, the Jaqua parcel is a relatively large parcel for the lower Willamette Subbasin, and for the reasons stated above we believe it is a good investment both with regard to habitat conditions and cost per acre.

In addition, there is substantial cost share included in this project. We are committing to secure funds sufficient to maintain, monitor, and evaluate the current habitat values on the property. This cost share would benefit the BPA wildlife mitigation program by eliminating the need for ongoing Operations and Maintenance funding. Specific restoration projects could be funded on a case-by-case basis based on the assessed

benefits to the Fish and Wildlife Mitigation program. In addition to the cost share funds identified in the proposal, we are currently seeking funds from other sources to contribute to the acquisition costs. We have a \$1,000,000 request pending with the USFS Forest Legacy Program. If secured, this would reduce the per acre cost to the Fish and Wildlife Mitigation Program to less than \$1000/acre.

JUSTIFICATION AND IMPORTANCE OF THE PROJECT

Landscape Context for the Acquisition: Several landscape scale wildlife and/or wildlife habitat conservation plans have been developed for the Willamette Valley. The Willamette Restoration Initiative (2000), the Oregon Department of Forestry's Forest Legacy Assessment of Need (2001), and The Nature Conservancy's Puget Trough Ecoregional Plan (2002) have all specifically targeted the area in the foothills surrounding Springfield and Eugene as an important area for conservation. The Forest Legacy Program identified this area as the highest priority Legacy Area in Oregon and is proposing to fund several land acquisition in FY 02 and FY 03. Lane County and the Cities of Springfield and Eugene are now studying lands in the area to develop a system of conservation and open space to support fish and wildlife as well as meets public recreation needs. The City of Eugene has already made investments in the site and has on-going acquisition plans for additional habitat protection. The McKenzie River Trust has also been working in the area on both riparian and more recently upland habitat protection.

The property is immediately adjacent lands managed by the Bureau of Land Management. The Nature Conservancy holds a small 40 acre easement immediately adjacent to the property. And, efforts are currently underway to protect riparian habitats on the MacKenzie River immediately below the property.

Benefits to and Status of At-Risk and Benefiting Species

The primary purpose of the project is to mitigate the impacts of the federal dam to wildlife species. Wildlife losses associated with the Willamette Dams were estimated in BPA (1987). Several species were targeted in the assessment. Of these, the following species were identified as species that would benefit from this project: Black-capped chickadee, band-tailed pigeons, red-tailed hawk, valley quail, western meadowlark, yellow warbler, cougar, black bear, elk, blacktailed deer, and pileated woodpecker. In addition, a number of additional species were identified as benefiting from the project including two listed species and several additional at-risk species. Except for the documented listed and Species of Concern the species that will potentially benefit from the project are all projected based on mapped distributions of wildlife and known habitat relationships as shown in (ONHP 2000).

We proposed to conduct baseline habitat assessments and species inventories as part of the due diligence and planning outlined in this proposal. Due to the nature of the Rolling Provincial Review we proposed both the planning and implementation of this project in Year 1. Alternatively, funding for the project could be split over two or three years and acquisition could be made contingent on the results of more detailed surveys.

Listed Species and Species of Concern:

In addition to the species targeted in the Willamette loss assessment, protection of the Jaqua property would benefit two Listed species and two Species of Concern. Specific descriptions of their status is provided below.

Table 1: At-Risk taxa including scientific name, common name, Conservation Rank (Oregon Natural Heritage Program rank (G (species) or T (subspecies) = Global, S=State; 1=critically imperiled, 2=imperiled, 3=rare or uncommon, 4=apparently secure but with some long-term concern, and 5=demonstrably secure) (as in ONHP 2000) and Federal Endangered Species status (SOC=Species of Concern, LT= Listed Threatened, LE=Listed Endangered).

Scientific Name	Common Name	Conservation Rank	Federal/ State Status
<i>Icaricia icarioides fenderi</i>	Fender's Blue Butterfly	T1S1	LE
<i>Lupinus sulfureus</i> ssp. <i>kincaidii</i>	Kincaid's lupine	T2S2	LT
<i>Melanerpes formicivorus</i>	Acorn Woodpecker	G5S3	SOC
<i>Corynorhinus townsendii townsendii</i>	Townsend's Big-eared bat	G4T4S2	SOC

Two listed species are known to occur on the Jaqua property, the Fender's blue butterfly (*Icaricia icarioides fenderi*) and its primary larval host plant, Kincaid's lupine, (*Lupinus sulphureus* ssp. *kincaidii*). Both species were listed, by the U.S. Fish and Wildlife Service as Endangered and Threatened respectively under the Endangered Species Act on January 25, 2000. A recovery plan has not been developed for the species.

Coburg Hills where the Jaqua property is located supports one of the largest and most viable populations of the Fender's Blue butterfly, *Icaricia icarioides fenderi* and a smaller population of Kincaid's lupine (63 FR 3863). The Jaqua property supports the majority of the site's habitat Protection of this property would add to an existing protected area

A VPA has not been performed on the Fender's blue butterfly or on the Kincaid's lupine populations at the site. Assessments of the occurrence and abundance of the Fender's blue butterfly and its larval food on the Jaqua property began in 1994 and have continued periodically (1995, 1996, 1997, 1999, 2001) since. Estimates of the population from the mid 1990's tagged the population at about 300-500 individuals. However, because the property is in private ownership monitoring has not been extensive enough over the past 4 years to establish a trend.

Habitat throughout the range of the Fender's blue butterfly is limited and fragmented. The four primary populations of the species are located at Coburg Hills, West Eugene,

McDonald Forest near Corvallis, and the USFWS's Basket Butte Refuge west of Salem. The population of Fender's blue butterfly at Coburg Hills site is considered isolated, as are all of the primary populations of the species. Coburg Hills is approximately 15 km from the nearest population at Willow Creek. The two sites are separated by developed urban land. Schultz estimated that maximum lifetime dispersal distances are estimated 2.5 km (Schultz 1998). Recovery planning for this species will need to address the isolation of the populations.

No population data is available for the other at-risk species at the site.

Habitat:

Eighty-seven and eighty-eight percent of the upland forests and foothill savanna/prairie habitats have already been lost through conversion to other land uses. These foothill forests included oak, oak and pine, and oak and Douglas fir savannas, Douglas fir forests and mixed conifer forests of oak, fir, pine and cedar. Much of the remaining foothill habitat is fragmented and in degraded condition. Only approximately 70,000 acres of oak savanna and woodland habitat remains in the Willamette Valley. The Douglas fir forests are more common. Douglas fir forests were one of the primary forest types impacted by the construction of the dams.

The Willamette Restoration Initiative (2000), Oregon Department of Fish and Wildlife (2001), Oregon Biodiversity Project (1998), Partners in Flight Landbird Conservation Plan (2000), Forest Legacy Program (2001), the McKenzie Watershed Assessment (2000) and The Nature Conservancy have all identified oak savanna and prairie habitat as priorities for conservation of the Willamette Basin's wildlife populations.

Restoration Goals for the Parcel & Monitoring :

Specific restoration goals as well as monitoring to evaluate progress toward restoration goals for the property would be developed based as part of the development of a management plan for the property. This was proposed to occur in year 1 of the project (Planning & Design Objective 1: Task c). Restoration goals would be based on: 1) continued refinement of our preliminary assessment of historic and current conditions of habitat on the property; and 2) an assessment of the feasibility and cost of alternative restoration scenarios and an assessment of the benefits of each on target and at-risk species.

No monitoring and evaluation tasks were identified in the proposal. "Task b: Monitor access and uses to ensure they are consistent with wildlife habitat protection " Was identified under Maintenance and Operations along with minimal fence and road maintenance and invasive species control as part of a basic package of interim management of the property to ensure the protection of the properties habitat values.

Additional References

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- Dlugosch, K. and C. B. Schultz. 1997. The influence of nectar availability on populations of the Fender's blue butterfly (*Icaricia icarioides fenderi*). Report to the U. S. Fish and Wildlife Service.
- Schultz, C. B. 1997. The use of fire in managing Willamette Valley upland prairies: effects on the Fender's blue butterfly. Report to the U. S. Fish and Wildlife Service.

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Schultz, C. B. 1996. Status of the Fender's Blue Butterfly (*Icaricia icarioides fenderi*) in Lane County, Oregon: Population Ups and Downs. Report to the Oregon Natural Heritage Program and the U.S. Fish and Wildlife Service.

ISRP Questions

Structure of the Project

Why are you proposing purchase of an easement rather than fee?
Why are conservation easements the best approach?
What are the alternatives to spending \$2.2 million?
How is this value derived?
What, exactly, is a wildlife mitigation easement?
What will be the authorized uses of the parcel?

Justification of the Importance and Benefits of the Project

How much of the habitat type represented by the property still exists within the lower Willamette Valley?

Is the purchase of this land a part of a larger landscape-scale plan for wildlife habitat protection within the lower Willamette?

If so, exactly how does purchase of this parcel fit into the plan?

Is this an isolated patch of habitat or are there other patches of similar habitat nearby?

Data should be presented documenting the occurrence and abundance of the species that will benefit from his purchase, especially the listed species. .

What is the status of the potentially benefited species within the lower Willamette (the state and federal designations given in the table need to be explained)?

Where are the four viable populations of Fender's Blue located? Is there connectivity between the populations? Has a VPA been performed on any of the species to formally assess their status?

How much area is needed as a buffer?

How important is the oak and pine forest?

Monitoring Plan

What are the restoration goals?

Monitoring needs to be better described in terms of how it will lead to evaluation of progress toward stated habitat objectives, rather than monitoring for unauthorized uses.