

6 March 2002

Jan Childs
Planning Director
Eugene Planning Division
99 West 10th Avenue
Eugene, OR 97401

Re: Potential effects of the proposed West Eugene Parkway on populations of the Fender's blue butterfly found in the West Eugene Wetlands Refuge

Dear Ms. Childs:

This letter is to express our concern with the proposed West Eugene Parkway project. As you know the Fender's blue butterfly is currently listed federally as an endangered species.

The continued decline of the Fenders blue butterfly has been documented by Paul Hammond and others and demonstrates that all available habitat needs to not only be protected, but enhanced. The fact that this highway would cut off unpopulated areas of this butterfly's primary host plant (the Kincaid's lupine), thus preventing its dispersal into this new habitat, is reason enough to stop this project. Although, US Fish and Wildlife Service (FWS) stated in the biological opinion, this project will only "adversely affect" this local population, and not jeopardize the Fenders blue, it continues a precedent that habitat destruction is acceptable until only a single population is left. Thus, one achieves "jeopardy" at a time when it is too late to turn back.

We also believe the US Fish and Wildlife Service may have erred in its biological opinion as it pertains to the "un-quantifiable level of take for the Fenders blue butterfly" in its "Incidental Take Statement". The FWS admits they cannot anticipate or monitor how many Fender blue's will die on the new stretch of road but they still state, "the level of anticipated take is not likely to result in jeopardy of the species". In the Ninth Circuit's Courts decision in Arizona Cattle Growers Association vs. FWS, BLM, 273 F.3d 1229, the court notes that the FWS must either establish a numeric value for incidental take or establish that such a value cannot be "practically obtained." If FWS can make such a showing, the agency still must link habitat impacts to take of the species. In accordance with this case we believe it is "arbitrary and capricious" for the FWS to say that it has no idea how much take is likely to occur, but still make a no jeopardy finding.

In conclusion, all threats, even to a single population of the endangered Fenders blue butterfly, should be prevented especially on public lands such as this parkway. Thank you for consideration of this letter.

Sincerely,

Scott Hoffman Black
Entomologist and Ecologist
Executive Director