



# United States Department of the Interior

## FISH AND WILDLIFE SERVICE

Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, Colorado 80215

### IN REPLY REFER TO:

ES/CO: ES/GJ-6-CO-02-F-014  
Permit Number: TE-056467  
Mail Stop 65412

### Memorandum

To: Regional Director, Region 6  
Lakewood, Colorado

From: Assistant Regional Director for Ecological Services, Region 6  
Lakewood, Colorado

Subject: Findings and Recommendations on Issuance of an Incidental Take Permit for the Preble's meadow jumping mouse to Lee J. Dahle for construction of a single-family residence at the Dahle Property, El Paso County, Colorado (Permit # TE-056467)

### I. DESCRIPTION OF PROPOSAL

Lee J. Dahle (Applicant) has applied to the U.S. Fish and Wildlife Service (Service) for a permit to authorize incidental take of the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's) in accordance with section 10(a) of the Endangered Species Act of 1973, as amended (Act). The Applicant has prepared a Low-Effect Habitat Conservation Plan (HCP), which has been submitted in support of his permit application.

The proposed action involves the construction and occupation of a single-family home adjacent to areas occupied by Preble's. The property is located within Section 6, Township 13S, Range 66W in El Paso County, Colorado. The incidental take would be in the form of potential loss and modification of habitat used by Preble's.

Based on recent captures, Preble's are found up- and downstream of the project area. Therefore, it was determined that the riparian habitat on the Dahle Property was occupied by Preble's or at least used as a corridor for movement between Kettle Creek, Pine Creek, and the Air Force Academy grounds.

The HCP, which is incorporated herein by reference, proposes to minimize and mitigate adverse effects associated with any expected take of Preble's. The proposed HCP will allow for the incidental take of PMJM by permitting the home to be constructed adjacent to a riparian area most likely used by Preble's as habitat and movement corridors from the riparian habitats of Monument Creek to the adjoining tributaries on Kettle Creek and Pine Creek. Construction of the home will result in about 0.15 acre of riparian habitat loss and 0.01 acre of temporary disturbance within Preble's habitat.

Mitigation measures, such as establishment of additional shrub habitat and control of invasive weeds, have been designed specifically to mitigate any remaining unavoidable impacts to Preble's at the project site. The Applicant proposes to enhance 0.50 acre of habitat within the site through planting of willow shrubs and weed control in areas that currently do not support Preble's habitat.

Analysis of Effects

The effects of the proposed action on Preble's are fully analyzed in the Service's Biological Opinion (US Fish and Wildlife Service 2002) for the proposed action, herein incorporated by reference. Implementation of the project will result in a loss or disturbance of 0.15 acre of potential habitat, including the alteration of 0.085 acre of mixed grassland vegetation, 0.01 acre of which will be temporarily disturbed and replaced with native vegetation. The plotted drainage easement line located 25 to 50 feet from the back of the lot will not be damaged during construction. The house will be situated on the lot so that 0.50 acre of the lot will be preserved.

II. PUBLIC REVIEW

The Service published a Notice of Receipt of the Permit Application and Low-Effect Habitat Conservation Plan to Allow the Incidental Take of the Preble's meadow jumping mouse, for the Dahle Property, El Paso County, Colorado, in the Federal Register on May 24, 2002. Publication of the notice initiated a 30-day comment period, which closed on June 24, 2002.

The Service did not receive any public comments regarding the proposed action.

III. INCIDENTAL TAKE PERMIT CRITERIA - ANALYSIS AND FINDINGS

1. The taking of Preble's will be incidental.  
The taking of Preble's will be incidental to the otherwise lawful activity of residential home development.
2. Lee Dahle will, to the maximum extent practicable, minimize and mitigate the impact of taking Preble's.

The HCP contains measures to minimize and mitigate impacts to Preble's that would occur under the permit. The Applicant has agreed to implement the following measures to minimize and mitigate impacts that may result from incidental take of Preble's: (1) locating the building within 90 feet of El Dorado Lane; (2) preserving 0.50 acre of the lot in a native and unmowed condition, thereby preserving the corridor and habitat used by Preble's; (3) locating spoil piles away from the back of the lot (closest to Monument Creek) during excavation; (4) limit access to the construction area to only front and sides of the lot through the use of a temporary construction fence.

3. Lee Dahle will ensure adequate funding for the HCP and provisions to deal with unforeseen circumstances will be provided.

The Applicant will provide the funding necessary for the completion of the activities and conservation measures required under this HCP. Due to the short term (5 years) of this HCP, long-term funding assurances will not be required. The Applicant or its contractor will monitor the HCP and prepare an annual report on the progress of habitat improvement measures for three growing seasons, or until success criteria are met.

4. The taking will not appreciably reduce the likelihood that the species will survive and recover in the wild.

Approval of Dahle's permit has been reviewed by the Service under section 7 of the Act. In the Biological Opinion, which is attached hereto and incorporated by reference, the Service concluded that issuance of the incidental take permit to Lee Dahle would not likely jeopardize the continued existence of Preble's.

- 5. Other measures, as required by the Director of the Service, have been met.

The HCP incorporates all elements determined by the Service to be necessary for approval of the HCP and issuance of the permit.

- 6. Alternatives

Three alternatives have been identified in the proposed HCP: 1) the Proposed Action (construction of the residence); 2) Wait for the El Paso County Regional Habitat Conservation Plan; 3) No Action. It is unknown at this time when the regional HCP will be approved or if it will address the proposed project. The "No Action" alternative would not allow the Applicant to use the property for a home site and was deemed infeasible.

IV. GENERAL CRITERIA AND DISQUALIFYING FACTORS - ANALYSIS AND FINDINGS

The Service has no evidence that the permit should be denied on the basis of the criteria and conditions set forth in 50 CFR 13.21(b)-(c). The Applicant has met the criteria for the issuance of the permit and does not have any disqualifying factor that would prevent the permit from being issued under current regulations.

V. RECOMMENDATIONS ON PERMIT ISSUANCE

Based on the foregoing findings with respect to the proposed action, I recommend issuance of a permit to authorize incidental taking of the Preble's meadow jumping mouse by Lee Dahle in accordance with the HCP.

  
 Field Supervisor  
 Colorado Field Office

7-24-02  
 Date

Concur:   
 Assistant Regional Director  
 for Ecological Services

*DoS*

7-29-02  
 Date