



United States Department of the Interior

FISH AND WILDLIFE SERVICE Mountain-Prairie Region



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NOV 07 2005

Memorandum

To: Regional Director, Region 6

From: Assistant Regional Director, Ecological Services, Region 6

Subject: Findings and Recommendations on Issuance of an Enhancement of Survival Permit for the Utah Prairie Dog in Sevier County, Utah, to Mr. Mitchel W. Pace (Permit Number TE-106063).

I. DESCRIPTION OF PROPOSAL

Mr. Mitchel W. Pace (Cooperator) has applied to the U.S. Fish and Wildlife Service (Service) for an Enhancement of Survival Permit to authorize take of the Utah prairie dog (UPD) (*Cynomys parvidens*) in Sevier County, Utah, in support of the Cooperator's Safe Harbor Agreement (Agreement). The Cooperator has submitted the Agreement as part of his permit application. The proposed permit will be issued in accordance with section 10(a)(1)(A) of the Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 et seq.), and the Service's Safe Harbor Policy (64 FR 32717).

The purpose of this Agreement is for the Cooperator, NRCS, and the Service to encourage the neighboring UPD colony to naturally expand onto the Cooperator's property and implement conservation measures once they have established on the Property. The area covered by the Agreement and permit is shown on the attached map. This Agreement is intended to create an incentive for the private landowner to voluntarily conserve prairie dogs and their habitat while securing regulatory certainty. The Agreement will provide for support of UPD colony expansion onto the Pace property and provide the Cooperator with assurances that future activities will not be constrained and result in ESA restrictions.

Conservation goals include improving foraging and visual surveillance habitat for UPDs, and allowing the existing adjacent UPD colony to naturally expand onto the Property by implementing:

and encouraging cooperative management efforts with this private landowner, who is willing to establish a model for others to follow.

Approval of the Agreement and issuance of the permit will increase the likelihood that UPD recovery will occur. Up to 22 acres of additional habitat will be restored and managed for the species. Under the Agreement, the Cooperator will be covered under the permit which will authorize incidental take of UPDs in conjunction with current agriculture or land use practices.

The Property, a 22-acre irrigated pasture, will remain in active livestock management that encourages UPD expansion. Improved vegetation conditions such as reduced sagebrush densities and increased suitable forage will allow the adjacent UPD colony to naturally expand onto the Cooperator's property. Since the objective of the Agreement, and the expected net conservation benefit, is to expand the habitat of an existing colony onto the Cooperator's property, control of prairie dog numbers above the baseline of zero will not affect the net conservation benefit provided by the Agreement.

Even with possible impacts from incidental take authorized under the permit, conservation of UPDs will be enhanced under the Agreement compared to without it. Under the Agreement, habitat restoration will occur that will not occur in the absence of the Agreement. The habitat improvement measures are expected to provide benefits to the prairie dog over the 15 years of the Agreement and may extend beyond. The impacts to the species under the permit will be mitigated by the benefit of habitat restoration and anticipated increased abundance.

In summary, benefits are expected to occur for the UPD from conservation measures under the Agreement and from the Agreement serving as a model for similar agreements with other private landowners. The combination of these benefits with the Agreement's regulatory assurances creating a cooperative relationship with the landowner, is expected to result in an overall benefit to UPD conservation and likely an increase in species abundance and recovery.

III. ENHANCEMENT OF SURVIVAL PERMIT CRITERIA - ANALYSIS AND FINDINGS

The Service's analysis and findings with respect to the Agreement satisfying the permit issuance criteria through Safe Harbor Policy in accordance with 50 CFR 17.22(d)(2) (64 FR 32717) are presented below:

1. The taking of UPDs will be incidental and will be in accordance with the terms of the Safe Harbor Agreement.
2. The Agreement complies with the requirements of the Service's Final Safe Harbor Policy. Based, in part, on the analysis provided above in Part II of this document, the Service finds that the Agreement's conservation measures and expected benefits to the UPD, when combined with those benefits that will be achieved if it is assumed that similar conservation measures also were implemented on other necessary properties, will provide a net conservation benefit to the species, as discussed in the Safe Harbor Policy. The Agreement also complies with all other requirements of the Safe Harbor Policy.

Publication of the notice initiated a 30-day comment period, which closed on October 7, 2005. No comments were received.

VI. RECOMMENDATION ON PERMIT ISSUANCE

Based on the foregoing finding with respect to the proposed action, I recommend issuance of a section 10(a)(1)(A) Enhancement of Survival Permit to authorize incidental taking of the UPD by the Cooperator in accordance with the Safe Harbor Agreement.

Maria Henry
Assistant Regional Director, Ecological Services

11/7/05
Date

Concur: Elliott Setta
Regional Director, Region 6

11/7/05
Date

**ACTING
Deputy**

Attachment: Map

cc: Tom Jarmin, Natural Resources Conservation Service, Richfield Field Office,
340 North 600 East, Richfield, UT 84701