

**HABITAT CONSERVATION PLAN**

For The

**Issuance of an Incidental Take Permit  
Under Section 10(a)(1)(B) of the Endangered Species Act**

For The

**Utah Prairie Dog (*Cynomys parvidens*)**

By

**The Coleman Company, Inc.  
597 North 1500 West  
Cedar City, Utah 84720**

**June 16, 1995**

Prepared for:

**U.S. Fish and Wildlife Service  
Utah Field Office  
Lincoln Plaza  
145 East 1300 South, Suite 404  
Salt Lake City, Utah 84115**

Prepared By:

**SWCA, Inc. Environmental Consultants  
56 West 400 South, Suite 201  
Salt Lake City, Utah 84101  
(801) 322-4307**

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## 1.0 INTRODUCTION

### 1.1 PURPOSE AND NEED

The Coleman Company, Inc. is proposing a 52,800 square-foot expansion along the south side of its existing warehouse in Cedar City, Iron County, Utah. The entire project area would be approximately 60,000 square feet or 1.4 acres in order to accommodate construction equipment. The proposed project is on private property and is privately funded. The Utah prairie dog (*Cynomys parvidens*), a federally threatened species, is known to occur on the approximately 1.4 acres proposed for development.

This HCP has been prepared to meet legal requirements contained in 50 CFR §17.22 (b)(1)(iii), which sets forth the application requirements for an Endangered Species Act Section 10(a)(1)(A) permit for incidental take. An Environmental Assessment has been prepared in conjunction with this HCP, as required by the National Environmental Protection Act (NEPA). An Implementation Agreement and Application Form have also been prepared. These documents constitute the permit application. The proposed duration of the permit is two (2) years.

### 1.2 UTAH PRAIRIE DOG BACKGROUND AND CONTEXT

The Utah prairie dog is a member of the white-tail subgenera, *Leucocrossuromys*, and the species is limited to the southwestern quarter of the state of Utah. It was originally listed as endangered in 1974 (38 FR 14678). In 1979 the Utah Division of Wildlife Resources (UDWR) petitioned the U.S. Fish and Wildlife Service (Service) to downlist the Utah prairie dog from endangered to threatened. As a result, the Utah prairie dog was reclassified to threatened status in 1983 (48 FR 21604). The Service does not consider the Utah prairie dog to be in danger of extinction (49 FR 22330). Historically, the Utah prairie dog was found in southwestern and central Utah from the Nevada border on the west to Nephi on the north, east to the foothills of the Aquarius Plateau and south to the northern borders of Kane and Washington counties. The species now occurs principally in Iron, Sevier, Beaver, Wayne, and Garfield counties. The historical distribution of Utah prairie dogs has been reduced and their abundance has been in decline for decades due to habitat loss, intentional poisoning, drought, poor grazing practices, and episodes of plague.

Due to the number of Utah prairie dogs on private property in southwestern Utah, and conflict with private land owners, the Service established a Federal rule in 1984 that allows limited take of the Utah prairie dog on agricultural lands through trapping or shooting of Utah prairie dogs in Cedar and Parowan Valleys. The rule was amended in 1991 to allow take on agricultural lands within the entire range of the Utah prairie dog. The Utah Prairie Dog Recovery Plan (U.S. Fish and Wildlife Service 1991) encourages the relocation of prairie dogs from private to federal lands to promote the recovery of the species.

Utah prairie dogs prefer habitat in open terrain with clear visibility to avoid predators. They are found in elevations from 5,400 feet on valley floors up to 9,500 feet in mountain mesa habitats. Cedar City is one of three areas of population concentration for this species. Although approximately 24 percent of the colonies exist on public lands in Iron County, the majority of individuals are found on private land (UDWR 1994).

## **2.0 PROJECT DESCRIPTION**

### **2.1 PROJECT LOCATION AND DESCRIPTION**

The Coleman Company, Inc. proposes to expand their existing warehouse along the south side by approximately 52,800 square feet. However, in order to accommodate construction equipment, the proposed project area is approximately 60,000 square feet or 1.4 acres. The Coleman Company, Inc. property is located at 597 North 1500 West, Cedar City, Utah in Section 10, T36S, R11W. See Figure 1. The privately-owned property is zoned as commercial and the project is privately funded.

The Utah prairie dog, a Federal threatened species, occupies the proposed project area of approximately 1.4 acres on the south side of the existing warehouse. The area proposed for expansion is part of larger vacant, disturbed lot. Total acreage of the lot is approximately 3.7 acres. The entire lot is occupied by prairie dogs. The proposed action will require the capture and relocation of a maximum of 116 Utah prairie dogs and the possibility of incidental take of two (2) prairie dogs through direct mortality during construction. This take will be incidental to otherwise lawful activity.

### **2.2 EXISTING ENVIRONMENT**

#### **2.2.1 Land Ownership, Existing Conditions, and Adjacent Land Uses**

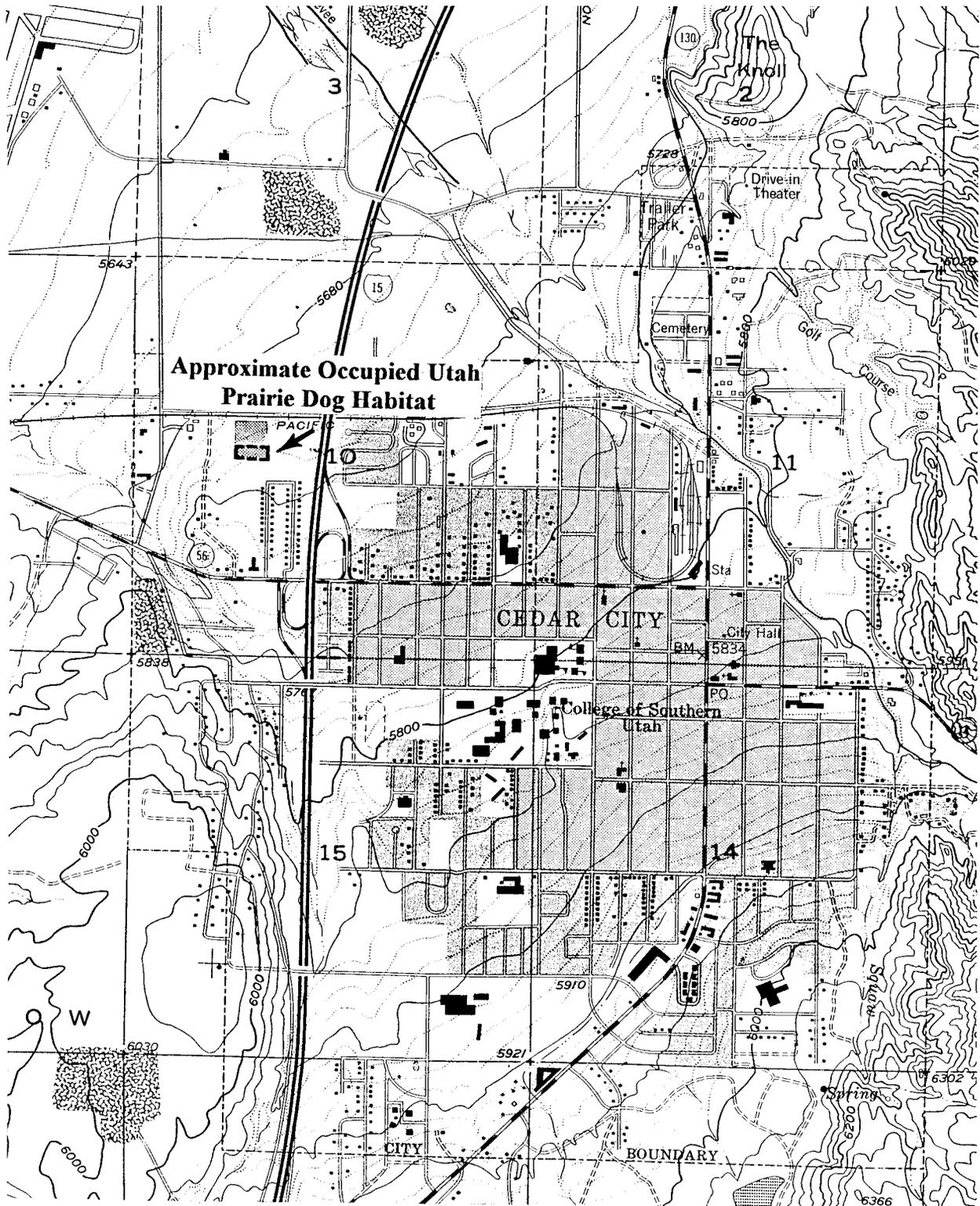
The proposed project area is owned by The Coleman Company, Inc, headquartered at 1526 Cole Boulevard, Suite 300, Golden, Colorado 80401.

Land use around the project includes business, industrial, and residential developments. Land use adjacent to the proposed project area includes parking lots on the east and west sides and the existing warehouse on the north side.

#### **2.2.2 Topography**

Cedar City is located in Cedar Valley at approximately 5,622 feet. Hurricane Cliffs lie to the east and southeast, Cross Hollow Hills to the southwest, and Cedar Valley to the northwest.

The proposed project area is about 5,600 feet in elevation and relatively flat. See Figures 2 and 3.



**Figure 1. Approximate Project Area and Location of Occupied Utah Prairie Dog Habitat for Coleman Company, Inc.**





**Figure 2. Proposed Project Area on South Side of Existing Warehouse**



**Figure 3. Proposed Project Area on South Side of Existing Warehouse**

### **2.2.3 Soils**

Soils at the project site range from silty clay loam to very gravelly loam. The soil series is Wales-Asdown-Medburn.

### **2.2.4 Vegetation**

The entire lot, including the proposed project area, has been cleared in the past and as a consequence of the clearing, supports grasses and annuals. See Figures 2 and 3.

### **2.2.5 Wildlife**

It is possible that badger, gophers, mice, and cottontail rabbits could occupy the project area. However, the surrounding development and relatively small size of the lot minimizes the potential use by other wildlife.

### **2.2.6 Endangered, Threatened, and Candidate Species**

In addition to the Utah prairie dog, two endangered species and eight Category 2 candidate species were identified by the Service as potentially occurring within the project area. No critical habitat has been designated for any other the listed species. These species include seven mammals and four birds and are listed in Table 1.

**Table 1. Endangered, Threatened, and Candidate Species That May Potentially Occur Within The Coleman Company, Inc. Building Expansion**

Species	Status <sup>1</sup>
Bald eagle ( <i>Haliaeetus leucocephalus</i> )	Endangered
American peregrine falcon ( <i>Falco peregrinus</i> )	Endangered
Utah prairie dog ( <i>Cynomys parvidens</i> )	Threatened
Western burrowing owl ( <i>Athene cunicularia hypugaea</i> )	C2
Ferruginous hawk ( <i>Buteo regalis</i> )	C2
Pygmy rabbit ( <i>Brachylagus idahoensis</i> )	C2
Spotted bat ( <i>Euderma maculatum</i> )	C2
Small-footed myotis ( <i>Myotis ciliolabrum</i> )	C2
Fringed myotis ( <i>Myotis thysanodes</i> )	C2
Yuma myotis ( <i>Myotis yumanensis</i> )	C2
Big free-tailed bat ( <i>Nyctinomops macrotis</i> )	C2

<sup>1</sup> A Federal endangered species is defined as "...any species which is in danger of extinction throughout all or a significant portion of its range other than a species of the Class Insecta determined by the Secretary to constitute a pest whose protection under the provisions of the Endangered Species Act would present an overwhelming and overriding risk to man."

A Federal threatened species is defined as "... any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range."

A Federal Category 2 species (C2) is defined as one "...for which information now in possession of the Service indicates that proposing to list them as endangered or threatened species is possibly appropriate, but for which substantial data on biological vulnerability and threat(s) are not currently known or on file to support the immediate preparation of rules."

### 3.0 STATUS OF ENDANGERED, THREATENED, AND CANDIDATE SPECIES ON THE PROJECT SITE

#### 3.1 INTRODUCTION

The purpose of this section is to discuss the status of endangered, threatened, and candidate species in the project area. No critical habitat has been designated for any of the listed species. Section 4.0 discusses potential impacts to these species as a result of the development.

##### 3.1.1 Utah Prairie Dog

Utah Division of Wildlife Resources personnel surveyed the property in 1992, 1993, 1994, and 1995 and counted 12, 19, 22, and 40 prairie dogs, respectively (McDonald 1995, pers. comm.). The proposed project area is approximately 38% (1.4 acres/3.7 acres) of the undeveloped lot owned by The Coleman Company, Inc. The prairie dogs are fairly evenly distributed across the entire 3.7 acres. Therefore, using 38% of the total number of prairie dogs observed in 1995, the estimated number of prairie dogs observed in 1995 within the 1.4 acre-project area is 16 dogs. The following calculations provide a projected estimate of total number of prairie dogs based on the observed estimate of 16 dogs.

16 individuals estimated observed x 2 = 32 adult prairie dogs estimated to be present ( According to Crocker-Bedford's (1975) estimate that 40 to 60 percent or an average of 50 percent of prairie dogs are above ground at any given time);

32 prairie dogs equals approximately 21 females and 11 males (Based on a female to male ratio of 2:1, McDonald 1995, pers. comm.);

The 21 females could have 1 to 6 (average of 4) young this year (McDonald 1995, pers. comm.):

$$21 \text{ females} \times 1 \text{ young} = 21 \text{ young}$$

$$21 \text{ females} \times 4 \text{ young} = 84 \text{ young}$$

Therefore, the total number of estimated prairie dogs within the project area ranges between 53 and 116 individuals:

$$21 + 32 = 53 \text{ individuals}$$

$$84 + 32 = 116 \text{ individuals}$$

The area currently occupied by prairie dogs has been cleared and disturbed in the past. These actions created suitable habitat (i.e., open grassy area with no trees or shrubs) for the prairie dogs. See Figures 2 and 3.

### 3.1.2 Endangered Species and Candidate Species

Two endangered and eight Category 2 candidate species that could potentially occur within the project area or the immediate vicinity include the bald eagle, American peregrine falcon, Western burrowing owl, ferruginous hawk, pygmy rabbit, spotted bat, small-footed myotis (bat), fringed myotis (bat), Yuma myotis (bat), and big free-tailed bat. No suitable habitat exists within the project area for these species with the exception of the burrowing owl.

Burrowing owls are known to occur in Cedar City and coexist with prairie dogs. Burrowing owls also use the burrows of other burrowing mammals such as ground squirrel, rock squirrels, badgers, and others. These species commonly occur in the Cedar Valley. UDWR or SWCA personnel have not observed any burrowing owls within the occupied prairie dog colony during surveys.

## **4.0 POTENTIAL IMPACTS**

### **4.1 INTRODUCTION**

Preparing an HCP includes determining the amount of incidental take associated with the proposed project. Take as defined in Section 3 of the ESA means "to harass, harm, pursue, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct." Section 10(a)(1)(B) defines "incidental take" as "take that is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity." Federal regulation defines the terms "harass" and "harm" as follows. Harass means "an intentional or negligent act or omission which creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns which include, but are not limited to, breeding, feeding, or sheltering." Harm means "an act which actually kills or injures wildlife" and "may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering." A Section 10 permit constitutes an exception to the taking prohibition of the ESA.

### **4.2 UTAH PRAIRIE DOG**

#### **4.2.1 Direct Impacts**

Direct impacts are those which are caused by an action and occur at the same time and place as the action. The direct impact of the project is the conversion of approximately 1.4 acres of Utah prairie dog habitat into a warehouse expansion. In order to minimize the impacts of this direct impact, there will be a planned incidental take of a maximum of 116 prairie dogs through trapping and relocation and the potential incidental take of up to 2 prairie dogs as a result of on-site construction deaths. Accidental on-site deaths are not considered likely due to pre-construction education regarding prairie dogs, temporary fencing during construction, and the ability of prairie dogs to move out of harms way.

The proposed project will adversely affect the approximately 1.4-acre, Utah prairie dog colony estimated to support a maximum of 116 dogs, but will not adversely affect the Utah prairie dog population in the West Desert or anywhere within its range. The proposed project is not anticipated to jeopardize the continued existence of the Utah prairie dog. Furthermore, the relocation of the Utah prairie dogs to Federal lands will contribute to attainment of the Service's recovery goals for the Utah prairie dog.

#### **4.2.2 Indirect Impacts**

Indirect impacts are those caused by the action and are later in time or removed in distance, but still reasonably foreseeable. Indirect impacts could include the failure of individual prairie dogs to survive at the new site, following relocation.

#### **4.2.3 Direct Habitat Impacts**

The proposed project will entail conversion of the approximately 1.4 acres of occupied prairie dog habitat to commercial use. This will directly affect a maximum estimate of 116 Utah prairie dogs.

#### **4.2.4 Indirect Habitat Impacts**

All foreseen impacts to prairie dog habitat are direct.

### **4.3 ENDANGERED AND CANDIDATE SPECIES**

No impacts to endangered, threatened or candidate species other than the Utah prairie dogs, are anticipated to result from the project.

## **5.0 MEASURES TO AVOID, MINIMIZE, AND MITIGATE FOR POTENTIAL IMPACTS**

### **5.1 INTRODUCTION**

This section discusses the measures which are proposed to avoid, minimize, and mitigate potential impacts to the Utah prairie dog as a result of the proposed project.

### **5.2 AVOIDANCE AND MINIMIZATION**

Four means to avoid or minimize impacts to the Utah prairie dog will be employed: (1) temporary fencing; (2) trapping and relocation; (3) pre-construction education program; and (4) scheduling trapping and construction to avoid hibernation periods.

#### **5.2.1 Temporary Fencing**

In order to minimize impacts to prairie dogs, the project area will be clearly staked and fenced with temporary mesh fencing. This also services to clearly delineate the project construction boundaries. Fencing will be put up prior to trapping and remain up until construction is completed. The temporary fencing will be of a material sufficient to support an approximately 2-foot tall piece of plastic placed around the perimeter of the fence. This "blacked-out" area will deter the reestablishment of individual prairie dogs within the fenced area by limiting their ability to watch for predators. Fencing will be removed upon completion of the building expansion.

#### **5.2.2 Trapping and Relocation**

The Utah Prairie Dog Recovery Plan (U.S. Fish and Wildlife Service 1991) calls for establishing sufficient numbers of prairie dogs on public lands such that they can be delisted, and protective restrictions on private property removed. Toward that goal, the Adams Well Site, currently being developed by the BLM, will accommodate prairie dogs from private land in Iron County. The Adams Well site will be 80 acres (two, forty acre plots) and considered a demonstration area to monitor transplant success, habitat requirements, and the compatibility of cattle grazing and prairie dog colonies.

The UDWR will remove the prairie dogs within the approximately 1.4-acre area occupied by prairie dogs beginning in late Summer of 1995 (subject to UDWR schedule) to the Adams Well Site or other BLM and Service approved site. The UDWR estimates trapping and relocation costs to be \$50.00 per prairie dog (Valentine, 1995, pers. comm.). The maximum number of prairie dogs estimated to be relocated is 116 individuals. Upon completion of trapping, UDWR will bill The Coleman Company, Inc. for the actual number of prairie dogs trapped. The Coleman Company, Inc. will have

30 days to pay the bill. Lack of payment may result in suspension of the permit. A maximum amount of \$5,800 may have to be paid to UDWR for trapping and relocating.

Development of the site will be initiated within 48 hours of completion of trapping to avoid recolonization by any nearby prairie dogs.

### **5.2.3 Pre-construction Education Program**

In order to avoid or minimize impacts to prairie dogs, a pre-construction education program will be given by UDWR or Service (Valentine 1995, pers. comm.). Advanced notice by The Coleman Company, Inc. to schedule an education program is required. It is anticipated that all of the prairie dogs will be removed by the UDWR. However if a prairie dog strays into the area, this program should aid in avoiding or minimizing incidental take. UDWR will explain to the contractor's employees that they are working in habitat occupied by a threatened species. They will be taught the definition of "harm" and the consequences of causing harm to a threatened species. Any recommendations identified in the Service's Finding of No Significant Impact (FONSI) and in the Implementing Agreement will also be explained at that time.

### **5.2.4 Scheduling**

Avoidance and minimization of impacts will also be facilitated by trapping and relocating the prairie dogs before the end of September, when prairie dogs are active. After the prairie dogs have been removed, then construction can commence and be completed. This schedule avoids prairie dog hibernation periods, giving the prairie dogs the opportunity to move out of harms way, if necessary.

### **5.2.5 Other Requirements**

The Service and UDWR will be notified immediately (and in no event later than 24 hours) of the finding and circumstances surrounding discovery of any dead or injured listed species on-site. Should the discovery occur on the weekend, the agencies will be notified no later than noon on the following Monday.

Within 45 days of completion of the project, The Coleman Company, Inc. will forward to the Service, a brief post-construction compliance report prepared by a qualified biologist. This report will detail the following: (1) dates that construction occurred; (2) an evaluation of The Coleman Company, Inc.'s success in meeting project mitigation measures; (3) an explanation of failure to meet such measures, if any; (4) known project effects on prairie dogs, including number destroyed if any; and (5) other pertinent information.

### **5.3 MITIGATION**

Mitigation for incidental take of the Utah prairie dog will be a mitigation fee of \$200 per acre. The mitigation ratio will be 2:1; therefore the total mitigation fee for 1.4 acres will be \$560. The fee will be paid to the BLM prior to construction. The BLM will use these funds to enhance 2.8 acres public lands for the recovery of the Utah prairie dog.

The basis for the fee is the approximate cost to enhance BLM lands to provide suitable prairie dog habitat. Enhancement methods could include: sagebrush chaining, mowing, brushbeating, chemical treatment, discing, plowing, reseeding, interseeding, and/or burning.

### **5.4 FUNDING**

Funding for preparation of the HCP permit application, fencing, trapping, relocation, and mitigation will be the responsibility of The Coleman Company, Inc.

### **5.5 COORDINATION WITH THE IRON COUNTY HCP**

Iron County is in the initial stage of developing a county-wide HCP for the Utah prairie dog. The Iron County HCP is anticipated to be fully implemented and functioning by Summer 1996. The duration of the permit applied for by The Coleman Company, Inc. for the subject warehouse expansion is two years. This should be more than adequate as the expansion is scheduled for completion by Fall of 1995.

## 6.0 ALTERNATIVES

### 6.1 NO ACTION ALTERNATIVE

The no action alternative is forgoing the development of the approximately 1.4-acre area occupied by Utah prairie dogs. There are no other logistically suitable sites for the warehouse expansion. The ramifications of the No Action Alternative to the land owner is the direct loss of use of private land resulting in economic loss.

## 7.0 LITERATURE CITED

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