



United States Department of the Interior

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IN REPLY REFER TO:

ES/CO: ES/LK-6-CO-04-F-023
Permit Number: TE-083409-0
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AUG 05 2004

**FINDING OF NO SIGNIFICANT IMPACT
FOR ISSUANCE OF AN INCIDENTAL TAKE PERMIT
FOR THE PREBLE'S MEADOW JUMPING MOUSE
AT EAGLE'S NEST OPEN SPACE
LARIMER COUNTY, COLORADO**

The U.S. Fish and Wildlife Service (Service) is proposing to issue a section 10(a)(1)(B) Incidental Take Permit (ITP) under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended (Act), to the Larimer County Parks and Open Lands Department (the Applicant). The ITP would authorize the incidental take of the federally-threatened Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), in association with the construction and use of Eagle's Nest Open Space. This property is located in Sections 3, 4, 9, and 10, Township 9 North, Range 70 West, and Section 34, Township 10 North, Range 70 West near the Town of Livermore, Larimer County, Colorado. The duration of the proposed ITP is 30 years from date of approval. The Environmental Assessment (EA) evaluates the potential environmental effects associated with the activities necessary for the Applicant to develop a soft or natural-surfaced hiking and equestrian trail, horse tie-up area and access area to the Cache la Poudre River, replace an existing bridge, as well as the on-going management of the property. The total planning area of the subject property is 755.0 acres, with approximately 2.78 acres of permanent impacts and 0.65 acres of temporary impacts to Preble's habitat. Populations of Preble's are known to occur along the Cache la Poudre River. No other federally-listed threatened or endangered species occur on the property.

The Applicant has prepared a Habitat Conservation Plan (HCP) which describes minimization and mitigation measures to be implemented to reduce and offset the effects of the proposed project on Preble's and its habitat. The implementation of the HCP is intended to contribute to the conservation of Preble's. The primary mitigation measures of the HCP are enhancement and restoration to 7.0 acres within 264.0 acres of currently protected open space habitat under a deed restriction. To offset temporary impacts, 0.65 acres will be enhanced with native grass reseeding. To offset 2.78 acres of permanent impacts, 7.0 acres will be enhanced through native shrub planting and native grass reseeding. The ITP authorizes a limited amount of incidental take associated with disturbances that will occur with the completion of the proposed project.

The Preferred Alternative was selected as the proposed action as it will allow the Applicant to use portions of the property according to the property's Resource Management Plan while providing a conservation plan that would preserve and enhance Preble's habitat along the Cache la Poudre River.

Documents used in the preparation of this Finding of No Significant Impact (FONSI) include: the HCP and the EA for the HCP (Larimer County Parks and Open Lands Department, 2004), the Biological Opinion on the Applicant's EA/HCP (Service 2004a), and the Findings and Recommendations for Eagle's Nest Open Space (Service 2004b). All documents are incorporated by reference, as described in 40 CFR §1508.13.

The proposed ITP would authorize the incidental take of an unquantifiable number of Preble's due to the temporary loss of 0.65 acres and permanent loss of 2.78 acres, of upland and riparian habitat on the Eagle's Nest Open Space property. These areas provide potential foraging, sheltering, nesting, and hibernating habitat for Preble's. The Service is unable to determine the specific number of individuals of Preble's that would be taken because of their small size, secretive nature, and the numbers of individuals present on a site may vary from season to season and year to year. Although take of individuals cannot be quantified, proper implementation of the HCP, which requires meeting identified performance standards, should ensure that Preble's will be maintained on the site.

The Service has determined that the permanent loss of 2.78 acres, and temporary disturbance of 0.65 acres of suitable habitat associated with issuance of the ITP to the Applicant would not compromise the status of Preble's or its recovery needs for several reasons. Impacts to habitat will be minimized as described in the detailed minimization measures and Best Management Practices in Section V.D. (Page 22) of the EA/HCP; minimization measures include a restricted trail construction activity period to coincide with Preble's inactive period, location of the trail partly along an existing road, and installation of fencing to prevent overutilization of the riparian area by cattle or creation of new social trails by public visitors. The total mitigation area of 7.0 acres to be enhanced and restored, as described in detail in the EA/HCP, is part of 264.0 acres of Preble's habitat already permanently protected as open space. In addition to mitigation measures, the Applicant has established a comprehensive declaration of use restrictions within the Resource Management Plan for the subject property with provisions for restricted uses and permitted actions to ensure that activities on the subject property will benefit Preble's. These measures should produce a net benefit to Preble's.

The EA considered environmental effects of the Preferred Alternative on other aspects of the human environment, such as geology and soils, land use, cultural resources, air quality, wetlands, water resources and water quality. A summary of these issues and impacts is included in the EA. The Service finds that the proposed issuance of a section 10(a)(1)(B) ITP for take of Preble's in association with development and management of the Eagle's Nest Open Space property will not have a significant effect on the human environment for the following reasons:

1. The permanent loss of 2.78 acres, and temporary loss of 0.65 acres of potential habitat resulting from construction of the project will not jeopardize the survival or recovery of Preble's.

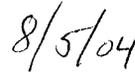
2. The proposed mitigation measures are consistent with recovery of Preble's and are adequate to compensate for the loss of habitat and loss of individual Preble's.
3. The impact upon populations of native species, including sensitive species, will be minimal due to the relatively small area subject to disturbance within the total subject property.
4. Minimal or no impacts will result to other listed species, other wildlife, wetlands, geology and soils, land use, cultural resources, air quality, and water resources and water quality as the result of the Project onsite, offsite, or cumulatively.

The Service analyzed the effects of the issuance of a section 10(a)(1)(B) incidental take permit (the proposed action) and three additional alternatives in the EA: (1) develop the site more intensively with less avoidance of Preble's habitat; (2) no action; (3) alternate site location. The proposed project alternative involves issuance of a section 10(a)(1)(B) incidental take permit. The Service did not select the alternatives to the proposed action for the following reasons. The development of the site with more intensive recreation would have resulted in greater impacts to Preble's habitat on the subject property due to an additional trail network. The higher density trails would have greater impacts to upland and riparian vegetation and would not include seasonal wildlife closures or cattle exclusion fencing. The no-action alternative would mean that the proposed trail project would be abandoned and an ITP application would not be processed. This alternative would not allow Larimer County to achieve the Preble's conservation and passive outdoor recreation management goals of the subject property as originally intended and would not restore already impacted areas or enhance Preble's habitat along the Cache la Poudre River (as with the proposed action). The alternate site location alternative was rejected because the subject property was purchased as open space to protect important wildlife habitat, including Preble's, along the North Fork of the Poudre River and this alternative would not provide Larimer County with an opportunity to combine public education and recreational activities with protection of Preble's habitat.

Because it successfully balances environmental impacts with benefits to the community, the Service chose the Preferred Alternative of the EA. Although permanent loss of 2.78 acres, and temporary disturbance of 0.65 acres, could result, 7.0 acres of Preble's habitat will be enhanced or restored within 264.0 acres of permanently protected open space under this alternative. Through the conservation measures described in the HCP, currently degraded habitat would be improved.

On February 27, 2004 the Service issued a notice of availability in the *Federal Register* (Vol. 69, No. 39 FR 9365) announcing the receipt of the ITP application from the Applicant and the availability of the HCP and EA for public review. A 60-day public comment and review period was open until April 27, 2004. The HCP and EA were available at, or could be requested through, the Colorado Field Office of the Service. The HCP and EA were also distributed to individuals and organizations on a mailing list maintained by the Service. Copies of the mailing list and administrative record are on file at the Colorado Field Office. The Service did not receive any comments during the public comment period. Following final action on the permit application, the Service will publish a notice of permit decision in the *Federal Register*.

Based on my review and evaluation of the enclosed EA and HCP and other supporting documentation, I have determined that issuance of a section 10(a)(1)(B) permit TE-083409-0 to the Applicant for take of the federally-threatened Preble's from development and on-going management of Eagle's Nest Open Space in Larimer County, State of Colorado, is not a major Federal Action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Accordingly, preparation of an environmental impact statement on the proposed action is not required. Therefore, an environmental impact statement will not be prepared.



ACTING
U.S. Fish and Wildlife Service
Regional Director

Date

RELATED DOCUMENTS:

Larimer County Parks and Open Lands Department. 2004. *Environmental Assessment/Habitat Conservation Plan for the Issuance of an Incidental Take Permit Under Section 10(a)(1)(B) of the Endangered Species Act at Eagle's Nest Open Space*. May 5, 2004.

U.S. Fish and Wildlife Service, 2004a. Intra-Service Section 7 Consultation and Biological Opinion on Issuance of an Incidental Take Permit to Larimer County Parks and Open Lands Department, Colorado Field Office, Lakewood, Colorado.

U.S. Fish and Wildlife Service, 2004b. Findings and Recommendations on Issuance of an Incidental Take Permit for the Preble's Meadow Jumping Mouse to Larimer County Parks and Open Lands Department for Eagle's Nest Open Space in Larimer County, Colorado.