



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
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**FINDING OF NO SIGNIFICANT IMPACT
For Issuance of an Incidental Take Permit
For the Preble's Meadow Jumping Mouse
To Susan Harding
Douglas County, Colorado**

PROPOSED ACTION

ERO Resources Corporation has prepared an environment assessment (EA) and Habitat Conservation Plan (HCP) on behalf of Susan Harding for the issuance of a section 10(a)(1)(B) permit under the Endangered Species Act of 1973 (16 U.S.C. 1531-1544, 87 Stat. 884), as amended. The permit would authorize the incidental take of the federally threatened Preble's Meadow Jumping Mouse (*Zapus hudsonius preblei*)(Preble's) in association with the construction of a single family residence on the 35.5 acre Harding Property. This property is located at 101 Allis Ranch Road, in the Southeast 1/4 of Section 11, Township 8 South, Range 68 West, in Douglas County, Colorado. The duration of the proposed permit is 3 years. The EA evaluates the potential environmental effects associated with construction of the proposed single family residence totaling 0.294 acre on the 35.5 acre property. Preble's, listed as threatened by the U.S. Fish and Wildlife Service (Service) in 1998, is a rare subspecies of the meadow jumping mouse native only to southeastern Wyoming and southeastern Colorado. Populations of Preble's are known to occur along West Plum Creek which runs through the Harding property. No other federally-listed threatened or endangered species occur on the property.

The HCP 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. An HCP has been developed as part of the proposed alternative as mitigation for the incidental taking of Preble's. Primary mitigation measure of the HCP is the proposed enhancement of vegetation onsite at a ratio of 2:1. The permit also would authorize a limited amount of incidental take associated with any disturbances associated with the construction of the proposed project.

This alternative was selected as the proposed action as it will allow development of the property and provide a conservation plan to minimize and offset the potential impact to Preble's by providing for onsite conservation measures which will promote viability of the species on West Plum Creek.

Documents used in the preparation of this finding of no significant impact include: the HCP and the EA for the HCP (ERO Resources Corporation, 2000), the biological opinion on the Harding permit application (Service 2001a), and the recommendations and findings for the Harding residential project (Service 2001b). All documents are incorporated by reference, as described in 40 CFR 1508.13.

ENVIRONMENTAL EFFECTS OF THE PROPOSED ACTION

The proposed permit would authorize the incidental take of an unquantifiable number of Preble's within the 0.294-acre proposed project site, primarily by reducing the quantity of upland foraging habitat available. All construction activities will take place in upland areas during the day. Because Preble's are nocturnal and they most frequently use riparian areas, no direct incidental take is anticipated. The Service is unable to determine the specific number of individuals of Preble's that would be taken because the numbers of individuals present on site may vary from year to year and due to their small size and secretive nature. 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 loss of 0.294 acre of potential habitat associated with the issuance of the permit to Ms. Harding would not compromise the status of Preble's or its recovery needs for several reasons. The Applicant's property and the surrounding Allis Ranch Preserve are protected by a conservation easement limiting the type and amount of development. The Applicant's 35.5-acre property includes 16.14 acres (45 percent) that is designated by the conservation easement as "Wildlife Corridor" that will not be fenced or grazed in the future. Secondly, a 0.59-acre area in the northeast corner of the property will be fenced off to restrict grazing, and will be enhanced as PMJM habitat by planting clumps of shrubs. This area is currently low-quality pasture dominated by crested wheatgrass. Approximately 140 shrubs will be planted in five clumps with 28 shrubs per clump. Within clumps, shrubs will be planted on 3-foot centers. Shrubs will be watered for the first 2 growing seasons, or until they become established, whichever is longer. Shrubs will be considered to be established when they show signs of new growth and are not wilting between watering. Additionally, Construction activities will be carried out using standard best management practices to minimize the potential for impacts to West Plum Creek. Standard BMPs include use of silt fencing during construction to minimize the amount of sediment from construction activities that reaches the creek.

The environmental effects of the proposed project on other aspects of the human environment such as geology and soils, hydrology, air quality, light, noise, traffic, aesthetics, land use, and cultural resources were analyzed in the EA. A summary of these issues and impacts is included in the EA.

The Service finds that the proposed issuance of an Endangered Species Act section 10(a)(1)(B) permit for take of Preble's in association with the Harding residential development project will not have a significant effect on the human environment for the following reasons:

1. The loss of 0.294 acre of potential habitat resulting from the construction of the proposed project will not jeopardize the survival or recovery of Preble's.
2. The proposed mitigation measures are consistent with recovery for 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 small area subject to disturbance.

ALTERNATIVES

The effects of the proposed project and four alternatives were analyzed in the EA. The alternatives include: 1) proposed action, 2) selection of an alternate site location, 3) waiting on approval of a regional section 10(a)(1)(B) permit, and 4) no action. The proposed project alternative involves the issuance of a section 10(a)(1)(B) incidental take permit. The alternate site location alternative involves finding another site to develop the project that would result in no or lesser take of Preble's. The alternative to wait for approval of a regional section 10(a)(1)(B) permit would also result in issuance of an incidental take permit. The no action alternative would mean that no development occurs and no application for an incidental take permit would be processed.

The Service did not select the alternatives to the proposed action for the following reasons. The alternative site location and no action alternatives do not meet Ms. Harding's intent to reside on her property. The Service notes that the project proponent has indicated that the alternate site location alternative was infeasible from both a financial standpoint (given private contractual constraints and that the proposed project site is already owned by Ms. Harding), and a design layout perspective (current covenants established when Allis Ranch was established). Therefore, this alternative was considered non-practicable. Due to uncertainties as to when a regional HCP might become available, this alternative was considered non-practicable. Moreover, the site's proximity to an area that can be enhanced to the benefit of Preble's created an opportunity to increase quantity and quality of habitat within the vicinity of the proposed project.

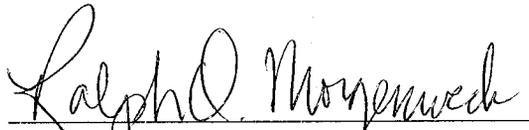
AVAILABILITY AND PUBLIC COMMENT

The Service published a notice of availability of an EA/HCP for the issuance of an incidental take permit for the proposed action in the *Federal Register* on November 22, 2000. Publication of the notice initiated a 30-day comment period. Copies of the EA/HCP also were provided to interested parties.

The Service did not receive any comments on the proposed action during the public comment period.

DETERMINATION

Based upon the information in the Service's EA, Findings and Recommendations, and biological opinion on the proposed action, and other documents referenced below, the Service has determined that the approval of Endangered Species Act section 10(a)(1)(B) Permit TE035844-0 to Susan Harding for take of the federally threatened Preble's Meadow Jumping Mouse associated with the proposed project at 101 Allis Ranch Road in Douglas County, Colorado will not significantly affect the quality of the human environment. The Service has determined that the proposed action does not constitute a major Federal action significantly affecting the quality of the human environment within the meaning of section 102(2)(c) of the National Environmental Policy Act of 1969. Therefore, an environmental impact statement will not be prepared.



U.S. Fish and Wildlife Service
Regional Director

2-28-01
Date

RELATED DOCUMENTS

ERO Resources Corporation. 2000. "Environmental Assessment/Habitat Conservation Plan for the Issuance of an Incidental Take Permit Under Section 10(a)(1)(B) of the Endangered Species Act for the Construction of a Single Family Residence at the Harding Property". 16 pp. plus exhibits and appendices.

U.S. Fish and Wildlife Service. 2001a. Intra-Service Section 7 consultation and Biological Opinion on Issuance of an Incidental Take Permit to Susan Harding, Douglas County, Colorado (ES/GJ-6-CO-01-F-007). Colorado Field Office, Lakewood, Colorado.

U.S. Fish and Wildlife Service. 2001b. Findings and Recommendations on Issuance of an Incidental Take Permit for the Preble's meadow jumping mouse to Susan Harding for the construction of a single family residence on the 35.5 acre Harding Property, in Douglas County, Colorado (TE035844-0).

LITERATURE CITED

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- Compton, S.A., and R.D. Hugie. 1993. Status report on *Zapus hudsonius preblei*, a candidate endangered subspecies. Logan (UT): Pioneer Environmental Consulting Services Inc.; under contract with the U.S. Fish and Wildlife Service. 32 pp.
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- Shenk, T.M. and M.M. Sivert. 1999a. Temporal and Spatial Variation in the Demography of Preble's meadow jumping mouse (*Zapus hudsonius preblei*). Fort Collins (CO): Colorado Division of Wildlife January-March 1999 Quarterly Report. 16 pp.
- Shenk, T.M. and M.M. Sivert. 1999b. Movement patterns of Preble's meadow jumping mouse (*Zapus hudsonius preblei*) as they vary across time and space. Fort Collins (CO): Colorado Division of Wildlife January-March 1999 Quarterly Report. 35 pp.