



United States Department of the Interior

FISH AND WILDLIFE SERVICE

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FEB 23 2001

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 Susan Harding for the construction of a single family residence on the 35.5 acre Harding Property, in Douglas County, Colorado, (TE035844-0)

I. DESCRIPTION OF PROPOSAL

Ms. Susan K. Harding (the 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 combination Environmental Assessment and Habitat Conservation Plan (EA/HCP), which has been submitted in support of her permit application.

The proposed action involves 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 incidental take would be in the form of potential disturbance to and loss of habitat used by Preble's.

The EA/HCP, which is incorporated herein by reference, proposes to minimize and mitigate adverse effects associated with any expected take of Preble's. As outlined in the EA/HCP, the mitigation requirements for the proposed project will be to enhance an area on the northeast corner of the site at a 2:1 ratio. The EA/HCP also details success and compliance monitoring criteria for the mitigation.

Analysis of Effects

The effects of the proposed action on Preble's are fully analyzed in the Service's Biological Opinion (U.S. Fish and Wildlife Service 2001) for the proposed action, herein incorporated by reference. Implementation of the project will result in a loss of 0.294 acre of potential Preble's habitat.

II. PUBLIC REVIEW

The Service published a Notice of Availability of a Draft Environmental Assessment and Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Harding Property, Douglas County, Colorado, in the Federal Register on November 22, 2000. Publication of the notice initiated a 30-day comment period, which closed on December 22, 2000.

The Service received no comments regarding the proposed action during the public comment period.

III. INCIDENTAL TAKE PERMIT CRITERIA - ANALYSIS AND FINDINGS

1. The taking of Preble's will be incidental.

The proposed action involves construction of a single family residence on the 35.5 acre Harding Property, in Douglas County, Colorado. The taking of Preble's will be incidental to the otherwise lawful activity of residential development.

2. The Applicant will, to the maximum extent practicable, minimize and mitigate the impact of taking Preble's.

The EA/HCP contains measures to minimize and mitigate impacts to Preble's that would occur under the permit, and is incorporated by reference.

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

The Applicant agrees to make funding available for all mitigation activities. The Applicant will cover any cost necessary to reach mitigation success as defined in the HCP/EA.

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

Approval of the proposed permit has been reviewed by the Service under section 7 of the Act. In the biological opinion, which is incorporated by reference, the Service concluded that issuance of the incidental take permit to the Applicant 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

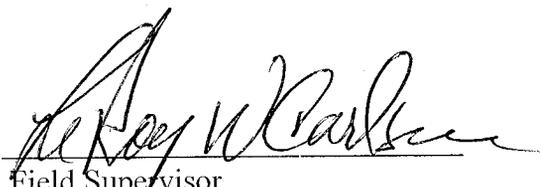
Four alternatives have been identified in the proposed EA/HCP: 1) the Proposed Action (construction of the Project), 2) selection of an alternate site location, 3) waiting on approval of a regional section 10(a)(1)(B) permit, and 4) No Action. The EA/HCP details these alternatives as well as the reason the proposed alternative was chosen and the other three alternatives were rejected as 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 the Applicant in accordance with the HCP.

 2-01-01
 Field Supervisor Date
 Colorado Field Office

Concur:  2-28-01
 Assistant Regional Director Date
 Ecological Services, Region 6