Low-Effect Habitat Conservation Plan to Address Potential Development-Related Effects on Price Valley Northern Idaho Ground Squirrels

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Prepared for
Darlene and Duane Schwisow
[redacted]

Prepared by
Jeri Wood
US Fish and Wildlife Service
1387 S. Vinnell Way, #368
Boise, Idaho 83709

1.0 Introduction

A private landowner (Schwisow) will clear and level a small area to park an RV and develop utilities for water and electric on a lot in Price Valley, Idaho (Figure 1). The development plan includes a Low-Effect Habitat Conservation Plan (HCP) as required under section 10 of the Endangered Species Act (ESA) to address potential effects of leveling a portion of the site, development of utilities, and recreational use on northern Idaho ground squirrels (NIDGS). The HCP follows guidance provided in the Habitat Conservation Planning Handbook (1996) and includes specific management actions (i.e., Site Management Plan) and monitoring. A complete application package for a Low-Effect HCP consists of an HCP document, a completed permittee application and a $100 certified check from the permittee. The U.S. Fish and Wildlife Service (FWS) has published a Notice of Receipt of a Permit Application in the Federal Register; has prepared a section 7 Biological Opinion; has prepared a Set of Findings that evaluates the permit application in the context of permit issuance criteria; and has prepared an Environmental Action Statement, a brief document that serves as FWS's record of compliance with the National Environmental Policy Act (NEPA) for categorically excluded actions.

2.0 Project Description and Surrounding Land Use

2.1 Project Description

The covered area for this HCP is the property boundary (Figure 1). Covered activities include leveling of an area for use as parking for an RV (RV parking site), planting of trees within the RV parking site, development of utilities for use with the RV, recreational use by the family of the property and the set aside of a portion of the property for long-term protection of NIDGS occupied habitat. The Project Area is the area where all development activities will occur (0.81 hectares (2 acres) on the east end of the property boundary) (Figure 1) in habitat not currently known to be occupied at the time surveys were completed in June of 2006 (FWS *in litt*. 2006a). The Protected Area is the area where no development activities will occur (1.2 hectares (3 acres) on the west end of the property) and is habitat currently occupied by NIDGS.

Conventional track hoes and/or track dozers will be used to level and prepare the RV parking site (Figure 1). An access road already exists from State land and runs through a portion of the private property. A septic system will treat wastewater from the RV and then discharge the treated waste to a drainage field. The drain field will require excavation for the drain lines. Utility lines (for electric) will be underground and will run uphill from the electrical access (Box #54) across Price Valley Road. A well will provide water for domestic use. All ground disturbing activities, including leveling of the RV parking site (13.9 square meters (150 square feet)), development of a well, and excavation for the septic system and utilities will occur in suitable but currently unoccupied habitat for NIDGS.

2.2 Surrounding Land Use

The Schwisow property is in Price Valley, 8.9 kilometers (5.5 miles) northwest of New Meadows, Idaho. The area is a parcel of sagebrush/grassland-ponderosa pine habitat

bordered to the south by the Price Valley Road and wet meadow habitat along the upper Weiser River, and to the north by Idaho Department of Lands property which is also sagebrush/grassland-ponderosa pine habitat.

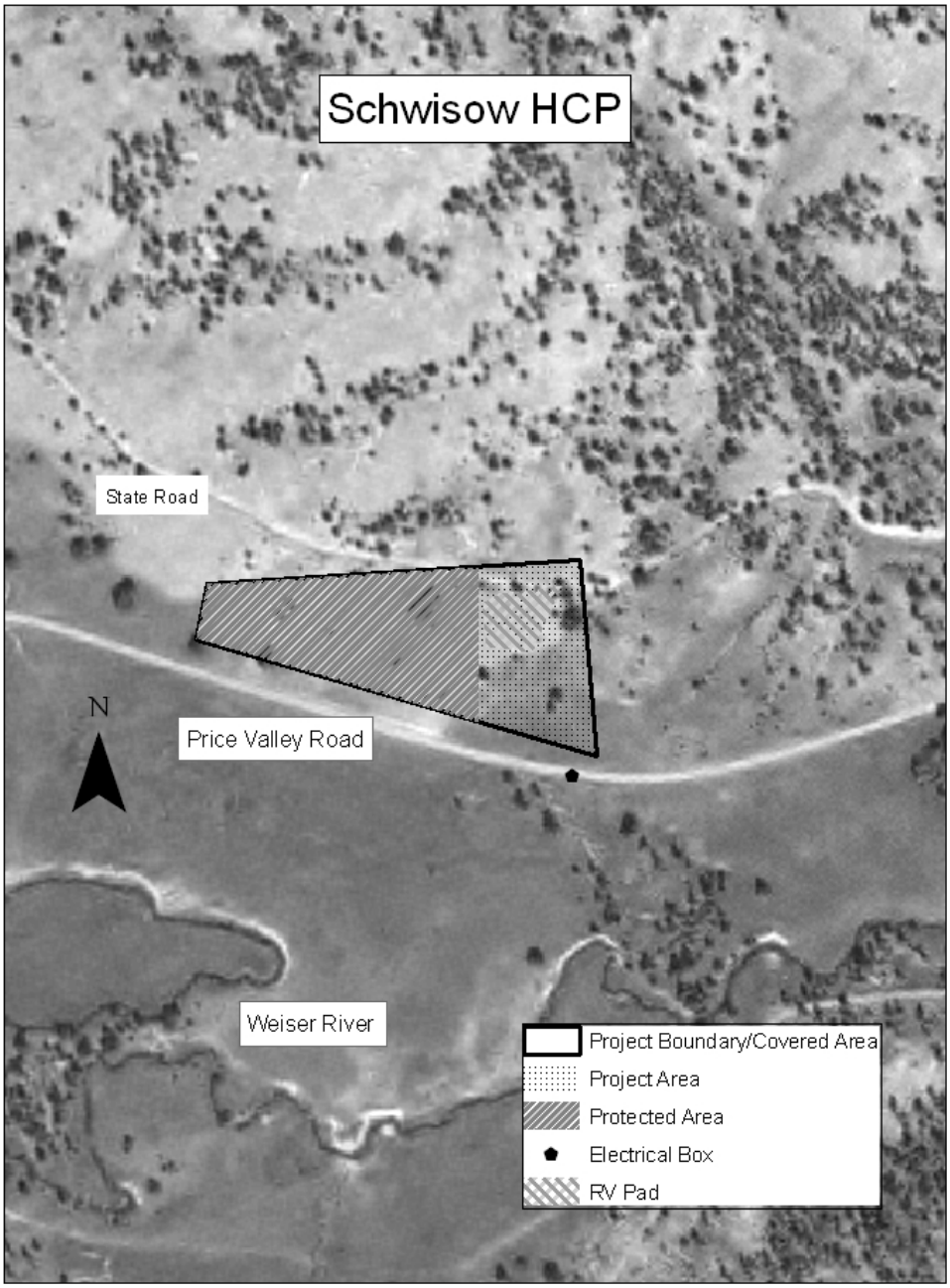

Figure 1. Map of HCP property boundary/covered area including the Project Area and Protected Area and RV parking site.

Currently, the covered area can be accessed by cattle from the adjacent private and State land and may be lightly grazed. No fencing is planned for the area and the current level of grazing is expected to continue over the term of this permit, 25 years. Based on field observations in June 2006, there was no recent evidence (i.e., cow flops, salt blocks, etc.) of livestock grazing within the covered area (FWS *in litt*. 2006a). Most cattle grazing is likely occurring in the large wet meadow on the south side of Price Valley Road, across from the Schwisow property. There is little to no information available on the effects of grazing on NIDGS. The management strategy for grazing in the meadow on the south side of Price Valley Road is unknown.

Another parcel of land to the west of the Schwisow property is privately owned and is currently under a Safe Harbor Agreement (SHA). The habitat is similar to the covered area and is also occupied by NIDGS.

The Permittee will level a parking site to be used for RV parking. An existing access road from the State land will be used to access the RV parking site. The RV parking site will be covered with rock/gravel.

3.0 Biological Setting

3.1 Topography and Vegetation

The 2.0-hectare (5-acre) parcel is characterized by shallow, rocky soils that support grasses and sagebrush (*Artemisia* sp). The covered area is located on a side slope that is generally dry with open areas of unvegetated or sparsely vegetated soils and areas with less gradient and deeper soils and greater cover of vegetation. Dispersed throughout the site is an occasional single or small groups of ponderosa pine trees (*Pinus ponderosa*).

3.2 Northern Idaho Ground Squirrel (*Spermophilus brunneus brunneus*)

The northern Idaho ground squirrel (*Spermophilus brunneus brunneus*) is a rare, endemic mammal that occurs only in Adams and Valley counties in west-central Idaho, from northwest of Council northeast to Lost Valley, Price Valley, and New Meadows, with one location in Round Valley (Yensen 1991, FWS 2003). Within this extent NIDGS occur at less than 40 isolated sites within an elevational range of 1,050 to 2,300 meters (3,440 to 7,500 feet (Evans Mack 2006). The most current (for survey year 2005) population estimate for NIDGS is approximately 940 individuals (Evans Mack 2006). Twenty three of the 40 sites supported less than 20 individuals (Evans Mack 2006).

The NIDGS has been classified as an Idaho Department of Fish and Game (IDFG) Species of Special Concern since 1981, a USDA Forest Service Sensitive Species since 1990, and was listed as federally threatened under the ESA in April 2000 (FWS 2003).

NIDGS occupy dry (or xeric) meadows surrounded by ponderosa pine or Douglas-fir (*Pseudotsuga menziesii*) forests (Yensen 1991). Xeric meadows have shallow soils (Dyni and Yensen 1996), however NIDGS sites need to be deep enough to accommodate nest burrows greater than 1 meter (3.3 feet) deep (Yensen *et al.* 1991). NIDGS sites can have a mixture of shallow (less than 50 centimeters (19.7 inches)) and deeper (greater than 1

meter (3.3 feet)) soils, and some sites contain pockets of mesic soils and vegetation (Yensen *et al.* 1991). NIDGS are active above ground for approximately 4.5 to 5 months beginning in late March and ending in late July or early August (Yensen 1991). They remain underground until the following spring (Yensen and Sherman 1997). Adult males emerge first, followed by adult females and yearlings (around early June). In July or August the sequence for immergence is the same with adult males going underground first, followed by adult females and yearlings (around early to late August) (Yensen and Sherman 1997). Females have one litter per year. Males and females do not live together or near their mates and females do not cooperate with close kin to defend burrows or rear young (Sherman and Yensen 1997). Estimates of longevity indicate that males may live up to 5 years and females up to or greater than 7 years (Sherman and Runge 2002).

During 1986 and 1999, Sherman and Runge (2002) documented the collapse of the largest population of NIDGS. They believed that the collapse of this population could be attributed to fragmentation and shrinking of suitable meadow habitat due to forest encroachment and changes in vegetational composition of the meadows. These changes have eliminated much of the suitable habitat and have fragmented and isolated the remaining populations (Yensen and Sherman 1997). Changes in vegetation have also resulted in poorer quality food plants that lack the nutritional values needed to provide the necessary body fat to survive the 7 to 8 months of hibernation (Sherman and Runge 2002). As suitable habitat becomes available within the dispersal distance of NIDGS (less than 1 kilometer (0.62 miles)) (Gavin *et al*. 1999), they can move across the landscape to occupy suitable habitat.

Other threats to NIDGS populations include competition with the larger Columbian ground squirrel (*Spermophilus columbianus*), loss of habitat to development, and shooting (FWS 2003). Natural predators include badger (*Taxidea taxus),* red fox (*Vulpes vulpes*), coyote (*Canis latrans*), and diurnal raptors.

3.3 Status of Price Valley Northern Idaho Ground Squirrel

Price Valley supports one of the most robust populations of NIDGS, along with Lost Valley and the OX Ranch (Evans Mack and Yensen, *in litt.* 2004). The estimate for the Price Valley complex, which includes the permittee's property and adjacent State and private lands, is upwards of 150 squirrels (Evans Mack and Yensen, *in litt.* 2004; Evans Mack 2006). Small, disjunct colonies of NIDGS occur along the Price Valley Road, beginning approximately 1.6 kilometers (1 mile) from the junction of Highway 95 and Price Valley Road and extending to the north of the Price Valley Guard Station on Payette National Forest lands (Evans Mack and Yensen, *in litt.* 2004). Much of the area is also occupied by Columbian ground squirrels, especially in areas of deeper soils, including the meadows along the Weiser River and the side hills along the Price Valley Road (FWS *in litt.* 2006a; b).

3.4 Other Listed Species

Bald eagles (*Haliaeetus leucocephalus*) and gray wolves (*Canis lupus*) occur in the area however, these species are not covered by this HCP and no incidental take authorization will be provided for these species.

4.0 Conservation Strategy

4.1 Effects of the Proposed Action

This action has the potential to impact NIDGS by disturbance (harassment) of the squirrels and habitat loss (*i.e.*, pets, noise and development). The likelihood that NIDGS will be displaced is related to the likelihood that the RV parking site, utilities and recreational use will disturb the NIDGS. The RV parking site, septic and utilities will not occur within currently known occupied habitat of the NIDGS but these activities will occur within suitable habitat that will be permanently (the RV parking site) or temporarily lost (the utilities) (FWS *in litt.* 2006a).

The NIDGS natural history section above provides citations that document the potential for human activity to reduce NIDGS survival. There is an example of NIDGS continuing to reproduce in close proximity to human disturbance in the adjacent property with a SHA (FWS *in litt.* 2004, 2005, 2006b). While the data at the adjacent property is short-term (two years of monitoring data with development disturbance and recent human occupation), there does not appear to be any indication that the site has experienced a significant decline in the number of squirrels observed. Adults as well as young squirrels have been documented on the site along with active burrows. NIDGS may acclimate to some levels of human disturbance, providing the human activity does not directly endanger the physical integrity of the habitat or directly disturb or take the squirrels. Nonetheless, the RV parking site and associated ongoing human activities could result in a future impact.

There is also the possibility that NIDGS will occupy the Project Area at some time in the near future. Development of the RV parking site could result in direct take of NIDGS if squirrels have moved into the Project Area and have been hibernating within the boundaries of the site during the winter. Construction will likely begin in the spring of 2007 and could result in take of squirrels that may be using the area for burrows and/or foraging.

After continued reproductive failure or abandonment of the covered area, one could consider this as a take of NIDGS. We consider the risk of abandonment of the site to be low or minor. The loss of suitable habitat from the 13.9 square meters (150 square feet) RV parking site in the 0.81 hectare (2 acres) Project Area is considered a permanent take of the habitat, and if squirrels are present within the RV parking site at the time of construction, leveling the site may result in direct mortality of NIDGS.

To summarize, this HCP addresses one known site supporting NIDGS. The likelihood of the covered activities adversely influencing the covered area is low but possible. Similarly, the likelihood of the covered activities endangering the survival of the NIDGS in the covered area is low but possible. Consequently the level of take that is being considered by this HCP is:

1. The permanent loss of 13.9 square meters (150 square feet) of suitable, but currently unoccupied habitat in the Project Area.
2. The temporary loss of an unquantifiable area within the 0.81 ha (2 acre) Project Area from excavation activities to install a septic system, utility line, and well.
3. The possible harassment of NIDGS by pets within the Project Area.
4. The possible harassment of NIDGS while relocating squirrels that may be present at the RV parking site prior to ground disturbance.
5. The possibility that NIDGS will abandon the Protected Area.
6. The possibility that future offspring of NIDGS are lost due to reproductive failure in the Protected Area.

Accordingly, the incidental take permit associated with this HCP authorizes permanent take of suitable habitat in the Project Area due to the leveling of the RV parking site, planting of trees within the leveled RV parking area, and harassment of NIDGS due to the recreational use of the Project Area. The permit also authorizes temporary take of suitable habitat in the Project Area during development of utilities, septic and a well. No take is authorized in the Protected Area.

4.2 Biological Goal

The biological goal of the HCP is to maintain NIDGS in the Protected Area within the property boundary of the Schwisow property in Price Valley. A variety of management actions will be taken to minimize disturbance within the covered area. These measures have been reviewed by the FWS and are discussed below in sections 4.3 through 4.6.

4.3 Avoidance

The management actions include avoiding ground-disturbing activities and human use in the Protected Area. By avoiding ground-disturbing activities and other human disturbances within the Protected Area, take of occupied habitat and harm and harassment of NIDGS occupying the area will not occur.

The management actions in the Project Area however do not include avoiding disturbance or impacts to the NIDGS, although areas of ground disturbance will be kept to the minimum necessary to complete the action (see section 4.4 below). The reasons for not avoiding all impacts in the Project Area are the low likelihood of an adverse impact because the habitat is not currently known to be occupied and the financial impact to the permittee.

4.4 Minimization and Mitigation

The management actions for the development include a mix of minimization and mitigation. Since the likelihood of an adverse effect is low but difficult to quantify, we do not attempt to classify the various actions as minimization or mitigation. Collectively these actions reduce the likelihood of an adverse affect due to human disturbance, preserve occupied habitat, and restore ground disturbance due to the installation of utility lines, a septic system and a well with native plants. The following management actions constitute a Site Management Plan and include:

1. Avoidance of disturbance in the Protected Area (see Section 4.3).
2. The Applicant will notify the FWS prior to ground disturbance (i.e., leveling of the RV parking site) to allow the agency at least 30 days to determine if squirrels are present and relocate them, in cooperation with IDFG personnel.
3. Prevent domestic pets (dogs and cats) from disturbing (chasing and killing) NIDGS in the Protected Area by prohibiting their access to the Protected Area.
4. Restore ground disturbances in the Project Area due to utility lines, well and septic system with native plants, with an emphasis on plants that can provide nutritional value for NIDGS. The Applicants will contact either FWS or IDFG for a list of species to include in the restoration.
5. Allow access by IDFG and FWS for annual NIDGS monitoring. Agencies will notify the permittee at least 5 days in advance of conducting surveys.
6. Allow agents of FWS/IDFG to control badgers and/or Columbian ground squirrels on site if necessary. If the Applicant observes badger activity prior to NIDGS monitoring in July, they will contact FWS/IDFG for control of the badgers. Agencies will notify the permittee at least 5 days in advance of conducting control actions. The Applicant will assist in control of Columbian ground squirrels, when such efforts are deemed necessary by the FWS/IDFG, and after receiving sufficient training (as determined by FWS/IDFG) in ground squirrel identification.

An incidental take permit is needed because the human disturbance associated with the development could result in a take of, or an adverse affect on, NIDGS within the property boundary and because there will be a loss of 13.9 square meters (150 square feet) of suitable habitat in the Project Area. The management actions are intended to minimize and mitigate for the impact of these potential adverse affects to NIDGS.

Management Plan Implementation

4.5.1 Responsibilities

The HCP Handbook (FWS 1996) indicates an Implementing Agreement is not required for Low-Effect HCPs unless requested by the permit applicant. The owners of the property understand that they are responsible for implementing this HCP in accordance with the specifications for mitigation, monitoring, reporting, and funding described herein and will perform all obligations assigned to it in the section 10 permit and the HCP.

4.5.2 Scope

The HCP includes one lot as described above and illustrated in Figure 1. The HCP covers the activities (*e.g.*, leveling of the RV parking site and associated utilities) on the lot.

4.5.3 Permit Duration

The property owners seek a 25-year permit from the FWS to cover the RV parking site, utilities, and use of the property. This duration will allow ample time for construction, restoration and monitoring.

4.5.4 Permit Holder/Permit Boundary

The property owner will be the permit holder. Darlene and Duane Schwisow are the property owners and contacts during the HCP process ([redacted]).

4.5.5 Monitoring and reporting

The Price Valley population is monitored and reported annually by IDFG and FWS. The ongoing NIDGS monitoring is intended to be observational to document the ongoing status of the squirrels in the area.

If the FWS or their designee wants to observe NIDGS, locate burrows or other evidence of use by squirrels, they will be allowed to access the property for the duration of the permit. The FWS or their designee will notify the permittees 5 days in advance of the site survey.

Future monitoring of the site by the FWS and IDFG might provide data that will help the FWS determine the impact of human occupation in close proximity to a known NIDGS site. For example, if NIDGS remain on the site and continue to reproduce, this may be evidence that some construction activities in close proximity to a site with NIDGS will not always result in reproductive failure or site abandonment. In the sense that monitoring is a component of adaptive management, future monitoring provides a component of adaptive management. The use of the future monitoring data will depend on the monitoring results and FWS policy and NIDGS recovery in the future. The permittees will cooperate with the NIDGS surveyors and will allow access to the Protected Area for monitoring purposes.

Observational monitoring will be conducted by the Applicants to assess the planting and survival of native plants. If the native plantings do not survive, the Applicants will work with the FWS to diagnose and develop a remedy for the problem. Additional data collection is not necessary to determine why the native plantings did not survive. It is unlikely that anything in addition to the monitoring will be required to document survival of the planted species.

Monitoring by FWS or IDFG will document any NIDGS population increase or adverse affect from badger, Columbian ground squirrels and pets. If declines in population numbers or reduced reproductive success are observed, the FWS and permittees will evaluate the need to control badgers, Columbian ground squirrels, and pets, and implement actions necessary to reduce the adverse effects on NIDGS.

Other requirements of the permittees include:

1. Notification of emergency actions within 30 days for those emergencies that may affect the management actions identified in the HCP; and
2. Notification of the intent to sell the property at least 30 days prior to placing the property on the market to allow the FWS to explore additional conservation opportunities or for any new landowner(s) to assume the conditions of the HCP or to revise the conditions of the HCP.

All reports, notifications, or correspondence will be sent to: Schwisow HCP, U.S. Fish and Wildlife Service, 1387 S. Vinnell Way, Room 368, Boise, Idaho, 83709.

4.5 Unforeseen/Changed Circumstances/No Surprises

Section 10 regulations require that an HCP specify the procedures to be used for dealing with unforeseen circumstances that may arise during the implementation of the HCP. In addition, the Habitat Conservation Plan Assurances ("No Surprises") Rule defines "unforeseen circumstances" and "changed circumstances" and describes the obligations of the permittees and the FWS.

The purpose of No Surprises is to provide assurances to nonfederal landowners participating in habitat conservation planning under ESA that no additional land restrictions or financial compensation will be required for species adequately covered by a properly implemented HCP, in light of unforeseen circumstances, without the consent of the permittees. Changed circumstances means changes in circumstances affecting a species or geographic area covered by the HCP that can reasonably be anticipated by the FWS and that can be planned for (*e.g.*, the listing of a new species, or fire or other natural catastrophic events in areas prone to such events). The policy defines unforeseen circumstances as changes in circumstances that affect a species or geographic area covered by the HCP that could not reasonably be anticipated by the FWS at the time of the plan's negotiation and development and that result in a substantial and adverse change in status of the covered species.

In determining whether any event constitutes an unforeseen circumstance, FWS will consider, but not be limited to, the following factors: size of the current range of the affected species; percentage of range adversely affected by the HCP; ecological significance of that portion of the range affected by the HCP; level of knowledge about the affected species and the degree of specificity of the species' conservation program under the HCP; and whether failure to adopt additional conservation measures would appreciably reduce the likelihood of survival and recovery of the affected species in the wild.

If the FWS determines that the unforeseen circumstances will affect the outcome of the HCP, additional conservation and mitigation measures may be necessary. Where the HCP is being properly implemented and unforeseen circumstance has occurred, the additional measures required of the permittees must be as close as possible to the terms of the original HCP and must be limited to modifications within any conserved habitat area or to adjustments within lands or waters that are already set aside in the HCP's operating conservation program. Additional conservation and mitigation measures shall not

involve the commitment of additional land or financial compensation or restrictions on the use of land or other natural resources otherwise available for development or use under the original terms of the HCP without the consent of the permittees. Resolution of the situation shall be documented by letters between FWS and the permittees.

If unforeseen circumstances adversely affect the NIDGS during the term of the permit, the permittees would not be required to provide additional financial mitigation or additional land use restrictions above those measures specified in the HCP, provided that the HCP is being properly implemented. This HCP expressly incorporates by reference the permit assurances set forth in the Habitat Conservation Plan Assurances ("No Surprises") Rule adopted by the FWS (69 FR 71723). Except as otherwise required by law or provided for under the HCP, including those provisions regarding Changed Circumstances, no further mitigation for the effects of the proposed project on the NIDGS may be required if the terms of the HCP and permit are being properly implemented. The HCP will be properly implemented if the commitments and provisions of the HCP and the permit have been or are being fully implemented by the permittees.

4.6.1 Changed Circumstances

The low likelihood of changed circumstances (*e.g.*, fire or invasion by non-native plant species) during the duration of the permit (*i.e.*, 25 years) makes the occurrence of any such circumstance within the permit period unlikely. However the following addresses several circumstances that may be regarded as changed or unforeseen.

a. Listing of New Species

1. Changed Circumstance. If an additional species is listed under the ESA during the term of the HCP, the FWS may consider this to be a changed circumstance. There are no candidate species (being considered for listing under the ESA) known to use the area along Price Valley Road so the likelihood of such a listing is low. However if a new listing occurred, the section 10 permit will be reevaluated by the FWS and the HCP-covered activities may be modified, as necessary, to ensure that the activities covered under the HCP are not likely to jeopardize or result in take or adverse modification of any designated critical habitat of the newly listed species. The permittees will implement the modification to the HCP-covered activities identified by the FWS as necessary to avoid the likelihood of jeopardy to, take or adverse modification of the designated critical habitat of the newly listed species. The permittees will continue to implement such modifications until such time as the permittees have applied for and the FWS has approved an amendment of the section 10 permit. As stated above the likelihood of a new listing for the area of this HCP is low.
2. Unforeseen Circumstance. There are no unforeseen circumstances associated with the listing of new species.

b. Change in Listing Status

1. Changed Circumstance. If the NIDGS is delisted or if it becomes endangered, the HCP conditions still apply. No more or no less minimization will be required.

2. Unforeseen Circumstance. There are no unforeseen circumstances associated with the change in listing status.

c. Fire

Fire is unlikely to cause an adverse effect on the habitat for NIDGS in the covered area. The habitat in the covered area is in suitable condition for NIDGS. Fire is a necessary component of the ecosystem and is likely necessary to maintain suitable habitat for NIDGS (Yensen 1980, Haak 2002, Sherman and Runge 2002). A changed circumstance would likely occur if the habitat could not recover naturally and continue to provide habitat for NIDGS.

1. Changed circumstance. If fire occurs on the property, the permittees will be allowed to clear land and run equipment such as pumpers to bring the fire under control when necessary to protect property and human life. The permittees will notify the FWS if fire occurs on the property. If necessary, the fire damaged areas will be replanted with suitable native plants for NIDGS. If monitoring indicates that the native plantings do not survive, the permittees will work with the FWS to diagnose and develop a remedy for the problem. Additional data collection is not necessary to determine why the native plantings did not survive. It is unlikely that anything in addition to the proposed monitoring will be required to document survival of the planted species. If the fire occurs during the monitoring period, the damage and replanting will be documented in the annual monitoring.
2. Unforeseen circumstance. There are no unforeseen circumstances associated with fire.

5.0 Funding

The cost of implementing the conditions of the HCP (*i.e.*, management actions) is difficult to determine. The only direct out of pocket expense may be for the native plants. We recommend bare root planting and/or seeding in the fall or winter for the native restoration process. The FWS and permittees will work together to identify appropriate plant species and to secure funding assistance as needed for replanting and restoration of native plants in ground disturbance areas or after a fire.

6.0 Minor Amendments

There are two types of changes that may be made to the HCP and/or the HCP Permits and/or its associated documents: minor and major amendments. Minor and major amendments will be processed in accordance with all applicable legal requirements, including but not limited to the ESA, NEPA and any applicable Federal regulations.

Minor amendments to the HCP are changes to the management actions including monitoring and responses to changed circumstances. Minor amendments do not modify the scope or nature of activities or actions covered by the section 10(a)(1)(B) permit or result in operations under the HCP that are significantly different from those contemplated or analyzed in connection with the HCP as approved, adverse impacts on the environment that are new or significantly different from those analyzed in connection with the HCP as approved or additional take not analyzed in connection with the HCP as approved.

Minor amendments to the HCP may include, but are not limited to the following:

1. Correction of the site map (Figure 1) to address errors in the covered area boundary location.
2. Modifying existing or establishing new Incidental Take Avoidance Measures.
3. Modifying the reporting schedule or notification process.
4. Minor changes to the monitoring method.
5. Revising the planting areas.
6. Any other modifications to the HCP that are consistent with the biological goals and objectives of the HCP that the FWS has analyzed and agreed to, and that will not result in operations under the HCP that are significantly different from those analyzed in connection with the HCP as approved. For example, the permittee may choose to delegate the leveling of the development pad or the native plantings to a third party under their direct control. Minor revisions may be proposed by either the permittee or the FWS. The party proposing the minor amendment to the HCP shall circulate the proposed amendment along with an explanation of why the amendment is necessary or desirable. Protocol for accepting or disapproving the amendment will follow guidance in the HCP Handbook (FWS 1996).

6.1 Major Amendments

The following summarizes the types of changes that may require a plan amendment and the procedure for approval.

Major amendments may include any of the following types of changes to the HCP:

1. The listing under the ESA of a new species that occurs within the habitat type of the covered property and within 100 meters (328.1 feet) of the covered property which may be affected by the management actions.
2. Significant changes to the HCP which were not addressed in the HCP including, but not limited to the following:
   a. Changes to Covered Activities that were not addressed in the HCP as originally adopted, and which otherwise do not meet the revisions addressed above such as the building of a permanent residence, fencing on the property, and/or development of an alternative access road.
   b. Changing the term of the HCP from the proposed 25-year term. For example, on-site construction has not been completed within the duration of the permit.

The procedure for a major amendment will follow guidelines in the HCP Handbook (FWS 1996). Following receipt of a complete application package for a major amendment to a HCP Permit, the FWS will publish a notice of the proposed amendment to the Permit in the Federal Register. The major amendment will be treated as an original permit application. The amendment will require a revised HCP document, application form and the appropriate fee.

8.0 Literature Cited

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