

Questions and Answers Regarding the Proposal to Amend the Endangered Species Listing for the Preble's Meadow Jumping Mouse

The U.S. Fish and Wildlife Service is proposing to remove Preble's meadow jumping mouse populations in Wyoming from the List of Threatened and Endangered Species after an analysis found that those populations are unlikely to become endangered in the foreseeable future. The Service has also proposed to amend the listing for Preble's to indicate the subspecies remains threatened in the Colorado portion of its range.

The best commercial and scientific information available demonstrates that the Preble's meadow jumping mouse is a valid subspecies and should not be removed from the List of Threatened and Endangered Species based upon taxonomic revision.

Why is the Service proposing to amend the Endangered Species Act (ESA) listing for the Preble's meadow jumping mouse?

The proposal to remove ESA protections for Preble's was one of eight decisions the Service agreed to review after questions were raised about the integrity of the scientific information used and whether the decisions made were consistent with appropriate legal standards. The decisions in question were overseen by a former Deputy Assistant Secretary for Fish and Wildlife and Parks. These reviews underscore the Service's commitment to correct the oversight problems and ensure the scientific integrity of endangered species decisions.

In addition, in January 2007, the State of Wyoming filed a lawsuit challenging the Service's failure to make a timely decision regarding the proposal to remove ESA protections for the mouse. Per the settlement agreement, the Service is required to provide a decision regarding that proposal to the *Federal Register* by October 31, 2007.

Does this proposal change the current status of Preble's?

Until a final determination is made, the Preble's meadow jumping mouse will continue to be protected under the Endangered Species Act throughout its range in Colorado and Wyoming. Likewise, until a final decision is made, the special rule exempting certain ongoing activities (rodent control; agricultural activities; landscape maintenance, and current use of existing water rights) will remain in place as will the critical habitat designations.

Where are Preble's meadow jumping mice found?

Preble's populations are found along the foothills in southeastern Wyoming, southward along the eastern edge of the Front Range of Colorado to Colorado Springs in El Paso County, Colorado.

Why does the Service believe Preble's populations remain threatened in Colorado?

The primary factor affecting Preble's populations in Colorado is the loss, degradation, and fragmentation of suitable habitat. Much of the Preble's riparian habitat in Colorado has been severely altered or destroyed by development-related activities. Current and future trends including increases in human population and rural development indicate the loss and alteration of riparian habitat will continue in much of the Preble's range. The Service believes that without the protection of the Endangered Species Act, most of the habitat could be lost or altered in the foreseeable future. The loss of Preble's populations in Colorado would meaningfully decrease the ability to conserve the subspecies.

How can the Service protect the Preble's in only a portion of its range?

After the Service determined that the Preble's meadow jumping mouse does not meet the definition of threatened or endangered in all of its range, the agency evaluated whether there are any significant portions of the subspecies' range in which it is in danger of extirpation or is likely to become endangered in the foreseeable future. A portion of a subspecies' range is significant if it is part of the current range of the subspecies and supports populations that contribute meaningfully to the subspecies' ability to maintain its genetic diversity and viability, and its ability to withstand random and catastrophic events. The Service believes that the loss of Preble's populations in Colorado as a result of habitat loss and modification would meaningfully decrease the ability to conserve the subspecies. Based on its importance to the conservation of the Preble's meadow jumping mouse, the Service has determined that the Colorado portion of the range constitutes a significant portion of the mouse's range. The Service is proposing to amend the endangered species listing for the Preble's meadow jumping mouse to indicate that the subspecies remains threatened in the Colorado portion of its range.

Why does the Service believe that Preble's populations in Wyoming do not need the protection of the Endangered Species Act?

In Wyoming, Preble's populations appear to be much more widely distributed than previously assumed while current and future impacts to the subspecies' habitat and range appear limited. Land use across Preble's habitat in Wyoming is dominated by agriculture, mostly haying and grazing. Continuation of these long-standing activities does not appear to pose a significant threat to existing Preble's populations. There is also no indication that these agricultural practices are likely to change in the foreseeable future in ways that would affect Preble's populations. A low projected human population growth rate is predicted for the four Wyoming counties (Albany, Laramie, Platte, and Converse) that support Preble's populations. Consequently, few of the development-related impacts occurring in Colorado's portion of the Front Range urban corridor will impact Preble's populations in Wyoming.

Based on the new distributional data and an analysis of impacts affecting Preble's, it does not appear populations in Wyoming are likely to become endangered in the foreseeable future. The Service is, therefore, proposing to remove Preble's populations in Wyoming from the list of threatened and endangered species.

How does the Service determine the “foreseeable future” when evaluating a risk assessment for a species?

Foreseeable future is defined by the Services on a case-by-case basis, taking into account a variety of species-specific factors such as lifespan, genetics, breeding behavior, demography, threat projection timeframes, and environmental variability.

For the purposes of this finding, foreseeable future is based on future development intensity since this is likely to be the single greatest factor affecting Preble’s populations. In the Service’s view, the foreseeable future for this finding, based on the currently available data, extends to 2040.

What is the determination regarding the taxonomy of Preble’s?

When Preble’s was listed in 1998, it was widely accepted as a valid subspecies by the scientific community. When the Service proposed to delist Preble’s in 2005, heavy emphasis was given to unpublished genetic research which indicated that Preble’s was not a valid subspecies. As a result of peer reviews of this research and public comments on the proposed rule, several issues potentially critical to the final decision were identified, prompting the Service to commission the U.S. Geological Survey to conduct an independent genetic analysis of several jumping mouse subspecies.

Because the conclusions of these two bodies of research differed significantly, the Service contracted with Sustainable Ecosystems Institute (SEI) to convene an expert panel of scientists to review all of the available science regarding the taxonomy of Preble’s. In particular, the panel was asked to analyze, assess, and weigh the reasons why the data, findings, and conclusions of these two bodies of research differed. The final SEI report supported the original description of Preble’s as a valid subspecies. The full SEI report is available at:
http://www.fws.gov/mountain-prairie/species/mammals/preble/Prebles_SEI_report.pdf

The Service has determined that the best scientific and commercial data available supports the conclusion that Preble’s is a valid subspecies. Specifically, the Preble’s meadow jumping mouse’s geographic isolation from other subspecies of meadow jumping mice has resulted in the accretion of genetic differentiation that meets or exceeds numerous, widely accepted subspecies definitions. Therefore, after a review of all available information, the Service has determined that the taxonomic revision for the Preble’s meadow jumping mouse suggested in our 2005 proposed delisting rule is no longer appropriate.

Are conservation actions being developed to help recover Preble’s populations?

In June 2000, the Service designated a Preble’s Meadow Jumping Mouse Recovery Team composed of scientists and various stakeholders. In 2003, the team provided a first draft of a recovery plan, with this draft including recommended recovery actions to help ensure

the long-term existence of the subspecies, and is available at the Service's Mountain-Prairie Region website. Following the receipt of the petition to remove the Preble's from the list of threatened and endangered species, the work of the recovery team was suspended until a decision on the petition was made by the Service.

Since the goal of the ESA is to recover imperiled species, the Service intends to ask the Recovery Team to resume their work on developing a recovery plan to help improve the status of Preble's populations throughout their range.

What's next?

The Service is inviting the public, government agencies, the scientific community, industry, and any other interested parties to provide comments of information regarding this proposal.

Written comments can be sent to the Field Supervisor, Colorado Field Office, Ecological Services, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225, or hand delivered to the Colorado Field Office at 134 Union Boulevard, Suite 670, Lakewood, Colorado 80228. Comments may also be faxed to 303-236-4005 or sent by electronic mail to FW6_PMJM@fws.gov.

Comments will be accepted until January 14, 2008.

Additionally, oral and written comments will also be accepted at the following scheduled public hearings. The public hearings will be held from 6:00 p.m. to 8:00 p.m. preceded by an informational open house from 4:00 pm to 5:00 p.m.

December 10, 2007: U.S. Fish and Wildlife Service Regional Office
134 Union Boulevard
Lakewood, Colorado

December 12, 2007: First State Bank Conference Center
1405 16th Street
Wheatland, Wyoming

Comments previously submitted need not be resubmitted as they have already been incorporated into the public record and will be fully considered in the final determination.

What type of information would be most important and useful during the comment period?

The Service will take into consideration all information received during the public comment period in determining its final action on this proposal. Comments are particularly sought concerning:

- (1) Survey results for Preble's meadow jumping mouse, as well as any studies that may show distribution, status, population size, or population trends;
- (2) Pertinent aspects of life history, ecology, and habitat use of Preble's meadow jumping mouse, especially those pertaining to its relationship to the western jumping mouse (Zapus princeps);
- (3) Current and foreseeable threats faced by the Preble's meadow jumping mouse in relation to the five factors (as defined in section 4(a)(1) of the Act (16 U.S.C. 1531 et seq.));
- (4) Effects of current and foreseeable land management practices on Preble's meadow jumping mouse status, including conservation efforts;
- (5) The Service's analysis and conclusions regarding the conservation status of the Preble's meadow jumping mouse throughout all of its range, in particular information relative to the long-term security of existing populations of the subspecies in Wyoming.
- (6) Our analysis and conclusions regarding "significant portion of its range" in light of the March 14, 2007, Department of the Interior, Solicitor Memorandum opinion available at <http://www.doi.gov/solicitor/M37013.pdf>;
- (7) The contribution of both the Wyoming and Colorado portions of the range to the status of the subspecies;
- (8) The range of the subspecies as defined in this proposal and the areas where the protections of the Act should remain in place (see "Significant Portion of the Range Where the Subspecies is Threatened" for specific information solicited) and;
- (9) The Sustainable Ecosystems Institute (SEI) report "Evaluation of scientific information regarding Preble's meadow jumping mouse" (available at http://www.fws.gov/mountain-prairie/species/mammals/preble/Prebles_SEI_report.pdf) and other information concerning the taxonomic status of Preble's meadow jumping mouse.

We also invite data, analyses, and other comments regarding the following issues:

- (10) The current range of the Preble's meadow jumping mouse. In the absence of confirmation of presence of Preble's meadow jumping mouse by trapping, what information is sufficient for the Service to determine that, based on the best data available, an area is part of the current range of the subspecies?
- (11) On how fine or coarse a scale should we define the portion of the range that we may specify as both significant and threatened? Theoretically, the scale could be as coarse as the entire state of Colorado, or as fine as the scale used in critical habitat designations. The proposed rule is based on an intermediate scale.

(12) How should the boundaries of the portion of the range at issue be defined? By latitude and longitude lines? By drainage boundaries? By county lines? By reference to particular streams? By some other means?

(13) Is it appropriate to use the Colorado/Wyoming border to divide the range of the subspecies? If the Preble's meadow jumping mouse in particular sites within Colorado (particularly those adjacent to the border with Wyoming) are not threatened, should they be included within the significant portion of the range specified as threatened? Likewise, if the Preble's meadow jumping mouse in particular sites within Wyoming (particularly those adjacent to the border with Colorado) are threatened, should they be included within the significant portion of the range specified as threatened?

(14) If we use a relatively coarse scale to define the current range of the subspecies, how should we address an area within that range if we have information suggesting that the subspecies does not currently occupy or has never actually occupied that particular area within its overall range? Should those areas be geographically excluded from the significant portion of the range specified as threatened? Or are those areas best addressed through administrative implementation, such as the block clearance zones? What impacts to the subspecies, the public, and the Service will result from employing each of the possible strategies?

(15) If we determine to define the portion of the range specified as threatened as excluding areas (at the appropriate scale) that the best data available suggests are not currently occupied by the Preble's meadow jumping mouse, how should we do that? Should such areas (for example, parts of the Denver metropolitan area) be mapped, or excluded by narrative text? What sort of boundaries would be available for defining such areas as not part of the range specified as threatened? What purposes would be served by adding to the complexity of the listing rule? What purposes would be served by reducing the complexity of the listing rule?

(16) Is it appropriate to aggregate all of the current range of the Preble's meadow jumping mouse in Colorado into one portion for the purpose of this analysis? If particular sites within Colorado are not independently significant portions of the range of the Preble's meadow jumping mouse, should they still be considered part of the portion of the range that is collectively significant?

Depending on the comments received during the public comment period and our further analysis of these issues, the final determination could incorporate any of the possible answers to these questions.

What is meant by a "significant portion of a species' range"?

A portion of a subspecies range is considered significant if it is part of the current range of the subspecies and contributes meaningfully to the ability to conserve the subspecies.

When can we expect a final decision from the Service?

The Service intends to have the final decision by June 30, 2008.

The Preble's finding and other information is available on the Service's web site at:
<http://www.fws.gov/mountain-prairie/species/mammals/preble>