

*Questions and Answers
About Designated Critical Habitat
and the
Preble's Meadow Jumping Mouse*

The U.S. Fish and Wildlife Service (Service) designated critical habitat for the Preble's meadow jumping mouse.

What is a Preble's meadow jumping mouse?

The Preble's meadow jumping mouse is a relatively small rodent with an extremely long tail, large hind feet and long hind legs. The tail is bicolored, lightly-furred and typically twice as long as the body. The large hind feet can be one third again as large as those of other mice of similar size. The Preble's has a distinct dark, broad stripe on its back that runs from head to tail and is bordered on either side by gray to orange-brown fur. The hair on the back of all jumping mice appears coarse compared to other mice. The underside is white and much finer in texture. Total length of an adult Preble's mouse is approximately 8-10 inches with over 60 percent of its length in its tail.

What is critical habitat?

Critical habitat is a term used in the Endangered Species Act (ESA) that refers to specific geographic areas that contain habitat features essential for the conservation of a threatened or endangered species.

What is the purpose of designating critical habitat?

Designating critical habitat is a tool to identify areas that are important to the recovery of a listed species. It is also a tool used to notify Federal agencies of areas that must be given special consideration when they are planning, implementing, or funding activities. Federal agencies are required to consult with the Service on actions they carry out, authorize, fund, or permit, that may affect critical habitat. **A critical habitat designation has no effect when a Federal agency is not involved.** For example, a landowner undertaking a project on private land that involves no Federal funding or permit has no additional responsibilities if his property falls within critical habitat boundaries.

Why was critical habitat designated for the Preble's meadow jumping mouse?

Section 4(a)(3) of the ESA states that when a species is added to the endangered species list, we must designate critical habitat "to the maximum extent prudent." At the time the Preble's meadow jumping mouse was listed, the Service did not consider a critical habitat designation a high priority because it is expensive, time-consuming, and usually offers relatively little conservation benefit. Because of limited financial and staffing resources, the Service gave higher priority to more effective approaches to species recovery.

On June 9, 2000, the Biodiversity Legal Foundation and others filed a suit in the U.S. District Court for the District of Colorado against the Department of the Interior and the Service for failure to designate critical habitat for both the Preble's and the Topeka shiner. A court-mediated

settlement was reached with the litigants to designate critical habitat for the Preble's by June 4, 2003.

What is the range of the Preble's meadow jumping mouse?

The Preble's meadow jumping mouse is found along the foothills in southeastern Wyoming, southward along the eastern edge of the Front Range of Colorado to Colorado Springs, El Paso County.

How does the Service know that the Preble's meadow jumping mouse inhabits Colorado and Wyoming?

Preble's meadow jumping mice have been identified in Colorado and Wyoming through trapping, physical characteristics and genetic studies. Individual Preble's mice are distinguished from the similar western jumping mouse using a combination of six skull measurements and a molar characteristic (fold in the first lower molar). There are twelve subspecies of meadow jumping mice in North America. A genetic study that analyzed tissue samples of meadow jumping mice from across North America concluded that the Preble's is distinct from other subspecies of the meadow jumping mouse.

What kinds of habitats does the Preble's meadow jumping mouse need?

Once the glaciers receded from the front range of Colorado and the foothills of Wyoming and the climate became drier, the Preble's was confined to the riparian (river) systems where moisture was more plentiful. Typical habitat for the Preble's meadow jumping mouse is comprised of well-developed plains riparian vegetation with adjacent, relatively undisturbed grassland communities and a nearby water source. These riparian areas include a relatively dense combination of grasses, forbs, and shrubs. The mouse is known to regularly range outward into adjacent uplands to feed and hibernate. The eastern boundary for the subspecies is likely defined by the dry shortgrass prairie, which may present a barrier to eastward expansion.

Why is the Preble's meadow jumping mouse declining? What are the threats to it?

The Preble's mouse is closely associated with riparian ecosystems that are relatively narrow and represent a small percentage of the landscape. The decline in the extent and quality of Preble's habitat is considered the main factor threatening the subspecies. Habitat alteration, degradation, loss, and fragmentation resulting from urban development, flood control, water development, agriculture, and other human land uses have adversely impacted Preble's populations. Habitat destruction may impact individual Preble's directly or by destroying nest sites, food resources, and hibernation sites, by disrupting behavior, or by forming a barrier to movement.

What is being done to protect the Preble's meadow jumping mouse?

A variety of protection measures are implemented as prescribed in recovery plans, and include:

Listing: The Preble's meadow jumping mouse is listed as a threatened species throughout its range (Colorado and Wyoming).

Recovery Plans: The Service is developing a draft recovery plan that describes actions that need to be taken to help the Preble's meadow jumping mouse survive and recover.

Research: Several university and private researchers and Federal and State biologists are conducting research. The list of researchers includes, but is not limited to, Colorado Natural Heritage Program, Denver Museum of Nature and Science, Colorado Division of Wildlife, Colorado Department of Transportation, USDA-Forest Service, Department of Energy, Air Force Academy-Colorado Springs and Warren Air Force Base in Cheyenne, Wyoming.

Management and Habitat Protection: Individual counties and developers in areas inhabited by the Preble's mouse have acquired open space land, developed habitat conservation plans and set aside large areas of land to help recover the mouse. Plans continue for additional conservation efforts in areas along the front range.

What are the recovery goals for the Preble's meadow jumping mouse?

To bring the status of the Preble's meadow jumping mouse to a point where protection is no longer needed and secure populations of the mouse would occur across its existing range in Colorado and Wyoming.

What protection does the Preble's meadow jumping mouse currently receive as a listed species?

The ESA prohibits the import, export, or interstate or foreign sale of protected animals and plants without a special permit. It also makes "take" illegal - forbidding the killing, harming, harassing, possessing, or removing of protected animals from the wild. Federal agencies must consult with the Service to conserve listed species and ensure that any activity they fund, authorize, or carry out will not jeopardize the continued survival and recovery of a listed species. This is referred to as a Section 7 consultation process.

Permits may be issued by the Service for activities that are otherwise prohibited under the Act, if these activities are for scientific purposes or to enhance the propagation or survival of the affected species, or for "take" that is incidental to otherwise lawful activities.

In addition, the ESA requires that Federal agencies not only implement actions to prevent further loss of a species, but also pursue actions to recover species to the point where they no longer require protection and can be delisted.

Do listed species in critical habitat areas receive more protection?

A critical habitat designation does not set up a preserve or refuge. It only affects activities with Federal involvement, such as Federal funding or a Federal permit. Listed species and their habitats are protected by the ESA whether or not they are in areas designated as critical habitat.

Do Federal agencies have to consult with the Service outside critical habitat areas?

Even when there is not critical habitat designation, Federal agencies must consult with the Service, if an action that they fund, or authorize, or permit may affect listed species.

Will this designation of critical habitat affect Federal agencies that undertake, permit or fund projects?

Because Federal agencies are already required to consult on actions that may affect Preble's meadow jumping mice, we anticipate little or no additional regulatory burden will be placed on Federal agencies as a result of a designation of critical habitat.

Would a critical habitat designation for Preble's meadow jumping mice affect use of my personal property? Will this result in any taking of my property?

The designation of critical habitat on privately-owned land does not mean the government wants to acquire or control the land. Activities on private lands that do not require Federal permits or funding are not affected by a critical habitat designation. Critical habitat does not require landowners to carry out any special management actions or restrict the use of the land. However, the Act prohibits any individual from engaging in unauthorized activities that will actually harm listed species.

If a landowner needs a Federal permit or receives Federal funding for a specific activity, the agency responsible for issuing the permit or providing the funds would consult with the Service to determine how the action may affect the Preble's meadow jumping mouse or its designated critical habitat. We will work with the Federal agency and private landowner to modify the project to minimize the impacts.

What happens if State lands are designated as critical habitat for the Preble's meadow jumping mouse?

Non-Federal activities are not affected by critical habitat designation. Designation of critical habitat requires Federal agencies to review activities they fund, authorize, or carry out, to assess the likely effects of the activities on critical habitat.

What impact will critical habitat designation have on existing recreational uses of the rivers and streams?

No impact is expected.

What activities could adversely affect critical habitat?

Some activities could have an adverse effect on Preble's meadow jumping mouse critical habitat. Such activities might include:

- ◆ Development (urban, residential, suburban) and land clearing
- ◆ Trail development can alter natural communities and may impact the Preble's by modifying nest sites, food resources, and hibernation sites, and by fragmenting its habitat.
- ◆ Overgrazing can decimate riparian communities on which the Preble's depends.
- ◆ Changes in the hydrology of waterway—timing, abundance, depletion of groundwater—all that bring about big changes in the riparian ecosystem.

How does the Service determine which areas to designate as critical habitat?

All areas designated as critical habitat for the Preble's contain one or more of critical elements essential for the conservation of the species. When determining critical habitat biologists

consider physical and biological habitat features needed for life and successful reproduction of the species. Habitat areas essential for the Preble's meadow jumping mouse conservation are those that provide the biological needs of reproducing, rearing of young, foraging, sheltering, hibernation, dispersal, and genetic exchange.

Are all areas within the designated Preble's meadow jumping mouse critical habitat boundaries considered critical habitat?

No. Within areas designated as critical habitat, only those places within that specified area that contain essential elements for conservation of the mouse are considered "critical habitat." For example, already existing developments (housing developments, shopping centers, etc.), plowed fields, and roads would not be included as "critical habitat" within that area.

Does the ESA require an economic analysis as part of designating critical habitat?

Yes. The Service must take into account the economic and other relevant impacts of specifying any particular areas as critical habitat. The Service may exclude any area from critical habitat if it determines that the benefits of such exclusion outweigh the benefits of specifying the area as part of critical habitat unless it determines, based on the best scientific and commercial data available, that the failure to designate the area as critical habitat will result in the extinction of the species.

Is an economic analysis required when a species is added to the list of threatened and endangered species?

No. Under the ESA, a decision to list a species is made solely on the basis of biological data and analysis.

What is the impact of a critical habitat designation on economic development?

The vast majority of activities that require consultation with the U.S. Fish and Wildlife Service (which would be only those involving a Federal agency) proceed with little or no modification. If a proposed project were to affect critical habitat of the Preble's meadow jumping mouse, consultation under Section 7 of the Endangered Species Act would be required. During this process, coordination between the agencies involved would examine modifications to the project that would reduce impacts to Preble's meadow jumping mouse and designated critical habitat areas. In cases where critical habitat has already been designated for areas occupied by the listed species, consultations would likely have been required, regardless of the designation of critical habitat. In those cases, critical habitat designation would have little or no additional impact on economic development.

How many species has the Service designated critical habitat?

As of May 2003, the Service has designated critical habitat for 306 of the 1,211 species listed as threatened or endangered.

Why hasn't the Service designated critical habitat for more species?

In the past the Service assigned a low priority to designating critical habitat because we believe that a more effective use of our limited resources is to place imperiled species on the threatened and endangered species list. Recent court decisions however, have required the Service to

designate critical habitat for an increasing number of listed species.

Did the public have an opportunity to comment on the proposed critical habitat designation of the Preble's meadow jumping mouse?

Yes. To make the information upon which we base the final decision to designate critical habitat as complete as possible, the Service solicited comments from the general public, Federal and State Agencies, private landowners, natural conservation organizations, wildlife conservation agencies, Tribal organizations, congressional groups, counties, and municipalities, The Service issued news releases, placed public notices in newspapers, and sent letters to interested parties to announce the opening of the public comment period on the proposal.

Where can I get more information on the Preble's meadow jumping mouse and critical habitat?

For more information, visit our web site at mountain-prairie.fws.gov/Preble. You may also telephone the following Service Field Offices:

Lakewood, Colorado: 303-275-2370
Cheyenne, Wyoming: 307-772-2374, x0

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