



# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
P.O. Box 25486, DFC (65412)  
Denver, Colorado 80225-0486

IN REPLY REFER TO:  
ES/CO: T&E/PMJM/Other  
TAILS 65412-2007-TA-0315

**DEC - 8 2006**

Thomas Ryon  
Wildlife Biologist/Certified Ecologist  
OtterTail Environmental, Inc.  
1045 North Ford Street  
Golden, Colorado 80403

Dear Thomas Ryon:

This responds to your letter of October 31, 2006 requesting a "Block Clearance Zone" on Sand Creek in Colorado Springs, El Paso County, Colorado. The U.S. Fish and Wildlife Service (Service) has reviewed your proposal under authority conferred to the Service by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*).

We concur with your conclusion that the proposed exclusion area does not contain a sustainable Preble's meadow jumping mouse (*Zapus hudsonius preblei*) population. Therefore the following described area is designated as a Block Clearance Zone: Sand Creek in both the City of Colorado Springs and El Paso County, along the main stem from 1 mile south of Woodmen Road, (western ½ Section 17, T13S, R65W) south to the confluence with Fountain Creek at Interstate 25 (NE ¼, NE ¼, Sect 4, T15S, R66W). Figure 1 illustrates the block exclusion zone using major roadways as boundaries and text immediately following Figure 1 describes the block exclusion zone in detail.

This area comprises the block exclusion area, with one exception. Not included in the Block Exclusion Zone is a section of the main stem of Sand Creek (approximately 1 mile east from the intersection of Woodmen Road and Black Forest Road) from where Sand Creek crosses Woodmen Road upstream to the headwaters and downstream for 1 mile. This section of Sand Creek is an area where the Service strongly encourages Preble's habitat assessments or trapping surveys and approval by the Service prior to any activities that may disturb potential mouse habitat.

Sand Creek and its tributaries are characterized by developed uplands and eroded or stabilized banks. There is a high degree of urbanization surrounding Sand Creek especially in the southern half of the watershed. The majority of the creek is located in the City of Colorado Springs and is surrounded by industrial, commercial, and residential development. With this development have come associated negative impacts including those from domestic pets and from increased stormwater runoff. In addition, much of the creek has been disturbed by previous projects, resulting in removal of vegetation, placement of rip-rap, and installation of numerous flood control structures. Sand Creek is highly disturbed and degraded and numerous future development projects are scheduled that will likely continue the degradation trend.

In designating a block clearance zone, the Service eliminates the need for individuals or agencies to coordinate with the Service prior to conducting activities in habitats that otherwise would be deemed to have the potential to support Preble's. The establishment of this block clearance zone is based on the likely absence of Preble's within the area, and there appears to be little likelihood that any of the area would be of importance in any future plan to recover the species. Should Preble's be discovered within the block clearance zone it would be subject to full protection under the Act and the Service would consider modification of the zone.

Our concurrence is based on the work performed by Colorado Springs Utilities which used a two-step approach to determine validity of this clearance. First, all previous project-related survey and assessment sites from 1997 to 2005 were identified within the drainage. Secondly, after these sites were identified, areas within the drainage greater than ½ mile in distance from any previously surveyed or assessed site were visited to assess for potential habitat. This second step employed "large scale assessments" (see letter to the Service from Colorado Springs Utilities dated June 22, 2006) unrelated to specific projects. This two-step method allowed for a systematic assessment of Preble's habitat within the Sand Creek drainage.

Between 1997 and 2005, a total of 8 trapping surveys and 83 assessments were conducted in the drainage by either the City of Colorado Springs, Colorado Springs Utilities, or private project proponents for a variety of projects (see letter to the Service from Colorado Springs Utilities dated June 22, 2006). In the 8 trapping surveys, no Preble's were captured. The Service has concurred with disqualifying all 83 habitat assessments as potential Preble's habitat.

Past surveys and assessments were reviewed to identify areas that had not been assessed at least every half-mile. These large scale assessments were conducted over two years, 2002 and 2006. These sites were assessed and photographed by Western Wildlife Institute in 2002 and by OtterTail Environmental, Inc. in 2006. We believe these sites should be disqualified, as they do not possess suitable habitat for Preble's. These areas are characterized by developed uplands, steep banks, and little riparian vegetation or are under-developed channel areas at the upper reaches of the tributaries. With these areas disqualified, there will have been assessments or surveys for Preble's at least every half mile in the proposed exclusion area.

Effective the date of this letter, the block clearance zone will be effective for three years, or until a regional habitat conservation plan for the area is approved by the Service, whichever comes first. After three years the Service will review the clearance, any additional information, and may renew the clearance as deemed appropriate. Based on additional information, the clearance zone may be expanded or adjusted periodically. We will have maps of the block clearance zone available on our web site (<http://www.r6.fws.gov/preble>) and at our office. We will also have the supporting data and summaries of the trapping surveys available as part of the administrative record for this project.

The Service emphasizes that while wetlands and riparian habitats within the block clearance zone do not support Preble's, they should be conserved and enhanced for other values including fish and wildlife habitat, flood control, and maintenance of water quality.

Please note that Preble's was proposed for delisting on February 2, 2005 in the *Federal Register* (Vol. 70 No. 21 FR 5404). Until a final determination is made, Preble's will continue to be fully protected under the ESA.

Please contact Adam Misztal, of the Colorado Field Office further assistance at (303) 236-4753 or at email: adam\_misztal@fws.gov.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

cc: Mark Johnston, El Paso County Natural Resources Manager  
Van Truan USACE, Chief, Southern Colorado Project Office  
Federal Highway Administration, Colorado Federal Aid Division  
Dan Prenzlów, Southeast Regional Manager, Colorado DOW  
Peter Plage  
Alison Michael