

**Questions and Answers**  
**About the Proposed Revision of Critical Habitat**  
**for the**  
**Preble's Meadow Jumping Mouse**

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The U.S. Fish and Wildlife Service is proposing to revise the critical habitat designation for the Preble's meadow jumping mouse in Colorado where it is listed as a threatened species under the Endangered Species Act (ESA).

In total, the Service is proposing to designate approximately 418 miles of rivers and streams and 39,142 acres of adjacent habitat. The proposed designation would add an additional 184 miles of rivers and streams and 18,462 acres of adjacent habitat to the existing critical habitat designation in Colorado. The proposed revised critical habitat is located in Boulder, Broomfield, Douglas, El Paso, Jefferson, Larimer and Teller Counties.

Areas included in the proposal are:

- Unit 1: North Fork Cache la Poudre River, Larimer County;
- Unit 2: Cache la Poudre River, Larimer County;
- Unit 3: Buckhorn Creek, Larimer County;
- Unit 4: Cedar Creek, Larimer County;
- Unit 5: South Boulder Creek, Boulder County;
- Unit 6: Rocky Flats National Wildlife Refuge, Jefferson and Broomfield Counties;
- Unit 7: Ralston Creek, Jefferson County;
- Unit 8: Cherry Creek, Douglas County;
- Unit 9: West Plum Creek, Douglas County;
- Unit 10: Upper South Platte River, Jefferson and Douglas Counties
- Unit 11: Monument Creek, El Paso County

**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 meadow jumping mouse 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 meadow jumping mouse is approximately 8-10 inches with more than 60 percent of its length in its tail.

**What is critical habitat?**

Critical habitat is a term used in the ESA that refers to specific geographic areas that contain habitat features essential for the conservation of a threatened or endangered species. These areas may require special management considerations or protection for the species.

**What is the purpose of critical habitat?**

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 or her property falls within critical habitat boundaries.

### **Why is the Service proposing to revise the current designation of critical habitat for the Preble's meadow jumping mouse?**

The Preble's meadow jumping mouse was listed as a threatened species in May 1998, with critical habitat designated in June 2003. The Service is re-examining the critical habitat designation due to concerns that a former Department of the Interior official inappropriately influenced the outcome resulting in the exclusion of lands in Boulder, Douglas, and El Paso Counties. Stream reaches in these counties were excluded from the 2003 designation based on Habitat Conservation Plans under development; however, none of the plans were near completion at that time. The Service is again proposing critical habitat in those counties and will examine whether any exclusions are appropriate in the final designation.

### **When will the Service make a decision regarding which areas will be excluded?**

The final determination will be made after reviewing all available information. Upon review, the Service may find that areas proposed are not essential to the conservation of the Preble's meadow jumping mouse, areas may be appropriate for exclusion or not appropriate for exclusion, or that areas not proposed should be designated as critical habitat.

Areas may be excluded from a critical habitat designation if the benefits of exclusion outweigh the benefits of inclusion as long as the exclusion would not result in the extinction of the species.

When considering the benefits of exclusion, the Service will consider, among other things, whether exclusion of a specific area is likely to result in conservation; the continuation, strengthening, or encouragement of partnerships; and/or implementation of a management plan that provides equal to or more conservation than a critical habitat designation would provide.

When evaluating a management plan, the Service will consider a variety of factors, including but not limited to, whether the plan is finalized; how it provides for the conservation of the essential physical and biological features; whether there is a reasonable expectation that the conservation management strategies and actions contained in a management plan will be implemented into the future; whether the conservation strategies in the plan are likely to be effective; and whether the plan contains a monitoring program or adaptive management to ensure that the conservation measures are effective and can be adapted in the future in response to new information.

### **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.

### **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 meadow jumping mouse 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 meadow jumping 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 meadow jumping mouse 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 meadow jumping mouse populations. Habitat destruction may impact an individual Preble's meadow jumping mouse directly or by destroying nest sites, food resources, and hibernation sites, by disrupting behavior, or by forming a barrier to movement.

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

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

### **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.

Designation of critical habitat can help focus conservation activities for a listed species by identifying areas that contain the physical and biological features that are essential for the conservation of that species. Critical habitat also alerts the public as well as land management agencies to the importance of these areas.

### **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 proposed revision of critical habitat affect federal agencies that undertake, permit or fund projects?**

Because all proposed areas are considered occupied habitat, Federal agencies are already required to consult on actions that may affect Preble's meadow jumping mice in those areas. The Service anticipates 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 ESA 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 impact would a critical habitat designation have on existing recreational uses of the rivers and streams?**

No impact is expected, as all proposed areas are considered currently occupied by Preble's meadow jumping mouse populations and Federal agencies are already required to consult on actions that may affect Preble's meadow jumping mice in those areas.

### **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 meadow jumping mouse by modifying nest sites, food resources, and hibernation sites, and by fragmenting its habitat.
- Overgrazing can decimate riparian communities on which the Preble's meadow jumping mouse depends.
- Changes in the hydrology of waterways - timing, abundance, depletion of groundwater - that bring about big changes in the riparian ecosystem.

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

All areas proposed as critical habitat for Preble's meadow jumping mouse contain one or more of the 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.

For this proposed revision, the Service identified only river and stream reaches, and adjacent floodplains and uplands that are within the known geographic and elevational range of the Preble's meadow jumping mouse, and are believed to currently support Preble's meadow jumping mouse populations.

We have not designated all areas known to be occupied by the Preble's meadow jumping mouse, only those areas we have determined are essential for its conservation.

### **Are all areas within the proposed 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.

The scale of mapping that we used to approximate our delineation of critical habitat did not allow us to exclude all developed areas such as roads and rural development.

### **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.

The Service is updating the 2003 economic analysis which will be available for public review and comment when complete.

**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 populations and designated critical habitat areas. In cases where critical habitat already has 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.

**Will the public have an opportunity to comment on the proposed revision of critical habitat?**

Yes. To make the information upon which we base the final decision to designate critical habitat as complete as possible, the Service is soliciting 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 public will have until December 7, 2009 to submit scientific information regarding the proposal to the Federal eRulemaking Portal at <http://www.regulations.gov> or via U.S. mail or hand delivery to: Public Comments Processing, Attn: FWS-R6-ES-2008-0026; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, Suite 222; Arlington, VA 22203.

All information and comments will be considered in the development of a final rule. On the basis of public comment, the Service may find that areas proposed are not essential to the conservation of the Preble's meadow jumping mouse; or that areas may be appropriate for exclusion or not appropriate for exclusion; or that areas not proposed should be designated as critical habitat.

The Service may schedule public hearings on this proposal, if any are requested, and announce the dates, times, and places of those hearings in the Federal Register and local newspapers at least 15 days before the first hearing.

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

For more information, visit our web site at <http://www.fws.gov/mountain-prairie/species/mammals/preble>.

