



# United States Department of the Interior



FISH AND WILDLIFE SERVICE  
134 Union Blvd  
Lakewood, Colorado 80228

In Reply Refer to:  
FWS/IR05/IR07

ECOSphere: 2023-0044344

April 10, 2023

Subject: Lemon Gulch Driveway, El Paso County, Colorado

Dear James Hull:

You have requested technical assistance from the U.S. Fish and Wildlife Service (Service; we) regarding your proposal to construct a driveway on your property along Hay Creek in El Paso County, Colorado. The project consists of an upgrade to a stream crossing on your property that includes habitat that might be suitable for Preble's meadow jumping mouse (*Zapus hudsonius preblei*; mouse), listed as threatened under the Endangered Species Act (ESA). Our review is consistent with our authority under the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

We received your letter and description of the project from you on January 30, 2024. We do not anticipate that this project will use Federal funding or oversight nor impact waters of the U.S., resulting in the need for a permit from the U.S. Army Corps of Engineers; therefore, no Federal nexus is present.

As noted in our previous response, you plan to have the driveway construction at the narrowest point, adjacent to Hay Creek, through riparian habitat. We believe you will minimize impacts on mouse habitat by constructing the driveway through the narrowest part of the suitable habitat. In addition, after discussing the project over the phone, you chose some additional Service-approved measures that will further reduce impacts on the mouse during the construction of your project. We have attached these agreed-upon measures to this email for reference.

Given that no activities associated with the project would occur within the designated critical habitat that you have committed to the above conservation measures, we feel that take is not reasonably certain to occur to Preble's meadow jumping mouse because of this proposed project.

We appreciate your request for assistance and encourage you to contact us again if the scope of the project changes or new information indicates that the project may result in take of a listed species. We also encourage you to pass our contact information to construction contractors in the event there are any questions or points of clarification.

Please reference the ECOSphere project code 2024-0044344 when contacting our office about this letter. If we can be of any additional assistance, please contact Elizabeth Bainbridge of this office at [Elizabeth\\_bainbridge@fws.gov](mailto:Elizabeth_bainbridge@fws.gov).

INTERIOR REGION 5  
MISSOURI BASIN

KANSAS, MONTANA\*, NEBRASKA, NORTH DAKOTA,  
SOUTH DAKOTA

\*PARTIAL

INTERIOR REGION 7  
UPPER COLORADO RIVER BASIN

COLORADO, NEW MEXICO, UTAH, WYOMING

Sincerely,

Elizabeth  
Acting Eastern Colorado Supervisor  
Colorado Ecological Services Field Office

Table 1

<b>Conservation Measures to be used on 3405 Hay Creek Road Property</b>						
<b>(Taken from “Recommended Conservation Measures - Preble’s Meadow Jumping Mouse - USFWS March 2020”)</b>						
<b>Pre-Construction Design</b>						
Practice:	Notes:					
1.a.	Will survey site and locate to minimize temporary and permanent impacts					
1.b.	No ‘hard’ features anticipated - see also 1.d.					
1.c.	We will use any native plantings that are feasible					
1.d.	Anticipate this will be the best practice to stabilize inlet/outlet banks					
1.e.	Yes					
1.f.	Yes					
1.g.	Small crossing size should not make this necessary?					
1.h.	Yes					
2.	Install signage - Work area is small and minimal traffic					
3.	Yes					
4.	Yes					
5.	Yes - Site includes well/septic - propane - Electric - Minimal utility impact					
6.	Yes					
<b>Project Implementation</b>						
7.	Yes					
8.a.	Yes					
8.b.	Not necessary? Access to stream bank at crossing will become gravel drive					
8.c.	Yes					
8.d.	Access will be existing or future gravel drive only					
9.a.b.c.	Yes					
10.	Yes - can trim if during species’ active season					
11.	Yes					
12.	Yes - No garbage containers will be present					
13.	Yes					
14.a.b.c.	No - Weeds to be outperformed or hand picked/spot sprayed (only as abs. necessary)					
	Note: Site has historical seed bank of numerous ‘weeds’					
	El Paso County Noxious weeds List A: None observed					
	El Paso County Noxious weeds List B: Canada Thistle/Toadflax/Diffuse Knapweed					
	El Paso County Noxious weeds List C: Common Mullein (Native)/Cheatgrass/Field bindweed					
	* Quantities of above on site are limited and receding					

15.	Yes					
16.	Yes - No lighting will be allowed on site throughout construction					
<b>Post-Construction</b>						
17.a.b.c.	Yes - Seed will be purchased from Don Hjar - Pawnee Buttes seed - custom designed native mix					
18.	Yes					
19.	No trails - public access allowed in perpetuity					
20.	Yes - Appreciate any consultation on species composition and height - see 17. above					