

BIOLOGICAL EVALUATION
for the
LOWER WILLOW CREEK RESTORATION PROJECT
Willow Creek Watershed
Mineral County, Colorado
Fiscal Year 2008

Environmental Protection Agency
Region 8
Denver, Colorado
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Biological Evaluation for the Lower Willow Creek Restoration Project

Introduction

EPA Region 8 plans to provide FY 2008 grant funds under Clean Water Act Section 319 to the State of Colorado to implement a water quality project in the Willow Creek Watershed in Mineral County, Colorado. The FY 2008 Federal request is \$598,370 (\$398,370 of Section 319 funds and \$200,000 of other federal funds).

The goal of the Willow Creek Reclamation Committee (WCRC) for this project are to reclaim the Willow Creek flood plain below Creede to improve the physical, chemical, biological, and aesthetic qualities of the creek as an integral part of the local community (officially adopted goal #5 of the WCRC). This will be accomplished using widely accepted BMPs and creative management of the creek, with no active treatment plant.

Environmental Goals:

- Restore stream functions in Lower Willow Creek that would be more similar to natural stream functions prior to mining and settlement activities and would improve long-term management of stream energy and sediment transport
- Improve water quality of Lower Willow Creek and Rio Grande Segment 4 by reducing loading of metals and sediment contaminants from the floodplain area sources through reduced erosion of and water contact with contaminated soils. It is estimated that the increased loading through the floodplain will be reduced by one-third (28 pounds per day Zn_D, and 36 pounds per day Zn_T).
- Reduce public health risk associated with direct contact with contaminated soils and improve soil conditions for re-vegetation
- Improve riparian habitat, long-term stream stability, and aesthetic conditions with appropriate vegetation for riparian and upland areas
- Improve aesthetic conditions, recreational values, and educational opportunities with landscaping and trails

Programmatic Goals:

- Manage and administer the stream and floodplain restoration
- All properties included in project area are owned by non-profit organizations
- Monitor the channel morphology, water quality, re-vegetation success following construction.
- Identify areas of sediment contamination within the floodplain area that may pose a public health risk due to direct contact or may be contributing to groundwater contamination
- Develop final stream and floodplain restoration, landscaping and recreational designs

On-the-ground activities

Objective 1: Manage and administer the stream and floodplain restoration and monitor physical stability, re-vegetation success, and water quality improvements

Task 4: Take water samples at least annually upstream and downstream of site (W-C, W-I, W-J)

Output: Water quality monitoring data

Objective 3: Evaluate floodplain contamination and develop final design to enable successful and economical restoration project

Task 8: Take surface and depth soil samples and analyze for lead concentration using XRF

Objective 4: Re-construct stable meandering single-thread stream channel away from contaminants from flume exit to downstream limit of Mineral County Fairgrounds property

Task 10: Cut and fill areas and grade floodplain area level

Output: Floodplain prepared for channel excavation

Task 11: Excavate meandering single-thread stream channel

Output: Channel excavated with proper form and profile

Task 12: Stabilize ditch diversion structures in new locations with rock cross-vanes

Output: Stable ditch diversions installed

Task 13: Install J-hook and cross-vane rock structures

Output: Stable rock structures installed with correct elevations and profiles

Task 14: Plant lines of willow on banks of outside bends

Output: Willow planted to provide long-term bank stability

Objective 5: Reduce water contact with contaminated sediments in floodplain

Task 15: Relocate areas of highly contaminated soil above the normal water level within the floodplain

Output: Areas of contaminated soil relocated above water table

Task 16: Construct wetland areas with willow and/or hydrophytes

Output: Areas of willow and/or hydrophytes wetlands constructed

Objective 6: Apply soil cap to floodplain areas to isolate contaminated soils from direct contact and improve soil conditions for re-vegetation and re-vegetate with regionally appropriate herbaceous and woody vegetation

Task 17: Apply a soil cap with a depth of 12” (preliminary) over soils with high levels of lead and a depth of 3” (preliminary) over other floodplain areas lacking in appropriate soil for re-vegetation

Output: Appropriate soil cap over areas over floodplain areas to meet cleanup and environmental goals

Task 18: Re-vegetate riparian and upland areas with appropriate willow, grass, and shrub species

Output: Bare floodplain areas re-vegetated with appropriate percent cover

Objective 7: Improve aesthetic conditions, recreational values, and educational opportunities through installation of appropriate landscaping and trails

Task 18: Install landscaping and trails
Output: Appropriate trails and landscaping installed

Monitoring

Environmental data to be collected will consist primarily of water samples and photopoints.

Biological Evaluation for Species Occurring in Mineral County

Table 1: Species, Status, and Finding.

Species	Status	Findings
Canada lynx	T	No effect
Colorado pikeminnow	E	No effect
Gunnison's prairie dog	C	No effect
Razorback sucker	E	No effect
Southwestern willow flycatcher	E	No effect - conservation measures
Uncompahgre fritillary butterfly	E	No effect
Yellow-billed cuckoo, western	C	No effect

1/ C = Candidate; E = Endangered; T = Threatened

A. Endangered Species

1. Evaluation for the Colorado Pikeminnow (*Ptychocheilus lucius*)

(Formerly Colorado Squawfish)

a. Listing Information

Population To Which Status Applies: Entire, except Salt and Verde R. drainages, AZ

Current Status: Endangered

Date First Listed: March 11, 1967

Critical Habitat: 17.95(e)

Special Rules: NA

Lead Region: Mountain-Prairie Region (6)

Current Range: AZ, CA, CO, UT, WY

(The following information is extracted from on-line documents of the U.S. Fish and Wildlife Service (National and Region 6); the Federal Register; the Biological Resources Center, University of Nevada, Reno; and the Arizona Game & Fish Department.)

b. Range

Colorado pikeminnow can be found in the Colorado River basin, and in extreme southern Nevada where the Rio Colorado forms the boundary between Nevada and Arizona.

c. Habitat Requirements

Colorado squawfish spawning has been documented in canyons in the Yampa and Green Rivers. This reproduction is associated with declining flows in June, July, or August and average water temperatures ranging from 22 to 25 deg. C (72 to 77 deg. F) depending on annual hydrology. River mile 130 on the Colorado River, near the Colorado-Utah State line, also has been identified as a spawning site. In the mainstream Colorado River spawning occurs at many locations. On the San Juan River, a spawning reach has been identified between river mile 133.4 and 129.8, near the confluence of the Mancos River.

After spawning, adult Colorado squawfish utilize a variety of riverine habitats, including eddies, backwaters, shorelines, and others. During winter, adult Colorado squawfish use backwaters, runs, pools, and eddies, but are most common in shallow, ice-covered shoreline areas. In spring and early summer, adult squawfish use shorelines and lowlands inundated during typical spring flooding. This natural lowland inundation is viewed as important for their general health and reproductive conditioning. Migration is an important component in the reproductive cycle of Colorado squawfish.

CRITICAL HABITAT: Critical habitat was designated for the Colorado Pikeminnow on March 21, 1994 (59 FR 13374). It includes portions of the Colorado, Green, Yampa, White, Gunnison, and San Juan Rivers and their 100-year flood plain. Specifically, it includes the Gunnison River

and its 100-year flood plain from the confluence with the Uncompahgre River to the confluence with the Colorado River.

For this species of fish, critical habitat is defined as all areas within the 100-year flood plain that provide the following three characteristics:

- A sufficient quality and quantity of water needed by the fish at each life stage.
- Physical characteristics such as side channels, backwaters, flood plains and bottom lands, which are used by the fish as spawning, nursery, feeding and rearing sites.
- An adequate food supply and other biological characteristics.

d. EPA Finding

The EPA finding for the Colorado pikeminnow is “no effect” since Willow Creek is not considered habitat for this species. There will be no depletion of water from the Basin as a result of the project.

2. Evaluation for the Razorback sucker (*Xyrauchen texanus*)

a. Listing Information

Population To Which Status Applies: Entire Range
Current Status: Endangered
Date First Listed: October 23,1991
Critical Habitat: 17.95(e)
Special Rules: NA
Lead Region: Mountain-Prairie Region (6)
Current Range: AZ, CA, CO, NM, NV, UT, WY; Mexico

(The following information is extracted from on-line documents of the U.S. Fish and Wildlife Service (national and Region 6); the Federal Register; and the Arizona Game & Fish Department.)

b. Range

Colorado River and Gila River basins. This species once was abundant and widely distributed in rivers of the Basin. There is anecdotal evidence that Razorback suckers were present in the Animas River in the 1940's (Draft Recovery Plan). In the Lower Basin, the razorback sucker remains in the Colorado River from the Grand Canyon to near the border with Mexico. With the exception of the relatively large stock of razorback suckers remaining in Lake Mohave (an estimated 25,000 individuals), these populations are small and recruitment is virtually nonexistent. The formerly large Lower Basin populations have been virtually extirpated from other riverine environments. In the Upper Basin, this species remains in the lower Yampa and Green Rivers, mainstream Colorado River, and lower San Juan River; however, there is little indication of recruitment in these remnant stocks. The largest extant riverine population occurs in the upper Green River Basin. It consisted of only about 1,000 fish in 1989; recent information suggests that this population may have declined to less than 500 fish.

c. Habitat requirements

Razorback suckers prefer rivers with strong, uniform currents over sandy bottoms. They are also found in eddies and backwaters adjacent to river channels, concentrating in deep places near cut banks.

Reproduction and habitat use of razorback suckers has been studied in Lower Basin reservoirs, especially in Lake Mohave. Fish reproduction has been visually observed along reservoir shorelines for many years. The fish spawn over mixed substrates that range from silt to cobble and at water temperatures ranging from 10.5 to 21 deg. C (51 to 70 deg. F). Habitat use and spawning behavior of adult razorback suckers in riverine habitats has been studied by radiotelemetry in the Green River Basin and in the upper Colorado River. Fish in the Green River Basin spawn in the spring with rising water levels and increasing temperatures. Razorback suckers move into flooded areas in early spring and begin spawning migrations to specific locations as they become reproductively active, and spawning occurs over rocky runs and gravel bars.

In nonreproductive periods, adult razorback suckers occupy a variety of habitat types, including impounded and riverine areas, eddies, backwaters, gravel pits, flooded bottoms, flooded mouths of tributary streams, slow runs, sandy riffles, and others. Summer habitats used include deeper eddies, backwaters, holes, and mid-channel sandbars. During winter, adult razorback suckers use main channel habitats that are similar to those used during other times of the year, including eddies, slow runs, riffles, and slackwaters.

Habitats used by young razorback suckers have not been fully described because of the low number of young fish present in the Basin. However, most studies indicate that the larvae prefer shallow, littoral zones for a few weeks after hatching, then disperse to deeper water areas.

CRITICAL HABITAT: Critical habitat was designated for the Razorback sucker on March 21, 1994 (59 FR 13374). It includes portions of the Yampa, Green, Duschene, White, Gunnison, San Juan, and Colorado Rivers and their 100-year flood plain.

For this species of fish, critical habitat is defined as all areas within the 100-year flood plain that provide the following three characteristics:

- A sufficient quality and quantity of water needed by the fish at each life stage.
- Physical characteristics such as side channels, backwaters, flood plains and bottom lands, which are used by the fish as spawning, nursery, feeding and rearing sites.
- An adequate food supply and other biological characteristics.

d. EPA Finding

The EPA finding for the Razorback sucker is “**no effect**” since Willow Creek is not considered habitat for this species. There will be no depletion of water from the Basin as a result of this project.

3. Evaluation for Southwestern Willow Flycatcher (*Empidonax traillii extimus*)

a. Listing information

Population To Which Status Applies: Entire Range

Current Status: Endangered

Date First Listed: February 27, 1995

Critical Habitat: 17.95(b)

Special Rules: NA

Lead Region: Southwest Region (2)

Current Range of Species or Population: AZ, CA, CO, NM, TX, UT; Mexico

(The following information is extracted from:

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule Determining

Endangered Status for the Southwestern Willow Flycatcher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

and

[Federal Register: June 6, 2001 (Volume 66, Number 109)]

[Notices][Page 3047730478]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Availability of the Draft Southwestern Willow Flycatcher Recovery Plan for Review and Comment

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Document Availability.)

b. Range/Distribution

The southwestern willow flycatcher breeds in southwestern Colorado. A neotropical migratory bird, it is present in its breeding habitat from late April until August or September. It then migrates to wintering grounds in Mexico, Central America, and perhaps northern South America

c. Habitat Requirements

The southwestern willow flycatcher nests in dense vegetation along streams, rivers, cienegas, and areas with marshy seeps or saturated soils. It is threatened by loss of this habitat.

The southwestern willow flycatcher occurs in riparian habitats along rivers, streams, or other wetlands, where dense growths of willows, *Baccharis*, arrowweed, buttonbush, tamarisk, Russian olive or other plants are present, often with a scattered overstory of cottonwood.

Throughout the range of the southwestern willow flycatcher, these riparian habitats tend to be rare, widely separated, small and/or linear locales, separated by vast expanses of arid lands. The southwestern willow flycatcher has experienced extensive loss and modification of this habitat and is also endangered by other factors, including brood parasitism by the brown-headed cowbird. Brown-headed cowbirds lay their own eggs in flycatcher nests, almost always causing complete loss of the flycatcher young.

Critical Habitat

Critical habitat for the southwestern willow flycatcher will include riparian areas within the 100-year flood plain along streams and rivers in southern California, Arizona, and New Mexico. No critical habitat is designated in Colorado.

d. EPA Finding

The EPA finding for the southwestern willow flycatcher is “**no effect.**” Project activities will occur in an area that has very limited habitat for the flycatcher. Project activities will avoid disturbance to stands of willow during the breeding season (late April through early December).

4. Evaluation for Uncompahgre fritillary butterfly (*Boloria acrocne*)

a. Listing Information

Population To Which Status Applies: Entire Range

Current Status: Endangered

Date First Listed: June 24, 1991

Critical Habitat: NA

Special Rules: NA

Lead Region: Mountain-Prairie Region (6)

Current Range: CO

(The following information is extracted from on-line documents of the U.S. Fish and Wildlife Service.)

b. Range

The Uncompahgre fritillary has the smallest total range of any North American butterfly species. Its habitat is limited to two verified major sites and two possible small colonies in the San Juan Mountains and southern Sawatch Range in Gunnison, Hinsdale, and possibly Chaffee counties in southwestern Colorado.

One major site is the type locality on Uncompahgre Peak, which is managed by the Forest Service. The second major site was discovered in 1982 on land managed by the Bureau of Land Management and is not generally known. Because of the potential threat from collecting, the location of this colony is referred to herein only as "site 2."

Despite numerous attempts to locate other populations, no other major populations have been verified. In 1988, three individuals were captured at one new location and one individual was captured at another new location. These sites must be investigated to determine if they represent possible new colonies. There is a report of four (formerly five) colonies in the San Juan Mountains and southern Sawatch Range, but these unverified sites, if existent, have been kept secret by their discoverer. As the butterfly is found only in remote, generally inaccessible areas, it is possible that the species may occur in other mountain ranges in Colorado, but there have been no reports of the butterfly from these other mountain ranges.

The populations of the butterfly known to the Service are on Federal land. The Uncompahgre Peak habitat is in the Big Blue Wilderness in the Uncompahgre National Forest, while site 2 is in a wilderness study area or land administered by the Bureau of Land Management. Both areas are above timberline, hence there are not threats from logging. Mining activity does not appear to be a threat to the known population. Historically, herds of sheep were driven over both mountains where the butterflies occur, but the Bureau of Land Management and Forest Service do not allow grazing at the major sites.

c. Habitat Requirements

Critical habitat has not been designated. All populations known to the Service are associated with large patches of snow willow above 13,200 ft., which provide food and cover. The species has been found only on northeast-facing slopes, which are the coolest and wettest micro-habitat available in the San Juans. The females lay their eggs on snow willow, which also is the larval food plant, while adults take nectar from a wide range of flowering alpine plants.

d. EPA Finding

The EPA finding for the Uncompahgre fritillary butterfly is “**no effect**” based on the fact that suitable habitat for this species is not present in the project area (See Range and Habitat Requirements above). This butterfly occupies alpine areas above an elevation of 13,000 ft. Project activities will occur below elevations of 9,000 ft. at a great distance from the known locations of Uncompahgre fritillary butterfly populations.

B. Threatened Species

Evaluation for the Canada Lynx (*Lynx canadensis*)

a. Listing Information

Population To Which Status Applies: U.S.A. (CO, ID, ME, MI, MN, MT, NH, NY, OR, UT, VT, WA, WI, WY)

Current Status: Threatened

Date First Listed: March 24, 2000

Critical Habitat: NA

Special Rules: 17.40(k)

Lead Region: Mountain-Prairie Region (6)Current Range: CO, ID, ME, MI, MN, MT, NH, NY, OR, PA, UT, VT, WA, WI, WY

(The following information is extracted from on-line documents of the U.S. Fish and Wildlife Service. Federal Register Online via GPO Access [wais.access.gpo.gov] [DOCID:fr24mr00-18] [Federal Register: March 24, 2000 (Volume 65, Number 58)] [Rules and Regulations] [Page 16051-16086])

b. Range/Distribution

Its range extends from Alaska, throughout much of Canada, to the boreal forests in the northeastern United States, the Great Lakes, the Rocky Mountains, and the Cascade Mountains. The boreal forest extends south into the contiguous United States along the Cascade and Rocky Mountain Ranges in the West, the western Great Lakes Region, and along the Appalachian Mountain Range of the northeastern United States. At its southern margins, the boreal forest becomes naturally fragmented into patches of varying size as it transitions into other vegetation types. These southern boreal forest habitat patches are small relative to the extensive northern boreal forest of Canada and Alaska, which constitutes the majority of the lynx range.

Southern Rockies

Colorado represents the extreme southern edge of the range of the lynx. The southern boreal forest of Colorado and southeastern Wyoming is isolated from boreal forest in Utah and northwestern Wyoming by the Green River Valley and the Wyoming basin. These habitats likely act as a barrier that reduces or precludes opportunities for immigration and emigration from the Northern Rocky Mountains/Cascades Region and Canada, effectively isolating lynx in the southern Rocky Mountains in Colorado and southeastern Wyoming. A majority of the lynx occurrence records in Colorado and southeastern Wyoming, are associated with the "Rocky Mountain Conifer Forest" type. The occurrences in the Southern Rockies were generally at higher elevations (4,100-12,300 feet) than were all other occurrences in the West.

Colorado--The montane and subalpine forest ecosystems in Colorado are naturally highly fragmented, which we believe limits the size of lynx populations.

Few, if any, native lynx continue to exist in Colorado. As a result, in 1997, the Colorado Division of Wildlife, in cooperation with numerous government and private entities, began a program to introduce lynx from Canada and Alaska into Colorado in an attempt to reestablish a viable lynx population. Forty-one lynx were released into the wild in the San Juan Mountains beginning in early spring 1999. It is too early to predict the success of this effort.

e. EPA Finding

The EPA finding for the Canada lynx is “**no effect.**” The project site does not contain habitat for lynx.

C. Candidate Species

1. Evaluation for the Yellow-Billed Cuckoo , Western (*Coccyzus americanus occidentalis*)

a. Listing Information

Population To Which Status Applies: Entire Range

Current Status: Candidate

Lead Region: Pacific Region (1)

Current Range of Species or Population: AZ, CA, CO, ID, NM, NV, OR, TX, UT, WA; Canada, Mexico, Central and South America

(The following information is extracted from:

[Federal Register: July 25, 2001 (Volume 66, Number 143)]

[Proposed Rules] [Page 38611-38626]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr25jy01-37])

b. Range

In Colorado, west of the Continental Divide, the species was probably never common and is now extremely rare. The yellow-billed cuckoo is an uncommon summer resident of Colorado. According to the Colorado Breeding Atlas, the general status of the yellow-billed cuckoo in Colorado is that it is nearly extirpated, with once common eastern populations becoming uncommon to rare. Only one confirmed nesting observation occurred along the Yampa River near Hayden during the Breeding Bird Atlas surveys conducted from 1987-1994. Other confirmed nesting records (mid 1980s) have been associated with outbreaks of caterpillar infestations in box elders (*Acer negundo*) in the Four Corners Region/Durango area. However, over recent years, the use of insecticides and the removal of box elders has reduced the outbreaks of insect infestations, resulting in fewer occurrences of yellow-billed cuckoo in the area.

National Park Service (NPS) surveys in southwest Colorado, from 1988 through 1995 for the Colorado Bird Breeding Atlas, found no records of yellow-billed cuckoo. Park staff also conducted extensive surveys of the Mancos River in the park six times during the past 12 years and adjacent to Yucca House National Monument throughout 2000 with no reports of yellow-billed cuckoos. Few sightings of the yellow-billed cuckoo have occurred in western Colorado along the Colorado River near Grand Junction. In 1998, biologists surveyed 242 miles of lowland river riparian habitat along six rivers in west-central Colorado for yellow-billed cuckoos, finding one individual bird.

c. Habitat Requirements and Behavior

Western yellow-billed cuckoos breed in large blocks of riparian habitats (particularly woodlands with cottonwoods and willows). Dense understory foliage appears to be an important factor in nest site selection, while cottonwood trees are an important foraging habitat in areas where the species has been studied in California. Western yellow-billed cuckoos appear to require large blocks of riparian habitat for nesting. Along the Sacramento River in California, nesting yellow-billed cuckoos occupied home ranges which included 25 acres or more of riparian habitat. Another study on the same river found riparian patches with yellow-billed cuckoo pairs to average 99 acres. Home ranges in the South Fork of the Kern River in California averaged about 42 acres.

Nesting west of the Continental Divide occurs almost exclusively close to water, and biologists have hypothesized that the species may be restricted to nesting in moist river bottoms in the west because of humidity requirements for successful hatching and rearing of young. Nesting peaks later (mid-June through August) than in most co-occurring bird species, and may be triggered by an abundance of the cicadas, katydids, caterpillars, or other large prey which form the bulk of the species' diet.

d. EPA Finding

The EPA finding for the Western yellow-billed cuckoo is “**no effect.**” Project activities will occur in an area that lacks habitat for the cuckoo.

2. Gunnison's prairie dog (*Cynomys gunnisoni*)

a. Listing Information

Population To Which Status Applies: Portions of CO, NM

Current Status: Candidate

Date First Listed: February 5, 2008

Critical Habitat: NA

Special Rules: NA

Lead Region: Mountain-Prairie Region (6)

Current Range: AZ, CO, NM, UT

[Federal Register: February 5, 2008 (Volume 73, Number 24)]

[Proposed Rules]

[Page 6660-6684]

From the Federal Register Online via GPO Access [wais.access.gpo.gov]

[DOCID:fr05fe08-32]

DEPARTMENT OF THE INTERIOR, Fish and Wildlife Service

50 CFR Part 17

[FWS-R6-ES-2008-0013; 1111 FY07 MO-B2]

Endangered and Threatened Wildlife and Plants; 12-Month Finding

on a Petition To List the Gunnison's Prairie Dog as Threatened or

Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of a 12-month petition finding.

b. Range/Distribution

The current distribution of the species includes northeastern Arizona; central, south-central, and southwestern Colorado; north-central and northwestern New Mexico; and extreme southeastern Utah.

Gunnison's prairie dog range can be considered to occur in two separate range portions--higher elevations in the northeast part of the range and lower elevations elsewhere. We refer to these areas as montane and prairie, respectively, throughout the document to differentiate them. The northeastern range (central and south-central Colorado, and north-central New Mexico) consists primarily of higher elevation, cooler and more mesic plateaus, benches, and intermountain valleys. We call this portion montane.

The southwestern range (southeastern Utah, southwestern Colorado, northwestern New Mexico, and northeastern Arizona) consists primarily of lower elevation, warmer and more xeric plains and plateaus. We call this portion prairie.

Only the montane habitats are included in the listing.

c. Habitat Requirements

Gunnison's prairie dog habitat includes level to gently sloping grasslands and semi-desert and montane shrublands, at elevations from 6,000 to 12,000 feet (1,830 to 3,660 meters). Grasses are the most important food item, with forbs, sedges, and shrubs also occasionally used.

d. EPA Finding

The EPA finding for Gunnison's prairie dog is “**no effect.**” Suitable habitat for the prairie dog is not present in the project area.