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TOWN OF EAGLE ENVIRONMENTAL IMPACT REPORT

ANB Bank Site

Eagle, Eagle County, Colorado

December 16, 2024

Prepared For:

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ERC Project #200-2419

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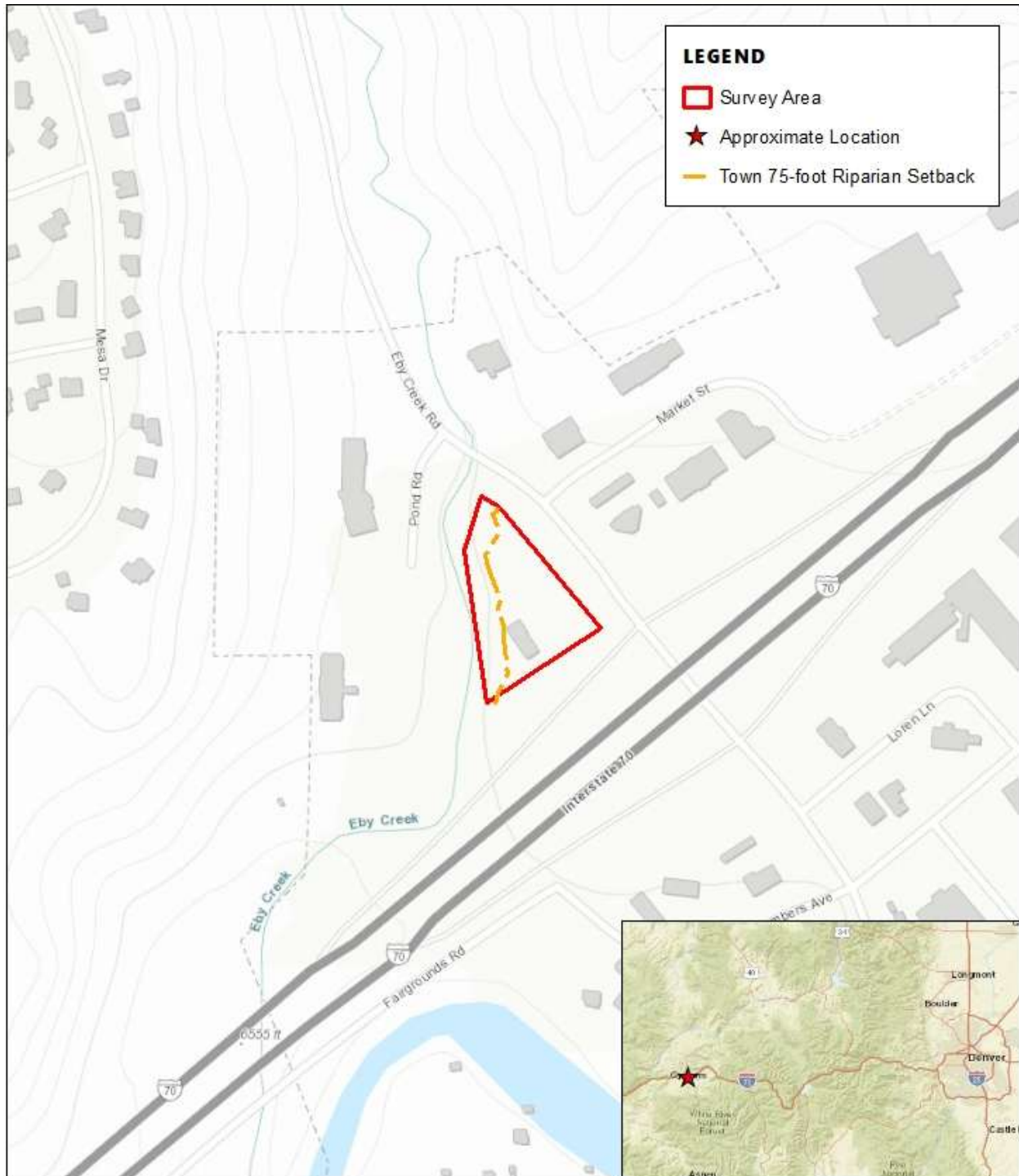
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1.0 PROJECT DESCRIPTION

Ecological Resource Consultants, LLC (ERC) has prepared this Town of Eagle Environmental Impact Report at the request of Alder Real Estate. The 2.0-acre property, referred to herein as survey area, is located north of Interstate 70 and west of Eby Creek Road in Eagle County, Colorado. The purpose of this report is to identify environmental features that may be adversely impacted within the designated Town of Eagle 75-foot riparian setback per Ordinance No. 8. Following initial review of a development application for the survey area, the Town of Eagle (Town) indicated the 75-foot riparian setback could be reduced to 50-foot if it can be demonstrated that the proposed project did not cause any adverse environmental impacts. This environmental impact report has been prepared in accordance with the Migratory Bird Treaty Act (MBTA), Endangered Species Act (ESA), Colorado Parks and Wildlife (CPW) Colorado Statute Title 33, and Section 404 of the Clean Water Act (CWA). Site plans are included as **Appendix A**.

2.0 SURVEY AREA DESCRIPTION

| | |
|--|--|
| State | Colorado |
| County | Eagle |
| County Parcel # | 193932101001 |
| Nearest Town | Eagle |
| Street Address/ Nearest Intersection | Northwest of Interstate 70 and Eby Creek Road |
| Latitude, Longitude (Center of Survey Area) | 39.66066° N, -106.8292° W |
| Section, Township, Range | Section 32, Township 4 South, Range 84 West |
| Average Elevation (Feet AMSL) | 6,620 |
| Topography | Generally flat, slopes towards the western portion of the survey area towards Eby Creek. The elevation drops quickly into a steep slope leading to the creek |
| Subregion (LRR) | LRR E |
| Watershed HUC | <i>Eby Creek</i> (HUC 140100030602) |
| Nearest Waterbody | Eby Creek |
| General Site Description | The survey area consists of a paved road, parking lot and a vacant commercial building. The survey area along the north and west is undeveloped consisting primarily of shrubland with a utility easement present. Eby Creek is located west and outside of the survey area. Eby Creek will not be impacted by the proposed project. |
| Refer to Figure 1 for a vicinity and U.S. Geological Survey (USGS) topographic map of the survey area. Refer to Photos 1-6 below for general characteristics of the survey area. | |



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**FIGURE 1
USGS TOPOGRAPHIC AND LOCATION MAP
ANB BANK BUILDING PROJECT
EAGLE COUNTY, COLORADO**



0 300 600 Feet



Photo 1. Overview northwest, along the western survey area boundary in the north portion of the survey area.



Photo 2. View facing southwest of the existing infrastructure. Including the paved road, parking lot and existing single-story building within the survey area.



Photo 3. View facing northeast of the northwestern portion of the survey area. The Town 75-foot riparian setback boundary is depicted with the orange line. Proposed development would occur in the right hand side of the photo.



Photo 4. View facing northeast from the western boundary of the survey area, showing the steep slope along the survey area boundary that drops into Eby Creek. This area is outside of the survey area and will not be impacted by the proposed project.



Photo 5. View facing southwest from the northern boundary of the survey area. An existing utility box can be seen in the lower right. The Town 75-foot riparian setback boundary is depicted by the orange line and an approximate, adjusted 50-foot riparian setback depicted by the red line.



Photo 6. View facing northeast across the survey area within the Town 75-foot riparian setback (depicted with the orange line). The approximate location of the adjusted 50-foot setback is depicted with the red line.

3.0 SCREENING METHODOLOGY

A preliminary desktop review was conducted utilizing existing available mapping to identify natural habitats or features within survey area. The latest aerial imagery (GoogleEarth), U.S. Geological Survey (USGS) topographic maps, U.S. Fish and Wildlife Service (USFWS) National Wetland Inventory (NWI) mapping and Colorado Parks and Wildlife (CPW) data were reviewed. General extents and characterization of natural habitats or features were documented and sketched onto project base mapping as part of the initial review.

ERC completed an onsite evaluation on December 4, 2024 to identify, map, and evaluate natural habitats and/or features within the Town 75-foot riparian setback within the survey area including vegetation communities, migratory birds and raptors, federally and state-listed threatened and endangered (T&E) species, CPW-listed high priority habitat, and wetlands and/or riparian areas.

Final mapping of natural habitats, features, and buffer zones was conducted in GIS using photo interpretation of aerial photography, overlay of GPS data points, and digitization of field maps.

4.0 EXISTING VEGETATION COMMUNITIES

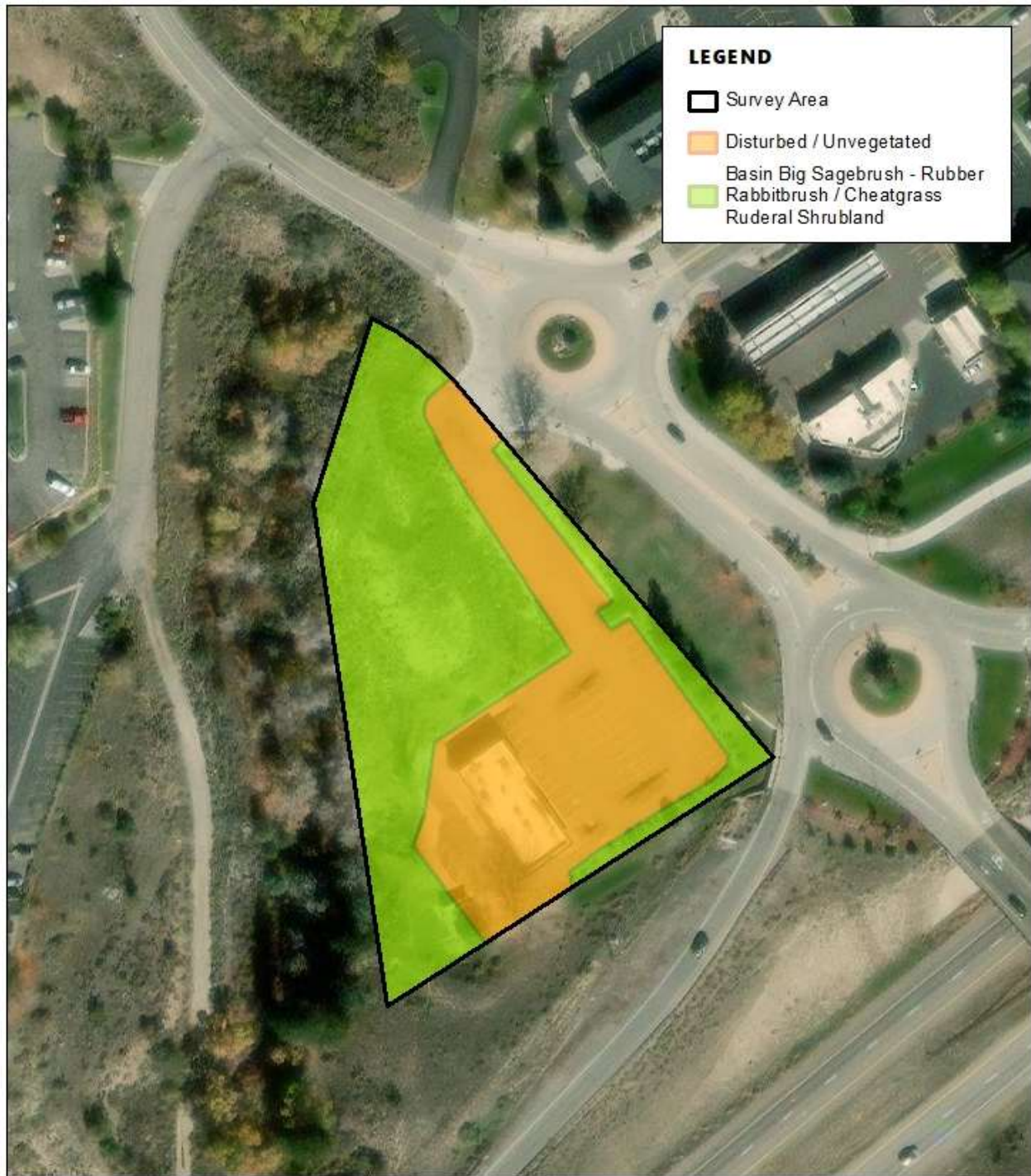
Two (2) primary vegetation communities exist across the entire survey area and are comprised of Basin Big Sagebrush - Rubber Rabbitbrush/Cheatgrass Ruderal Shrubland and Disturbed/Unvegetated. The vegetation communities characterized within the survey area have been significantly disturbed by historic and current land use practices and thus represent somewhat degraded forms of the natural vegetation communities. The following is a summary of the vegetation communities within the survey area. Refer to **Figure 2** for a map of the vegetation communities within the survey area. An existing utility easement is also present along the western boundary of the survey area within the Basin Big Sagebrush - Rubber Rabbitbrush/Cheatgrass Ruderal Shrubland.

Basin Big Sagebrush - Rubber Rabbitbrush/Cheatgrass Ruderal Shrubland

This association is unfortunately quite common throughout the Colorado Plateau and throughout the range of big sagebrush in the western U.S. due to a history of heavy grazing pressure by domestic livestock. This shrubland has a canopy of *Artemisia tridentata* ssp. *tridentata* which is always present, often with a lesser component of *Ericameria nauseosa*, *Atriplex canescens*, or *Chrysothamnus viscidiflorus*. The non-native annual grass *Bromus tectorum* dominates the herbaceous undergrowth layer and is frequently accompanied by other non-native grasses and forbs. Individuals or small patches of native grasses and forbs may occur, including *Leymus cinereus*, *Achnatherum hymenoides*, and *Sporobolus cryptandrus*. However, the natives are overwhelmed by the non-natives, such that it is impossible to determine what native association the stand may have been prior to conversion to a ruderal type. Stands occur in small to moderate-sized patches on alluvial terraces, floodplains, and point bars, mostly below 2000 m (6560 feet) elevation.

Disturbed/Unvegetated

The Disturbed / Unvegetated community includes the majority of the southern and eastern portions of the survey area including a paved road, smaller paved parking lots, and an existing single-story building. These features have no vegetation cover as a result of commercial development and, therefore, have little to no ecological value (NatureServe 2024).



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**FIGURE 2
VEGETATION COMMUNITIES MAP**

**ANB BANK BUILDING PROJECT
EAGLE COUNTY, COLORADO**



0 80 160
Feet

5.0 MIGRATORY BIRD TREATY ACT

Migratory birds are protected under the MBTA (16 U.S.C. 730-712). The MBTA makes it illegal for anyone to take, possess, import, export, transport, sell, purchase barter, or offer for sale, purchase, or barter any migratory bird, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to Federal regulations. In Colorado, all birds except for the European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), and rock pigeon (*Columba livia*) are protected under the MBTA. A total of 523 migratory bird species are known to occur in the Mountain-Prairie Region (USFWS Region 6, Montana, Wyoming, Utah, North Dakota, South Dakota, Nebraska, Kansas, and Colorado); 320 of the 523 migratory bird species are known to breed in USFWS Region 6. These birds, their eggs, and active nests are protected under the MBTA and the take or possession of these resources is prohibited.

Non-Raptor Migratory Birds

Non-raptor migratory birds likely exist within the survey area and within the Town 75-foot riparian setback. The basin big sagebrush and cheatgrass ruderal shrubland within the Town 75-foot riparian setback provides potential habitat for non-raptor migratory birds. However, no non-raptor migratory birds or nests were observed within the Town 75-foot riparian setback during the onsite visit.

- Based upon literature review and an onsite assessment within the Town 75-foot riparian setback, ERC has determined that some migratory birds likely utilize the survey area. However, no non-raptor migratory birds or nests were observed within the survey area or the 75' riparian setback. Therefore, no adverse impacts to non-raptor migratory birds are anticipated. However, a nest survey should be conducted 7–10 days prior to any vegetation removal within the survey area and/or the Town 75-foot riparian setback to identify any newly established nests. For non-raptor migratory birds, only active nests are protected, and no buffers or restricted surrounding areas are required. Once a nest becomes inactive, disturbances can occur to the nest and no further agency authorization or coordination is required. Generally, the active nesting season for most migratory birds in this region of Colorado occurs between April 1 and August 31.

Non-eagle Raptors

Non-eagle raptor nest sites are regulated by the USFWS under the MBTA with local review from the CPW. The CPW has established recommended protective buffer zones and seasonal activity restrictions for a variety of Colorado raptors (CPW 2020). The CPW species-recommended buffer zones are such that if implemented, should assure that the majority of the individual species will continue to occupy the area. CPW considers a nest to be active when it is frequented or occupied by a raptor during the breeding season, or which has been occupied in any of the five previous breeding seasons. Many raptors use alternate nests in various years. Thus, a nest site may be active even if a particular nest is not occupied in a given year. The CPW also maintains Species Activity Mapping (SAM) data which is an online database that lists the known occurrences, status, and recorded nest sites of select raptors and other species within the state of Colorado.

- No non-eagle raptor nests were observed and no CPW mapped non-eagle raptor nest protection buffer zones are located within the Town 75-foot riparian setback (CPW 2023a). Therefore, no adverse impacts to non-eagle raptors are anticipated to occur. However, nest activity status can vary seasonally and from year-to-year. Future land use changes may require additional nest surveys

(generally between February 1 and September 15 (CPW 2020)) to determine activity status within ½ to ¼ mile of the survey area and to ensure compliance with CPW recommendations.

Eagles

No eagle nest sites are identified on the CPW SAM data within the survey area or the Town 75-foot riparian setback. No eagles or eagle nests were observed during the site visit. Therefore, no adverse impacts to eagles are anticipated to occur.

- If an eagle nest site were to become established within a ½-mile of the survey area or within the survey area, CPW recommends a “No Surface Occupancy” beyond that which has historically occurred. CPW also recommends “No Human Encroachment” within ¼-mile radius and that no human encroachment activities, including construction activities within ½-mile radius of active nest sites from December 1 through July 31. Future land use changes may require an additional nest survey (generally between December 1 and July 31 (CPW 2020) to determine activity status within ½-mile of the survey area to ensure compliance with CPW recommendations. However, it is important to keep in mind that the primary authority for the regulation of “take” and the ultimate jurisdiction for bald eagles lies with the USFWS under the Migratory Bird Treaty Act (16 U.S.C. 703-712) and the Bald and Golden Eagle Protection Act (16 U.S.C. 668-668c).

6.0 SPECIES PROTECTED UNDER THE ENDANGERED SPECIES ACT OF 1973

The Endangered Species Act (ESA) of 1973 was enacted by the United States to conserve endangered and threatened species and the ecosystems that they depend on. Under the ESA, species may be listed as either “endangered” or “threatened”; both designations are protected by law. The ESA is administered by the USFWS. The USFWS has developed project specific species lists, available online by request, identifying threatened, endangered, and proposed species, designated critical habitat (USFWS 2024a), and candidate species protected under the ESA that may occur within the boundary of a proposed project and/or may be affected by a proposed project (USFWS 2024a) (Project Code: code: 2025-0027844). The species list for the survey area has identified potential for a total of 10 threatened, endangered, candidate, or experiential species within the survey area. The USFWS official species list is included in **Appendix B**.

The following federally listed threatened and endangered (T&E) species are known to exist within Eagle County:

| Common Name | Scientific Name | Status* | Potential to Occur |
|-------------------------|----------------------------------|---------|--------------------|
| Canada lynx | <i>Lynx canadensis</i> | FT | NO |
| Mexican spotted owl | <i>Strix occidentalis lucida</i> | FT | NO |
| Yellow-billed cuckoo | <i>Coccyzus americanus</i> | FT | NO |
| Ute ladies'-tresses | <i>Spiranthes diluvialis</i> | FT | NO |
| Monarch butterfly | <i>Danaus plexippus</i> | C | NO |
| Water Depletion Species | | | |
| Bonytail† | <i>Gila elegans</i> | FE | NO |
| Colorado pikeminnow† | <i>Gila elegans</i> | FE | NO |
| Humpback chub† | <i>Gila cypha</i> | FT | NO |
| Razorback sucker† | <i>Xyrauchen texanus</i> | FE | NO |

*Status key: FT – Federally listed as threatened; FE – Federally listed as endangered; C – Candidate; EP – Experiential population

†Water Depletion Species

Species Not Present

The species indicated as “NO” are not known to exist within the specific vicinity of the survey area or and/or have specific habitat requirements (i.e., elevation range) that are not common in the vicinity of the survey area. Therefore, no adverse impacts will occur to federally listed threatened and endangered species.

Water Depletion Species

Any water related project conducted in the Colorado River Basin that has a federal nexus; such as federal funding or a federal permit (i.e., Clean Water Act (CWA) Section 404 Permit), is subject to ESA Section 7 Consultation with the USFWS. The consultation is a mandate for water depletion projects that may affect threatened and endangered species that rely on the Colorado River.

- The survey area does not contain the specific habitat characteristics necessary to support the species listed above. These species and/or critical habitat are not present within the survey area. It is assumed the proposed project will tie into an existing Town municipal water supply and will not be considered a depletion to the Colorado River. Therefore, the proposed project would not result in an adverse impact to these species.

7.0 STATE THREATENED AND ENDANGERED SPECIES

Species identified as state T&E are protected by the CPW under Colorado Statute Title 33. State regulations prohibit “any person to take, possess, transport, export, process, sell or offer for sale, or ship and for any common or contract carrier to knowingly transport or receive for shipment” any species or subspecies listed as state endangered or threatened. The CPW also has identified State Species of Special Concern, which are species or subspecies of native wildlife that are currently vulnerable in their Colorado range and have the potential to become threatened or endangered. Species of Special Concern are not protected under State regulations but the ‘take’ of individuals and disturbance of their habitat is strongly discouraged.

All state listed species were screened as potential inhabitants of the survey area based on general habitat requirements and CPW Species Profiles (CPW 2023b). ERC evaluated the species listed by CPW as threatened or endangered that could potentially exist within the survey area. All animal species listed above as threatened or endangered by the USFWS are also listed by the CPW as threatened or endangered, respectively, therefore were not duplicated below.

| Common Name | Scientific Name | Status* | Potential to Occur |
|--------------------------------|---|---------|--------------------|
| Boreal toad | <i>Bufo boreas boreas</i> | SE | NO |
| Burrowing owl | <i>Athene cunicularia</i> | ST | NO |
| Least tern | <i>Sterna antillarum</i> | SE | NO |
| Lesser prairie-chicken | <i>Tympanuchus pallidicinctus</i> | ST | NO |
| Southwestern willow flycatcher | <i>Empidonax traillii extimus</i> | SE | NO |
| Plains sharp-tailed grouse | <i>Tympanuchus phasianellus jamesii</i> | SE | NO |
| Piping plover | <i>Charadrius melodus circumcinctus</i> | ST | NO |
| Whooping crane | <i>Grus americana</i> | SE | NO |
| Arkansas darter | <i>Etheostoma cragini</i> | ST | NO |
| Brassy minnow | <i>Hybognathus hankinsoni</i> | ST | NO |
| Greenback cutthroat trout | <i>Oncorhynchus clarki stomias</i> | ST | NO |
| Rio grande sucker | <i>Catostomus plebeius</i> | SE | NO |
| Lake chub | <i>Couesius plumbeus</i> | SE | NO |
| Plains minnow | <i>Hybognathus placitus</i> | SE | NO |
| Suckermouth minnow | <i>Phenacobius mirabilis</i> | SE | NO |
| Northern redbelly dace | <i>Phoxinus eos</i> | SE | NO |
| Southern redbelly dace | <i>Phoxinus erythrogaster</i> | SE | NO |
| Common shiner | <i>Luxilus cornutus</i> | ST | NO |
| Grizzly bear | <i>Ursus arctos</i> | SE | NO |
| Wolverine | <i>Gulo gulo</i> | SE | NO |
| Kit fox | <i>Vulpes macrotis</i> | SE | NO |
| River otter | <i>Lontra canadensis</i> | ST | NO |
| Black-footed ferret | <i>Mustela nigripes</i> | SE | NO |
| Preble's meadow jumping mouse | <i>Zapus hudsonius preblei</i> | ST | NO |

*Status key: ST – State listed as threatened; SE – State listed as endangered

Species Not Present

The T&E species indicated as “NO” are identified to occur within the state (CPW 2023b). However, these species are not known to exist within the specific vicinity of the survey area and/or have specific habitat requirements (i.e., elevation range) that are not common in the vicinity of the survey area (CPW 2023b).

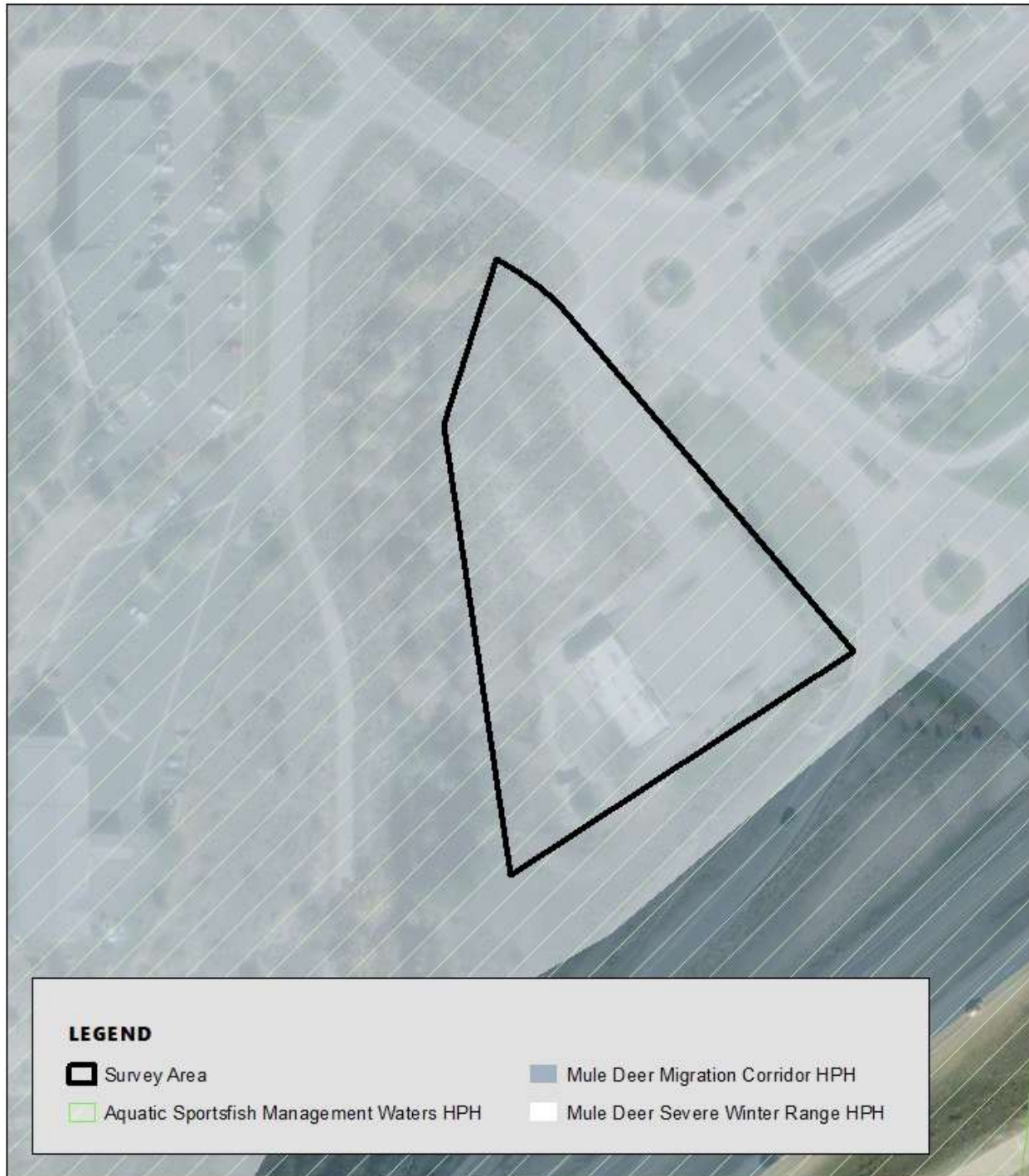
The survey area does not contain the specific habitat characteristics necessary to support the species listed above. These species and/or critical habitat are not present within the survey area. Therefore, no adverse impacts will occur to state-listed threatened and endangered species.

8.0 HIGH PRIORITY HABITAT AREAS

CPW has recently developed *Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado* in July (CPW 2023c). CPW is a recommending agency in regard to energy and land use development, however, CPW has no regulatory authority over these processes (CPW 2024a). The recommendations identify High Priority Habitat (HPH) by species and provide general recommendations related to disturbances. These recommendations were originally developed specifically for the Colorado Oil and Gas Commission as part of fluid mineral development; however, CPW has provided these recommendations for other land use proposals. Three (3) designated HPH areas exist

within the survey area and the Town 75-foot riparian setback: Aquatic Sportsfish Management Waters HPH, Mule Deer Migration Corridor HPH, and Mule Deer Severe Winter Range HPH (**Figure 3**).

- The proposed activities will not impact the waterways, including Eby Creek, and therefore, will have no adverse impact on the aquatic sportsfish management waters.
- The surrounding environment around the survey area that would be used by mule deer for migration is greatly fragmented, due to the existing commercial businesses, travel corridors (Interstate 70 and Eby Creek Road), apartment complexes and hotels. The impacts of the proposed project on migration corridors for mule deer is minimal to none, provided the large, existing presence of development. However, precautions should be taken during construction activities to prevent harm to wildlife within the survey area and surrounding vicinity.
- The surrounding environment around the survey area that would be used by mule deer for winter habitat is greatly fragmented. As mentioned, the existing commercial development, travel corridors, apartment complexes and hotels in the surrounding area minimize the use of the area by mule deer. The impacts of the proposed project on severe winter habitat for mule deer is minimal to none. However, precautions should be taken during construction activities to prevent harm to wildlife within the survey area and surrounding vicinity.



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**FIGURE 3
WILDLIFE HABITAT MAP
ANB BANK BUILDING PROJECT
EAGLE COUNTY, COLORADO**



0 100 200 Feet

9.0 AQUATIC RESOURCES

A formal routine delineation of aquatic resources was not performed as part of this environmental impact report. Identification of potential aquatic resources was conducted using USGS topographic maps, the USFWS NWI data, CNHP wetland data, and from field inspection. The purpose of the aquatic resources evaluation was to identify potential wetlands regulated by the U.S. Army Corps of Engineers (USACE) under Section 404 of the CWA within the Town 75-foot riparian setback.

TOPOGRAPHIC MAP

The USGS 1:24,000 topographic quadrangle (quad) map of the survey area (Eagle, CO 2022 quad) was reviewed to identify potential drainage features. There are no aquatic resources shown in the topographic map within the survey area and Town 75-foot riparian setback. Eby Creek is shown west and outside of the survey area (USGS 2024) and will not be impacted by the proposed project.

NATIONAL WETLANDS INVENTORY DATA

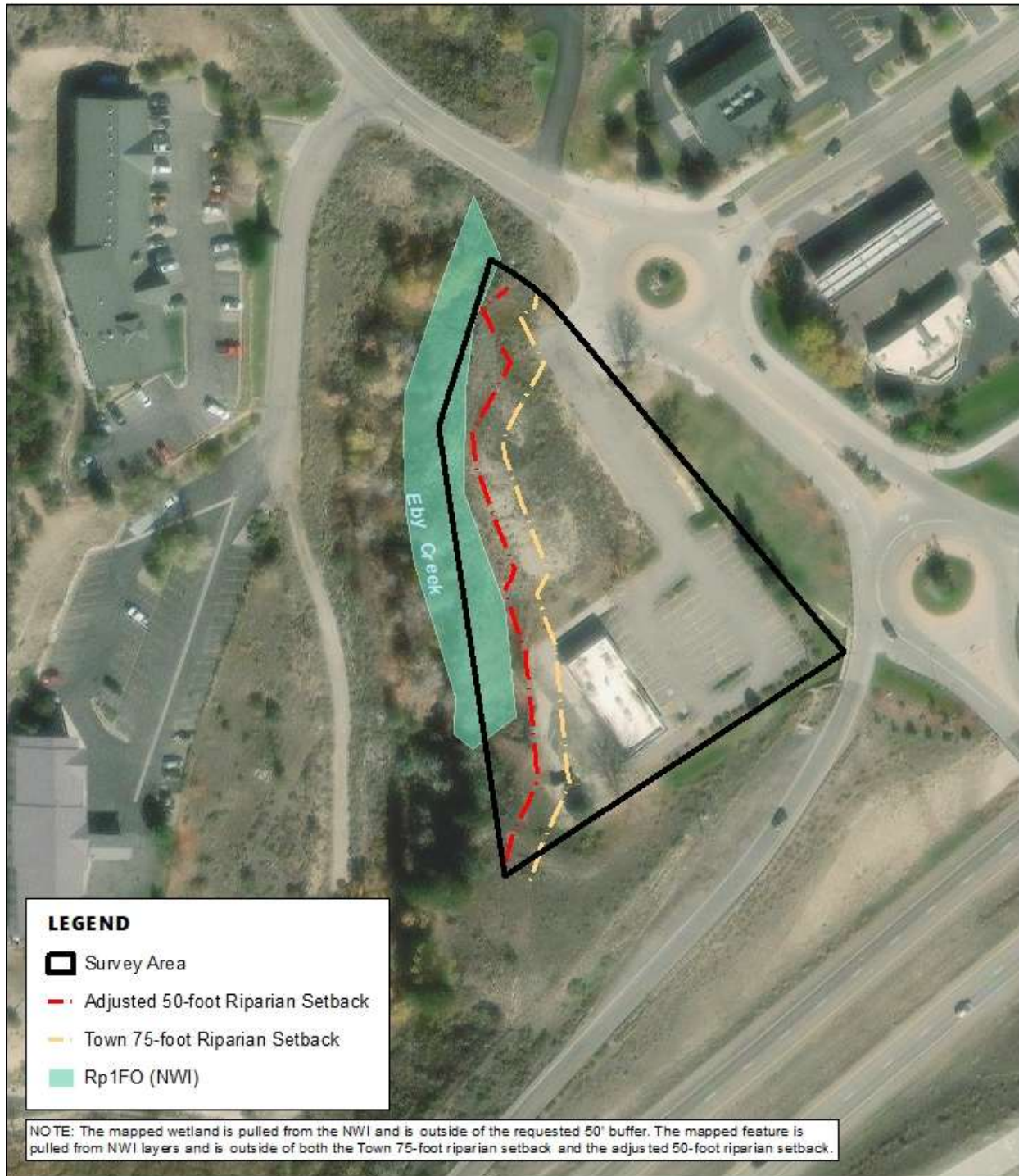
NWI data was reviewed for the survey area and for the Town 75-foot riparian setback. NWI data are published by USFWS and help to identify potential wetlands and aquatic areas. The NWI data depicts Rp1FO, or forested/riparian habitat feature west and outside of the survey area boundary (**Figure 4**) (USFWS 2024b). The NWI mapped feature is outside of the adjusted 50-foot and Town 75-foot riparian setback.

COLORADO NATURAL HERITAGE PROGRAM (CNHP) DATA

CNHP data is published using wetland, riparian, fen, and playa mapping by CNHP, USFWS, Bird Conservancy of the Rockies and other partners. CNHP data was reviewed for the survey area and for the Town 75-foot riparian setback. The CNHP data depicts a Rp1FO, or forested/riparian habitat feature west and outside of the survey area boundary (CNHP 2024). The CNHP mapped feature is outside of the adjusted 50-foot and Town 75-foot riparian setback.

FIELD INSPECTION

The accuracy of the USGS and NWI mapped features were evaluated during the field inspection performed by ERC on December 4, 2024. Eby Creek and the mapped features are outside of the adjusted 50-foot and Town 75-foot riparian setback and outside of the survey area. During the field inspection, no wetlands or other aquatic resources were observed within the survey area or the riparian setback. The survey area is solely comprised of upland habitat. Therefore, no adverse impacts will occur to potential wetlands within the survey area or the Town 75-foot riparian setback.



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**FIGURE 4
POTENTIAL AQUATIC RESOURCES MAP**

**ANB BANK BUILDING PROJECT
EAGLE COUNTY, COLORADO**



0 100 200 Feet

10.0 SUMMARY OF IMPACTS

ERC has conducted this Town of Eagle Environmental Impact Report for the approximately 2-acre survey area to identify environmental features that may be impacted within the designated Town 75-foot riparian setback per Ordinance No. 8. The following provides key items identified as part of this report:

- Two primary land use class/vegetation cover types exist within the survey area, Basin Big Sagebrush - Rubber Rabbitbrush/Cheatgrass Ruderal Shrubland (57% total cover) and Disturbed/Unvegetated (43% total cover). Historic and current use in commercial development has led to the degradation of the native vegetation community. An existing utility easement is present along the western portion of the survey area. Therefore, no adverse impacts to the existing vegetation community will occur.
- No non-raptor migratory birds or nests were observed within the survey area. Therefore, no adverse impacts will occur to non-raptor migratory birds within the Town 75-foot riparian setback. However, 7-10 days prior to vegetation removal and between April 1 and August 31, a nest survey should be completed to ensure that no nests have become established within the survey area or the Town 75-foot riparian setback and active nests, if any, are not disturbed.
- No non-eagle raptors or nests were observed within the survey area or the Town 75-foot riparian setback, and no CPW mapped non-eagle raptor nest protection zones are located within the survey area (CPW 2023a). Therefore, no adverse impacts will occur to non-eagle raptors. However, nest activity status can vary seasonally and from year-to-year. Future land use changes should first conduct an additional nest survey (generally between February 1 and September 15 (CPW 2020)) to determine activity status within $\frac{1}{2}$ to $\frac{1}{4}$ mile of the survey area to ensure compliance with CPW recommendations.
- No eagles or eagle nests were observed, and no mapped nests are located within the survey area, the Town 75-foot riparian setback or surrounding vicinity (CPW 2023a). Therefore, no adverse impacts will occur to eagles. The survey area is not subject to any restriction per CPW protective buffer zone recommendations or USFWS Bald Eagle Protection Act. However, an additional eagle nest survey should be conducted between December 1 and July 31 (CPW 2020) to ensure no new nests have become established within $\frac{1}{2}$ -mile of the survey area and to ensure compliance with CPW recommendations.
- No federally listed T&E species and/or habitat protected under the ESA were identified within the survey area or the Town 75-foot riparian setback. The survey area is not within designated critical habitat of any federally listed species. The vegetation community and features within the survey area were investigated as potential habitat for federally listed species. It is assumed that future land use changes would not be considered a new water depletion to the Colorado River and the proposed project will tie into an existing Town municipal water supply. Any future land use changes will not result in an adverse impact on any federal listed species, their habitats, or proposed or designated critical habitat.
- No State listed T&E species protected by CPW under Colorado Statute Title 33 were observed within the survey area or the Town 75-foot riparian setback. Any future land use changes will not result in

an adverse impact on any state listed species, their habitats, or proposed or designated critical habitat.

- According to CPW, there are 3 designated HPH areas within the survey area: aquatic sportfish habitat, mule deer migration corridor, and mule deer severe winter range habitat. The proposed project will not impact the waterways, including Eby Creek, and therefore have no adverse impact on the aquatic sportfish management waters. The surrounding environment around the survey area that would be used by mule deer for migration and winter habitat is greatly fragmented from existing commercial businesses, travel corridors (Interstate 70 and Eby Creek Road), apartment complexes and hotels. Therefore, the proposed project will have no adverse impacts on mule deer migration or winter habitat.
- Waters of the U.S. regulated under the CWA, are not present within the survey area. Therefore, the proposed project will have no adverse impacts to aquatic resources.

Within the 2-acre survey area, an existing paved road, parking lot and vacant building with an existing utility easement are present. The proposed project will be constructed immediately north of these existing features in a relatively flat location which will involve minimal grading (**Appendix A**). Based on the findings listed herein, the proposed project will not result in adverse impacts to the environment within the Town 75-foot riparian setback, nor will the proposed project impact the existing infrastructure or utility easement. Therefore, the proposed project meets the requirements outlined in Town Ordinance No. 8 and the riparian setback can be reduced from 75-feet to 50-feet.

This report has been prepared by:

ECOLOGICAL RESOURCE CONSULTANTS, LLC



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Reviewed and approved by:



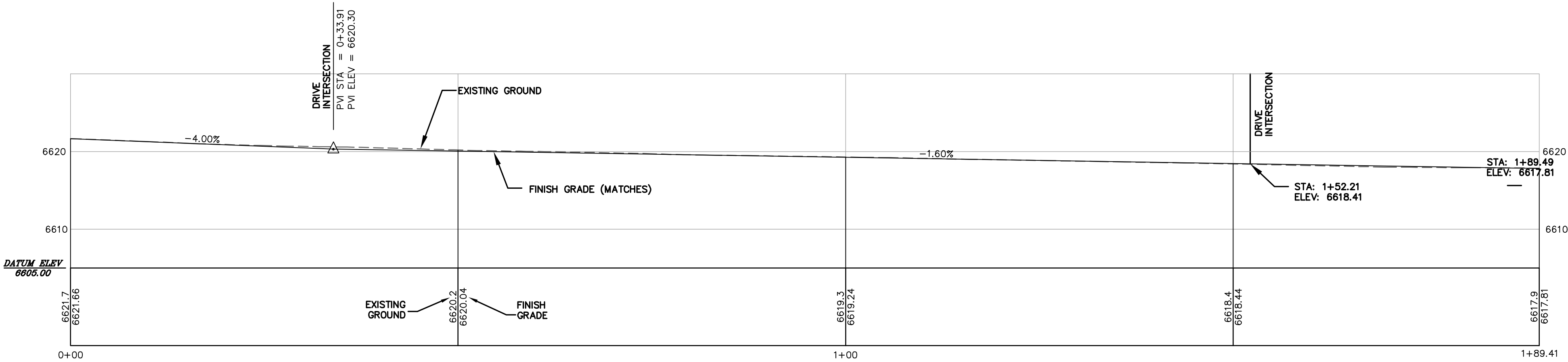
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(303) 679-4820 x 105 / tyler@erccolorado.net

11.0 REFERENCES

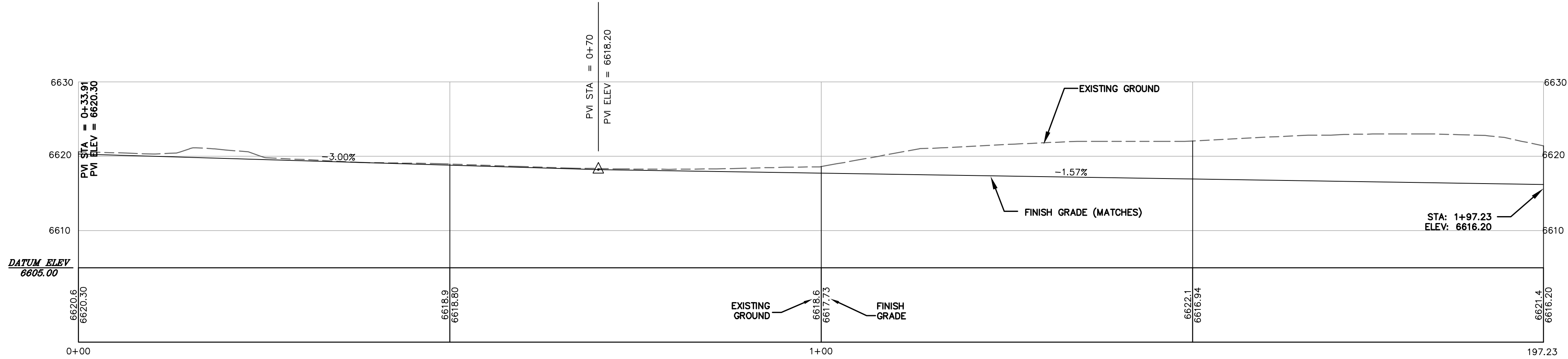
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- USFWS. United States Fish and Wildlife Service. 2023. Monarch Butterfly (*Danaus plexippus*). Species Profile. Environmental Conservation Online System.
- USFWS. United States Fish and Wildlife Service. 2024a. Official Species List. List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project. Project Code: 2025-0027844.
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Appendix A

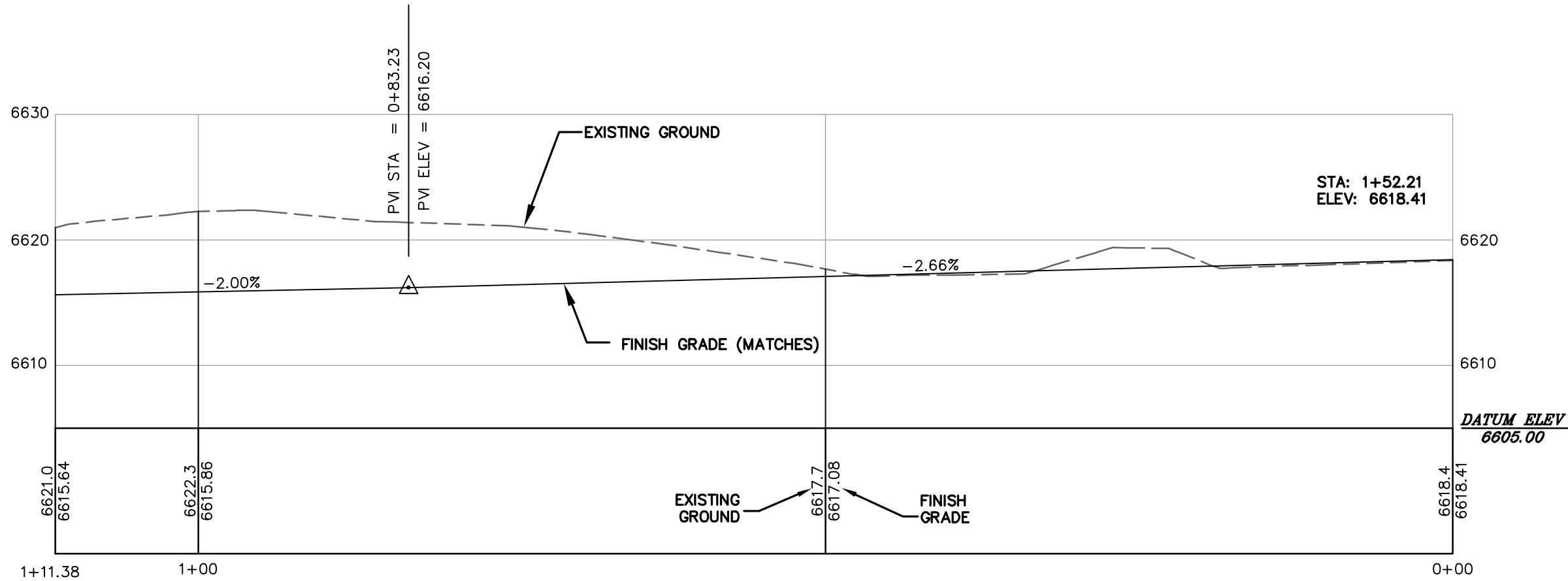
DRIVE PROFILE: ACCESS DRIVE



DRIVE PROFILE: DRIVE THRU



DRIVE PROFILE: PARKING

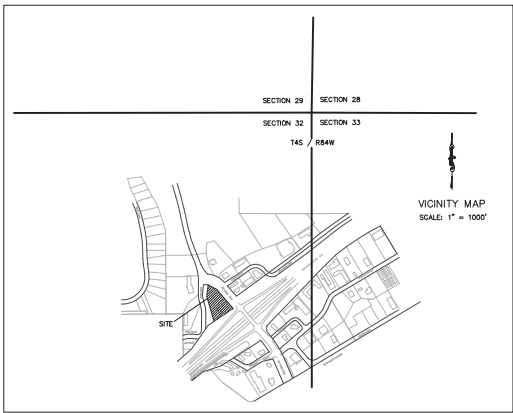


PROFILE SCALE:
HORIZ- 1" = 10'
VERT- 1" = 10'

ANB BANK
EBY CREEK ROAD, EAGLE CO
DRIVE PROFILES

| DESIGNED | MCW | DATE | REVISIONS | BY |
|----------|------------|------|--------------------|-----|
| DRAWN | TSL, MCW | XXX | DEVELOPMENT PERMIT | MCW |
| CHECKED | MCW | | | |
| JOB NO. | -- | | | |
| DATE | 12/02/2024 | | | |

EXISTING CONDITIONS
ALTA SURVEY

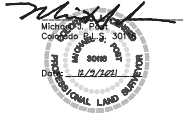


NOTES:

- 1) DATE OF SURVEY: 11/10/2021.
HIGH WATER LINE & 75' SETBACK TO HIGH WATER LINE ADDED 7/31/2024.
- 2) SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR AMENDED PLATS, EASEMENTS OF RECORD (OTHER THAN PLATTED), ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 3) NOTICE: ACCORDING TO COLORADO LAW YOU MUST COMMENCE ANY LEGAL ACTION BASED UPON ANY DEFECT IN THIS SURVEY WITHIN THREE YEARS AFTER YOU FIRST DISCOVER SUCH DEFECT. IN NO EVENT, MAY ANY ACTION BASED UPON ANY DEFECT IN THIS SURVEY BE COMMENCED MORE THAN TEN YEARS FROM THE DATE OF THE CERTIFICATION SHOWN HEREON.
- 4) THIS SURVEY AND THE INFORMATION CONTAINED HEREON IS THE PROPERTY OF EAGLE VALLEY SURVEYING, INC. AND IS INTENDED FOR THE SOLE USE OF THE ORIGINAL CLIENT ONLY. ANY USE OF OR TRANSFER TO OTHERS IS PROHIBITED.
- 5) BASIS OF PROPERTY LINE LOCATION: MONUMENTS FOUND MARKING THE NORTHWESTERLY PROPERTY LINE LOT 2, (SEE DRAWING).
- 6) BASIS OF ELEVATION: SEWER MH A3 INV EL=6616.2' MEAS RIM EL=6625.0'. LOCATED NORTH OF LOT 2 EBY CREEK ROAD.
- 7) THE U.S. SURVEY FOOT IS THE LINEAL UNIT USED FOR THE DIMENSIONS ON THIS PLAT.
- 8) BUILDING SETBACK INFORMATION IS NOT PLATTED. PRIOR TO ANY DESIGN OR CONSTRUCTION IMPROVEMENTS ON THIS PROPERTY, TOWN OF EAGLE SHOULD BE CONTACTED FOR CORRECT BUILDING SETBACK INFORMATION.
- 9) BUILDING SHOWN WAS LOCATED AND MEASURED TO TRIM AND VARIOUS EXTERIOR MATERIALS. STRUCTURE AND DIMENSIONS SHOWN SHOULD NOT BE RELIED UPON FOR ADDITION DESIGN.
- 10) 1' CONTOUR INTERVAL.
- 11) THE PLAT RECORDED AT RN 140925 WAS USED FOR THIS SURVEY.

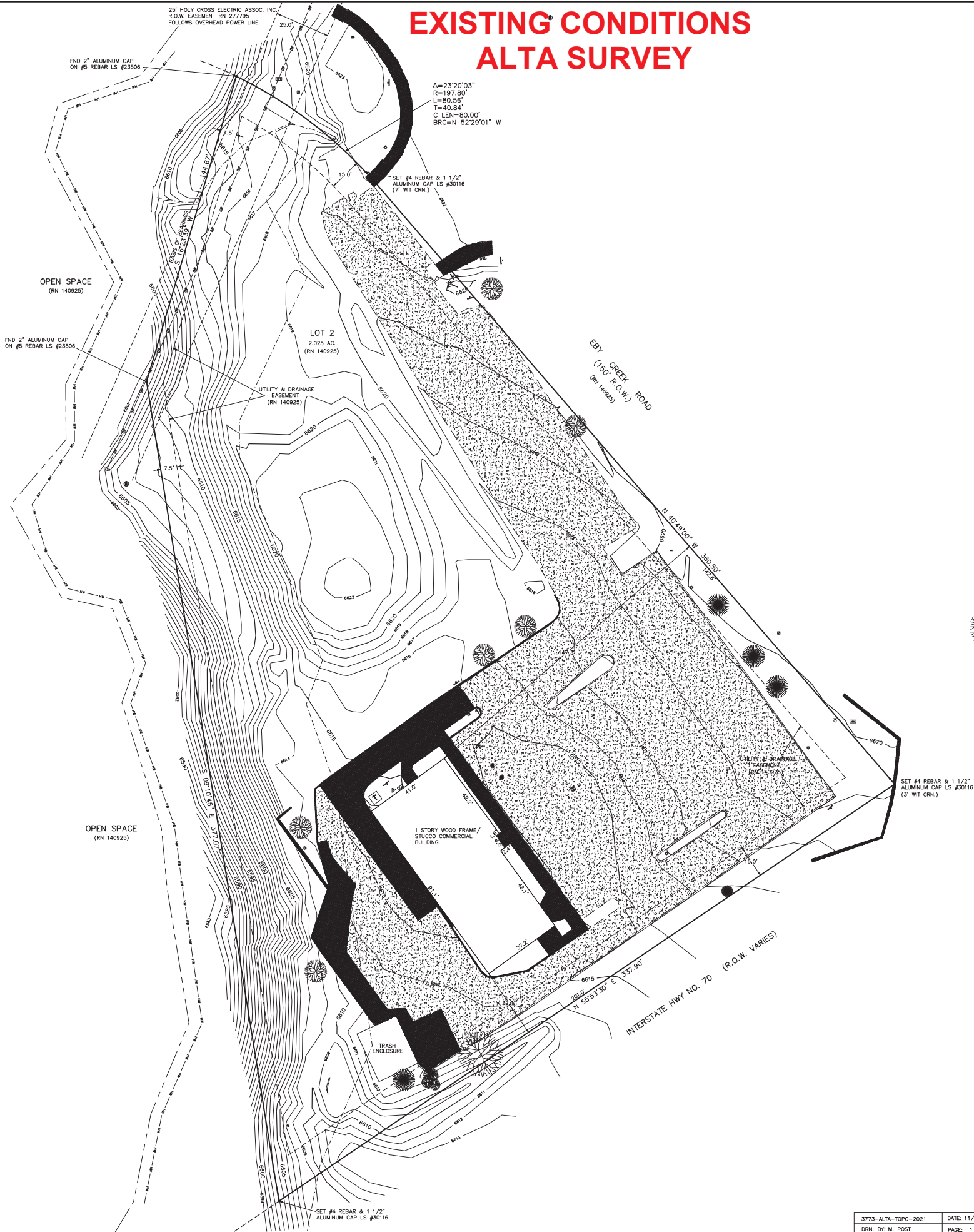
To: North Eagle Investments LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 4, 5, 7(a) and 8 of Table A thereof. The fieldwork was completed on 11/10/2021.



EAGLE VALLEY SURVEYING, INC.

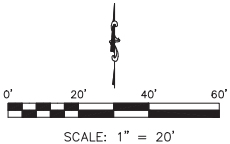
4199 HIGHWAY 6 & 24, EAGLE-VAL
P.O. BOX 1230
EDWARDS, CO. 81632
(970)949-1406



LEGEND

- UTILITY POLE
GUY WIRE
UTILITY HANDHOLE
TELEPHONE PEDESTAL
PVC
ELECTRIC JUNCTION BOX
ELECTRIC TRANSFORMER
ELECTRIC VAULT/MANHOLE
WATER CURB STOP
WATER VALVE
CMP
GAS METER
SANITARY SEWER MANHOLE
STORM SEWER INLET
SPRINKLER VALVE
FENCE POST
LIGHT/LIGHT POLE
SIGN
ASPHALT SURFACE
CONCRETE SURFACE
EDGE ASPHALT
FLOWLINE DITCH
FLOWLINE CREEK
OVERHEAD POWER LINE
CREEK HIGH WATER LINE
75' SETBACK TO HIGH WATER LINE

- DENOTES CONIFEROUS TREE W/ APPROX. 0.5' TRUNK DIAMETER
● DENOTES DECIDUOUS TREE W/ APPROX. 1.0' TRUNK DIAMETER
● DENOTES CONIFEROUS TREE W/ APPROX. 1.0' TRUNK DIAMETER
● DENOTES DECIDUOUS TREE W/ APPROX. 2.0' TRUNK DIAMETER



ALTA/NSPS LAND TITLE SURVEY
TOPOGRAPHIC SURVEY
LOT 2, BLOCK 3, EBY CREEK SUBDIVISION
TOWN OF EAGLE, EAGLE COUNTY, COLORADO

3773-ALTA-TOPO-2021
DATE: 11/2021
DRN. BY: M. POST
PAGE: 1 OF 1

JOB No. 3773

ANB Bank Concept Site Plan



ANB Bank Single Story Building

SITE AREA
2.025 ACRES

ZONING
Commercial General

Financial Service Use Permitted

PARKING
Approximate 3700+ sf Building
1:300 Parking
12.47 stalls Required
13 Stalls Provided

SITE LAYOUT
25' Front Setback
10' Landscape Setback
50' High Water Stream Setback
(No Adverse Environmental Impacts)

BUILDING LAYOUT
Entrance Paralleling Street

Less than 50% of Parking between public row property line and building.

Dual lane drive-through more than six stacking spaces provided.

BUILDING ARCHITECTURE
Approx. 20.5' Tall Single Story Building
Red Brick Exterior Masonry Facade with Stone/ACM Metal Panel Accent

Break up facade with articulation using architecture design features

TPO Roof w/ Screened Rooftop Equipment

- LEGEND**
- PROPOSED PROPERTY LINE
 - SETBACK
 - EASEMENT

ANB BANK EAGLE CONCEPT PLAN

GRAPHIC SCALE IN FEET
0 10 20 40

Date:
10/17/2024

ANB Bank Concept Site Plan

Showing Existing South Parcel Conditions Overlay



ANB Bank Single Story Building

SITE AREA
2.025 ACRES

ZONING
Commercial General

Financial Service Use Permitted

PARKING
Approximate 3700+ sf Building
1:300 Parking
12.47 stalls Required
13 Stalls Provided

SITE LAYOUT
25' Front Setback
10' Landscape Setback
50' High Water Stream Setback
(No Adverse Environmental Impacts)

BUILDING LAYOUT

Entrance Paralleling Street

Less than 50% of Parking between public row property line and building.

Dual lane drive-through more than six stacking spaces provided.

BUILDING ARCHITECTURE
Approx. 20.5' Tall Single Story Building
Red Brick Exterior Masonry Facade with
Stone/ACM Metal Panel Accent

Break up facade with articulation using architecture design features

TPO Roof w/ Screened Rooftop Equipment

LEGEND

PROPOSED PROPERTY LINE
SETBACK
EASEMENT

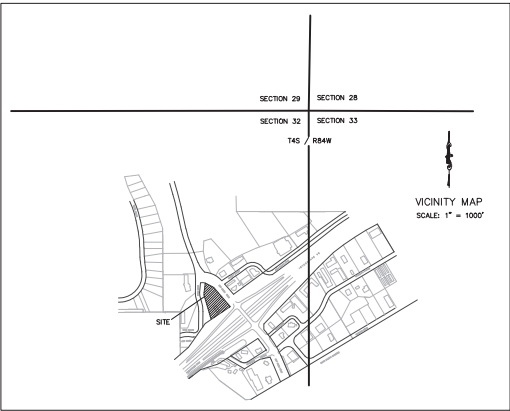
ANB BANK
EAGLE CONCEPT
PLAN

GRAPHIC SCALE IN FEET
0 10 20 40



Date:
10/17/2024

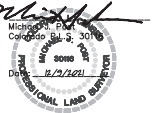
ANB Bank Concept Site Plan
Overlay on Alta Survey showing existing site and existing contours for reference



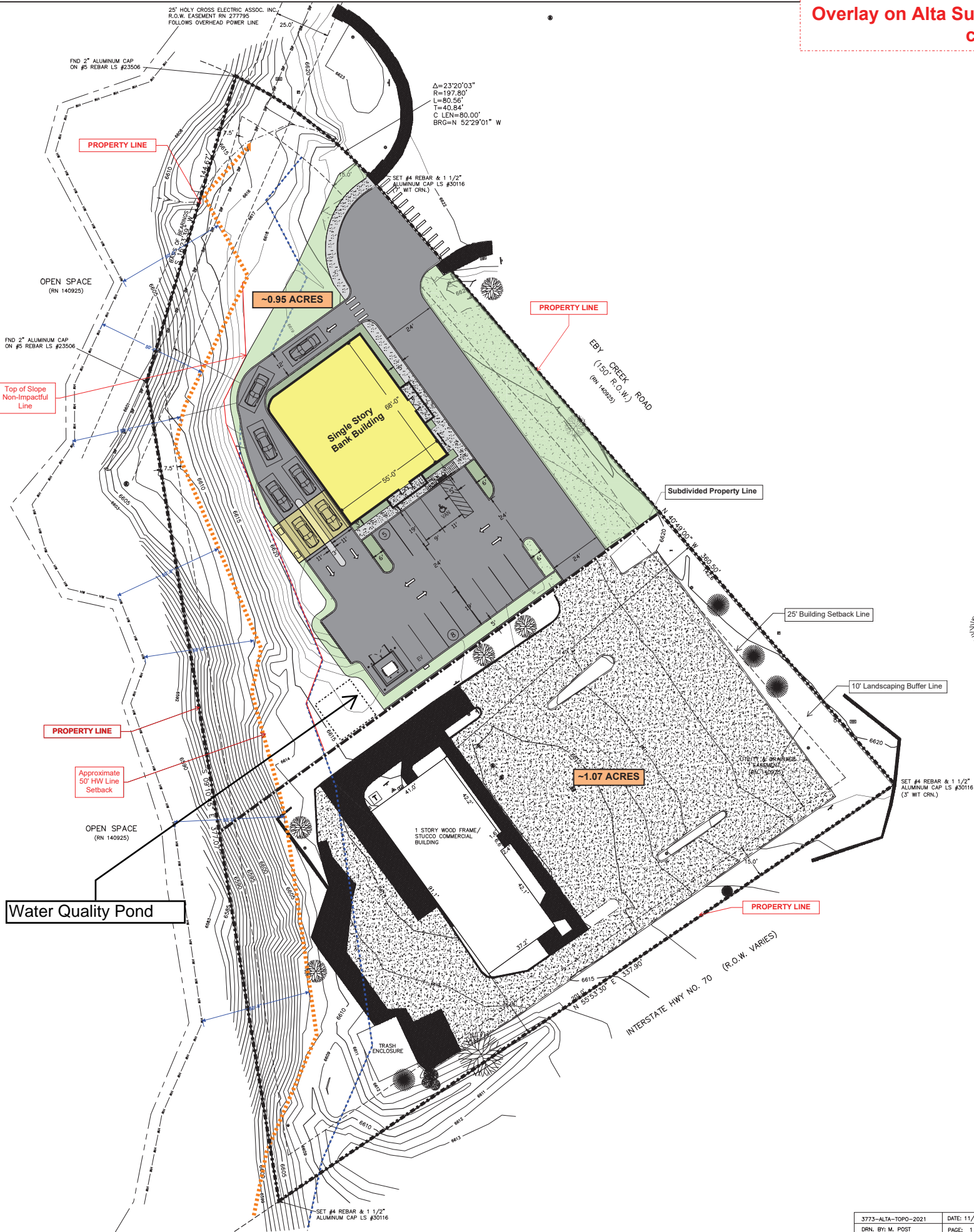
- NOTES:
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HIGH WATER LINE & 75' SETBACK TO HIGH WATER LINE ADDED 7/31/2024.
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To: North Eagle Investments LLC.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2016 Minimum Standards Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 4, 5, 7(a) and 8 of Table A thereof. The fieldwork was completed on 11/10/2021.

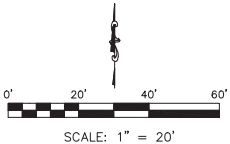


EAGLE VALLEY SURVEYING, INC.
4199 HIGHWAY 6 & 24, EAGLE-VAL
P.O. BOX 1230
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- LEGEND
- UTILITY POLE
 - GUY WIRE
 - UTILITY HANDHOLE
 - TELEPHONE PEDESTAL
 - PVC
 - ELECTRIC JUNCTION BOX
 - ELECTRIC TRANSFORMER
 - ELECTRIC VAULT/MANHOLE
 - WATER CURB STOP
 - WATER VALVE
 - CMP
 - GAS METER
 - SANITARY SEWER MANHOLE
 - STORM SEWER INLET
 - SPRINKLER VALVE
 - FENCE POST
 - LIGHT/LIGHT POLE
 - SIGN
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 - CONCRETE SURFACE
 - EDGE ASPHALT
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- DENOTES DECIDUOUS TREE W/ APPROX. 2.0' TRUNK DIAMETER



Additional notes, linework, and dimensions have been placed on this exhibit. This information has been shown for evaluation and informational purposes only and are independent of and are not part of the original Alta survey plan or information.

Date:
10/17/2024

ALTA/NSPS LAND TITLE SURVEY
TOPOGRAPHIC SURVEY
LOT 2, BLOCK 3, EBY CREEK SUBDIVISION
TOWN OF EAGLE, EAGLE COUNTY, COLORADO

3773-ALTA-TOPO-2021 DATE: 11/2021
DRN. BY: M. POST PAGE: 1 OF 1

JOB No. 3773

Appendix B



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Western Colorado Ecological Services Field Office
445 West Gunnison Avenue, Suite 240
Grand Junction, CO 81501-5711
Phone: (970) 628-7180 Fax: (970) 245-6933



In Reply Refer To:
Project Code: 2025-0027844
Project Name: ANB Bank Eagle

12/05/2024 17:02:49 UTC

Subject: List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2) (c)). For projects other than major construction activities, the Service suggests that a biological

evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at: <https://www.fws.gov/sites/default/files/documents/endangered-species-consultation-handbook.pdf>

Migratory Birds: In addition to responsibilities to protect threatened and endangered species under the Endangered Species Act (ESA), there are additional responsibilities under the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA) to protect native birds from project-related impacts. Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the U.S. Fish and Wildlife Service (50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)). For more information regarding these Acts, see <https://www.fws.gov/program/migratory-bird-permit/what-we-do>.

The MBTA has no provision for allowing take of migratory birds that may be unintentionally killed or injured by otherwise lawful activities. It is the responsibility of the project proponent to comply with these Acts by identifying potential impacts to migratory birds and eagles within applicable NEPA documents (when there is a federal nexus) or a Bird/Eagle Conservation Plan (when there is no federal nexus). Proponents should implement conservation measures to avoid or minimize the production of project-related stressors or minimize the exposure of birds and their resources to the project-related stressors. For more information on avian stressors and recommended conservation measures, see <https://www.fws.gov/library/collections/threats-birds>.

In addition to MBTA and BGEPA, Executive Order 13186: *Responsibilities of Federal Agencies to Protect Migratory Birds*, obligates all Federal agencies that engage in or authorize activities that might affect migratory birds, to minimize those effects and encourage conservation measures that will improve bird populations. Executive Order 13186 provides for the protection of both migratory birds and migratory bird habitat. For information regarding the implementation of Executive Order 13186, please visit <https://www.fws.gov/partner/council-conservation-migratory-birds>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Code in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List

- USFWS National Wildlife Refuges and Fish Hatcheries
- Bald & Golden Eagles
- Migratory Birds
- Wetlands

OFFICIAL SPECIES LIST

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

Western Colorado Ecological Services Field Office

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

(970) 628-7180

PROJECT SUMMARY

Project Code: 2025-0027844
Project Name: ANB Bank Eagle
Project Type: Commercial Development
Project Description: Proposed bank building project
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.66064895,-106.82914806130641,14z>



Counties: Eagle County, Colorado

ENDANGERED SPECIES ACT SPECIES

There is a total of 10 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 4 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries¹, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

-
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

MAMMALS

| NAME | STATUS |
|--|--|
| Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3652 | Threatened |
| Gray Wolf <i>Canis lupus</i> Population: CO No critical habitat has been designated for this species. Species profile: https://ecos.fws.gov/ecp/species/4488 | Experimental Population, Non- Essential |

BIRDS

| NAME | STATUS |
|--|------------|
| Mexican Spotted Owl <i>Strix occidentalis lucida</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/8196 | Threatened |
| Yellow-billed Cuckoo <i>Coccyzus americanus</i> Population: Western U.S. DPS There is final critical habitat for this species. Your location does not overlap the critical habitat. Species profile: https://ecos.fws.gov/ecp/species/3911 | Threatened |

FISHES

| NAME | STATUS |
|--|------------|
| Bonytail <i>Gila elegans</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. Effects of water depletions must be considered even outside of occupied range. Species profile: https://ecos.fws.gov/ecp/species/1377 | Endangered |
| Colorado Pikeminnow <i>Ptychocheilus lucius</i> Population: Wherever found, except where listed as an experimental population There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: <ul style="list-style-type: none"> Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. Effects of water depletions must be considered even outside of occupied range. Species profile: https://ecos.fws.gov/ecp/species/3531 | Endangered |
| Humpback Chub <i>Gila cypha</i> There is final critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions: | Threatened |

| NAME | STATUS |
|------|--------|
|------|--------|

- Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. Effects of water depletions must be considered even outside of occupied range.

Species profile: <https://ecos.fws.gov/ecp/species/3930>

Razorback Sucker *Xyrauchen texanus*

Endangered

There is **final** critical habitat for this species. Your location does not overlap the critical habitat. This species only needs to be considered under the following conditions:

- Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. Effects of water depletions must be considered even outside of occupied range.

Species profile: <https://ecos.fws.gov/ecp/species/530>

INSECTS

| NAME | STATUS |
|------|--------|
|------|--------|

Monarch Butterfly *Danaus plexippus*

Candidate

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/9743>

FLOWERING PLANTS

| NAME | STATUS |
|------|--------|
|------|--------|

Ute Ladies'-tresses *Spiranthes diluvialis*

Threatened

No critical habitat has been designated for this species.

Species profile: <https://ecos.fws.gov/ecp/species/2159>

CRITICAL HABITATS

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

YOU ARE STILL REQUIRED TO DETERMINE IF YOUR PROJECT(S) MAY HAVE EFFECTS ON ALL ABOVE LISTED SPECIES.

USFWS NATIONAL WILDLIFE REFUGE LANDS AND FISH HATCHERIES

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

BALD & GOLDEN EAGLES

Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act¹ and the Migratory Bird Treaty Act².

Any person or organization who plans or conducts activities that may result in impacts to bald or golden eagles, or their habitats³, should follow appropriate regulations and consider implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

-
1. The [Bald and Golden Eagle Protection Act](#) of 1940.
 2. The [Migratory Birds Treaty Act](#) of 1918.
 3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

There are likely bald eagles present in your project area. For additional information on bald eagles, refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|--|------------------------|
| Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626 | Breeds Dec 1 to Aug 31 |
| Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680 | Breeds Dec 1 to Aug 31 |

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read ["Supplemental Information on Migratory Birds and Eagles"](#), specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

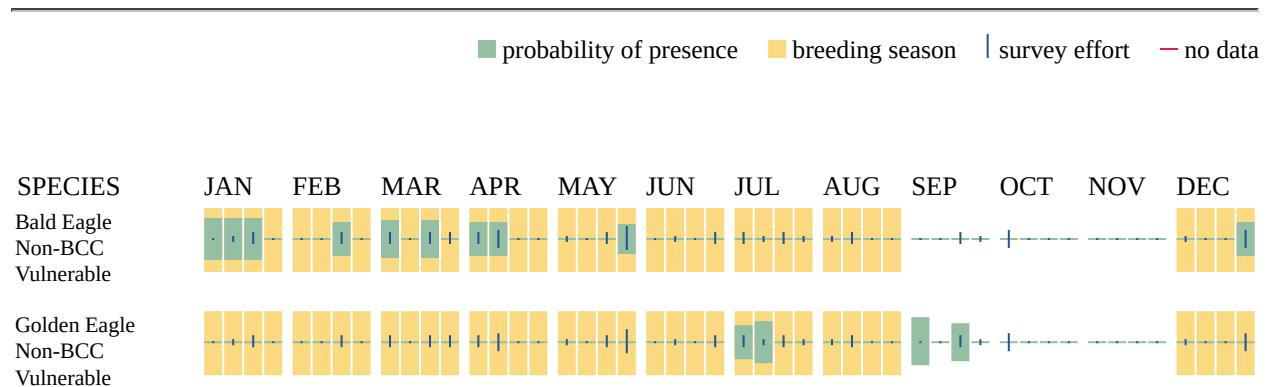
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>
- Measures for avoiding and minimizing impacts to birds <https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds>
- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
- Supplemental Information for Migratory Birds and Eagles in IPaC <https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action>

MIGRATORY BIRDS

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats³ should follow appropriate regulations and consider

implementing appropriate conservation measures, as described in the links below. Specifically, please review the ["Supplemental Information on Migratory Birds and Eagles"](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.
3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, see the PROBABILITY OF PRESENCE SUMMARY below to see when these birds are most likely to be present and breeding in your project area.

| NAME | BREEDING SEASON |
|---|-------------------------|
| Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1626 | Breeds Dec 1 to Aug 31 |
| Broad-tailed Hummingbird <i>Selasphorus platycercus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/11935 | Breeds May 25 to Aug 21 |
| Brown-capped Rosy-finch <i>Leucosticte australis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9461 | Breeds Jun 15 to Sep 15 |
| Cassin's Finch <i>Haemorhous cassinii</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9462 | Breeds May 15 to Jul 15 |
| Clark's Nutcracker <i>Nucifraga columbiana</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA https://ecos.fws.gov/ecp/species/9421 | Breeds Jan 15 to Jul 15 |
| Evening Grosbeak <i>Coccothraustes vespertinus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9465 | Breeds May 15 to Aug 10 |
| Golden Eagle <i>Aquila chrysaetos</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. https://ecos.fws.gov/ecp/species/1680 | Breeds Dec 1 to Aug 31 |

| NAME | BREEDING SEASON |
|---|-------------------------|
| Lewis's Woodpecker <i>Melanerpes lewis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9408 | Breeds Apr 20 to Sep 30 |
| Long-eared Owl <i>asio otus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3631 | Breeds Mar 1 to Jul 15 |
| Olive-sided Flycatcher <i>Contopus cooperi</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/3914 | Breeds May 20 to Aug 31 |
| Pinyon Jay <i>Gymnorhinus cyanocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9420 | Breeds Feb 15 to Jul 15 |
| Virginia's Warbler <i>Leiothlypis virginiae</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. https://ecos.fws.gov/ecp/species/9441 | Breeds May 1 to Jul 31 |

PROBABILITY OF PRESENCE SUMMARY

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read "[Supplemental Information on Migratory Birds and Eagles](#)", specifically the FAQ section titled "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Green bars; the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during that week of the year.

Breeding Season (■)

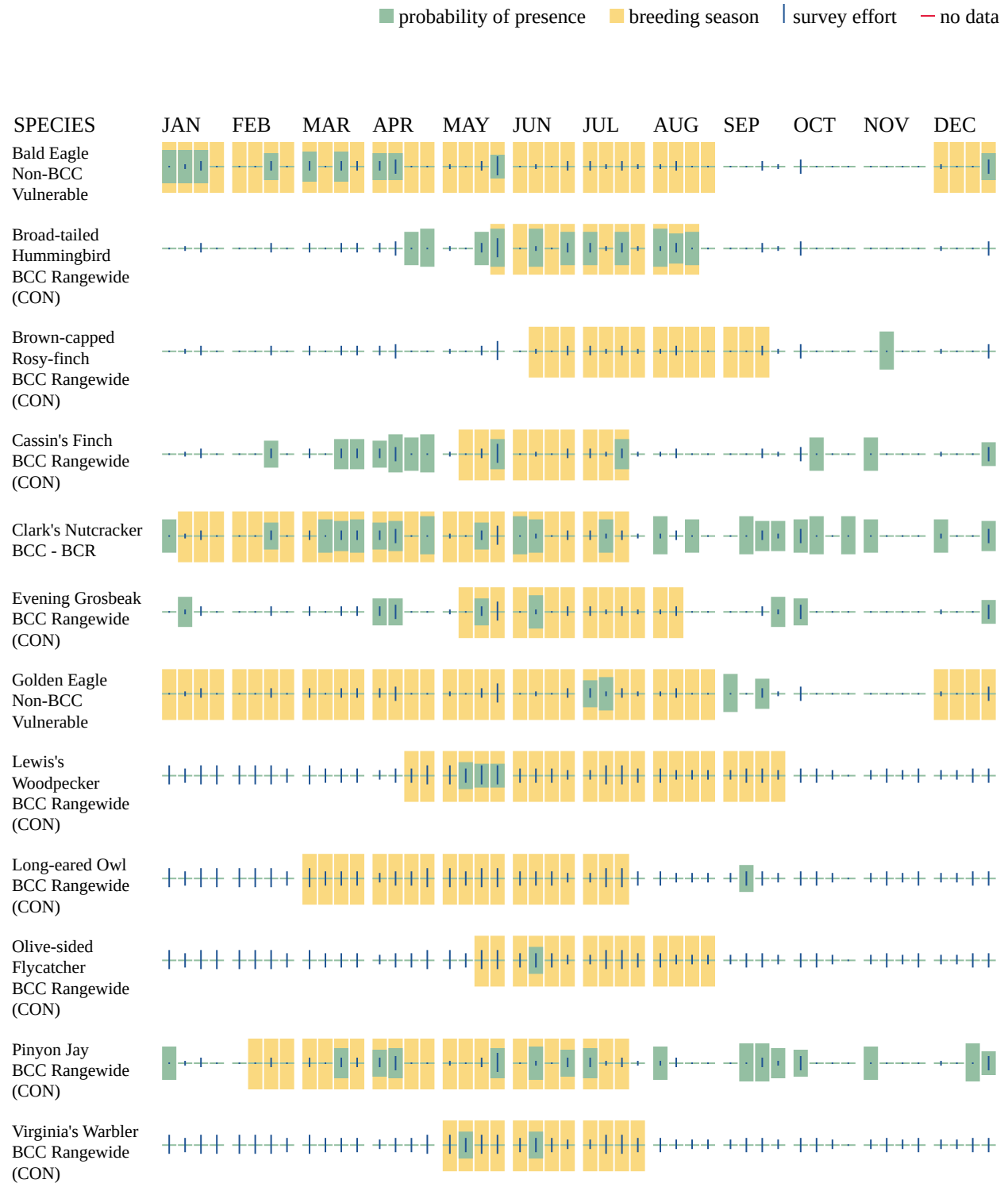
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

Survey Effort (|)

Vertical black lines; the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data (—)

A week is marked as having no data if there were no survey events for that week.



Additional information can be found using the following links:

- Eagle Management <https://www.fws.gov/program/eagle-management>

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- Nationwide conservation measures for birds <https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf>
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WETLANDS

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

THERE ARE NO WETLANDS WITHIN YOUR PROJECT AREA.

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