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# Red Mountain Ranch Wildlife Conservation Plan

Town of Eagle, Eagle County, Colorado

September 16, 2025

## Prepared For:

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ERC Project #200-2513

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Wildlife Conservation Plan  
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Appendix A – Development Plan

Appendix B – CPW SAM and HPH Wildlife Maps

Appendix C – USFWS IPaC Species List

Appendix D – USFWS Eagle Disturbance General Take Permit

## 1.0 Introduction

### 1.1 Background and Scope of the Report

Ecological Resource Consultants, LLC (ERC) provides the following Wildlife Conservation Plan (WCP) on behalf of Griffin Development, LLC, for the proposed Red Mountain Ranch 15.1-acre residential development property (Project Area) in Eagle County, Colorado. This report includes a site-specific evaluation of wildlife habitat and use within the Project Area based on existing vegetation communities, Species Activity Mapping (SAM) and High Priority Habitat (HPH) data from Colorado Parks and Wildlife (CPW), and potential federal and state listed threatened or endangered species and/or habitat that could exist on, or immediately surrounding, the Project Area. This report was prepared to provide information relevant to the Town of Eagle Land Use and Development Code (Town Code) Chapter 4.14.040 and is intended to satisfy the requirements of Section E Wildlife Conservation Plan (Town of Eagle Recode 2023).

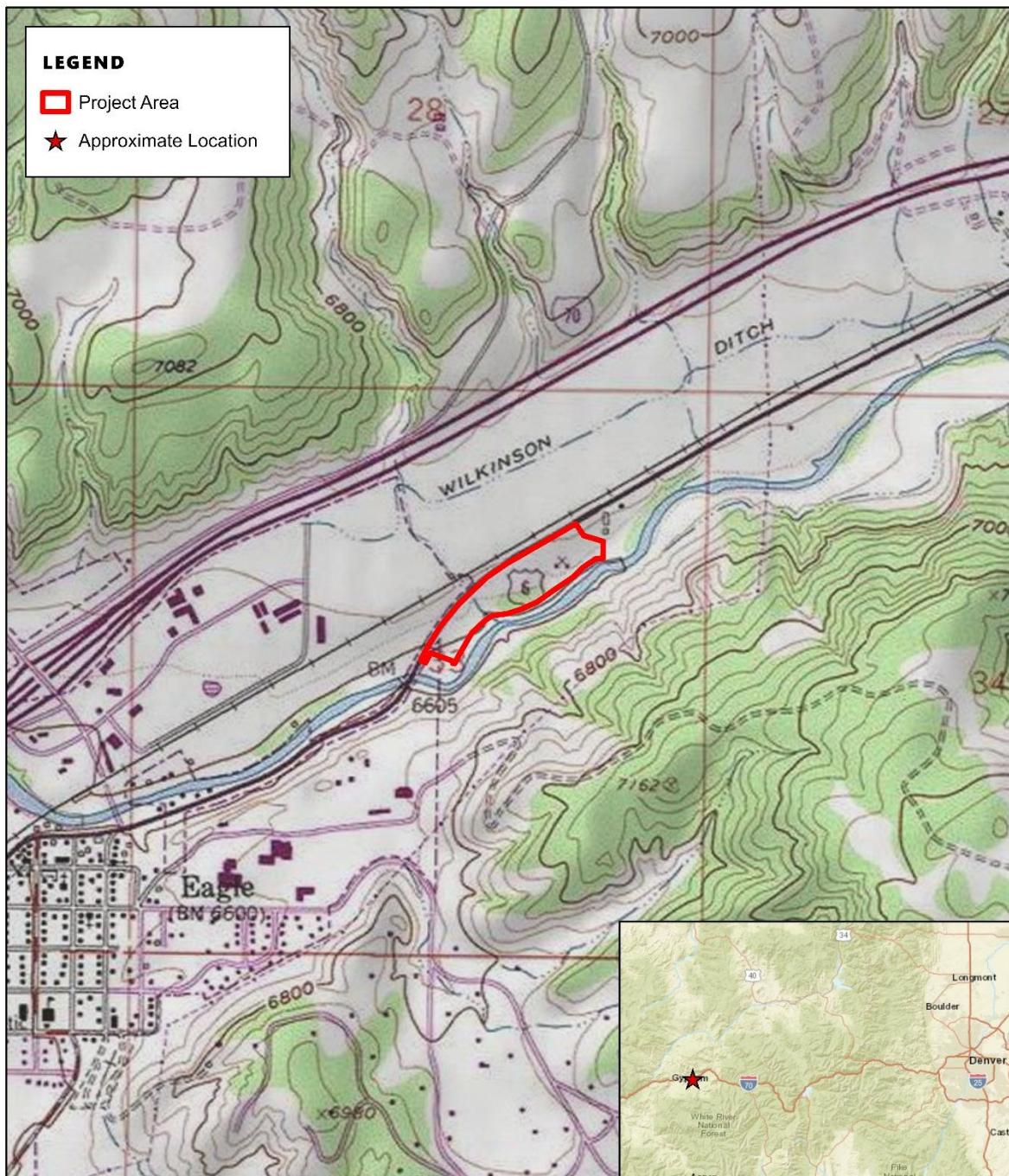
### 1.2 Project Area Location

The Project Area is located in Eagle County, Colorado in Section 33, Township 4 South, Range 84 West (Latitude 39.662467°N, Longitude -106.812183°W; **[Figure 1]**). The Project Area is situated on an undeveloped property, bound by Highway 6 to the north and the Eagle River to the south, within the Town of Eagle.

### 1.3 Town of Eagle Code and Plan Guidelines

The Town Code contains a variety of policies requiring the conservation and protection of wildlife habitat, specifically habitats containing elements necessary for the survival and health of wildlife species within Eagle County. Any proposed developments that will, or may, have an adverse impact on wildlife and/or wildlife habitat require a WCP.

Furthermore, according to the Town Code, residential developments larger than two (2) acres require a WCP. Review criteria for the WCP includes impacts to wildlife species directly, wildlife habitat, wildlife migration, movement, and displacement, and cumulative impacts to the Project Area and the surrounding vicinity. ERC has reviewed development plans for the Project Area and addresses potential impacts, mitigation measures, and potential habitat enhancement and restoration effort recommendations within the plan below.



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**FIGURE 1**  
**LOCATION & TOPOGRAPHIC MAP**  
**RED MOUNTAIN RANCH**  
**EAGLE COUNTY, COLORADO**



0 625 1,250 Feet

## 2.0 Existing Conditions

ERC evaluated the existing conditions, vegetation communities, and general wildlife habitat within the Project Area. The evaluation first consisted of a preliminary desktop review utilizing existing available mapping. Available mapping compiled for the Project Area included:

- Satellite imagery, August 2023 (Google Earth 2025),
- CPW SAM data (CPW 2025a),
- CPW HPH data (CPW 2024a)
- US Fish and Wildlife Service (USFWS) – Critical Habitat Layers (USFWS 2025a),

The data was reviewed, and the general extents and characterization of land use classes and vegetation cover types were documented. Site-specific field evaluation was then conducted in June and July 2025, to evaluate existing conditions within the Project Area.

### 2.1 Project Area Description

The Project Area comprises approximately 15.1 acres of relatively flat terrain, situated along the north bank of the Eagle River. The Project Area is located in the northern portion of the Town of Eagle with an approximate elevation between 6,610 and 6,650 feet above mean sea level (Google Earth 2025). The Project Area is surrounded by commercial, residential, and industrial properties, as well as Highway 6, to the north and northwest, Eagle River to the south and west, and undeveloped property to the northeast. The Project Area is primarily comprised of disturbed shrubland situated within an upland terrace, with dispersed patches of bare soil, as well as a riparian corridor along the Eagle River.

The landscape within the upland terrace in the northern part of the Project Area has been previously disturbed by past gravel mining activities. The previous land use has contributed to the disturbed shrubland that comprises the majority of the Project Area, and while remnants of desert shrubland dominated by big basin sagebrush (*Artemesia tridentata* ssp. *tridentata*) and rubber rabbitbrush (*Ericameria nauseosa*) persist, they primarily have a sparse, weedy understory. The riparian corridor supports riparian vegetation with a mature overstory of cottonwood trees, willows, and other native shrubs (Birch Ecology, LLC 2024).

### 2.2 Proposed Project Description

The proposed project is a residential development with a total of 66 residential units, comprised of 42 townhomes, 12 duplexes, and 12 single family homes. Open space amenities and community landscape features are also proposed as part of the overall development. The development plan depicts an entrance from Highway 6 located at the northeast corner of the Project Area.

The public land dedication requirement of the Planned Unit Development (PUD) of at least 20%, as specified in the Town Code Section 4.08.040 C.1., is satisfied with three areas dedicated to open space, totaling approximately 20 acres (57% of total PUD). Furthermore, pursuant to Town Code Section 4.14.050 C.2., a 75-foot riparian setback has been incorporated into the project plans between the proposed

development and the Eagle River. The Code requires a minimum setback of 75 feet from the ordinary high-water mark or the extent of the mapped 100-year floodplain, whichever is greater. At this location, the 75-foot setback is in effect because the mapped 100-year floodplain is narrower than 75 feet. This setback is intended to minimize erosion, protect water quality, and preserve fish and wildlife habitat. The riparian setback area will be protected and not subject to site disturbance, including grading, excavation, removal of native vegetation, or new construction, with the exception of a permissible unpaved pedestrian trail, approved flood control or stormwater structures, and a diversion point for a non-potable irrigation pump station. Additionally, invasive vegetation management, as well as revegetation of disturbed areas, will be conducted with the goal of enhancing the riparian setback area within the Project Area. The development plan for the proposed project is in **Appendix A**.

### 2.3 Land Use Classes and Vegetation Cover Types

In total, two (2) land use classes and vegetation cover types were identified by ERC within the Project Area. Refer to **Table 1** for a summary of the habitat types and their distribution.

**Table 1. Summary of Habitat Types and Their Distribution in the Project Area.**

Land Use Classes and Vegetation Cover Types	Approximate Area (acres)	Approximate Area (percent)
Ruderal Shrubland	10.9	72%
Riparian Woodland	4.2	28%
<b>Total Project Area</b>	<b>15.1</b>	<b>100%</b>

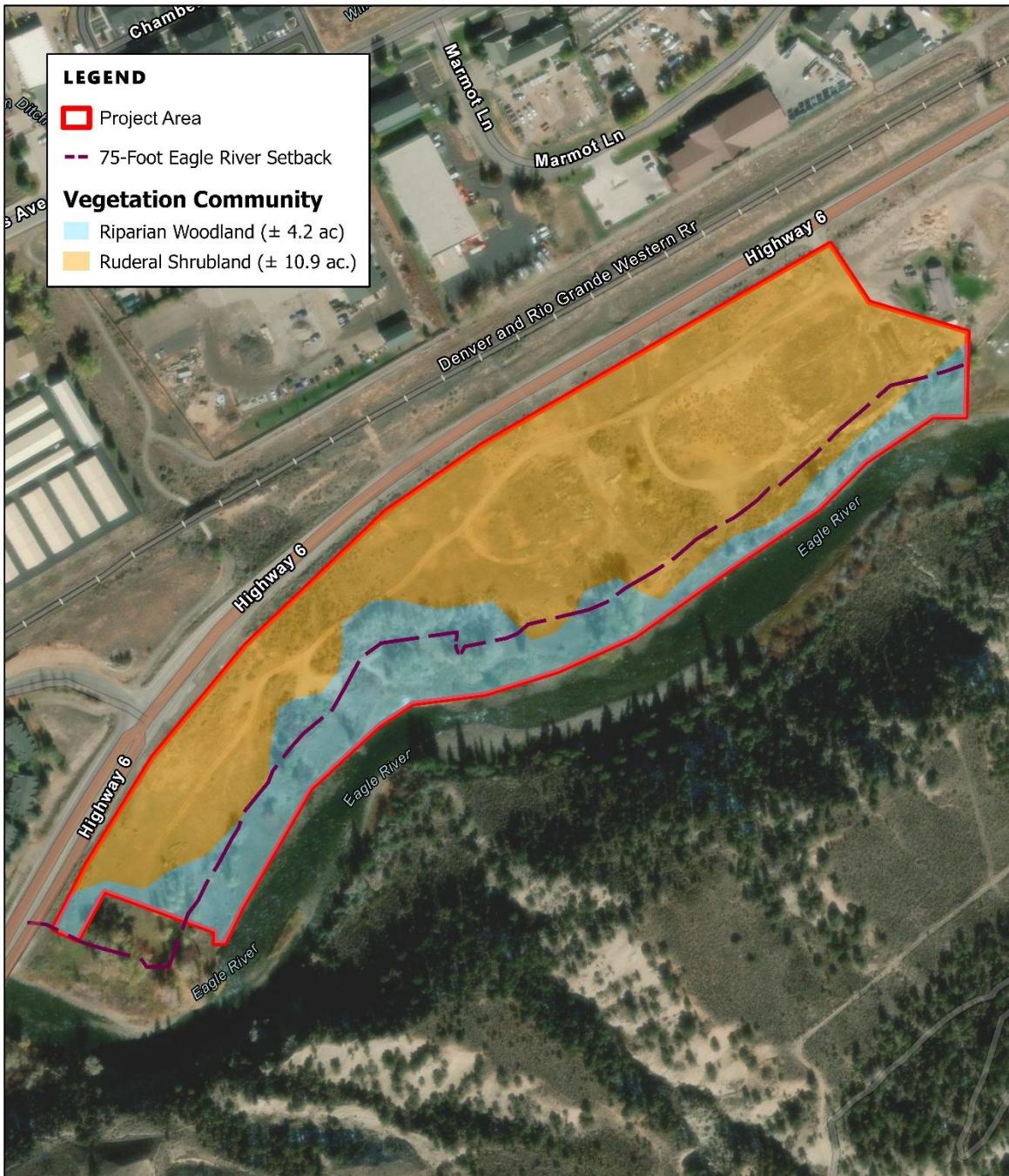
Source: NatureServe 2025

The following **Table 2** provides a brief description of the existing land use classes and vegetation cover types identified within the Project Area, as illustrated in **Figure 2**. Representative examples of these vegetation communities are shown in Photos 1 through 8.

**Table 2. Description of Land Use Classes and Vegetation Cover Types within the Project Area.**

Land Use Classes and Vegetation Cover Types	Description
Ruderal Shrubland	<p>This community is characterized by a shrub canopy with non-native herbaceous understory. Within the Project Area, the dominant species are comprised of big basin sagebrush and rubber rabbitbrush. Shrub cover varies throughout this vegetation community within the Project Area, resulting in areas with sparse cover (&lt;5% cover), interspersed with areas of dense cover (&gt;70% cover). The herbaceous understory is dominated by non-native grasses and forbs, such as cheatgrass (<i>Bromus tectorum</i>), white top (<i>Lepidium draba</i>), scotch thistle (<i>Onopordum acanthium</i>), and Russian knapweed (<i>Rhaponticum repens</i>). Within this vegetation community, there are areas that consist of bare ground and relatively low vegetation cover dispersed throughout the Project Area.</p>
Riparian Woodland	<p>The riparian woodland community consists of tree canopy dominated by narrowleaf cottonwood (<i>Populus angustifolia</i>) and balsam poplar (<i>Populus balsamifera</i>) with a shrub layer dominated by river hawthorn (<i>Crataegus rivularis</i>) and coyote willows (<i>Salix exigua</i>). The herbaceous understory within the Project Area contains weedy and non-native species in some areas, such as smooth brome (<i>Bromus inermis</i>) and Canada thistle (<i>Cirsium arvense</i>). Areas directly adjacent to the stream contain hydrophytic vegetation within the wetlands. The 75-foot riparian setback bisects this vegetation community, resulting in protection from the proposed development for the majority of the riparian woodland (<b>Figure 2</b>).</p>

Source: NatureServe 2025



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**FIGURE 2**  
**VEGETATION COMMUNITIES**  
**AND 75-FOOT SETBACK MAP**  
**RED MOUNTAIN RANCH**  
**EAGLE COUNTY, COLORADO**





**Photo 1.** View facing south, showing the ruderal shrubland community and the riparian woodland community along the Eagle River.



**Photo 2.** View facing southeast, showing bare ground within the ruderal shrubland community, and the Eagle River riparian woodland community.



**Photo 3.** View facing southeast, showing mature cottonwoods within the riparian woodland community along the Eagle River.



**Photo 4.** View facing south from the northern portion of the Project Area, showing disturbed habitat characterized by sparse shrubs and scattered forbs within the ruderal shrubland community.



**Photo 5.** View facing northwest within the western portion of the Project Area, depicting the areas of bare ground and minimal vegetation coverage within the ruderal shrubland community.



**Photo 6.** View facing southwest along the southern boundary of the Project Area, depicting the disturbed riparian woodland community along the Eagle River.



**Photo 7.** View facing northeast along the southern boundary of the Project Area, depicting the disturbed riparian woodland community along the Eagle River.



**Photo 8.** View facing southwest along the southern boundary of the Project Area, depicting the wetlands along the Eagle River within the riparian community in the foreground, and the riparian woodland community in the background.

## 3.0 Wildlife

ERC conducted a literature review as part of initial data collection for preparation of this report. Among others, ERC reviewed the available literature sources including CPW information and the USFWS Federal Register.

Field inspections were conducted in June and July 2025 to identify and document the presence of vegetation communities, general wildlife habitat use, and migratory bird habitat as well as potential for threatened and endangered species/habitat. Upon review of all available resources, including literature and field inspections, ERC provides the following determination for the Project Area.

### 3.1 Site Specific Wildlife Use

Wildlife can utilize the landscape in a multitude of ways. Wildlife can use specific habitats as areas of permanent inhabitance, seasonal inhabitance, breeding grounds, migratory routes, for foraging purposes, as temporary shelter, and as general "open space." General wildlife habitat within the Project Area consists primarily of ruderal shrubland habitat, as well as riparian habitat along the Eagle River.

The majority of potential wildlife habitat within the Project Area has been historically disturbed due to gravel mining activities. The ruderal shrubland vegetation community is predominantly non-native and weedy species, with patches devoid of vegetation. This habitat is not typically considered of high ecological value to wildlife; however, this area can have beneficial values to certain wildlife species. This area, at a minimum, is considered "open space" providing limited foraging and hunting grounds, refuge, and limited areas for nesting. Such lands provide food, cover, nesting, and open-space habitat, allowing movement and exchange of plant and animal populations.

Conversely, the riparian woodland vegetation community adjacent to the Eagle River largely consists of native vegetation, providing habitat to various species, including breeding and migrating birds, water dependent species, and big game. However, there are portions of the riparian woodland habitat within the Project Area that are disturbed and contain non-native understory, impacting the habitat quality.

### 3.2 Colorado Parks and Wildlife (CPW) Species Activity Mapping (SAM)

CPW has developed Species Activity Mapping (SAM) which identifies buffer zones and other distribution data for general wildlife species which is available in Geographic Information Systems (GIS) format (CPW 2025a). The latest publicly available SAM data issued by CPW is from January 13, 2025, with definitions updated January 28, 2025 (CPW 2025a, 2025b). This mapping provides information on wildlife distributions to public and private agencies for environmental assessment, land management resource planning, and general scientific research. The specific CPW-mapped wildlife use areas or current ranges for any species within ½-mile of the Project Area are summarized as follows in **Table 3**. Refer to **Appendix B** for the CPW maps within the vicinity of the Project Area.

**Table 3. CPW Species Activity Mapped Wildlife Use Areas Within the Project Area**

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
<b>BALD EAGLE</b>			
ACTIVE NEST SITE:	A specific location in which a pair of Bald Eagles have at least attempted to nest within the last five years. Any nest location that can be directly tied to courtship, breeding, or brooding behavior is considered active. A buffer zone extends ½ mile around a known active nest.	Y	
SUMMER FORAGE:	Foraging areas frequented by breeding bald eagles from March 15 to July 31. These areas are almost always associated with nesting pairs.	Y; the majority of the Project Area except the northeast portion	
WINTER FORAGE:	Foraging areas frequented by wintering bald eagles between November 15 and March 15. May be a large area radiating from preferred roosting sites. In western Colorado preferred roosting sites are within dominant riparian zones.	Y	G5 (S3)
WINTER RANGE:	Those areas where bald eagles have been observed between November 15 and April 1.	Y	
WINTER CONCENTRATION:	Areas (tree, islands, etc.) within an existing winter range where eagles concentrate between November 15 and April 1. These areas may be associated with roost sites.	Y	
<b>BATS</b>			
LITTLE BROWN MYOTIS OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	Y	G3 (S5)
LONG-EARED MYOTIS OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	Y	G5
LONG-LEGGED MYOTIS OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	Y	G4 (S5)
SILVER-HAIRED BAT OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	Y	G4 (S3)
WESTERN SMALL-FOOTED MYOTIS OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	Y	G5 (S4)
HOARY BAT OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	Y	G3

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
TOWNSEND'S BIG-EARED BAT OVERALL RANGE:	The area which encompasses the observed and predicted range of a population of bats.	N; approximately 1,700 feet to the northwest of the Project Area	G4 (S2)
<b>BIRDS (excl. raptors)</b>			
BAND-TAILED PIGEON BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G4
BREWER SPARROW BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S4)
BROWN-CAPPED ROSY FINCH OVERALL RANGE:	Area which encompasses all known seasonal activity areas within the observed range of a Brown-capped rosy finch population.	Y	G4 (S3)
GRAY VIREO BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S2)
JUNIPER TITMOUSE BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S4)
LAZULI BUNTING BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5
LEWIS'S WOODPECKER BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G4

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
OLIVE-SIDED FLYCATCHER BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G4 (S3)
PINYON JAY BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G3
RUFOUS HUMMINGBIRD MIGRATION RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found while seasonally moving between their winter range and their breeding range.	Y	G4 (SNR)
VEERY BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S3)
VIRGINIA'S WARBLER BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5
<b>BLACK BEAR</b>			
OVERALL RANGE:	The area which encompasses all known seasonal activity areas within the observed range of a population of black bear.	Y	G5
HUMAN CONFLICT AREA:	That portion of the overall range where two or more confirmed black bear complaints per season were received which resulted in CPW investigation, damage to persons or property (cabins, tents, vehicles, etc.), and/or the removal of the problem bear(s). This does not include damage caused by bears to livestock.	Y	
FALL CONCENTRATION:	That portion of the overall range occupied from August 15 until September 30 for the purpose of ingesting large quantities of mast and berries to establish fat reserves for the winter hibernation period.	N; approximately 2,000 feet to the northwest of the Project Area	

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
<b>DWARF SHREW</b>			
OVERALL RANGE:	An area which encompasses the probable range of Dwarf Shrew in Colorado. Dwarf Shrew is primarily associated with mountain habitats, mostly reported in rocky habitats in the alpine tundra and subalpine coniferous forests but also found in dry brushy slopes in Colorado around 1,670 m.	Y	G4 (S2)
<b>ELK</b>			
OVERALL RANGE:	The area which encompasses all known seasonal activity areas within the observed range of an elk population.	Y	G5
SUMMER RANGE:	That part of the range of a species where 90% of the individuals are located between spring green-up and the first heavy snowfall, or during a site-specific period of summer as defined for each Data Analysis Unit. Summer range is not necessarily exclusive of winter range; in some areas winter range and summer range may overlap.	Y	
WINTER RANGE:	That part of the overall range of a species where 90 percent of the individuals are located during the average five winters out of ten from the first heavy snowfall to spring green-up, or during a site-specific period of winter as defined for each DAU. Winter range is not delineated for elk on the Eastern Plains.	Y	
WINTER CONCENTRATION AREA:	That part of the winter range of elk where densities are at least 200% greater than the surrounding winter range density during the average five winters out of ten from the first heavy snowfall to spring green-up, or during a site specific period of winter as defined for each Data Analysis Unit.	N; approximately 1,900 feet to the southeast of the Project Area	
SEVERE WINTER RANGE:	That part of the range of a species where 90 percent of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten. The winter of 1983-84 is a good example of a severe winter.	Y; the far southwest corner overlaps, and range adjoins south of the Project Area	
<b>LYNX</b>			
LYNX POTENTIAL HABITAT	Areas having the highest potential of lynx occurrences in the state. These areas usually contain positive, probable, or possible reports. This information was derived from modeling potential lynx habitat.	Y	G5 (S1)

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
<b>RAPTOR (excl. Bald Eagle)</b>			
GOLDEN EAGLE BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S3)
NORTHERN GOSHAWK BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	-
PRAIRIE FALCON BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S4)
NORTHERN HARRIER BREEDING RANGE:	The area which encompasses the geographic area in which a population of birds can typically be found breeding (the period of time during each year when a species reproduces - mates and has young) in Colorado.	Y	G5 (S3)
<b>MOOSE</b>			
SUMMER RANGE:	That part of the overall range where 90% of the individuals are located during the summer months. This summertime frame will be delineated with specific start/end dates for each moose population within the state (ex: May 1 to Sept 15). Summer range is not necessarily exclusive of winter range.	Y	G5 (SNA)
OVERALL RANGE:	The area which encompasses all known seasonal activity areas within the observed range of a population of moose.	Y	

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
<b>MOUNTAIN LION</b>			
OVERALL RANGE:	The area which encompasses all known seasonal activity areas within the observed range of a population of mountain lion.	Y	G5 (S4)
HUMAN CONFLICT AREA:	An area where a mountain lion has been involved in an incident (conflict with a human that may have serious results), an attack on a human, predation on domestic pets, or depredation on livestock held within close proximity to human habitation.	N; however, the conflict area surrounds the Project Area on north, west, and south sides	
<b>MULE DEER</b>			
SUMMER RANGE:	Part of the Overall Range where 90% of the individuals are located between spring green-up and the first heavy snowfall. Summer Range is not necessarily exclusive of Winter Range; in some areas Winter Range and Summer Range may overlap.	Y	G5 (S4)
WINTER RANGE:	That part of the overall range where 90 percent of the individuals are located during the average five winters out of ten from the first heavy snowfall to spring green-up, or during a site specific period of winter as defined for each DAU. Winter range is only delineated for migratory populations.	Y	
SEVERE WINTER RANGE:	That part of the overall range where 90% of the individuals are located when the annual snow pack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten.	N; located approximately 350 feet southeast of the Project Area	
WINTER CONCENTRATION AREA:	That part of the winter range where densities are at least 200% greater than the surrounding winter range density during the same period used to define winter range in the average five winters out of ten.	N; located approximately 350 feet south and southeast of the Project Area	
CONCENTRATION AREA	That part of the overall range where higher quality habitat supports significantly higher densities than surrounding areas. These areas are typically occupied year-round and are not necessarily associated with a specific season. Includes rough break country, riparian areas, small drainages, and large areas of irrigated cropland.	N; located approximately 1,600 feet northeast of the Project Area	

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
RESIDENT POPULATION AREA	An area that provides year-round range for a population of mule deer. The resident mule deer use all of the area all year; it cannot be subdivided into seasonal ranges although it may be included within the overall range of the larger population.	N; located approximately 1,700 feet northwest of the Project Area	
MIGRATION CORRIDOR	A specific mappable site through which large numbers of animals migrate and loss of which would change migration routes.	N; located approximately 1,700 feet northwest of the Project Area	
OVERALL RANGE:	Area which encompasses all known seasonal activity areas within the observed range of a mule deer population.	Y	
<b>REPTILES</b>			
BULLSNAKE OVERALL RANGE:	Area which encompasses all known seasonal activity areas within the observed range of a bullsnake population.	Y	-
TERRESTRIAL GARTERSNAKE OVERALL RANGE:	Area which encompasses all known seasonal activity areas within the observed range of a terrestrial gartersnake population.	Y	G5
<b>RIVER OTTER</b>			
WINTER RANGE:	Areas used by otters during the period when ice cover is prevalent. Will normally, but not necessarily, be smaller than overall range.	Y; along the southern boundary of the Eagle River	G5 (S3)
OVERALL RANGE	An area which encompasses all mapped seasonal activity areas within the observed range of a population of river otters.	Y; along the southern boundary of the Eagle River	G5 (S3)
<b>SNOWSHOE HARE</b>			
OVERALL RANGE:	An area which encompasses the probable range of Snowshoe Hare in Colorado. Snowshoe Hare is primarily associated with dense understory vegetation that provides both browse and cover in mature Engelmann spruce ( <i>Picea engelmanni</i> )–subalpine fir ( <i>Abies lasiocarpa</i> ), and early seral lodgepole pine ( <i>Pinus contorta</i> ).	Y	G5

CPW SAM Layer	Definition	Mapped within the Project Area (Y=Yes, N=No)	<sup>1</sup> Abundance
<b>SOUTHERN RED-BACKED VOLE</b>			
OVERALL RANGE	An area which encompasses the probable range of Southern Red-backed Vole in Colorado. Southern Red-backed Vole is primarily associated with moist and well-developed coniferous forests. They are most abundant in lodgepole pine ( <i>Pinus contorta</i> ) stands, usually between 8,000 and 11,000 feet.	Y	G5
<b>WHITE-TAILED JACKRABBIT</b>			
OVERALL RANGE:	An area which encompasses the probable range of White-tailed Jackrabbit in Colorado. White-tailed Jackrabbit is primarily associated with grasslands, green pastures, and forests at high altitudes.	Y	G5 (S4)
<b>WILD TURKEY</b>			
WINTER RANGE:	That part of the overall range where 90% of the individuals are located from November 1 to April 1 during the average five winters out of ten.	N; located approximately 1,500 feet northwest of the Project Area	G5
OVERALL RANGE:	Area which encompasses all known seasonal activity areas within the observed range of a wild turkey population.	N; located approximately 200 feet southeast and 1,500 feet north of the Project Area	
PRODUCTION AREA:	Those area(s) that are used by turkeys for nesting during the period from March 15 to August 15. Human activity should be restricted in these areas during this period.	N, located approximately 1,500 feet northwest of the Project Area	

Source: CPW 2025a, 2025b; NatureServe 2025

<sup>1</sup>Natureserve Conservation Status Rankings: GX = Presumed Extinct, GH = Possibly Extinct; G = Global Ranking, S = State Ranking; 1 = Critically Imperiled, 2 = Imperiled, 3 = Vulnerable, 4 = Apparently Secure, 5 = Secure, SNR= No Status Rank, SNA=Exotic

Primary CPW SAM wildlife habitat considerations include an active bald eagle (*Haliaeetus leucocephalus*) nest, golden eagle (*Aquila chrysaetos*) and non-eagle raptor breeding ranges, river otter (*Lontra canadensis*), lynx (*Lynx canadensis*) potential habitat, elk (*Cervus canadensis nelsoni*) severe winter range, and black bear (*Ursus americanus*) human conflict area. The mapped bald eagle nest site, and golden eagle, northern goshawk (*Accipiter gentilis*), northern harrier (*Circus hudsonius*), and prairie falcon (*Falco mexicanus*) breeding ranges are addressed in **Section 3.3** and **Section 4.3**. The black bear and mountain lion human conflict areas, elk and mule deer severe winter range are discussed in **Section 4.2**. Additional

species and habitat ranges (e.g., bats, migratory songbirds, small mammals, reptiles) are also mapped in the CPW SAM dataset; however, these are not considered primary management drivers for the Project Area.

### 3.3 Migratory Bird Treaty Act

Migratory birds are protected under the Migratory Bird Treaty Act ([MBTA]; 16 U.S.C. 730-712). Bald and golden eagles are protected under the Bald and Golden Eagle Protection Act ([BGEPA]; 16 U.S.C. 668-668c). These federal regulations make it illegal for anyone to take, possess, import, export, transport, sell, purchase barter, or offer for sale, purchase, or barter any migratory bird, bald or golden eagle, or the parts, nests, or eggs of such a bird except under the terms of a valid permit issued pursuant to federal regulations.

Within the Project Area, the riparian vegetation contains a mature overstory of cottonwood trees and shrubs that provide potential habitat for migratory birds. Migratory birds likely utilize the Project Area primarily for foraging and breeding; their active nests are protected under the MBTA.

As summarized previously in **Section 3.2**, the CPW SAM (CPW 2025a) mapping depicts golden eagle, northern goshawk, prairie falcon, and northern harrier breeding ranges across the entire Project Area. No individuals were observed within Project Area. However, one unoccupied non-eagle raptor nest was observed within the top canopy of a large spruce (*Picea* sp.) on the bank of the Eagle River along the southern boundary of the Project Area.

Within the Project Area, an active bald eagle nest (Nest 09458A) was observed in one of the mature cottonwood trees along the banks of the Eagle River; this nest is the same nest that was identified using CPW SAM desktop data. The USFWS has regulatory authority under the BGEPA to permit “take” of bald eagles. An Eagle Disturbance Take General Permit for Nest 09458A was issued by the USFWS (Permit Number- PER23023565; **Appendix D**). Under this permit, it is authorized to disturb bald eagles at this nest location as a result of building construction and maintenance, alterations of water bodies, alteration of vegetation, prescribed burn operations, recreation, and loud intermittent noises when there is no practicable alternative to avoiding or minimizing the disturbance. This permit expires August 31, 2026, but can be renewed on a yearly basis throughout the construction phase of the project.

### 3.4 Federal and State Threatened and Endangered Species

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 USFWS. The USFWS has developed project specific species lists, available online by request, identifying threatened, endangered, proposed, and candidate species, and designated critical habitat protected under the ESA that may occur within the boundary of the proposed project and/or may be affected by the proposed project (USFWS 2025b; [Project Code: 2025-0142943; **Appendix C**]).

Species identified as state threatened or endangered are protected by CPW under Colorado Revised Statute Title 33-2-105. 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. 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.

Using the USFWS Information, Planning, and Conservation System (IPaC) and CPW species lists, federal and state listed threatened and endangered species were screened for their potential to occur within the Project Area. Although the IPaC also identifies proposed and candidate species that may occur within the Project Area, these species are not afforded protection under the ESA and therefore, are not evaluated. Furthermore, state listed species that also have a federal status (threatened or endangered), and that were not identified by the IPaC, are not discussed below. **Table 4** contains a list of species identified on the IPaC, as well as state-listed species that occur within the vicinity of the Project Area, along with their status, preferred habitat, and potential for occurrence within the Project Area. No critical habitat is present within the vicinity of the Project Area.

**Table 4. Summary of Federal Species That May Occur in the Project Area and State Listed Species That May Occur in Eagle County**

Common Name	Scientific Name	<sup>1</sup> Status	Habitat	Potential to Occur in Project Area
<b>AMPHIBIANS</b>				
Boreal Toad	<i>Bufo boreas</i>	SE	Pond margins, willow karrs, wet meadows and riparian areas. Between 8,000 and 11,000 feet in elevation. Requires shallow, open water for breeding. Overall range is within Eagle County but does not overlap the Project Area.	No Potential to Occur
<b>BIRDS</b>				
Mexican spotted owl	<i>Strix occidentalis lucida</i>	FT, ST	Old growth or mature forests that possess complex structural components. Canyons with riparian or conifer communities. Rock walls with caves, ledges, and other areas provide protected nest and roost sites. No suitable habitat is present with the Project Area	No Potential to Occur
Yellow-billed cuckoo	<i>Coccyzus americanus</i>	FT	Require relatively large (>20 hectares), contiguous patches of multilayered riparian habitat for nesting. No suitable habitat is present with the Project Area	No Potential to Occur

Common Name	Scientific Name	<sup>1</sup> Status	Habitat	Potential to Occur in Project Area
FISH				
Bonytail	<i>Gila elegans</i>	FE, SE	Lives in large, fast-flowing waterways of the Colorado River Basin and restricted to Mesa and Moffat Counties. Hydrologic Unit Code (HUC) 12 presence does not overlap Eagle County.	No Potential to Occur
Colorado pikeminnow	<i>Ptychocheilus lucius</i>	FE, ST	Medium to large rivers. Current distribution in Colorado is restricted to the Upper Colorado River system and the Green River system. HUC 12 presence does not overlap Eagle County.	No Potential to Occur
Humpback chub	<i>Gila cypha</i>	FE, ST	Associated with a variety of habitats ranging from pools with turbulent to little or no current, substrates of silt, sand, boulder, or bedrock. In Colorado, the humpback chub has been found in the Yampa, Gunnison, Green, and Colorado rivers. HUC 12 presence does not overlap Eagle County.	No Potential to Occur
Razorback sucker	<i>Xyrauchen texanus</i>	FE, SE	Large river species not found in smaller tributaries and headwater streams. Found in water from 4-10 feet in depth, adults are associated with areas of strong current and backwaters. HUC 12 presence does not overlap Eagle County.	No Potential to Occur
MAMMALS				
Gray wolf	<i>Canis lupus</i>	EXPN; SE	Habitat generalists. CPW mapping has indicated wolf activity through watersheds within Eagle County.	Low Potential to Occur
Canada lynx	<i>Lynx canadensis</i>	FT, SE	Large contiguous areas of subalpine forests; areas that receive deep snow and have high-density populations of snowshoe hares. CPW SAM data depicts potential habitat within the Project Area, however, no suitable habitat is present.	No Potential to Occur
River Otter	<i>Lontra canadensis</i>	ST	Riparian habitats. Mapped range is within the Project Area along the Eagle River.	High Potential to Occur
Wolverine	<i>Gulo gulo</i>	SE	High alpine habitats. There is currently no known population of wolverines within Colorado, however, CPW has mapped potential habitat for future reintroduction efforts within Eagle County.	No Potential to Occur

Common Name	Scientific Name	<sup>1</sup> Status	Habitat	Potential to Occur in Project Area
PLANTS				
Ute Ladies'-tresses	<i>Spiranthes diluvialis</i>	FT	Typically found on alluvial banks, point bars, floodplains associated with perennial streams, seasonally flooded river terraces, subirrigated or spring fed stream channels, and lakeshores. USFWS current range data does not overlap the Project Area.	No Potential to Occur

Source: USFWS 2025b, 2025c; CPW 2025a, 2025c, 2025d

<sup>1</sup>Status: FT=Federally Threatened; FE=Federally Endangered; EXPN=Experimental Population, Non-Essential; ST=State Threatened; SE=State Endangered

Based on habitat requirements and CPW range maps, there is one species, river otter, that has a high potential to occur, and one species, gray wolf (*Canis lupus*), with low potential to occur in the Project Area. Furthermore, one species, Canada lynx, has potential habitat mapped within the Project Area (CPW 2025a). However, after reviewing this species habitat requirements, it has been determined that lynx are not likely to occur within the Project Area due to the lack of contiguous areas of dense subalpine forest in the vicinity.

## 4.0 Potential Impacts

### 4.1 Impacts on Habitat and General Wildlife Use

The Project Area was evaluated for potential impacts from the proposed residential development on general wildlife use and vegetation communities. The maximum extent of disturbance was developed with consideration to required setbacks and operational needs.

**Table 5** presents the disturbances to land use classes and vegetation cover types within the proposed Project Area. **Figure 3** below identifies the proposed direct disturbance to land use class and vegetation cover types for the proposed project.

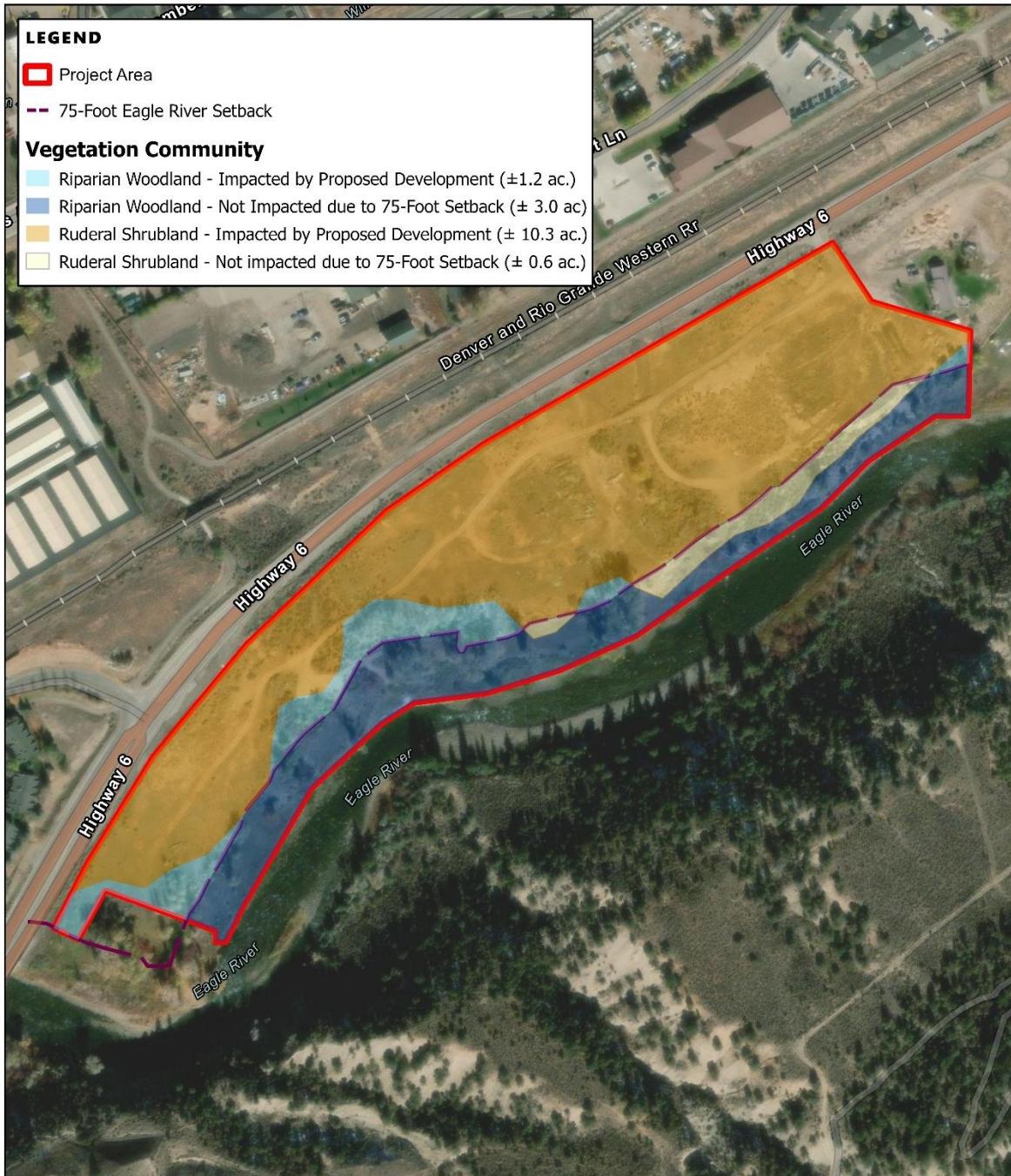
**Table 5. Impacts to Land Use Class and Vegetation Cover Type Within the Project Area Based on the Development Plan**

Land Use Classes and Vegetation Cover Type Disturbance	Area (ac)
Ruderal Shrubland	10.3
Riparian Woodland	1.2
<b>Total Direct Impact</b>	<b>11.5</b>

As with any planned development project, potential disturbances from construction, natural habitat loss and increased human activity can result in increased human-wildlife conflicts, increased mortality, habitat fragmentation, dispersion of wildlife populations and adjustments in wildlife patterns. The direct loss of habitat (vegetation removal) through the conversion of land from open space to a residential development represents the greatest impact of the proposed project. However, most of the existing ruderal shrubland habitat in the Project Area is generally considered degraded due to historical land use (i.e., gravel mining). The riparian area along the southern boundary of the Project Area, which provides high quality habitat for various species, will largely remain undisturbed due to the 75-foot riparian setback from the Eagle River. The degraded areas within the riparian habitat will also be enhanced through invasive vegetation management and restoration efforts.

The proposed project may have indirect impacts on wildlife use. Increased noise, lighting, human activity, and general heavy construction operations during construction will result in localized dispersion and avoidance of use in the immediate vicinity of the Project Area.

- Disturbance to wildlife is inevitable with any proposed residential development activity, especially in the mountainous areas of Colorado and Eagle County. Impacts on wildlife use from the proposed project would include direct disturbance of 11.5 acres of potential habitat within the Project Area, and temporary localized displacement associated with additional noise and lighting from the proposed project. This localized loss of habitat is not likely to threaten the overall health and viability of any species.
- The majority of the disturbance will occur within the ruderal shrubland community, which is dominated by herbaceous non-native understory. This vegetation community has been degraded by previous land use activities. The low ecological value of this community limits the overall impact on existing wildlife habitat.
- Section 4.14.040.C.1 of the Town Code generally requires a minimum setback of 100 feet or greater from any identified critical wildlife habitat area or migration corridor, subject to approval by CPW. However, Town staff notes that the WCP takes precedence in defining the appropriate buffer based on the specific context of the project. Email correspondence with the Town Planner, Kyle Brotherton dated July 9, 2025, confirmed that the Town of Eagle will not enforce a 100-foot buffer around the bald eagle nest (Nest 09458A) within the Project Area, and will defer to federal regulations regarding bald eagles, as it was not identified as “critical wildlife habitat area” by CPW. Furthermore, a review of CPW SAM and HPH data indicates that no mapped critical habitat or migration corridors occur within 100 feet of the Project Area (CPW 2024a, 2025a). Accordingly, the project design incorporates a 75-foot riparian setback, consistent with Town Code Section 4.14.050(C) and providing substantial protection for riparian habitat and wildlife resources.



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**FIGURE 3**  
**IMPACT MAP**  
**RED MOUNTAIN RANCH**  
**EAGLE COUNTY, COLORADO**



## 4.2 Impacts on Colorado Parks and Wildlife (CPW) Species Activity Mapping (SAM)

Based on CPW SAM, multiple wildlife species and habitat ranges overlap the Project Area. These include elk, black bear, river otter, migratory birds and raptors, as well as broader overall ranges for bats, small mammals, and reptiles (**Appendix B**). Of these, only elk severe winter range is designated by CPW as HPH (CPW 2024a, 2025a). The Project Area also overlaps a mapped black bear human conflict area. River otter is addressed in **Section 4.4**, and migratory birds and raptors are addressed in **Section 4.3**. Other CPW-mapped species and habitat ranges (e.g., bats, small mammals, reptiles) represent broad overall ranges rather than site-specific habitat and do not carry high-priority status; therefore, they are not considered to represent significant impacts for this project.

The identified habitat ranges for elk and black bear designate very large regional territories utilized by each of these species. The Project Area represents only a de minimis portion of these species' regional habitat ranges (**Appendix B**). Furthermore, setback areas were considered when determining acreage of direct disturbance to these habitats, which lessens the amount of habitat that is anticipated to be disturbed. Therefore, residential development activities within the Project Area are not expected to negatively impact individuals or populations of wildlife of these species.

The CPW SAM mapping in the Project Area are further described below:

- Elk Severe Winter Range - That part of the range of a species where 90 percent of the individuals are located when the annual snowpack is at its maximum and/or temperatures are at a minimum in the two worst winters out of ten.
  - The Project Area overlaps a small area (approximately 0.07 acre) of mapped severe winter range, and this overlap lies entirely within the 75-foot riparian setback where development will not occur. To the north, the landscape is fragmented with existing commercial development, and this area is not mapped as severe winter range. The Project Area lies at the northern margin of the mapped habitat. Within the Town of Eagle to the southeast, portions of the severe winter range have already been urbanized, although undeveloped habitat remains in the broader landscape. Accordingly, the proposed project will not directly impact the functional portions of severe winter range, and the riparian setback will provide an additional buffer between the development and the adjacent mapped habitat.
- Black Bear Human Conflict Area - That portion of the overall range where two or more confirmed black bear complaints per season were received which resulted in CPW investigation, damage to persons or property (cabins, tents, vehicles, etc.), and/or the removal of the problem bear(s).
  - The Project Area overlaps 11.7 acres of human conflict area, but the proposed project will result in disturbance of 10.58 acres of mapped black bear human conflict area when taking into account the 75-foot riparian setback. This amount of area is considered de minimis in the context of the county and state-wide mapped black bear human conflict areas. This block of mapped black bear human conflict area extends in all directions, to include the Town of Eagle and nearly the entire town of Gypsum. Residents should be advised to follow the guidelines provided by CPW Living with Bears (CPW 2024b).

#### 4.3 Impacts Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act

Non-eagle migratory birds may utilize the Project Area; however, they are not anticipated to be impacted. A migratory bird nest survey should be conducted within the Project Area prior to earth disturbance during the active nesting season, between April 1 and August 31. Additionally, a nest survey should be conducted within a ½ mile buffer of the Project Area during the active raptor nesting season (February 1 and September 15) and eagle nesting season (December 1 through July 31) to verify the presence/absence of additional raptor and eagle nest sites prior to earth disturbance or vegetation removal.

- The CPW SAM identifies the overall range for several non-raptor migratory birds within the Project Area (**Appendix B**). Non-raptor migratory birds are not likely to be adversely impacted as a result of the project. The Project Area contains only a very small portion of these species' broad overall ranges, and the habitats present on-site are already fragmented and disturbed, further limiting the likelihood of significant impacts.
- One raptor nest was observed within the Project Area. During the site visit, the nest was unoccupied; therefore, the species utilizing the nest could not be confirmed.
- The project is anticipated to disturb an active bald eagle nest, Nest 09458A. Under the BGEPA, eagles are protected from disturbance; however, USFWS issues general permits that allow the incidental take of bald eagles for eligible activities when certain general conditions are met. The project activity, inclusive of building construction within 660 feet of a bald eagle nest, qualified for an Eagle Disturbance General Take Permit in accordance with Title 50 Code of Federal Regulations 22.280. The permit authorization is accompanied by General Permit Standard conditions, specifying avoidance and minimizations measures that must be implemented to the extent practicable. Under this permit, incidental take of bald eagles by disturbance is authorized at this nest location as a result of building construction and maintenance, alterations of water bodies, alteration of vegetation, prescribed burn operations, recreation, and loud intermittent noises when there is no practicable alternative to avoiding or minimizing the disturbance. The permit (Permit Number- PER23023565) was issued by USFWS on 8/27/2025 and is effective 9/1/2025 through 8/31/2026, with the ability to renew yearly throughout the construction phase of the project.

#### 4.4 Impacts Federal and State Threatened and Endangered Species

Two (2) federal or state listed threatened and endangered species were identified as having the potential to occur within the Project Area. Gray wolves were identified as having low potential to occur, while river otters have a high potential to occur. A brief explanation is provided as to the species' habitat requirements, potential occurrence within the Project Area, and potential impacts to the species or their habitats from the proposed development.

- Gray Wolf – Gray wolves are federally listed as an experimental population, non-essential, as well as state endangered. For the purposes of federal consultation, non-essential experimental populations are treated as a proposed species on private land (USFWS 2025b). Gray wolves are habitat generalists and are primarily found in areas with a sufficient prey base such as elk or deer populations (CPW

2025d). In January 2025, CPW's wolf reintroduction efforts led to the release of wolves in Eagle County. CPW 2025 Collared Gray Wolf Activity Maps show that wolves have been recorded in the majority of watersheds within Eagle County (CPW 2025d). While the Project Area is in an urbanized area, it's bound by mostly undeveloped federally owned lands to the south and the north. Wolves generally avoid humans and urban areas, so while the Project Area may not contain suitable habitat and the proposed development will not have an adverse impact on this species or its habitat, wolves may pass through the area in search of prey, resulting in a low potential of occurrence.

- River Otter – The river otter is a state threatened species. Otters use riparian habitats along perennial streams and typically live in bank dens that have been abandoned by beavers (CPW 2025e). CPW SAM identifies the Eagle River and adjacent riparian areas as overall and winter range (CPW 2025b). However, due to the 75-foot riparian setback, the majority of the riparian area will not be disturbed. Moreover, enhancements to the riparian area through vegetation management will improve habitat quality; therefore, project development is not likely to adversely impact the river otter's habitat.

#### 4.5 Cumulative Impacts

The cumulative project impacts to both the Project Area and within Eagle County have been assessed to consider the elimination, reduction, or fragmentation to the degree that the viability of an individual species or the diversity of species within Eagle County is reduced. The surrounding areas to the north and west have previously been developed. Although incremental impacts to wildlife habitat and species have accumulated over time throughout the Town of Eagle, the location of this project would not significantly impact the overall quality or health of wildlife habitat within the Project Area or Eagle County. The Project Area is contiguous with the existing developments along US-6 to the north and the existing developments to the west.

#### 4.6 CPW Review

Matt Yamashita, Area Wildlife Manager for CPW has provided comments on the proposed development plan on May 1, 2025. Comments regarding planning area 1, the current proposed development, included the recommendations below.

- Provide public fishing access in the proposed development and permit fishing on the north side of the Eagle River in associated open spaces included in the development plan.
- For the active bald eagle nest, CPW's recommendations are consistent with the *Recommended Buffer Zones and Seasonal Restrictions for Raptors*, including no surface occupancy and no ground disturbance year-round within 0.25 mile of an active nest. No permitted or authorized human activities within 0.5 mile of an active nest from December 1-July 31.
- A Bureau of Land Management Special Recreation Management Area is located to the south of the Project Area. CPW recommends not including trail based recreational connectivity to the south, which has the potential to increase fragmentation to critical winter range and disturbance to deer and elk. If connectivity is to occur, CPW recommends further consultation.

- Avoiding the construction of fences where practicable.
- Designating fenced dog parks and implementing a leash policy outside of the dog park to reduce potential for wildlife conflict.
- Properly provide signage and education to residents and visitors throughout the development on topics regarding disturbance to wildlife and human-wildlife conflict.

In summary, While CPW's seasonal restrictions and spatial buffers regarding the active bald eagle nest are more protective than USFWS eagle nest buffers, the USFWS has primary authority for the regulation of "take" for bald eagles. As discussed in **Section 4.3**, an Eagle Disturbance General Take Permit in accordance with Title 50 Code of Federal Regulations 22.280 was issued by USFWS on 8/27/2025 for the eagle nest within the proposed development (**Appendix D**). Other CPW recommendations, such as fencing considerations, are anticipated to be implemented and are discussed in **Section 5.0**. While the remaining CPW recommendations are not incorporated into this plan, they remain important considerations for long-term land use management and could be evaluated further during final design

## 5.0 Mitigation Measures and Recommendations

Specific to the Town of Eagle Land Use and Development Code Wildlife Habitat considerations, mitigation measures should be deployed for this development project in order to minimize potential wildlife disturbance to the extent practicable. The following provides a list of mitigation measures that have been implemented and a list of recommendations.

### **Mitigation Measures that have been implemented in the proposed project plan:**

1. **Buffers.** The Proposed development incorporated a 75-foot riparian setback in accordance with the Town Code to create a natural buffer and preserve habitat.
2. **Fencing.** Fencing will be restricted to use along the northern edge of the Project Area neighboring Highway 6, and around the perimeter of public gardens.
3. **Minimizing Nighttime Lighting.** Site lighting will meet the night sky requirements set forth in the Town of Eagle Code
4. **Native Vegetation and Weed Control.** Site landscaping will prioritize native and water wise vegetation from a pre-approved and recommended species list provided in the Concept Riparian Areas Management Plan (Birch Ecology, LLC 2024). Mature trees and stands of native vegetation will be preserved, and areas of degraded habitat and invasive or weedy vegetation will be controlled and restored.
5. **Trail Closure.** The proposed Discovery Trail located within the 75-foot riparian setback, and within the vicinity of a bald eagle nest (Nest 09458A), will be closed to public use during the bald eagle nesting season (December 1-July 31). Signage will be posted at each terminus of the trail, notifying the public of seasonal trail closures.

**Recommendations:**

1. **Refuse.** Dumpsters and debris should be secured within wildlife safe containers to reduce the likelihood of bears, small mammals, birds, or other species that have adapted to live in and around urbanized environments from habituating themselves to unsafe food sources or increasing the probability of human-wildlife conflicts during construction. Only bear-resistant refuse disposal containers should be used for trash collection within the development post-construction.
2. **Education.** Construction employees and future residents should be educated on the sensitivity of wildlife harassment and best practice for preventing human-wildlife conflict in the area. The use of signs in and around the development and trails should present this education and should also state the need to keep residents and pets out of the riparian setback area.
3. **Domestic Animals.** Establish specific enforcement measures to control domestic animals and household pets including implementing Town of Eagle leash policies (Town Code), restrictions on outdoor cats, and quiet hours to reduce disturbances to resting or nocturnal species from dogs barking.
4. **Traffic Control.** Posted speed limits should be enforced, and acceleration/deceleration lanes or speed bumps should be installed at the development entrance to enhance safety. During construction operations, heavy equipment operators should be advised of potential wildlife hazards.

## 6.0 Enhancement and Restoration of Habitat

All areas temporarily disturbed during construction should be reseeded or replanted with native species or species on the Town of Eagle's approved landscaping list. The 75-foot riparian setback along the Eagle River will be maintained and will have disturbed areas restored.

## 7.0 Summary

ERC has completed this WCP on behalf of Griffin Development, LLC for the proposed Red Mountain Ranch residential development project to meet the requirements of the Town of Eagle Land Use and Development Code Chapter 4.14.040, Section E Wildlife Conservation Plan. As with any planned development project, disturbances from construction, habitat loss, and increased human activity can result in human-wildlife conflicts, increased mortality, habitat fragmentation, and shifts in wildlife use patterns. Overall, the proposed project is not anticipated to result in significant adverse effects on wildlife resources within the Project Area.

The primary exception is the presence of an active bald eagle nest within the Project Area. For this nest, Griffin Development, LLC has obtained a USFWS Eagle Disturbance General Take Permit (Permit No. PER23023565; **Appendix D**), which authorizes incidental disturbance provided that avoidance and minimization measures are implemented to the extent practicable. This permit allows construction to proceed within 660 feet of the nest when no reasonable alternatives exist. A key consideration is the difference between USFWS and CPW guidance: CPW's *Recommended Buffer Zones and Seasonal*

*Restrictions for Raptors* (CPW 2020) are more conservative, advising year-round no-disturbance within 0.25 mile of an active nest and seasonal restrictions out to 0.5 mile. These two frameworks differ in the level of protection recommended: compliance with USFWS permit conditions satisfies federal requirements, while CPW's recommendations represent additional state-level best practices. While the project is legally authorized under USFWS, CPW's guidance reflects a more conservative approach that emphasizes additional protections at the state level. The USFWS take permit includes monitoring and reporting requirements, ensuring that eagle activity and potential disturbance are tracked throughout construction. Clear documentation of compliance with the USFWS permit and continued coordination with CPW will help manage this regulatory discrepancy and maintain transparency throughout project implementation.

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## 8.0 References

Birch Ecology, LLC. 2024. *Concept Riparian Areas Management Plan*

CPW. Colorado Parks and Wildlife. 2020. Recommended Buffer Zones and Seasonal Restrictions for Raptors. Available online at: <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>

CPW. Colorado Parks and Wildlife. 2023. CPW Recommendations to Avoid and Minimize Impacts to Wildlife from Land Use Development in Colorado.

CPW. Colorado Parks and Wildlife. 2024a. CPW All High Priority Habitat dataset. Updated December 11, 2024. Available at <https://geodata-cpw.hub.arcgis.com/search?tags=ecmc%2Csb181>

CPW. Colorado Parks and Wildlife. 2024b. Living with bears. <https://cpw.state.co.us/living-bears>

CPW. Colorado Parks and Wildlife. 2025a. CPW All Species Activity Mapping Data. Available at: <https://geodata-cpw.hub.arcgis.com/search?tags=wildlife%2Cdistribution%2Cspecies>

CPW. Colorado Parks and Wildlife. 2025b. CPW Species Activity Mapping Definitions. Available at: <https://geodata-cpw.hub.arcgis.com/documents/357fb049a40a4f9bb939dcd7d66b9512/about>

CPW. Colorado Parks and Wildlife. 2025c. Colorado Listing of Endangered, Threatened and Wildlife Species of Special Concern. Available at <http://cpw.state.co.us/learn/Pages/SOC-ThreatenedEndangeredList.aspx>

CPW. Colorado Parks and Wildlife. 2025d. Living with Wolves. <https://cpw.state.co.us/living-wolves>

CPW. Colorado Parks and Wildlife. 2025e. River Otter. <https://cpw.state.co.us/species/river-otter>

Google Earth. 2025. Version 10.88.0.3. Imagery Date: 8/3/2023. Available at: <https://earth.google.com/web/>

NatureServe. 2025. NatureServe Explorer: An online encyclopedia of life [web application]. Version 7.1. NatureServe, Arlington, Virginia. Available online at <http://www.natureserve.org/explorer>.

USFWS. US Fish and Wildlife Service. 2025a. Updated August 7, 2025. Critical Habitat. Available online at: <https://ecos.fws.gov/ecp/report/critical-habitat>

USFWS. US Fish and Wildlife Service. 2025b. *List of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project*. IPaC Project Code: 2025-0142943. August 29, 2025.

USFWS. US Fish and Wildlife Service. 2025c. Species profile for Ute-Ladies'-tresses. Environmental Conservation Online System. <https://ecos.fws.gov/ecp/species/2159>

## **Appendix A**

### **Development Plan**



## SHEET NOTES

- A DISCOVERY TRAIL SETBACK
- B POTENTIAL NEW LOCATION FOR SWALE
- C 75' STREAM SETBACK

PROJECT:  
**RED MOUNTAIN  
RANCH (SITE)**

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EXPRESS WRITTEN CONSENT.

## CONSULTANTS:

**CIVIL ENGINEERING**  
WILSON & CO  
BEN BEISLER  
303-501-1217  
BEN.BEISLER@WILSONCO.COM

**LANDSCAPE**  
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**STRUCTURAL**  
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303-384-9910  
JHOHMANN@KLAA.COM

**SUSTAINABILITY**  
ARUP  
TESSA McNAMARA  
212-897-1067  
TESS.MCNAMARA@ARUP.COM

**ISSUANCE:**  
**COORDINATION**

ISSUE DATE:  
**09.04.2025**

**1 SITE PLAN**  
SCALE: 1" = 80'-0"

## LINE TYPES

— - - - - PARCEL BOUNDARY

REVISION HISTORY:

— PROPERTY BOUNDARY  
SPECIFIC TO INDIVIDUAL UNITS

- - - - - SETBACK

..... 100 YEAR FLOOD PLAIN

DRAWING SHEET TITLE:

..... AVERAGE HIGH WATER LINE

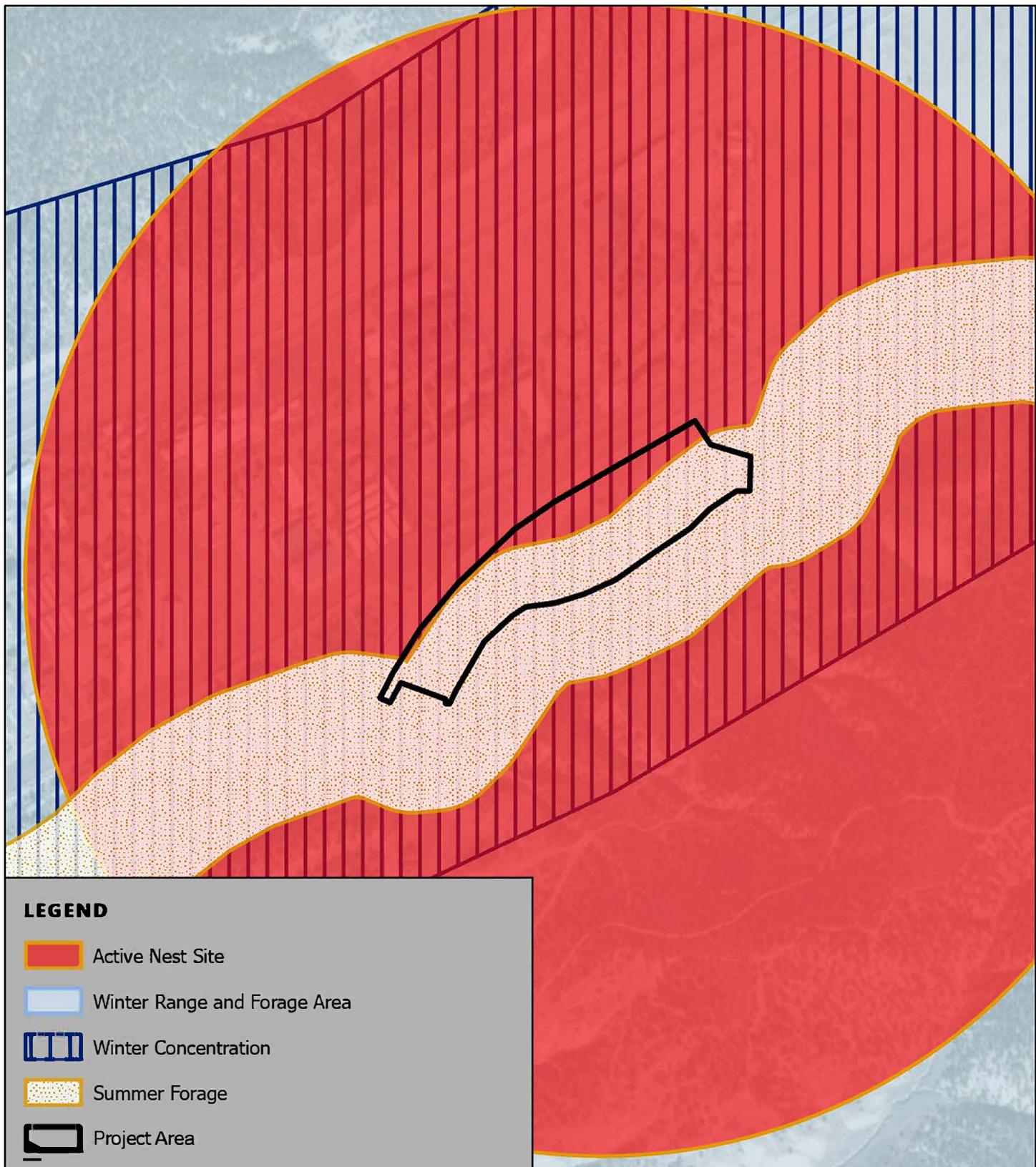
**SITE PLAN**

..... 12' PUBLIC TRAIL EASEMENT

CRD-1.1

## **Appendix B**

### **CPW SAM Maps**



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

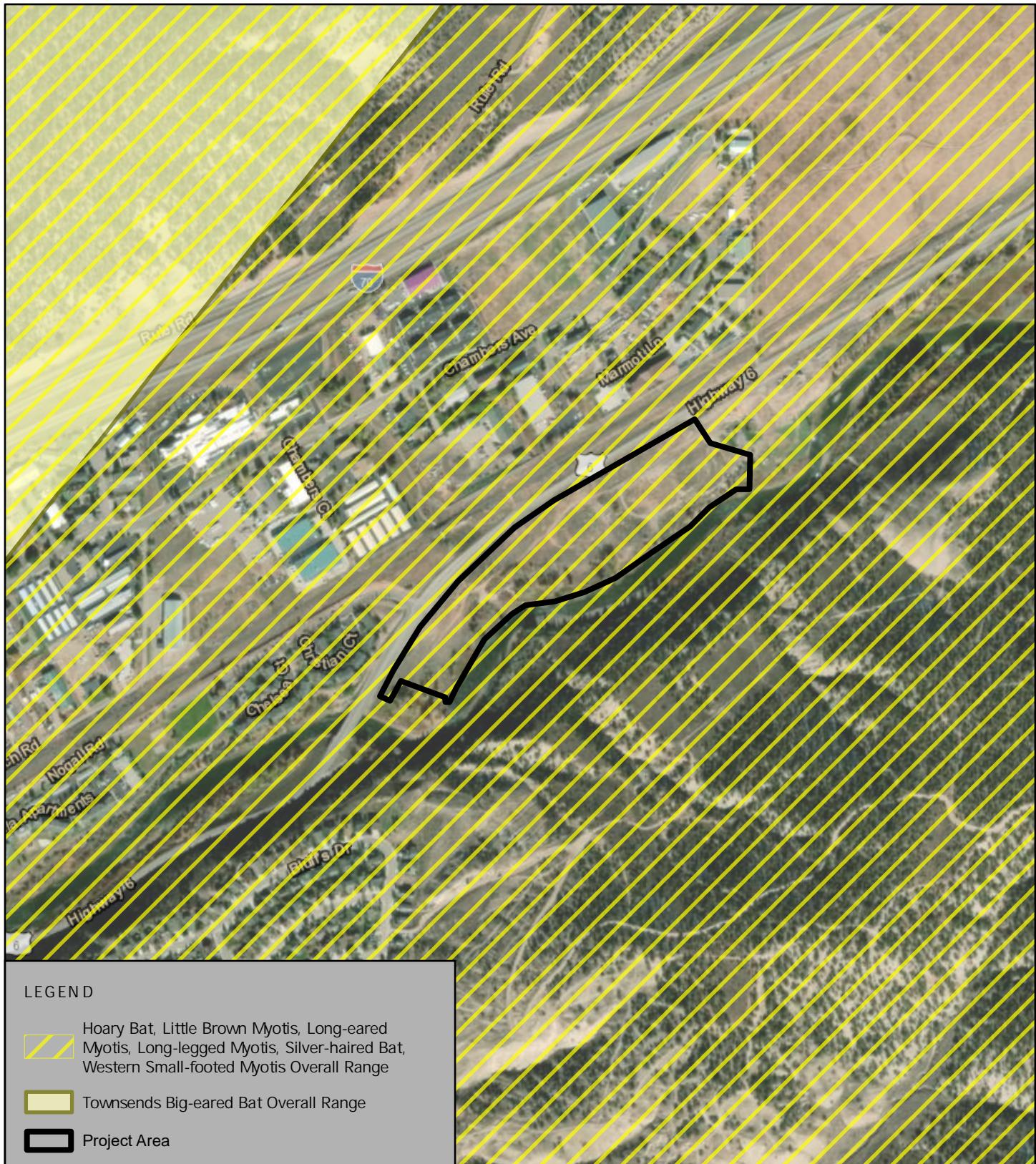
### CPW SPECIES ACTIVITY MAPPING

#### BALD EAGLE

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO



0 500 1,000 Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

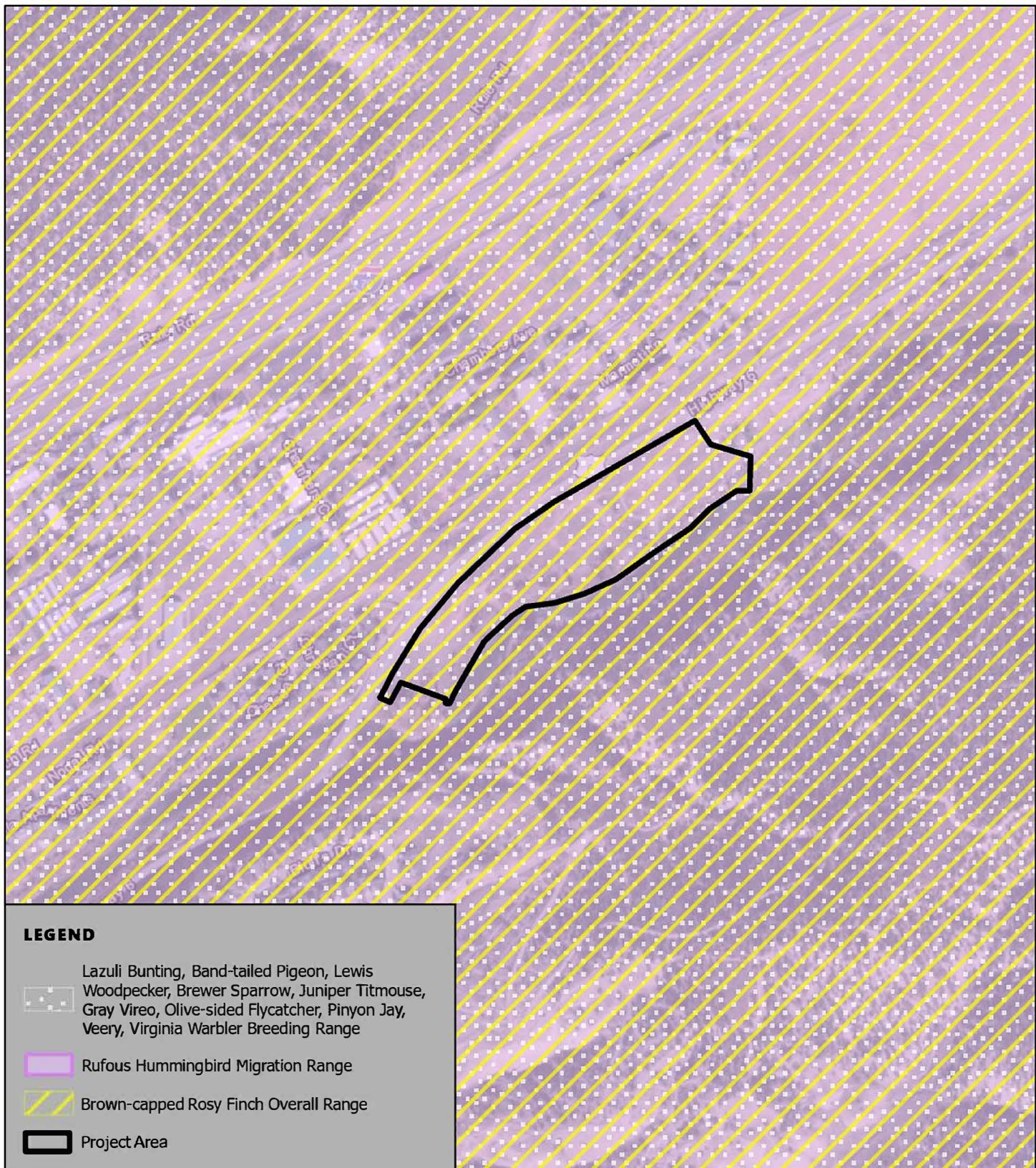
## CPW SPECIES ACTIVITY MAPPING

### BATS

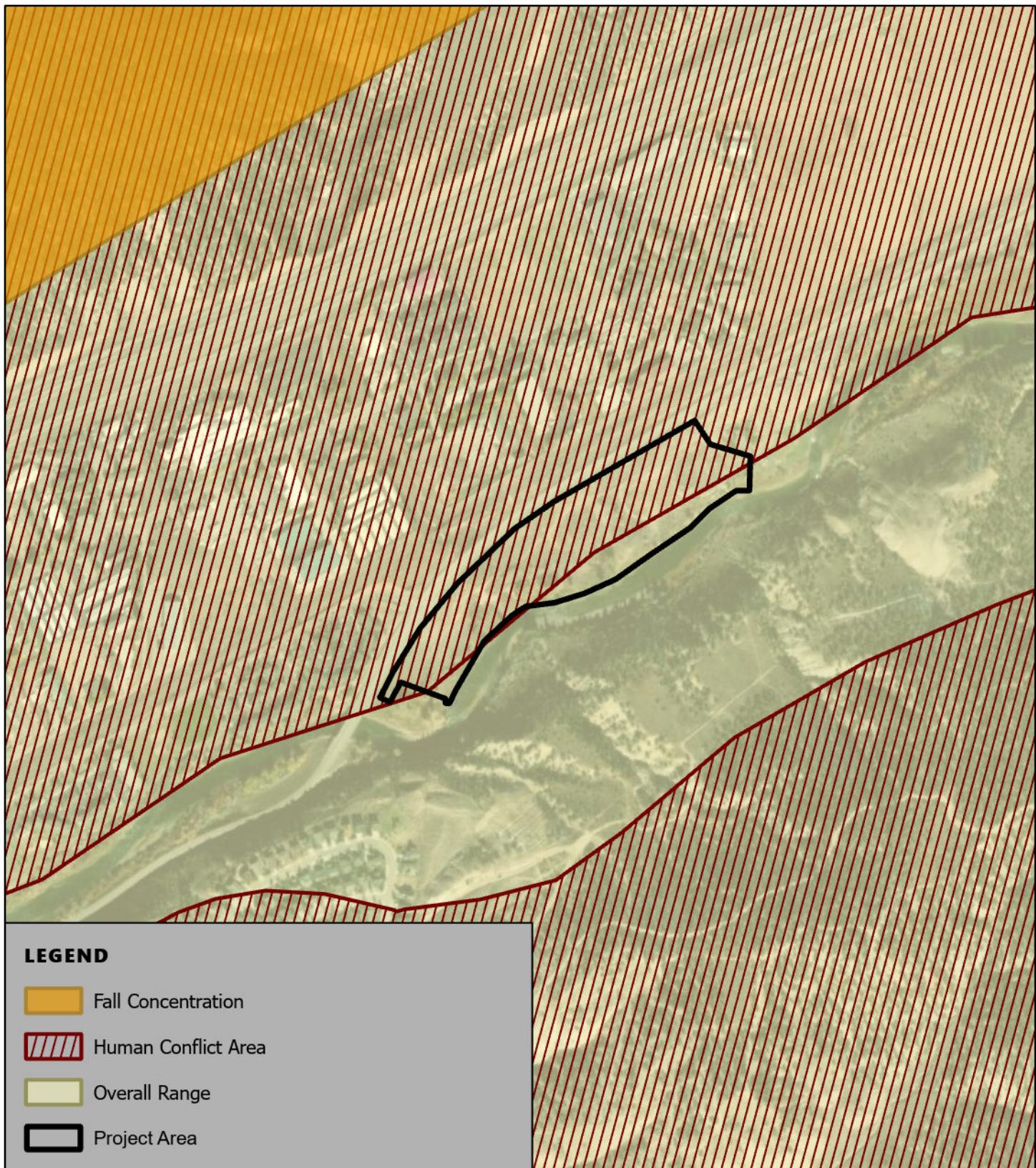
**RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**



0 500 1,000 Feet



Prepared By:   ERC 2820 Wilderness Place, Suite A Boulder, CO 80301 (303) 679-4820 ERC #: 200-2513	<p><b>CPW SPECIES ACTIVITY MAPPING</b> <b>BIRDS (NON-RAPTOR)</b> <b>RED MOUNTAIN RANCH</b> <b>EAGLE COUNTY, COLORADO</b></p>	 0 500 1,000 Feet
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Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

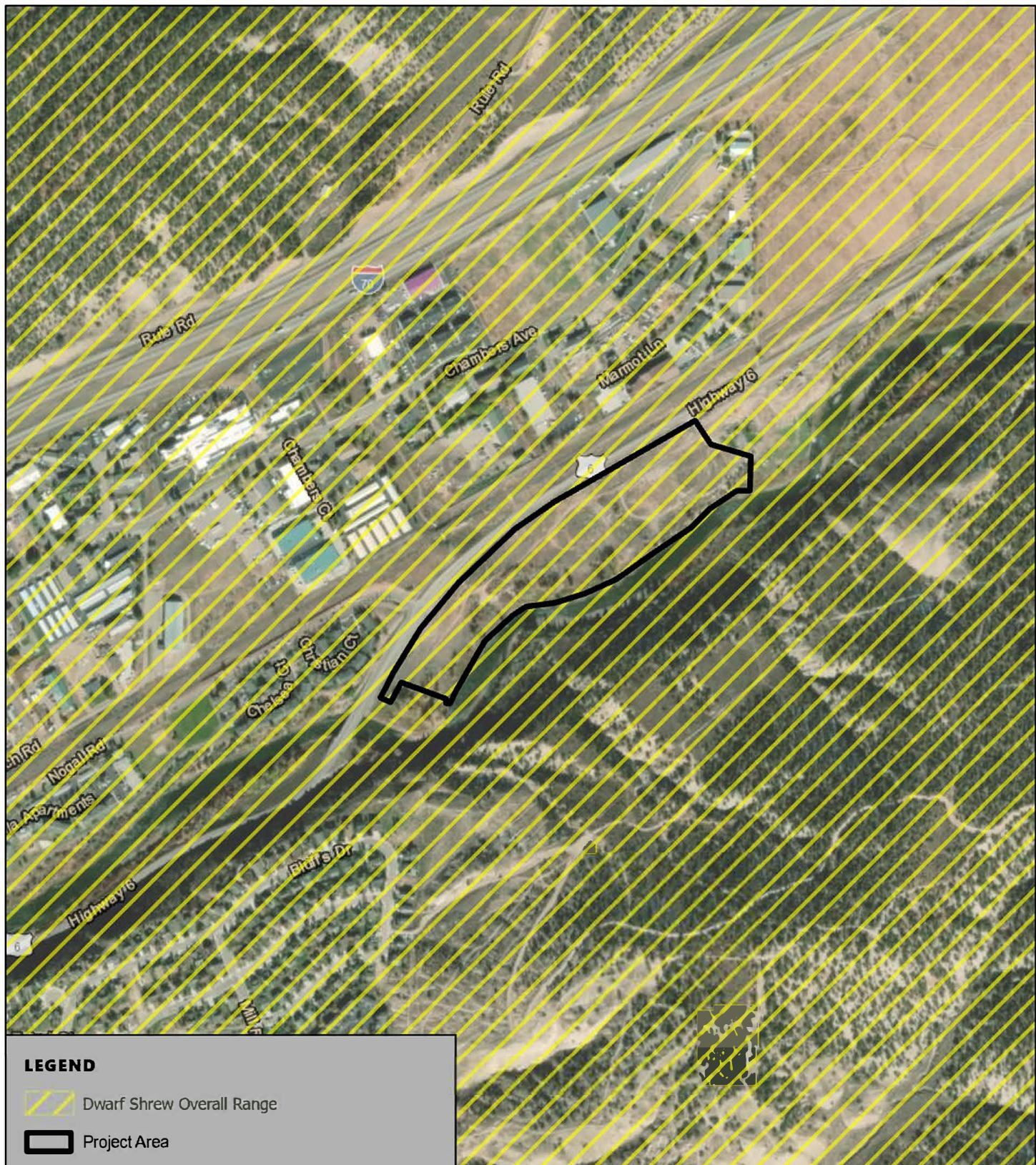
## CPW SPECIES ACTIVITY MAPPING

### BLACK BEAR

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO



0 500 1,000 Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

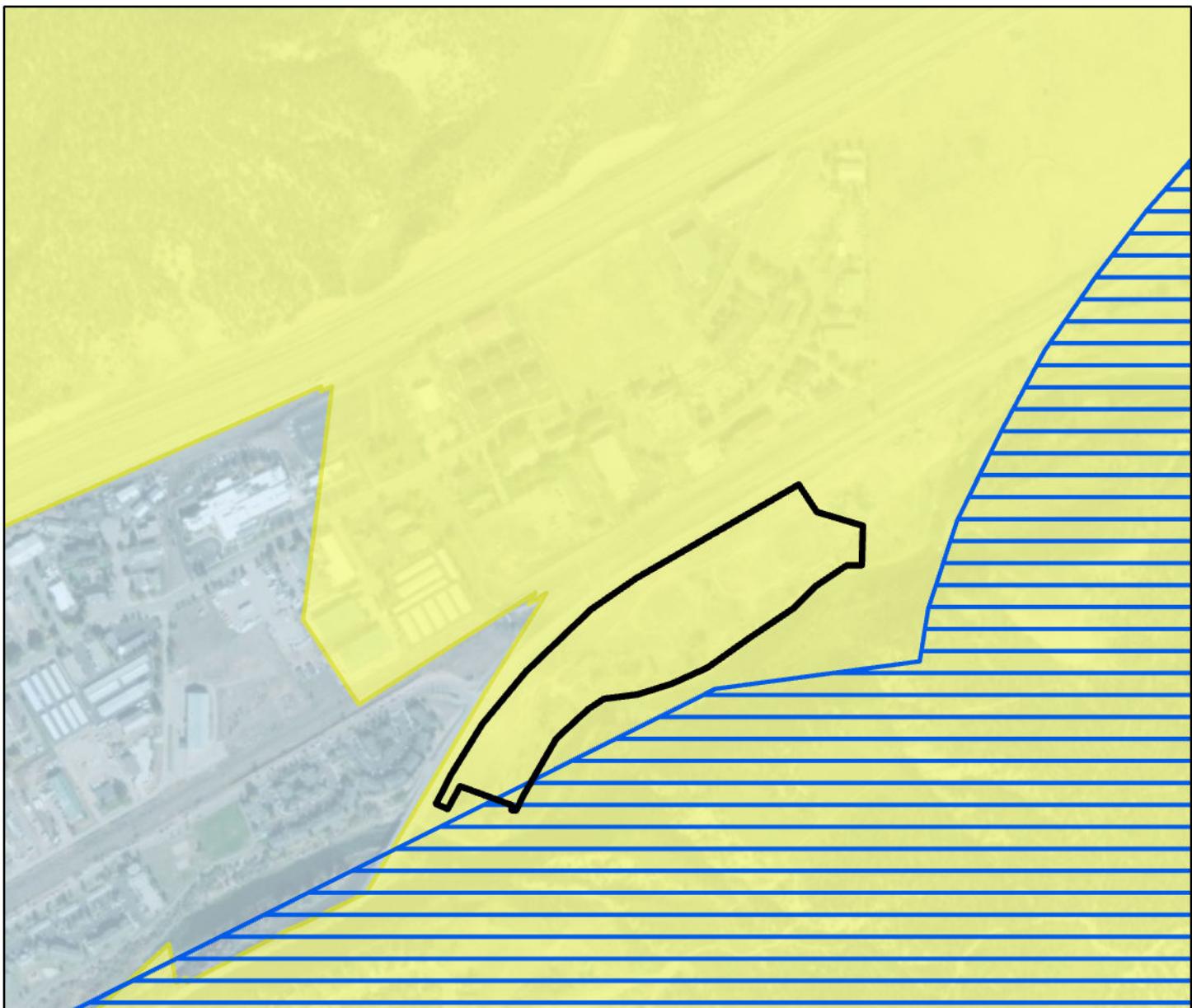
## CPW SPECIES ACTIVITY MAPPING

### DWARF SHREW

**RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**



0 500 1,000 Feet

**LEGEND**

- Overall and Winter Ranges
- Summer Range
- Winter Concentration Area
- Severe Winter Range
- Project Area

Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

**CPW SPECIES ACTIVITY MAPPING****ELK****RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**

0 500 1,000  
Feet



Prepared By:



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Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

## CPW SPECIES ACTIVITY MAPPING

### LYNX

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO

E

0 500 1,000  
Feet

**LEGEND**

 Northern Harrier, Northern Goshawk, Golden Eagle, and Prairie Falcon Breeding Range

 Project Area

Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

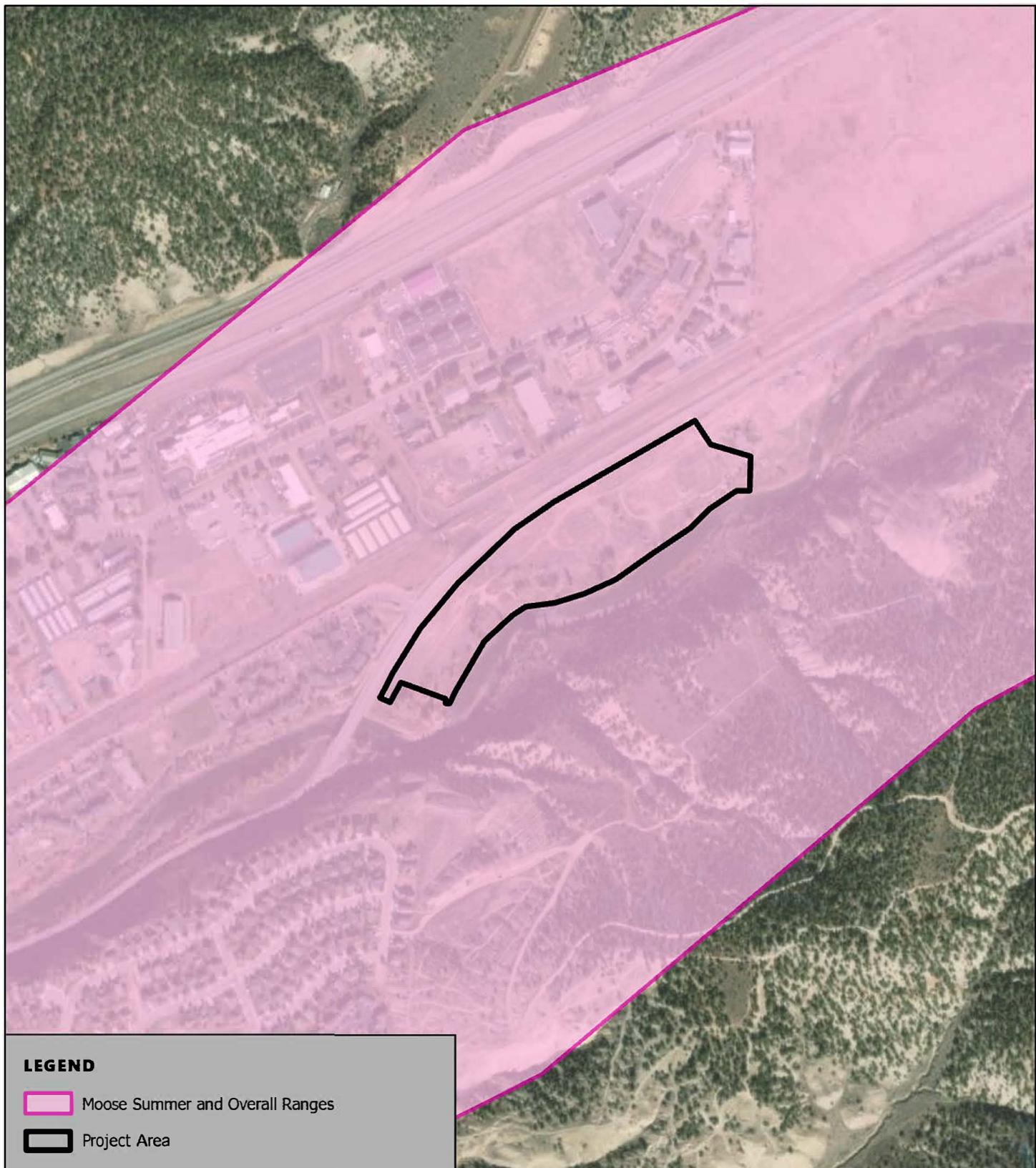
ERC #: 200-2513

**CPW SPECIES ACTIVITY MAPPING****RAPTORS (EXCL. BALD EAGLE)**

**RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**



0 500 1,000 Feet



Prepared By:



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Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

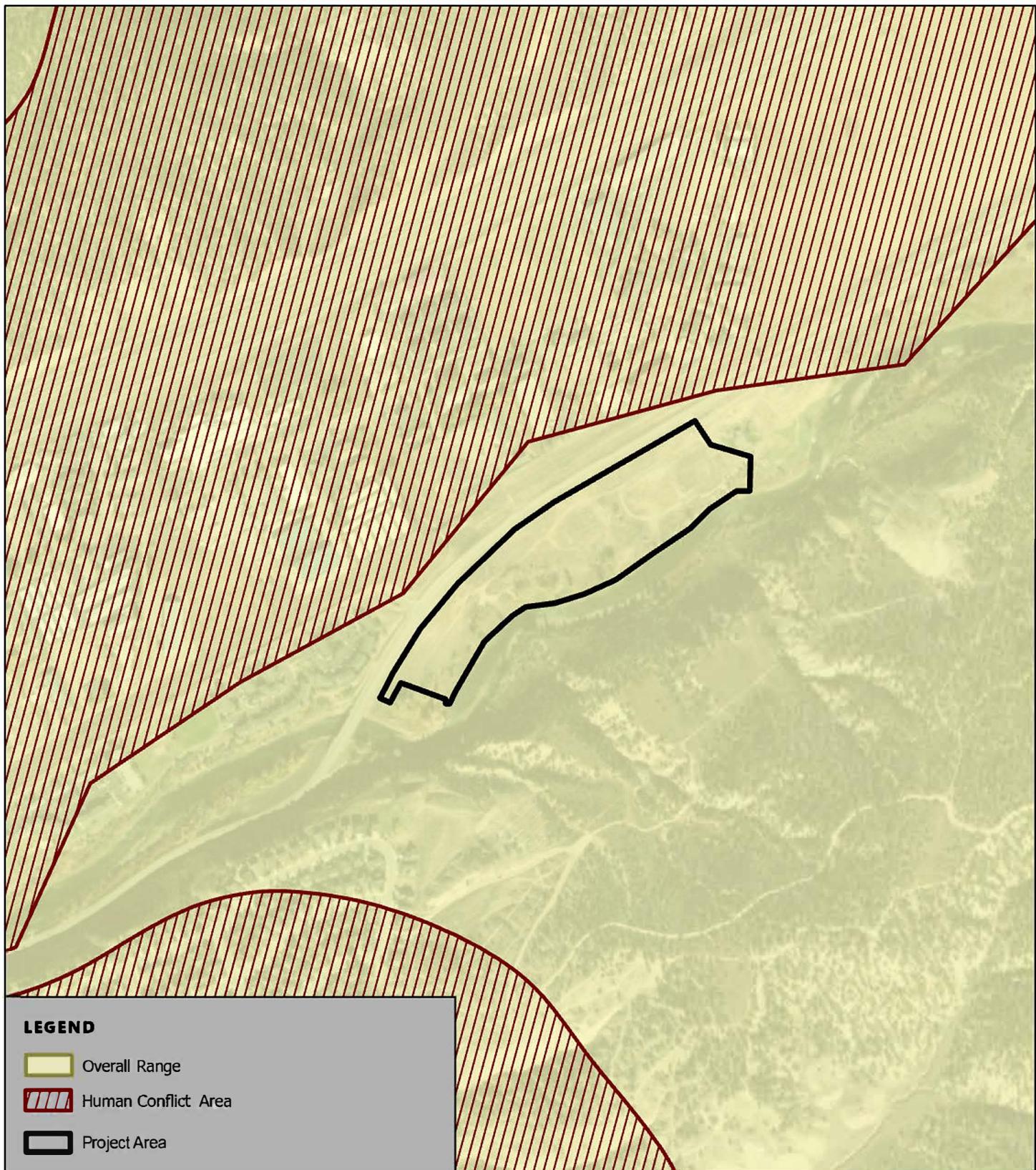
## CPW SPECIES ACTIVITY MAPPING

### MOOSE

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO



0 500 1,000 Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

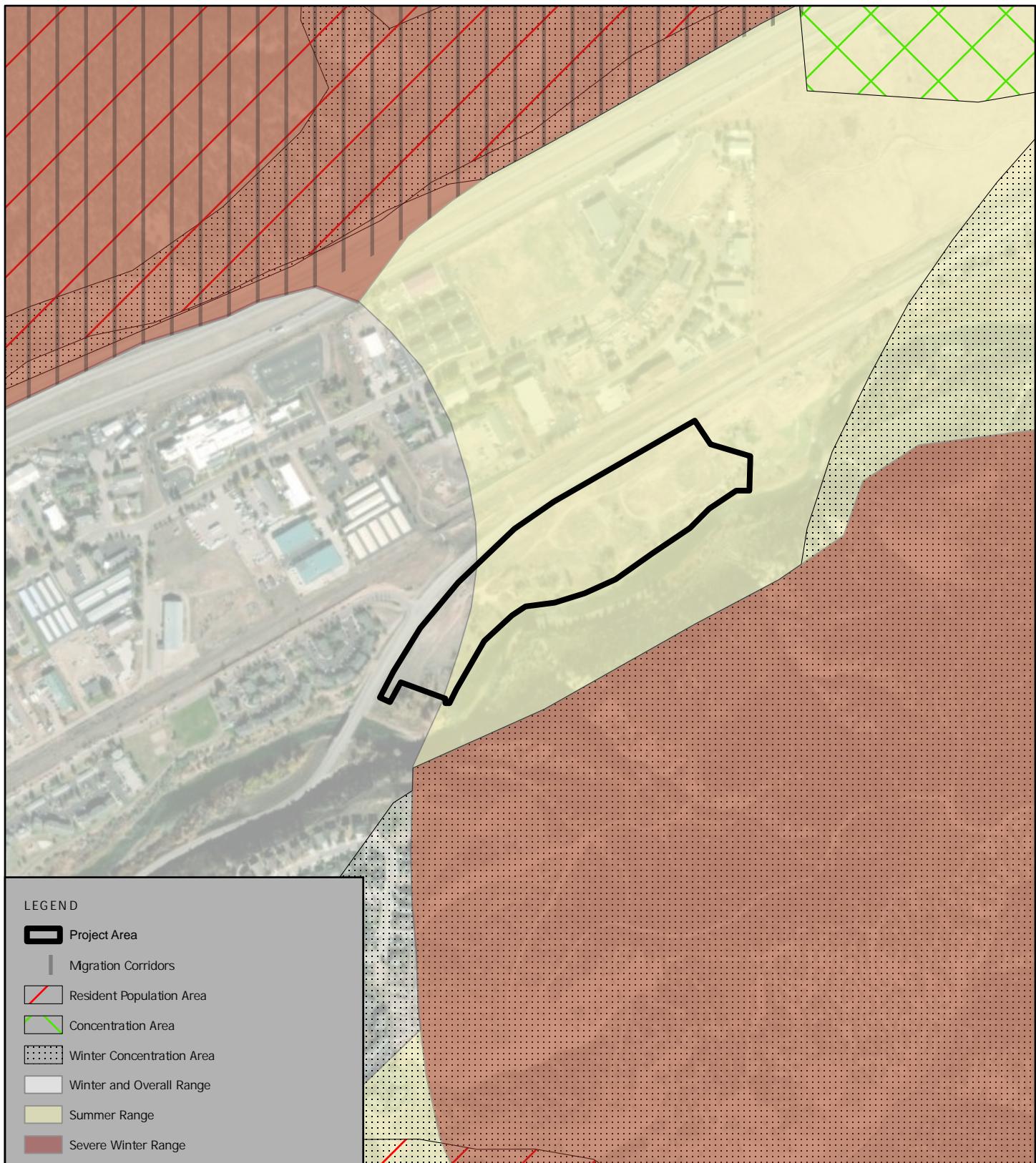
## CPW SPECIES ACTIVITY MAPPING

### MOUNTAIN LION

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO



0 500 1,000 Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

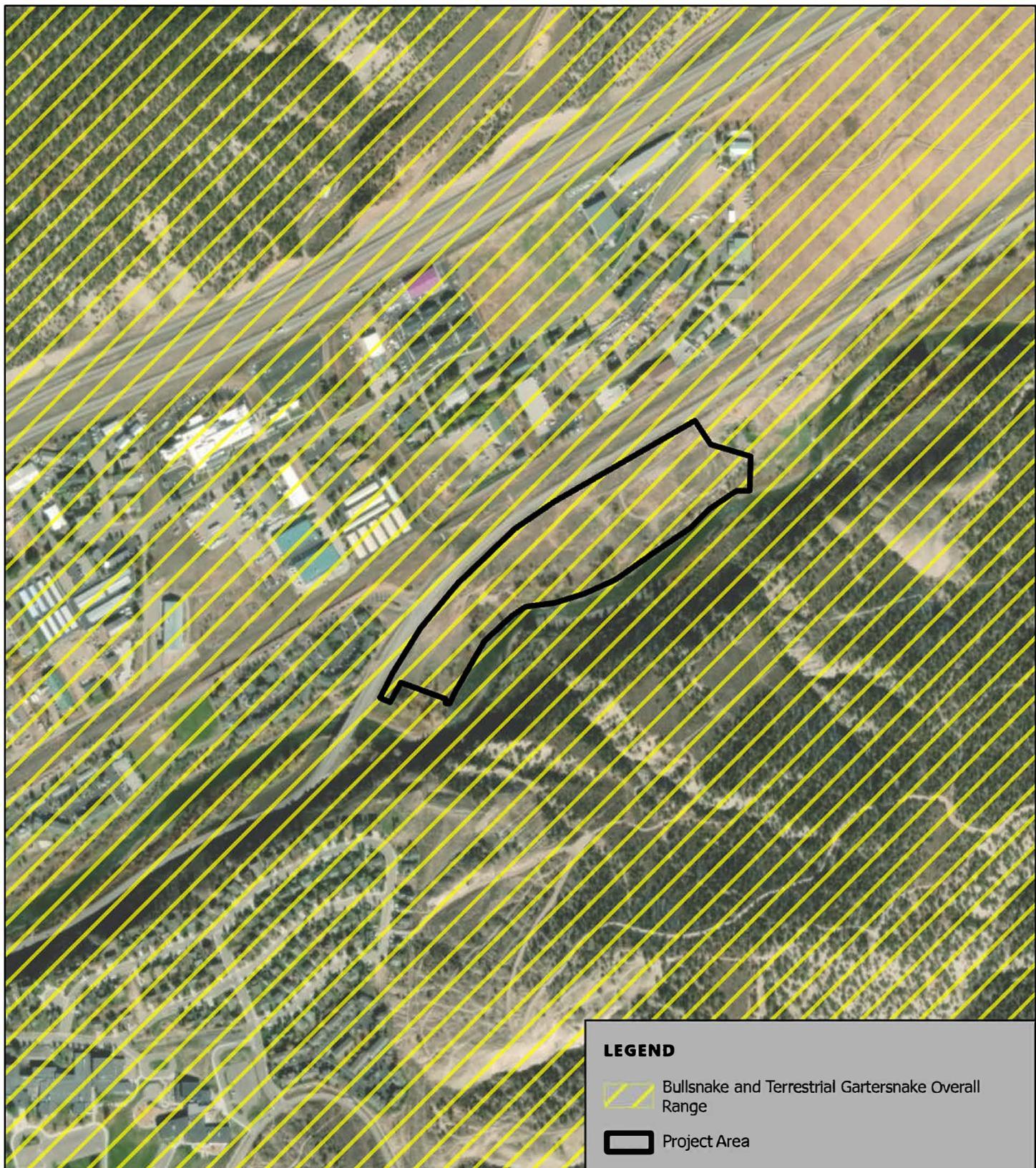
## CPW SPECIES ACTIVITY MAPPING

### MULE DEER

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO

E

0 500 1,000  
Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

## CPW SPECIES ACTIVITY MAPPING

### REPTILES

**RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**



0 500 1,000 Feet



Prepared By:



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Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

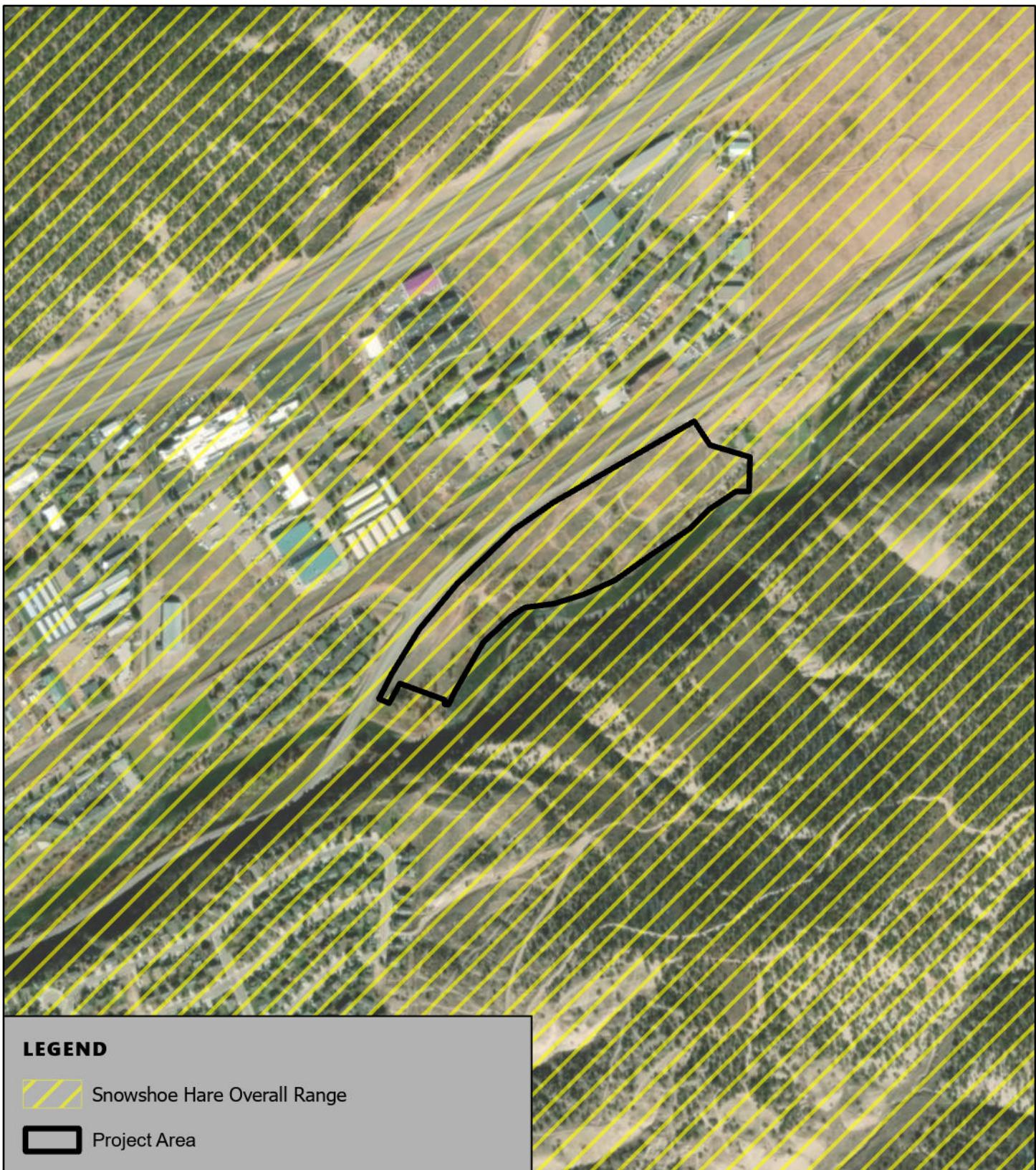
## CPW SPECIES ACTIVITY MAPPING

### RIVER OTTER

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO

E

0 500 1,000  
Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

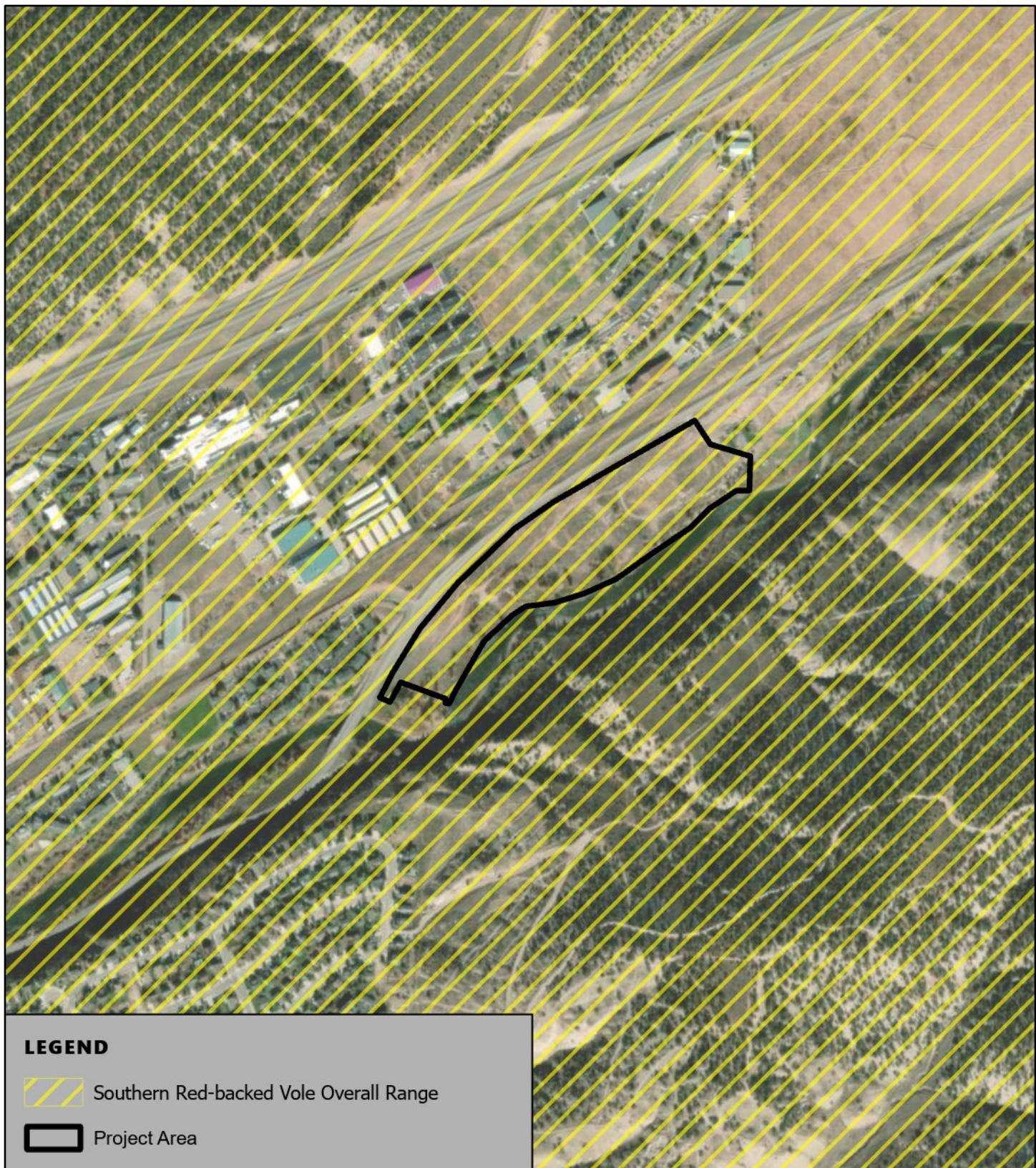
## CPW SPECIES ACTIVITY MAPPING

### SNOWSHOE HARE

**RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**



0 500 1,000  
Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

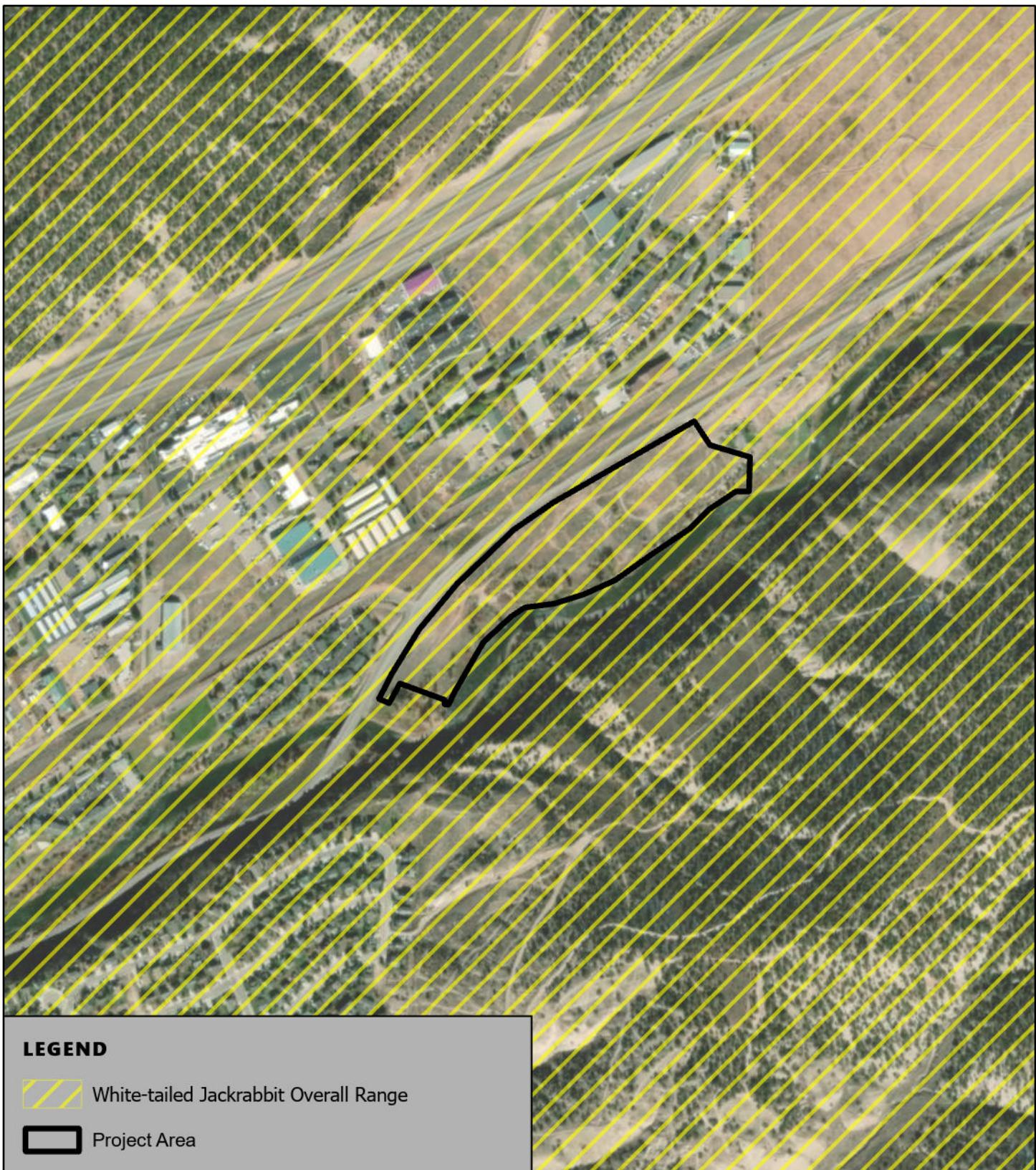
## CPW SPECIES ACTIVITY MAPPING

### SOUTHERN RED-BACKED VOLE

**RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO**



0 500 1,000 Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

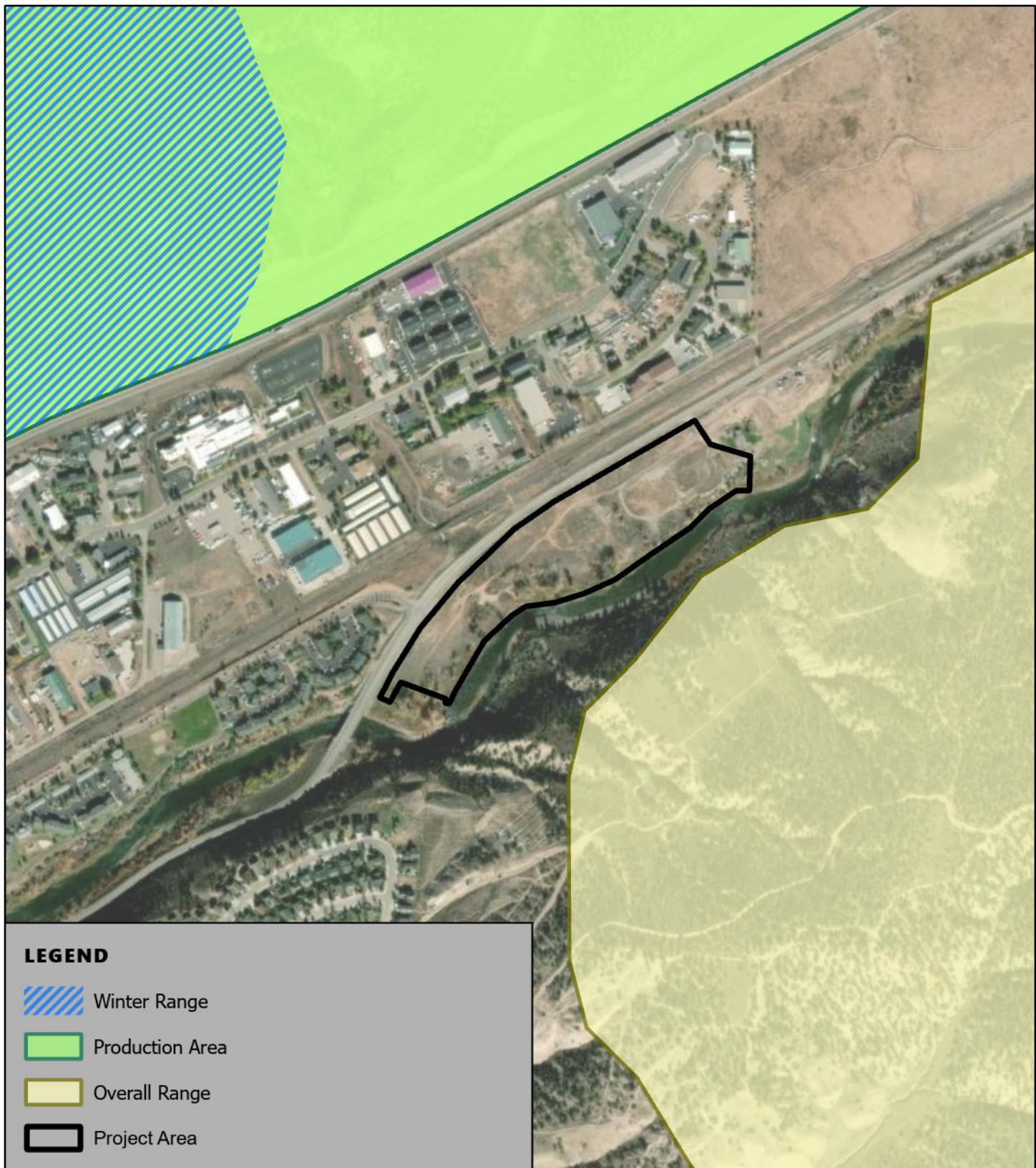
### CPW SPECIES ACTIVITY MAPPING

#### WHITE-TAILED JACKRABBIT

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO



0 500 1,000 Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

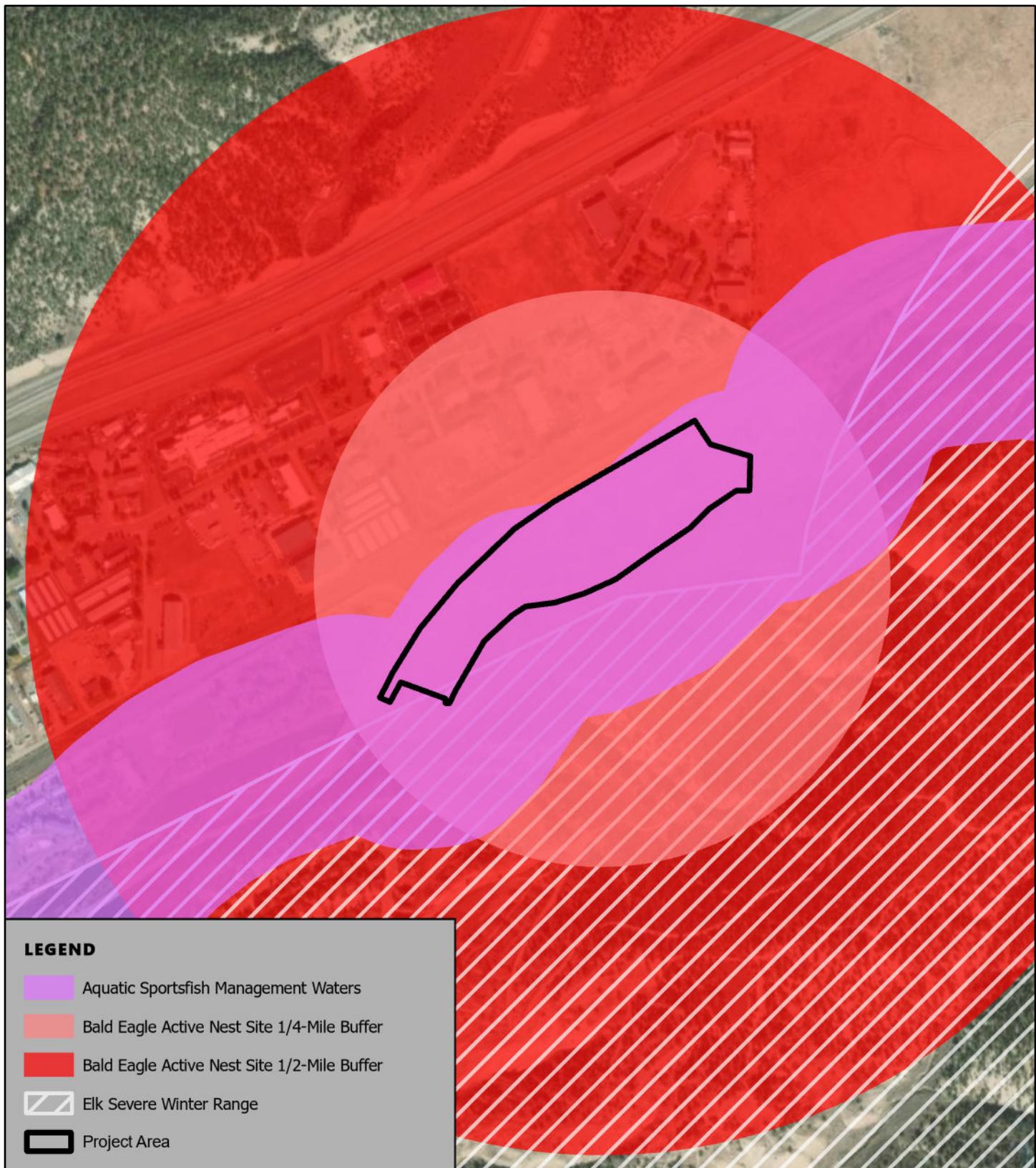
## CPW SPECIES ACTIVITY MAPPING

### WILD TURKEY

RED MOUNTAIN RANCH  
EAGLE COUNTY, COLORADO



0 500 1,000  
Feet



Prepared By:



2820 Wilderness Place, Suite A  
Boulder, CO 80301  
(303) 679-4820

ERC #: 200-2513

## CPW HIGH PRIORITY HABITAT (HPH)

### RED MOUNTAIN RANCH EAGLE COUNTY, COLORADO



0 500 1,000  
Feet

## **Appendix C**

### **USFWS IPaC Species List**



# 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:

08/29/2025 17:57:57 UTC

Project Code: 2025-0142943

Project Name: Red Mountain Ranch

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 (ESA) 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 ([Colorado Ecological Services Field Office](#)). Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the ESA, 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 ESA 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 ESA 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>.

Projects and activities without a Federal nexus (e.g., without Federal funding, permit, or authorization) should be evaluated for the potential to "take" listed wildlife. Take does not apply to listed plants and to designated critical habitat. The term "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct ([ESA Section 3, Definitions](#)). Harm in the definition of "take" in the ESA means an act which actually kills or injures wildlife. Such act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering ([50 CFR 17.3](#)).

**Gray Wolf:** On November 8, 2023, the Service promulgated an ESA section 10(j) (i.e., experimental population) rule (10(j) rule) for gray wolf (*Canis lupus*) within the State of Colorado ([88 FR 77014](#)). For purposes of ESA section 7 consultation, we treat experimental populations as if they are proposed for listing, except on National Park Service and Service lands, where they are treated as threatened. Evaluations for proposed species are completed under the regulations for conferencing ([50 CFR 402.10](#)). Conferencing for species that are proposed for Federal listing, or for proposed critical habitat, is only required if a proposed action is likely to jeopardize the continued existence of a species or will result in destruction or adverse modification of proposed critical habitat. If an action agency determines that their action would not jeopardize the continued existence of the species, and/or would not result in the destruction or adverse modification of critical habitat, and the Service concurs, the conferencing requirement is fulfilled.

**Colorado River Fish/Depletions:** Formal interagency consultation under section 7 of the ESA is required for projects that may lead to depletions of water from any system that is a tributary to the Colorado River. Federal agency actions resulting in water depletions to the Colorado River system may affect the endangered bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), razorback sucker (*Xyrauchen texanus*), and the threatened humpback chub (*Gila cypha*), and their designated critical habitats.

Water depletions include evaporative losses and consumptive use of surface or groundwater within the affected basin, often characterized as diversion minus return flows. Project elements that could be associated with depletions include, but are not limited to: ponds, lakes, and reservoirs (e.g., detention, recreation, irrigation, storage, stock watering, municipal storage, and power generation); drilling, hydraulic fracturing and completion of oil and gas wells; hydrostatic testing of pipelines; water wells; dust abatement; diversion structures; and water treatment facilities. Any actions that may result in water depletions should be identified. An analysis of the water depletion should include: an estimate of the amount and timing of the average annual water use (both historic and new uses) and methods of arriving at such estimates; location of water use or where diversion occurs, as specifically as possible; if and when the water will be returned to the system; and the intended use of the water. Depending on Project details, the Service may have more specific questions regarding the potential consumptive use of the water.

The Service, in accordance with the Upper Colorado River Endangered Fish Recovery Program (<https://coloradoriverrecovery.org/uc/>), adopted a [de minimis policy](#), which states that water-related activities in the Upper Colorado River Basin that result in less than 10 acre-foot per year of depletions in flow have no effect on the Colorado River endangered fish species and their critical habitat, and thus do not require consultation for potential effects on those species and critical habitat. While no section 7 consultation is needed, the Service requests Federal agencies notify the Upper Colorado Fishes Coordinator of depletions between 0.1 and 10 acre-feet per year with the approximate location of the project (e.g., reference to the most proximate surface water or tributary), the water use (e.g., agricultural, oil and gas, energy), and the timing of and depletion

amount. Detention basins designed to detain runoff for less than 72 hours, and temporary withdrawals of water outside of critical habitat (e.g., for hydrostatic pipeline testing) that return all the water to the same drainage basin within 30 days, are considered to have no effect and do not require consultation.

**Suckley's Cuckoo Bumble Bee:** On December 17, 2024, Suckley's cuckoo bumble bee (*Bombus suckleyi*) (Suckley's) was proposed for listing as an endangered species (89 FR 102074). Suckley's is an obligate social parasite of social bumble bees in the genus *Bombus*. Suckley's cannot successfully reproduce without the availability of suitable host colonies. It is a semi-specialist parasite and confirmed to usurp nests of Western bumble bee (*Bombus occidentalis*) and Nevada bumble bees (*Bombus nevadensis*) (Service 2024).

Based on the best available information, no Suckley's have been observed in Colorado since 2014 despite ongoing surveys. The Species Status Assessment (SSA) shows observations since 2018 occur only in northern latitudes, primarily in Canada ([Service 2024](#)), but the species may persist in high quality upper elevation habitats in western States. While Suckley's is proposed for listing, there is no prohibition of "take" under Section 9 of the ESA; therefore, projects without a federal nexus, do not need to engage with the Service to exempt take under the ESA. However, we encourage including conservation measures benefiting pollinators and pollinator habitat into projects. Examples include retaining suitable foraging (diversity and abundance of native floral resources), nesting (suitable host colony above or below ground), and overwintering habitat (loose substrates such as leaf litter, duff, rotting logs); maintaining habitat for host bumble bees by avoiding impacts to abandoned underground holes (rodent burrows); and revegetation efforts that include native seed mixes to promote an abundance and diversity of native floral resources. Additionally, we recommend supporting and conducting general bumble bee and pollinator surveys.

While the species is not currently known to occur in Colorado, we encourage proactive conservation actions to protect and conserve pollinators and pollinator habitat. Examples include retaining suitable foraging (diversity and abundance of native floral resources), nesting (suitable host colony above or below ground), and overwintering habitat (loose substrates such as leaf litter, duff, rotting logs); maintaining habitat for host bumble bees by avoiding impacts to abandoned underground holes (rodent burrows); and revegetation efforts that include native seed mixes to promote an abundance and diversity of native floral resources. Additionally, we recommend supporting and conducting general bumble bee and pollinator surveys.

**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 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>.

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".

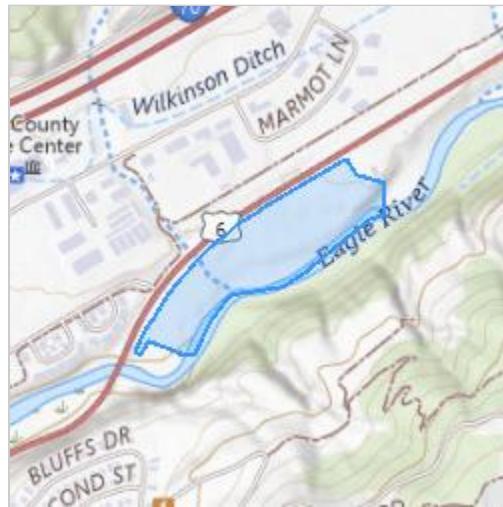
This species list is provided by:

**Western Colorado Ecological Services Field Office**  
445 West Gunnison Avenue, Suite 240  
Grand Junction, CO 81501-5711  
(970) 628-7180

## PROJECT SUMMARY

Project Code: 2025-0142943  
Project Name: Red Mountain Ranch  
Project Type: Residential Construction  
Project Description: Residential Construction  
Project Location:

The approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.66237510000006,-106.81213157900777,14z>



Counties: Eagle County, Colorado

## ENDANGERED SPECIES ACT SPECIES

There is a total of 11 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 Fisheries<sup>1</sup>, 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>	Threatened
Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	
Gray Wolf <i>Canis lupus</i>	Experimental Population, Non-Essential
Population: CO No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/4488">https://ecos.fws.gov/ecp/species/4488</a>	

## BIRDS

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

## FISHES

NAME	STATUS
Bonytail <i>Gila elegans</i>	Endangered
There is <b>final</b> 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"> <li>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.</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/1377">https://ecos.fws.gov/ecp/species/1377</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10417.pdf">https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10417.pdf</a>	
Colorado Pikeminnow <i>Ptychocheilus lucius</i>	Endangered
Population: Wherever found, except where listed as an experimental population There is <b>final</b> 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"> <li>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.</li> </ul> Species profile: <a href="https://ecos.fws.gov/ecp/species/3531">https://ecos.fws.gov/ecp/species/3531</a> General project design guidelines: <a href="https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10418.pdf">https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10418.pdf</a>	

NAME	STATUS
Humpback Chub <i>Gila cypha</i>	Threatened
<p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3930">https://ecos.fws.gov/ecp/species/3930</a></p> <p>General project design guidelines:</p> <p><a href="https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10419.pdf">https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10419.pdf</a></p>	
Razorback Sucker <i>Xyrauchen texanus</i>	Endangered
<p>There is <b>final</b> critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>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.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/530">https://ecos.fws.gov/ecp/species/530</a></p> <p>General project design guidelines:</p> <p><a href="https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10420.pdf">https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10420.pdf</a></p>	

## INSECTS

NAME	STATUS
Monarch Butterfly <i>Danaus plexippus</i>	Proposed
<p>There is <b>proposed</b> critical habitat for this species. Your location does not overlap the critical habitat.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/9743">https://ecos.fws.gov/ecp/species/9743</a></p>	Threatened
Suckley's Cuckoo Bumble Bee <i>Bombus suckleyi</i>	Proposed
<p>Population:</p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/10885">https://ecos.fws.gov/ecp/species/10885</a></p>	Endangered

## FLOWERING PLANTS

NAME	STATUS
Ute Ladies'-tresses <i>Spiranthes diluvialis</i>	Threatened
<p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/2159">https://ecos.fws.gov/ecp/species/2159</a></p> <p>General project design guidelines:</p> <p><a href="https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10383.pdf">https://ipac.ecosphere.fws.gov/project/76MLO5ESVBHSNDXVZBL3NCIGEQ/documents/generated/10383.pdf</a></p>	

## 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 Act <sup>2</sup> and the Migratory Bird Treaty Act (MBTA) <sup>1</sup>. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their habitats, should follow appropriate regulations and consider implementing appropriate avoidance and minimization measures, as described in the various links on this page.

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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 Bald Eagles and/or Golden Eagles in your [project](#) area.

### Measures for Proactively Minimizing Eagle Impacts

For information on how to best avoid and minimize disturbance to nesting bald eagles, please review the [National Bald Eagle Management Guidelines](#). You may employ the timing and activity-specific distance recommendations in this document when designing your project/activity to avoid and minimize eagle impacts. For bald eagle information specific to Alaska, please refer to [Bald Eagle Nesting and Sensitivity to Human Activity](#).

The FWS does not currently have guidelines for avoiding and minimizing disturbance to nesting Golden Eagles. For site-specific recommendations regarding nesting Golden Eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

If disturbance or take of eagles cannot be avoided, an [incidental take permit](#) may be available to authorize any take that results from, but is not the purpose of, an otherwise lawful activity. For assistance making this determination for Bald Eagles, visit the [Do I Need A Permit Tool](#). For assistance making this determination for golden eagles, please consult with the appropriate Regional [Migratory Bird Office](#) or [Ecological Services Field Office](#).

### Ensure Your Eagle List is Accurate and Complete

If your project area is in a poorly surveyed area in IPaC, your list may not be complete and you may need to rely on other resources to determine what species may be present (e.g. your local FWS field office, state surveys, your own surveys). Please review the [Supplemental Information on Migratory Birds and Eagles](#), to help you properly interpret the report for your specified location, including determining if there is sufficient data to ensure your list is accurate.

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to bald or golden eagles on your list, see the "Probability of Presence Summary" below to see when these bald or golden eagles 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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	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 (■)

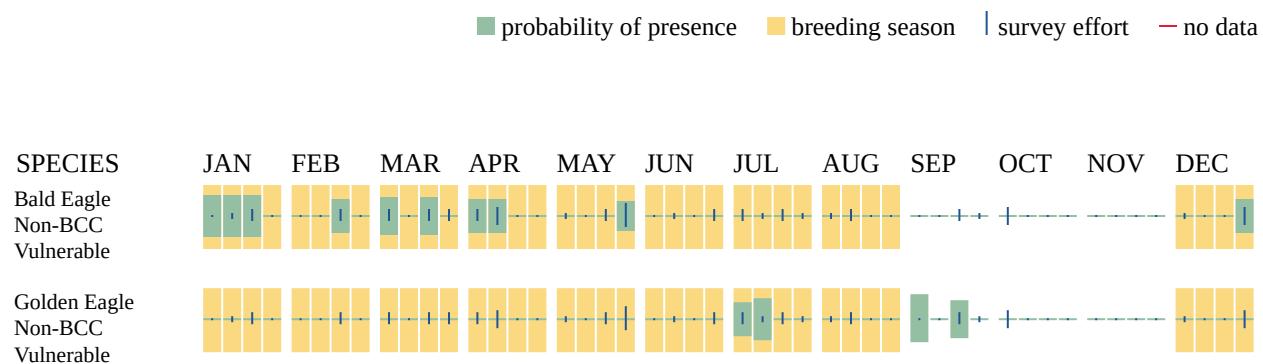
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

### 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 avoidance and minimization 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

The Migratory Bird Treaty Act (MBTA)<sup>1</sup> prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (Service).

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. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	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. <a href="https://ecos.fws.gov/ecp/species/11935">https://ecos.fws.gov/ecp/species/11935</a>	Breeds May 25 to Aug 21
Brown-capped Rosy-finches <i>Leucosticte australis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9461">https://ecos.fws.gov/ecp/species/9461</a>	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. <a href="https://ecos.fws.gov/ecp/species/9462">https://ecos.fws.gov/ecp/species/9462</a>	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 <a href="https://ecos.fws.gov/ecp/species/9421">https://ecos.fws.gov/ecp/species/9421</a>	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. <a href="https://ecos.fws.gov/ecp/species/9465">https://ecos.fws.gov/ecp/species/9465</a>	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. <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a>	Breeds Dec 1 to Aug 31
Lewis's Woodpecker <i>Melanerpes lewis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9408">https://ecos.fws.gov/ecp/species/9408</a>	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. <a href="https://ecos.fws.gov/ecp/species/3631">https://ecos.fws.gov/ecp/species/3631</a>	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. <a href="https://ecos.fws.gov/ecp/species/3914">https://ecos.fws.gov/ecp/species/3914</a>	Breeds May 20 to Aug 31

NAME	BREEDING SEASON
Pinyon Jay <i>Gymnorhinus cyanocephalus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9420">https://ecos.fws.gov/ecp/species/9420</a>	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. <a href="https://ecos.fws.gov/ecp/species/9441">https://ecos.fws.gov/ecp/species/9441</a>	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 (■)

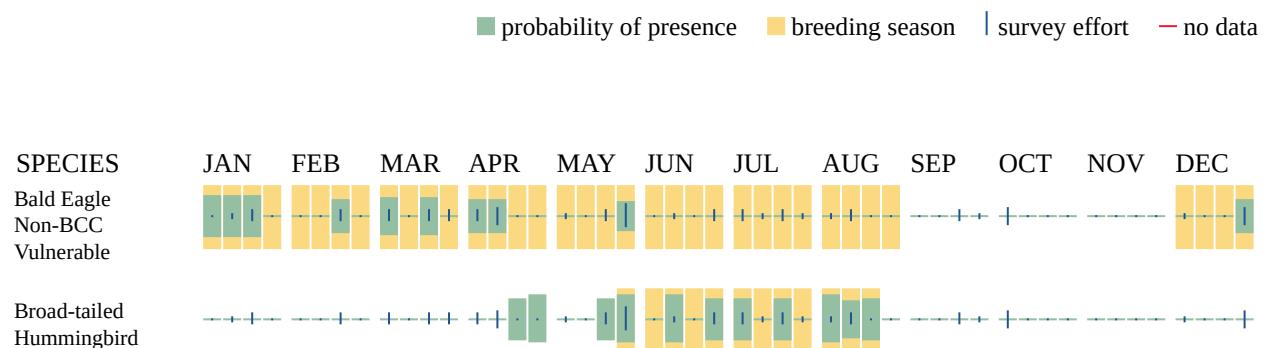
Yellow bars; liberal estimate of the timeframe inside which the bird breeds across its entire range.

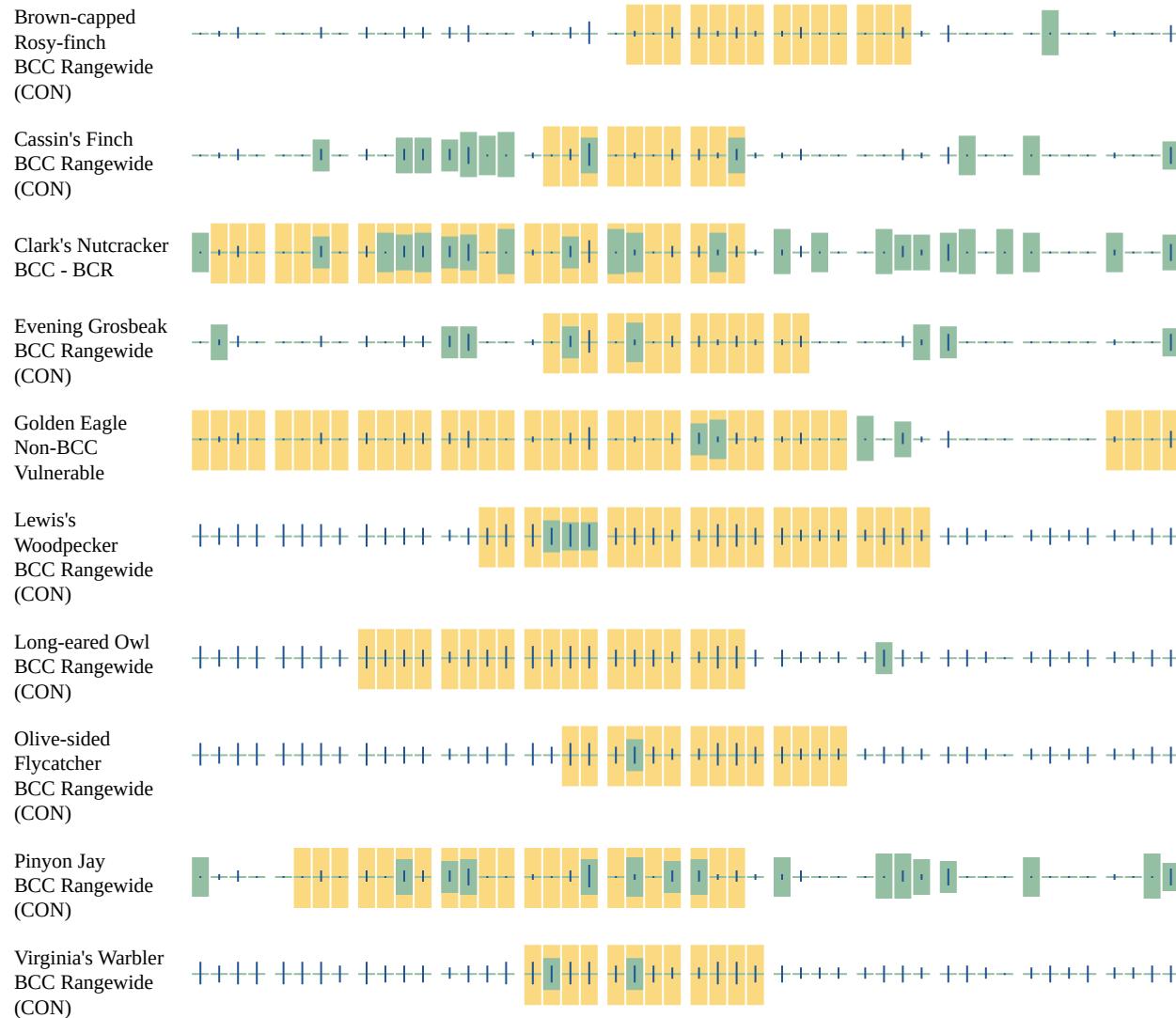
### Survey Effort (|)

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.



BCC Rangewide  
(CON)

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 avoidance and minimization measures for birds
- 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>

## 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.

FRESHWATER EMERGENT WETLAND

- PEM1A

RIVERINE

- R4SBA
- R3UBH

## IPAC USER CONTACT INFORMATION

Agency: Private Entity  
Name: Morgan Colacone  
Address: 2820 Wilderness Place  
City: Boulder  
State: CO  
Zip: 80301  
Email: [mcolacone@erccolorado.net](mailto:mcolacone@erccolorado.net)  
Phone: 3036794820

## Appendix D

### **USFWS Eagle Disturbance General Take Permit**



General Eagle Permit - Disturbance Take - Commercial

**Permit Number:** PER23023565

**Version Number:** 0

**Effective:** 2025-09-01 **Expires:** 2026-08-31

**Issuing Office:**  
**Department of the Interior**  
**U.S. FISH AND WILDLIFE SERVICE**  
  
5275 Leesburg Pike  
Falls Church, Virginia 22041-3803  
eaglegeneralpermits@fws.gov

A handwritten signature in black ink, appearing to read "Eric L. Kershner".

Eric L. Kershner  
Chief, Division of Bird Conservation, Permits, and  
Regulations  
Migratory Bird Program, U.S. Fish and Wildlife

**Permittee:**

Rodrigo Cortina  
701 West Lionshead Circle  
Vail, Colorado 81657  
970-331-3736

**Subpermittees:**

Stephen Stone

**Name and Title of Principal Officer:**

Rodrigo Cortina

**Primary Contact Information:**

Rodrigo Cortina, 970-331-3736

Authority: Statutes and Regulations: 16 U.S.C. 668-668(d), 16 U.S.C 703-712 50 CFR Part 13, 50 CFR 22.280



General Eagle Permit - Disturbance Take - Commercial

**Permit Number:** PER23023565

**Version Number:** 0

**Effective:** 2025-09-01 **Expires:** 2026-08-31

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**Location where authorized activity may be conducted:**

Location: Eagle County/ Town of Eagle/ Colorado

Latitude, Longitude: 39.662498, -106.812125

**Eagle Nest Location Coordinates:** 39.662194, -106.811674



## **General Permit Requirements and Conditions:**

### **General Permit Conditions – Bald Eagle Disturbance**

#### **Definitions (as defined in 50 CFR 22.6):**

*Alternate Nest* means one of potentially several nests within a nesting territory that is not an in-use nest at the current time. When there is no in-use nest, all nests in the territory are alternate nests.

*Disturb* means to agitate or bother a bald or golden eagle to a degree that causes, or is likely to cause, based on the best scientific information available, 1) injury to an eagle, 2) a decrease in its productivity, by substantially interfering with normal breeding, feeding, or sheltering behavior, or 3) nest abandonment, by substantially interfering with normal breeding, feeding, or sheltering behavior.

*Eagle nest* means any assemblage of materials built, maintained, or used by bald eagles or golden eagles for the purpose of reproduction. An eagle nest remains an eagle nest until it becomes so diminished, or the nest substrate upon which it is built fails, that the nest is no longer usable and is not likely to become usable to eagles, as determined by a Federal, Tribal, or State eagle biologist.

*In-use nest* means a bald eagle or golden eagle nest that contains one or more viable eggs or dependent young, or, for golden eagles only, has had adult eagles on the nest within the past 10 days during the breeding season.

*Incidental take* means take that is foreseeable and results from, but is not the purpose of, an activity.

*Nesting territory* means the area that contains one or more eagle nests within the home range of a mated pair of eagles, regardless of whether such nests were built by the current resident pair.

*Practicable* means available and capable of being done after taking into consideration existing technology, logistics, and cost in light of a mitigation measure's beneficial value to eagles and the activity's overall purpose, scope, and scale.

Definitions for the purposes of these permit conditions:

Breeding season refers to the period of time where eagles are breeding, or are preparing to breed. Actual breeding season dates can vary slightly between breeding pairs and from year to year. For bald eagles, the Service uses the date ranges listed by state in Table 1 (located at the end of this permit).

Occupied nest means an in-use bald eagle nest or an alternate bald eagle nest that has had attending adults within the past 10 days during the first 3 months of the breeding season.



## General Eagle Permit - Disturbance Take - Commercial

**Permit Number:** PER23023565

**Version Number:** 0

**Effective:** 2025-09-01 **Expires:** 2026-08-31

### **General Permit Requirements and Conditions:**

#### **A. Authorization.**

You are authorized to disturb bald eagles at the nest location listed above under "Location" where authorized activity may be conducted.

(1) Disturbance is authorized provided there is no practicable alternative to avoiding or minimizing it. The authorization applies only to disturbance take resulting from activities and infrastructure described in your general permit application and conducted in accordance with the terms of this permit.

(2) Disturbance is authorized for activities associated with building construction and maintenance, linear infrastructure construction and maintenance, alteration of shorelines and water bodies, alteration of vegetation (including timber management), prescribed burn operations, motorized recreational activities, nonmotorized recreational activities, aircraft operation, and loud intermittent noises (including blasting). You must remain in compliance only with the permit conditions in C(1) and the conditions associated with your activity type(s) you are conducting.

#### **B. Prohibited. This permit does not authorize:**

(1) Take of eagle nests, including by substantively modifying nesting substrate sufficient to render the substrate unsuitable for eagle nesting, except as authorized in C(8) for prescribed burn operations.

(2) Disturbance of golden eagles.

(3) Incidental or intentional take that results in injury or death of eagles.

(4) Possession of eagles, nestlings, or eggs.

(5) Permanent take of any eagle territory. Your activities must not eliminate the potential for future nesting activity within any eagle territory.

**C. Avoidance and Minimization.** You must implement the avoidance and minimization measures set forth below for the activity type(s) you are conducting under this permit. Breeding season dates are listed in Table 1 below.

##### **(1) All Activities:**

(a) You must review the Service's National Bald Eagle Management Guidelines (BEMG) (available at National Bald Eagle Management Guidelines pdf) and conduct your activity consistent with these guidelines. You must document in writing any applicable BEMG recommendations you do not implement with a justification as to why the measure is not practicable.



**General Permit Requirements and Conditions:**

(b) In many areas bald eagles have demonstrated tolerance to human activity. If bald eagles have demonstrated tolerance to your activity or similar activities within the same distance to the nest, you may opt to not implement all of the conditions in Condition C. You must document in writing any applicable conditions you do not implement with a justification as to how you determined the condition is not warranted.

(c) You must avoid activities that may affect the survivability of the nest tree or other natural nesting substrate. The nest location must be identified on plans and communicated to contractors or other third parties doing work at your site. You must preserve the root integrity of the nest tree by avoiding heavy equipment operation, soil compaction, or ground disturbance greater than 12 inches deep within the nest tree's dripline or 50 feet, whichever is greater.

(d) To the maximum degree practicable, avoid conducting activities that may disturb eagles during severe weather such as heavy rain, severe thunderstorms, high winds, or extreme temperatures (high or low) to ensure adult eagles can provide necessary warmth and shelter for eggs and nestlings while they are vulnerable to such weather events.

*(2) Construction of Buildings and Infrastructure .*

Exterior construction includes exterior building construction as well as related activities. No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Initiate exterior construction and related activities within 330 feet of the nest outside the breeding season.

(b) Initiate exterior construction within 660 feet of the nest as late in the breeding season as possible to avoid the time of year when eagles are most susceptible to disturbance. To the extent practicable, avoid conducting exterior construction within 660 feet of the nest during the first three months of the breeding season.

(c) Initiate exterior construction at the furthest possible distance from the nest to allow the eagles the opportunity to adjust to your activities. Work toward the nest such that any activity to be conducted nearest to the nest occurs last.

(d) Avoid exterior construction within 660 feet of the nest before and for two hours after sunrise and also for two hours before and after sunset to allow eagles time each day to care for nestlings.

(e) Minimize noise and visibility of exterior construction for activities that will occur within 660 feet

**General Permit Requirements and Conditions:**

of the nest. For example, create barriers using available natural and artificial barriers such as screening vegetation, topography, or vertical structures.

(f) Minimize infrastructure or other project component inspection activities within 330 feet of the nest.

(g) For inspections within 330 feet of the nest,

(i) Inform all individuals of the nest's location, including scheduled and unscheduled inspectors;

(ii) Conduct all inspection activities from closed cab vehicles whenever practicable;

(iii) Inform inspectors to limit their time within 330 feet of the nest, including limiting unnecessary noise and visual disturbance; and

(iv) Avoid approaching the nest directly on foot.

(3) *Maintenance of Buildings and Infrastructure* .

Conditions (a)-(b) are required for all nests, regardless of status. For nests that are occupied or status is unknown, conditions (c)-(i) are also required, unless eagles have demonstrated tolerance to maintenance activities. To the maximum extent practicable, conduct vegetation alteration outside of the breeding season. You must also, to the extent practicable:

(a) Follow state and federal guidelines, laws, and labels and instructions at all times if using pesticides, herbicides, or other chemicals during facility maintenance. To the maximum degree practicable, avoid the use of anticoagulant rodenticides. Anticoagulant rodenticides are a leading cause of eagle death. This permit does not authorize the killing or injury of eagles resulting from chemical or pesticide exposure.

(b) Avoid material and equipment storage within 330 feet of the nest. Do not store or stage materials and equipment within the dripline of the nest tree, or 50 feet, whichever is greater.

(c) Minimize material and equipment storage and staging within 660 feet of the nest tree. If you must use areas within 600 feet of the nest for staging during the breeding season, reduce the visibility of material or equipment by creating natural or artificial barriers using screening vegetation, topography, or vertical structures.

(d) If maintenance, restoration, and landscaping activities are visible from the nest, avoid these activities within 660 feet of the nest before and for two hours after sunrise and for two hours before and



## **General Permit Requirements and Conditions:**

after sunset.

(e) When conducting maintenance, restoration, and landscaping activities within 660 feet of the nest, begin as late in the breeding season as possible. To the maximum degree practicable, avoid conducting such activities within 660 feet of the nest during the first three months of the breeding season.

(f) Initiate and conduct maintenance, restoration, and landscaping activities at the furthest possible distance from the nest and work toward the nest such that any activity to be conducted nearest the nest occurs last.

(g) Minimize the use of open cab equipment when conducting activities within 330 feet of an eagle nest.

(h) Avoid the use of heavy equipment or loud machinery within 330 feet of an eagle nest.

(i) Avoid the use of netting adjacent to any water features to reduce risk of eagle entanglement.

### *(4) Alteration of shorelines and water bodies .*

Conditions (a)-(d) are required for all nests, regardless of status. For nests that are occupied or status is unknown, conditions (e)-(f) are also required. To the maximum extent practicable, conduct alteration outside of the breeding season.

(a) Avoid draining or drawing down any existing waterbodies within 660 feet of an eagle nest at a rate faster than normal water usage or evaporation.

(b) When altering shoreline or waterbody boundaries or conducting any associated geotechnical work within 660 feet of an eagle nest, you must:

(i) Avoid work within 660 feet of the nest before and for two hours after sunrise also for two hours before and after sunset.

(ii) Initiate work within 660 feet of the nest as late in the breeding season as possible. Avoid conducting work within 660 feet of the nest during the first three months of the breeding season.

(iii) Initiate work and related activities within 330 feet of the nest outside the breeding season.

(iv) Initiate work at the furthest possible distance from the nest. Work toward the nest such that any activity to be conducted nearest to the nest occurs last.



### **General Permit Requirements and Conditions:**

(v) Minimize noise and visibility of exterior construction for activities that will occur within 660 feet of the nest. For example, create barriers using available natural and artificial barriers such as screening vegetation, topography, or vertical structures.

(c) Remove dams and other infrastructure for controlling water outside of the breeding season.

(d) To the maximum degree practicable, construct new dams and infrastructure for controlling water outside of the breeding season. If construction must occur during the breeding season, you must:

(i) Avoid construction within 660 feet of the nest before and for two hours after sunrise and also for two hours before and after sunset.

(ii) Initiate construction within 660 feet of the nest as late in the breeding season as possible. To the extent practicable, avoid conducting construction within 660 feet of the nest during the first three months of the breeding season.

(iii) Initiate construction and related activities within 330 feet of the nest outside the breeding season.

(iv) Initiate construction at the furthest possible distance from the nest. Work toward the nest such that any activity to be conducted nearest to the nest occurs last.

(v) Minimize noise and visibility of construction for activities that will occur within 660 feet of the nest. For example, create barriers using available natural and artificial barriers such as screening vegetation, topography, or vertical structures.

(e) Design and construct new, or modifications to existing, water bodies in a manner that protects the nest tree, including all practicable measures to protect soil and prevent erosion that would destabilize the tree.

#### *(5) Alteration of Vegetation.*

Conditions (a)-(e) are required for all nests, regardless of status. For nests that are occupied or status is unknown, condition (f) is also required. To the maximum extent practicable, conduct vegetation alteration outside of the breeding season. You must also, to the extent practicable:

(a) Minimize the amount of tree or significant vegetation removal within 660 feet of the nest.

(b) Avoid clearcutting trees within 330 feet of the nest tree at any time.



**General Permit Requirements and Conditions:**

- (c) Retain the maximum number of mature trees practicable within 660 feet of the nest. Prioritize retaining mature trees within 330 feet of the nest, trees adjacent to foraging areas, and trees with documented use as perch or roost trees.
- (d) Take every practical precaution, such as using a professional tree service, to fell trees near the nest tree in such a way that they do not contact the nest tree, especially the crown of the nest tree.
- (e) Remove vegetation for chipping, burning, or other disposal methods that may cause disturbance at least 660 feet from the nest.
- (f) If conducting timber operations or forestry, avoid new construction of log transfer facilities, in-water log storage areas, new road construction, and chain saw or yarding operations within 330 feet of the nest.
- (g) For any vegetation removal that must occur during the breeding season within 660 feet of the nest, begin at the furthest possible distance from the nest and work toward the nest such that any removal to be conducted nearest to the nest occurs last.

**(6) Prescribed Burns.**

Conditions (a)-(d) are required for all nests, regardless of status. For nests that are occupied or status is unknown, conditions (e) and (f) are also required. You must, to the extent practicable:

- (a) Conduct prescribed burns outside of the breeding season. If prescribed burns are conducted during the breeding season, you must document in writing with a justification as to why (e.g., human safety, federal mandates).
- (b) Remove fuels (e.g., leaves, woody debris) near the nest tree to avoid fire climbing the tree. This includes fuels that present a hazard to the nest tree, fuels that are on or close to the bole of the nest tree, and fuels that may loft embers near the nest tree such as palm trees or high shrubs or bushes. To the extent practical, this measure must be performed outside of the breeding season or when the eagle nest is not occupied.
- (c) Avoid creating new fire breaks or fire lines within 660 feet of any bald eagle nest at any time of year. Perform maintenance on any pre-existing fire breaks within 660 feet of a bald eagle nest outside of the breeding season or when the eagle nest is not occupied.
- (d) Utilize smoke management and ignition techniques that minimize the amount and duration of flame and smoke impacts to the nest (e.g., igniting a backing or flank fire).



**General Permit Requirements and Conditions:**

(e) Minimize the presence of and any activities of ground crews within 660 feet of the nest.

(f) Do not conduct a prescribed burn during weather and wind conditions that are likely to expose the nest to fire or smoke.

(g) You are authorized for the incidental take of eagle nests that occurs during a prescribed burn, provided that incidental take occurs after application of all avoidance and minimization measures. This authorization does not include take caused by lack of due diligence or negligence; for example, failure to identify nest locations prior to conducting an activity.

*(7) Motorized and Nonmotorized Recreation.*

No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Install signs to create a minimum 330 feet nest buffer around the nest. Signs may be temporary or permanent. Signs should inform recreationists that they are entering an important eagle use area, unless you document doing so is likely to increase risk to eagles.

(b) Close trails, roads, or boat launch areas within 660 feet of the nest. You may reduce this buffer if adult eagles have shown tolerance to use, and you document how you have determined eagles are tolerant to use.

(c) If visiting recreationists are likely to engage in eagle watching, either set up an area for recreationists to view the nest from greater than 660 feet or instruct recreationists to remain at least 330 feet from the nest and observe eagles from their vehicles or from behind natural or artificial barriers. If eagles have demonstrated tolerance, viewing can occur at closer distances. You must document how you have determined eagles are tolerant to viewing within 330 feet.

(d) Do not authorize recreational activities such as camping (including campfires), boating, fishing, and hunting within 330 feet of a nest. You may reduce this buffer if adult eagles have shown tolerance to use, and you document how you have determined eagles are tolerant to use.

*(8) Aircraft operation.*

No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Avoid any helicopter and fixed-wing aircraft flights within 1,000 feet of an eagle nest during the first three months of the breeding season or until the adults are observed in incubating position.



**General Permit Requirements and Conditions:**

(b) Avoid helicopter and fixed-wing aircraft flights within 1,000 feet of an eagle nest at a frequency more than once per day.

(c) Minimize the duration that any helicopter and fixed-wing aircraft spends within 1,000 feet of an eagle nest, not to exceed 3 minutes when passing within 1,000 feet of an eagle nest.

(d) This permit does not authorize disturbance with unmanned aircraft systems (i.e., UAS or drones). Any UAS use must be in a manner that does not cause disturbance, as defined in 50 CFR 22.6.

*(9) Blasting and other loud intermittent activity.*

No measures are required for unoccupied nests. For nests that are occupied or status is unknown, you must, to the extent practicable:

(a) Avoid blasting and any activities that produce other loud intermittent noise within one-half-mile of the nest during the breeding season. If occupancy is known, conduct blasting activities only during the period between when eggs are laid (e.g., adults are incubating position) to when nestlings are at least nine weeks old. Nestling age can be determined by size (i.e., approaching adult size) and posture (e.g., erect, starting to stand on edge of nest).

(b) Use all available methods and technology to reduce the noise generated by your activity. These may include but are not limited to blast mats, vibratory pile driving, or constructed sound barriers.

**D. Monitoring.** You must, to the maximum degree practicable, observed the permitted eagle nest, sufficient to:

(1) Determine nest status (i.e., occupied or unoccupied) during the breeding season (see Table 1), and

(2) If occupied, determine nest fate (i.e., fledged young or failed to fledge young).

Observations must be performed in a manner that does not cause additional disturbance to breeding eagles. For example, observe the nest from beyond 660 feet or from behind screening vegetation or structures.

**E. Reporting.** You must submit an annual report of nest status and, if occupied, nest fate using Form 3-202-15 (Eagle Incidental Take Annual Report). Your annual report is due within 30 days of the expiration of your permit or prior to requesting renewal of your permit, whichever is first. An annual report is required, even if no eagle activity was observed or no activities were conducted.



**General Permit Requirements and Conditions:**

**F. Subpermittees.** You may designate subpermittees to conduct some or all of your permitted activities. A subpermittee is an individual to whom you have provided written authorization to conduct some or all of the permitted activities in your absence. Authorized subpermittees are any person who is (1) employed by or under contract to you for the activities specified in this permit, or (2) otherwise designated a subpermittee by you in writing. As the permittee, you are legally responsible for ensuring that your subpermittees are adequately trained and adhere to the terms of your permit.

You and any subpermittees must carry a legible paper or electronic copy of this permit and subpermittee designation letter and display it upon request whenever you are exercising its authority. Subpermittees must be at least 18 years of age. You are responsible for maintaining current records of who you have designated as a subpermittee, including copies of any designation letters provided to individuals not named above.

**G. Other Conditions.**

(1) You must comply with all of the regulations and permit conditions in 50 CFR parts 10, 13, 21, and 22.

(2) You must keep records of all activities conducted under this permit, including any subpermittee activities carried out under the authority of this permit (see 50 CFR § 13.46).

(3) By accepting this permit, you are authorizing the Service to inspect the location and records relating to the activity (see 50 CFR § 13.21(e)). Service or Service contractors may require access to your project site to ensure general permitting is consistent with eagle preservation. The Service will provide reasonable notice for requests to access sites and negotiate with the permittee about practicable and appropriate access conditions to protect human health and safety and address physical, logistical, or legal constraints.

(4) You are responsible for ensuring that the permitted activity complies with all Federal, Tribal, State, and local laws. This permit is not valid if implementing any of its provisions may affect a listed, proposed, or candidate species or designated or proposed critical habitat under the federal Endangered Species Act, nor has the potential to cause effects to cultural resources or historic properties protected by the National Historic Preservation Act.

(5) The Service may amend, suspend, or revoke a permit issued under this subpart if new information indicates that revised permit conditions are necessary, or that suspension or revocation is necessary, to safeguard local or regional eagle populations. This provision is in addition to the general criteria for amendment, suspension, and revocation of Federal permits set forth in 50 CFR § 13.23,



## General Eagle Permit - Disturbance Take - Commercial

**Permit Number:** PER23023565

**Version Number:** 0

**Effective:** 2025-09-01 **Expires:** 2026-08-31

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13.27, and 13.28. General permits cannot be amended by the permit holder.

(6) Notwithstanding the provisions of 50 CFR § 13.26, you remain responsible for all outstanding monitoring requirements and mitigation measures required under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.

(7) The Service will regularly evaluate whether the take of bald eagles authorized under general permits remains compatible with the preservation of eagles. If the Service finds, through the best available information, that the general permit program is not compatible with the preservation of bald eagles and golden eagles, the Service may suspend issuing general permits in all or in part after publishing a notice in the Federal Register. If the Service suspends general permitting, take currently authorized under this general permit remains authorized until expiration unless you are notified otherwise.

**Table 1. Bald eagle breeding season dates by state or portions of states.**

State	Breeding Season		State	Breeding Season	
	Beginning	Ending		Beginning	Ending
Alabama	1-Oct	30-May	Nebraska	1-Dec	15-Jul
Alaska	1-Mar	31-Aug	Nevada	1-Dec	31-Jul
Arizona	15-Oct	15-Jul	New Hampshire	15-Feb	15-Aug
Arkansas	1-Nov	30-Jun	New Jersey	1-Jan	31-Jul
California	1-Dec	15-Aug	New Mexico	15-Oct	15-Jul
Colorado	1-Dec	31-Jul	New York	1-Jan	31-Aug
Connecticut	1-Jan	31-Jul	North Carolina	1-Nov	30-Jun
Delaware	15-Dec	30-Jun	North Dakota	15-Jan	31-Aug
District of	15-Dec	15-Jul	Ohio	1-Jan	31-Jul



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Columbia					
Florida	1-Oct	30-May	Oklahoma – except panhandle	1-Oct	30-May
Georgia	1-Oct	30-May	Oklahoma – panhandle only	15-Oct	15-Jul
Idaho	1-Jan	15-Aug	Oregon	1-Jan	15-Aug
Illinois	15-Dec	31-Jul	Pennsylvania	1-Jan	31-Jul
Indiana	15-Dec	31-Jul	Rhode Island	1-Jan	31-Jul
Iowa	1-Jan	31-Jul	South Carolina	1-Oct	30-May
Kansas	1-Dec	31-Jul	South Dakota	15-Jan	31-Aug
Kentucky	1-Nov	15-Jul	Tennessee	1-Nov	30-Jun
Louisiana	1-Oct	30-May	Texas – east of 100th meridian	1-Oct	30-May
Maine	1-Feb	30-Aug	Texas – west of 100th meridian	15-Oct	15-Jul
Maryland	15-Dec	30-Jun	Utah	1-Dec	31-Jul
Massachusetts	15-Jan	31-Aug	Vermont	1-Feb	15-Aug
Michigan	15-Jan	15-Aug	Virginia	15-Dec	15-Jul
Minnesota	15-Jan	15-Aug	Washington	1-Jan	15-Aug
Mississippi	1-Oct	30-May	West Virginia	1-Dec	15-Jul
Missouri	15-Dec	15-Jul	Wisconsin	15-Jan	15-Aug



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**General Permit Requirements and Conditions:**

Montana	15-Jan	31-Aug	Wyoming	1-Jan	15-Aug
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