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To: [Kevin Beck](#)
Cc: [Salamack, Kristin A](#); bcgreen@auroragov.org; lance.carpenter@state.co.us; brandon.marette@state.co.us; travis.harris@state.co.us
Subject: Equity Ventures Aurora Development: Eagle Nest
Date: Friday, August 19, 2022 9:30:53 AM

Hello Kevin Beck,

You reached out to the U.S. Fish and Wildlife Service (Service) on August 23, 2021, regarding an active bald eagle nest in close proximity to a proposed mixed-use development in Aurora, Colorado. The bald eagle nest is located approximately 1/8-mile southwest of the proposed development on a cottonwood tree in Coal Creek Open Space, owned by the City of Aurora's (the City) Parks, Recreation, and Open Space department. On October 21, 2021, we attended a meeting with Equity Ventures (developer), Colorado Parks and Wildlife (CPW), and the City to discuss the proposed development, the history of the eagle nest, and potential avoidance and minimization strategies.

The City has records indicating that a resident pair of bald eagles have successfully nested on this tree in Coal Creek Open Space since at least 2010. The City has restricted public access to the use of Coal Creek within a ¼-mile buffer of the eagle nest during the nesting season (December 15 to July 31). Existing noise disturbance in proximity to the nest includes Buckley Space Force Base and associated jet and airplane noise overhead approximately one mile to the southwest, and traffic along East 6th Ave (0.2 mile southwest), South Picadilly Road (0.4 mile to the east), and East Stephen D. Hogan Parkway (0.24 mile to the north).

We continued discussions with CPW and the City after the October 21 meeting and determined that while this eagle pair has demonstrated tolerance to noise disturbance due to the proximity of the Space Force Base and existing road traffic, we were concerned about the added disturbance pressure from a large residential and commercial development within the ¼-mile buffer of the eagle nest, the direct line of sight to the nest from the proposed residential area, and the potential difficulty in dissuading residents living just north of Coal Creek Open Space from entering restricted areas during the nesting season.

In response to our concerns, Equity Ventures has revised the original site plan for the development; all structures would be sited outside of the ¼-mile buffer for the eagle nest and the only mixed-use construction proposed within the ¼-mile buffer would be a small amount of drive aisle and parking on the west end of the commercial lots fronting Stephen D. Hogan Parkway. Equity Ventures would construct a detention/water quality pond with vegetation within the 1/8-mile buffer of the eagle nest; however, once constructed, human activity in this area would be limited. Equity Ventures has also committed to the following avoidance and minimization measures:

1. Equity Ventures will fence the southern border of the development to help limit access from people within the development into Coal Creek Open Space.
2. Equity Ventures will avoid active construction during the breeding season for bald eagles (December 1-July 31) within 660-feet from the eagle nest.
3. Equity Ventures will locate equipment laydown and staging areas outside of the 660-foot buffer.

Given that Equity Ventures has accommodated our concerns and has moved the commercial and residential portion of the development outside of the ¼-mile buffer from the eagle nest and will adopt additional avoidance and minimization measures, the Service does not think that disturbance take at this bald eagle nest is likely to occur in response to this project. Hence, we do not recommend that Equity Ventures apply for an eagle incidental take permit for this project.

Thank you for the opportunity to comment on this project,
Liisa

Liisa M. Hernández Niva (she/her/hers; hear my name pronounced [here](#))
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I acknowledge that I live and work in the ancestral lands of the Ute, Arapaho, Cheyenne, and Očhéthi Šakówin (Lakota, Dakota, and Nakota) Tribes.