TRINITY RED DEVELOPMENT, L.L.C.

Eagle River Station
Wildlife Conflict Mitigation Plan

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III.II Landscape Vegetation

Eagle River Station must not be made attractive to wildlife. Therefore, all landscape species must be identified as deer resistant. Many native plant species can be included that are not attractive to wildlife but will add to the scenic values of the Eagle River Station. The Colorado Division of Wildlife (CDOW) will not be liable for wildlife damage to landscaping.

III.II Refuse Management

Though the Eagle River Station currently is not attractive to black bears, skunks, coyotes and other wildlife species the introduction of trash, grills, etc. all potentially could become attractants. Black bears, skunks and coyotes are omnivorous and will eat trash, pet food, grease on grills, etc., with trash being the greatest attractant. To reduce the risk of wildlife becoming attracted to the Eagle River Station, and all negative wildlife/human interactions that could occur thereafter, all trash must be stored in bear proof centralized garbage locations. These bear proof locations can be individual 32 gallon trash containers that meet North American Bear Society, CDOW, or U.S. National Park Service specifications. Large trash containers, i.e. dumpsters, must be lockable and in enclosed areas.

III.III General Wildlife Conflict Reduction

The following measures will be required to reduce potential wildlife conflict:

- Pets shall not be fed outside. Bowls of pet food left on the back deck will attract bears and other omnivores. Some of these wildlife species may carry diseases that can be transmitted to pets.
- With the exception of bird feeders, the feeding, baiting, salting, or other means of attracting wildlife is illegal and will be prohibited.
- All residential and commercial unit owners will be educated about bears and other local wildlife via the CDOW's brochure entitled "Living with Wildlife in Bear Country". One copy of the brochure shall be provided to residence and commercial entities

IV ENFORCEMENT

The authority to enforce the terms of this Plan is granted to the developer or such owner's association designated by the developer. In the event that there is a violation of this Plan by an occupant within Eagle River Station, then the following procedures shall be taken by the owner's association to enforce the terms hereof:

The person violating the Plan shall first receive a written warning of the violation. If a second offense occurs by said person of the same type of violation or the person does not correct the initial violation within one (1) calendar day after receiving notice (or such reasonable time as is necessary in order for the person to correct violation), then a fine in an amount to be established by the developer and approved by the Town of Eagle shall be levied against the violator.

Upon the occurrence of a third offense of the same type of violation or the continuation of a violation in excess of two (2) calendar days after the violator receives notice; a fine will be assessed against the violator.

I. INTRODUCTION

This Wildlife Conflict Mitigation Plan (Plan), developed for the proposed Eagle River Station Planned Unit Development Plan, is intended to avoid and minimize wildlife conflict resulting from the proposed development of lands located on the east side of the Town of Eagle between Interstate Highway 70 (I-70) and Colorado State Highway (Hwy.) 6 and west of the existing Eagle Valley Commercial Park. An existing rail road line is adjacent to the project area on the north side of Hwy. 6 (Figure 1).

A Commercial Planned Unit Development Zoning Plan for this 100 acre property was approved by the Town of Eagle Board of Trustees on May 8th, 2007. Four general zoning areas were included in the Zoning Plan; Mixed Use, Mixed Use Lifestyle, Commercial Retail, and Transitional Retail. The Eagle Area Community Plan identified this land for a mix of residential, commercial and institutional uses. The Zoning Plan includes a maximum of 581 residential units in addition to commercial development (Figure 2). A new I-70 Interchange with a direct connection to Highway 6 is being integrated into the planning for this project.

The Eagle River Station is located on lands that are not essential to local wildlife populations. No limited habitat types (e.g. winter range, severe winter range, etc.) or wildlife movement corridors would be impacted through the development of the Eagle River Station. Wildlife use of the area is not desirable; wildlife would have to cross major highways, increasing the risks of animal/vehicle collisions. No wildlife habitat mitigation is necessary and none is proposed herein.

II. BACKGROUND

The developers of the Eagle River Station, jointly hereinafter known as the Eagle River Station Planned Unit Development (PUD), its successors or assigns, will undertake owners' responsibilities under this Agreement.

This plan was developed to avoid making the Eagle River Station attractive to wildlife, minimize conflicts with wildlife, and avoid, minimize and mitigate impacts to wildlife and motorists at the new interchange. The specifics contained herein are from existing wildlife information.

This Plan is organized by potential wildlife conflict issues, the most significant first.

III. WILDIFE CONFLICT

III.I East Eagle Interchange

Though the project area is not located in important wildlife habitat or movement corridors, it is next to I-70 which has continuous 8 foot high wildlife fencing. This fencing is necessary to prevent wildlife from getting into the I-70 traffic corridor and becoming hit or causing vehicle avoidance accidents. The new interchange will allow a break in the fencing at the connector road on the south side of I-70, potentially allowing wildlife access to the traffic corridor.

Figure 2: Eagle River Station Zoning Plan.

The problem with fencing is that wildlife can do an end-round of the fencing and become trapped between the fences within the traffic corridor. Potential end treatments at the end of the wildlife fencing include the use of cobble, jump-outs, and wildlife guards to limit end-runs around the fence.

Cobbles can help to deter small mammals and ungulates (deer and elk) from going around fences. Boulders and cobbles must be small enough so that they are not a hazard to motorists but large enough to be an impediment to wildlife. Cobbles should be between 8 and 12 inches in size and extend for not less than 50 feet beyond the end of the fence (Grizzlybear.org 2008) (Exhibit A).

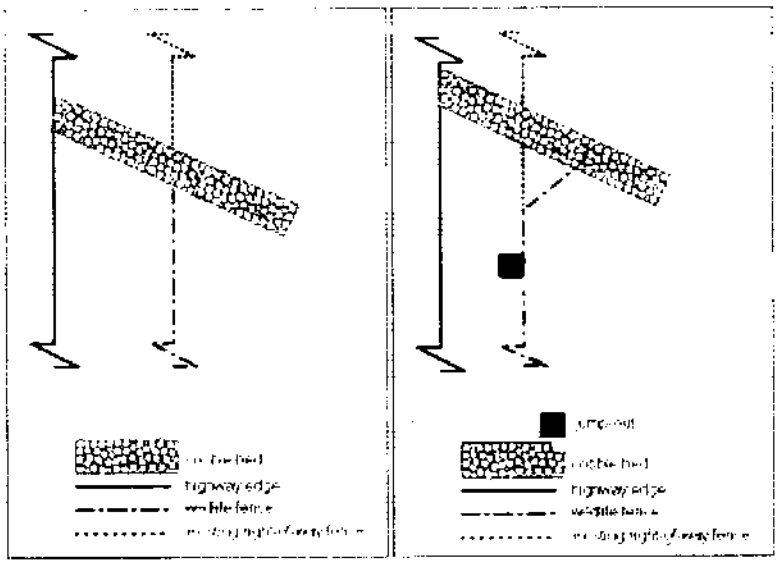

Exhibit A: Examples of cobble beds and jump-outs (Grizzlybear.org 2008).

If animals have gotten into the traffic corridor exits must be made available. The two most commonly used types of one-way wildlife exists are gates (as currently exist near the Eagle River Station) or raised ramps. One-way gates have many inherent maintenance problems and can not be used by all animals, therefore they are not recommended. Berms which are raised on the traffic side of the fencing that allow wildlife to jump out of the traffic corridor are easier to construct than gates, require less maintenance, and seem to be more effective. Jump outs are to be placed approximately 100 yards from locations where animals can make end-runs around the fence. Some evidence along Colorado Highway 50 suggests that the current standard height of approximately 6 feet may be too great for mule deer. As information becomes available on jump-out heights it will be incorporated into final design.

The road surface itself presents an opportunity for wildlife to access the traffic corridor. Wildlife guards are modified cattle guards that theoretically should limit the likelihood of wildlife entering the I-70 traffic corridor. These have been used in Montana to help maintain the integrity of the barrier to wildlife that wildlife fencing represents.

The use of these three techniques in combination would limit wildlife/vehicle conflict to the greatest extent possible based on current best management practices. Design of any treatments must be agreed upon by the Colorado Department of Transportation and the Federal Highway Administration.

For each additional recurrence of the same type of violation, or if a violation continues beyond sixty (60) days after a person receives notice, an additional fine will be assessed in an amount equal to double the amount of the previous fine. With respect to a continuing violation, the additional fine will be assessed very four (4) calendar days beyond the sixty (60) day period during which the violation continues. The aggregate amount of fines which may be charged against the violator for the recurrence or continuation of one type of violation shall be $10,000.

Each violation of the Plan, even if based on the same situation or animal, shall be considered a separate offense for purpose of this section.

If the violator does not pay a fine which has been assessed due to a violation of the Plan within thirty (30) days of receipt of the notice to pay the fine, then the late payment or nonpayment shall be considered a separate offense for which the violator can be fined on the same terms as set above. In other words, a violator may owe one amount for violating a specific provision of the Plan and owe another amount for not timely paying the fine for such violation.

If the association or its authorized agent(s) knowingly fail to enforce the Plan, the association will be in violation and will be fined according to the fine structure outlined in this section.

The fines collected under this section of the Plan shall be deposited in an account created to distribute these funds to the Colorado Wildlife Heritage Program for distribution to the CDOW, however, an amount equal to up to fifteen percent (15%) of the amount of the fines collected may be applied to the costs incurred by the association to administer and enforce this section.

IV ENDEMNIFICATION

Eagle River Station shall indemnify the CDOW from any and all future wildlife damage claims. This commitment should be transmitted to residents at closing via a signed copy of this Wildlife Conflict Mitigation Plan.

V. LITERATURE CITED

Grizzlybear.org. 2008. http://www.grizzlybear.org/bzpass_design.htm. Website accessed December 10, 2008.