




Permit Number: MB66357C-0
Effective: 05/18/2018 Expires: 09/30/2021

Issuing Office:

Department of the Interior
U.S. FISH AND WILDLIFE SERVICE
Migratory Bird Permit Office
P.O. Box 25486 DFC (60154)
Denver, CO 80225-0486
Tel: 303-236-8171 Fax: 303-236-8017
Email: permitsR6MB@fws.gov


Acting
ASSISTANT REGIONAL DIRECTOR, MB/SP, REGION 6 DATE: 05/18/2018

Permittee:

THE GARRETT CONSTRUCTION COMPANY, LLC.
dba CALIBER AT FLATIRONS APARTMENTS
1051 GREENWOOD SPRINGS BLVD.
SUITE 101
GREENWOOD, IN 46143
U.S.A.

Name and Title of Principal Officer:
ERIC GARRETT - PRINCIPLE

Authority: Statutes and Regulations: 16 USC 668a; 50 CFR 13, 50 CFR 22.26.

Location where authorized activity may be conducted:

Broomfield County, Colorado
As specified in Condition D below.

Reporting requirements:

Annual reporting requirements are outlined in Conditions K. ([Form: www.fws.gov/forms/3-202-15.pdf](http://www.fws.gov/forms/3-202-15.pdf)<<http://www.fws.gov/forms/3-202-15.pdf>><<http://www.fws.gov/forms/3-202-15.pdf>>>)

Authorizations and Conditions:

- A. General conditions set out in Subpart B of 50 CFR 13, and specific conditions contained in Federal regulations cited above, are hereby made a part of this permit. All activities authorized herein must be carried out in accord with and for the purposes described in the application submitted. Continued validity, or renewal of this permit is subject to complete and timely compliance with all applicable conditions, including the filing of all required information and reports.
- B. The validity of this permit is also conditioned upon strict observance of all applicable foreign, state, local tribal, or other federal law.
- C. Valid for use by permittee named above. The following subpermittees are authorized: Matt Anderson; Jason Bilodeau; Jonathan Byrd; Dale Lancaster; Terry Lott; Sam Peterson; Brandon Smith and any other persons under the direct control of, under, contract to, or employed by the permittee only to the extent necessary in accomplishing the purpose authorized below.
- D. You are authorized to disturb up to two (2) Bald eagles (*Haliaeetus leucocephalus*) including the loss of productivity (i.e., eggs or young) due to potential abandonment of the eagle nest during construction activities including, but not limited to: heavy equipment and light duty traffic; excavation; building foundation and two and four-story vertical construction of multi-family residences; associated parking and infrastructure; and construction/installation of a hay bale sound/visual barrier. You are only authorized for disturbance take of the Stearns Lake Bald Eagles during the remainder of the 2018 nesting season (from the date of permit issuance to the end of the 2018 season) and the 2019 nesting season.

The project is located at 33.949300 Latitude; -105.122391 Longitude in Broomfield County, Colorado.

Bald eagle nest is located at: 39.948766 Latitude; -105.117806 Longitude



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- E. The authorizations granted by permits issued under this section apply only to take that results from activities conducted in accordance with the description contained in the permit application and the terms of the permit. If the permitted activity changes, you must immediately contact the U.S. Fish & Wildlife Service (Service) to determine whether a permit amendment is required in order to retain take authorization.
- F. This permit does not authorize intentional take of live eagles, eggs or young.
- G. You must comply with the following avoidance, minimization, or other mitigation measure:
- 1) There can be no vertical building construction within 660 feet of the eagle nest site.
 - 2) Construction activities within the 660-foot buffer around the Stearns Lake Bald Eagle nest will be managed to occur either outside the eagle sensitive time (January 1 to July 31), or after a qualified biologist has determined that the nesting attempt failed or the eaglets successfully fledged.
 - 3) The eagle buffer boundary (660 feet) on the eastern edge (nearest to the eagle nest) will be clearly marked with orange snow fence. In addition the perimeter of the Project area will be delineated by a 6-foot chain link fence to ensure that contractors/workers would stay on-site and avoid the eagle nest and adjacent area.
 - 4) Garrett would be required to install a 12-foot high, 400 foot long hay bale sound/visual barrier where the 660 foot buffer and the Project intersect, on the eastern edge of the Project boundary, with the intended purpose of minimizing for the adult eagles both construction sounds and visual effects of this work on them at the nest. Except that if the City and County of Broomfield require Garrett to install a hay bale sound/visual barrier taller and longer in size, then Garrett will install the hay bale wall to the standards specified by the City and County of Broomfield. The number of employees and trucks constructing the wall will be limited to the extent possible consistent with rapid construction.
 - 5) The Project access road will be located on the western side of the development.
 - 6) There will be no Project night work during the eagle incubation and brooding period.
 - 7) There will be no Project work during extreme weather events (extreme cold, significant snow, extreme wind) during sensitive times (eagle incubation and the first portion of brooding as determined by a qualified biologist).
 - 8) Garrett must use solid-waste receptacles and waste management best practices during construction to avoid attracting eagles.
 - 9) The construction lay-down yard will be located on the western side of the Project site to maximize the distance between the disturbance and the nest site. The lay-down yard will have to move with various stages of development but in no case will it be located within the 660 foot buffer for the eagle nest.
 - 10) Garrett will educate and inform construction personnel about the nesting eagles. All on-site employees will be required to participate in an eagle awareness training session as prepared by a wildlife biologist. All on-site employees will be required to read, sign, and date documentation stating they understand and agree to adhere to the eagle awareness training.
 - 11) Garrett will reduce speed limits within 0.25-mile of an Eagle-use Area and as appropriate outside that area.
- H. You remain responsible for all outstanding monitoring requirements under the terms of the permit for take that occurs prior to cancellation, expiration, suspension, or revocation of the permit.
- I. You are required to monitor the nest site to determine occupancy, productivity and success beginning with the 2018 nesting season and continuing annually through four bald eagle nesting seasons (2019, 2020 & 2021). Monitoring must be done approximately once per month during the nesting season (January 1st through August 31st). If monitoring determines the nest is inactive as of June 1st, monitoring can be discontinued for the remainder of that nesting season. Monitoring should be conducted by qualified biologists in a manner such that the monitoring itself does not result in disturbance to nesting bald eagles.

J. Monitoring must consist of the following:

- 1) Monitoring must be done approximately one time per month for a minimum of 1 hour of observation time. Monitoring visits may need to be extended beyond the 1 hour minimum to determine current status of the nest.
- 2) Monitoring should occur at a time of day when eagles are most likely to be in the area, e.g., early morning, before sunrise or late afternoon, just prior to sunset.

Monitoring must provide data for the following:

- 1) Date and length of time bald eagles were observed;
- 2) Time of day;
- 3) Number and age of bald eagles observed (i.e. juvenile, immature, subadult, adult);
- 4) Observed behavior (e.g. perching, feeding, sitting on or attending nest, in flight);
- 5) Nest activity status (active, inactive);
- 6) Nesting status (incubating eggs, eaglets present);
- 7) Nest productivity (number of young produced/observed etc.);
- 8) Nest success (number of eaglets fledged, or if nest failed);



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- ALSO**, should eagles build and use a new nest in the vicinity of the current nest location (still in the same territory) monitoring and reporting is to be conducted at the new site as directed above, and the new nest location must be provided in the monitoring report.
- K. You must submit an annual report by January 31st of each calendar year summarizing the information you obtained through monitoring to the U.S. Fish & Wildlife Service, Migratory Bird Permit Office, P.O. Box 25486, DFC (60154), Denver, Colorado, 80225. Form 3-202-15 (Eagle Non-purposeful Take Report) can be found online at www.fws.gov/forms/3-202-15.pdf <<http://www.fws.gov/forms/3-202-15.pdf>>.
- L. You must immediately notify the migratory bird permit issuing office at (303) 236-8171 regarding any apparent injury or death occurring to any eagle, including viable eggs, during project activities. You must immediately transport any injured eagle to a federally permitted eagle rehabilitator.
- M. You must contact the migratory bird issuing office immediately upon discovery of any unanticipated take.
- N. While the permit is valid, and for up to 3 years after it expires, you must allow Service personnel, or other qualified persons designated by the Service, access to the areas where eagles are likely to be affected, at any reasonable hour, and with reasonable notice from the Service, for purposes of monitoring eagles at the site(s).
- O. Subpermittees: Specified in Condition C above.
- P. Subpermittees must be at least 18 years of age. You are responsible for ensuring that your subpermittees are qualified to perform the work and adhere to the terms of your permit. You are also responsible for maintaining current records of designated subpermittees. As the permittee, you are ultimately legally responsible for compliance with the terms and conditions of this permit and that responsibility may not be delegated.
- Q. You and any subpermittees must carry a legible copy of this permit and display it upon request whenever exercising its authority.
- R. All of the provisions and conditions of the governing regulations at 50 CFR 13 and 50 CFR 22.26 are conditions of your permit. Failure to comply with the conditions of your permit could be cause for suspension of the permit and/or citation. For copies of the regulations, visit: www.fws.gov/permits/mbpermits/birdbasics.html <<http://www.fws.gov/permits/mbpermits/birdbasics.html>>.
- S. This permit does not authorize you to conduct activities on Federal, State, Tribal, or other public or private property other than your own without additional prior written permits or permission from the agency/landowner.
- T. You must maintain records as required in 50 CFR 13.46. All records relating to the permitted activities must be kept at the location indicated in writing by you to the migratory bird permit issuing office.
- U. Acceptance of this permit authorizes the U.S. Fish and Wildlife Service to inspect and audit or copy any permits, books or records required to be kept by the permit and governing regulations (50 CFR 13.46).
- V. Permittees and subpermittees operating under this permit may not take or disturb eagles contrary to the laws or regulations of any State, Tribal, or Municipal government, and none of the privileges of this authorization are valid unless the permittee possesses the appropriate State permits, or other authorizations, if required.
- W. The U.S. Fish and Wildlife Service is not liable for any damage or injury to person, wildlife, or property that occurs as the result of carrying out the activities associated with this permit.