

Dick Pate

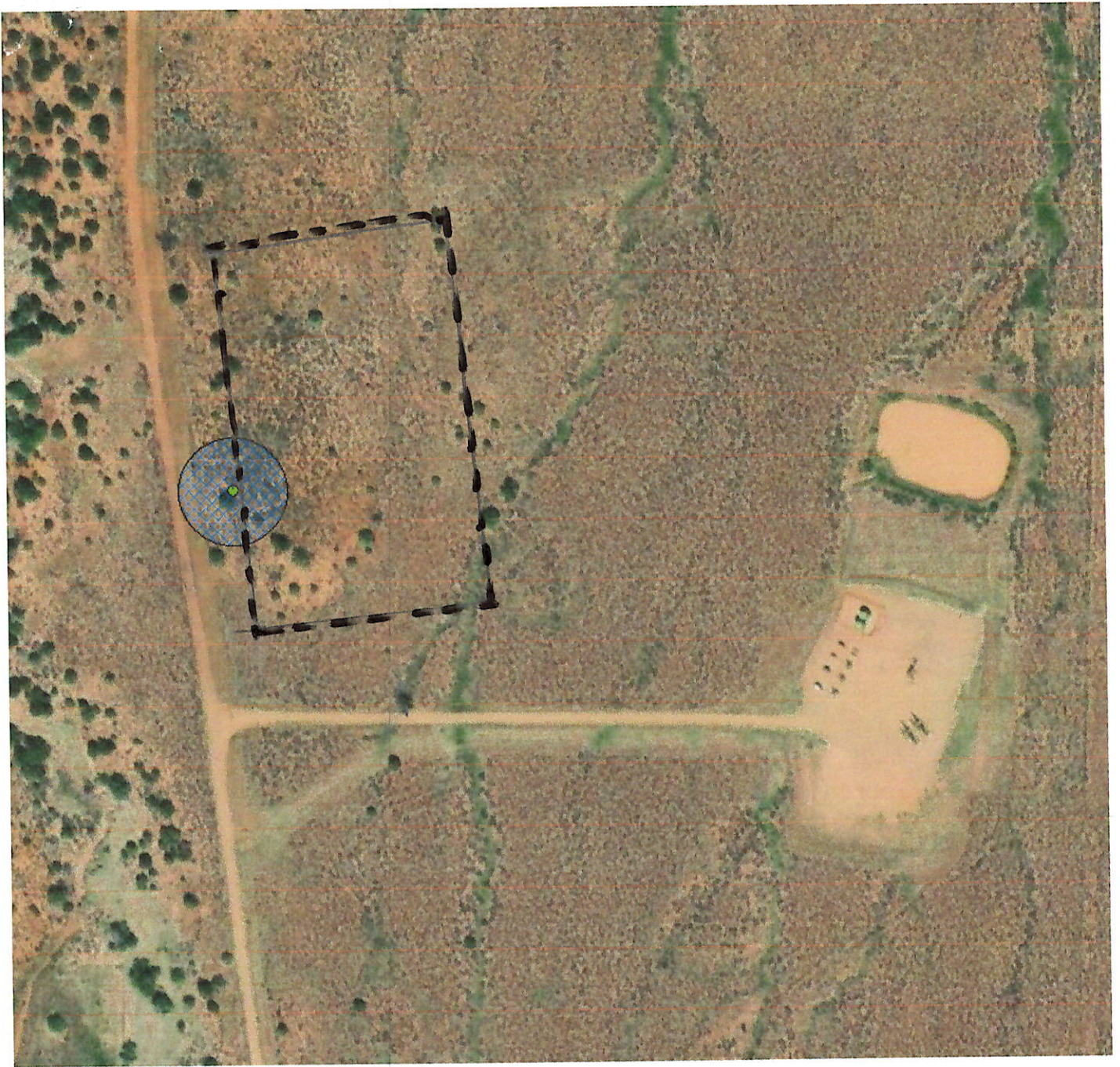
From: Tanner Paulek <tannerpaulek@eis-llc.com>
Sent: Saturday, June 10, 2023 12:53 PM
To: Magee - DNR, Brian; andrew.taylor@state.co.u; Dick Pate; Jim Bob Byrd; Heather Riley; Grace Lee; Mindy Paulek
Subject: Bird Nest Survey 6.10.2023
Attachments: MBTA_NestBuffers.pdf; CDOT-Recommended_MBTA_NestBufferProtection.pdf; IMG_9816.JPG; IMG_9812.JPG

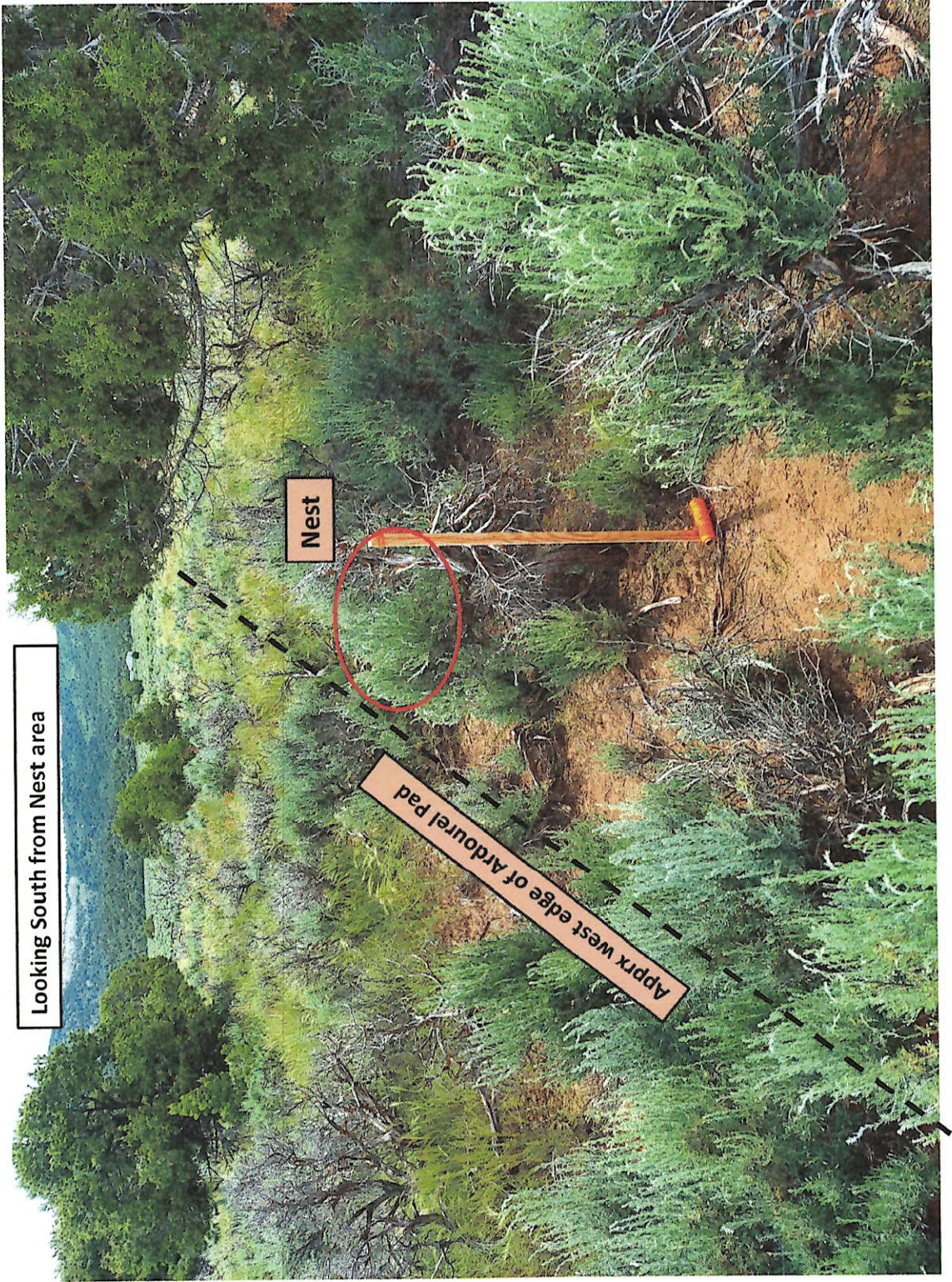
Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon Brian,

I'm writing to inform you that myself and Grace Bryson conducted a pre-construction migratory bird nest survey this morning beginning at 5:45AM for NueVida's Ardourel Project. We did find one active nest located within the proposed disturbance. The nest was confirmed to be a Chipping Sparrow nest containing three eggs. We did get a picture through a spotting scope (attached) of the female sitting the nest, confirming incubation of the eggs. Chipping Sparrow have a typical clutch incubation period of 11-14 days and an altricial young typically fledge at 9-12 days. Based on a couple resources (attached) we usually refer to for establishing nest avoidance buffers, we would recommend that NueVida construct a buffer fence around the nest at a 50-75 foot distance around the nest and implement a nest monitoring program to monitor when the nest either fledges or fails, confirmed by the absence of eggs or chicks within the nest. NueVida would not disturb any vegetation or areas within the fenced buffer zone until fledging or failure occurs. The nest is located at (37° 06' 03.85"/ 107°46' 05.41") and is shown in the Google Maps clip attached. We believe that based on Chipping Sparrow incubation and rearing durations, the latest construction within the buffer zone could occur would be 26 days, assuming the female began incubation of the eggs this morning and the soonest it could begin if the nest was successfully fledged would be 10 days, assuming the eggs hatched today. If the nest were to fail or be predated, construction would not occur until one of these outcomes has been confirmed and we would inform you first for the proper approvals/concurrence before releasing NueVida to begin construction within the buffer. Please let me know if you have any other questions, recommendations, or changes to this proposed plan on how to proceed forward, or if you are in agreement with this proposal. Also, you're input on the 50-foot vs. 75-foot buffer would be welcomed.

Thank you,

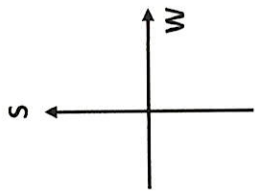




Looking South from Nest area

Nest

Apprx west edge of Ardourel pad





FW: Bird Nest Survey 6.10.2023

From: Dick Pate <DPate@NueVidaResources.com>

To: UW7503@aol.com <uw7503@aol.com>

Date: Fri, Jun 30, 2023 1:29 am

From: Tanner Paulek <tannerpaulek@eis-llc.com>

Sent: Tuesday, June 13, 2023 8:26 AM

To: Magee - DNR, Brian <brian.magee@state.co.us>

Cc: Dick Pate <DPate@NueVidaResources.com>; Jim Bob Byrd <JBByrd@NueVidaResources.com>; Heather Riley <heatherriley@eis-llc.com>; Grace Lee <gracelee@eis-llc.com>; Mindy Paulek <Mindy@eis-llc.com>; Peter Foote - DNR <peter.foote@state.co.us>; Brad Weinmeister <brad.weinmeister@state.co.us>

Subject: RE: Bird Nest Survey 6.10.2023

Awesome! Thank you,

Today I checked the nest, and we have two chicks and one egg now. I made sure the mom was not on the nest before I checked it.

From: Magee - DNR, Brian <brian.magee@state.co.us>

Sent: Tuesday, June 13, 2023 7:51 AM

To: Tanner Paulek <tannerpaulek@eis-llc.com>

Cc: idl k <DPate@NueVidaResources.com>; Jim Byrd <JBByrd@NueVidaResources.com>; Heather Riley <heatherriley@eis-llc.com>; Grace Lee <gracelee@eis-llc.com>; Mindy Paulek <Mindy@eis-llc.com>; Peter Foote - DNR <peter.foote@state.co.us>; Brad Weinmeister <brad.weinmeister@state.co.us>

Subject: Re: Bird Nest Survey 6.10.2023

Thanks Tanner-

What you have proposed seems reasonable to protect the nest and allow for the opportunity for the eggs to hatch and the chicks to fledge. Please keep us posted on your monitoring efforts.

Thanks,

Brian

On Sat, Jun 10, 2023 at 12:54 PM Tanner Paulek <tannerpaulek@eis-llc.com> wrote:

Good afternoon Brian,

I'm writing to inform you that myself and Grace Bryson conducted a pre-construction migratory bird nest survey this morning beginning at 5:45AM for NueVida's Ardourel Project. We did find one active nest located within the proposed disturbance. The nest was confirmed to be a Chipping Sparrow nest containing three eggs. We did get a picture through a spotting scope (attached) of the female sitting the nest, confirming incubation of the eggs. Chipping Sparrow have a typical clutch incubation period of 11-14 days and an altricial young typically fledge at 9-12 days. Based on a couple resources (attached) we usually refer to for establishing nest avoidance buffers, we would recommend that NueVida construct a buffer fence around the nest at a 50-75 foot distance around the nest and implement a nest monitoring program to monitor when the nest either fledges or fails, confirmed by the absence of eggs or chicks within the nest. NueVida would not disturb any vegetation or areas within the fenced buffer zone until fledging or failure occurs. The nest is located at (37° 06' 03.85" / 107° 46' 05.41") and is shown in the Google Maps clip attached. We believe that based on Chipping Sparrow incubation and rearing durations, the latest construction within the buffer zone could occur would be 26 days, assuming the female began incubation of the eggs this morning and the soonest it could begin if the nest was successfully fledged would be 10 days, assuming the eggs hatched today. If the nest were to fail or be predated, construction would not occur until one of these outcomes has been confirmed and we would inform you first for the proper approvals/concurrence before releasing NueVida to begin construction within the buffer. Please let me know if you have any other questions, recommendations, or changes to this proposed plan on how to proceed forward, or if you are in agreement with this proposal. Also, you're input on the 50-foot vs. 75-foot buffer would be welcomed.

Thank you,

Dick Pate

From: Dick Pate
Sent: Friday, June 30, 2023 2:18 AM
To: Dick Pate
Subject: FW: NueVida's Wildlife Mitigation Plan
Attachments: Image.jpeg

From: Tanner Paulek <tannerpaulek@eis-llc.com>
Sent: Friday, June 23, 2023 8:00 AM
To: Magee - DNR, Brian <brian.magee@state.co.us>
Cc: Mindy Paulek <Mindy@eis-llc.com>; Heather Riley <heatherriley@eis-llc.com>; Dick Pate <DPate@NueVidaResources.com>
Subject: Re: NueVida's Wildlife Mitigation Plan

Today the chicks have left the nest. I called Brian and let him know and have attached a picture of the nest. I called Dick to let him know that they should brush hog this area today so that she doesn't renest.

NueVida Resources
Drill Pad (West Edge)
Empty Nest
(6/23/2023)

