

# WILDLIFE MITIGATION PLAN

## TAILWATERS AT STAGECOACH

September 12, 2024

Prepared For  
**Tailwaters at Stagecoach**  
5 Murray Road, Unit B4  
Edwards, CO 81632

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# 1. INTRODUCTION

This Wildlife Mitigation Plan (WMP) is a legal agreement between Colorado Parks & Wildlife (CPW) and Tailwaters at Stagecoach LLC (TAS). This plan provides action items to avoid, minimize, and mitigate the wildlife impacts associated with the development of TAS. Mitigation items are based on:

- Reconnaissance conducted by Western Bionomics over 20 years of working in and around the Stagecoach area and focused by habitat characterization surveys conducted during the summer of 2023.
- Colorado Parks and Wildlife (CPW) Species Activity Mapping (SAM).
- CPW High Priority Habitat recommendations to avoid or minimize impacts to wildlife species for which suitable habitat exists on the TAS parcel.

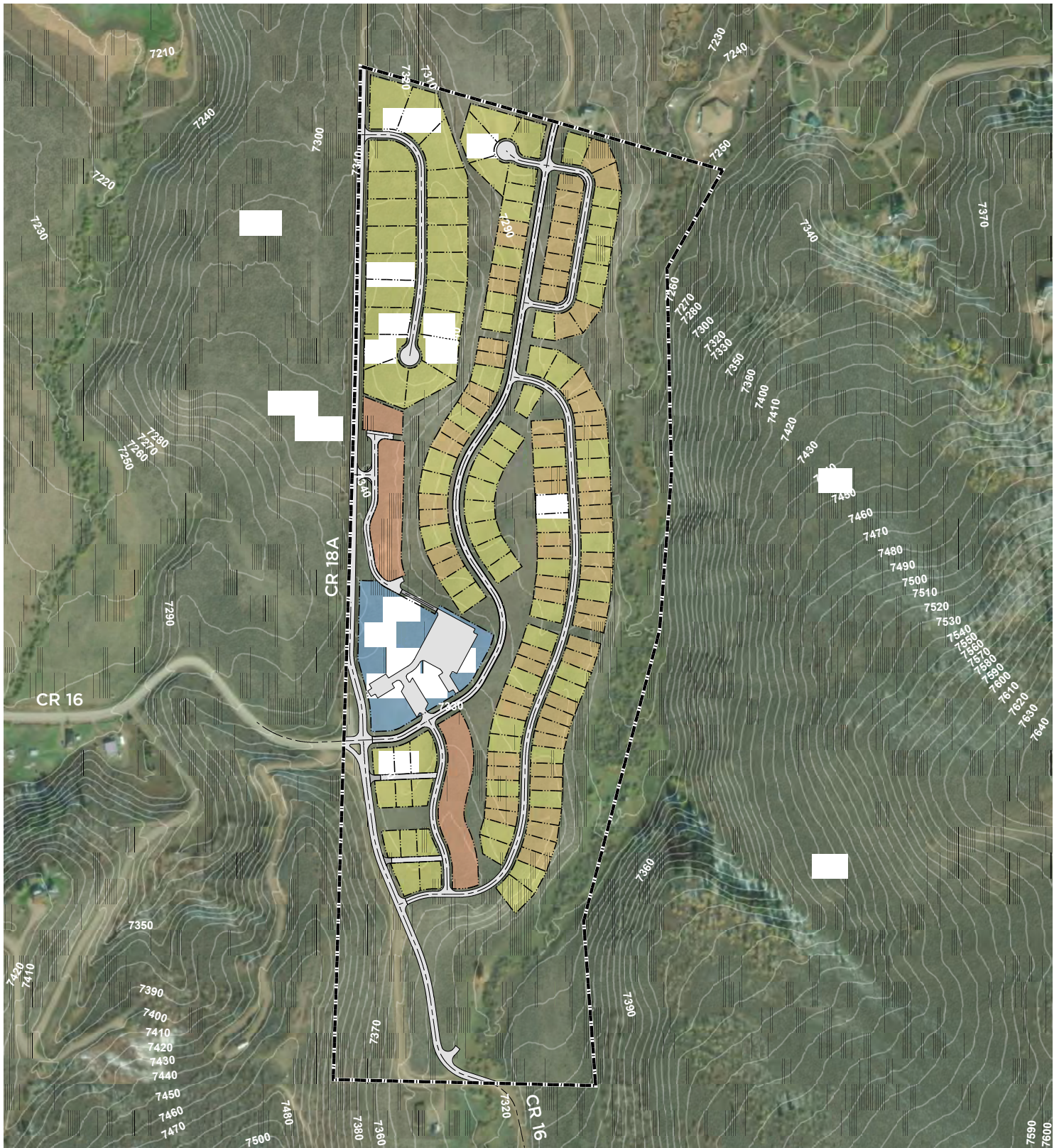
This WMP is organized according to specific habitat and wildlife issues. Where mitigation measures apply to more than one issue, they are discussed only once under the most appropriate issue. The developers of TAS are:

**Landowner(s):** Tailwaters at Stagecoach LLC  
5 Murray Road, Unit B4  
Edwards, CO 81632

**Primary Contact:** Kelly Colfer

Tailwaters at Stagecoach is a planned recreation-oriented mixed-use residential development on approximately 87 acres of land located in the North Stagecoach area of Routt County. The Project will create several new neighborhoods with supporting neighborhood market space, including approximately 150 to 200 residential units. The Project site is roughly described as an 87-acre parcel located to the east and along County Road 18A, south of Stagecoach Reservoir and the South Shore subdivision. The proposed subdivision of the parcel will transform the existing property into a residential neighborhood. The proposed Tailwaters plan seeks to provide an appropriately scaled developed site interconnected by natural pedestrian paths, open space, play space, and community gathering areas with easy access to the surrounding natural amenities. Residents within the Tailwater project, as well as surrounding properties' service needs will be met by a neighborhood marketplace area, which may provide a community retail market, childcare, office space, gas station, and live-work units. The marketplace area would be located conveniently at the intersection of CR 16 and CR 18A.

The Tailwaters subdivision represents a new neighborhood located within the Stagecoach Community, a central location in Routt County with convenient access to Steamboat Springs. The site is located between CR 18A which borders the property's western edge, and Little Morrison Creek on the eastern boundary. The neighborhood represents "infill" on a relatively level two-tiered site, that slopes towards Little Morrison Creek. The project is consistent with both the Routt County Master Plan and the Stagecoach Community Plan by a number of different measures. These measures include the preferred land use and core values, the development of a neighborhood marketplace, trails and recreation-oriented development, infill, and a diversity of housing types.



**LEGEND**

-  Tailwaters Boundary
-  Single Family Lot
-  Duplex Lot
-  Multi-Family Parcel
-  Commercial Parcel

**FIGURE 1**

**CONCEPT PLAN**

TITLE

PROJECT

**Tailwaters Community Development**

LOCATION

Routt County, CO

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PREPARED FOR

**Saltbox Custom Homes Inc.**

PREPARED BY

**CONTOUR Design Collective**

DRAWN BY

**ZDP**

PROJECTION

StatePlane Colorado North 2011 (US Feet)

DATUM

North American Datum 1983

DATE

07.24.2024

VERSION

001



SCALE

1:6,000

1 inch = 500 feet

With specific respect to the 2022 Routt County Master Plan, the project is located in a Tier 2 Targeted Growth Area, it has access to basic infrastructure including sewer and electric which run through the current site and potable water which is nearby. The project is consistent with the adjacent and nearby properties and uses. The site is directly accessed from CR 16 and 18A providing direct access to transportation and emergency services. A portion of the units proposed are intended to be affordable and the site is being designed as a recreation-oriented development. The plan responds to evolving local, regional, and national consumer demands.

## 2. VEGETATION

The TAS parcel is dominated by sagebrush shrubland and mountain grassland plant communities. Little Morrison Creek flows along the eastern parcel boundary, with a healthy, mature riparian shrub community dominating its banks.

### 2.1 SAGEBRUSH SHRUBLAND

Sagebrush shrubland dominates the TAS parcel with mountain meadow grasslands interspersed. Rubber rabbitbrush (*Chrysothamnus nauseosus*) and common snowberry (*Symphoricarpos albus*) are co-dominants in sagebrush stands.

### 2.2 RIPARIAN SHRUBLAND

Riparian communities are generally dominated by speckled alder (*Alnus incana ssp tenuifolia*) and various willow species (*Salix* spp.). Twinberry honeysuckle (*Lonicera involucrata*) is also common in these riparian sites. The understory is variously dominated by sedges, rushes, and hydrophytic grasses.

### 2.3 GRASSLANDS

Grasslands are found interspersed amongst sagebrush communities and are dominated by smooth brome (*Bromus inermis*), western wheatgrass (*Pascopyrum smithii*), Canada bluegrass (*Poa compressa*), and other graminoids.

## 3. WILDLIFE HABITAT

The vegetation cover types described in the previous section provide habitat for a diverse complement of wildlife species. The most prominent species and those which are most likely to react in some manner to the development of TAS are discussed in the following sections.

Wildlife habitats in Colorado are diverse and dynamic, CPW maintains Species Activity Mapping (SAM) which provides information on wildlife distributions to public and private agencies and individuals, for environmental assessment, land management resource planning and general scientific reference. SAMs are based on the best available science<sup>1</sup> and are available publicly on the ArcGIS.com website. This identifies areas of importance for species and increases awareness of interactions that can be expected. CPW's SAM includes the following wildlife species that are expected on TAS:

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<sup>1</sup> Molly West, personal communication

- Columbian Sharp-tailed Grouse – Overall, Winter, and Production Area
- Elk – Overall, Summer, and Winter Range
- Mule Deer – Overall, Summer Range
- Moose – Overall, Summer Range
- Black Bear – Overall Range, Fall and Summer Concentration Area, Human Conflict Area
- Mountain Lion – Overall Range, Human Conflict Area

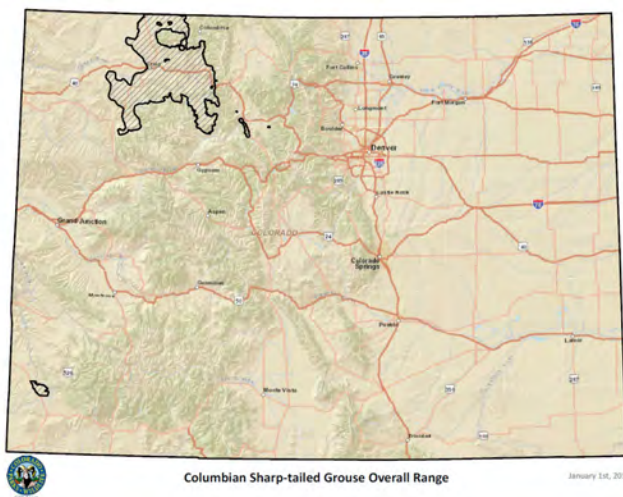
In addition to the ranges described above, SAMs indicate that overall range exists on the TAS parcel for greater sandhill crane, snowshoe hare, white-tailed jackrabbit, and wild turkey. CPW has designated several of the SAM ranges as High Priority Habitats (HPH) for which they maintain spatial data and recommendations when conducting reviews of land use proposals. These add protections and avoidance measures to protect breeding, nesting, foraging, migrating, or other critical uses by wildlife. A review of the project area has identified the following HPH areas and their respective CPW [recommendations](#):

- Columbian Sharp Tailed Grouse Lek Site: CPW recommends no human activity year-round within 0.6 mile of a lek.
- Columbian Sharp Tailed Grouse Production Area: CPW recommends no human activity from March 15 to July 30 within 1.25 miles of a lek.
- Columbian Sharp Tailed Grouse Winter Range: CPW recommends no human activity from November 15 to March 15.

### 3.1 COLUMBIAN SHARP-TAILED GROUSE

TAS is mapped by CPW as overall, winter, and production range for this species (See range map next page). In Colorado, Columbian sharp-tailed grouse (CSTG) are found only in the northwest part of the state. These gallinaceous birds use the high mountain shrub-grassland community and associated edges throughout the year.

CSTG breed on leks (the name used for their traditional strutting grounds) that are used year after year, generation after generation. The location of the strutting grounds can be generations old and it is a location where males gather to engage in a competitive display for the right to breed with visiting females. An average of 14 birds display and breed in an area of around 100 feet in diameter. Males begin displaying in late March or April. Sharp-tails can even use lek sites with 100% snow cover.

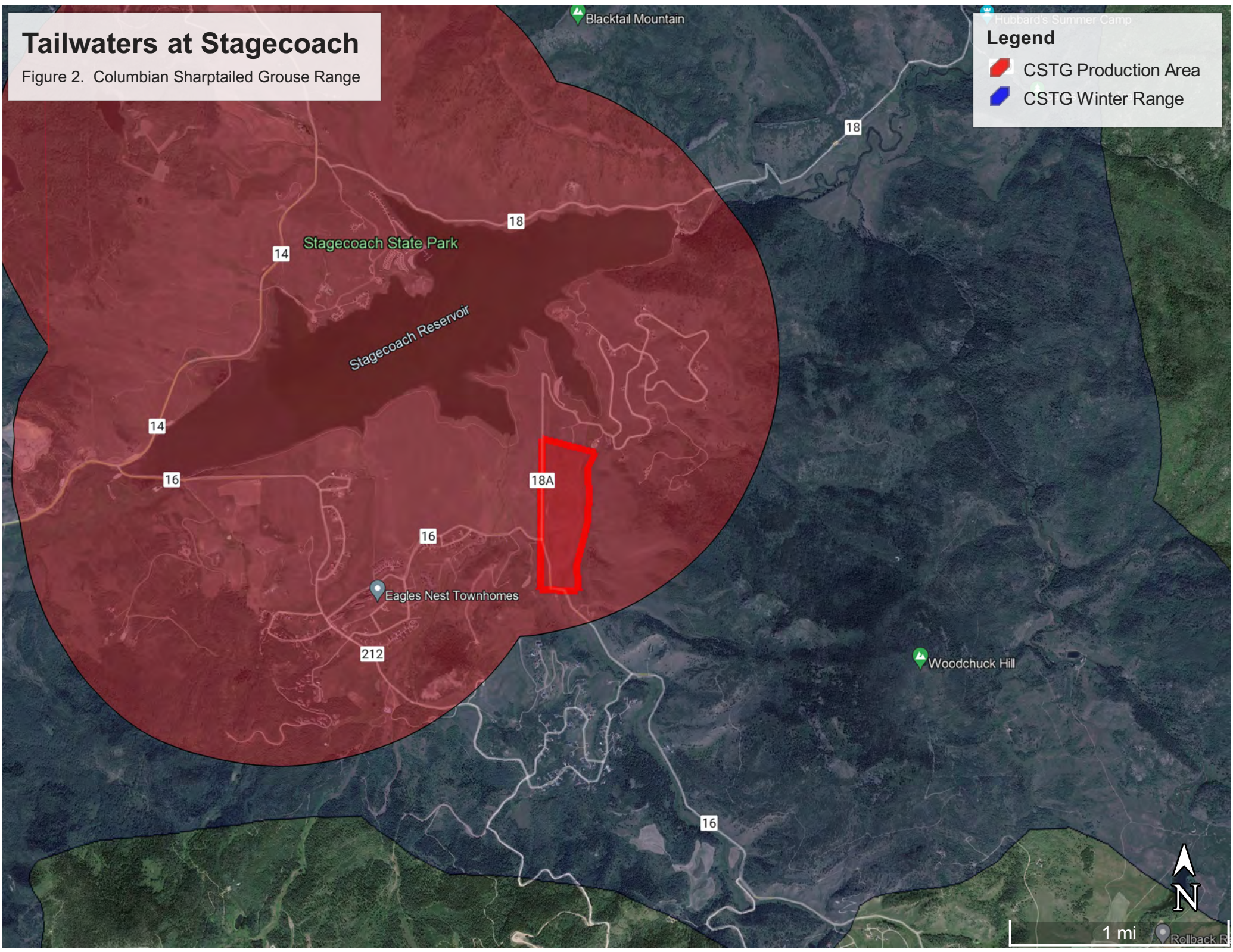


After breeding, females build a ground nest in grass or near shrubs. A typical clutch is 10-12 eggs, and the hen incubates for approximately 23 days. After hatching, the chicks are tended by the female. Broods are largely dependent for 6-8 weeks and then disperse. Shrubs and small trees play an important role in sharp-tailed grouse ecology, especially during the winter.

In late fall and winter, the birds form small flocks and are dependent on shrubs for food and cover. As is common with other grouse species, snow roosting is an important means of thermoregulation. In spring the males head toward the leks and the cycle begins again.

# Tailwaters at Stagecoach

Figure 2. Columbian Sharptailed Grouse Range



Three sharp-tail leks are located in close proximity to the proposed TAS development. Each lek site is surrounded by mapped CSTG production range<sup>2</sup>. The 0.6-mile buffers for two of these leks partially overlaps TAS. The mapped production range associated with these 3 leks completely envelopes the proposed development. A covey of sharptailed grouse numbering an estimated 8-12 birds, including this year's fledglings, was observed using the Little Morrison Creek riparian area during field surveys.

### 3.2 ELK, MULE DEER, AND MOOSE

TAS is mapped by CPW as part of large elk overall<sup>3</sup>, summer<sup>4</sup>, and winter range<sup>5</sup>. The polygons included in these SAM layers total millions of acres each. The TAS parcel is a minute fraction of these mapped ranges. There is no "critical" range<sup>6</sup> mapped on the TAS parcel, however a winter concentration area and severe winter range polygons are located immediately to the east on the slopes of Woodchuck Hill. The TAS is also mapped by CPW as mule deer and moose overall and summer ranges. These ranges are defined the same as the respective elk ranges. All three of these ungulates are attracted to landscape plantings which can be stunted with heavy browsing.

### 3.3 BLACK BEAR

TAS falls within CPW-mapped black bear overall range, summer concentration area<sup>7</sup>, fall concentration area<sup>8</sup>, and a bear/human conflict area<sup>9</sup>. Conflicts between bears and humans are frequent, especially when natural foods are scarce and when garbage and other human-related attractants such as fruit trees are readily available. These conflicts are the combined result of increases in both bear and human populations over the past several decades, increased availability of human-related food sources, and more frequent poor natural food years.

### 3.4 MOUNTAIN LION

TAS is included within CPW-mapped mountain lion overall range and human conflict areas. Much of Colorado is home to mountain lions. These powerful predators, also known as cougars, panthers, and pumas, prey primarily on deer. Mountain lion sightings near human habitation are not necessarily a public safety concern if the lion is not exhibiting aggressive behavior towards people; however, adverse human/lion interactions do occur. Residents shall be informed regarding living with wildlife, including lions.

<sup>2</sup> An area that includes 90% of CSTG nesting and brood-rearing habitat. This is mapped as a buffer zone with a 1.25-mile radius from the lek.

<sup>3</sup> The area which encompasses all known seasonal activity areas within the observed range of an elk population.

<sup>4</sup> That part of the range of a species where 90% of the individuals are located between spring green-up and the first heavy snowfall.

<sup>5</sup> 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

<sup>6</sup> Severe winter range, winter concentration area, or production range.

<sup>7</sup> That portion of the overall range of the species where activity is greater than the surrounding overall range during that period from June 15 to August 15.

<sup>8</sup> 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.




<sup>9</sup> 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).

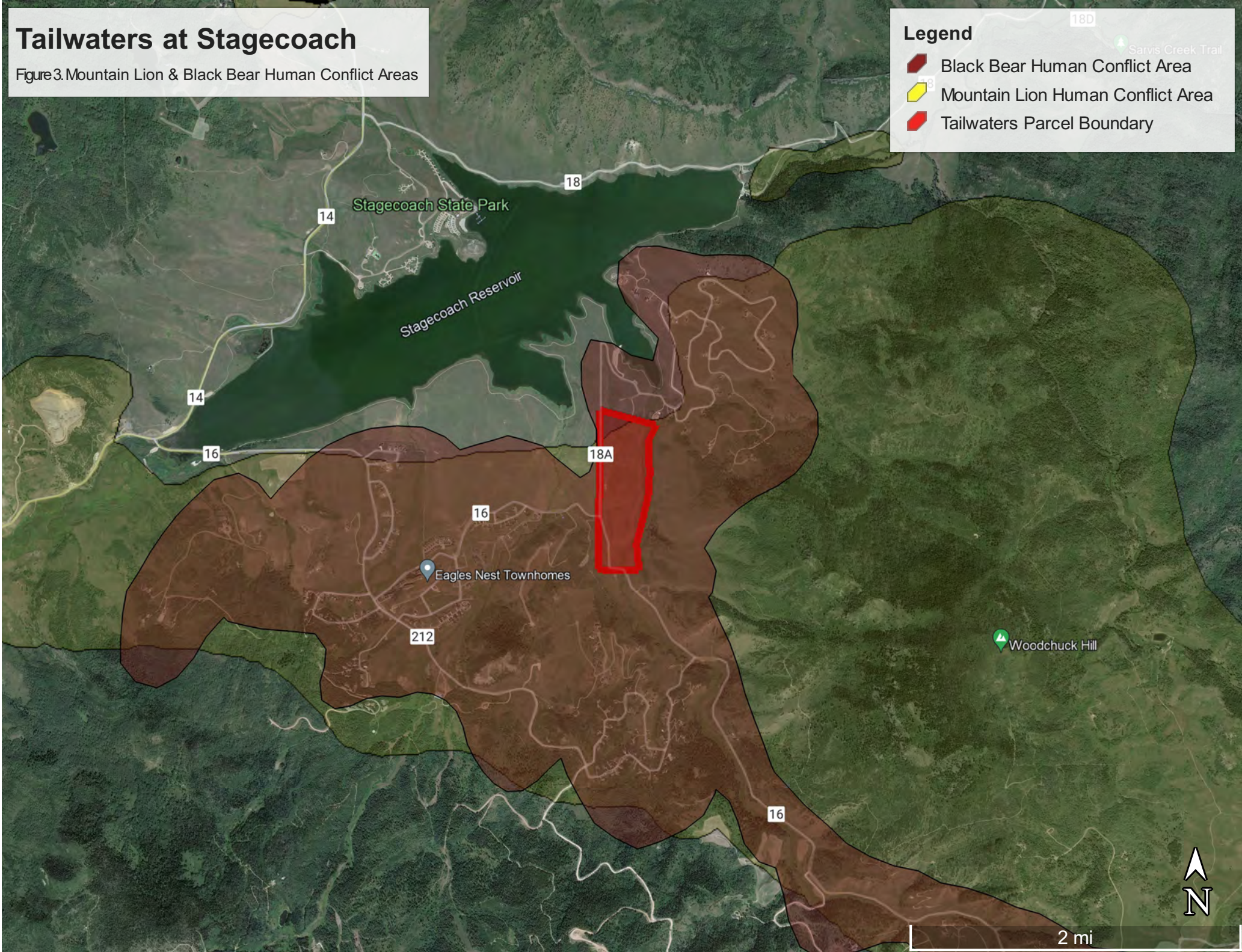


# Tailwaters at Stagecoach

Figure 3. Mountain Lion & Black Bear Human Conflict Areas

## Legend

-  Black Bear Human Conflict Area
-  Mountain Lion Human Conflict Area
-  Tailwaters Parcel Boundary



### 3.5 OTHER TERRESTRIAL WILDLIFE SPECIES

Additional wildlife species likely to use habitat present on TAS include dusky (blue) grouse, a broad variety of songbirds, woodpeckers, and corvids<sup>10</sup>, garter snakes, small mammals such as bats, shrews, mice, ground squirrels, and chipmunks, medium-sized mammals such as cottontail rabbit, porcupine, raccoon, red fox, coyote, bobcat.

### 3.6 FISHERIES

The Tailwaters parcel is located adjacent to Little Morrison Creek and Stagecoach Reservoir. The Reservoir is managed as a sport fishery with management plans in place to maintain dominance by desirable fish species. CPW has mapped Little Morrison Creek and the Reservoir as the following HPH:

- Aquatic Sportfish Management Waters: CPW recommends no disturbance within 500 feet of the ordinary high water mark. TAS is located well beyond the Stagecoach Reservoir 500-foot buffer, however it is well within the 500-foot buffer of Little Morrison Creek. Development of the parcel would not be feasible without encroaching the buffer. However, in keeping with the spirit of avoiding impacts to Little Morrison Creek, there is no development, including trails, proposed within the entrenched stream corridor.

## 4. DEVELOPMENT ISSUES

Adverse impacts associated with residential and recreational developments in areas of native habitat include habitat loss through removal of vegetation, habitat loss through avoidance of the zone of disturbance associated with human activity (including recreational activity), habitat fragmentation, barriers to movement, and disturbance or mortality from the actions of pets. During preparation of this WMP, several issues were identified as being the most significant with regard to the development of TAS and are described in detail in the following sections. The plan presented below seeks first to avoid impacting wildlife and their habitat. If impacts cannot be avoided, this plan provides measures to minimize wildlife habitat impacts. Finally, if impacts cannot be avoided and have been minimized, the plan presents opportunities to mitigate those unavoidable impacts. The primary issues related to development at TAS include:

- 1) Loss of Columbian sharp-tailed grouse production and winter range.
- 2) Black Bear/Human conflicts.
- 3) Mountain Lion/Human conflicts
- 4) Game damage conflicts with elk, deer, and moose.
- 5) Aquatic and riparian impacts of development upstream of Stagecoach Reservoir.
- 6) Aquatic and riparian impacts of development adjacent to Little Morrison Creek.

These issues have in large part driven the avoidance, minimization, and mitigation measures presented in this Mitigation Plan.

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<sup>10</sup> Crows, ravens, jays, and magpies

## *4.1 HABITAT LOSS IN COLUMBIAN SHARP-TAILED GROUSE PRODUCTION AREAS AND WINTER RANGE*

Urban and rural developments are a leading cause of habitat loss and fragmentation within the range of CSTG. Development of TAS will occur within CSTG production areas and winter range and will reduce the quality of broodrearing habitat for grouse using the lek sites within 1.25 miles of the subdivision. Studies of other grouse species suggest that they exhibit a behavioral aversion to structures. In addition, CSTG may experience increased predation from generalist predators such as skunks, raccoons, red foxes, and corvids thrive in urban and rural environments. These human-subsidized predators, which might otherwise be absent or occur at low densities, can spread into undeveloped areas occupied by CSTG. Urban and rural developments also increase the likelihood that non-native predators (e.g. dogs and cats) will be introduced into CSTG habitats leading to increased CSTG mortality. In addition, rural areas may increase the probability of disease transmission because CSTG using rural landscapes are more likely to come in contact with domestic fowl.

## *4.2 BLACK BEAR/HUMAN CONFLICTS*

Most conflicts between bears and people are linked to careless handling of food and/or garbage. Landscape plantings such as apple, crabapple, plum, and other fruit-bearing trees can also attract bears. Black bears are opportunistic omnivores, and they will eat almost anything, including human food, garbage, bird food, and pet and livestock food when available. Once a bear has found the easily accessible, consistent food source that human settlements can offer, it may overcome its natural wariness of people and visit regularly, increasing the chance of a human/bear encounter.

## *4.3 MOUNTAIN LION CONFLICTS*

Mountain lions inhabiting areas close to humans are no real cause for concern. Studies in California have monitored lion movements in urban areas. The information gleaned from these studies has indicated that mountain lions regularly use urban areas and generally attempt to stay away from people. Conflict with mountain lions may occur due to property damage and loss of livestock or pets. Feeding other wildlife, such as deer, may attract mountain lions.

## *4.4 GAME DAMAGE CONFLICTS*

Elk, deer, and moose can cause damage by browsing on trees, shrubs, and other ornamental plantings. Because Colorado statutes require compensation to landowners for agricultural property damage by big game animals, CPW personnel spend considerable time and effort preventing, investigating, and evaluating a variety of damage problems each year.

Numerous preventative measures are available to minimize this conflict, including steps that can be taken before the damage occurs, such as providing a list to landowners of landscape plant alternatives. In addition, habitat enhancement efforts can entice elk and deer away from ornamental plantings.

## *4.5 FISHERY IMPACTS*

Stormwater discharges and runoff management has the potential to impact water quality by an increase in sediment input, nutrient loading from biological and chemical applications, and a multiplication of wastewater treatment demands.

## 5. WILDLIFE MITIGATION OBJECTIVES

The goal of this WMP is to avoid, minimize, and/or mitigate the impact of the development on all wildlife species using the property. Avoidance measures leave wildlife habitat functionally intact with no adverse impacts to wildlife resources. Minimization efforts reduce adverse impacts on wildlife resources from human disturbance. Still, avoidance and minimization efforts are not considered mitigation and will not compensate for the permanent loss of wildlife habitat and the associated direct and indirect impacts on wildlife resources within and adjacent to the footprint of proposed developments. Where avoidance and minimization still do not ameliorate the impact on wildlife, mitigation is proposed. Specific objectives of this WMP include:

- 1) Avoid discharging sediment, nutrients, trash, etc. into Stagecoach Reservoir.
- 2) Minimize human/wildlife conflicts by implementing homeowner occupancy and use restrictions.
- 3) Mitigate unavoidable impacts to Columbian sharp-tailed grouse production and winter range.

Avoidance, minimization, and mitigation measures will be memorialized in the Master Declaration of Covenants, Conditions and Restrictions for TAS. These measures are presented in the following section.

## 6. WILDLIFE AND FISHERY IMPACT AVOIDANCE, MINIMIZATION, & MITIGATION MEASURES

Recognizing that one of the attributes of the TAS is the wildlife that inhabits the Stagecoach area, the development of the property has been designed to avoid impacts to wildlife habitat where practicable and to minimize disturbances to wildlife when avoidance is not practicable. In recognition that it is not practicable to avoid all impacts to wildlife and its habitat, this plan includes mitigation measures designed to help offset the impact of the development on wildlife. The terms and provisions of this Wildlife Mitigation Plan are presented in the following sections.

### *6.1 WILDLIFE AND FISHERY IMPACT AVOIDANCE MEASURES*

#### **6.1.1 Designated Open Space**

The Conceptual Development Plan avoids direct impacts to 48% of the property by setting aside 42.5 acres as open space. To avoid impact to the highest value wildlife habitat on the parcel, trails will not be built along the Little Morrison Creek corridor. Open space will be owned and managed by Tailwaters at Stagecoach Homeowners Association (TASHOA). An Open Space Management Plan shall be developed with wildlife habitat preservation as a management goal. Pursuant to that plan:

- Open space shall be vegetated with native, wildlife-friendly species providing a mixture of grasses, shrubs, and trees.
- Fencing is not planned within any open space areas, with the exception of a planned dog park. If fencing within open space becomes necessary for any reason aside from dog parks, fencing will be designed to adhere to guidelines within CPW's ["Fencing with Wildlife in Mind"](#) document.

- Trails will not be built along Little Morrison Creek. Trails within the interior open space areas will not be subject to any seasonal closures.
- TASHOA will conduct weed management, which includes monitoring, spraying, manual removal, and prevention. CPW's [Seed Mix Tool](#) will be used when developing any open space reclamation and/or landscaping.

### **6.1.2 Water Quality Monitoring Plan**

TAS has prepared a Water Quality Monitoring and Management Plan (Water Quality Plan). The Water Quality Plan shall be reviewed by (and agreed to) by Routt County Environmental Health. The purpose of the Water Quality Plan is to provide data on baseline water quality data and to implement a monitoring plan to determine if surface water may be impacted from chemical use related to construction and ongoing occupancy of the Subdivision. The Water Quality Plan shall include surface water monitoring sites that are representative of the hydrologic conditions of the parcel and a schedule of water quality testing parameters (pesticides, nutrients, herbicides, etc.) pertinent to high density residential construction and occupation.

Prior to and during construction the Applicant is proposing to implement a stormwater monitoring plan consisting of initial testing prior to construction, testing every 3 months during construction, and then post-construction testing. Parameters included in the testing will consist of Alkalinity, Conductivity, Hardness, pH, Chlorophyll a, Turbidity, Total Phosphorus, Free Reactive Phosphorus, Nitrates & Nitrites, and Total Nitrogen. For each testing period, one sample shall be taken from the creek just past the edge of construction, and then another out in the cove where the creek deposits into the reservoir. These will allow differentiation of any nutrient loading coming from currently established developments vs. the construction at Tailwaters.

Prior to construction activities, including grading, TAS shall perform baseline water quality tests specified in the Water Quality Plan. These test results will be analyzed by an independent water quality lab. These test results and a narrative report shall be submitted to Routt County Environmental Health. Tests during construction and initial occupation of the Subdivision shall be performed quarterly until such time as the Routt County Environmental Health Director agrees to a less frequent testing schedule. Results of the quarterly tests will be submitted annually (by January 31 for the previous calendar year) and shall include a narrative description of the results and an opinion from a qualified water quality expert of the results and trends.

### **6.1.3 Best Management Practices to be Incorporated into the Stormwater Plan.**

Proposed land use covenants for the Project include homeowner regulations that reduce and discourage manicured lawns that would require water and fertilizers. Owners will be required to pick up pet waste and dispose of this properly. A robust stormwater system with extended detention basins has been designed to prevent nutrients contained in stormwater runoff from entering Little Morrison Creek and the reservoir. TAS shall install facilities to remove these contaminants and other suspended solids from Stormwater runoff, snow storage areas, and streets. Grassy stormwater swales and detention basins will remove excess Nitrogen, Phosphorous, and suspended sediment from stormwater runoff.

Snow storage areas have been located within or upgradient of stormwater swales; all snowmelt would be directed into the swales and the stormwater management system. The Stormwater management system includes BMPs in place to remove trash, debris, and oil/grease. BMPs include trash racks and oil/grease separators. Trash racks will be used at the outfalls to stormwater detention basins preventing trash from leaving the site, oil / grease separators will be used in the same locations (detention basins) to prevent oil/grease from leaving the site.

Mitigation techniques that shall be incorporated as part of an approved civil construction plan submittal for this project include:

- Implementation of an engineered erosion control plan and stormwater control measures.
- Sedimentation pond, perimeter silt fence, ditch checks, dust mitigation, and temporary seeding.
- Implementation of a construction site management plan to address things such as debris, spills, and noise.
- Minimization of total land disturbance via a phasing plan.
- Dust mitigation during periods of high wind with application of water via sprayer truck if necessary.
- Proper final stabilization and establishment of vegetation as soon as possible with the use of seeding and straw blanket stabilization on slopes.

The type of BMP employed to remove total suspended solids (TSS) from stormwater runoff depends on a variety of factors. These include site conditions, desired removal efficiencies, and maintenance concerns. There is no one-size-fits-all approach to removing TSS from stormwater. Each BMP discussed here has its own benefits as well as drawbacks, which must be thoroughly reviewed to find the best fit for each facility.

## *6.2 WILDLIFE IMPACT MINIMIZATION MEASURES*

Unavoidable impacts to wildlife shall be minimized through implementation of the impact minimization measures presented below. Homeowners and tenants shall be individually responsible for abiding by all wildlife minimization measures presented below.

### **6.2.1 Mountain Lion Conflict Management**

Residents shall implement precautions to reduce their risk of human/lion conflicts.

- Do not feed wildlife. Intentional or unintentional feeding such as leaving pet food outdoors can attract mountain lions by attracting prey animals. These animals, including mountain lions, are more likely to encounter humans or domestic animals.
- Landscape for safety. Remove dense and low-lying vegetation that may provide cover for predators and other wildlife.
- Deer-proof the property to avoid attracting a lion's main food source.
- Install outdoor lighting to make it difficult for mountain lions to approach unseen.
- Secure outdoor pets in sturdy, covered shelters at night.
- Consider installing motion-sensor lighting around the house and animal enclosures.

### **6.2.2 Black Bear Conflict Management**

Black bear conflicts shall be avoided and/or minimized through implementation of many of the measures included in the following sections, including measures related to garbage and compost, pets, and outdoor cooking appliances.

### **6.2.3 Garbage and Compost**

All outdoor garbage shall be secured in Interagency Grizzly Bear Committee (IGBC) certified bear-resistant canisters, if possible, or stored in a structure that prevents black bear access. No trash shall be placed outside in an unsecured manner, such as in bags or standard canisters. Any approved container containing such materials may be placed next to the street not earlier than 6:00 a.m. on the designated morning of garbage collection and must be returned to its enclosed structure that same day. Compost piles are not

allowed. Compost structures and containers shall not be placed on a Lot. Barbeque grills shall be maintained in a clean state to prevent attracting bears.

#### **6.2.4 Pet Control Restrictions**

Uncontrolled pets are a significant source of wildlife disturbance and mortality in human-occupied wildlife habitats. Dogs have the ability to harass and kill wildlife, including big game, and domestic cats are a significant source of mortality for songbirds. The potential negative impacts from this type of disturbance (particularly from dogs) increase in severity when in or adjacent to winter range and calving areas. It is during winter and calving season that elk are most vulnerable to harassment. To prevent such wildlife disturbances and damages, the following pet control restrictions shall be enforced:

- a) No outdoor, free-roaming pets are permitted at TAS.
- b) Dogs must either be kept indoors at all times or in a fenced dog run. Dogs may never be kept outdoors during the night. A permitted dog must be fenced or restrained at all times upon the Owner's or Occupant's Lot, and shall not be permitted outside such Lot, except when on a leash.
- c) Pet food shall not be kept outdoors overnight.
- d) Bird feeders, including hummingbird feeders, shall not be kept outdoors overnight except during bear hibernation season.
- e) The TASHOA shall be responsible for enforcing the pet restrictions and shall have the right and authority: i) to determine in its sole discretion that dogs, cats, and other household pets are in violation of this Section; and ii) to take such action or actions as it deems reasonably necessary to remedy the violation, including without limitation the levying of fines and/or reimbursement assessments.
- f) Raising of poultry, waterfowl, and beehives shall be prohibited.

#### **6.2.5 Wildlife Feeding**

The HOA shall prohibit wildlife feeding via salt blocks or other methods. Except for bird feeders, any type of feeding, baiting, salting, or other means of attracting wildlife is illegal. CPW may cite both homeowners and tenants for violations.

#### **6.2.6 Wildlife Damage**

The Declarant, for itself and its successors and assigns, including but not limited to all Owners and Occupants and the TASHOA, hereby waives and releases all claims against CPW with regard to wildlife damage at TAS.

#### **6.2.7 Riparian Shrub Preservation**

Management of the Little Morrison Creek riparian corridor shall be aimed at preserving the existing riparian shrub community to the extent reasonable and feasible under the circumstances. Exceptions to this measure may occur based on wildfire mitigation measures required as part of the Wildfire Mitigation Plan.

#### **6.2.8 Weed Control**

The Owner or Occupant of each Lot shall be responsible for maintaining healthy vegetation free of infestations of noxious weeds. The Association may inspect Lots periodically and will notify the Owner and/or Occupant of any Lot with a noxious weed infestation that corrective actions must be taken. If the Owner or Occupant does not correct the weed infestation within 10 days, the Association may contract for

the corrective work to be performed by a third party. Any such third party shall have access to the Lot to perform such work, and the Owner and Occupant shall hold such third party harmless from any liability associated with such access and corrective work. All such work shall be at the expense of the Owner of the Lot on which such work is performed, and the Association shall have a lien on such Lot for such expenses.

### **6.2.9 Residential Landscaped Areas**

The initial landscaping established by the developer often sets the tone for other plantings in the community. Planting native flowers, shrubs, and trees, as well as controlling noxious weeds and creating wetlands, can benefit wildlife. The use of native vegetation that is less palatable to deer and elk is encouraged within all residential landscaped areas. Landscaping shall not include fruit-bearing trees or shrubs. Landscaping should facilitate wildlife movement and minimize wildlife entrapment potential by avoiding guy lines, non-biodegradable landscaping fabric, or tethers. Fencing of private property perimeter shall not be allowed, with the exception of a small pet enclosure. The developer intends to utilize CPW's [Seed Mix Tool](#) in consultation with CPW Staff when developing the reclamation and landscaping plan.

### **6.2.10 Outdoor Cooking Appliances**

Outdoor cooking appliances should be cleaned and stored in a protected area after each use.

### **6.2.11 Lighting**

Lighting shall be capped from above to help reduce night-sky light pollution, which inhibits nocturnal wildlife behavior. All lighting at TAS shall comply with the Routt County Zoning Regulations, including the following:

- A. All fixtures, exclusive of those exempt under paragraphs D and E below, shall be fully downcast and opaquely shielded. For purposes of this section, fully downcast and opaquely shielded shall mean fixtures constructed so that light rays emitted are projected below, and not above, the fixture.
- B. Lighting shall be so placed as to prevent their light rays or illumination from being cast beyond property lines, and the light source (bulb) shall not be visible beyond property lines.
- C. No light source shall be directly visible to any motor vehicle operated from a road or street or from any residential area within a distance of 300 feet measured from the light source.
- D. Upward lighting to illuminate flags is exempt, provided the light fixture uses a narrow cone beam of light that will not extend substantially beyond the flag.
- E. Lights used for holiday decorations are exempt from the requirements of this section.

### **6.2.12 Garage Doors**

Garage doors shall remain closed when residents are not outside and in the immediate vicinity to prevent bears from entering and obtaining stored food rewards, such as freezer food, pet food, and trash.

### **6.2.13 Wildlife Harassment**

Harassment of wildlife is illegal at all times pursuant to Colorado Revised Statute § 33-6-128.

## ***6.3 WILDLIFE IMPACT MITIGATION MEASURES***

### **6.3.1 Mitigation for Impacts to Columbian Sharp-Tailed Grouse Habitat**

TAS acknowledges that the development of residential acreage will severely limit the suitability of breeding and brood-rearing habitat for the adjacent CSTG lek sites and will remove HPH. To mitigate this impact, TAS will establish a 0.5% real estate transfer fee that will be applied to transfers of lots or interest therein. The proceeds of the real estate transfer fee shall be used to fund a nonprofit Wildlife Trust to be utilized for



sharp-tailed grouse habitat improvement and/or protection projects in South Routt County. The Wildlife Trust charter, which is not currently drafted, shall be established and memorialized in a document to be prepared by a qualified law firm at TAS expense. The Wildlife Trust shall ensure proper wildlife values are at the forefront of fund distribution.

These funds will be invested in accordance with the investment policy established by the Wildlife Trust. The Trust Fund will be governed by a Board made up of two representatives from TAS, two from CPW, and one Routt County staff member. The Board will approve each habitat improvement project. The Board will meet periodically to review projects presented by the CPW, the TAS HOA, or other interested parties for funding. Guidelines for the expenditure of funds for habitat improvement include the following:

- *Projects must be specifically targeted to benefit Columbian sharptailed grouse.*

Ideally, projects will be completed using Trust Funds as well as partnership funds, when available, from other organizations such as the USFS, BLM, NRCS, or CPW. Investment management of the fund will be turned over to a professional investment management firm to be approved by the Board. Funds shall be managed in accordance with investment criteria established by the Board. Fees for such management shall be paid out of fund earnings.

## 7. AMENDMENT AND ENFORCEMENT

It is understood that this WMP will be recorded as part of the Master Declaration of Covenants, Conditions, and Restrictions for TAS. Furthermore, this WMP shall not be amended without the written consent of the local CPW District Wildlife Manager and Routt County Board of County Commissioners. No amendment shall require the approval of any owner except the Declarant. No Owner shall be deemed to be a third-party beneficiary of this WMP, nor shall this WMP be enforceable by any Owner, except the Declarant. If any conflict occurs between the Association Documents and this WMP, the more restrictive provision shall take precedence. This entire WMP, specifically those sections addressing dogs, fencing, garbage management, and noxious weed control can be enforced by TAS or Routt County

## 8. ENDORSEMENT

By its execution of this document, CPW hereby agrees that the wildlife impacts associated with the development of the Tailwaters at Stagecoach would be addressed were this plan to be implemented.


## 9. ASSIGNMENT

The Applicant/Declarant may, from time to time, assign its rights and obligations under this WMP by an express assignment set forth in a recordable instrument to be recorded in the Routt County records to any person or entity acquiring an interest in the TAS property. Such an assignment will be deemed to have automatically occurred with any assignment of the Declarant's status under the Master Declaration of Covenants, Conditions and Restrictions for TAS. CPW and Routt County will be copied on any such assignments. From and after the date of such assignment, the assignee(s) shall succeed to all obligations arising prior to and after the date of this WMP. Any assignee(s) under this WMP may thereafter assign

herein by an express assignment set forth in an instrument in recordable form and recorded in the Routt County records.

## 10. SIGNATURES

**For Tailwaters at Stagecoach LLC:**



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**Nicholas Salter, General Manager**

Accepted and agreed to this 1st day of August, 2024.

**For Colorado Parks and Wildlife:**

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**Kris Middledorf, Area Wildlife Manager**

Accepted and agreed to this \_\_\_\_\_ day of \_\_\_\_\_, 2024.