

## Walker, Samuel

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**From:** ColoradoES, FW6 <ColoradoES@fws.gov>  
**Sent:** Monday, February 12, 2024 12:27 PM  
**To:** Walker, Samuel  
**Cc:** ilkajboogaard@gmail.com; Bainbridge, Elizabeth (Betsy); KeeleyW@bouldercolorado.gov  
**Subject:** Re: [EXTERNAL] RE: Referral Packet for Docket SU-23-0016: Tennis Center of the Rockies

Dear Mr. Walker,

It has come to our attention that there may be additional concerns regarding the proposed Tennis Center of the Rockies project (Project) due to the presence of nesting and foraging raptors in the area. We reaffirm that we have no concerns for this Project regarding species listed under the Endangered Species Act (email dated January 25, 2024). However, we understand that the presence of prairie dogs within the proposed parcel as well as the surrounding parcels (which are managed by City of Boulder's Open Space and Mountain Parks Department) provides suitable foraging and nesting habitat for raptors and burrowing owls protected under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act.

The Service recommends that you:

- follow our guidance for avoiding take of bald and golden eagles (found here: <https://www.fws.gov/program/eagle-management>);

follow Colorado Parks and Wildlife's recommendations for avoiding effects to nesting burrowing owls, should they be present in the adjacent parcel (linked here <https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Raptor-Buffer-Guidelines.pdf>, specifically: "BURROWING OWL: Nest Site: No permitted, authorized, or human encroachment activities within 1/8 mile (660 feet, 200 meters) of the nest site during the nesting season March 15 through August 31. For large industrial disturbances (drilling rig, residential construction, etc.), no permitted, authorized, or human encroachment activities within 1/4 mile (1320 feet, 400 meters) of the nest site during the nesting season March 15 through August 31. Although Burrowing Owls may not be actively nesting during this entire period, they may be present at burrows up to a month before egg laying and several months after young have fledged. Therefore, it is recommended that efforts to eradicate prairie dogs or destroy abandoned towns not occur between March 15 and October 31 when owls may be present. Because nesting Burrowing Owls may not be easily visible, it is recommended that targeted surveys be implemented to determine if burrows are occupied. More detailed recommendations are available in a document entitled "Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls," which is available from the CPW.");

- capture and relocate prairie dogs to appropriate habitats prior to construction, and following Boulder County's Prairie Dog Management Plan; and
- use the down-shielded lighting described in your information packet to limit nighttime visual effects to eagles and migratory birds.

ECOSphere project number: 2024-0039325

Feel free to reach out to me if you have any additional questions.

Julie Reeves, Grasslands Biologist

*for*

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U.S. Fish and Wildlife Service  
Colorado Ecological Services Field Office  
1 Denver Federal Center, Building 25  
Denver, CO 80225