



Town Council
Tuesday, February 27, 2024
Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

*This agenda and the meetings can be viewed at www.Townofeagle.org.
Times listed are approximate and are subject to change.*

TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION *This will be an in-person meeting using Teams. Please note: All participants must remain muted until they are requested to speak. This will reduce background noise disruptions to the meeting attendees. When it's your turn to speak, you will have three (3) minutes for public comment. PUBLIC COMMENTS: If you are unable to attend, public comments regarding any items on this agenda can be submitted to Jenny Rakow, Town Clerk, and will be included as part of the record. For technical difficulties, please email jenny.rakow@townofeagle.org and we will do our best to assist you.*

1. **Microsoft Teams meeting**

Join on your computer, mobile app or room device

[Click here to join the meeting](#)

Meeting ID: 210 981 059 849

Passcode: UuWhN4

[Download Teams](#) | [Join on the web](#)

Or call in (audio only)

[+1 469-770-0416,,111256605#](#) United States, Dallas

Phone Conference ID: 111 256 605#

CALL TO ORDER - 6:00 PM

ROLL CALL

ADOPTION OF AGENDA *Opportunity for amendment or deletions to the agenda.*

PUBLIC COMMENT *Citizen public comment offers an opportunity for citizens to express opinions or ask questions regarding town services, policies, or other matters of community concern, and any items that are not on the agenda. Please attempt to keep comments to three (3) minutes; time limits are established to provide efficiency in the conduct of the meeting and to allow equal opportunity for everyone wishing to speak. When appropriate, any questions by the public during public comment will be followed up on by the Town Manager and Town staff. Those who are speaking are requested to state their name and address for the record.*

PRESENTATIONS - 6:05 PM *Prescheduled presentations from the public are limited to 5 minutes. Invited presentations are limited to 10 minutes. Prior arrangements for presentations are made with the Town Clerk.*

1. One Book One Valley, Proclamation 2024 - Lori Ann Barnes, Director of Library Services Vail Public Library

CONSENT AGENDA - 6:15 PM *Consent agenda items are routine Town business, items that have received clear direction previously from the council, final land-use file documents after the public hearing has been closed, or which do not require council deliberation.*

1. Minutes - February 13, 2024

2. Resolution 13, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending a Resolution Approving a Lot Line Adjustment for Lots 6 and 7, Block 1, Eby Creek Subdivision to Correct an Error Regarding the Resolution Number"
3. Resolution 14, Series 2024 "A Resolution by the Town Council of the Town of Eagle, Colorado, Authorizing the Release of Letter of Credit No.: SLCMMSP08162 to Black Hills Corporation for Completion of Revegetation Requirements Along Segments of the Avon to Rifle Pipeline in Open Space Properties"
4. Resolution 15, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Permanent Easement Agreement with Sawatch 263 Rd, LLC"
5. Resolution 16, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving the Fifth Amendment to the Annexation and Development Agreement for the Haymeadow Property"
6. Resolution 17, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving an Underground Right-of-Way Easement Agreement with Holy Cross Energy"
7. Tree City USA Proclamation
8. Request for Letter of Support for Phase I of the Colorado West RESCUE Project for Cottonwood Pass & Glenwood Canyon Improvements

STAFF REPORTS - 6:20 PM *The Town Manager and department staff prepare and provide internal updates to the council.*

1. Town Manager Update

BUSINESS ITEMS - 6:25 PM *Items and / or Public Hearings are listed under Business may be old or new and may require review or action by the council.*

1. Sustainability Community Funding Request: Adam Palmer Sustainability Fund

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS - 6:35 PM *Council will use this time to propose future agenda items, provide updates on Council Committees, and address general discussion items.*

EXECUTIVE SESSION - 6:40 PM

1. "Executive session to consider the purchase, acquisition, lease, transfer or sale of real, personal or other property, pursuant to C.R.S. § 24-6-402(4)(a), and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators, pursuant to C.R.S. § 24-6-402(4)(e), regarding the possible purchase of open space within the Town and to adjourn the regular meeting at its conclusion."

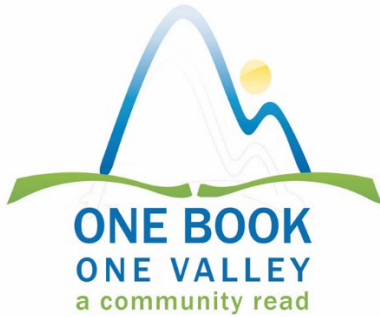
ADJOURN - 7:30 PM

I hereby certify that the above Notice of Meeting was posted by me in the designated location at least 24 hours prior to said meeting.



Jenny Rakow, CMC
Town Clerk

PUBLIC WIFI – Eagle Guest



Official Proclamation

ONE BOOK ONE VALLEY, 2024

A valley-wide Community Read sponsored by the
Towns of Avon, Eagle, Gypsum, Minturn,
Red Cliff and Vail

WHEREAS, Community Read programs have united and uplifted hundreds of cities and municipalities throughout the United States of America; and,

WHEREAS, the book “Calling for a Blanket Dance” by Oscar Hokeah is the author’s “highly anticipated debut novel that tells the story of Ever Geimausaddle, the son of a Kiowa and Cherokee mother and a Mexican father, as he navigates life across Native lands in Oklahoma”; and,

WHEREAS, Hokeah’s novel will feel familiar to fans of Louise Erdrich and Tommy Orange, shifting between the perspectives of different characters and jumping around in time to tell a story of the contemporary experiences of Indigenous people, while also taking care to disrupt any reductive notions of homogeneity in this arena; and,

WHEREAS, the title “Calling for a Blanket Dance ” tells the story of a young Native American boy who belongs to a splintering family, grasps for stability and love, and makes all the wrong choices until he finds a space of his own”. Oscar Hokeah’s electric debut takes us into the life of Ever Geimausaddle, whose family--part Mexican, part Native American--is determined to hold on to their community despite obstacles everywhere they turn.

Ever’s father is injured at the hands of corrupt police on the border when he goes to visit family in Mexico, while his mother struggles both to keep her job and care for her husband. And young Ever is lost and angry at all that he doesn’t understand, at this world that seems to undermine his sense of safety. Ever’s relatives all have ideas about who he is and who he should be. His Cherokee grandmother, knowing the importance of proximity, urges the family to move across Oklahoma to be near her, while his grandfather, watching their traditions slip away, tries to reunite Ever with his heritage through traditional gourd dances.

Through it all, every relative wants the same: to remind Ever of the rich and supportive communities that surround him, there to hold him tight, and for Ever to learn to take the strength given to him to save not only himself but also the next generation. How will this young man visualize a place for himself when the world hasn’t made room for him to start with? Honest, heartbreaking, and ultimately uplifting, Calling for a Blanket Dance is the story of how Ever Geimausaddle finds his way home; and,

WHEREAS, this Eagle Valley Community Read is the 13th Year of the One Book One Valley initiative. According to Ali Teague from the Bookworm of Edwards; "I can't believe this incredible book is a debut novel with its lyrical language and wholly unique characters and voices. Calling for a Blanket Dance illustrates what it's like to be Mexican American and Indigenous in the United States. I'm so glad we picked it for our community-wide read, because it demonstrates the expectations that communities have for each individual, and the responsibility we all have to raise each other; and,

WHEREAS, this Eagle Valley Community Read will feature book discussions in venues around the valley; special programs being planned by our two newest partners - the Vail Symposium and the Eagle Valley Land Trust; and, a special Guest Appearance by the author in April; and,

WHEREAS, the Vail Public Library, in collaboration with the Bookworm of Edwards, Colorado Mountain College, Battle Mountain High School, Eagle Valley High School, Vail Mountain School, the Vail Symposium and the Eagle Valley Land Trust have collectively resolved to bring this valley-wide Community Read program to the citizens of Eagle County; and,

WHEREAS, the One Book One Valley initiative will encourage literacy and shared enjoyment of reading throughout Eagle County.

NOW THEREFORE, we the representatives from the Town of Eagle do hereby promote the One Book One Valley initiative and officially announce and promote the book "Calling for a Blanket Dance" to all Eagle County residents for their enjoyment and the enjoyment of all.

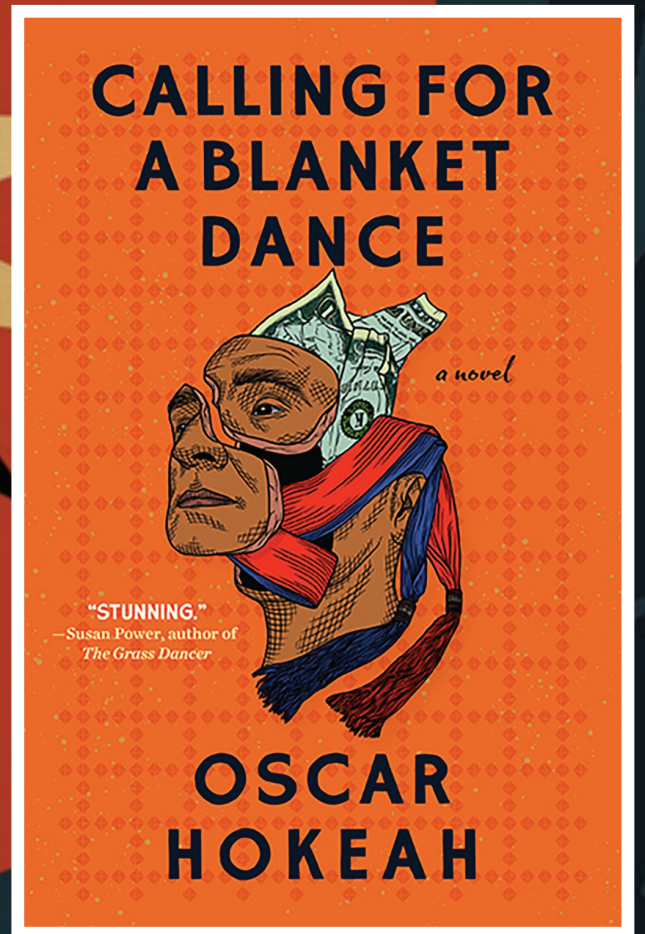
Join the conversation!



ONE BOOK
ONE VALLEY
a community read

an Eagle County initiative which encourages literacy
and promotes a sense of community by sharing a
common topic for conversation valley-wide.

Share your One Book One Valley
(OBOV) reading journey!
Use the hashtag **#OBOV2024**



EVENTS

Hosted by Vail Public Library, Mountain Youth and
Vail Symposium

Multigenerational Hope: New Patterns of Mental and Behavioral Health

Tuesday, Feb. 20 | 6 p.m.

Edwards Interfaith Chapel
Spanish/English interpretation

In the face of mental & behavioral challenges faced
by individuals of all ages, what are the models &
resources available to find healing and hope? Dr.
Judith Landau will be joined by local providers.

Hosted by Vail Public Library and Eagle Valley Land Trust

Free showing of the documentary “Gather”

Tuesday, March 19 | 6:30 p.m.

Riverwalk Theater

Free community screening of “Gather”, which tells
the stories of Native Americans reconnecting
with their spiritual and cultural identities through
obtaining sovereignty over their ancestral food
ways. Like *Calling for a Blanket Dance*, the film
“Gather” shines a spotlight on Indigenous people
working to heal themselves and their communities
by reuniting with their heritage.

Hosted by Vail Public Library

Books ‘n Bites Book Club

Wednesday, March 13 | 5 p.m.

Meets via Zoom

Join the Vail Public Library for a fun and lively
virtual book club! The March meeting of the book
club will focus on the 2024 OBOV title, “Calling
for a Blanket Dance” by Oscar Hokeah. Email
abrezinka@vail.gov for an invitation.

Finale Author Event

Thursday, April 4 | 5 p.m.

Colorado Mountain College, Edwards Campus

Meet Oscar Hokeah, Author of the 2024 selected
OBOV title “Calling for a Blanket Dance”. This
event will consist of a meet and greet with
the author, a Book Talk including Q&A, and
an opportunity to purchase an autographed
copy of the book.

For more information visit
onebookonevalley.com



A COLLABORATIVE PROGRAM BROUGHT TO YOU BY





MEETING MINUTES
Town Council
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Public Meeting Room / Eagle Town Hall
200 Broadway Eagle, CO

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TOWN COUNCIL MEETING ACCESS INFORMATION AND PUBLIC PARTICIPATION *This was an in-person meeting using Teams.*

CALL TO ORDER - 6:00 PM

ROLL CALL

COUNCIL MEMBERS PRESENT

Mikel Kerst, Scott Turnipseed, Ellen Bodenhemier,
Geoffrey Grimmer, Nick Sunday, Jamie Woodworth
Foral, Bryan Woods

COUNCIL MEMBERS ABSENT

None

STAFF PRESENT

Larry Pardee, Town Manager
Melissa Daruna, Assistant Town Manager
Matt Mire, Town Attorney (*Virtual*)
Jenny Rakow, Town Clerk
Jill Kane, Finance Director/Treasurer
Carrie Buhlman, Interim Police Chief
Tom Gosiorowski, Public Works Director
Peyton Heitzman, Planner
Lynette Horan, Human Resources Manager (*Virtual*)
Jessica Lake, Planner
Cliff Simonton, Interim Community Development Director
Jamie Wilson, Communications & Marketing Specialist
Sydney Dynek, Planner
Kira Koppel, Sustainability Specialist
Brian Lieberman, Open Space & Trails Manager
Ryan Goebel, IT Analyst
Kevin Aoki, Information Technology Manager

ADOPTION OF AGENDA

MOTION: Council Member Nick Sunday motioned to adopt the agenda as presented. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.

PUBLIC COMMENT

Brian Kunkel, Second Street Tavern Eagle, requested consideration by the Town on the Food Truck hours of operation limit of 10:00 p.m. for the La Diosa location behind his business.

PRESENTATIONS

1. Eagle Chamber of Commerce: Michelle Morgan, Executive Director - 2024 Strategic Plan & Budget
Michelle Morgan presented this item.

Council comments: suggested the Eagle Chamber look into possible funding available from Eagle County from lodging tax revenues.

CONSENT AGENDA

MOTION: Council Member Bryan Woods motioned to approve the consent agenda. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenheimier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.

1. Minutes - January 23, 2024
2. Bill Pay - January 2024
3. Resolution 05, Series 2024, "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Lot Line Adjustment for Lots 6 and 7, Block 1, Eby Creek Subdivision"
4. Resolution 09, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado Approving a Contract with DRC Construction Services. For Sanitary Sewer System Cleaning"
5. Resolution 11, Series 2024, A Resolution of the Town Council of the Town of Eagle, Colorado terminating the extraterritorial water service agreement for lot 3, Mosher subdivision, Eagle County, Colorado.

STAFF REPORTS

1. Town Manager Update
Larry Pardee provided an Eagle Villas update.

Council comments: expressed concern regarding the second ice sheet and potential conflicts with 4H activities and uses.

2. Department Update
Council comments: Council Members thanked Jill Kane for work on short-term rentals, Melissa Daruna for the GOCO grant for Mountain Recreation and the Police Department on purchasing hybrid vehicles.
- a. 2023 Year-End Sales Tax Report

BUSINESS ITEMS

1. Ordinance 01, Series 2024 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 8.12.020 of the Eagle Municipal Code, for Purposes of Animal Control on Golf Courses"
Carrie Buhlman Interim Police Chief presented this item.

Nathan Lehnert Eagle County Animal Services: stated that he appreciates the town for addressing this issue.

Council comments: inquired if other areas in the town are common ground that may need further definition for enforcement. Nathan and the town staff will coordinate on additional clarifications if needed.

MOTION: Council Member Ellen Bodenheimier motioned to approve Ordinance 01, Series 2024 "An Ordinance of the Town Council of the Town of Eagle, Colorado Amending Section 8.12.020 of the Eagle Municipal Code, for Purposes of Animal Control on Golf Courses". The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenheimier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.

COUNCIL DISCUSSION AND FUTURE AGENDA ITEMS

Council Member Ellen Bodenhemier: updated that OSRAC is progressing on the work plan for the management plan which will ensure a better budget going forward. Also stated that Haymaker enforcement is needed.

Council Member Bryan Woods: requested a work session to discuss code enforcement issues.

Council Member Nick Sunday: updated that he is still working with the Eagle Valley Transportation Authority on Eagle considerations. Larry Pardee stated he is meeting with Tanya next week to discuss these items specific to Eagle.

Mayor Scott Turnipseed: updated on the Eagle Ranch Wildlife Committee and the Eagle Ranch Housing Committee

EXECUTIVE SESSION - 6:40 PM

- MOTION: Council Member Scott Turnipseed motioned to enter into Executive Session to hold a conference with the Town Attorney and special counsel to receive legal advice on specific legal questions, pursuant to C.R.S. § 24-6-402(4)(b) and to determine positions relative to matters that may be subject to negotiations, develop a strategy for negotiations, and/or instruct negotiators pursuant to CRS 24-6-402(4)(e) regarding an Amendment to the Haymeadow Annexation and Development Agreement and to adjourn the regular meeting at its conclusion. The motion was seconded and passed with a vote of 7 in favor (Kerst, Turnipseed, Bodenhemier, Grimmer, Sunday, Woodworth Foral, and Woods) and 0 opposed.**
- 1.

ADJOURN - 6:40 PM

Date:

Scott Turnipseed, Mayor

Jenny Rakow, CMC Town Clerk



To: Mayor and Town Council
From: Jenny Rakow, Town Clerk
Date: February 27, 2024

Agenda Item: Resolution 13, Series 2024 "A Resolution of the Town Council of the Town of Eagle, Colorado, Amending a Resolution Approving a Lot Line Adjustment for Lots 6 and 7, Block 1, Eby Creek Subdivision to Correct an Error Regarding the Resolution Number"

REQUEST: Town staff is requesting the council to approve this Resolution correcting a clerical error in the numbering of a Resolution.

BACKGROUND: On January 9, 2024, the Town Council of the Town of Eagle approved Resolution No. 05, 2024 "A Resolution Levying General Property Taxes for the Year 2023, to Help Defray the Costs of Government for the Town of Eagle, Colorado for the 2024 Budget Year" and on February 13, 2024, the Town Council of the Town of Eagle approved Resolution No. 05, 2024 "Approving A Lot Line Adjustment for Lots 6 And 7, Block 1, Eby Creek Subdivision."

ANALYSIS: A clerical error was discovered after the February 13th Town Council meeting when entering the approved Resolution 05 into the record. In order to remedy this issue, the Council is respectfully asked to approve Resolution 13 to make this correction to the official records of the Town.

COMMUNITY INPUT: None required.

BUDGET / STAFF IMPACT: There is no budget impact for this item.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: This is an administrative item that has minimal alignment with the Strategic Plan but does represent transparency.

RECOMMENDED ACTION OR PROPOSED MOTION: MOTION TO APPROVE THE CONSENT AGENDA. If questions, please remove this item from the Consent Agenda to address with Town Staff.

ATTACHMENTS:

1. Resolution 13, Series 2024, Correcting a Numbering Error

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 13
(Series of 2024)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AMENDING A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO APPROVING A LOT LINE ADJUSTMENT FOR LOTS 6 AND 7, BLOCK 1, EBY CREEK SUBDIVISION TO CORRECT AN ERROR REGARDING THE RESOLUTION NUMBER.

WHEREAS, on January 9, 2024, the Town Council of the Town of Eagle approved Resolution No. 05, 2024 "A Resolution Levying General Property Taxes for the Year 2023, to Help Defray the Costs of Government for the Town of Eagle, Colorado for the 2024 Budget Year" ("the first Resolution No. 05"); and

WHEREAS, on February 13, 2024, the Town Council of the Town of Eagle approved Resolution No. 05, 2024 "Approving A Lot Line Adjustment for Lots 6 And 7, Block 1, Eby Creek Subdivision" ("the second Resolution No. 05"); and

WHEREAS, an error exists regarding the Resolution numbers assigned to the above-referenced Resolution because both Resolutions are numbered as No. 05 Series 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO:

Section 1. That the second Resolution No. 05 Entitled "Approving A Lot Line Adjustment for Lots 6 And 7, Block 1, Eby Creek Subdivision" Is hereby renumbered and redesignated as Resolution No. 12, Series 2024.

INTRODUCED, READ, PASSED, AND ADOPTED on February 27, 2024.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk



To: Mayor Turnipseed and Town Council
From: Brian Lieberman, Open Space and Trails Manager
Date: February 27, 2024

Agenda Item: A Resolution by the Town Council of the Town of Eagle, Colorado, authorizing the release of Letter of Credit No.: SLCMMSP08162 to Black Hills Corporation for completion of revegetation requirements along segments of the Avon to Rifle pipeline in open space properties.

Request: Staff request that the Town Council release the Letter of Credit No.: SLCMMSP08162 held to ensure adequate revegetation of scares caused by the construction improvements of the Rifle to Avon Pipeline through open space properties.

Background: In the summer of 2016, the Black Hills Corporation replaced 2.3 miles of the Rifle to Avon 12" Natural Gas Pipeline with a 12.75-inch steel natural gas pipeline and installed related aboveground appurtenances. Most of the disturbance within the Town's incorporated boundary occurred in open space properties in Eagle Ranch and Abrams Creek. Disturbance of the pipeline occurred along Abrams Creek, west of Fourth of July Road and intersecting Third Gulch, along Second Gulch, and near Mayer Gulch.

Black Hills Corporation contracted SGM to manage the revegetation and monitoring efforts along the disturbed areas of the pipeline. The Town required stricter standards for revegetation than disturbed areas within adjacent lands managed by the Bureau of Land Management (BLM). Restoration projects included grading disturbed areas to a natural topography, drill seeding of native vegetation, and planting of sagebrush and other shrubs. After the initial revegetation effort, Black Hills Corporation was required to monitor the success of the revegetation annually and complete supplemental efforts to meet certain revegetation success criteria.

The following Success Criteria were used to gage the success of the revegetation:

1. The site has been re-graded to the approximate pre-disturbance topography and blends with the adjacent landscape.
2. The disturbed soil surface has been stabilized to reduce erosion and runoff to at or below natural background levels.
3. No slumping or subsidence has occurred along the backfilled trench or fill slopes.
4. The site is dominated by plants of the seed mix and/or by desirable native colonizers common to sagebrush shrublands in Eagle County.
5. The plant species diversity includes at least 15 desirable native plants common to sagebrush shrublands in Eagle.
6. The plant species diversity shall include at least 2 species of shrubs, 6 desirable native grasses, and 6 desirable native forbs.
7. The absolute vegetation cover totals at least 50%.
8. At least 50 sagebrush shrubs are present within a 200 square meter. The average height shall be at least 9 inches.

9. The combined absolute cover of all State of Colorado A, B, or C listed noxious weeds and the undesirable plant species kochia and Russian-thistle shall be less than 5%, with no areas larger than 25 square feet in which noxious weeds are the dominant plants.

Per Colorado state law, the Black Hills Corporation will continue to be responsible for monitoring and treating noxious weeds along the pipeline right of way in perpetuity.

Analysis: Several transects were established by SGM along disturbed areas of the pipeline to measure the success of revegetation efforts. The 2023 monitoring report included the following findings:

1.1 Vegetation Monitoring Conclusions for 2023

Vegetation has been successfully established along the ROW, with absolute coverage and desirable species coverage exceeding 50%, vegetation species-richness exceeding 15 species, and noxious weed cover non-existent, or below native background cover. Treatment for noxious weeds is ongoing within the ROW from 2023 onward.

During 2023 photo monitoring, it was noted that small shrubs are re-establishing in this area but are not yet at the required height. All transects have met the vegetation success criteria, apart from shrub density and shrub height. Supplemental seeding along the ROW within 2nd Gulch during the fall/winter of 2022 is in the early stages of growth, with small sagebrush shrubs growing along the seeded pipeline corridors (Section 6.0). After seeding, photo monitoring occurred for ROW areas within the Town of Eagle Open Space lands for 2023. The formal monitoring (vegetation belts and transects) for this project was completed with the 2022 year's efforts and summarized in this report.

Most success criteria have been achieved as of fall 2023. Requirement Number 8 from the Success Criteria is the only metric that has not been realized. This metric addresses height and density requirements for sagebrush and other desirable shrubs. Growth of sagebrush, especially newly planted upland sage, can take a while to establish. Since there is no requirement for Black Hills Corporation to conduct any supplemental tasks to meet this success criterion, Town staff proposed that Black Hills Corporation complete an extra round of seed dispersal of sage and other native vegetation to bolster this objective. Black Hills agreed, and this was completed in 2022. In addition, staff and SGM acknowledged that the transect monitoring techniques used for this project were not the best tool to effectively capture the progress of sage growth in the pipeline.

At this point, staff believes that revegetation of the disturbed areas along the pipeline has been a success and meets the overall Success Criteria defined at the beginning of the project. Staff has consulted with Birch Ecology, the natural resource firm that helped develop the monitoring standards for this project, and they have advised that the revegetation has been successful. Staff recommends releasing the remaining Letter of Credit to the Black Hills Corporation for the project.

COMMUNITY INPUT: None was collected, and none was required.

BUDGET/ STAFF IMPACT: Noxious weed treatments along the pipeline right of way will continue to be the responsibility of the Black Hills Corporation. Staff will monitor the pipeline scars to ensure revegetation continues to be a success. This will likely require minimal staff time and budget unless major corrective actions are required in the future.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED: The 2024 Open Space Management Plans outline recommendations and standards for revegetating disturbed areas in open space properties. This project exceeds those recommendations in the plans.

RECOMMEND ACTION OR PROPOSED MOTION: Motion to APPROVE or DENY Resolution 14, Series 2024, "A Resolution by the Town Council of the Town of Eagle, Colorado, authorizing the release of Letter of Credit No.: SLCMMSP08162 to Black Hills Corporation for completion of revegetation requirements along segments of the Avon to Rifle pipeline in open space properties."

ATTACHMENTS:

1. Resolution 14, Series 2024
2. Temporary Construction Easement and Revegetation Requirements
3. 2023 Monitoring Report
4. Original Letter of Credit
5. Updated Letter of Credit

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 14
(SERIES OF 2024)

A RESOLUTION BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AUTHORIZING THE RELEASE OF LETTER OF CREDIT NO.: SLCMMSP08162 TO BLACK HILLS CORPORATION FOR COMPLETION OF REVEGETATION REQUIREMENTS ALONG SEGMENTS OF THE AVON TO RIFLE PIPELINE IN OPEN SPACE PROPERTIES.

WHEREAS, the Black Hills Corporation desired to replace 2.3 miles of the Rifle to Avon 12-inch steel Natural Gas Pipeline with a 12.75-inch steel natural gas pipeline and install related aboveground appurtenances on Town of Eagle Open Space properties to improve infrastructure and comply with State Law; and

WHEREAS, on June 28, 2016, the Town Council authorized the conveyance of a temporary construction easement on Town open space to permit the Black Hills Corporation to stage equipment and to better access its permanent gas line easement; and

WHEREAS, a condition of the construction easement required the Black Hills Corporation to develop a "Restoration Requirements" document (included herein as Exhibit A) that outlined a plan to restore the topography and revegetate the pipeline disturbance with desirable native vegetation, outlines procedures to monitor the landform and vegetation of the restoration area, establishes Success Criteria, and identifies Best Management Practices (BMPs) to be employed during the pipeline installation and subsequent restoration; and

WHEREAS, a further condition of the construction easement required the Black Hills Corporation to establish an Irrevocable Standby Letter of Credit in the Town's favor for the amount of \$300,000 to ensure the Success Criteria identified in the Restoration Requirements were achieved and best management practices were employed during construction; and

WHEREAS, upon completion of the initial construction in accordance with the Best Management Practices identified in the Restoration Requirements, the Town authorized an Amendment to the Standby Letter of Credit that permitted the decrease of the total amount by \$141,000 and which retained \$159,000 to ensure the Success Criteria identified in the Restoration Requirements were achieved; and

WHEREAS, the Black Hills Corporation has submitted annual monitoring reports to Town Staff identifying the progress of restoration based on the requirements included in the Restoration Requirements document; and

WHEREAS, the 2023 annual Reclamation Monitoring Report (attached herein as Exhibit B) demonstrates that the Black Hills Corporation has achieved all but one of the Success Criteria identified in the Restoration Requirements; and

WHEREAS, the Black Hills Corporation has informed the Town Staff that the outstanding Success Criteria would require significant corrective actions that fall outside the scope of this restoration project and the established monitoring techniques have not been able to effectively capture the progress; and

WHEREAS, Town Staff, in consultation with a professional ecologist, believe that although one success criterion has yet to be reached, the revegetation of the disturbed areas along the pipeline has been a success and meets the overall success criteria defined at the beginning of the project.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO AS FOLLOWS:

Section 1. The Town Council hereby authorizes the release of the remaining Letter Of Credit No.: SLCMMSP08162 totaling \$159,000.00 for completion of the Success Criteria identified in the Restoration Requirements document attached herein as Exhibit A. The 2023 Reclamation Monitoring Report, attached herein as Exhibit B, demonstrates meeting all but one of the identified Success Criteria. Although the shrub height and density requirement has yet to be achieved, the Town (in consultation with a professional ecologist) believes that revegetation of the disturbed areas along the pipeline has been a success and meets the overall success criteria defined at the beginning of the project.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Town Council of the Town of Eagle, Colorado, held on February 27, 2024.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

RESOLUTION NO. 30
(Series of 2016)

A RESOLUTION OF THE BOARD OF TRUSTEES TOWN OF EAGLE, COLORADO
AUTHORIZING THE FUTURE CONVEYANCE OF A TEMPORARY CONSTRUCTION
EASEMENT ON TOWN OPEN SPACE NEAR ARROYO DRIVE TO BLACK HILLS
CORPORATION OR ITS AFFILIATES

WHEREAS, Black Hills Corporation has requested that Town of Eagle to grant it a temporary work space located on Town of Eagle Open Space near Arroyo Drive generally described in Exhibit "A", attached hereto, and incorporated herein by this reference, but has not yet provided a legal description to the Town for a temporary construction easement, in connection with its transmission pipeline replacement project; and

WHEREAS, the area selected by Black Hills Corporation has been agreed to by Town staff based upon its flat topography, its appearance to be previously disturbed terrain, its distance from homes which will mitigate disturbances to residents, and its alignment to avoid removal of any mature plants; and

WHEREAS, the purpose of the temporary workspace is to provide Black Hills Corporation's contractor an area to stage a fifty three foot (53') tool trailer, have a place to park personal vehicles for contractor's employee(s) estimated at seven-fourteen (7-14) vehicles, and a place to conduct morning safety meetings; and

WHEREAS, vegetation within the temporary workspace is proposed to be removed to mitigate future fire hazards and will be fenced off as coordinated with the Town's Public Works Department; and

WHEREAS, the proposed temporary construction easement will be subject to the Restoration Requirements for the Abrams Creek Open Space, Arroyo Trailhead East and Eagle Ranch Road crossing prepared by Western Ecological Resource, Inc.; and

WHEREAS, delaying the granting of the temporary construction easement to the June 28th Board of Trustees meeting could interfere with Black Hills Corporation's construction schedule.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF EAGLE, COLORADO:

Section 1. The Board of Trustees of the Town of Eagle hereby consents to the granting of the temporary construction easement as generally shown on Exhibit "A" attached hereto upon final documents being approved by the Town's Engineering Department, the Town Attorney, the Town Manager, and the Mayor of the Town of Eagle.

Section 2. The Mayor of the Town of Eagle is hereby authorized and directed to execute said a Temporary Construction Easement Deed granted to Black Hills Corporation or its affiliates concerning the property depicted in Exhibit "A" attached hereto, upon approval by Town Engineering Department, Town Attorney, and Town Manager.

INTRODUCED, READ, PASSED, AND ADOPTED at a regular meeting of the Board of Trustees of the Town of Eagle, Colorado, held on June 14, 2016.

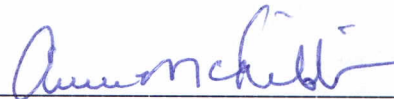
ATTEST:



Jenny Rakow, Town Clerk



TOWN OF EAGLE, COLORADO



Anne McKibbin, Mayor

TEMPORARY CONSTRUCTION AND ACCESS EASEMENT DEED

THIS DEED is made this 14 day of June, 2016, between TOWN OF EAGLE, COLORADO, a municipal corporation, whose address is 200 Broadway, P.O. Box 609, Eagle, Colorado 81631 ("Grantor"), and ROCKY MOUNTAIN NATURAL GAS, LLC, a Colorado limited liability company, whose address is 1515 Wynkoop, Denver, CO 80202 ("Grantee").

Grantor, for and in consideration of twenty-four thousand dollars (\$24,000.00) in hand paid by Grantee, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, by these presents does hereby grant, sell, and convey unto Grantee, its successors and assigns, for the purposes herein stated, the following described easement situated in the County of Eagle, State of Colorado, to wit:

A. Temporary Construction Easement. A temporary construction easement on, under, over, through and across a strip of land fifteen feet (15') in width, owned by Grantor and described in Exhibit "A", attached hereto and incorporated herein by this reference, for the purpose of constructing a natural gas transmission pipeline and all appurtenant facilities to be installed by Grantee. Said temporary construction easement shall be for temporary construction purposes only, for the use of employees, contractors or authorized agents of the Grantee, for, by way of example, the movement and piling of dirt, the movement, access and temporary storage of construction equipment and materials and other activities necessary or proper for the construction of the natural gas transmission pipeline and appurtenant facilities. In the event that construction of the natural gas transmission pipeline and appurtenant facilities is not completed by Grantee by October 30, 2016, the temporary construction easement conveyed shall nevertheless terminate on that date unless the Grantee is diligently pursuing construction of the natural gas transmission pipeline and appurtenant facilities, the delay is caused by Grantor, in which case the easement shall continue so long as the Grantee diligently pursues construction for a period of time lost as the result of delays caused by Grantor. In addition, the parties may agree to extend the term of this temporary construction easement.

Grantee shall restore all disturbed land within the easement herein described together with all disturbed land in Grantee's existing easement described in an Order recorded as Reception No. 621378 in the records of the Eagle County Clerk and Recorder, in accordance with the Restoration Requirements for the Abrams Creek Open Space, Arroyo Trailhead East and Eagle Ranch Road crossing prepared by Western Ecological Resource, Inc., attached hereto as Exhibit "B" and incorporated herein by this reference ("Restoration Plan").

Grantee shall also comply with the construction standards for the construction of its natural gas transmission pipeline set forth in Exhibit "C", attached hereto and incorporated herein by this reference.

Grantee shall indemnify and hold harmless Grantor, its heirs, successors and assigns, from and against all liability, claims, and demands, including reasonable attorney's fees and costs, of every kind and nature, for injury, loss or damages, including without limitation claims arising from bodily injury, personal injury, sickness, disease, death, property loss, or damage which arise out

of or are in any manner connected with the Grantee's construction, installation, repair, and maintenance of its natural gas transmission pipeline and appurtenant facilities within the easement hereby conveyed or any easement previously conveyed.

B. Temporary Access Easement. A temporary access easement on, over, through and across a parcel of land owned by Grantor and described in Exhibit "A". Said temporary access easement shall be for temporary access purposes only during construction, for the use of employees, contractors or authorized agents of the Grantee. In the event that construction of the natural gas transmission pipeline herein described is not completed by Grantee by October 30, 2016, the temporary access easement shall nevertheless terminate on that date unless the Grantee is diligently pursuing construction of the natural gas transmission pipeline and any appurtenant facilities, the delay is caused by Grantor, in which case the easement shall continue so long as the Grantee diligently pursues construction or for a period of time lost as the result of delays caused by Grantor. In addition, the Parties may agree to extend the term of the temporary access easement. The use of the temporary access easement shall be subject to the same revegetation and restoration requirements as the temporary construction easement set forth above. The use of the temporary access easement shall also be subject to the construction standards set forth in Exhibit "C". This Temporary Access Easement is contingent upon a successful temporary access easement across the property of Stephen H. Boyd Jr. and Tania McBride Boyd. In the event that an agreement with said parties is not successful this temporary access subpart B of this document is to be considered null and void. Company reserves the right to not pay the associated fees with this access easement (\$24,000) until a successful agreement with both parties.

IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

GRANTOR:
TOWN OF EAGLE, COLORADO, a municipal corporation

By: 
Anne McKibbin, Mayor

ATTEST:


Jenny Rakow, Town Clerk

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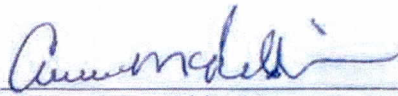
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of or are in any manner connected with the Grantee's construction, installation, repair, and maintenance of its natural gas transmission pipeline and appurtenant facilities within the easement hereby conveyed or any easement previously conveyed.

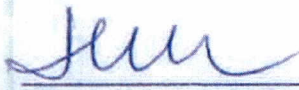
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IN WITNESS WHEREOF, this instrument has been executed the day and year first above written.

GRANTOR:
TOWN OF EAGLE, COLORADO, a municipal
corporation

By: 
Anne McKibbin, Mayor

ATTEST:


Jenny Rakow, Town Clerk

ACCEPTED BY GRANTEE:
ROCKY MOUNTAIN NATURAL GAS, LLC, a
Colorado limited liability company

By: Susan Bailey
Susan Bailey Vice President-COGAS
PRINT NAME TITLE

STATE OF COLORADO)
COUNTY OF Eagle)ss.

Subscribed and sworn to before me this 14 day of June, 2016,
by Anne McKibbin as Mayor and Jenny Rakow as Town Clerk of the Town of Eagle respectively.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 08-25-2019

Carla Nelson
Notary Public

CARLA NELSON
NOTARY PUBLIC
STATE OF COLORADO
NOTARY ID 19994022405
MY COMMISSION EXPIRES 08/25/2019

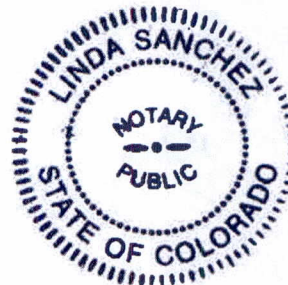
STATE OF)
COUNTY OF EL Paso)ss.

Subscribed and sworn to before me this 17 day of June, 2016,
by Susan Bailey, (Title) Vice President-COGAS,
ROCKY MOUNTAIN NATURAL GAS, LLC.

WITNESS MY HAND AND OFFICIAL SEAL.

My commission expires: 1/12/2020

Linda Sanchez
Notary Public





Restoration Requirements Abrams Creek Open Space, Arroyo Trailhead East & Eagle Ranch Road Crossings Rocky Mountain Natural Gas Eagle Replacement Pipeline Project Eagle County, Colorado

prepared for:

Town of Eagle

200 Broadway, P.O. Box 609, Eagle, CO 81631

prepared by:

Western Ecological Resource, Inc.

711 Walnut Street, Boulder, CO 80302

June 8, 2016



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1.0 Introduction

Rocky Mountain Natural Gas (RMNG) has plans to upgrade and replace a section of their natural gas transmission pipeline that connects and serves distribution systems from Rifle, Colorado to Vail, Colorado. These upgrades are required for compliance with Pipeline and Hazardous Materials Safety Administration (PHMSA) regulations for pipelines in a Class 3 operating area. The upgraded pipeline sections total approximately 1.5 miles in length. The pipeline upgrade areas would cross Town of Eagle Open Space and Bureau of Land Management (BLM) lands; in addition, pipeline upgrades would be completed at eight road crossings within the Eagle Ranch development. Figure 1 illustrates the extent of the pipeline replacement areas on BLM and Town of Eagle properties.

This report focuses on pipeline replacement and restoration activities on the Abrams Creek Open Space, in the Arroyo Trailhead East Restoration Area on Town of Eagle Open Space, and at the eight road crossings in Eagle Ranch. It provides details of the proposed project; presents a plan to restore the topography and revegetate the pipeline disturbance with desirable native vegetation; outlines procedures to monitor the landform and vegetation of the restoration area; establishes Success Criteria; and identifies Best Management Practices (BMPs) to be employed during the pipeline installation and subsequent restoration. Please note, all Figures are located in Section 10.0 and Tables are located in Section 11.0.

2.0 Project Overview

As described above, the new natural gas pipeline would tie-in to the existing 12-inch pipeline located on BLM and Town of Eagle Open Space lands south of Eagle Ranch (Figure 1). The existing pipeline, which was installed in 1994, would be abandoned in place and the new sections of pipeline would be constructed within the same right-of-way (ROW).

The new natural gas pipeline sections will have a 12¾-inch outer diameter, with a 0.375-inch wall thickness, and would be constructed of X-52 grade coated steel. The pipeline would be buried in accordance with PHMSA regulations, and the depth to the top of the pipe would be a minimum of 36 inches. The pipeline would operate 24 hours a day, 365 days a year. The upgraded thickness will allow an operating pressure of 1,200 psi.

Construction is expected to begin June 6, 2016, and is projected to take approximately four to five months for the entire Eagle Pipeline Upgrade Project, with final cleanup and reclamation to occur prior to winter of 2016/2017. Figure 2 illustrates the typical pipeline installation sequence.

The pipeline replacement on Town of Eagle Open Space would occur in two major areas, referred to as the Abrams Creek Open Space restoration area and the Arroyo Trailhead East restoration area. The proposed pipeline replacement will also include work at eight road crossings within the Eagle Ranch development; however crossings # 7 and 8 are a part of the Arroyo Trailhead East segment.

2.1 Abrams Creek Open Space

The Abrams Creek Open Space encompasses 174.66 acres located in Sections 9 & 16 of Township 5 South and Range 84 West. Approximately 1,988 linear feet of the new pipeline would cross the Abrams Creek Open Space, which was recently acquired by the Town. Figure 3 is an aerial overview of the Abrams Creek Open Space restoration area.

The existing permanent ROW easement on the Abrams Creek Open Space, which contains the pipeline to be abandoned, is 35 feet wide (Figure 4). A temporary easement has been established which provides an additional 15 feet of work space, resulting in a 50-foot-wide easement for the pipeline installation. The work area on the Abrams Creek Open Space would be accessed by a

temporary access road to extend from the end of the cul-de-sac at the terminus of Abrams Creek Drive. The temporary road easement would be 30 feet wide and approximately 196 feet long, as illustrated by Figure 4. No additional staging or work areas have been identified at this time for the Abrams Creek Open Space. No above ground structures would be installed on Town land as part of this project. However, the Abrams Creek Open Space will serve as a construction access route for the project activities to take place on BLM lands to the west (Figure 1). The total area of surface disturbance on the Abrams Creek Open Space would be approximately 4.02 acres.

2.2 Arroyo Trailhead East Restoration Area

The Arroyo Trailhead East restoration area would begin near the Arroyo Trailhead parking lot and would extend to the southeast for approximately 3,510 linear feet to the BLM property line. The Arroyo Trailhead East segment is located in Section 15 of Township 5 South and Range 84 West (Figure 5).

The existing permanent pipeline easement on the Arroyo Trailhead East segment is a combination of two ROWs. The 6" transmission line is located within an existing 35-foot wide easement. The 12" transmission line is located within an existing 50-foot wide easement. Together they comprise a combined ROW footprint ranging from approximately 60 feet to 85 feet wide.

Beginning at the Arroyo Drive Road Crossing (#6 on Figure 1) just east of the Arroyo Trailhead parking area, the pipeline corridor would be located on a north-facing slope just south of Second Gulch, an ephemeral stream, and would parallel the Second Gulch trail for approximately 1,690 linear feet, then cross Second Gulch in the location of an existing culvert. The pipeline would continue northeast from Second Gulch crossing East Haystack Drive (road crossing #7), then turn southeast along the west side of Mayer Gulch, a deeply eroded ephemeral drainage. The pipeline would cross East Haystack Drive a second time (road crossing #8), and continue southeast for approximately 670 feet where it would continue onto BLM property. The total area of disturbance along the Arroyo Trailhead East restoration area is anticipated to be 4.39 acres. In addition, an equipment staging area adjacent to Arroyo Drive will disturb an additional area which is anticipated to measure 0.402 acres.

2.3 Road Crossings

The proposed pipeline replacement will also include work at eight road crossings within the Eagle Ranch development; however crossings # 7 and 8 are a part of the Arroyo Trailhead East segment described above, and crossing #6 is at the western end of this segment. To minimize disturbance, RMNG plans to use directional boring to replace the pipeline below the road at some of the crossings. However, surface disturbances would occur at each bored road crossing location due to project staging and construction access, as well as bore disturbances. Table 1 summarizes the locations of the eight road crossings and the area of disturbance at each location. In several cases the temporary disturbance would occur on private parcels rather than Town of Eagle property; however this restoration plan focuses on the disturbances on Town property. Please note, the disturbance areas listed in Table 1 include the total area of disturbance for each road crossing location; the area of disturbance on Town lands is not specified.

3.0 Existing Condition

The original pipeline installation in 1994 created a linear zone of disturbance which was restored with varying degrees of success. On the Abrams Creek Open Space, the disturbance is within sagebrush shrublands dominated by mountain big sagebrush (*Artemisia tridentata* var. *vaseyana*), with areas of Basin big sagebrush (*Artemisia tridentata* var. *tridentata*) on the valley bottom. The restoration on the Abrams Creek Open Space shows good establishment of both mountain big sagebrush and Basin big sagebrush, however it generally lacks the desired composition and cover of native grasses and forbs, and weeds are common.

The Abrams Creek Open Space is bisected by Abrams Creek, a perennial stream. In general, Abrams Creek is located between 100-500 feet east of the pipeline easement, and would not be disturbed within Town of Eagle Open Space. In addition, the Abrams Creek Open Space includes an unnamed, deeply eroded gulley which is tributary to Abrams Creek. This bed and bank drainage begins on BLM lands and flows northeast onto the Abrams Creek Open Space adjacent to the existing pipeline on the east side of the access road. This bed and bank drainage is potentially a water of the U.S. subject to regulation by the U.S. Army Corps of Engineers.

In the Arroyo Trailhead East restoration area, there is poor cover of sagebrush, it lacks the desired cover of native grasses and forbs, and weeds are common. There are two ephemeral streams located within the Arroyo Trailhead East project area, Second Gulch and Mayer Gulch. These two eroded stream channels seldom contain flowing water. The existing pipeline crosses Second Gulch in the location of an existing culvert, as illustrated by Figure 3.

4.0 Project Coordination

In order to ensure the successful restoration of the pipeline disturbance the following will be required:

1. RMNG and their contractor(s) who would complete the pipeline installation and reclamation shall attend a kick-off meeting with representatives from the Town and their restoration consultant, Western Ecological Resource (WER). The purpose of the meeting is to review the terms and conditions of these Restoration Requirements and the ROW permit, discuss the work plan for pipeline replacement, and facilitate coordination between members of the project team. Key personnel from BHE and the contractor(s) shall attend the meeting, which must be held at least one week prior to the initiation of construction.
2. RMNG shall notify representatives from the Town of Eagle (Town) at least 48 hours prior to the initiation of construction.
3. Following installation of the pipeline and backfilling of the trench, an onsite pre-reclamation meeting shall be scheduled to review the reclamation process with BHE and their contractor(s) prior to replacing any topsoil. Key personnel of BHE and their contractor(s) shall meet onsite with representatives of the Town and WER prior to topsoil replacement.
4. All disturbed areas on Town land and associated with the Eagle Replacement project will be restored in accordance with the Restoration Requirements presented in Section 5.0 of this document, including the permanent and temporary access easements, temporary access routes, and any staging areas.
5. Construction activity and ground disturbance shall be limited to areas within the existing RMNG easement boundaries and the boundaries of additional temporary construction easements, access easements, and workspaces subsequently granted to RMNG. The boundaries shall be staked prior to any ground-disturbing activities. Flagged or painted lath would be set at a minimum of 200-foot intervals, or less to maintain a line of sight of project boundaries and construction components; all Point of Intercept would be staked with station identification. All temporary work areas would also be marked in a similar fashion, with all corners marked with flagged or painted lath. BHE inspectors shall be responsible for verifying that the staking has been properly completed prior to construction.

6. RMNG's Inspector will observe topsoil stripping procedures to ensure the topsoil is salvaged and properly stored and segregated from the subsoil. Documentation would be made available to the Town and BLM.
7. RMNG and RMNG's contractors will ensure hand-collection and sowing of local ecotypes of sagebrush seed are performed in the appropriate habitats and using appropriate methods.
8. RMNG will treat for noxious weeds where appropriate and ensure that weed treatments are compatible with the seed mixtures chosen for the site. RMNG will notify the Town at least 48 hours prior to any weed control treatments to be completed on Town lands.
9. At the end of each growing season, until the Restoration Success Criteria set forth in Section 8.0 below are achieved, RMNG or RMNG's qualified contractor will prepare a restoration monitoring report to document conditions in the restoration area with regard to vegetation establishment and the presence of noxious weeds and other undesirable species. In addition, the report will evaluate the progress of the restoration toward achieving the Restoration Success Criteria, will identify whether corrective actions are necessary, and will provide recommendations.
10. If the Town of Eagle identifies problems with progress toward meeting the Restoration Success Criteria, the Town will notify RMNG and RMNG will respond to the Town within 30 days with a plan for addressing the issue or issues.

5.0 Restoration Requirements

Best Practices would be to initiate reclamation of the Arroyo Trailhead East pipeline segment, as defined by establishment of the final grade and topsoil replacement, within 15 days following the completion of construction. However if it is not feasible to reclaim the area within 15 days, then reclamation should be completed no later than November 15, 2016. If reclamation is not initiated within 15 days following the completion of construction, it will be necessary to monitor and control weeds, and to monitor and control erosion until final reclamation is initiated.

All ground-disturbing activities will be subject to the following reclamation standards and monitoring requirements. Achievement of the Restoration Success Criteria will be required for cancellation of the Letter of Credit to be held by the property owner.

5.1 Pre-Construction Weed Control

BHE will treat (spray) noxious weeds within the construction corridor on both Town and BLM lands prior to the start of construction, per guidance from the BLM and Town, following application guidelines established by Colorado Department of Agriculture, and per label direction. Only certified applicators would be contracted to conduct this work. RMNG will notify the Town at least 48 hours prior to any pre-construction weed control on Town lands.

5.2 Vegetation Removal

It is anticipated that vegetation would be cleared from the entire 50-foot-wide ROW for the pipeline installation. Cleared vegetation smaller than four inches in diameter will be stockpiled, shredded, and evenly mixed with the topsoil. If present, cleared vegetation larger than four inches in diameter shall be scattered over restored areas to enhance reclamation objectives. Woody material should be placed in a manner that will discourage recreational use in order to protect the restoration area.

5.3 Soil Stripping

Following vegetation removal, the topsoil from the trench line and the working side of the trench will be stripped for use in the restoration. All topsoil shall be stockpiled separately from the subsoil (trench spoils). A topsoil assessment conducted in March 2016 showed that topsoil depths on the Abrams Creek Open Space vary from approximately 13 to 18 inches; however, topsoil depths along the existing access road are shallower due to erosion. In the Arroyo Trailhead East restoration area, topsoil was found to vary from approximately 10 to about 14 inches deep. All topsoil should be stripped, segregated and stored separately from subsoil material. In areas of thin soil, a minimum of the upper six inches of surficial material will be stripped.

5.4 Soil Storage

The salvaged topsoil shall be stored separately from subsoil or other material excavated from the trench. Windrowing of topsoil and subsoil separately shall be implemented whenever topography allows, and must occur within the existing and temporary ROW for the Arroyo Trailhead East pipeline segment. Topsoil must not be mixed or covered with subsoil material, and should not be used to pad the trench or construct trench breakers.

Dry drainages or washes that cross the construction area, including Second Gulch and Third Gulch, should not be blocked with topsoil or subsoil piles. Specifically, topsoil and subsoil should be placed outside of the Ordinary High Water Mark (OHWM) of drainages. Gaps should be left at regular intervals in the windrowed topsoil to avoid ponding and diversion of natural runoff during storm events.

Best Management Practices shall include dust abatement measures as needed to prevent fugitive dust from topsoil storage, vehicular traffic, equipment operations, or wind events.

5.5 Trenching

During construction, access to open trenches shall be restricted through the use of signage, temporary fencing, or other methods as coordinated with the Town to ensure public safety in the work area.

BHE and their contractors shall keep any major wildlife movement corridors open and passable by adding soft plugs (areas where the trench is excavated and replaced with minimal compaction) during the construction phase. Soft plugs with earthen ramps on either side should be left at all well-defined wildlife trails, and at 0.5 mile increments, to allow access across the trench and provide a means of escape for wildlife or livestock that may fall into the trench.

Trenching at any stream crossings shall be perpendicular to the stream channel where possible, and should be conducted in accordance with the section 404 permit issued for this project. Additional discussion of stream crossings is included below in Section 5.15.

5.6 Soil Replacement

After the pipe has been successfully placed in the trench, backfilling would occur. The trench would generally be backfilled with the subsoil previously excavated from the trench, except in rocky areas where appropriate fill material may be needed. RMNG will notify the Town if any imported soil is to be used at the site. Backfill would be graded and compacted (where necessary for ground stability) by tamping or walking with a wheeled or tracked vehicle. Compaction would be performed until there are no voids in the trench. Any excess excavated materials or materials unfit for backfill should either be utilized elsewhere or shallowly mounded on the trench (to help avoid trenchline settling issues) and then covered with topsoil, as described below.

Soils that have been over-compacted by traffic or equipment, such as in staging areas, access roads, and along the working side of the trench should be tilled or ripped to break up rooting

restrictive layers. Ripping should be to a depth sufficient to accommodate the establishment of native vegetation similar to the surrounding undisturbed area. Due to the width of the easement, it is unlikely that ripping could occur in perpendicular directions; however multiple passes will be required to effectively break up compacted areas.

Once the trench has been backfilled and compacted (to avoid settling), and cut-and-fill slopes regraded to the original contour, a minimum of 12 inches of topsoil would be replaced over the filled trench unless site conditions preclude this depth. All ripped surfaces shall also be covered evenly with 12 inches, unless site conditions would preclude this depth of topsoil. Once replaced, topsoil should be lightly compacted to avoid settling and graded to blend with the adjacent topography.

5.7 Seedbed Preparation

A firm seedbed is essential for the successful establishment of plants. A firm seedbed is one that allows a person's foot to sink no deeper than one-half inch. This ensures close contact between the seed and soil particles and will help retain soil moisture near the surface. Final seedbed preparation shall consist of scarifying (raking or harrowing) the spread topsoil prior to seeding to create the required firm seedbed. Scarifying should occur no more than 15 days before seeding is to occur. Soils should not be worked when wet to avoid compaction. Areas that would be broadcast seeded should be left with a slightly roughened surface.

5.8 Application of Soil Amendments

Recommendations for amending topsoil of the restoration area have been prepared by David Buscher, a certified professional soil scientist, based on the analysis of soil samples submitted for standard agronomic testing in March 2016. The tests evaluated texture, pH, organic matter, cation exchange capacity (CEC), alkalinity, salinity, and basic nutrients (nitrogen, phosphorus, potassium [NPK]).

RMNG's reclamation contractor will acquire and apply soil amendments, and RMNG's onsite Inspector will document the application. Based on this analysis, granular phosphorous (P_2O_5) fertilizer shall be uniformly applied to the Arroyo Trailhead East restoration area at a rate of 120 pounds per acre. In the future it may be necessary to also add nitrogen, however this is not recommended during the first year due to the potential to encourage weed growth.

In addition to fertilizer, MycoApply Endo granular mycorrhizae will be uniformly applied at a rate of 20 pounds per acre, because disturbance can significantly reduce the mycorrhizal inoculum potential of the soil. Mycorrhizae improve the ability of plants to extract nutrients and water from soil, and sagebrush seedlings grown in soils with mycorrhizae exhibit significantly greater tolerance to drought stress. Sagebrush is considered an obligate vesicular-arbuscular mycorrhizal plant.

Soil amendments shall be evenly applied to the restoration area following topsoil replacement, then raked or harrowed to thoroughly incorporate them into the upper few inches prior to seeding.

5.9 Seed Mixes

Seed mix specifications and approved seed vendors will be provided to BHE from the Town for procurement. Seed tags will be emailed from the seed vendor to the Town and BHE prior to delivery of seed, for final approval by the Town and their consultants. If substitutions to the seed mix are necessary due to poor availability, the Town will ensure that any necessary substitutions are appropriate for the project site. Final approved seed will be delivered to BHE, with a copy of the batch seed tag scanned and emailed to the Town for final validation prior to application. A draft version of a habitat-specific native seed mix specified for the Arroyo Trailhead East Restoration Area, staging area, and the road crossings in Eagle Ranch is provided in Table 2.

Table 3 includes a draft native seed mix for the Abrams Creek Open Space Restoration Area. Please note, these seed mixes may be revised slightly based on seed availability and on one additional day of field reconnaissance to be conducted in May 2016.

The drill seeding rates correspond to 78 Pure Live Seeds (PLS) per square foot for the Arroyo Trailhead East restoration area, and 75 Pure Live Seeds (PLS) per square foot for the Abrams Creek Open Space restoration area. These rates should be doubled for broadcast seeding. In addition, QuickGuard Triticale, a sterile cover crop, will be added to the native seed mixture at a rate of three pounds per acre for drill seeded areas, and six pounds per acre for broadcast seeded areas, to improve vegetation cover during drought conditions that may limit germination of the native seed mix, and to compete with early-colonizing weeds.

In order to establish local ecotypes of sagebrush, seed will be hand-collected from the sagebrush shrublands adjacent to the pipeline corridor and will be broadcast over the restoration area. Hand collected seed of mountain big sagebrush (*Atemisa tridentata* var. *vaseyana*) and Basin big sagebrush (*Artemisia tridentata* var. *tridentata*) should be gathered in late fall and immediately broadcast across the pipeline disturbance to blend with the adjacent stands and limit visual contrast. This method will also be used on adjacent BLM lands.

The commercially purchased seed shall contain no prohibited or restricted noxious weed seeds and shall contain no more than 0.5 percent by weight of other weed seeds. Seed may contain up to 2.0 percent of "other crop" seed by weight. Seed tags will be maintained in the project file.

5.10 Seeding Procedures

Seeding shall be conducted as soon as practicable following completion of final seedbed preparation, and following the establishment of final grade and topsoil replacement. Both drill seeding and broadcast seeding methods will be used during the restoration. Drill seeding will be the preferred method where equipment access is feasible. Drill seeding will be performed perpendicular to the slope; seed would be placed in direct contact with the soil at an average depth of 0.5 inch, covered with soil, and firmed to eliminate air pockets around the seeds. For drill seeding applications, small seeds shall be packaged separately to allow for separate application. Small seeds should be planted no deeper than 0.25 inch or should be broadcast.

Broadcast seeding would be employed in areas where drill seeding is not possible, and the drill seeding rate shall be doubled in areas that are broadcast seeded. Seed would be uniformly applied over the disturbed areas with manually operated cyclone-bucket spreaders or mechanical spreaders. Following broadcast seeding, the area will be raked or harrowed to provide 0.25 to 0.5 inch of soil cover.

An exception to these seeding requirements shall be made for seeding of hand-collected sagebrush seed. Seeding of local sagebrush ecotypes shall occur prior to winter snowfall, or on top of shallow (less than 3 inches) snow. Sagebrush shall be sown by a broadcast method.

5.11 Mulch

Mulching will be required to maximize moisture retention, reduce wind and water erosion, and improve the chances for revegetation success. Hydromulch and tackifier shall be used on Town of Eagle Open Space and at the road crossings in Eagle Ranch. Hydromulch shall be applied to the restoration area within 24 hours following the completion of seeding, as conditions allow.

Hydromulch will be applied per manufacturer's specifications with a 100 percent wood mat-fiber mulch at the rate of 2,000 pounds per acre. Startak 600 by Chemstar, a tackifier, is to be applied in accordance with manufacturer's directions at the rate of 100 pounds per ton of mulch. Hydromulch and tackifier will be applied at these rates to all seeded areas with the exception of

areas that will be covered by an erosion control fabric, as described below in Section 5.12. Any exceptions to these requirements must be approved by the Town.

5.12 Erosion Control

In addition to hydromulch, biodegradable fiber rolls (straw wattles, coir logs) and erosion control blankets should be utilized to ensure adequate protection from slope erosion and offsite transport of sediments, to improve reclamation success.

In areas of 4:1 up to 3:1 slopes and areas near drainageways, biodegradable fiber rolls (straw wattles, coir logs) will be installed to shorten slope length and spread runoff as sheet flow. Fiber rolls will be installed per manufacturer's specifications.

Based on field conditions, biodegradable erosion control blankets may also be required to control erosion. RMNG and RMNG's Inspector will work with the contractor to clearly delineate in the field areas requiring erosion control blankets with stakes and flagging, per RMNG's stormwater management plan and permit. Blankets shall be installed in accordance with the manufacturer's recommendations.

On steep slopes where blankets are necessary, tackifier and a trace amount of hydromulch may be applied before the erosion control blanket is installed. In such situation, Startak 600 by Chemstar or an equivalent is to be applied in accordance with manufacturer's directions at the rate of 100 pounds per acre. In addition, 100 pounds per acre of hydromulch should be added to the tackifier to serve as a marker and ensure a uniform and complete coverage of the area.

To prevent the initiation of sheet and rill erosion under the blanket, it is essential that the blanket maintain close soil contact and that it be installed per the manufacturer's recommendations. The edges of the blanket must be buried to prevent wind from lifting it from the soil surface. If the blanket is perched above the soil, erosion will occur beneath the blanket.

All erosion control BMPs must be periodically inspected to ensure they are functioning properly. RMNG or RMNG's qualified contractors will inspect BMPs at a schedule in accordance with the requirements of the project's storm water permit.

5.13 Fencing

Wildlife fencing is not practicable for the restoration area. However, temporary fencing may be necessary during and following construction to discourage recreational use. The need for temporary fencing or signage to discourage recreational use will be determined if human use is observed to be negatively affecting the restoration.

5.14 Protections for Harrington's Penstemon

Harrington's penstemon (*Pentstemon harringtonii*) is a Colorado endemic listed by the BLM as a sensitive plant species. This sensitive species is known to occur in the project area. Surveys conducted by WER in 1998 identified numerous populations of Harrington's penstemon in the vicinity of the Arroyo Trailhead East restoration area. However the abundance within the Arroyo Trailhead East Restoration Area is not known.

Although Harrington's penstemon habitat is common in the vicinity of the proposed work area, the pipeline ROW was previously disturbed during the original pipeline installation in 1994. The disturbed corridor is unlikely to support high numbers of Harrington's penstemon, although a few plants may have re-colonized the area. The BLM conducted extensive surveys of the area as part of the NEPA process, and penstemon re-colonization in the previously disturbed ROW was very marginal, given the occurrence of aggressive reclamation grasses (BLM 2016, Olsson Associates 2016). However the proposed work area on Town lands was not a part of this survey, thus the number of Harrington's penstemon plants in the area of disturbance on Town lands is not known.

If large numbers of Harrington penstemon are identified within the disturbance area, the Town will work with WER and RMNG's reclamation contractor to either avoid or relocate these plants. In addition, the restoration seed mix has been designed to establish appropriate habitat for Harrington's penstemon, which will facilitate re-colonization of the disturbance. Herbicide will be used to control noxious weeds and other undesirable vegetation in the restoration area, however only spot treatments will be used to avoid potential impacts to Harrington's penstemon from broadcast spraying.

5.15 Protection of Streams

Second Gulch and Third Gulch are ephemeral streams which are jurisdictional waters of the U.S. It is the responsibility of BHE to comply with Clean Water Act Protections for any disturbances to these streams. Pipeline installation in waters of the U.S. should be coordinated with the U.S. Army Corps of Engineers and should comply with the terms of Nationwide Wetland Permit No.12 for utility line activities. BHE has acquired a non-reporting Nationwide Permit 12 from the USACE.

Open trenching methods would be used for any dry stream or bed and bank drainage crossings. Trenching should be completed perpendicular to the direction of the channel where possible, to minimize disturbance to the stream bed. Crossings shall be constructed during a period of low or no flow in the channel, and the width of the disturbance should be minimized to the area necessary to complete the pipeline replacement. The affected section of the channel should be promptly recontoured to the approximate original topography and reseeded to minimize the adverse impacts.

Stormwater discharges associated with construction would be authorized under a Colorado Department of Public Health and Environment (CDPHE) General Permit, which requires, among other conditions, the preparation and implementation of a Stormwater Management Plan (SWMP). The SWMP would include BMPs to reduce the potential for the project to contribute pollutants to stormwater discharges. Best Management Practices would be employed to limit the potential for impacts to Second, Third, and Mayer Gulches. It is the responsibility of BHE to obtain the necessary permits from the State of Colorado.

All pipeline construction and maintenance on Town of Eagle Open Space shall follow BLM Gold Book Standards and requirements specified by the U.S. Army Corps of Engineers as part of the authorization under Section 404 of the Clean Water Act. Pipeline crossings through drainage channels shall be constructed to withstand floods of extreme magnitude to prevent rupture and accidental contamination during high-flow events.

Pipelines installed beneath stream crossings shall be buried at a minimum depth of four feet below the channel substrate to avoid exposure by channel scour and degradation. Following burial, the channel grade and substrate shall be returned to the pre-construction topography.

If construction machinery is required to cross any stream channel or bed and bank drainage, spanning structures should be temporarily used to minimize impacts to the stream channel.

Any machinery and tools that may come in contact with a waterway (both before and after the pipeline project) must be cleaned and disinfected per CPW's disinfection protocols (Appendix A).

6.0 Monitoring

6.1 Construction Monitoring

During pipeline replacement, RMNG will have inspectors on-site daily to observe topsoil stripping and storage, topsoil replacement, seedbed preparation, seeding, and other procedures, and ensure BMPs are being employed.

6.2 As-Built Assessment

Within 90 days after the post-construction survey, RMNG and/or RMNG's contractors will prepare a brief As-Built Assessment report to document the work completed to date and existing conditions of the restoration area. The report will identify any changes to the original plan, document the final seed mix, discuss hand collection and sowing of sagebrush seed, and will include graphics to illustrate the limits of disturbance. RMNG will provide the report to the Town for the Town's review and concurrence. The As-Built report will serve as a record for the Town and BHE that all construction phase restoration activities identified in this document, along with any necessary adjustments, were completed.

The graphics in the plan must include a map showing the actual limits of disturbance, the final location of the installed pipeline, and any other surface appurtenances on Town property. RMNG will provide the Town with a survey quality digital AutoCAD or GIS shapefile in a standard coordinate system showing the location of the installed pipeline following completion of construction. Town staff will use a professional grade GPS to map the limits of disturbance if RMNG has not already produced a similar file as part of their project work.

6.3 Post-Construction Monitoring & Maintenance

It is expected that seeding of the pipeline disturbance would be completed prior to December 1, 2016. Post-construction monitoring of the restoration area would be initiated following final reclamation and would continue until the Restoration Success Criteria have been achieved. During the monitoring period, RMNG's qualified restoration consultant will periodically visit the pipeline restoration area to observe vegetation establishment, locate populations of noxious or undesirable weeds, identify any areas of detrimental erosion, and provide recommendations for corrective actions.

6.3.1 Seed Germination and Vegetation Establishment

RMNG's qualified consultant will evaluate the seeded area to determine if the seed mix is germinating adequately and producing a uniform cover. Any areas with inadequate seed germination and cover will be identified. Recommendations will be provided to adequately revegetate these areas, which may include reseeding or overseeding. In addition, plant species lists will be compiled during monitoring visits to more thoroughly document the species diversity of the restoration area. These species lists will be used to augment the species richness data gathered during quantitative vegetation monitoring, and would be included in the evaluation of Restoration Success Criteria described below in Section 8.0.

6.3.2 Weed Management

A RMNG-selected qualified consultant will identify and map any populations of introduced plants including Colorado noxious weeds and other undesirable plants within the restoration area. Appropriate control procedures will be recommended based on the ecology of the problematic species. Control procedures may include hand pulling or eradication with hand tools, mowing, or the use of herbicides. RMNG will notify the Town at least 48 hours prior to controlling for weeds.

6.3.3 Erosion

Wind and water erosion have the potential to alter the success of the pipeline restoration, and the erosion control blankets may need repair. Therefore, RMNG and/or RMNG's qualified consultant

will thoroughly inspect the restoration to identify any areas of erosion and present a plan to the Town to repair any damage. Hand tools would be used to restore small areas of erosion and to repair the erosion control blankets. Any erosion damage beyond the scope of hand tools will be coordinated with the Town and RMNG, and could require re-contouring and reseeding. RMNG would be responsible for completing any repairs.

6.3.4 Damage from Human or Wildlife Use

RMNG, through coordination with the Town will determine if human or animal use is negatively impacting the restoration. If impacts are occurring, recommendations will be provided for procedures to eliminate or mitigate these impacts. Such procedures could include signage to keep pedestrians, mountain bikers, livestock, and vehicles out of the restoration, and/or temporary fencing. Wildlife fencing is not practicable for this restoration, and heavy wildlife or livestock damage may require reseeding of impacted areas. RMNG would be responsible for completing any repairs.

6.4 Annual Monitoring Reports

At the end of each growing season, until the Restoration Success Criteria are achieved, RMNG or RMNG's qualified contractor will prepare a detailed Restoration Monitoring Report to document conditions in the restoration area with regard to erosion and slope stability, vegetation establishment, the presence of noxious weeds and other undesirable species. In addition, the report will evaluate the progress of the restoration toward achieving the Restoration Success Criteria. It will identify whether corrective actions are necessary, and will provide recommendations. Monitoring will be in accordance with the methods described below. The goal of monitoring is to ensure that any corrective measures that need to be completed are identified early on to minimize the time required to achieve the Success Criteria.

6.4.1 Erosion and Slope Stability

Soil surface stability will be determined by the absence or limited degree of surface erosion and plant pedestals. The restoration area will be visually inspected to locate rills, slumping, or other erosional features, and silt fences, wattles, and other erosion control measures will be inspected to ensure they are functioning properly and do not need repair.

6.4.2 Quantitative Vegetation Monitoring

Quantitative vegetation monitoring data will be collected annually to document the progress of the restoration. Vegetation data will be collected in the late summer or early fall of each year and will be incorporated into the annual monitoring reports. As noted above, if during the first growing season it appears upon visual inspection that the quantitative Success Criteria will not yet be met because vegetation establishment is in the early stages, the Town may waive the requirement for quantitative vegetation monitoring and detailed reporting.

Permanent vegetation monitoring transects will be established for the collection of quantitative vegetation cover, species richness, and shrub count data in the pipeline restoration area. Three permanent transects will be established within the Arroyo Trailhead East Restoration Area, and three will be established on the Abrams Creek Open Space Restoration Area. Transects will be 50 meters long, with 2-meter-wide quadrats centered on the transect for collection of species richness and shrub count data. For details on the methods of quantitative vegetation cover data collection, please refer to Appendix B.

Species richness is the total number of species observed in a given area. Species richness data will be collected for each transect area by recording all vascular plant species present within a 2 meter wide band centered on the 50-meter long transect. Thus, the total area inventoried for species richness is 100 square meters per transect. Finally, all shrubs present within the 2-meter by 50-meter quadrat will be inventoried, and the average height will be measured.

6.4.3 Photo Points

A series of fixed photo points will be established for visual comparison of revegetation success. Photos will be taken from each photo point on an annual basis and will be included in the annual monitoring reports. The photo point locations will be marked with a hand-held GPS or similar method and coordinates will be provided.

7.0 Weed Control

Careful weed control will be essential to the success of the pipeline restoration. RMNG or RMNG's qualified contractor will visit the restoration site several times during the growing season to determine if noxious or undesirable weeds are becoming problematic, and will provide recommendations for weed control, focusing on Integrated Weed Management. Control measures may include mowing, cutting, hand eradication, or spraying with herbicide. Spot herbicide treatments will be used to promote diverse communities of forbs and to protect populations of Harrington's penstemon which could be present in the shrublands adjacent to the pipeline corridor. RMNG or RMNG's qualified contractor will coordinate and oversee all weed management activities in the restoration area. RMNG will notify the Town at least 48 hours prior to spraying or other weed control.

8.0 Success Criteria

The goal of the following reclamation standards and Success Criteria is to mitigate anticipated impacts to vegetation, soil and water resources from ground-disturbing activities by re-establishing a self-sustaining, diverse vegetation community composed of species native to the region in sufficient density and diversity to approximate a natural, undisturbed community type. Achievement of these Success Criteria will be required for cancellation of the Letter of Credit to be held by the property owner.

The Pipeline Restoration will be considered successful when the following criteria are achieved:

1. The site has been re-graded to the approximate pre-disturbance topography and blends with the adjacent landscape.
2. The disturbed soil surface has been stabilized to reduce erosion and runoff to at or below natural background levels. There are no rills deeper than three inches, or spaced closer than on adjacent undisturbed hillsides.
3. No slumping or subsidence is present along the backfilled trench or fill slopes, other than incidental, limited areas of minor earth movement that might be expected in the months after construction, and there is no trench settling greater than 3 inches..
4. The site is dominated by plants of the seed mix and/or by desirable native colonizers common to sagebrush shrublands in Eagle County.
5. The plant species diversity includes at least 15 desirable native plants common to sagebrush shrublands in Eagle County. Species richness will include plant inventories compiled during regular monitoring visits, and data collected during year-end quantitative vegetation monitoring. This method will more accurately capture the species diversity of the site, since many early-blooming forbs are not evident late in the growing season.
6. The plant species diversity shall include at least 2 species of shrubs, 6 desirable native grasses, and 6 desirable native forbs.

7. The absolute vegetation cover, as measured by point intercept data collected along the quantitative vegetation monitoring transects, totals at least 50%.
8. At least 50 sagebrush shrubs are present within a 200 square meter quadrat. The average height shall be at least 6 inches.
9. The combined absolute cover of all State of Colorado A, B, or C listed noxious weeds and the undesirable plant species (e.g., kochia and Russian-thistle) shall be less than 5%, with no areas larger than 25 square feet in which noxious weeds are the dominant plants. If cheatgrass is present adjacent to the disturbed area in overall concentrations of less than 50% absolute vegetative cover, the absolute cover of cheatgrass on the reclaimed site will not exceed 5%. In areas where adjacent lands have greater than 50% absolute cover of cheatgrass, the absolute cover on reclaimed lands will not exceed 20%.

Once the Town of Eagle has reasonably determined that the Restoration Success Criteria have been satisfied, such determination not to be unreasonably withheld, any then-existing Security will be released by the Town of Eagle in accordance with the separate agreement between RMNG and the Town of Eagle.

9.0 Best Management Practices

- a. All construction, operation and maintenance shall be located within the authorized limits of the ROW and temporary access easement.
- b. Limit surface disturbance to the minimum area necessary and when possible avoid disturbances on steep slopes.
- c. No construction or routine maintenance activities shall be performed during periods when the soil is too wet to adequately support such equipment. If the equipment creates ruts in excess of 6 inches deep, the soil shall be deemed too wet to adequately support the construction equipment. When saturated soil conditions exist on access roads or along the ROW any type of construction shall be halted until soil material dries out or is frozen sufficiently for construction to proceed without undue damage and erosion to soils.
- d. Any temporary construction access routes shall be constructed and maintained using BMPs.
- e. The operator shall implement dust abatement measures as needed to prevent excessive fugitive dust from vehicular traffic, equipment operations, or wind events.
- f. To prevent the spread of invasive, noxious weeds and other undesirable species, all construction equipment and vehicles shall be power-washed, including the under carriage, to remove all soil, mud, and vegetation material prior to entering the project area. Driving through or parking on weed infestations in the project area shall be avoided.
- g. Stockpile topsoil when possible and prudent (not in areas of seleniferous or erosive soils, or in areas with noxious weed populations), following topsoil salvage and storage BMPs.
- h. Minimize the area necessary for construction activities; determine the minimal area needed to facilitate necessary activities, and initiate restoration as quickly as practicable after construction.

- i. Silt fencing or another appropriate sediment barrier may be necessary in areas in proximity to water features such as streams, ponds and wetlands or in other situations where wind or water erosion may otherwise move sediments into sensitive or valuable surrounding habitat.
- j. Seed the disturbed area with a seed mix of species native to the local area at a rate sufficient to achieve site stabilization and achieve desired cover following adequate soil preparation that includes removal of weeds and undesirable species, de-compaction of compacted soil, and harrowing to prepare the seedbed.
- k. Drill seeding will be the preferred method on Town of Eagle Open Space, except where equipment access is not feasible, and broadcast seeding will be used at twice the drill seeding rate. Hydroseeding methods shall not be used on Town of Eagle Open Space.
- l. Seed drills shall be cleaned to remove all remaining seed from previous use prior to adding seed for use on Town of Eagle Open Space.
- m. Small seed shall be placed in a separate seed box and shall be drill seeded to a depth of 0.25 inches, or broadcast and then raked or harrowed to provide soil cover.
- n. Mulching will be required to stabilize soil, maximize moisture infiltration, and improve the chances for revegetation success. Hydromulch and tackifier will be the preferred method on Town of Eagle Open Space.
- o. Control for all State of Colorado A-, B-, and C-listed noxious weeds and undesirable species within reclaimed areas, with the exception of cheatgrass in areas where cheatgrass is a component of the adjacent undisturbed vegetation. One aspect of reducing the potential for noxious weed establishment is consideration of the sequence and timing of revegetation.
- p. The operator shall comply with all applicable regulations for the protection of wildlife, including the Bald and Golden Eagle Protection act, Migratory Bird Treaty Act, Endangered Species Act, and raptor nest buffer distances and big game timing limitations established by Colorado Parks and Wildlife that restrict activities between December 1st and April 15th. The operator is responsible for understanding and complying with the terms of these laws and regulations.
- q. The operator shall undertake measures to avoid unnecessary noise pollution, such as limiting unnecessary idling by heavy equipment and scheduling activities to minimize vehicle trips. Construction shall be limited to daytime hours (7:00 am to 7:00 pm) unless otherwise approved by the Town.
- r. All pipeline construction and maintenance shall follow the Gold Book Standards and requirements specified by the U.S. Army Corps of Engineers as part of any authorization of the project under Section 404 of the Clean Water Act. Buried pipelines shall have a minimum cover of four feet at road and drainage crossings. BHE is responsible for burying the pipeline to a depth that safely accommodates existing land and road uses. At drainage crossings, the pipeline shall be constructed to withstand floods of extreme magnitude to prevent rupture and accidental contamination of runoff during high-flow events.
- s. Cuts and fills shall be minimized when working on slopes in excess of 30% and on fragile soils. Cut and fill slopes shall be stabilized through revegetation practices with an approved seed mix shortly following construction activities to minimize the potential for slope failures, erosion, and soil loss. Slopes adjacent to drainages shall be protected with

BMPs designed to minimize sediment transport. The Town may require the holder to utilize special construction or reclamation techniques to ensure subsequent slope stability and facilitate revegetation success.

- t. The operator shall comply with its Stormwater Management Plan and shall install and maintain such other adaptive BMPs as necessary and appropriate for the location. Specific attention shall be given to avoiding or minimizing the transport of eroded soils and other surficial materials to drainages that could transport the eroded materials into perennial stream reaches. Stormwater BMPs must reduce or avoid the transport of chemical pollutants spilled or released in proximity to drainages. Staging, refueling and storage areas shall be located at least 300 feet away from any reservoir, lake, wetland, or natural perennial or seasonally flowing stream.
- u. Any machinery and tools that may come in contact with a waterway (both before and after the pipeline project) must be cleaned and disinfected per CPW's disinfection protocols (Appendix A).
- v. Portable sanitary facilities shall be appropriately located to minimize the potential for discharge to stormwater conveyances and shall be staked to prevent blow-over, tipping by vandals, and leakage.
- w. Construction workers and contractors shall be prohibited from having firearms or pets onsite during all phases of construction.
- x. Once the site has been seeded and mulched, vehicular traffic should be minimized in the restoration area to critical and necessary tasks in order to facilitate restoration objectives, including revegetation.
- y. Best practices would be to seed the pipeline disturbance within 15 days of the completion of construction. However if this is not feasible, the pipeline disturbance shall be seeded and hydromulched prior to November 15, 2016.
- z. If final reclamation would not be initiated within 15 days of the completion of pipeline construction, as defined by topsoil replacement and establishment of the final grade, then it will be necessary to monitor and control weeds, and to monitor and control erosion in the disturbed area until final reclamation is initiated.

10.0 Figures

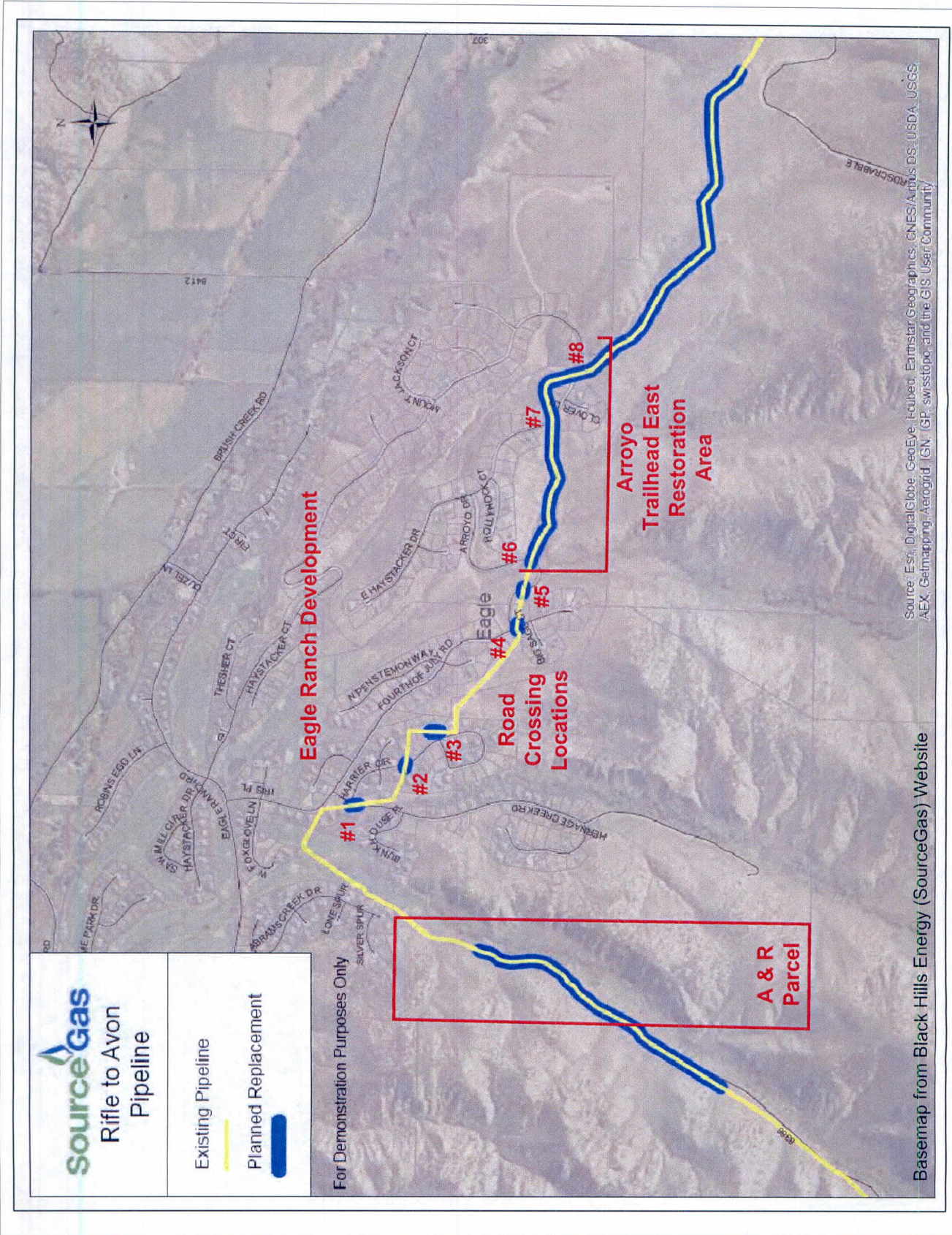


Figure 1. Overview of Pipeline Replacement Area
Black Hills Energy Eagle Pipeline Project



Date: June 2016
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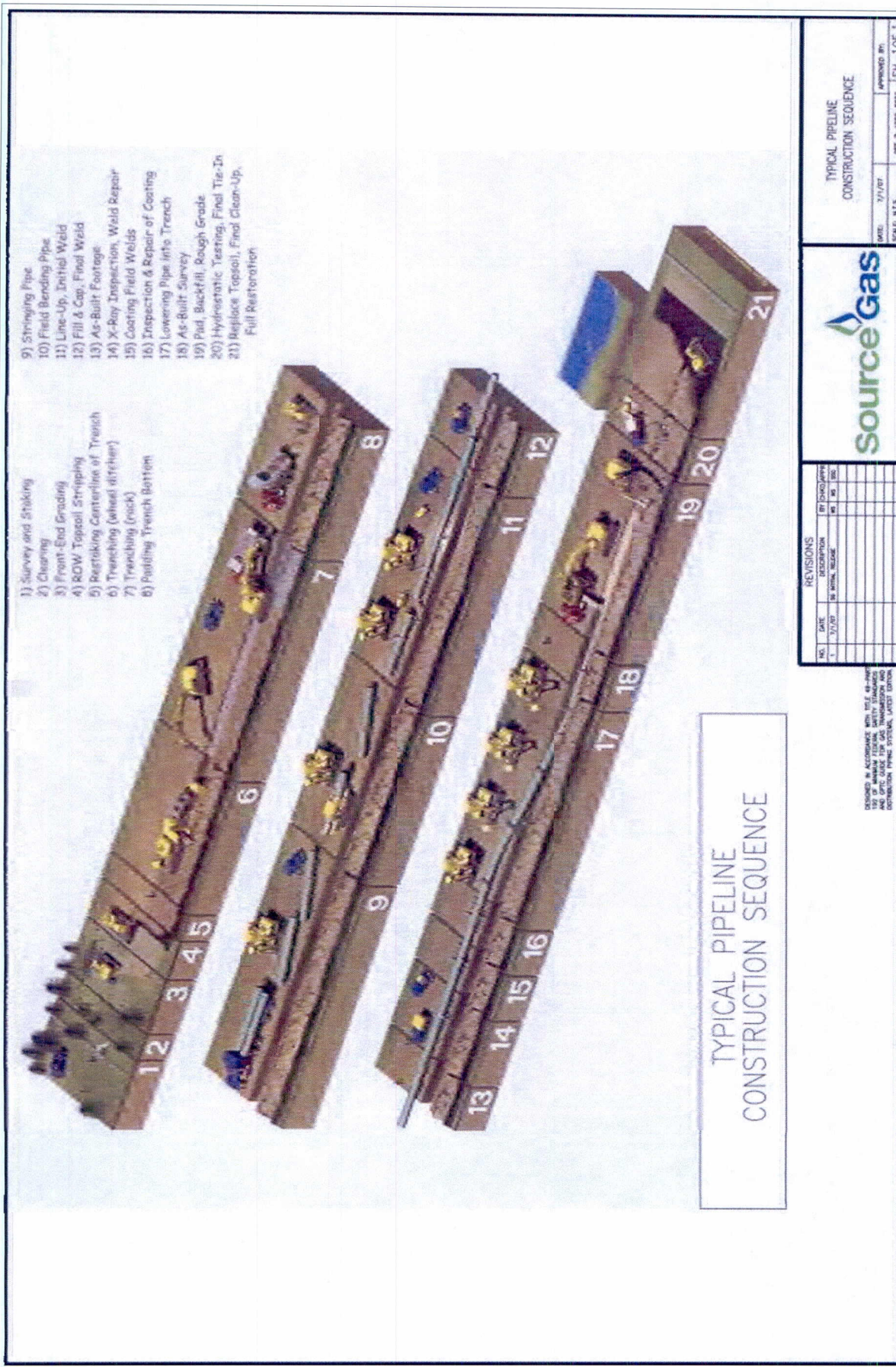
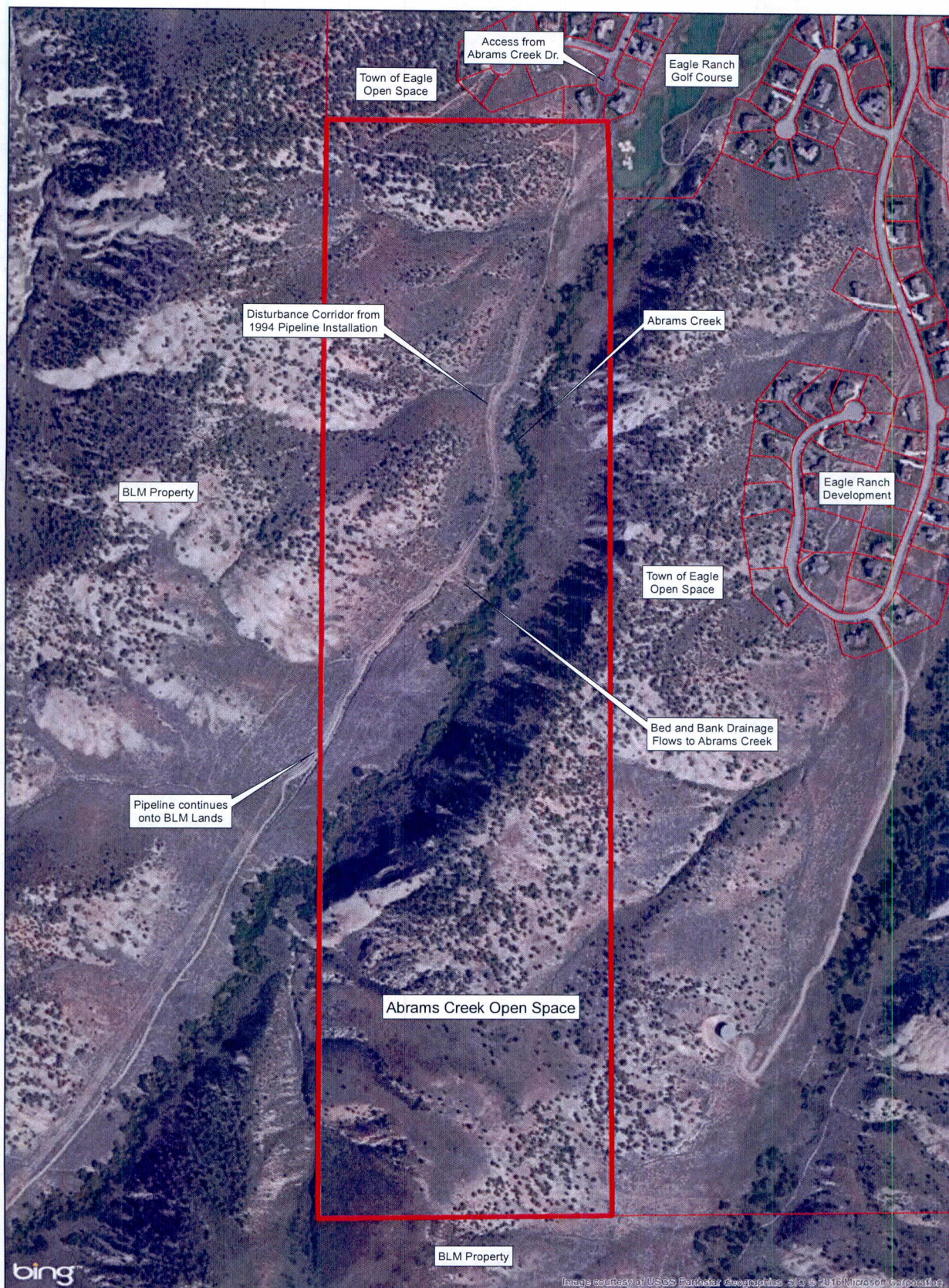


Figure 2. Typical Pipeline Construction Sequence
 Black Hills Energy Eagle Pipeline Project



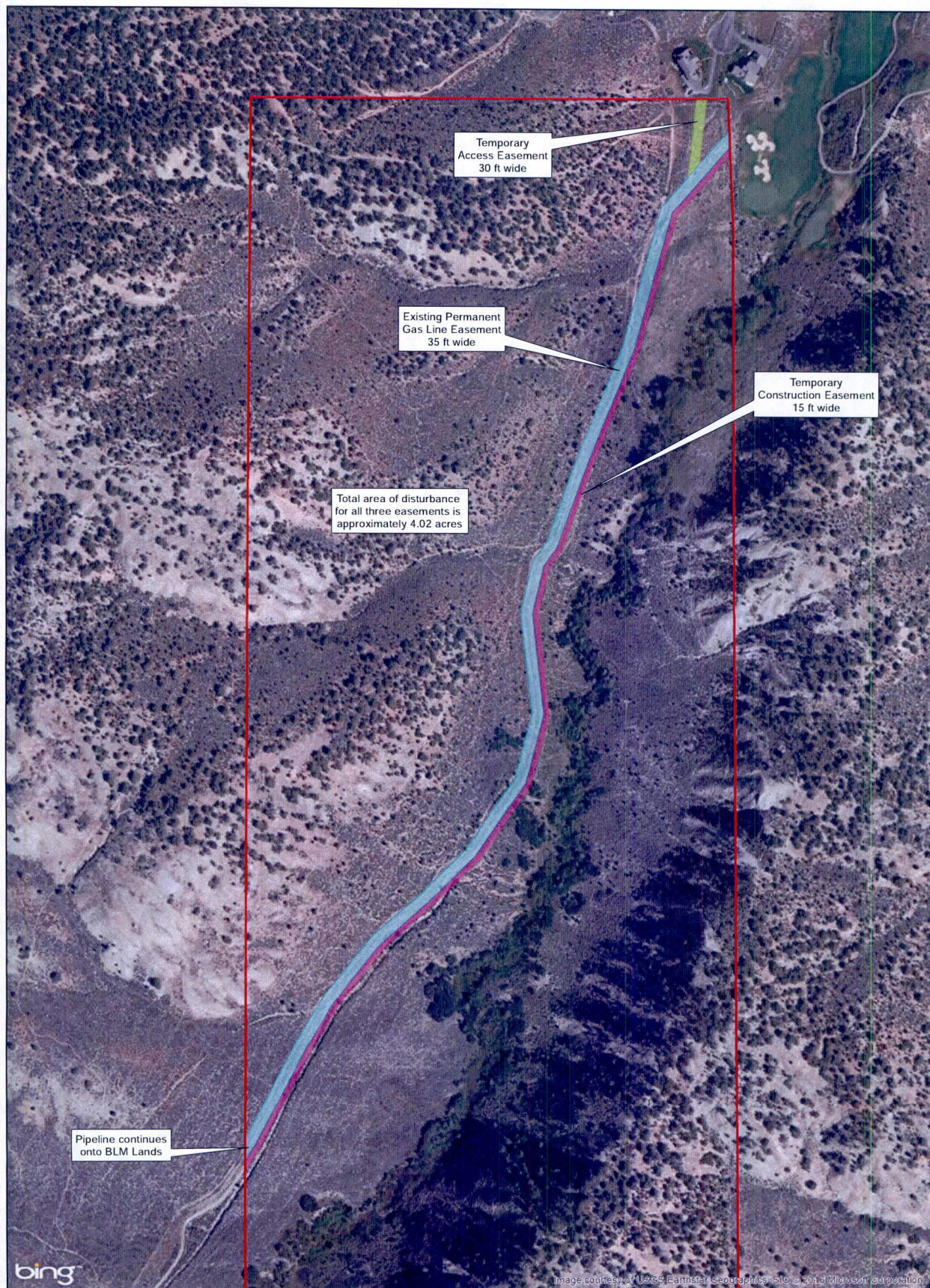
Legend

 Abrams Creek Open Space

**Figure 3. Abrams Creek Open Space Restoration Area
Aerial Overview
Black Hills Energy
Eagle Pipeline Project**

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Scale 1:7,000



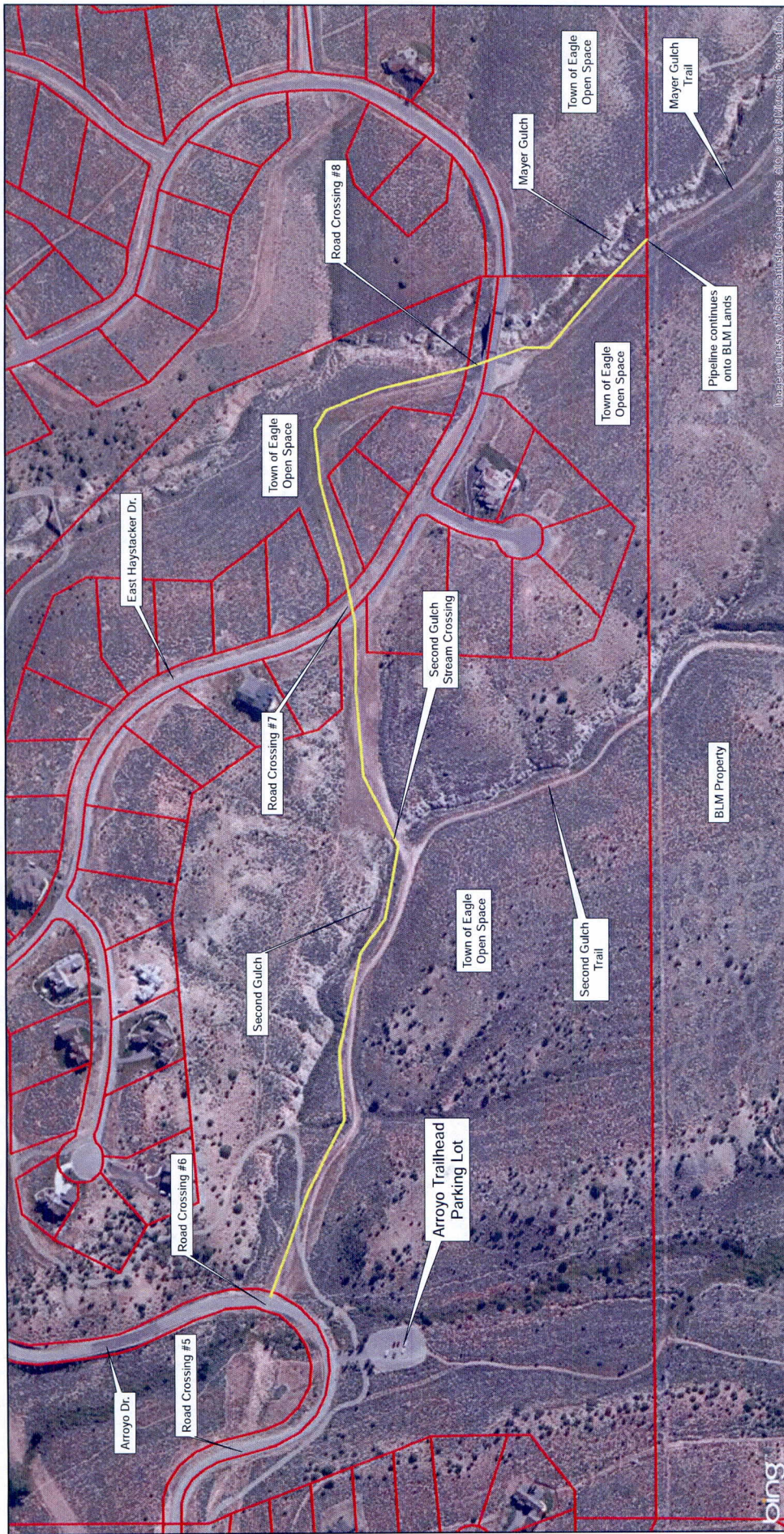
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- Abrams Creek Open Space
- Temporary Access Easement
- Temporary Construction Easement
- Permanent Gas Line Easement

N

 Scale 1:4,000
 20

Figure 4. Abrams Creek Open Space Access, Easements & Restoration Area
Black Hills Energy Eagle Pipeline Project



Legend

Parcel Boundaries

Approximate Location of Existing Pipeline



Scale 1:4,000

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**Figure 5. Arroyo Trailhead East Restoration Area
Aerial Overview
Black Hills Energy
Eagle Pipeline Project**

12.0 Tables

TABLE 1
Summary of Road Crossing & Staging Restoration Areas
Black Hills Energy Eagle Reroute Project

<u>Road Crossings</u>	<u>Location</u>	<u>Anticipated Disturbance</u>
# 1	Hernage Creek Road between Harrier Circle and Bunkhouse Place	8,500 ft ² (0.195 ac)
# 2	Harrier Circle between Left Lady Belle Place and Camp Fancy Spur	5,375 ft ² (0.123 ac)
# 3	Camp Fancy Spur east of Harrier Circle	7,250 ft ² (0.166 ac)
# 4	4 th of July Road between Arroyo Drive and Big Sage Court	6,625 ft ² (0.152 ac)
# 5	Arroyo Drive between 4 th of July Road and the Arroyo Trailhead Parking Lot	1,000 ft ² (0.023 ac)
# 6	Arroyo Drive east of the Arroyo Trailhead Parking Lot	Located within the larger Arroyo Trailhead East restoration area.
# 7	East Haystacker Drive west of Clover Lane	Located within the larger Arroyo Trailhead East restoration area.
# 8	East Haystacker Drive east of Clover Lane	Located within the larger Arroyo Trailhead East restoration area.
Staging Area	Adjacent to Arroyo Drive north of Trailhead Parking Lot	17,500 ft ² (0.402 ac)

TABLE 2
Draft Native Seed Mix*
Arroyo Trailhead East Restoration Area, Staging Area & Eagle Ranch Road Crossings
Black Hills Energy Eagle Reroute Project

<u>Scientific Name</u>	<u>Common Name</u>	<u>Variety</u>	<u>PLS Seeding Rate (Lbs/acre)</u>
Shrubs			
<i>Artemisia tridentata</i> var. <i>vaseyana</i>	Mountain big sagebrush	Native CO or UT	0.125
<i>Artemisia tridentatum</i> var. <i>tridentata</i>	Big sagebrush	Native CO or UT	0.0625
<i>Chrysothamnus nauseosus</i>	Rubber rabbitbrush	Native CO or UT	0.0625
	Total Shrubs		0.25
Perennial Grasses			
<i>Elymus elymoides</i>	Squirrel tail	State Bridge or Tusas	1
<i>Elymus trachycaulus</i>	Slender wheatgrass	Pryor	2
<i>Hesperostipa comata</i>	Needle-and-thread grass	Native CO or UT	1
<i>Koeleria macrantha</i>	Junegrass	Native CO or UT	0.125
<i>Leymus cinereus</i>	Basin wildrye	Native CO or UT	1
<i>Oryzopsis hymenoides</i>	Indian ricegrass	Paloma	2
<i>Pascopyrum smithii</i>	Western wheatgrass	Arriba	2.5
<i>Poa fendleriana</i>	Muttongrass	UP Ruin Canyon	0.125
<i>Pseudoroegneria spicata</i>	Bluebunch wheatgrass	Anatone	2
	Total Perennial Grasses		11.75
Perennial Forbs			
<i>Artemisia frigida</i>	Fringed sage	Native CO or UT	0.03125
<i>Blasamorhiza saggitata</i>	Arrowleaf balsamroot	Native CO or UT	2
<i>Erysimum capitatum</i>	Western wallflower	Native CO or UT	0.25
<i>Ipomopsis aggregata</i>	Scarlet gilia	Native CO or UT	0.125
<i>Lupinus argenteus</i>	Silvery lupine	Native CO or UT	4
<i>Oenothera caespitosa</i>	Evening primrose	Native CO or UT	0.0625
<i>Oxytropis lambertii</i>	Purple locoweed	Native CO or UT	0.5
<i>Sphaeralcea coccinea</i>	Scarlet globemallow	Native CO or UT	0.25
	Total Perennial Forbs		7.22
	GRAND TOTAL		19.22**
Sterile Cover Crop			
QuickGuard Triticale			3

* Draft Seed Mix may be revised based on seed availability and additional field reconnaissance to be completed in May 2016.

** Drill Seeding Rate corresponds to 78 seeds per square foot, excluding the sterile cover crop. Seeding rate should be doubled for broadcast applications.

This native seed mix will be supplemented by hand-collected sagebrush seed to be gathered adjacent to the pipeline disturbance and broadcast over the restoration area to establish local ecotypes and reduce visual contrast.

TABLE 3
Draft Native Seed Mix*
Abrams Creek Open Space Restoration Area
Black Hills Energy Eagle Reroute Project

<u>Scientific Name</u>	<u>Common Name</u>	<u>Variety</u>	<u>PLS Seeding Rate (Lbs/acre)</u>
Shrubs			
<i>Artemisia tridentata</i> var. <i>vaseyana</i>	Mountain big sagebrush	Native CO or UT	0.125
<i>Artemisia tridentatum</i> var. <i>tridentata</i>	Big sagebrush	Native CO or UT	0.0625
<i>Chrysothamnus nauseosus</i>	Rubber rabbitbrush	Native CO or UT	0.0625
Total Shrubs			0.25
Perennial Grasses			
<i>Elymus elymoides</i>	Squirrel tail	State Bridge or Tusas	1
<i>Elymus trachycaulus</i>	Slender wheatgrass	Pryor	2
<i>Hesperostipa comata</i>	Needle-and-thread grass	Native CO or UT	1
<i>Koeleria macrantha</i>	Junegrass	Native CO or UT	0.125
<i>Leymus cinereus</i>	Basin wildrye	Native CO or UT	2
<i>Pascopyrum smithii</i>	Western wheatgrass	Arriba	2.5
<i>Poa fendleriana</i>	Muttongrass	UP Ruin Canyon	0.125
<i>Pseudoroegneria spicata</i>	Bluebunch wheatgrass	Anatone	2
Total Perennial Grasses			10.75
Perennial Forbs			
<i>Artemisia frigida</i>	Fringed sage	Native CO or UT	0.03125
<i>Blasamorhiza saggitata</i>	Arrowleaf balsamroot	Native CO or UT	2
<i>Erysimum capitatum</i>	Western wallflower	Native CO or UT	0.25
<i>Ipomopsis aggregata</i>	Scarlet gilia	Native CO or UT	0.125
<i>Lupinus argenteus</i>	Silvery lupine	Native CO or UT	4
<i>Oenothera caespitosa</i>	Evening primrose	Native CO or UT	0.0625
<i>Oxytropis lambertii</i>	Purple locoweed	Native CO or UT	0.5
<i>Sphaeralcea coccinea</i>	Scarlet globemallow	Native CO or UT	0.25
Total Perennial Forbs			7.22
GRAND TOTAL			18.22**
Sterile Cover Crop			
QuickGuard Triticale			3

Draft Seed Mix may be revised based on seed availability and additional field reconnaissance to be completed in May 2016.

** Drill Seeding Rate corresponds to 75 seeds per square foot, excluding the sterile cover crop. Seeding rate should be doubled for broadcast applications.

This native seed mix will be supplemented by hand-collected sagebrush seed to be gathered adjacent to the pipeline disturbance and broadcast over the restoration area to establish local ecotypes and reduce visual contrast.

Appendix A. CPW Equipment Disinfection Protocol

When working in active waterways, disinfect heavy equipment, hand tools, boots, and any other equipment that was previously used in a river, stream, lake, pond, or wetland prior to moving the equipment to another water body. The disinfection practice should follow this outline:

- Remove all mud and debris from equipment and spray/soak equipment with a 1:15 solution of disinfection solution containing the following ingredients:
 - Dialkyl dimethyl ammonium chloride, 5-10% by weight;
 - Alkyl dimethyl benzyl ammonium chloride, 5-10% by weight;
 - Nonyl phenol ethoxylate, 5-10% by weight;
 - Sodium sesquicarbonate, 1-5%;
 - Ethyl alcohol, 1-5%; and
 - Tetrasodium ethylene diaminetetraacetate, 1-5%
 - and water, keeping the equipment moist for at least 10 minutes and managing
 - rinsate as a solid waste in accordance with local, county, state, or federal
 - regulations; or:
- Spray/soak equipment with water greater than 140 degrees Fahrenheit for at least 10 minutes.
- Sanitize water suction hoses and water transportation tanks (using methods described above) and discard rinse water at an appropriately permitted disposal facility.

Appendix B. Methods for Quantitative Vegetation Cover Data Collection

Cover will be estimated using a point-intercept method (Mueller-Dombois and Ellenberg, 1974) by viewing vegetation through a tripod-mounted sighting device with fine cross hairs. An adjustable mirror on the sighting device allows vegetation sampling in the canopy above as well as the understory layers below the scope.

Data will be recorded on both sides of the 50-meter-long transects at one meter intervals, for a total of 100 data points per transect. The sampling points will be located approximately $\frac{1}{2}$ meter from the centerline of the transect, at 90 degree angles.

During cover data collection, the mirror of the sighting device is first directed upward, then downward to record the first species sighted in the cross hairs, or first "hit." If the cross hairs do not intercept a plant, then rock, litter, standing dead, soil, or water is recorded for the first "hit." When a tree or shrub is first intercepted, a second data point is recorded in the next layer of vegetation below, and possibly also a third data point below that, until the herbaceous understory vegetation appears in the cross hairs. These subsequent data points will be separately recorded as "second hits." All vegetation hits will be recorded by species.

The absolute percent cover of each species and the cover of litter, rock, soil, and standing dead will be calculated using first hits. The relative cover of each species will be calculated using both first and second vegetation hits. Specifically, the percent absolute cover of a species is the number of first hits recorded divided by 100, the total number of first hits for each transect. The percent relative cover for a species is the sum of first and second hits recorded for that species divided by the total number of first and second vegetation hits for the transect. Litter, soil, rock, and standing dead hits are only used in the calculations of absolute cover.

Arroyo Drive Work Space

Source: Esri, DigitalGlobe,
GeoEye, Earthstar
Geographics, CNES/Airbus
DS, USDA, USGS, AEX,



Eagle Replacement
Work Space Details

Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AEX, Getmapping, Aerogrid, IGN, IGP, swisstopo, and the GIS User Community



The Town of Eagle

Box 609 • Eagle, Colorado 81631
(970) 328-6354 • Fax 328-5203

Meetings:
2nd and 4th Tuesdays

June 9, 2016

Ms. Gretchen Giesler
Rocky Mountain Natural Gas
Gretchen.Giesler@blackhillscorp.com
www.blackhillsenergy.com

Re: Special Conditions for Permit for Construction within the Public Right-of-Way and Public Lands in Eagle, Colorado.

Dear Ms. Giesler,

This is a list of Special Conditions for the Rocky Mountain Natural Gas Pipeline Replacement Project to obtain a permit for such work.

1. All work, permit fees, and reimbursement of such costs shall conform to all Town of Eagle ordinances, permits, rules, regulations and stipulations while accessing through or working in the Town.
2. Rocky Mountain Natural Gas shall provide the Town with a construction schedule and update as necessary and shall coordinate all work with the Town. In the case of street and utility crossings, Rocky Mountain Natural Gas shall furnish a set of engineer drawings in plan and profile showing all utilities and bore pit location and limits of disturbance. The drawings shall be stamped by a professional engineer, and delivered at least 2 weeks prior to construction. The plan for street and utility crossings shall be approved by the Town of Eagle prior to construction of the crossing.
3. Rocky Mountain Natural Gas shall notify The Town at least 48 hours prior to any construction.
4. A MUTCD compliant traffic control plan must be approved by the Town of Eagle for all work on public streets.
5. Construction Hours shall conform to Town of Eagle Municipal Code Chapter 13.02.060: Monday through Friday: 7:00 a.m. to 7:00 p.m.; and Saturday 9:00 a.m. to 6:00 p.m. Rocky Mountain Natural Gas reserves the right to request extended

hours for critical work functions, i.e. hydro testing, tie-in's, to be coordinated through the Public Works Department.

6. Construction vehicles shall use Sylvan Lake Road and Eagle Ranch Road to access the project sites. Construction vehicles shall not use Capitol Street.
7. All construction vehicles working on the Rocky Mountain Natural Gas Pipeline Replacement Project shall be marked with a visible identification tag approved by the Town.
8. Water courses shall be reshaped to the original grade and cross-section and all debris removed. Where required to prevent erosion, the bottom and sides of the water course shall be protected.
9. The restoration of Town Open Space lands shall conform to the:

*Restoration Requirements
Abrams Creek Open Space, Arroyo Trailhead East
& Eagle Ranch Road Crossings
Rocky Mountain Natural Gas Eagle Replacement Pipeline Project
Prepared by Western Ecological Resource, Inc.
Dated June 8, 2016*

10. A gate shall be installed in the existing boundary fence on the gas pipeline easement for the purpose of future gas pipeline maintenance access at the boundary of the golf course near Abrams Gulch and the A&R property.
11. All construction activities on mountain bike trails shall be coordinated with the Town. Trails must be open and in good riding condition for special events.
12. Rocky Mountain Natural Gas shall provide geotechnical reports to the Town of Eagle for backfill and pavement reconstruction.
13. Prior to construction and subject to all applicable statutes, ordinances, rules, and regulations, Rocky Mountain Natural Gas shall enter into a reimbursable agreement with the Town for staff time and for contracted work for the Gas Line Replacement Project including:
 - a. Attorney fees at \$190/hour, not to exceed \$1,500.
 - b. Revegetation Consultant fees not to exceed \$26,000, John Staight and Monica Genadio will coordinate the Revegetation Consultant work to minimize duplication of services.Consultant fees shall be invoiced with all appropriate documentation: including time sheets, mileage, and receipts.
14. Subject to all applicable statutes, ordinances, rules, and regulations, Rocky Mountain Natural Gas shall reimburse the Town for staff time spent on

inspections according to the following rates. The hours shall be paid for actual time. The following is an estimate of staff time:

Town Open Space Coordinator:

12 hours/ week * 19 weeks * \$40.00/hour = \$9,120.00

Town Public Works Inspector

9 hours/week * 5 weeks * \$43.05/hours = \$1,937.25

Town Assistant Town Engineer

6 hours/week * 5 weeks * \$58.56/hour = \$1,756.80

Public Works Director

1.5 hour/week * 5 weeks * \$77.61/hour = \$582.08

Reimbursables for staff time shall not exceed \$13,400. The Town will send one final invoice to for all reimbursable work before December 1, 2016.

15. All hydrostatic test water shall tanked and disposed off-site at an appropriate disposal facility.
16. Subject to all applicable statutes, ordinances, rules, and regulations, Rocky Mountain Natural Gas shall issue a letter of credit in favor of the Town of Eagle for an initial amount of \$300,000 as determined by 150% of the cost of estimated revegetation (\$106,000) and the eight road cuts associated with the project (\$94,000) prior to issuing a construction permit. The letter of credit will be renewed and reduced on an annual basis as Rocky Mountain Natural Gas completes its construction, but the renewal amounts under the renewed letter of credit will not expire until the Town has reasonably determined the project to be completed successfully per the requirements of the Public Works Department in regards to the road work and the success criteria defined in the restoration plan for the revegetation, where such Town approval shall not be unreasonably withheld. After the road cuts are completed, the amount under the Letter of Credit shall be reduced by \$141,000 to an amount of \$159,000. Each year thereafter, the amount shall reduce as Rocky Mountain Natural Gas completes additional requirements under the Permit conditions. Once the Town has determined the project has been completed successfully, Rocky Mountain Natural Gas shall send notification to the Eagle Ranch HOA and publish notice in the paper for 30 days prior to the Town of Eagle releasing the letter of credit. Eagle Ranch Address is:

Eagle Ranch Association
1143 Capitol Street, Suite 208
PO BOX 5905
Eagle, CO 81631

17. The Town shall review and approve an access and construction staging plan prior to construction.

18. All construction activities shall be on existing easements. If additional work space is needed. The Town of Eagle will work with Rocky Mountain Natural Gas to obtain a temporary workspace easement.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Sharkey', with a long horizontal flourish extending to the right.

Kevin J. Sharkey, P.E.
Assistant Town Engineer

CC: Dusty Walls, Public Works Director
John Staight, Open Space Coordinator



2023 Reclamation Monitoring Report
Black Hills Energy – Rifle to Avon Pipeline
Eagle Segments
Eagle County, Colorado



September 25, 2023

Prepared for:

Black Hills Energy
0096 County Road 160
Glenwood Springs, CO 81601

Prepared by:

SGM
118 West 6th St., Suite 200
Glenwood Springs, CO 81601
970-384-9017



118 W Sixth St, Suite 200
Glenwood Springs, CO 81601
970.384.9040
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1.0 SUMMARY

In the summer of 2016, Black Hills Energy (Black Hills or BHE) replaced 2.3 miles of the Rifle to Avon 12-inch steel Natural Gas Pipeline with a 12.75-inch steel natural gas pipeline and installed related aboveground appurtenances. The replacements are collectively referred to as the Eagle Replacement Project (Project). The replacements occurred at eight non-contiguous sections of the existing pipeline and were predominantly within the existing Rifle to Avon pipeline right-of-way (ROW). The Project is located on lands managed by the Town of Eagle Open Space Department, the Bureau of Land Management (BLM), and on private lands in Eagle County. The Project is located within Sections 9 and 14-17 of Township 5 South, Range 84 West, of the 6th Principal Meridian. This report was prepared by SGM at the request of Black Hills to comply with the annual revegetation monitoring requirement for disturbance on BLM-managed lands and Town of Eagle Open Space Lands.

The width of the disturbance varied along the route according to ground conditions but was generally about 75-feet wide (per Black Hills' permanent ROW and temporary use area conditions). Approximately 12.52 acres were impacted to construct the pipeline, all of which received reclamation treatment and reseeding with prescribed seed mixes.

1.1 Vegetation Monitoring Conclusions for 2023

Vegetation has been successfully established along the ROW, with absolute coverage and desirable species coverage exceeding 50%, vegetation species-richness exceeding 15 species, and noxious weed cover non-existent, or below native background cover. Treatment for noxious weeds is ongoing within the ROW from 2023 onward.

During 2023 photo monitoring, it was noted that small shrubs are re-establishing in this area but are not yet at the required height. All transects have met the vegetation success criteria, apart from shrub density and shrub height. Supplemental seeding along the ROW within 2nd Gulch during the fall/winter of 2022 is in the early stages of growth, with small sagebrush shrubs growing along the seeded pipeline corridors (Section 6.0). After seeding, photo monitoring occurred for ROW areas within the Town of Eagle Open Space lands for 2023. The formal monitoring (vegetation belts and transects) for this project was completed with the 2022 year's efforts and summarized in this report.

These conclusions are determined by the implementation of two reference transects along with annual vegetation monitoring are described and documented in detail throughout this report.

1.2 Abrams Gulch Vegetation Condition

On average, the Abrams Gulch transects have 69% absolute cover of vegetation and 58% desirable (non-weed) vegetation coverage. Overall, absolute vegetation coverage increased in 2022 with formal vegetation monitoring to determine the status of the plant community. Desirable non-weed vegetation coverage has remained stable or increased. Vegetation species-richness has remained stable since 2020, with an average of 25 species found along each transect. Dominant species are ruderal species that have colonized the ROW, likely as contaminants in the seed mix and possibly from the surrounding area, including yellow sweetclover (*Melilotus officinalis*), tumble mustard (*Sisymbrium altissimum*), purple mustard (*Chorispora tenella*), and crested wheatgrass (*Agropyron cristatum*). However, most of the desirable species that were seeded on the ROW are present in significant amounts, especially the reclamation wheatgrasses. In some areas, saltbush (*Atriplex canescens*) and big sagebrush (*Artemisia tridentata*) have successfully germinated at high densities.

Abrams Gulch Transects 1-4 were photo-monitored in 2023, as the transects met vegetation requirements in 2019 and/or 2021. This was verbally agreed to by the BLM in May of 2020 (C. DeYoung, pers. comm.).

In summary, the ROW reclamation and species diversity have remained relatively stable, or have increased, since the previous photo monitoring event in 2022, and vegetation monitoring in 2019 and/or 2021. Shrub density increased in 2022, and areas of the ROW closely resemble the native vegetation community. Cheatgrass and other non-desirable ruderal species have decreased in density since 2019 due to chemical treatments in the spring and summer of 2020, 2021, 2022, and 2023. While noxious weeds do not currently significantly exceed background concentrations, continued treatment may be required to sustain the desirable vegetation cover.

1.3 2nd Gulch Vegetation Condition

On average, the 2nd Gulch transects have 69% absolute cover of vegetation, and 62% desirable non-weed vegetation coverage. Overall absolute vegetation coverage increased in 2022. Vegetation species-richness has remained stable from 2020, with an average of 18 species found along each transect. The vegetation is dominated by ruderal species that have colonized the ROW from the surrounding area, including tumble mustard, purple mustard, and smooth brome (*Bromus inermis*). However, some of the desirable species that were seeded on the ROW are present in significant amounts, especially western wheatgrass (*Pascopyrum smithii*) and green needlegrass (*Nassella viridula*).

2nd Gulch Transects 1-5 were photo monitored in 2023, as the transects met vegetation requirements in 2019 and/or 2021. This was verbally agreed to by the BLM in May of 2020 (C. DeYoung, pers. comm.).

In summary, the ROW reclamation and species diversity has remained relatively stable, or has increased, since the previous monitoring event in 2021. Shrub density increased in 2022, and areas of the ROW closely resemble the native vegetation community. Cheatgrass and other non-desirable ruderal species have decreased in density since 2019 due to chemical treatments in spring and summer of 2020, 2021, 2022, and 2023. While noxious weeds do not currently significantly exceed background concentrations, continued treatment may be required to sustain the desirable vegetation cover.

1.4 Reference Transect Conditions

In 2022, an updated Reference Transect was set up in undisturbed native vegetation within Abrams Gulch to better determine if reclamation requirements have been met for vegetation establishment. This transect had an overall vegetation coverage of 53%, with a desirable vegetation cover of 52%. The dominant species along the transect was big sagebrush.

In 2023, a second Reference Transect was set up in undisturbed native vegetation within 2nd Gulch to better determine if reclamation requirements have been met for vegetation establishment. This transect had an overall vegetation coverage of 48%, with a desirable vegetation cover of 47%. The dominant species along the transect was big sagebrush.

The average between the Reference Transects 1 and 2 was an overall vegetation coverage of 50.5%, with a desirable vegetation cover of 49.5%.

1.5 Hardscrabble Vegetation Conditions

In the 2018 monitoring cycle, one additional transect was established on the Hardscrabble Road segment, at the terminus of the Project where an aboveground valve set was installed. The valve set and associated disturbance comprised a small non-contiguous area approximately 0.3 acres in extent. The Hardscrabble transect was photo-monitored in 2020, 2021, 2022, and 2023 as the transect met vegetation requirements in 2019; this was verbally agreed to by the BLM in May of 2020. The Hardscrabble transect area was re-disturbed in 2020/2021, for the installation of equipment at the valve set, photo monitoring completed.

2.0 BACKGROUND INFORMATION

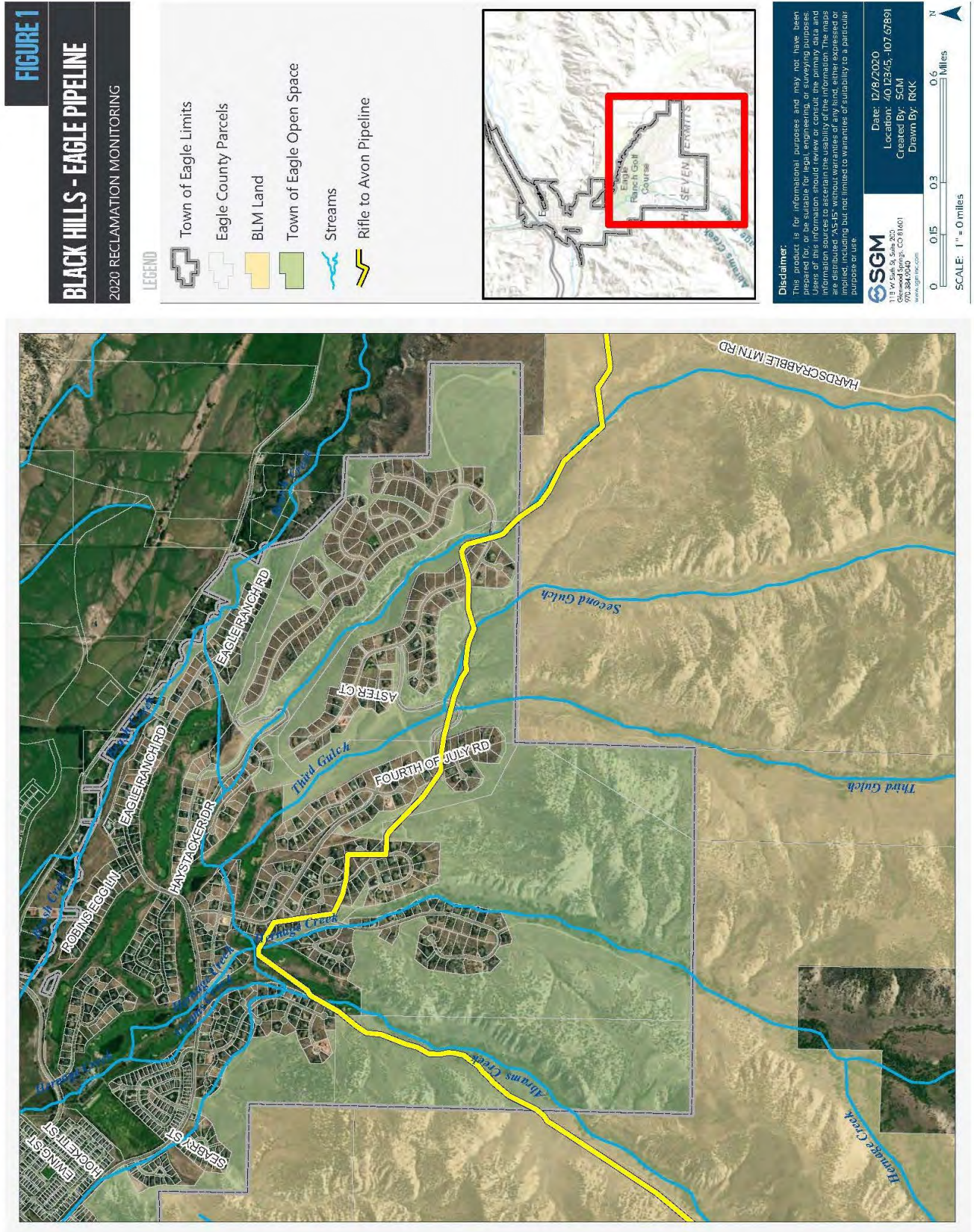
In the fall of 2016, grubbing, excavation, pipeline installation, backfill, and recontouring were completed for the entirety of the project. After the recontouring and surface roughening were completed, a reclamation seed mix was drill-seeded to the entire area of surface disturbance. On steeper areas, hydromulch was applied to assist with site stabilization.

The Colorado Department of Public Health and Environment (CDPHE) requires vegetation cover to be 70% of background cover (applicable on private lands), and the BLM applies a threshold of 80% of native background cover to allow for reclamation bond release. The reclamation success criteria also take into consideration new or expanded populations of noxious weeds as a deterrent to ultimate revegetation bond release.

The initial annual reclamation monitoring in 2016 was performed by Olsson Associates. At that time, and in consultation with BLM and the Town, Olsson Associates did not perform Line-point Intercepts or other methods to quantify soil cover, vegetation cover, litter, or other metrics; seeding and hydromulch had only recently been applied when the initial monitoring was performed in November 2016, and there was no vegetation regrowth to report. However, nine permanent monitoring transects, and co-located photo points, were installed in preparation for more complete monitoring in 2017 per the methods used in the Town of Eagle's Restoration Plan¹. Per coordination with BLM staff (C. DeYoung, pers. comm.), the monitoring protocol required on the Town of Eagle Open Space was also used on BLM-managed lands. The State of Colorado's noxious weed list² was referenced for Olsson's weed survey efforts. MountainWest, LLC acquired Olsson's 2016 data and completed the required annual monitoring in 2017 and 2018. Monitoring was completed in 2019, 2020, 2021, 2022, and 2023 by SGM, with SGM having acquired all of MountainWest's data.

¹ Restoration Requirements, A&R Parcel, Black Hills Energy Eagle Pipeline Project, prepared by Western Ecological Resource, Inc, April 2016

² <https://www.colorado.gov/pacific/agconservation/noxious-weed-species>



3.0 MONITORING PROTOCOL & METHODS

Ten 50-meter monitoring transects were established throughout the Project area; four of which are on BLM-managed lands:

- Four transects were established at the west end of the Project along Abrams Gulch; one on BLM-managed surface and three on the adjacent Town of Eagle Open Space lands (**Section 5.0, Maps 1, 2, & 3**). Abrams Gulch Transect 1, Transect 2, Transect 3, and Transect 4 were photo-monitored in 2023.
- Five transects were established at the east end of the Project along 2nd Gulch and Mayer Gulch; two on BLM-managed surface and three on the adjacent Town of Eagle Open Space lands (**Section 5.0, Maps 5 & 6**). The 2nd Gulch Transect 1, Transect 2, Transect 3, Transect 4, and Transect 5 were photo-monitored in 2023.
- One transect was established at the easternmost end of the Project along the Hardscrabble Road, on BLM-managed surface (**Section 5.0, Map 7**). The Hardscrabble transect was photo-monitored in 2020, 2021, and 2023. As the area around Hardscrabble had been re-disturbed sometime in 2021 for a valve set, this area was not formally monitored in 2022. It was checked for noxious weed presence.
- In 2022, an additional transect was recorded in surrounding native vegetation to provide an updated reference transect for background native vegetation cover.
- In 2023, a second reference transect was established and recorded on the eastern portion of the Project area in 2nd Gulch. This provided an updated reference transect for background native vegetation cover and averaging between each reference transect.

Transects are located entirely within the area of surface disturbance and are distributed relatively evenly throughout the Project area. Transects are permanently marked by rebar at the start and end of each transect. The start and end points of each transect were recorded in the field using a sub-meter accuracy GPS unit.

3.1 Line-Point Intercept Transects

Vegetative cover was estimated using the Line-point Intercept method as stipulated by the Reclamation Plan (based on Mueller-Dombois and Ellenberg 1974). After stretching a tape along the 50-meter transect, vegetation was evaluated at 1-meter intervals along the tape. At each interval, vegetation was viewed through a tripod-mounted sighting device with laser-pointers and species were identified. Data were recorded on both sides of the transect, at 0.5-meters from the transect centerline. For example, at the first meter interval, the vegetation conditions at 0.5-meters to the left and right of the tape were recorded. These data are identified on the data sheets as 1L and 1R respectively. A 50-meter transect therefore produced 100 data points.

Vegetation data included the first species sighted through the tripod device. If no vegetation was present, abiotic surface conditions such as soil, litter, or rock were recorded. If there was multi-layered coverage at the measurement point, with multiple species being sighted through the tripod device, a second data point was recorded for the layer of vegetation underneath the first, and a third data point was recorded if present.

Percent absolute cover was calculated using the first hits only. Therefore, the percent absolute coverage for a given species is the number of first hits on that species divided by the total number of measurements (100 in this case). This includes the abiotic surface; for example, the percent absolute cover of soil was reported.

Percent relative cover is the sum of all hits for a given species (including first, second, and third hits), divided by the total number of vegetation hits on the transect. Abiotic surface is not included in the sum of hits or in the calculation of relative cover. Relative cover is intended to account for the potential for a species to be very abundant on the transect but consistently overtopped by other taller species.

All results are summarized in **Section 4.0**, and all data sheets are provided in **Section 7.0**.

3.2 Belt Transects

Belt transects were completed in 2022 and used to calculate species richness and shrub density. All vegetation within 1-meter of the transect centerline were included in the belt transect, for a total evaluated area of 100 square-meters (50 meters long by 2 meters wide). Within this area, all species present were recorded, and total species richness was calculated. In addition, all woody shrubs present within the 100 square-meter belt were counted, and their average height was recorded. Species richness and shrub density were calculated for each transect.

All results are summarized in **Section 4.0**, and all data sheets are provided in **Section 7.0**.

3.3 Photo Points

The start points of each 50-meter transect also serve as the photo point for that transect. Photos were taken in the four cardinal directions and included one photo of the ground surface at each start point. All photos are provided in **Section 8.0**.

3.4 Vegetation requirements

According to the BHE permit for construction within the Town of Eagle ROW, the following items were requirements for successful revegetation:

- The site has been re-graded to the approximate pre-disturbance topography and blends with the adjacent landscape.
- The disturbed soil surface has been stabilized to reduce erosion and runoff to at or below natural background levels. Flow pattern development will not have resulted in rills deeper than three inches or spaced closer than on adjacent undisturbed hillsides.
- No slumping or subsidence has occurred along the backfilled trench or fill slopes.
- The site is dominated by plants of the seed mix and/or by desirable native colonizers common to sagebrush shrublands in Eagle County.
- The plant diversity included at least 15 desirable native plants common in Eagle County. Species richness will include plant inventories compiled during regular monitoring visits, and data collected during year-end quantitative vegetation monitoring. This method will more accurately capture the species diversity of the site since many early-blooming forbs are not evident late in the growing season.
- The plant species diversity shall include at least 2 species of shrubs, 6 desirable native grasses, and 6 desirable native forbs.
- The absolute vegetation cover totals at least 50%.
- At least 50 sagebrush shrubs are present within a 200 square meter quadrant. The average height shall be at least 9 inches.

- The combined absolute cover of all State of Colorado A, B, or C listed noxious weeds and the undesirable plant species kochia and Russian thistle shall be less than 5% with no areas larger than 25 square feet in which noxious weeds are the dominant plants. If cheatgrass is present adjacent to the disturbed area in overall concentrations of less than 50% absolute vegetative cover, the absolute cover of cheatgrass on the reclaimed site will not exceed 5%. In areas where adjacent lands have greater than 50% absolute cover of cheatgrass, the absolute cover on reclaimed lands will not exceed 20%.

3.5 2022 and 2023 Vegetation Requirements

2022 marked the fifth year of formal vegetation monitoring. All the reclamation requirements were met for BLM-managed lands, and all reclamation requirements, other than shrub density, were met for the Town of Eagle managed lands. SGM and BHE completed the following updates to the vegetation requirements for 2022 and 2023 to finalize formal vegetation monitoring:

- Additional sagebrush seeding was completed in late fall/early winter of 2022 in areas where shrub density does not meet 50 shrubs within a 200-meter area within the ROW on Town of Eagle Open Space lands (**Section 6.0**).
- Photo monitoring was completed in June of 2023 for the ROW within the Town of Eagle Open Space lands, ensuring new shrubs are establishing/growing. The shrub height requirement will be suspended, as it can take multiple years for shrubs to meet the current 9-inch height requirement.
- An additional reference transect was established on the eastern portion of the project near 2nd Gulch, providing two reference transects total.

4.0 2023 MONITORING RESULTS SUMMARY

4.1 Reclamation Vegetation

All approved 2022 vegetation monitoring data is provided in **Section 7.0**. In summary, reclamation seeding was determined to be successful in stabilizing the ROW, and desirable vegetation has generally remained stable or increased along transect locations and the ROW from 2021. Species richness has remained stable from 2020 at 0.22 (species/m²), and shrub density and shrub height increased or remained stable, and many locations of the ROW are more closely resembling the native vegetation community which is strongly dominated by big sagebrush. Based on the vegetation success criteria of the Town of Eagle's Restoration Plan, 2nd Gulch Transect 4 and the Hardscrabble Transect met requirements in 2019. Based on photo monitoring in 2020, 2021, and 2023, these transects still meet requirements. Based on 2020 monitoring results, Abrams Gulch Transect 1 and 2nd Gulch Transect 1 met the vegetation success criteria. Based on photo monitoring in 2021 and 2023, these transects still meet requirements. In 2021, Abrams Gulch Transect 2 and 2nd Gulch Transect 5 successfully met revegetation needs. Based on photo monitoring in 2022 and 2023, these transects still meet requirements. In 2022, Abrams Gulch Transect 3 and Transect 4 met the vegetation success criteria. The areas around 2nd Gulch Transect 2 and Transect 3 do not meet the requirements based on low shrub density/shrub height, as expected. These sites were seeded in the fall of 2022, and the shrub density and height requirements for these zones are suspended given the timeline needed to re-establish sage brush. During 2023 photo monitoring, it was noted that small shrubs are re-establishing in this area but are not yet at the required height.

All transects have met the vegetation success criteria, apart from shrub density and shrub height. Supplemental seeding along the ROW within 2nd Gulch during the fall/winter of 2022 appears in the early stages of growth, with small sagebrush shrubs growing along the seeded pipeline corridors (**Section 6.0**). After seeding, photo monitoring occurred for ROW areas within the Town of Eagle Open Space lands for 2023. Formal monitoring (vegetation belts and transects) was completed with the 2022 year's efforts and summarized in this report. Treatment for noxious weeds is ongoing within the ROW from 2023 onward.

Table 1 - Reclamation Vegetation Characteristics

Transect Number	Vegetation Coverage			Desirable Vegetation			Dominant Species	Species Richness (species/m ²)			Shrub Density (shrubs/m ²)	2019	2020	2021	2022
	2022	2021	2020	2019	2022	2021	2020	2019	2022	2021	2020	2019	2020	2021	2022
Abrams Gulch 1	-	-	76%	91%	-	-	82%	Crested wheatgrass	-	-	0.19	0.21	-	-	1.62
Abrams Gulch 2	-	57%	82%	75%	-	52%	39%	Slender wheatgrass	-	0.25	0.27	0.28	-	0.15	0.04
Abrams Gulch 3	76%	51%	73%	66%	76%	46%	41%	Western wheatgrass	0.25	0.25	0.27	0.29	0.98	0.92	0.63
Abrams Gulch 4 (BLM)	68%	50%	60%	66%	63%	49%	41%	Bluebunch wheatgrass	0.26	0.26	0.25	0.27	1.13	1.06	1.01
2 nd Gulch 1	-	-	69%	60%	-	-	60%	Smooth brome, slender wheatgrass	-	-	0.24	0.27	-	-	2.50
2 nd Gulch 2	62%	36%	52%	84%	55%	32%	48%	Crested wheatgrass	0.16	0.16	0.15	0.18	0.18	0.16	0.21
2 nd Gulch 3	85%	45%	65%	79%	77%	40%	26%	Slender wheatgrass	0.19	0.19	0.19	0.21	0.29	0.27	0.15
2 nd Gulch 5 (BLM)	-	59%	97%	97%	-	47%	46%	Indian ricegrass	-	0.20	0.23	0.23	-	0.91	0.64
Reference Transect 1	53%	-	-	-	52%	-	-	Big sagebrush	-	-	-	-	-	-	-
Reference Transect 2 (2023)	48%	-	-	-	47%	-	-	Big sagebrush	-	-	-	-	-	-	-

*Abrams Gulch Transects 1-4, 2nd Gulch Transects 1-5, and Hardscrabble Gulch Transect were photo monitored in 2023. Reference Transect 2 was established and recorded in 2023, in addition to the pre-existing Reference Transect 1 from 2022.

4.2 Noxious Weed Presence

During 2023's monitoring, noxious weeds remain under control and do not represent a significant hazard of expansion. The species found on the ROW are generally those that exist in the surrounding landscape at background densities. In 2022, SGM provided detailed noxious weed maps to aid in targeting and treating isolated patches and individual noxious weeds. These precautions have proved advantageous and effective, as noxious weeds remain at low densities. We have included general proximities for noxious weeds on 2023 maps.

Cheatgrass density has noticeably decreased since 2019, due to effective herbicide treatments. Cheatgrass does exist in low to moderate densities in the surrounding native background vegetation, particularly along existing trails. It is unlikely cheatgrass could be eliminated from the ROW due to recolonization from surrounding native areas and human dispersal from the trail systems. However, continued herbicide treatment of this species is recommended.

There are several weedy ruderal species present on the ROW that are not listed as noxious weeds but do not represent desirable vegetation. These species were not included in the seed mix but are generally disturbance specialists and their abundance may need to be controlled to allow desirable vegetation to increase in density. The most prominent species remain as yellow sweet clover and purple mustard in the Abrams Gulch transects (which likely were introduced through seed mixes as "contaminants"), and tumble mustard and purple mustard in the 2nd Gulch transects.

Crested wheatgrass and smooth brome continue to occur in areas adjacent to the undisturbed segments of the ROW that were previously reclaimed with these species. The area surrounding 2nd Gulch Transect 1 and 2nd Gulch Transect 2 has a high density of crested wheatgrass, and the species is actively colonizing the ROW. Although it is no longer typically used for reclamation, crested wheatgrass does effectively stabilize soils and provide some wildlife benefit, therefore it remains unnecessary to employ special measures to reduce its abundance in these areas.

Table 2: Noxious Weed Presence & Abundance Detection in 2022

	<i>Carduus nutans</i> (B list)	<i>Bromus tectorum</i> (C list)	<i>Verbascum thapsus</i> (C list)	<i>Cynoglossum officinale</i> (B list)
Abrams Gulch 1				*
Abrams Gulch 2		*		
Abrams Gulch 3		*		
Abrams Gulch 4 (BLM)		*		
2 nd Gulch 1				
2 nd Gulch 2		**		
2 nd Gulch 3		*		
2 nd Gulch 4 (BLM)	*	*		
2 nd Gulch 5 (BLM)	*	**		
Hardscrabble (BLM)	*	*		
Abundance: * = isolated individuals, ** = 10% or less of total coverage, *** = more than 10% of total coverage				

5.0 TRANSECT LOCATION MAPS

Maps are presented from west to east and cover the entire Project area. The transects on each map are presented below.

- **Map 1:** Abrams Gulch 4 & Reference Transect 1 (BLM Surface)
- **Map 2:** Abrams Gulch 3 and Abrams Gulch 2 (Town of Eagle Open Space, A&R parcel)
- **Map 3:** Abrams Gulch 1 (Town of Eagle Open Space, A&R parcel)
- **Map 4:** No Monitoring Transect (Hernage Creek Road private parcel area)
- **Map 5:** 2nd Gulch 1 and 2nd Gulch 2, and Reference Transect 2 (Town of Eagle Open Space)
- **Map 6:** 2nd Gulch 3, 2nd Gulch 4, and 2nd Gulch 5 (Town of Eagle Open Space and BLM Surface)
- **Map 7:** Hardscrabble (BLM Surface)

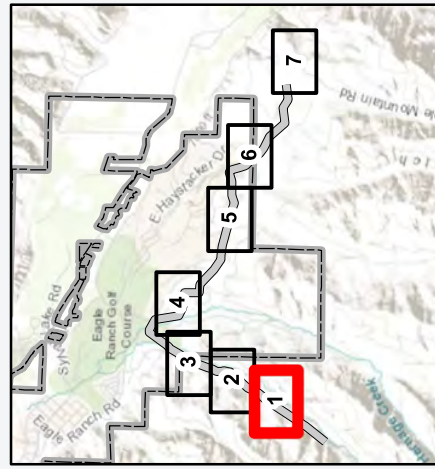
Transect Map 1

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  Streams
-  Transect Line
-  Transect Point
-  Noxious Weed



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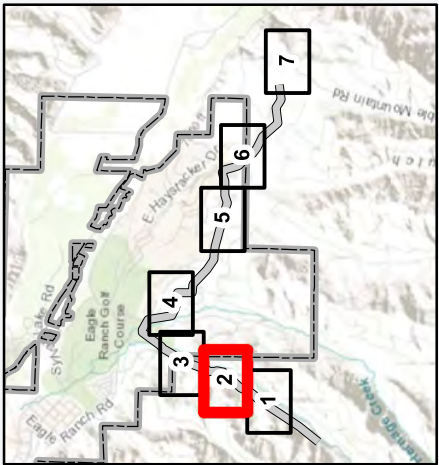
Transect Map 2

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

- Disturbance Area
- Town of Eagle Limits
- Eagle County Parcels
- BLM Land
- Town of Eagle Open Space
- Streams
- Transect Line
- Transect Point
- Noxious Weed

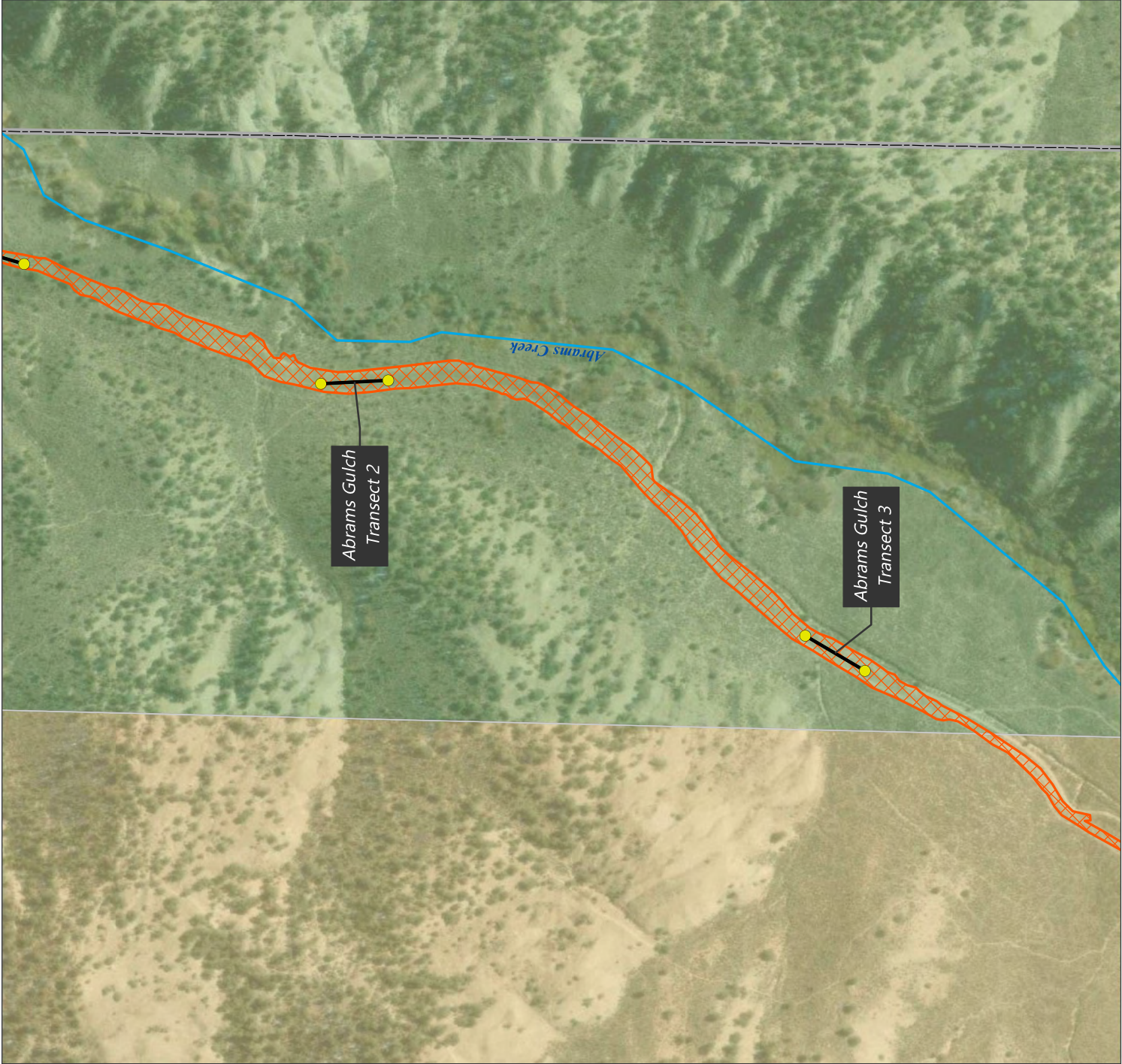


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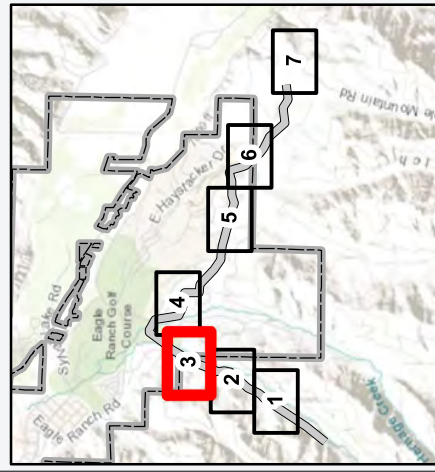
Transect Map 3

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  Streams
-  Transect Line
-  Transect Point
-  Noxious Weed



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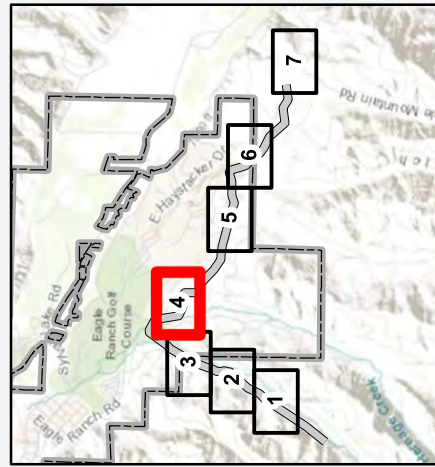
Transect Map 4

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  Streams
-  Transect Line
-  Transect Point
-  Noxious Weed



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SCALE: 1" = 0 miles



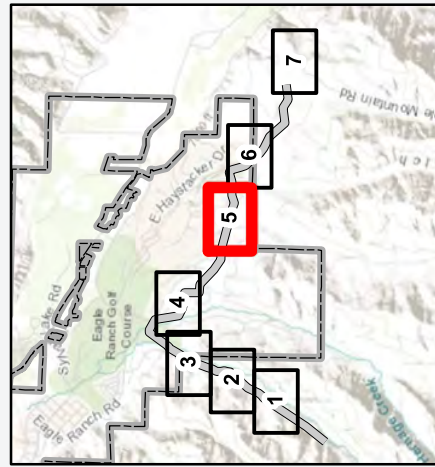
Transect Map 5

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  Streams
-  Transect Line
-  Transect Point
-  Noxious Weed



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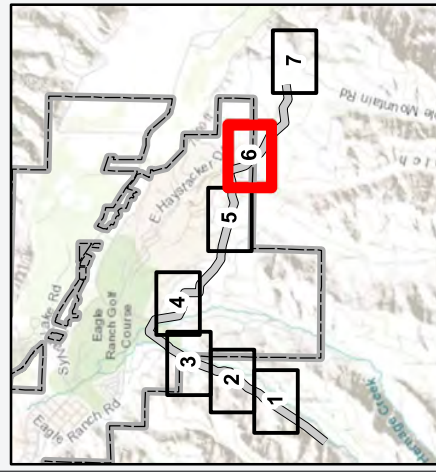
Transect Map 6

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  Streams
-  Transect Line
-  Transect Point
-  Noxious Weed



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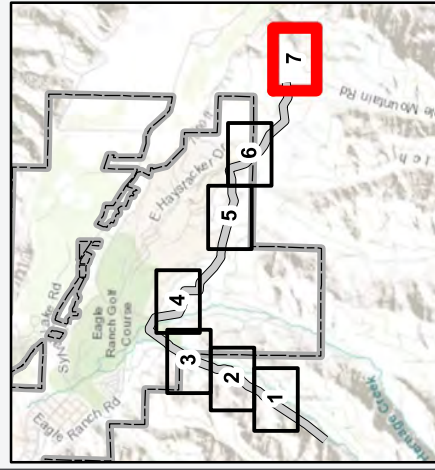
Transect Map 7

BLACK HILLS - EAGLE PIPELINE

2019 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  Streams
-  Transect Line
-  Transect Point
-  Noxious Weed

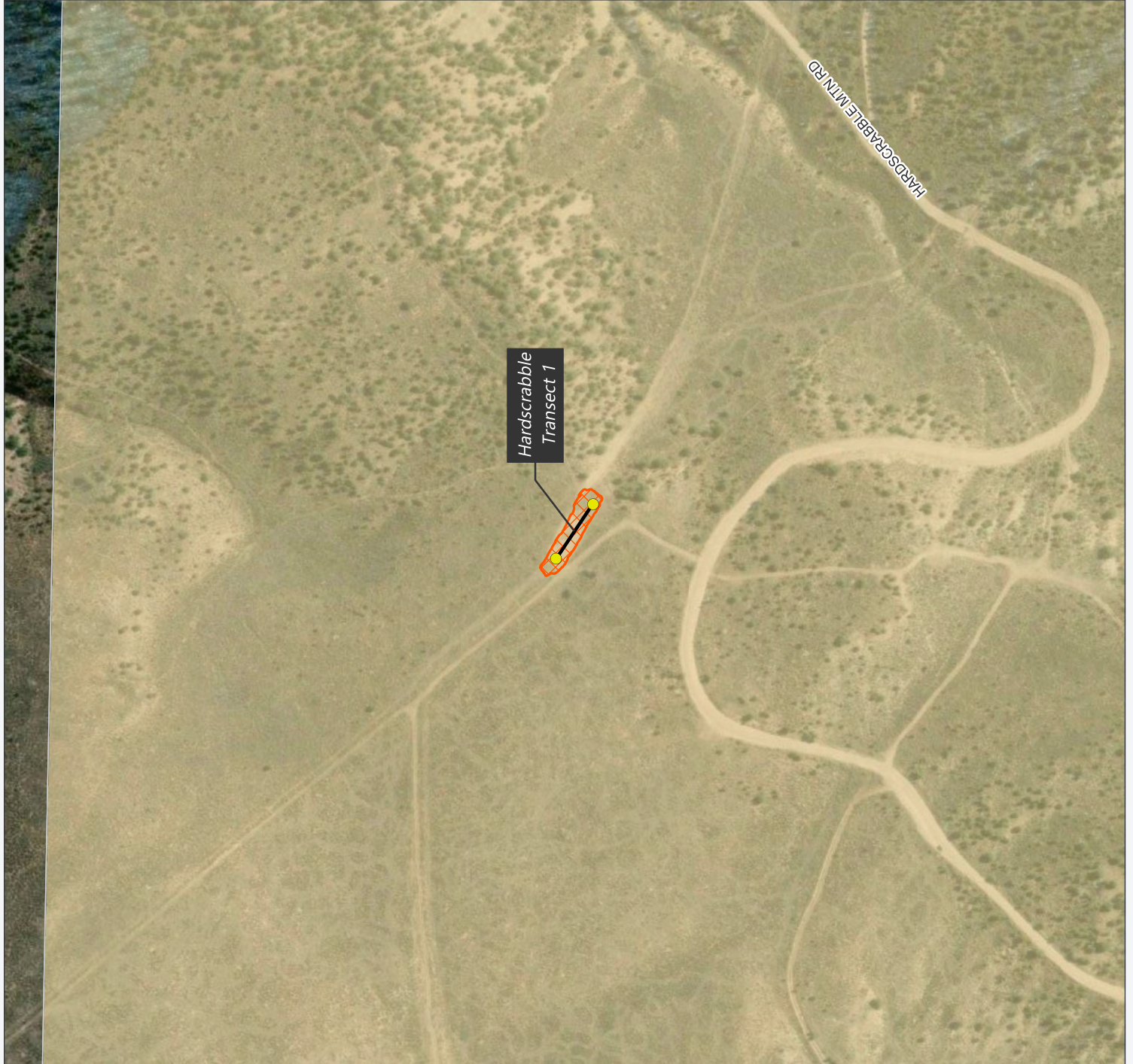


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6.0 SAGEBRUSH SEEDING AREA FOR 2022 MAPS

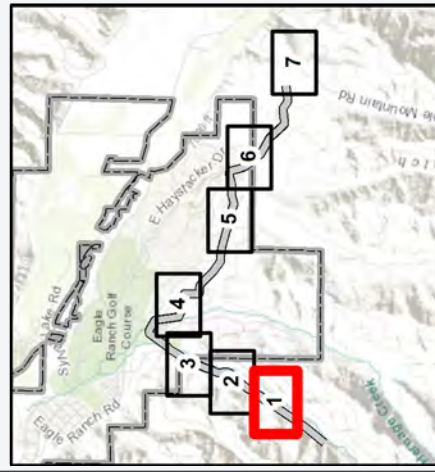
Maps are presented from west to east.

BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

- Disturbance Area
- 2022 Sagebrush Seeding Areas
- Town of Eagle Limits
- Eagle County Parcels
- BLM Land
- Town of Eagle Open Space
- USGS Streams



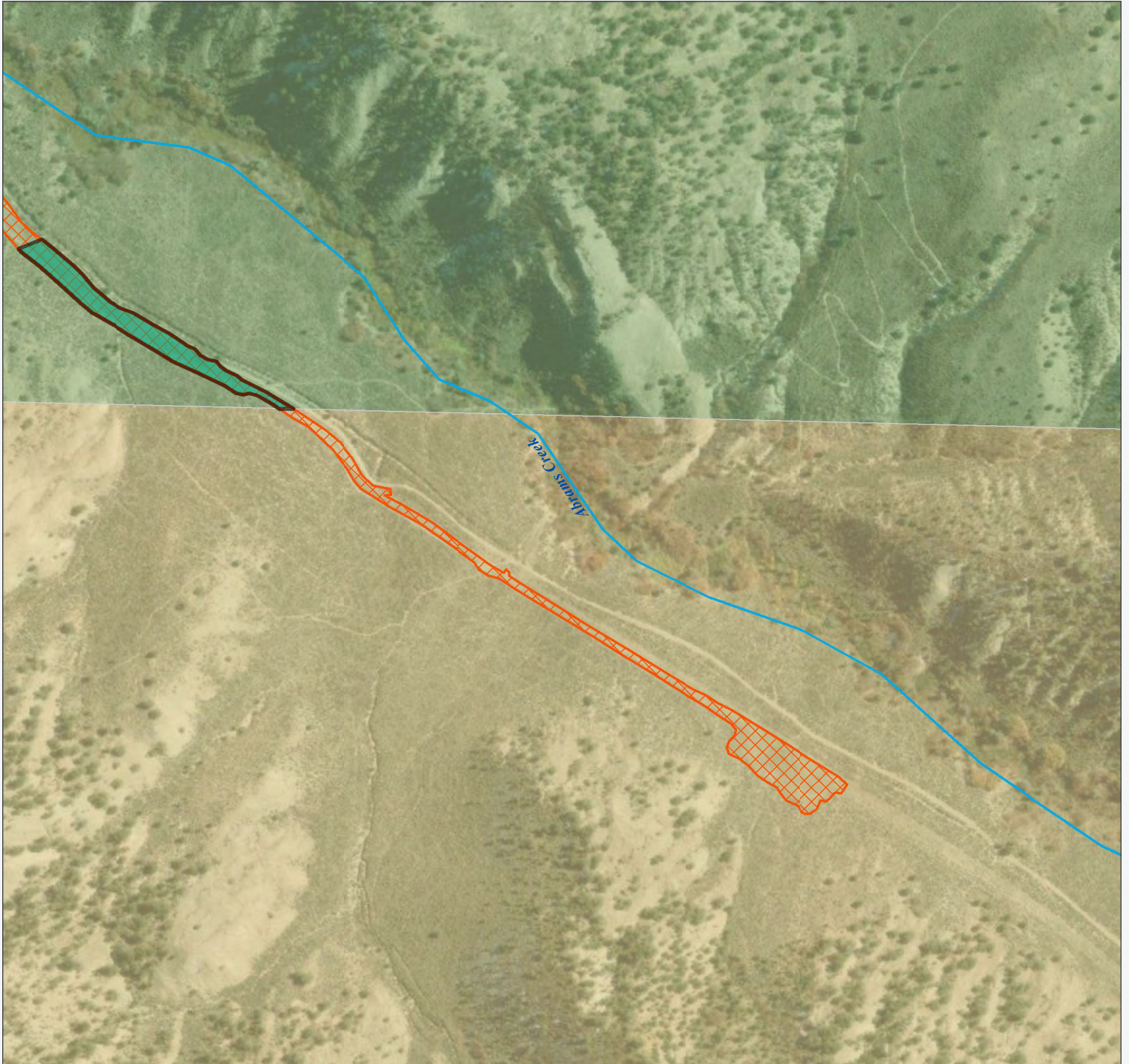
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0 0.03 0.06 0.12 Miles
SCALE: 1 inch = 345 feet

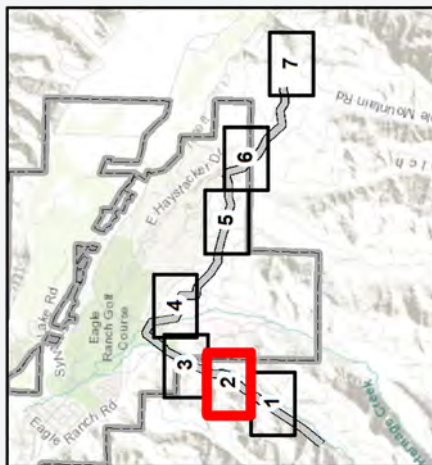


BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

- Disturbance Area
- 2022 Sagebrush Seeding Areas
- Town of Eagle Limits
- Eagle County Parcels
- BLM Land
- Town of Eagle Open Space
- USGS Streams



Disclaimer:

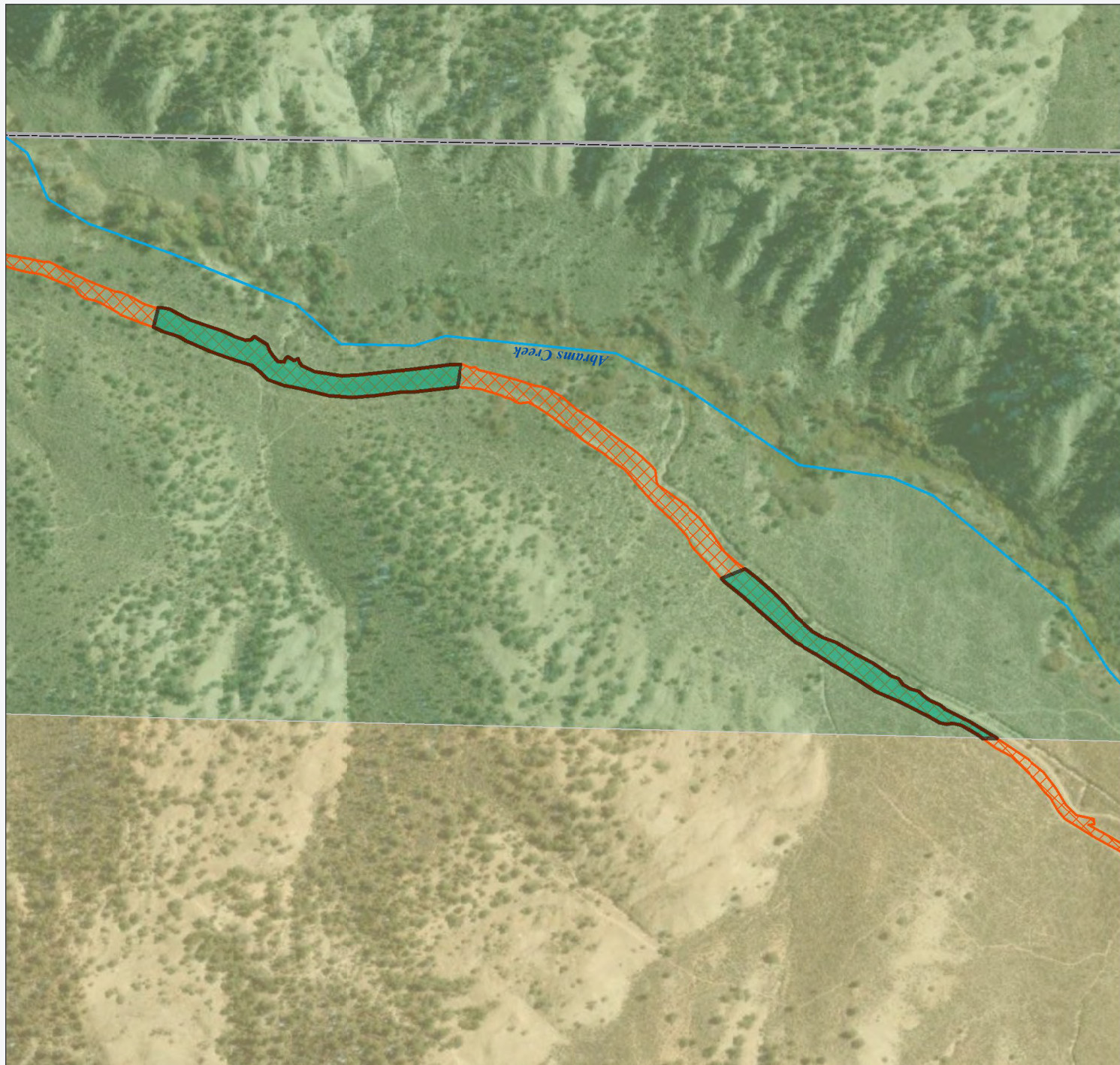
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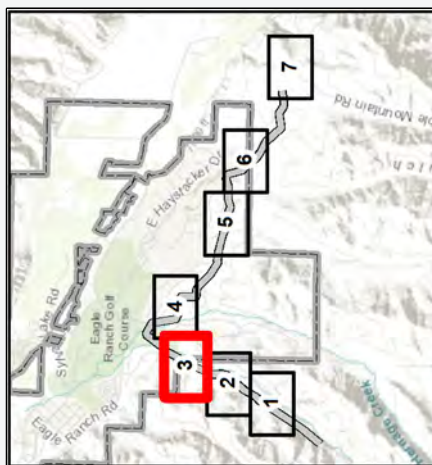


BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

- Disturbance Area
- 2022 Sagebrush Seeding Areas
- Town of Eagle Limits
- Eagle County Parcels
- BLM Land
- Town of Eagle Open Space
- USGS Streams



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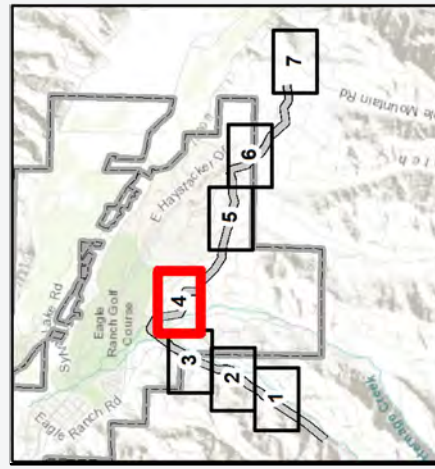


BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

- Disturbance Area
- 2022 Sagebrush Seeding Areas
- Town of Eagle Limits
- Eagle County Parcels
- BLM Land
- Town of Eagle Open Space
- USGS Streams



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0 0.03 0.06 0.12 Miles
SCALE: 1 inch = 345 feet

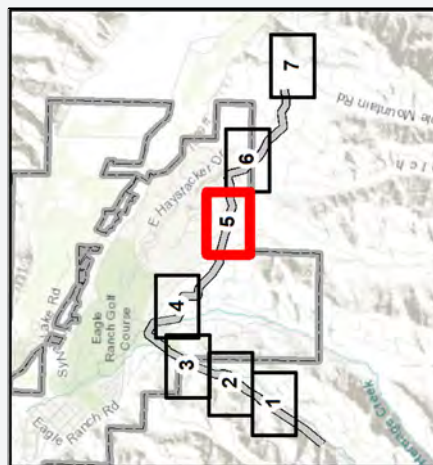


BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  2022 Sagebrush Seeding Areas
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  USGS Streams



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SCALE: 1 inch = 345 feet

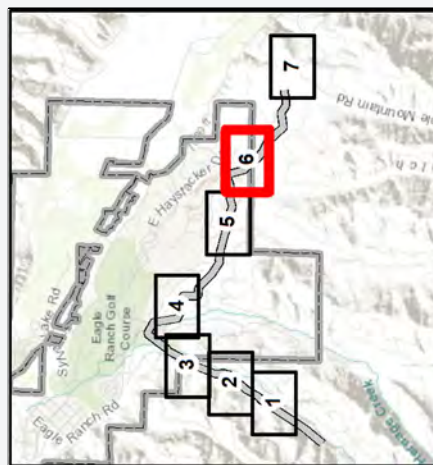


BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  2022 Sagebrush Seeding Areas
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  USGS Streams



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 Location: 4012345, -107.67891
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 Drawn By: RKK



SCALE: 1 inch = 345 feet

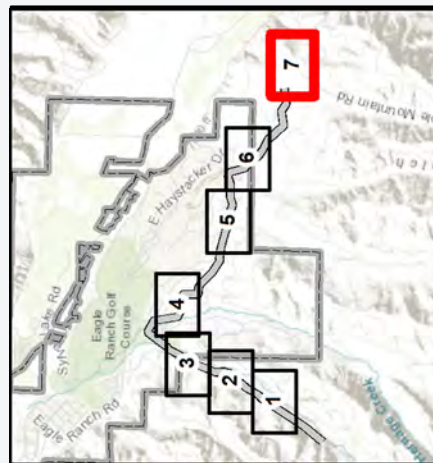


BLACK HILLS - EAGLE PIPELINE

2022 RECLAMATION MONITORING

LEGEND

-  Disturbance Area
-  2022 Sagebrush Seeding Areas
-  Town of Eagle Limits
-  Eagle County Parcels
-  BLM Land
-  Town of Eagle Open Space
-  USGS Streams



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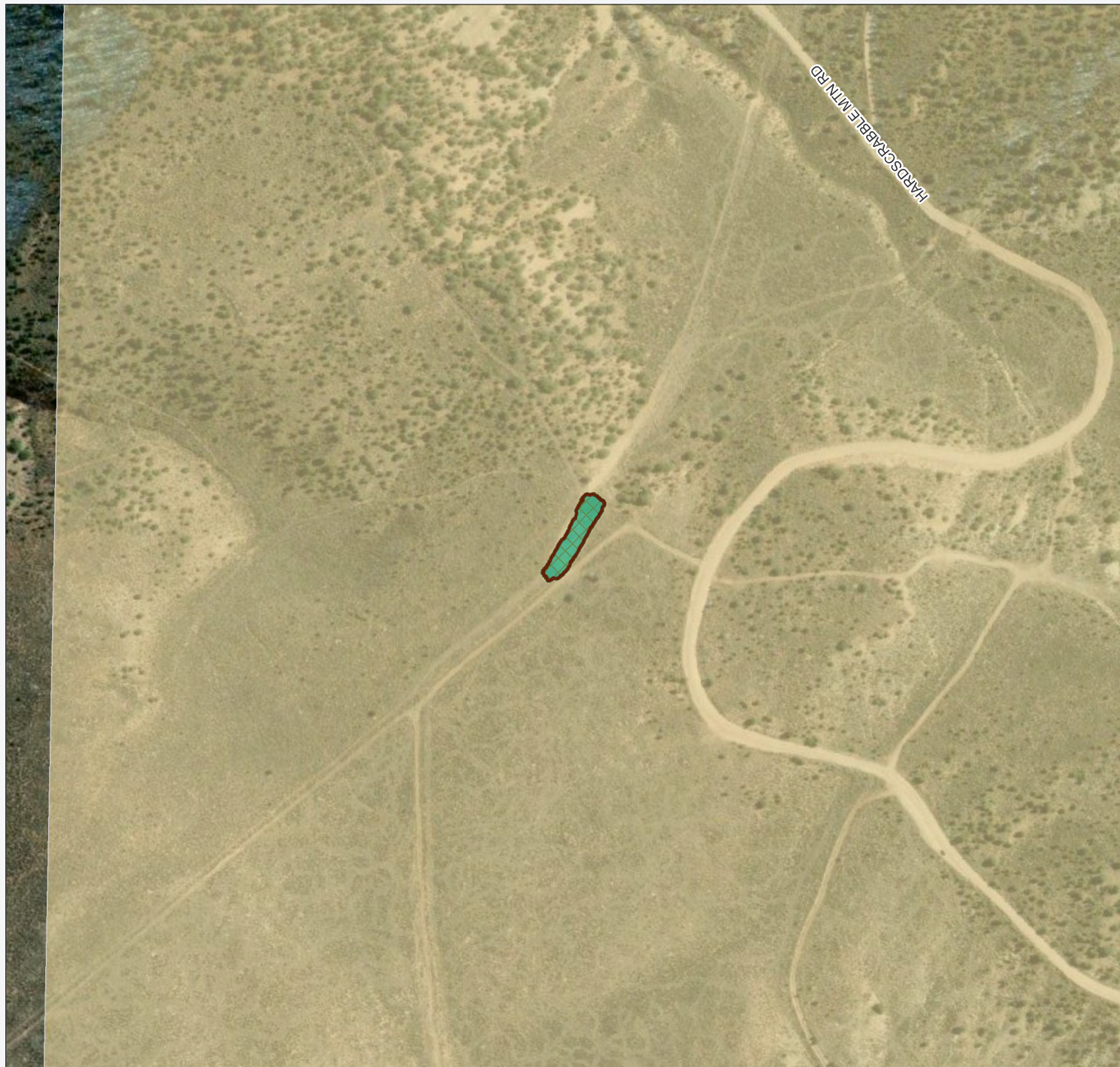
Location: 4012345, -107.67891

Created By: SGM

Drawn By: RKK



SCALE: 1 inch = 345 feet



7.0 MONITORING FORMS

All transect monitoring data is attached, including (a) the Line-Point intercept data with species coverage calculations, and (b) the Belt Transect data with species richness and shrub density calculations.

- Abrams Gulch 3
- Abrams Gulch 4 (BLM Surface)
- 2nd Gulch 2
- 2nd Gulch 3
- Reference Transects (within Abrams Gulch and 2nd Gulch)

Line-Point Intercept Indicator Calculations													
Page	1	of	1	Observer	M. Evans								
Plot	2nd Gulch	Line	RT2	Recorder	M. Evans			Line Length	50	m or ft?	m	Height units	cm
												cm or in?	
	Direction	E to W	Date	06/15/23	Intercept (Point) Spacing Interval			100	Intercept units		cm		
				mm/dd/yyyy								cm or in?	
Pt.	First Hit	Second Hit	Third Hit	Pt.	First Hit	Second Hit	Third Hit			Absolute % Cover	Relative % Cover		
1L	S			26L	S			Woody Shrubs					
1R	S			26R	S			ARTR2	24%	26.1%			
2L	S			27L	S			ERNA10	2%	2.2%			
2R	L			27R	S			RIBES	1%	1.1%			
3L	POSE			28L	S			Forbs					
3R	S			28R	S			TRDU	1%	2.2%			
4L	ARTR2			29L	ARTR2			TRRE3	0%	3.3%			
4R	S			29R	S			PECY2	0%	2.2%			
5L	S			30L	HEBO			FRAGA	1%	1.1%			
5R	S			30R	S			HEBO	2%	3.3%			
6L	ARTR2	PECY2		31L	S			Grasses					
6R	S			31R	ARTR2			POSE	12%	13.0%			
7L	MOSS			32L	POSE			KOMA	4%	5.4%			
7R	ARTR2			32R	S			ELTR7	0%	2.2%			
8L	L			33L	S								
8R	S			33R	L								
9L	ARTR2			34L	S								
9R	S			34R	ARTR2								
10L	S			35L	S								
10R	ARTR2			35R	L			Noxious Weeds					
11L	ARTR2			36L	S			BRTE	0%	2.2%			
11R	TRDU	KOMA		36R	ARTR2								
12L	S			37L	S			Abiotic Surface					
12R	S			37R	S			Litter	8%				
13L	S			38L	POSE			Soil	44%				
13R	ERNA10	ELTR7		38R	ARTR2								
14L	S			39L	ARTR2			Percent Desirable Cover = 47					
14R	POSE			39R	S								
15L	RIBES			40L	S								
15R	S			40R	S								
16L	ARTR2			41L	L								
16R	ARTR2	TRRE3	ELTR7	41R	S								
17L	FRAGA			42L	POSE								
17R	S			42R	ARTR2	PECY2							
18L	POSE			43L	ERNA10								
18R	ARTR2			43R	L								
19L	S			44L	L								
19R	ARTR2			44R	L								
20L	KOMA			45L	KOMA								
20R	POSE			45R	KOMA								
21L	HEBO	TRRE3		46L	ARTR2								
21R	S			46R	S								
22L	POSE			47L	POSE								
22R	KOMA			47R	S								
23L	ARTR2	TRDU		48L	POSE			Notes:	Black HillSEnergy Eagle Pipeline, Reference Transect. Data were recorded at 1m intervals, with two data point per interval, each located 0.5 m left or right of the transect line (e.g. 1L& 1R are the data points left and right of the transect at the first interval). Abiotic surface conditions only recorded if no living vegetation was present at the data point.				
23R	POSE			48R	S								
24L	ARTR2	HEBO		49L	ARTR2	TRRE3							
24R	ARTR2	LEC14		49R	POSE								
25L	S			50L	ARTR2								
25R	S			50R	ARTR2								

Line-Point Intercept Indicator Calculations													
Page	1	of	1	Observer	R. KATTNIG								
Plot	1	Line	1	Recorder	R. KATTNIG			Line Length	50	m or ft?	m	Height units	cm cm or in?
	Direction		Date	07/12/22 mm/dd/yyyy	Intercept (Point) Spacing Interval			100	Intercept units		cm cm or in?		
Pt.	First Hit	Second Hit	Third Hit	Pt.	First Hit	Second Hit	Third Hit			Absolute % Cover	Relative % Cover		
1L	L			26L	L			Woody Shrubs					
1R	AGCR	L		26R	S			ERNA10		2%	1.5%		
2L	AGCR	L		27L	AGCR								
2R	AGCR	L		27R	AGCR	L							
3L	AGCR			28L	L			Forbs					
3R	LECI4	L		28R	S								
4L	L			29L	S								
4R	AGCR			29R	L								
5L	AGCR	L		30L	S								
5R	S			30R	AGCR	L							
6L	BRTE			31L	L			Grasses					
6R	AGCR	L		31R	AGCR	L		AGCR		43%	33.1%		
7L	L			32L	S			PSSP6		1%	0.7%		
7R	AGCR	L		32R	BRTE	AGCR	L	LECI4		6%	4.4%		
8L	L			33L	L			PASM		1%	0.7%		
8R	PSSP6	L		33R	AGCR			NAVI4		2%	2.2%		
9L	LECI4	L		34L	S								
9R	ERNA10	L		34R	S								
10L	AGCR	L		35L	AGCR	L							
10R	AGCR	L		35R	AGCR	L		Noxious Weeds					
11L	AGCR	L		36L	AGCR	L		BRTE		7%	6.6%		
11R	AGCR	L		36R	S								
12L	AGCR	L		37L	L			Abiotic Surface					
12R	AGCR	L		37R	S			Litter		23%			
13L	AGCR	L		38L	AGCR	L		Soil		15%			
13R	AGCR	L		38R	S								
14L	BRTE	L		39L	AGCR	L							
14R	AGCR	L		39R	LECI4	L							
15L	BRTE	L		40L	S								
15R	AGCR	L		40R	L								
16L	AGCR	L		41L	LECI4	L							
16R	AGCR	L		41R	AGCR	BRTE	L						
17L	AGCR	L		42L	PASM	L							
17R	L			42R	L								
18L	LECI4	BRTE	L	43L	L								
18R	ERNA10	AGCR	L	43R	L								
19L	AGCR	L		44L	L								
19R	AGCR	L		44R	AGCR	L							
20L	S			45L	L								
20R	L			45R	L								
21L	BRTE	L		46L	LECI4								
21R	AGCR	L		46R	BRTE								
22L	L			47L	AGCR	L							
22R	AGCR	L		47R	L								
23L	S			48L	AGCR	L							
23R	L			48R	BRTE	NAVI4	L						
24L	AGCR	L		49L	NAVI4								
24R	AGCR	L		49R	S								
25L	AGCR	L		50L	L								
25R	AGCR	L		50R	NAVI4	L							
Notes:								Black Hills Energy Eagle Pipeline, Second Gulch Transect 2 (Town Open Space surface). Data were recorded at 1m intervals, with two data points per interval, each located 0.5 m left or right of the transect line (e.g. 1L & 1R are the data points left and right of the transect at the first interval). Abiotic surface conditions only recorded if no living vegetation was present at the data point.					

Line-Point Intercept Indicator Calculations											
Page	1	of	1	Observer	R. KATTNIG						
Plot	1	Line	1	Recorder	R. KATTNIG			Line Length	50	m or ft?	m
											Height units
											cm
											cm or in?
	Direction		Date	07/12/22	Intercept (Point) Spacing Interval			100		Intercept units	cm
				mm/dd/yyyy							cm or in?
Pt.	First Hit	Second Hit	Third Hit	Pt.	First Hit	Second Hit	Third Hit			Absolute % Cover	Relative % Cover
1L	LECI4	L		26L	BRTE	L		Woody Shrubs			
1R	ERNA10	NAVI4	BRTE	26R	PASM	L		ERNA10	4%	2.5%	
2L	LECI4	L		27L	ERNA10	PASM	L	ARTR2	2%	1.2%	
2R	NAVI4	L		27R	PASM	BRTE	L				
3L	LECI4	L		28L	L			Forbs			
3R	LECI4	PASM	L	28R	PASM	L		MACA2	1%	0.6%	
4L	L			29L	PASM	BRTE	L				
4R	LECI4	L		29R	S						
5L	ARTR2	L		30L	ERNA10	L					
5R	LECI4	L		30R	S						
6L	AGCR	L		31L	BRTE	L		Grasses			
6R	LECI4	L		31R	PASM	L		AGCR	3%	1.9%	
7L	ARTR2	LECI4	L	32L	LECI4	BRTE	L	LECI4	35%	22.8%	
7R	L			32R	LECI4	L		PASM	21%	14.8%	
8L	LECI4	L		33L	PASM	L		PSSP6	7%	4.9%	
8R	LECI4	L		33R	PASM	L		ELTR7	1%	0.6%	
9L	PASM	LECI4	L	34L	PASM	L		NAVI4	3%	2.5%	
9R	NAVI4	PSSP6	L	34R	PSSP6	L					
10L	BRTE	L		35L	LECI4	BRTE	L				
10R	LECI4	L		35R	BRTE	L		NoxiouSWeeds			
11L	AGCR	L		36L	LECI4	L		BRTE	8%	12.3%	
11R	LECI4	L		36R	LECI4	PASM	L				
12L	LECI4	L		37L	L			Abiotic Surface			
12R	BRTE	L		37R	PSSP6	L		Litter	10%		
13L	LECI4	L		38L	LECI4	L		Soil	5%		
13R	LECI4	L		38R	PASM	L					
14L	LECI4	BRTE	L	39L	PASM	L		Percent Desirable Cover = 77%			
14R	LECI4	L		39R	LECI4						
15L	LECI4	L		40L	LECI4	L					
15R	LECI4			40R	PSSP6						
16L	PASM	L		41L	PASM	BRTE	L				
16R	LECI4	L		41R	PASM	L					
17L	L			42L	BRTE	L					
17R	MACA2	L		42R	PSSP6	L					
18L	S			43L	LECI4	BRTE	L				
18R	LECI4	BRTE	L	43R	NAVI4	L					
19L	PASM	L		44L	PASM	BRTE	L				
19R	L			44R	PASM	L					
20L	LECI4	L		45L	LECI4	L					
20R	L			45R	BRTE	L					
21L	LECI4			46L	PASM	L					
21R	PASM	L		46R	L						
22L	PASM	L		47L	LECI4	L					
22R	S			47R	AGCR	L					
23L	ELTR7	L		48L	PSSP6	L		Notes:	Black HillSEnergy Eagle Pipeline, Second Gulch Transect 3 (Town Open Space surface). Data were recorded at 1m intervals, with two data pointSper interval, each located 0.5 m left or right of the transect line (e.g. 1L& 1R are the data pointSleft and right of the transect at the first interval). Abiotic surface conditionSonly recorded if no living vegetation waSpresent at the data point.		
23R	PASM	L		48R	PSSP6	L					
24L	BRTE	L		49L	PSSP6	L					
24R	S			49R	LECI4	BRTE	L				
25L	ERNA10	BRTE	L	50L	LECI4						
25R	L			50R	L						

Line-Point Intercept Indicator Calculations												
Page	1	of	1	Observer	R. KATTNIG							
Plot	1	Line	1	Recorder	R. KATTNIG			Line Length	50	m or ft?	m	Height units
												cm or in?
	Direction		Date	07/12/22	Intercept (Point) Spacing Interval			100		Intercept units	cm	
				mm/dd/yyyy								cm or in?
Pt.	First Hit	Second Hit	Third Hit	Pt.	First Hit	Second Hit	Third Hit			Absolute % Cover	Relative % Cover	
1L	L			26L	NAVI4			Woody Shrubs				
1R	LECI4	L		26R	PASM	L		ERNA10		2%	1.4%	
2L	PSSP6	BRTE	L	27L	S			ARTR2		3%	2.1%	
2R	L			27R	PSSP6	L		ATCA4		1%	0.7%	
3L	NAVI4	L		28L	PASM			Forbs				
3R	LECI4	BRTE	L	28R	PSSP6	L		CRYP		2%	3.4%	
4L	PASM	L		29L	ACHY	PSSP6	L	OXLA3		0%	0.7%	
4R	L			29R	BRTE	L						
5L	ARTR2	L		30L	L							
5R	PASM	L		30R	ERNA10	L						
6L	LECI4	L		31L	L			Grasses				
6R	L			31R	NAVI4	L		LECI4		20%	13.7%	
7L	LECI4	PASM	L	32L	S			PASM		11%	9.6%	
7R	PASM	BRTE	L	32R	L			NAVI4		7%	4.8%	
8L	PASM	L		33L	LECI4	L		ACHY		3%	2.1%	
8R	LECI4	L		33R	BRTE			PSSP6		14%	10.3%	
9L	PASM	L		34L	LECI4	L						
9R	ACHY	L		34R	NAVI4	L						
10L	L			35L	PSSP6	L						
10R	LECI4	L		35R	PSSP6	L		Noxious Weeds				
11L	LECI4	L		36L	PSSP6	BRTE	L	BRTE		5%	7.5%	
11R	S			36R	L							
12L	PSSP6	L		37L	NAVI4	L		Abiotic Surface				
12R	L			37R	L			Litter		22%		
13L	PASM	L		38L	L			Soil		10%		
13R	L			38R	CRYP	L						
14L	S			39L	LECI4	BRTE	L	Percent Desirable Cover = 63%				
14R	LECI4	L		39R	CRYP							
15L	LECI4	PASM	L	40L	LECI4	L						
15R	S			40R	L							
16L	BRTE	L		41L	LECI4	L						
16R	L			41R	PSSP6	L						
17L	PASM	L		42L	PSSP6	L						
17R	NAVI4	L		42R	LECI4	L						
18L	ERNA10	CRYP	L	43L	PSSP6	L						
18R	NAVI4	L		43R	ATCA4	PASM	L					
19L	PSSP6	CRYP		44L	L							
19R	LECI4	L		44R	BRTE	L						
20L	L			45L	L							
20R	S			45R	PASM	CRYP	L					
21L	ARTR2	OXLA3	L	46L	LECI4	BRTE	L					
21R	S			46R	L							
22L	S			47L	S							
22R	BRTE	L		47R	ARTR2	L						
23L	ACHY	L		48L	PASM	L		Notes:	Black Hills Energy Eagle Pipeline, Abrams Transect 3 (Town Open Space surface). Data were recorded at 1m intervals, with two data points per interval, each located 0.5 m left or right of the transect line (e.g. 1L & 1R are the data points left and right of the transect at the first interval). Abiotic surface conditions only recorded if no living vegetation was present at the data point.			
23R	L			48R	LECI4	L						
24L	L			49L	L							
24R	PSSP6	L		49R	LECI4	ELTR7	L					
25L	S			50L	PSSP6	L						
25R	PSSP6	L		50R	LECI4	L						

Line-Point Intercept Indicator Calculations													
Page	1	of	1	Observer	R. KATTNIG								
Plot	1	Line	1	Recorder	R. KATTNIG			Line Length	50	m or ft?	m	Height units	cm
												cm or in?	
	Direction		Date	07/12/22	Intercept (Point) Spacing Interval			100		Intercept units	cm	cm or in?	
				mm/dd/yyyy									
Pt.	First Hit	Second Hit	Third Hit	Pt.	First Hit	Second Hit	Third Hit			Absolute % Cover	Relative % Cover		
1L	PSSP6			26L	L			Woody Shrubs					
1R	S			26R	S			ATCA4	1%	0.7%			
2L	PSSP6			27L	NAVI4	L							
2R	PSSP6	L		27R	ELTR7	L							
3L	PSSP6	TRRE3	L	28L	PSSP6	L		Forbs					
3R	L			28R	ELTR7	L		OXLA3	1%	0.7%			
4L	PSSP6	L		29L	PSSP6	L		CRYP	0%	0.7%			
4R	L			29R	PSSP6	L		TRRE3	0%	0.7%			
5L	PASM	L		30L	OXLA3	PASM	L	PECA4	1%	0.7%			
5R	NAVI4	L		30R	L								
6L	PSSP6			31L	PSSP6	L		Grasses					
6R	PSSP6	L		31R	PSSP6	L		PSSP6	55%	39.2%			
7L	PSSP6			32L	NAVI4	L		PASM	2%	2.0%			
7R	PSSP6	L		32R	NAVI4	L		ELTR7	6%	4.1%			
8L	S			33L	PSSP6			NAVI4	7%	4.7%			
8R	PSSP6	L		33R	PSSP6	L		ACHY	3%	2.0%			
9L	PSSP6	L		34L	PSSP6	L							
9R	L			34R	S								
10L	PSSP6	L		35L	PSSP6	L							
10R	PSSP6	L		35R	L			NoxiousWeeds					
11L	PSSP6	L		36L	ACHY	PSSP6	L	BRTE	0%	0.7%			
11R	L			36R	ACHY								
12L	PSSP6			37L	PSSP6	L		Abiotic Surface					
12R	PSSP6	L		37R	ELTR7	L		Litter	16%				
13L	S			38L	PSSP6	L		Soil	8%				
13R	PSSP6	L		38R	L								
14L	NAVI4	L		39L	L			Percent Desirable Cover = 76%					
14R	PSSP6	L		39R	PSSP6	ARTR	L						
15L	ATCA4	L		40L	PASM	PSSP6	L						
15R	PSSP6	L		40R	S								
16L	L			41L	ACHY	L							
16R	PSSP6	L		41R	PSSP6								
17L	L			42L	PSSP6	L							
17R	PSSP6			42R	PSSP6	L							
18L	PSSP6	L		43L	PSSP6	L							
18R	PSSP6	L		43R	PECA4	L							
19L	NAVI4	PSSP6	L	44L	L								
19R	PSSP6	L		44R	ELTR7	L							
20L	PSSP6	L		45L	ELTR7	BRTE							
20R	L			45R	L								
21L	PSSP6	L		46L	PSSP6								
21R	S			46R	PSSP6	L							
22L	L			47L	PSSP6	L							
22R	ELTR7	L		47R	L								
23L	PSSP6	L		48L	PSSP6	L		Notes:	Black HillSEnergy Eagle Pipeline, Abrams Transect 4 (Town Open Space surface). Data were recorded at 1m intervals, with two data pointSper interval, each located 0.5 m left or right of the transect line (e.g. 1L& 1R are the data pointSleft and right of the transect at the first interval). Abiotic surface conditionSonly recorded if no living vegetation waSpresent at the data point.				
23R	PSSP6	L		48R	PSSP6	L							
24L	PSSP6	L		49L	PSSP6	L							
24R	NAVI4	L		49R	PSSP6	L							
25L	PSSP6	CRYP	L	50L	PSSP6	L							
25R	S			50R	PSSP6	L							

Line-Point Intercept Indicator Calculations													
Page	1	of	1	Observer	R. KATTNIG								
Plot	1	Line	1	Recorder	R. KATTNIG			Line Length	50	m or ft?	m	Height units	cm
												cm or in?	
	Direction		Date	07/12/22	Intercept (Point) Spacing Interval				100	Intercept units		cm	
				mm/dd/yyyy								cm or in?	
Pt.	First Hit	Second Hit	Third Hit	Pt.	First Hit	Second Hit	Third Hit			Absolute % Cover	Relative % Cover		
1L	S			26L	L			Woody Shrubs					
1R	ARTR2	L		26R	L				ARTR2	29%	21.6%		
2L	L			27L	L				LIRU4	1%	0.7%		
2R	L			27R	ARTR2	L							
3L	KOMA	L		28L	L			Forbs					
3R	S			28R	ARTR2	ELEL5	L		OXLA3	1%	0.7%		
4L	ARTR2	PECA4	L	29L	ELEL5	L			TRRE3	1%	0.7%		
4R	PECA4	L		29R	ARTR2	L			PECA4	4%	3.7%		
5L	ARTR2	L		30L	ARTR2	L							
5R	PECA4	L		30R	BRTE	L							
6L	L			31L	L			Grasses					
6R	S			31R	ELEL5	L			POSE	1%	0.7%		
7L	PECA4	L		32L	ARTR2	L			KOMA	6%	6.0%		
7R	S			32R	ACHY	L			ELEL5	7%	8.2%		
8L	ARTR2	L		33L	L				PSSP6	1%	0.7%		
8R	L			33R	S				ACHY	1%	0.7%		
9L	KOMA	L		34L	L								
9R	TRRE3	L		34R	L								
10L	LIRU4	L		35L	L								
10R	ARTR2	L		35R	ARTR2	L		NoxiousWeeds					
11L	L			36L	ARTR2	L			BRTE	1%	0.7%		
11R	KOMA	L		36R	ARTR2	L							
12L	S			37L	L			Abiotic Surface					
12R	L			37R	ARTR2	L			Litter	35%			
13L	L			38L	L				Soil	12%			
13R	L			38R	KOMA	L							
14L	ARTR2	L		39L	L			Percent Desirable Cover = 52%					
14R	OXLA3	L		39R	ARTR2	L							
15L	L			40L	L								
15R	ARTR2	L		40R	ARTR2	KOMA	L						
16L	S			41L	ARTR2	L							
16R	ARTR2	KOMA	L	41R	ARTR2	ELEL5	L						
17L	S			42L	L								
17R	POSE	L		42R	L								
18L	ARTR2	L		43L	L								
18R	PSSP6	L		43R	L								
19L	S			44L	KOMA	L							
19R	ARTR2	ELEL5	L	44R	ARTR2								
20L	ARTR2	L		45L	S								
20R	ELEL5	L		45R	L								
21L	L			46L	ARTR2	L							
21R	S			46R	KOMA	L							
22L	ARTR2	ELEL5	L	47L	L								
22R	PECA4	L		47R	L								
23L	ELEL5	L		48L	ELEL5	L		Notes:	Black HillSEnergy Eagle Pipeline, Reference Transect. Data were recorded at 1m intervals, with two data pointSper interval, each located 0.5 m left or right of the transect line (e.g. 1L& 1R are the data pointSleft and right of the transect at the first interval). Abiotic surface conditionSonly recorded if no living vegetation waSpresent at the data point.				
23R	L			48R	L								
24L	ARTR2	L		49L	S								
24R	ELEL5	L		49R	L								
25L	L			50L	ELEL5	L							
25R	L			50R	ARTR2	L							

Belt Transect - Species Richness and Shrub Density

Observer:	Rachel Kattnig	Recorder:	Rachel Kattnig
Location:	Eagle Pipeline	Operator:	Black Hills Energy
L-P Transect Number:	2nd Gulch 2	Transect Direction (°):	260
		Date:	7/12/2022

SPECIES CODE	AVERAGE SIZE	INDIVIDUAL TALLY	INDIVIDUAL COUNT
Woody Plants/Succulents			
<i>Artemisia tridentata</i>	10cm		13
<i>Ericameria nauseosa</i>	10cm		5
Herbaceous Forbs			
<i>Kali tragus</i>			
<i>Melilotus officinalis</i>			
<i>Achillea millefolium</i>			
<i>Sisymbrium altissimum</i>			
<i>Machaeranthera canescens</i>			
<i>Sphaeralcea coccinea</i>			
Grasses/Grasslike Species			
<i>Agropyron cristatum</i>			
<i>Achnatherum hymenoides</i>			
<i>Pascopyrum smithii</i>			
<i>Pseudoroegneria spicata</i>			
<i>Bromus inermis</i>			
<i>Koeleria macrantha</i>			
<i>Nasella viridula</i>			
Noxious Weeds			
<i>Bromus tectorum</i>			
TOTAL = 16 species/100m ²			TOTAL = 18 shrubs/100m ²
SPECIES RICHNESS = 0.16 species/m ²			DENSITY = 0.18 shrubs/m ²

Belt Transect - Species Richness and Shrub Density

Observer:	Rachel Kattnig	Recorder:	Rachel Kattnig
Location:	Eagle Pipeline	Operator:	Black Hills Energy
L-P Transect Number:	2nd Gulch 3	Transect Direction (°):	340
		Date:	7/12/2022

SPECIES CODE	AVERAGE SIZE	INDIVIDUAL TALLY	INDIVIDUAL COUNT
Woody Plants/Succulents			
<i>Ericameria nauseosa</i>	8cm		15
<i>Artemisia tridentata</i>	10cm		13
<i>Artemisia frigida</i>	8cm		1
Herbaceous Forbs			
<i>Sisymbrium altissimum</i>			
<i>Melilotus officinalis</i>			
<i>Lactuca serriola</i>			
<i>Taraxacum officinale</i>			
<i>Achillea millefolium</i>			
<i>Penstemon strictus</i>			
<i>Machaeranthera canescens</i>			
<i>Tragopogon dubius</i>			
Grasses/Grasslike Species			
<i>Elymus trachycaulus</i>			
<i>Elymus elymoides</i>			
<i>Agropyron cristatum</i>			
<i>Achnatherum hymenoides</i>			
<i>Pseudoroegneria spicata</i>			
<i>Pascopyrum smithii</i>			
Noxious Weeds			
<i>Bromus tectorum</i>			
<i>Carduus nutans</i>	*Treated		
TOTAL = 19 species/100m ²			TOTAL = 29 shrubs/100m ²
SPECIES RICHNESS = 0.19 species/m ²			DENSITY = 0.29 shrubs/m ²

Belt Transect - Species Richness and Shrub Density

Observer:	Rachel Kattnig	Recorder:	Rachel Kattnig
Location:	Eagle Pipeline	Operator:	Black Hills Energy
L-P Transect Number:	Abrams 3	Transect Direction (°):	195
		Date:	8/12/2021

SPECIES CODE	AVERAGE SIZE	INDIVIDUAL TALLY	INDIVIDUAL COUNT
Woody Plants/Succulents			
<i>Atriplex canescens</i>	15cm		7
<i>Artemesia tridentata</i>	10cm		44
<i>Ericameria nauseosa</i>	15cm		46
<i>Artemesia frigida</i>	8cm		1
Herbaceous Forbs			
<i>Melilotus officinalis</i>			
<i>Machaeranthera canescens</i>			
<i>Chorispota tenella</i>			
<i>Ipomopsis aggregata</i>			
<i>Cryptantha</i> spp. 1			
<i>Cryptantha</i> spp. 2			
<i>Oxytropis lambertii</i>			
<i>Tragopogon dubius</i>			
<i>Grindelia squarrosa</i>			
<i>Sisymbrium altissimum</i>			
<i>Taraxacum officinale</i>			
<i>Sphaeralcea coccinea</i>			
<i>Descurainia sophia</i>			
Grasses/Grasslike Species			
<i>Elymus trachycaulus</i>			
<i>Elymus elymoides</i>			
<i>Bromus inermis</i>			
<i>Achnatherum hymenoides</i>			
<i>Pseudoroegneria spicata</i>			
<i>Pascopyrum smithii</i>			
<i>Agropyron cristatum</i>			
Noxious Weeds			
<i>Bromus tectorum</i>			
TOTAL = 25 species/100m ²			TOTAL = 99 shrubs/100m ²
SPECIES RICHNESS = 0.25 species/m ²			DENSITY = 0.98 shrubs/m ²

Belt Transect - Species Richness and Shrub Density

Observer:	Rachel Kattnig	Recorder:	Rachel Kattnig
Location:	Eagle Pipeline	Operator:	Black Hills Energy
L-P Transect Number:	Abrams 4	Transect Direction (°):	205
		Date:	8/12/2021

SPECIES CODE	AVERAGE SIZE	INDIVIDUAL TALLY	INDIVIDUAL COUNT
Woody Plants/Succulents			
<i>Atriplex canescens</i>	20cm		62
<i>Artemisia tridentata</i>	25cm		39
<i>Amelanchier alnifolia</i>	40cm		2
<i>Ericameria nauseosa</i>	15cm		7
<i>Gutierrezia sarothrae</i>	8cm		3
Herbaceous Forbs			
<i>Cryptantha</i> spp. 1			
<i>Cryptantha</i> spp. 2			
<i>Tragopogon dubius</i>			
<i>Melilotus officinalis</i>			
<i>Hedysarum boreale</i>			
<i>Machaeranthera canescens</i>			
<i>Penstemon caespitosus</i>			
<i>Oxytropis lambertii</i>			
<i>Trifolium pratense</i>			
<i>Sphaeralcea coccinea</i>			
<i>Hackelia floribunda</i>			
<i>Taraxacum officinale</i>			
Grasses/Grasslike Species			
<i>Elymus trachycaulus</i>			
<i>Elymus elymoides</i>			
<i>Achnatherum hymenoides</i>			
<i>Pseudoroegneria spicata</i>			
<i>Pascopyrum smithii</i>			
<i>Nassella viridula</i>			
<i>Alopecurus pratensis</i>			
<i>Agropyron cristatum</i>			
Noxious Weeds			
<i>Bromus tectorum</i>			

TOTAL = 26 species/100m²

SPECIES RICHNESS = 0.26 species/m²

TOTAL = 113 shrubs/100m²

DENSITY = 1.13 shrubs/m²

8.0 PHOTO DOCUMENTATION

The beginning of each transect also serves as a photo point where photos are taken annually in the cardinal directions to visually document conditions on the ROW. Photo documentation forms are included for all transects.

- Abrams Gulch 1
- Abrams Gulch 2
- Abrams Gulch 3
- Abrams Gulch 4 (BLM Surface)
- Reference Transect 1 (within Abrams Gulch)
- 2nd Gulch 1
- 2nd Gulch 2
- 2nd Gulch 3
- 2nd Gulch 4 (BLM Surface)
- 2nd Gulch 5 (BLM Surface)
- Reference Transect 2 (within 2nd Gulch)
- Hardscrabble (BLM Surface)

Photo Documentation - Black Hills Energy Eagle Pipeline, 2nd Gulch Monitoring Transect 1, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, 2nd Gulch Monitoring Transect 2, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, 2nd Gulch Monitoring Transect 3, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, 2nd Gulch Monitoring Transect 4, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, 2nd Gulch Monitoring Transect 5, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Abrams Gulch Monitoring Transect 1, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Abrams Gulch Monitoring Transect 2, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Abrams Gulch Monitoring Transect 3, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Abrams Gulch Monitoring Transect 4, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Hardscrabble Monitoring Transect, 2023

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Reference Transect, 2022

	
North	East
	
South	West
	
Surface	

Photo Documentation - Black Hills Energy Eagle Pipeline, Reference Transect, 2023

	
North	East
	
South	West
	
Surface	



U.S. Bank National Association
Standby Letters of Credit: BC-MN-H20G
800 Nicollet Mall
Minneapolis, Minnesota 55402

SWIFT: USBKUS44
TELEX:
Phone: 503-464-3611
612-303-7395
Fax: 612-303-5226

IRREVOCABLE STANDBY LETTER OF CREDIT
DATE OF ISSUANCE: JUNE 2, 2016

BENEFICIARY: The Town of Eagle, Colorado
Box 609
200 Broadway
Eagle, Colorado 81631
Phone: (970) 328-6354
Fax: (970) 328-5203

APPLICANT: Black Hills Corporation
on Behalf of Rocky Mountain Natural Gas, LLC
PO Box 1400
625 9th St.
Rapid City, SD 57709
Attn: Garner Anderson
Phone: (605) 721-2311
Fax: (605) 721-2597

Re: Irrevocable Standby Letter of Credit No.: SLCMMSP08162

Expiration Date: June 2, 2017

At the request of Black Hills Corporation on Behalf of Rocky Mountain Natural Gas, LLC, 625 9th St., Rapid City SD 57709, U.S. Bank National Association ("Issuing Bank") hereby establishes our Irrevocable Standby Letter of Credit ("Letter of Credit") in your favor in the amount of Three Hundred Thousand United States Dollars (\$300,000.00), available to you at sight upon demand at our office located at U.S. Bank National Association, 800 Nicollet Mall: BC-MN-H20G, Minneapolis, Minnesota 55402, Attn: Standby Letters of Credit on or before the expiration set forth above.

Funds under this Letter of Credit are available at sight against your draft drawn on us bearing upon its face the amount of the draw and the clause, "Drawn under U.S. Bank National Association Letter of Credit Number SLCMMSP08162 dated June 2, 2016," and accompanied by the following documents:

The original or a photocopy of this Letter of Credit and any subsequent amendments, if any; and

A written statement purportedly signed by a director, officer, or representative of The Town of Eagle, Colorado certifying that:

1. Invoice(s) and/or billing summary(ies) and supporting documents required for payment under the Permit for Construction within the Public Right-of-Way and Public Lands in Eagle, Colorado has/have been presented to Rocky Mountain Natural Gas LLC and that the invoice(s) and/or billing



U.S. Bank National Association
Standby Letters of Credit: BC-MN-H20G
800 Nicollet Mall
Minneapolis, Minnesota 55402

SWIFT: USBKUS44
TELEX:
Phone: 503-464-3611
612-303-7395
Fax: 612-303-5226

SLCMMSP08162

June 2, 2016

Page 2

summary(ies) was/were not paid, remain(s) unpaid at the time of this drawing, is/are past due, and are in material violation of the Permit For Construction within the Public Right-of-Way and Public Lands permit requirements and other Special Conditions of the Town of Eagle, Colorado.

2. The Town of Eagle, Colorado presenting an affidavit executed by the Town of Eagle Mayor stating that after finding a material violation(s) by Rocky Mountain Natural Gas, LLC in performing the requirements contained in the Permit For Construction within the Public Right-Of-Way and Public Lands and accompanying Special Conditions of the Town of Eagle, Colorado, and after the Town provided at least thirty (30) days written notice to Rocky Mountain Natural Gas of such material violations, and thereafter, Rocky Mountain Natural Gas failed to cure such material violations within said thirty (30) days, and the Town of Eagle, Colorado will incur expenses in curing such violations (e.g. Town conducting revegetation or re-building and restoring road cuts).

and/or

3. A notice of non-renewal has been received from the issuing bank and this letter of credit will expire in less than 60 calendar days.

Partial drawings and multiple drawings under this Letter of Credit are permitted. All charges of this Letter of Credit are for the account of the Applicant.

It is a condition of this Letter of Credit that it shall be considered automatically extended without amendment for an additional period of one (1) year from the present or any future expiration date unless we notify you in writing not less than ninety (90) calendar days before such date that we elect not to extend this Letter of Credit for such additional term, such notice to be sent by registered mail or overnight courier to you at the address herein. Upon receipt by you of such notice, you may draw on us at sight for the balance remaining under this Letter of Credit within the then applicable expiration date.

Pursuant to U.S. Law, we are required to obtain, verify and record information that identifies parties to the transaction and we are prohibited from issuing, transferring, accepting, or effecting payment to any party or entity identified by the U.S. Department of Treasury including any office and bureau thereof or subject to the denial of export privileges by the U.S. Department of Commerce.

This credit is subject to the International Standby Practices (ISP98), International Chamber of Commerce Publication Number 590, or any subsequent revision thereto.

U.S. Bank National Association

Marni M. Faust

Authorized Signature



U.S. Bank National Association
Standby Letters of Credit: BC-MN-H20G
800 Nicollet Mall
Minneapolis, Minnesota 55402

SWIFT: USBKUS44
TELEX:
Phone: 503.464.3611
612-303-7395
Fax : 612-303-5226

APRIL 12, 2017

LETTER OF CREDIT NUMBER: SLCMMSP08162

AMENDMENT NUMBER: 1

APPLICANT: BLACK HILLS CORPORATION ON BEHALF
OF ROCKY MOUNTAIN NATURAL GAS, LLC
PO BOX 1400
RAPID CITY, SD 57709

BENEFICIARY: THE TOWN OF EAGLE, COLORADO
BOX 609
200 BROADWAY
EAGLE, COLORADO 81631
PHONE: (970) 328-6354
FAX: (970) 328-5203

THE ABOVE MENTIONED CREDIT IS AMENDED AS FOLLOWS:

EFFECTIVE JUNE 9, 2017 (OR THE DATE THE BENEFICIARY APPROVES, IF LATER
THAN JUNE 9, 2017) LETTER OF CREDIT AMOUNT DECREASED BY THE AMOUNT OF
USD 141,000.00 TO AN AGGREGATE NOT TO EXCEED USD 159,000.00.

THIS AMENDMENT IS SUBJECT TO BENEFICIARY APPROVAL/DISAPPROVAL AND MUST BE
ACCEPTED OR REFUSED BY MAKING SUCH NOTATION ON THE LINES PROVIDED BELOW AND
RETURNING SAME TO US VIA SCAN OR FACSIMILE. SCAN AND SEND BY EMAIL TO:
JULIE.SEATON@USBANK.COM OR FAX TO US AT 612-303-5226. IMMEDIATE REPLY REQUESTED.
PLEASE CHECK ONE OF THE BOXES BELOW AND FILL IN SIGNATURE BLOCK.

- ☐ APPROVE/ACCEPT SUBJECT AMENDMENT
☐ DISAPPROVE/REFUSE SUBJECT AMENDMENT

Beneficiary Name

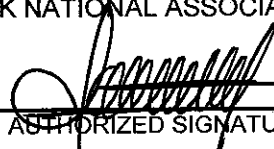
Authorized Signature

Name: _____
Title: _____

THIS AMENDMENT IS TO BE CONSIDERED AS PART OF THE ABOVE CREDIT AND MUST BE
ATTACHED THERETO.

ALL OTHER TERMS AND CONDITIONS REMAIN UNCHANGED.

U.S. BANK NATIONAL ASSOCIATION


AUTHORIZED SIGNATURE



To: Mayor and Town Council

From: Jessica Lake, Planner, Community Development Department

Date: February 27, 2024

Agenda Item: Resolution 15, Series 2024 "A Resolution by the Town Council of the Town of Eagle, Colorado Approving a Permanent Easement Agreement with Sawatch 263 Rd, LLC"

REQUEST:

Staff requests that Town Council approve the Permanent Easement Agreement with Sawatch 263 Rd, LLC.

BACKGROUND:

On December 12, 2023, the Town Council approved a Major Development Permit and associated Development Agreement for 263 Sawatch Rd to construct nine residential and nine commercial units on the property. During review of the Major Development application, staff and the Town Attorney determined that the joint access driveway shared by 263 and 483 Sawatch had been incorrectly platted and required either an updated plat or an easement agreement. Section 2.3.d. of the Development Agreement states that "within 60 days of the Effective Date and prior to filing an application for building permit for the Development, Developer shall either execute an easement agreement ensuring access to the Property, in a form acceptable to the Town, or dedicate such an easement on a plat for the Property, with language acceptable to the Town".

ANALYSIS:

Staff and the Town's Attorney have reviewed the Permanent Easement Agreement and are satisfied that the Agreement fulfills the developer's obligation under Section 2.3.d. of the Development Agreement. The Permanent Easement Agreement creates a non-exclusive easement for Town utilities and property owners. This will allow the Town to install, operate, use, repair and maintain facilities within the easement, as well as granting access. The Town will be responsible for maintaining any improvements it installs and the property owner will be responsible for maintaining their improvements. The Easement Agreement was completed and reviewed by the Town within the required 60-day timeframe established in the Development Agreement. A separate maintenance agreement is also required between the Town and the property owner to establish responsibilities for maintenance of the detention pond.

COMMUNITY INPUT:

No input was required for this agreement.

BUDGET / STAFF IMPACT:

There is no budget impact for this item.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This satisfies a requirement of a Development Agreement and has no specific Strategic Plan alignment.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to APPROVE Resolution 15, Series 2024 "A Resolution by the Town Council of the Town of Eagle, Colorado Approving a Permanent Easement Agreement with Sawatch 263 Rd, LLC".

ATTACHMENTS:

1. Resolution 15, Series 2024
2. Permanent Easement Agreement

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 15
(Series of 2024)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING A PERMANENT EASEMENT AGREEMENT WITH SAWATCH 263 RD, LLC

WHEREAS, Sawatch 263 Rd, LLC owns the real property more particularly described in **Exhibit A** of the Permanent Easement Agreement attached hereto; and

WHEREAS, the Town wishes to install utilities in such real property, under the terms of the Permanent Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. The Permanent Easement Agreement with Sawatch 263 Rd, LLC is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Agreement on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON FEBRUARY 27, 2024.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

PERMANENT EASEMENT AGREEMENT

This PERMANENT EASEMENT AGREEMENT (the "Agreement") is made and entered into this ____ day of February, 2024 (the "Effective Date"), by and between SAWATCH 263 RD, LLC, a Colorado limited liability company and ADAN ORTIZ and IRMA SANCHEZ, (collectively "Grantor"), and the Town of Eagle, a Colorado home rule municipality, with an address of P.O. Box 609, Eagle, Colorado 81631 (the "Town") (each a "Party" and collectively the "Parties").

WHEREAS, Grantor is the owner of the following real property: Lot 3, Chambers Avenue Subdivision is owned by Adan Ortiz and Irma Sanchez, and Lot 2, Chambers Avenue Subdivision is owned by Sawatch 263 Rd LLC;

WHEREAS, The Final Plat, 700 Chambers Avenue Subdivision, a Resubdivision of Lot A, Life Subdivision, Town of Eagle, Eagle County, Colorado was recorded on May 25, 2011, at Reception No. 201109308 of the real property records of Eagle County, Colorado (the "2011 Plat"). Plat Note 12 required the Declarant to dedicate non-exclusive easements as shown on the 2011 Plat to the Lot Owners within the 700 Chambers Avenue Subdivision.

The Declarant in the 2011 Plat did not dedicate easements as required prior to conveying lots to third parties.

Town of Eagle, Colorado, Resolution No. 73 (Series of 2023) recorded December 18, 2023, at Reception No. 202316677, at Section 2.3(d) of the Development Agreement required Sawatch 263 Rd LLC to ensure access to Lot 2, 700 Chambers Avenue Subdivision.

The owners of Lot 2 and Lot 3, Grantor herein, wish to and hereby do, dedicate to all lot owners in the 700 Chambers Avenue Subdivision as shown on the 2011 Plat, and to the Town and the public a non-exclusive easement as described below; and

WHEREAS, the 2011 Plat depicts an Access Easement (the "Easement Property"), and Grantor is willing to convey this permanent easement to the Town and dedicate this easement to all owners of property in the 700 Chambers Avenue Subdivision, and the public, which allows the Town to install, operate, use, repair and maintain facilities upon and beneath the surface of the Easement Property, and allows access.

NOW THEREFORE, for and in consideration of the mutual promises and covenants contained here, Grantor and the Town mutually agree as follows:

1. Grant of Easement. Grantor hereby grants to the Town, its successors and assigns, lessees, licensees and agents, and to the public, a permanent, perpetual, non-exclusive easement (the "Easement") to enter, re-enter, occupy and use the Easement Property to construct, reconstruct, use, operate, maintain, repair, patrol, replace, enlarge and remove facilities in, through, over, across, under and above the Easement Property, and for access.

2. Town's Rights. The Town and its employees, agents, contractors, representatives, successors and assigns and the public shall have and may exercise the right of ingress and egress in, to, through, over, under, above and across the Easement Property for access to perform construction, reconstruction, operation, installation, use, maintenance, repair, replacement, upkeep, monitoring and removal of facilities.

3. Non-Exclusive Use. The Town agrees, following written request to and approval by the Town, that other utilities and facilities may be installed in the Easement Property if such utilities do not interfere with the Town's rights as herein granted or the Town's use of the Easement and Easement Property. All surface and subsurface uses of the Easement Property other than for access must be approved in writing by the Town prior to installation.

4. Maintenance. The Town shall be solely responsible for maintaining facilities it installs, and facilities shall remain the Town's property.

5. No Interference. Grantor shall not construct or place any structure or building, shrub, tree, woody plant or nursery stock, whether temporary or permanent, of any kind or nature on the Easement Property that will interfere with or obstruct the Easement granted herein. Any such prohibited structure or item placed on the Easement Property may be removed by the Town at Grantor's expense and without liability to the Town for damages arising therefrom. Grantor shall retain the right to the use and occupancy of the Easement Property to the extent that it does not interfere with the Town's rights or its use of the Easement.

6. Maintenance of Grantor's Improvements. Grantor shall be solely responsible for the maintenance of all Grantor's improvements located within the Easement Property.

7. Retained Rights. Grantor shall have all rights to the Easement Property not granted hereby.

8. Warranty. Grantor warrants that it has the full right and legal authority to make the grant of Easement contained in this Agreement.

9. Recordation. Except as otherwise expressly provided herein, all provisions of this Agreement, including the benefits, burdens and covenants, are intended to run with the land and shall be binding upon and inure to the benefit of the respective successors and assigns of the Parties. The Town shall record this Agreement in timely fashion in the official records of Eagle County and may re-record it at any time as may be required to preserve its rights in this Agreement.

10. No Merger. It is the express intent of the Parties that the doctrine of merger shall not apply to this Agreement and there will be no merger of estate between the Easement and the Easement Property.

11. Miscellaneous.

a. *Governing Law and Venue.* This Agreement shall be governed by the laws of the State of Colorado, and any legal action concerning the provisions hereof shall be brought in Eagle County, Colorado.

b. *Integration.* This Agreement constitutes the entire agreement between the Parties, superseding all prior oral or written communications.

c. *No Waiver.* Delays in enforcement or the waiver of any one or more defaults or breaches of this Agreement by the Town shall not constitute a waiver of any of the other terms or obligation of this Agreement.

d. *Third Parties.* There are no intended third-party beneficiaries to this Agreement.

e. *Notice.* Any notice under this Agreement shall be in writing, and shall be deemed sufficient when directly presented or sent prepaid, first-class United States Mail to the Party at the address set forth on the first page of this Agreement, or to the then owner of a lot as shown by the records of the Eagle County Assessor.

f. *Severability.* If any provision of this Agreement is found by a court of competent jurisdiction to be unlawful or unenforceable for any reason, the remaining provisions hereof shall remain in full force and effect.

g. *Modification.* This Agreement may only be modified upon written agreement of the Parties.

h. *Governmental Immunity.* The Town and its officers, attorneys and employees are relying on, and do not waive or intend to waive by any provision of this Agreement, the monetary limitations or any other rights, immunities, and protections provided by the Colorado Governmental Immunity Act, C.R.S. § 24-10-101, *et seq.*, as amended, or otherwise available to the Town, its officers, attorneys or employees.

i. *Subject to Annual Appropriation.* Consistent with Article X, § 20 of the Colorado Constitution, any financial obligation of the Town not performed during the current fiscal year is subject to annual appropriation, shall extend only to monies currently appropriated, and shall not constitute a mandatory charge, requirement, debt or liability beyond the current fiscal year.

j. *Force Majeure.* No Party shall be in breach of this Agreement if such Party's failure to perform any of the duties under this Agreement is due to Force Majeure, which shall be defined as the inability to undertake or perform any of the duties under this Agreement due to acts of God, floods, storms, fires, sabotage, terrorist attack, strikes, riots, war, labor disputes, forces of nature, the authority and orders of government or pandemics.

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the Effective Date.

TOWN OF EAGLE

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

GRANTOR:

SAWATCH 263 RD LLC., a Colorado limited liability company

By: David Dantas Manager

and

Adan Ortiz
ADAN ORTIZ

Irma Sanchez
IRMA SANCHEZ

STATE OF COLORADO }

} ss:

COUNTY OF Eagle }

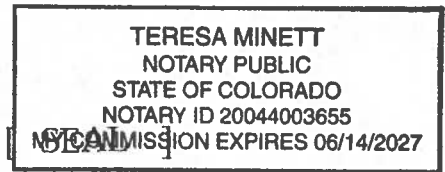
The foregoing instrument was subscribed, sworn to, and acknowledged before me this 9th day of February, 2024, by David Dantas as the Manager of Sawatch 263 Rd LLC.

Witness my hand and official seal.

Teresa Minett

Notary's official signature

Commission expires: June 14, 2027



STATE OF COLORADO }

} ss:

COUNTY OF Eagle }

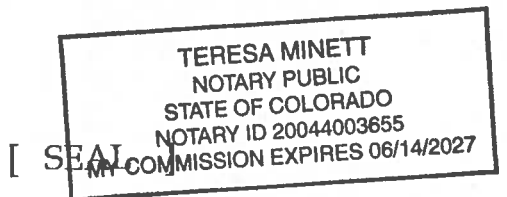
The foregoing instrument was subscribed, sworn to, and acknowledged before me this 9th day of February, 2024, by Adan Ortiz and Irma Sanchez.

Witness my hand and official seal.

Teresa Minett

Notary's official signature

Commission expires: June 14, 2027





To: Mayor and Town Council

From: Jessica Lake, Planner, Community Development Department
Tom Gosiorowski, Public Works Director

Date: February 27, 2024

Agenda Item: Resolution 16, Series 2024 "A Resolution by the Town Council of the Town of Eagle, Colorado Approving the Fifth Amendment to the Annexation and Development Agreement"

REQUEST:

Staff requests that Town Council approve the Fifth Amendment to the Annexation and Development Agreement (the "ADA"), to amend Section 8.3. Construction of Municipal Water Distribution System.

BACKGROUND:

On March 25, 2014, the Town Council approved the ADA and annexed and zoned the Haymeadow PUD. Section 8.3 of the ADA addresses the necessity of construction of a new water storage tank on the Haymeadow property, as well as describing the terms and conditions of the distribution system improvements.

Town Staff, in the course of reviewing operations of the Town's water distribution system, determined that it would likely be advantageous to connect the Haymeadow development to the Hernage tank zone (aka Eagle Ranch Zone 2). Doing so would facilitate future maintenance and repair to the Hernage Creek water storage tank. This connection would also likely remove a restriction on development within the Haymeadow project that prevents building from occurring on much of the property until the Haymeadow water storage tank is constructed. This idea was shared with the Haymeadow developer, and they agreed to share in the cost of an engineering study that would prove out the feasibility and advantages of this change. The study was conducted, and concluded that the concept would work as envisioned, and provide advantages to the Town's overall water system and the Haymeadow development. The Haymeadow developer will still be required to construct a new water storage tank for the development, but the existing geographic restriction on when building can occur prior to tank construction will be eliminated. The Hernage Creek water storage tank contains capacity sufficient to provide 110,000 gallons per day of service to Haymeadow, and this limitation will be in effect until such time that the developer constructs the Haymeadow water tank. The proposed ADA language changes incorporate these changes in the water service planning for Haymeadow and remove the geographic development restriction described above.

ANALYSIS:

Staff and the Town's Water Council have reviewed the proposed ADA Amendment and made changes which have been accepted and incorporated by Abrika. This proposed Amendment will update this Section of the ADA to reflect the findings of the water study conducted and finalized in 2023.

Abrika has singled out the Section 8.3 ADA Amendment from the rest of the proposed amendments, aiming to promptly establish a connection to the Hernage Creek water storage tank (Eagle Ranch Zone 2). The objective is to link the condo buildings that are currently under construction to this existing water tank.

COMMUNITY INPUT:

No input was required for this agreement.

BUDGET / STAFF IMPACT:

There is no budget impact for this item.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This Amendment has no specific Strategic Plan alignment but will improve the Town's infrastructure by providing redundancy to the Town's water system.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to APPROVE Resolution 16, Series 2024 "A Resolution by the Town Council of the Town of Eagle, Colorado Approving the Fifth Amendment to the Annexation and Development Agreement".

ATTACHMENTS:

1. Resolution 16, Series 2024
2. Fifth Amendment to Annexation and Development Agreement

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 16
(Series of 2024)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING THE FIFTH AMENDMENT TO THE ANNEXATION AND DEVELOPMENT
AGREEMENT FOR THE HAYMEADOW PROPERTY

WHEREAS, on March 25, 2014, the Parties entered into an agreement entitled “Agreement Relating to the Annexation and Development of Property known as the Haymeadow Parcel A, Parcel B, and Parcel C Additions to the Town of Eagle, Colorado, also known as the Haymeadow PUD” (the “ADA”), which ADA was recorded on May 30, 2014, at Reception No. 201408816;

WHEREAS, the Town and Developer have agreed to amend the Annexation and Development Agreement as set forth in the Fifth Amendment to Annexation and Development Agreement (the “Fifth Amendment”) attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO, AS FOLLOWS:

Section 1. The Fifth Amendment to the Annexation and Development Agreement is hereby approved in substantially the form attached hereto, subject to final approval by the Town Attorney. Upon such approval, the Mayor is authorized to execute the Fifth Amendment on behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON FEBRUARY 27, 2024.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

FIFTH AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT

This FIFTH AMENDMENT TO ANNEXATION AND DEVELOPMENT AGREEMENT (the "Second Amendment") is entered into as of February __, 2024 (the "Effective Date"), by and between the TOWN OF EAGLE, COLORADO, a Colorado municipal corporation (the "Town"); and ABRIKA PROPERTIES, LLC, a Florida limited liability company ("Abrika") (each a "Party" and collectively the "Parties").

WHEREAS, on March 25, 2014, the Parties entered into an agreement entitled "Agreement Relating to the Annexation and Development of Property Known as the Haymeadow Parcel A, Parcel B, and Parcel C Additions to the Town of Eagle, Colorado, Also Known as the Haymeadow PUD", (as amended, the "ADA"), which ADA was recorded on May 30, 2014, at Reception No. 201408816;

WHEREAS, on February 27, 2018, the Town and Abrika entered into the First Amendment to the ADA, which deleted and replaced Section 8.3 in its entirety;

WHEREAS, Section 8.3 of the ADA provides that it will be necessary to construct a new water storage tank and related distribution system improvements upon certain terms and conditions that are no longer relevant based on the current agreements and understandings of the Town and Abrika described herein;

WHEREAS, the Town and Abrika have jointly concluded that it is in the best interests of both parties for Abrika to modify its water distribution system plans to include a water line connection to Eagle Ranch Zone 2 at the intersection of Ouzel Road and Brush Creek Road (the "Water Line Connection") and a change in the location of the new water storage tank (the "Haymeadow Water Tank") to a location that matches the elevation of the Eagle Ranch Zone 2 water tank in order to provide redundancy to the Town's water system;

WHEREAS, by constructing the Water Line Connection, the Pressure Zone would incorporate all areas of the Property, and so the definition of the Pressure Zone is no longer required;

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Town and Abrika agree as follows:

1. Terms. Capitalized terms in this Amendment will have the same meanings as in the ADA, as previously amended. To the extent that the terms and provisions of this Amendment conflict with, modify or supplement portions of the ADA as previously amended, the terms and provisions contained in this Amendment shall govern and control the rights and obligations of the parties.

2. Section 8.3 of the ADA is hereby deleted and replaced with the following:

8.3 Construction of Municipal Water Distribution System. Developer or the Metropolitan District, at its sole expense, shall design, purchase, and install all elements of a municipal treated water distribution system (including a water storage tank) to fully service the Development as more fully set forth in this Agreement and the Development Plan, including but not limited to water mains, water storage tanks, booster pump, fire hydrants, service line laterals, pipelines, and all appurtenant facilities necessary to provide treated municipal water service to the Property. This municipal water distribution system shall be constructed in accordance with all Town specifications and Uniform Non-Discriminatory Regulations and pursuant to plans that are approved by the Town prior to the commencement of construction thereof and any subsequently executed subdivision improvements or development agreements and shall comply with all other requirements for public improvements as set forth in this Agreement. The Town agrees to assist Developer in obtaining easements for water line locations across other property if necessary subject to Developer or Metropolitan District paying and all costs associated with the acquisition thereof. The design of these improvements shall be reviewed and approved by the Town with the applicable Subdivision Final Plat or other development permit applications. The Town has determined that following completion of the Water Line Connection, the Town can provide adequate water pressure to all areas of the Property without the need to construct the water storage tank and related distribution system improvements. However, the Town cannot support the use of more than 110,000 gallons of peak day demand from the Property prior to the construction of the Haymeadow Water Tank. Therefore, the Parties agree that with any development permit applications within the Property, Developer will submit a cumulative peak day volume calculation for the Property, inclusive of the development planned in the related development permit application, from Mott MacDonald or any other third party engineer acceptable to the Town. So long as the cumulative peak day volume calculation estimates usage of less than 110,000 gallons of peak day demand as described in the Mott MacDonald Haymeadow Technical Memo dated August 2023, the development permit application shall be considered in compliance with this Section 8.3 with no need to construct the Haymeadow Water Tank. If the cumulative peak day volume calculation shows usage of more than 110,000 gallons of peak day demand, then Developer will need to construct the Haymeadow Water Tank and related distribution infrastructure within the Property to match the elevation of the Eagle Ranch Zone 2 water storage tank prior to issuance of the related subdivision approval or development permit. Upon review of any subdivision or development permit application, should Mott MacDonald or any other third party engineer acceptable to the Town determine that there would not be sufficient fire flow storage upon completion of the development planned in such subdivision or development permit application without the completion of the Haymeadow Water Tank, then completion of the Haymeadow Water Tank will be required prior to approval of such subdivision or development permit application. Once the Haymeadow Water Tank is complete, Developer will no longer be required to submit cumulative peak day volume calculations to the Town with each development permit application.



To: Mayor and Town Council

From: Jessica Lake, Planner, Community Development Department

Date: February 27, 2024

Agenda Item: Resolution 17, Series 2024 “A Resolution by the Town Council of the Town of Eagle, Colorado Approving an Underground Right-of-Way Easement Agreement with Holy Cross Energy”

REQUEST:

Staff requests that Town Council approve the Underground Right-of-Way Easement Agreement with Holy Cross.

BACKGROUND:

On July 12, 2022, the Town Council approved a Major Development Permit and associated Development Agreement for Haymeadow RMF-1 and RMF-2 to construct 76 multi-family dwelling units in 7 buildings in RMF-1 and 12 multi-family units in 3 buildings in RMF-2. RMF-1, now called 7 Hermits, is currently under construction and the requested easement will allow Holy Cross to provide power to the buildings.

ANALYSIS:

Staff and the Town’s Attorney have reviewed the Agreement and did not request any modifications. This Agreement is necessary for Holy Cross to provide power to the 7 Hermits development. If the Town were to deny this request, the developer would not be able to stay on schedule, which could affect the roll-out of the deed restricted units.

COMMUNITY INPUT:

No input was required for this agreement.

BUDGET / STAFF IMPACT:

There is no budget impact for this item.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

There is no specific Strategic Plan Alignment identified for this request.

RECOMMENDED ACTION OR PROPOSED MOTION:

Motion to APPROVE Resolution 17, Series 2024 “A Resolution by the Town Council of the Town of Eagle, Colorado Approving an Underground Right-of-Way Easement Agreement with Holy Cross Energy”.

ATTACHMENTS:

1. Resolution 17, Series 2024
2. Holy Cross Energy Underground Right-of-Way Easement Agreement

TOWN OF EAGLE, COLORADO
RESOLUTION NO. 17
(Series of 2024)

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EAGLE, COLORADO
APPROVING AN UNDERGROUND RIGHT-OF-WAY EASEMENT AGREEMENT WITH
HOLY CROSS ENERGY

WHEREAS, the Town of Eagle owns the real property more particularly described in
Exhibit A of the Underground Right-Of-Way Easement Agreement attached hereto; and

WHEREAS, the Town wishes to grant an easement for the installation of utilities in such
real property, under the terms of the Underground Right-Of-Way Easement Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EAGLE,
COLORADO, AS FOLLOWS:

Section 1. The Underground Right-Of-Way Easement Agreement with Holy Cross
Energy is hereby approved in substantially the form attached hereto, subject to final approval by
the Town Attorney. Upon such approval, the Mayor is authorized to execute the Agreement on
behalf of the Town.

INTRODUCED, READ, PASSED AND ADOPTED ON FEBRUARY 27, 2024.

TOWN OF EAGLE, COLORADO

Scott Turnipseed, Mayor

ATTEST:

Jenny Rakow, Town Clerk

**HOLY CROSS ENERGY
UNDERGROUND RIGHT-OF-WAY EASEMENT**

KNOW ALL MEN BY THESE PRESENTS, that the undersigned,

TOWN OF EAGLE, a Colorado municipal corporation

(hereinafter called "Grantor"), for a good and valuable consideration, the receipt whereof is hereby acknowledged, does hereby grant unto Holy Cross Energy, a Colorado corporation whose post office address is P. O. Box 2150, Glenwood Springs, Colorado (hereinafter called "Grantee") and to its successors and assigns, the right of ingress and egress across lands of Grantor, situate in the County of Eagle, State of Colorado, described as follows:

Tract E, Haymeadow Filing 1 situate in Sections 4 and 9, Township 5 South, Range 84 West of the 6th P.M., as more fully described at Reception Number 201912539 in the records of the Eagle County Clerk and Recorder's Office, Eagle, Colorado.

And, to construct, reconstruct, repair, change, enlarge, re-phase, operate, and maintain an underground electric transmission or distribution line, or both, with the underground vaults, conduit, fixtures and equipment used or useable in connection therewith, together with associated equipment required above ground, including without limitation any communications facilities, fiber optic facilities, wireless transmitters, receivers, phone line carrier equipment and other communication equipment of any kind, within the above mentioned lands, upon an easement described as follows:

An easement ten (10) feet in width, the centerline for said easement being an underground power line as constructed, the approximate location of which upon the above described property is shown on Exhibit A attached hereto and made a part hereof by reference.

The rights herein granted specifically allow Grantee to install additional underground and/or pad-mounted facilities within the easement described herein.

It shall be the Grantor's responsibility to ensure that splice vaults, switchgear vaults and transformer vaults installed hereunder on said real property are accessible by Grantee's boom trucks and other necessary equipment and personnel at all times. The use of such access by Grantee shall not require removal or alteration of any improvements, landscaping, or other obstructions. The ground surface grade shall not be altered within ten (10) feet of said splice, switchgear and transformer vaults, nor along the power line route between the vaults. The ground surface grade at said transformer and switchgear vaults shall be six (6) inches below the top of the pad. The ground surface grade at said splice vaults shall be even with the top of the pad. The manhole opening of said splice vaults shall be uncovered (excluding snow) and accessible at all times. Improvements, landscaping or any other objects placed in the vicinity of said transformers and switchgear shall be located so as not to hinder complete opening of the equipment doors. The ground surface within ten (10) feet of said transformer and switchgear doors shall be flat, level and free of improvements, landscaping, and other obstructions. Improvements, landscaping and other objects will be kept a minimum of four (4) feet from non-opening sides and backs of said transformers and switchgear. Grantor hereby agrees to maintain the requirements of this paragraph and further agrees to correct any violations which may occur as soon as notified by Grantee. Said corrections will be made at the sole cost and expense of Grantor.

Together with the right to remove any and all trees, brush, vegetation and obstructions within said easement and the right to pile spoils outside said easement during construction and maintenance, when such is reasonably necessary for the implementation and use of the rights hereinabove granted. In areas where vegetation is disturbed by the above described use of the easement, the ground surface shall be seeded using a standard native mix by Grantee. Grantor agrees that landscaping or other surface improvements added on said easement after the date of execution hereof will be minimized and that Grantee will not be responsible for damage to said additional landscaping or surface improvements caused by exercise of its rights granted by this easement.

Grantor agrees that all facilities installed by Grantee on the above described lands, shall remain the property of Grantee, and shall be removable at the option of Grantee.

Grantor covenants that they are the owner of the above described lands and that the said lands are free and clear of encumbrances and liens of whatsoever character, except those held by the following: All those of Record.

TO HAVE AND TO HOLD, said right-of-way and easement, together with all and singular, the rights and privileges appertaining thereto, unto Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, Grantor has caused these presents to be duly executed on this _____ day of _____, 20_____.

The individual signing this Holy Cross Energy Underground Right-of-Way Easement hereby represents that they have full power and authority to sign, execute, and deliver this instrument.

TOWN OF EAGLE, a Colorado municipal corporation

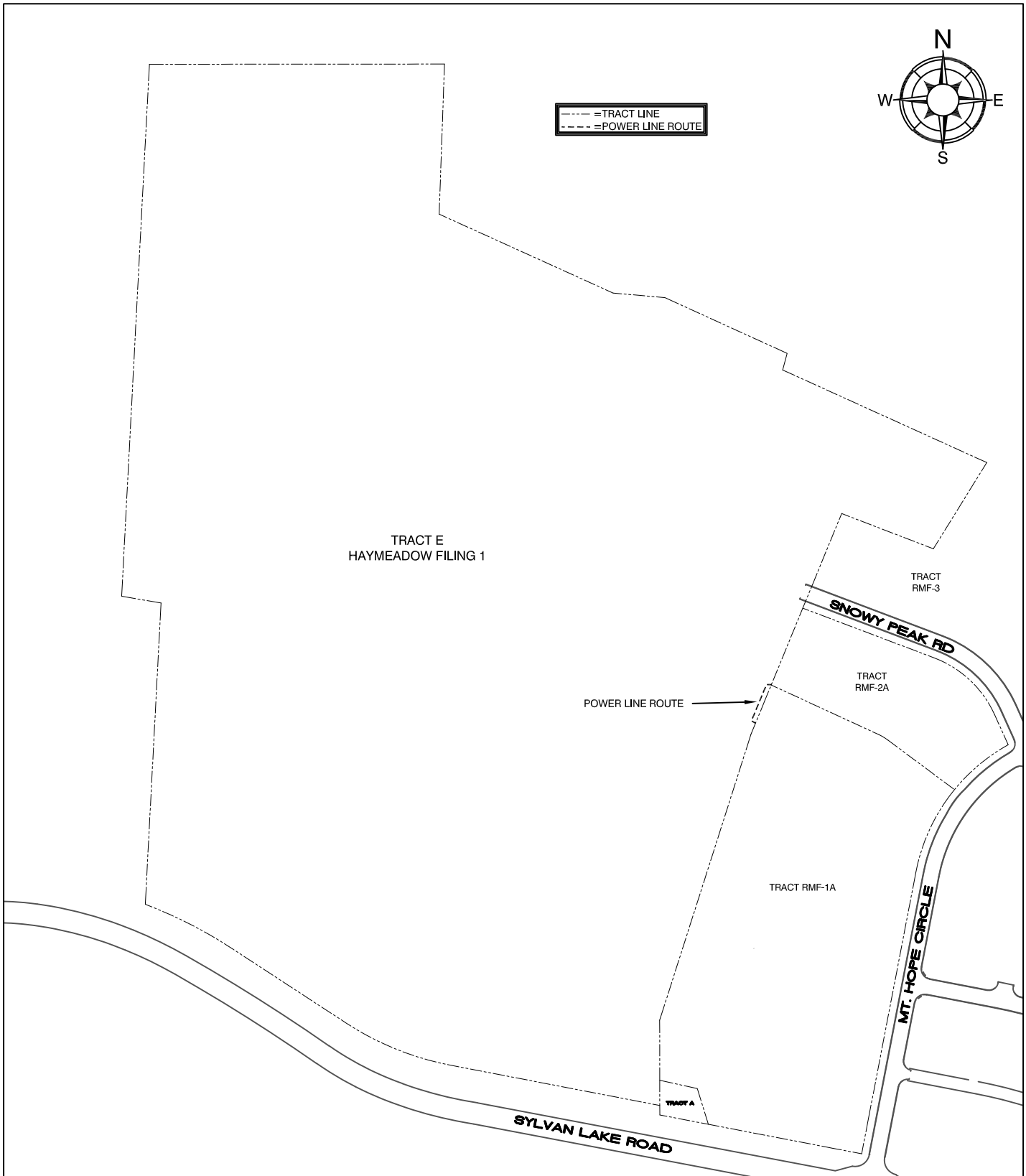
By: _____
Scott Turnipseed - Mayor

STATE OF _____)
) ss.
COUNTY OF _____)

The foregoing instrument was acknowledged before me this _____ day of _____, 20_____, by Scott Turnipseed as Mayor of TOWN OF EAGLE, a Colorado municipal corporation.

WITNESS my hand and official seal.
My commission expires:

Notary Public
Address: _____



Sections 4 & 9 Township 5 South Range 84 West of the 6th P.M.
 Job Name: HAYMEADOW FILING 1 TRACT RMF-1A

Eagle County
 W/O #: 24412

Holy Cross Energy Glenwood Springs, Colorado	NOT TO SCALE FACILITY LOCATIONS APPROXIMATE	Date 1/23/24	EXHIBIT A
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To: Mayor and Town Council
From: Larry Pardee, Town Manager
Date: February 27th, 2024

Agenda Item: Tree City USA – Arbor Day Proclamation

REQUEST:

We request the Council's review and approve of the Tree City USA – Arbor Day Proclamation.

BACKGROUND:

In 1872, J. Sterling Morton proposed the establishment of Arbor Day to the Nebraska Board of Agriculture, envisioning a dedicated day for tree planting. This proposal materialized into a celebrated holiday, with its inaugural observance marked by the planting of over a million trees in Nebraska. Over time, Arbor Day has transcended borders and is now widely recognized nationally and internationally.

The significance of trees extends beyond mere aesthetics; they play a pivotal role in environmental conservation. Trees act as a natural barrier, preventing topsoil erosion by wind and water while contributing to energy efficiency by reducing heating and cooling costs. Their ability to moderate temperatures, purify the air, and generate life-sustaining oxygen underscores their vital role in sustaining ecological balance and providing habitat for wildlife.

Moreover, trees are a renewable resource with multifaceted utility. They offer materials for paper, wood for construction, and fuel for heating. In urban settings, trees contribute to increased property values, elevate the economic vitality of business districts, and enhance the overall aesthetic appeal of communities. Regardless of their location, trees offer a source of joy and spiritual renewal.

In the Town of Eagle, I earnestly encourage all citizens to partake actively in Arbor Day celebrations and champion initiatives to safeguard our trees and woodlands. Additionally, I implore everyone to join in the collective effort of tree planting, fostering a sense of joy and well-being for the present and future generations.

ANALYSIS:

N/A

COMMUNITY INPUT:

No public input has been received to date.

BUDGET / STAFF IMPACT:

Preparing the Tree City USA – Arbor Day Proclamation memos only takes a few minutes.

STRATEGIC PLAN ALIGNMENT / STANDARDS ACHIEVED:

- To Maintain and enhance the quality of life for everyone in our community.
- Invest in Environmental and Energy Sustainability - The Town is focused on the environmental impacts of decision-making. It will ensure that projects and policies focus on improving and sustaining natural resources for future generations.

RECOMMENDED ACTION OR PROPOSED MOTION:

MOTION TO APPROVE: I move to approve the Tree City USA - Arbor Day Proclamation 2024.

ATTACHMENTS:

Tree City USA - Arbor Day Proclamation 2024



TOWN OF EAGLE - OFFICIAL PROCLAMATION ARBOR DAY 2024

Whereas, In 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and

Whereas, this holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and

Whereas, Arbor Day is now observed throughout the nation and the world, and

Whereas, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife, and

Whereas, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products, and

Whereas, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community, and

Whereas, trees, wherever they are planted, are a source of joy and spiritual renewal.

Now, Therefore, I, Scott Turnipseed, Mayor of the Town of Eagle, do hereby proclaim Friday, April 26, 2024, as



In the Town of Eagle, I urge all citizens to celebrate Arbor Day and to support efforts to protect our trees and woodlands, and

Further, I urge all citizens to plant trees to gladden the heart and promote the well-being of this and future generations.



The Honorable Pete Buttigieg, Secretary
U.S. Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

February 27, 2024

RE: Support for Phase I of the Colorado West: Resilient, Efficient, and Safe Corridor Upgrades for Equity Project

Dear Secretary Buttigieg:

As the Town of Eagle, we strongly support the Colorado Department of Transportation (CDOT) as they pursue federal funding for Phase I of the Colorado West: Resilient, Efficient, and Safe (RESCUE) Project. The improvements of this project will advance regional and statewide resiliency, mobility, and connectivity to and through rural communities along Interstate 70 (I-70) and Western Colorado.

I-70 is the only contiguous east/west route in Colorado, serving as the gateway to Colorado's

thriving outdoor recreation industry on the Western Slope; it is also a Critical Freight Corridor that supports significant statewide and national economic growth. Glenwood Canyon, a nationally-renowned scenic mountain feature along the I-70 corridor, experiences extreme weather and natural disaster events like rockslides, frozen roads, flash floods, and even wildfires, that often close the corridor and reroute travelers hundreds of miles and several hours.

Travelers use Cottonwood Pass during Canyon closures because of the shorter travel times it provides compared to the official detours. Cottonwood Pass is an unpaved, primarily residential route not designed to accommodate the traffic volumes from I-70. To improve the safety and mobility of the road for residents, region visitors, and the occasional detour traffic, CDOT, in partnership with Eagle County and other local partners, will implement safety improvements along the county roads that intersect with Cottonwood Pass; these locations were defined by the Counties based on known safety issues.

Improvements of this Project include:

- Cottonwood Pass safety and mobility improvements include curve softening, enhanced sight distance, and increased road width in specific areas to accommodate two vehicles passing.
- Glenwood Canyon modular bridge joints and structural rail preliminary engineering and construction

We appreciate your consideration and respectfully request that USDOT prioritize funding to support this worthy proposal.

Sincerely,

Scott Turnipseed,
Mayor Town of Eagle,
Colorado.



To: Mayor and Town Council
From: Larry Pardee, Town Manager
Date: February 27, 2024
Re: Town Manager Report

Outreach & Meetings: *This report will overview recent participation in community outreach opportunities and regional and project-specific meetings. These events offer valuable opportunities to collaborate with stakeholders, stay informed on the latest developments, and contribute to the local community.*

On February 14, I participated in the Eagle Valley Transit Authority (EVTA) monthly meeting, encompassing various informative presentations—the agenda ([LINK](#)). Noteworthy updates included David Reid's presentation on the EGE Air Alliance MRG Opportunity, Lance Trujillo's insights into EVTA Technology Transition, and Larry Tenholz's quarterly update on ECO Transit.

Among the pivotal business matters discussed, the EVTA staff addressed the imperative of updating the organization's email policy to align with state statutory requirements for a public entity. Furthermore, a proposal was put forth for a services contract with Government Performance Solutions to facilitate the seamless transition of ECO operations from Eagle County Government to EVTA. An imminent financial decision revolves around the maturity of the current EVTA premiere account on February 27, with the staff poised to present recommendations for the optimal investment or deposit of these funds.

Toward the conclusion of the meeting, attention was directed to the Town of Eagles Letter of Support for the RASIE Grant request on the Grand Avenue project. The EVTA Board, in a favorable vote, not only endorsed the grant but provided a signed Letter of Support. Expressing gratitude for this invaluable support, we extend a heartfelt thank you to all stakeholders involved in this collaborative effort—the ([LINK](#)) to the signed letter of support.

I am providing a concise summary of the discussions during the Mayors Roundtable meeting on February 16. The session commenced with an insightful update on the Multi-Jurisdictional Housing Authority by James Dilzell and Marcia Gilles, representatives from the Colorado Basin Roundtable Eagle County Municipal. Eric Heil, Town Manager of Avon, delivered a comprehensive overview of the housing authority's progress.

Following this, the participants engaged in a brief yet informative discussion on pertinent legislative updates. Another noteworthy highlight was the Front Country Ranger Program updates presentation, providing valuable insights into the ongoing initiatives.

Looking ahead, the Mayor's Roundtable outlined the schedule for its meetings throughout 2024, including a Full MMCP Meeting on March 29, a Mayor's Roundtable on June 21 at the Eagle County Room, and subsequent sessions on August 9, October 25 (Full MMCP Meeting at Town of Eagle Council Chambers), and December 13.

To conclude, participants received the Creating Affordable Housing PowerPoint presentation ([LINK](#)), further emphasizing the commitment to addressing crucial issues such as affordable housing within the community. The meetings underscore the Mayor's Roundtable's collaboration to foster positive developments in the region.

On Tuesday, February 20, Eagle Villas update – I drafted and sent Blaise Rastello from the Ulysses Development Group (UDG) a Letter of Support to the State Housing Board at the Department of Local Affairs expressing our strong support for them to allocate \$13.2M from the statewide balance of private activity bonds (PAB). This project aims to safeguard the affordability of Eagle Villas Apartments, which serve as a 120 low-income housing community for families in the Town of Eagle–the [LINK](#) to the Support Letter sent.

On Friday, February 23, a noteworthy event transpired within the council chamber as our community convened for a substantive dialogue on establishing a second ice sheet in the Eagle Valley. Engaging a diverse assembly of invested community members, we explored potential sites for this development, pinpointing the East Eagle property and the Fair/Rodeo Grounds as the two favored locations. These deliberations signify a collective endeavor to craft comprehensive plans that will culminate in realizing a second ice sheet facility in Eagle. Russ Forest, the Town Manager of Vail, is Steering this pivotal meeting. Notably, Vail has pledged to contribute \$1 million towards realizing a second ice sheet, particularly as the Dobson Ice Rink undergoes redevelopment. This financial support underscores Vail's dedication to fostering a vibrant and dynamic community by enhancing our recreational facilities.

Administration and organization update:

We are scheduled to gather on Monday, February 26, where we will convene for a cross-organizational team meeting. The primary focus of this session is to initiate the conclusive stages of crafting our organization's Culture Statement. Your active participation and valuable input are highly encouraged as we collectively shape the ethos that defines us. We look forward to a productive and collaborative discussion while finishing our Culture Statement.

As of 2024, we initiated the year with nineteen vacant positions and have successfully filled seven positions thus far. We seek to appoint individuals for the remaining twelve positions, comprising seven full-time roles and five seasonal opportunities. Proactively, the Town has implemented strategic measures to identify and engage highly qualified candidates for these positions, recognizing their crucial role in enhancing our community's overall quality of life. Our resolute commitment to securing the most suitable candidates underscores our enduring dedication to cultivating a thriving environment. This dedication emanates from our steadfast goal to ensure continuous progress and well-being for our residents.

Every week, KLJ and its dedicated team convene to collaboratively craft grant applications and support letters for the prestigious Rebuilding American Infrastructure with Sustainability and Equity (RAISE) Grant Program. A focal point of our efforts lies in the Grand Avenue Multimodal and Revitalization Project, which envisions the transformation of an antiquated highway corridor into a dynamic Complete Street. This innovative initiative is poised to enhance safety and mobility for diverse users, integrating dedicated spaces for bicycles and pedestrians, fortifying connections to existing transit stops, expanding capacity to alleviate congestion, and modernizing intersections.

The anticipated outcomes of these comprehensive enhancements extend beyond the physical infrastructure, actively fostering economic growth and rejuvenating the Town's financial landscape. The ripple effect will also positively impact the regional economy, benefiting workforce commuters and travelers from I-70 to Eagle County Airport and Gypsum.

We have approached key stakeholders for endorsement in our pursuit of widespread support. Letters of support are solicited from the offices of influential figures such as Matt Kireker - Senator Bennet; Sally Boccella - Senator Hickenlooper; and Julie Sutor - Congressman Neguse. Furthermore, we have extended our request for backing to entities crucial to the project's success, including Gypsum, Eagle County, and the Eagle Valley Transit

Authority. Our outreach has also encompassed the Town of Vail, the Town of Avon, EVTA, NWCCOG, the Town of Gypsum, and Eagle County, each playing a vital role in contributing to the Grand Avenue Multimodal and Revitalization Project's success. Finally, we will submit our complete grant package on Wednesday, February 28.

Economic Development:

We've finalized contract amendments to initiate collaboration with Economic and Planning Systems (EPS), led by Sarah Dunmire and Andrew Knudtsen. Our focus is revising contracts incorporating East Eagle Financing Strategies and the Eagle Commercial Linkage Fee study into our scope of work.

East Eagle Financing Strategies will address growth potential in the East Eagle subarea, covering 140 acres aligned with the 2021 East Eagle Sub Area Plan. The emphasis is on infrastructure, financing, and revenue-sharing challenges, particularly in utilities and transportation improvements. EPS will develop a comprehensive financing strategy, including a financial model for stakeholder discussions, identifying milestones, and assessing associated risks.

Simultaneously, we're exploring the implementation of a Commercial Linkage Fee for affordable housing in the Town of Eagle. This study goes beyond the existing Local Employee Residency Program (LERP) for residential housing, establishing a connection between commercial development and affordable housing. The proposed fee will be calibrated based on market conditions and land-use employee generation rates, aligning with the Town's commitment to address housing needs arising from commercial development.

WORK SESSIONS:

To help the Town Council keep track of upcoming work sessions, below is a table of topics to discuss over the next several months. Preparing in advance is helpful since it takes planning to execute a work session. Staff will keep this table in this report and make changes as needed. The topics are subject to change:

Date	Topic
January 2, Work Session	(Meeting Cancelled)
February 6, Work Session	EVC priorities and goals for 2024
March 5, Work Session	Eagle Quality of Life Initiatives
April 2, Work Session	
May 7, Work Session	
Request for Additional Work Sessions	Topic



To: Mayor Turnipseed and Town Council

From: Kira Koppel, Sustainability Specialist

Date: February 27, 2024

Agenda Item: Sustainability Funding Application – Adam Palmer Sustainability Fund; Greening the Brush Creek Elementary School Greenhouse

REQUEST: Staff recommends that Town Council approve the Sustainability Funding Application for Greening the Brush Creek Elementary School Greenhouse via the Adam Palmer Sustainability Fund, thereby approving a \$25,000 expenditure from the 2024 Sustainability Initiatives budget.

BACKGROUND: The Adam Palmer Sustainability Fund (APSF) is leading a collaborative effort to revamp the Brush Creek Elementary School (BCES) greenhouse. The greenhouse is supported by the school PTA and operated by the Walking Mountains Science Center. It serves as an educational resource for Eagle elementary students. In recent years, the natural gas heating of the space has become prohibitively expensive. The PTA can't afford to heat the greenhouse to adequate temperatures for students or plants. This leaves the site in a semi-dormant state over the winter. This spring, WMSC will use grant dollars to replace the plastic cover of the greenhouse, increasing heat retention. Active Energies will donate a solar installation adjacent to the greenhouse, which will be connected to the school's utility. Palmer Fund is coordinating the effort and seeking support from the Town of Eagle for additional costs such as safety fencing, project management, and bringing internet from the school to the panels. Internet access will increase the educational capacity of the panels and greenhouse and allow school maintenance staff to monitor the panels. This project aligns with the town's Net Zero by 2030 goal by employing electrification and increasing renewable energy sources within the Town of Eagle.

ANALYSIS: This effort exemplifies a sustainability project with co-benefits. Not only will the greenhouse be fuel switching, but the students will also benefit by learning about renewable energy and sustainability, as well as soil health and growing their own food. Though the funding for this project wouldn't go directly to the solar panels (those are being donated), it will be used to fund critical pieces of the project, such as the internet connectivity and the project management that will ensure successful completion of the install. Creating lasting change requires strong partnerships and capacity-building, two things the APSF has a successful track record of creating.

The project will eliminate an average of 6,600 therms of natural gas each year, or 46.2 metric tons of carbon dioxide equivalent at a minimum. Any excess electricity produced by the 9.45 kW array beyond what is used to power the greenhouse will be used to offset electricity use from the school building. Though it is not a huge project, the co-benefits make a strong case to receive community sustainability funding in 2024. The completed project will also be a valuable example of implementing the town's net zero goals, providing promotional value.

COMMUNITY INPUT: The BCES Greenhouse project includes many partners: Brush Creek Elementary School, BCES PTA, Active Energies, and Walking Mountains Science Center. The Palmer Fund has convened these stakeholders to orchestrate the project.

BUDGET / STAFF IMPACT:

The \$25,000 funding request will be deducted from the \$250,000 total funds for sustainability initiatives (75% for town operations - \$187,500 - and 25% for community initiatives - \$62,500, in alignment with the 2028 and 2030 net zero goals). Since this program will ultimately reduce emissions from the community, all \$25,000 will be deducted from the allocation for community initiatives.

Staff impact will be low, as staff time on this project will only be used to analyze updates on the project and to share about it once completed.

STRATEGIC PLAN ALIGNMENT/STANDARDS ACHIEVED:

This policy aligns with the town's goal to elevate our relationship with the environment by supporting and demonstrating sustainability (Goal 4-3 of Elevate Eagle Comprehensive Plan) and with the town's strategic objective to invest in environmental and energy sustainability. It will also support further implementation of Town Council Resolution No. 56, a resolution adopting town-wide sustainability goals.

RECOMMENDED ACTION OR PROPOSED MOTION:

A motion to formally **APPROVE** the \$25,000 sustainability funding request for the Adam Palmer Sustainability Fund to be used to Green the Brush Creek Elementary School Greenhouse and to **APPROVE** an expenditure of \$25,000 from the Sustainability Initiatives budget, all of which will come from the 25% pertaining to community initiatives.

ATTACHMENTS:

- Town of Eagle Sustainability Funding Application – APSF BCES Greenhouse Project
- Town of Eagle Sustainability Funding Policy



Sustainability Funding Support Application

Project Title: Greening the Brush Creek Elementary School Greenhouse

Organization/Individual Name: Adam Palmer Sustainability Fund

Contact Information: Laura Hartman, info@apsfund.org, 317-828-2625

Project Overview:

Please provide a brief overview of your project, detailing its objectives, target outcomes, and how it aligns with the Net Zero 2028 and Net Zero 2030 goals (NZ-2028 or NZ-2030).

The Palmer Fund is designed to raise and disperse funds towards achieving “**Net Zero by 2030**” within the Town of Eagle. To accomplish this, we connect partners to envision projects and programs that align with the 2023 Net Zero Action Plan.

The Palmer Fund is leading a collaborative effort to revamp the Brush Creek Elementary School (BCES) greenhouse. The greenhouse is supported by the school PTA and operated by the Walking Mountains Science Center. It serves as an incredible educational resource for Eagle elementary students. In recent years, the natural gas heating of the space has become prohibitively expensive. The PTA can’t afford to heat the greenhouse to adequate temperatures for students or plants. So, the site is semi-dormant over the winter. This spring, WMSC will use grant dollars to replace the plastic cover of the greenhouse, increasing heat retention. Active Energies will donate a solar installation adjacent to the greenhouse, which will be connected to the school’s utility. Palmer Fund is coordinating the effort and seeking support from the Town of Eagle for additional costs such as safety fencing, project management, and bringing internet from the school to the panels. Internet access will increase the educational capacity of the panels and greenhouse and allow school maintenance staff to monitor the panels. This project aligns with the NZ-2030 goal as electrification - switching the greenhouse heat from natural gas to electricity - and increasing renewable energy sources align directly with the town’s Net Zero plans.

Budget Overview:

- Total Project Cost:
 - \$64,570 Greenhouse Project Direct Costs
 - \$36,000 Palmer Fund General Operating
- Requested Town Funding: \$25,000
- Dollar Match Ratio: 2:1
- Other Funding Sources:
 - Eagle County Public Health - \$28,535
 - Holy Cross - \$5,000
 - Active Energies - \$20,000



- Total - \$53,535

Strategic Alignment:

Please explain how your project aligns with the most significant strategic goals outlined in the Sustainability Funding Support Policy, focusing on its contribution to carbon reduction, energy efficiency, renewable energy, and overall sustainability.

This proposal aligns with the Sustainability Funding Support Policy in five ways:

- This project reduces carbon emissions through solar installation and fuel switching.
- Furthermore, we will increase the weatherization of the greenhouse for efficiency.
- The new solar panels add to renewable energy sources in the Town.
- The completed project will facilitate years of green energy and sustainability education for Eagle students.
- The Sustainability Funding Support Policy mandates a 2:1 or higher funding match ratio. The Palmer Fund has secured over the 2:1 ratio in applicable matching funds.

Community Engagement:

Detail the level of community engagement and support for your project. Include any collaboration with local stakeholders and the anticipated community benefits.

The Palmer Fund is deeply embedded in the Eagle community. Adam was a Town councilman and prominent community figure. His two daughters attended BCES as children, and his family still resides in Eagle Ranch, the neighborhood that feeds into the school. Our organization is known for our community events such as Sustainability Trivia, Climate Action Week events, and our work on the Eagle Net Zero Action Plan and compost advocacy.

The BCES Greenhouse project includes many partners: Brush Creek Elementary School, BCES PTA, Active Energies, and Walking Mountains Science Center. The Palmer Fund has convened these stakeholders to orchestrate the project. Students and families in the Town of Eagle will benefit from this project through access to gardening, renewable energy, and sustainability education. After project completion, students can learn in the greenhouse throughout the year. These increased “classroom” hours will drastically increase community sustainability awareness for years to come. These benefits spread beyond the BCES community, as WMSC offers summer programming in the greenhouse that is accessible to Eagle students from other elementary schools. WMSC can expand the current curriculum from gardening to include solar panel monitoring, physics, renewable energy technology, and more.

Palmer Fund will highlight this collaboration via published editorials and social media. This offers an opportunity to promote the Town’s sustainability goals. Palmer Fund will also provide educational signage at the site, visible from the sidewalk, for community education.

Timeline:



Provide a timeline for project implementation, including key milestones and completion dates.

The greenhouse project has been over a year in the making. Initial site visits began in January 2023, and preliminary site plans were completed in the fall. In January 2024, ECSD facilities approved the project proposal, and ECSD/Palmer Fund/WMSC/AE came together for a formal site visit on 1/18/24. In February, AE will generate a final site plan contract and apply for a permit with the state. The permitting process will take up to three months. The target date for solar installation is early June - after school gets out but before summer camps begin. The greenhouse plastic upgrade and weatherization are slated for May. We intend to complete the entire project by August 2024, including fencing, signage, internet connectivity, and media exposure.

Measurable Outcomes:

Outline specific and measurable outcomes expected from your project, demonstrating its impact on achieving the NZ-2028 and/or NZ-2030 goal(s).

The greenhouse project will reduce greenhouse gas emissions by providing solar electricity (zero emissions energy) for existing electrical needs, removing the natural gas heater, and replacing it with electric (solar-powered) heaters. The table below consists of recent natural gas utility data for the greenhouse, which will be entirely eliminated, saving over 6,600 therms on average of natural gas and \$6,000 per year. Currently, this bill is paid by the BCES PTA.

Read Date	Amount	Usage (therms)	Price/Unit
12/3/2020	\$619.27	713	\$0.84
1/5/2021	\$519.67	594	\$0.84
2/2/2021	\$615.09	708	\$0.84
3/4/2021	\$639.38	737	\$0.84
4/2/2021	\$458.57	521	\$0.84
5/4/2021	\$288.68	318	\$0.83
6/3/2021	\$177.39	185	\$0.83
7/2/2021	\$32.63	12	\$0.77
8/3/2021	\$23.38	0	0
9/2/2021	\$24.24	1	\$0.86
10/4/2021	\$176.25	181	\$0.84
11/3/2021	\$311.68	328	\$0.88
12/3/2021	\$685.22	778.66	\$0.85



1/4/2022	\$788.55	896.08	\$0.85
2/2/2022	\$957.93	1,088.56	\$0.86
3/3/2022	\$1,000.02	1,136.39	\$0.86
4/5/2022	\$766.95	871.53	\$0.85
12/3/2021	\$685.22	562	\$1.18
1/4/2022	\$388.55	310	\$1.18
2/2/2022	\$957.93	798	\$1.17
3/3/2022	\$1,000.02	834	\$1.17
Sum	\$11,116.62	11,573.22	
Avg Monthly	\$529.36	551.1055195	

The following image shows AE's proposed 15,464 kWh/year solar panel array. The panels will power the greenhouse and offset electrical usage from the school building.

The project will achieve the equivalent of 5,200 gallons of gasoline or 46.2 metric tons of CO₂ equivalent.



System Proposal

The following quotation is for the design and installation of a roof mounted, grid-tied, photovoltaic (PV) system to be located on the south facing roof of the Brush Creek Elementary School at 333 Eagle Ranch Road, Eagle, CO 81631.

System Size: 9.45kW Net Metered

Estimated Production: 15,464kWh/year (based on PV Watts / not including shading)

Estimated Offset: unknown % based on customer supplied usage

System Layout: Single Panel: 5.46 ft tall X 3.28 ft wide
Panel Arrangement: [see layout below](#)



Figure 2: Proposed Layout

Equipment: Panels: 30 Q. Cells Q.PEAK DUO BLK-G5 315 solar panels @ 315 watts (or equivalent)
Inverter: 1 SolarEdge SE114000H inverter with 30 P320 Optimizers
Mounting Equipment: Unirac ULA Ground Mount 45-degree
Monitoring: SolarEdge Monitoring

Financials:

Complete System Cost	\$41,545.00
HCE Rebate	\$(1,845.00)
Federal Tax Credit***	\$(11,910.00)
Net Cost	\$27,790.00

\$4.40/watt before rebates/tax credits

ACTIVE
ENERGIES
SOLAR, LLC

P.O. Box 7627, Avon, CO 81620 | P: 970.306.4233 | F: 866.403.3485 | www.activeenergies.com





Monitoring and Reporting:

Describe your plan for monitoring the project's progress and providing regular updates to the Town regarding its implementation and outcomes.

The Palmer Fund will provide monthly updates on the project's progress to Eagle's Sustainability Coordinator via regularly scheduled monthly meetings. The Palmer Fund will also provide financial reporting quarterly.

Attachments:

Include any supporting documents, such as project plans, environmental impact assessments, or letters of support from community stakeholders.

Letters of support from Eagle County School District and Active Energies will be provided upon request.

Conclusion:

This draft policy and application form the foundation for a structured and strategic approach to sustainability funding support, ensuring that investments align with Net Zero goals and contribute significantly to the Town's environmental objectives.



Town of Eagle Sustainability Funding Policy

The Town of Eagle is committed to achieving Net Zero emissions by 2028 and 2030. This policy aims to provide financial support for sustainability initiatives that align with these goals. We recognize the urgency of addressing climate change and are dedicated to investing in projects that have a tangible impact on reducing our carbon footprint. The Town invests in projects that maximize impact, innovation, and community involvement to accelerate progress towards these targets.

1. Alignment with Strategic Goals:

- 1.1. Funding support will be prioritized for projects aligning with the most significant and strategic goals to achieve Net Zero by 2028 and 2030.
- 1.2. Applicants must clearly articulate how their project contributes to the overarching sustainability objectives and milestones set forth by the Town.

2. Funding Matching Ratio Goal:

- 2.1. A 2-to-1-dollar match ratio or higher aims to maximize the impact of every Town dollar invested. Also, this policy recognizes that flexibility will need to be considered if funding ratios do not meet the 2:1 or greater match but achieve our top priorities.
- 2.2. Applicants must demonstrate a clear and achievable plan to secure matching funds from external sources, ensuring a robust financial foundation for the proposed project.

3. Allocation of First-Year of 2024 Funding:

- 3.1. In the initial year of funding, 75% of the allocated funds will be directed towards initiatives supporting the Net Zero 2028 Town goal.
- 3.2. The remaining 25% will be allocated to projects contributing to the Net Zero 2023 community goal.
- 3.3. This allocation strategy balances short-term and long-term sustainability objectives, fostering a comprehensive and inclusive approach to achieving Net Zero targets.

4. Application Process:

- 4.1. All applicants must submit a detailed proposal outlining the project's objectives, budget, timeline, and expected outcomes to be accomplished.
- 4.2. Town staff will review applications first and assess the alignment with strategic goals, the potential for impact, and the ability to secure matching funds approved by the Town Council.



4.3. Approved projects will enter into a funding agreement with the Town, specifying reporting requirements, milestones, and evaluation criteria.

5. Reporting and Accountability:

5.1. Recipients of funding support must provide regular progress reports, including financial statements, to ensure transparency and accountability.

5.2. The Town reserves the right to reassess funding if a project deviates from the agreed-upon goals or fails to meet established milestones.

7. Review and Adaptation:

7.1. This policy will be subject to periodic review to ensure its effectiveness in meeting the Town's sustainability goals.

7.2. Amendments may be made based on changing circumstances, emerging opportunities, or lessons learned from previous funding cycles.

8. Conclusion:

8.1. The Town is committed to supporting innovative and impactful sustainability projects, and this policy provides a framework to ensure strategic investment in initiatives is in place to advance our Net Zero goals.

8.2. This policy will be periodically reviewed to assess its effectiveness and relevance. Adjustments may be made to align with emerging sustainability priorities, technological advancements, or changing community needs.