

## Douglas County Open Space and Parks Divisions Prairie Dog Conservation Policy

### **1.0 POLICIES PERTAINING TO COUNTY-OWNED OPEN SPACE AND PARK LANDS**

Douglas County (“County”) recognizes the importance of the black-tailed prairie dog (*Cynomys ludovicianus*) and believes that the species has a right to exist on County-owned open space and park land (“Open Space”). A primary purpose of Open Space is to protect habitat for native wildlife. Black-tailed prairie dogs (“prairie dogs”) are an important species because of their interconnectedness to other wildlife species. They provide an important food source for numerous predator species. Prairie dog burrows provide cover and nesting sites for several mammals, birds, and reptiles. Prairie dogs also provide recreational and other intangible values for the community.

Prairie dogs in urban and otherwise confined settings have the potential to negatively impact native plant communities by overgrazing these relatively small areas. As a result, these sites may experience severe noxious weed problems. In these situations, prairie dogs may move onto adjacent private properties, damaging lawns, gardens, pastures, and farmland and digging new burrows. This expansion onto private properties requires the County to manage the species as outlined herein.

County staff will monitor habitat conditions and populations to make informed decisions about potential management options, conservation and habitat restoration opportunities, and strategies. These decisions will be based on a professional analysis of the condition of Open Space, uses of Open Space, carrying capacity for prairie dogs, and the safety concerns of County residents and adjacent landowners, including the safety of domestic animals on adjacent land. County staff will place a priority on humane management options.

Emphasis shall be placed on maintaining a sustainable long-term prairie dog population without causing significant negative impacts to their habitat, the habitat of other wildlife species, or other conservation values or uses of Open Space.

Education and outreach regarding prairie dogs is an important aspect of conserving the species and shall be addressed by the County Open Space and Parks Divisions.

The purpose of the County Open Space and Parks Divisions’ Prairie Dog Conservation Policy (“Policy”) is to establish a specific framework for the conservation and humane management of prairie dogs on Open Space. The primary goal of the Policy is to ensure that prairie dogs remain a component of the landscape in suitable areas of the County; minimizing mortality of prairie dogs is an additional benefit.

The Policy recognizes the ecological significance of the black-tailed prairie dog within the short-grass prairie ecosystem while addressing the concerns of private landowners and residents, considering other wildlife species, preserving the conservation values for which Open Space properties were obtained, and maintaining other uses of Open Space.

The responsibility for protecting the County's wildlife resources is a joint one, shared by elected officials, Douglas County staff, private property owners, interest groups, and other governmental agencies (e.g., U.S. Fish and Wildlife Service and Colorado Division of Wildlife).

**It must be recognized, however, that successfully protecting and managing prairie dogs requires collaboration by all parties interested in assuring that the species is a viable part of the County's future heritage. This Policy can address only the County's role on Open Space.**

## **1.1 AVOIDANCE**

It is the County's policy to avoid adverse impacts to prairie dog towns to the extent reasonable in planning for maintenance or use of Open Space, or in projects conducted by the County or others on Open Space (e.g., utility easements).

If impacts to prairie dogs cannot reasonably be avoided, one (or a combination) of the alternatives described in Sections 1.3 through 1.7 shall be implemented. Examples of impacts that cannot reasonably be avoided include the following: 1) where an overriding public need or benefit is incompatible with preservation of a prairie dog colony, 2) where prairie dogs have dispersed from Open Space onto private property where their presence is undesirable, and 3) where the prairie dogs have met or exceeded the carrying capacity of the available habitat. On a case-by-case basis the County will consider long-term solutions in determining which management alternative(s) to implement.

The alternatives are presented in decreasing order of preference by section and shall not proceed without prior public notice (see Section 1.2).

## **1.2 NOTIFICATION PRIOR TO RELOCATION AND/OR LETHAL CONTROL**

It shall be the County's policy to avoid implementation of prairie dog relocation, lethal control, or designation of a release site without prior public notice. Such notice shall include, at a minimum, 10 days' prior public notice on the County's website before any proposed action.

In the case of relocation or lethal control, public information signs shall be posted at least 14 days before any proposed action at the existing prairie dog site where public access is available. In the case of release site designation by the Division of Open Space and Natural Resources, see Section 2.2.

**The purpose of the notification cited above and referenced throughout the Policy is to inform the public of proposed prairie dog management strategies and not to obtain approval for each project.**

### **1.3 NON-LETHAL LAND MANAGEMENT AND PASSIVE RELOCATION**

Several practices discourage prairie dogs from occupying or expanding within a site or onto adjacent private land. These may include irrigation, tilling the soil, planting tall crops that limit visibility, barrier construction, or innovative management techniques (see Section 1.7). It is the County's policy, if reasonable and feasible, to attempt a passive relocation protocol or a nonlethal land management strategy (e.g., barrier construction) designed to encourage prairie dogs to relocate to areas away from or exclude prairie dogs from adjacent lands where prairie dogs are not desired. The passive relocation technique is a multistep approach that is designed to begin with low-level earth-disturbing activities within an established zone to encourage prairie dogs to relocate on their own volition. Passive relocation will be discouraged during the birthing, nursing, and early rearing period generally from March 1 through May 31.

### **1.4 RELOCATION TO COUNTY OPEN SPACE**

If avoidance is not practicable, as determined by the Director of the Division of Open Space and Natural Resources or his/her designee, the County may relocate prairie dogs to an area of Open Space designated for prairie dog relocation. This provision also applies to projects undertaken or funded by the County on other lands (e.g., utility easements and school district recreational facilities used by the County). Relocation of a prairie dog colony by the County for the public benefit shall use humane capture-and-release methods (e.g., live-trapping or water-flushing) and shall not proceed prior to public notice (see Section 1.2).

Relocation rarely results in the survival of all of the prairie dogs involved. However, relocation preserves most of the population and genetic diversity of the colony that could be lost. Therefore, the County prefers relocation when reasonable and feasible to alternatives that result in direct loss of all or part of a colony.

Any prairie dog relocation requires a permit from the Colorado Division of Wildlife (CDOW). The permit must specify the maximum number of prairie dogs that the release site can support based on acres of suitable habitat and existing prairie dog populations. The relocation permit must also address provisions for handling the few remaining prairie dogs on the site once the majority of the relocation work is finished. Following relocation, the County shall conduct monitoring of the release site and implement management measures as specified in the permit from the CDOW.

Relocation will be discouraged during the birthing, nursing, and early rearing period generally from March 1 to May 31.

The Director of the Division of Open Space and Natural Resources or his/her designee will closely scrutinize the proposed relocation of colonies with small numbers of prairie dogs, under guidance from the CDOW to determine if it is prudent to relocate the animals. This provision reflects both the lower survival associated with small relocations and the disproportionate administrative and fiscal burden for the County, as well as the CDOW, in relation to the ecological and societal benefit.

## **1.5 RELOCATION TO ALTERNATIVE SITES**

If relocation to a designated release site on Open Space is not practicable due to insufficient capacity or unsuitability, the County shall make a reasonable effort to identify an alternative release site (e.g., future prairie dog banks or lands owned by other cities, counties, or private parties). Relocation of prairie dogs to an alternative site shall not occur prior to public notice (see Section 1.2). In conformance with state law, prairie dogs shall not be relocated to other counties without approval of the commissioners of that county. Any relocation requires a permit from the CDOW.

## **1.6 LETHAL CONTROL INCLUDING USE IN THE BLACK- FOOTED FERRET PROGRAM OR OTHER WILDLIFE RECOVERY PROGRAM**

**As a last alternative, the County may use lethal management strategies for prairie dogs.**

The County may retain the services of a professional exterminator/agent or use trained County staff to eradicate all or part of a prairie dog colony on Open Space. Aluminum phosphide shall not be used to eradicate prairie dog colonies. The County shall use a commercial exterminator/agent with a valid state permit/license or trained County staff to exterminate prairie dogs and shall not proceed prior to public notice (see Section 1.2). Use of any lethal management tool shall be monitored to ensure compliance with label instructions.

The County may elect to remove the prairie dogs using live-trapping or water flushing in accordance with the Animal Welfare Act for (a) transport to a site designated by the U.S. Fish and Wildlife Service (“FWS”) for use in the black-footed ferret recovery program or (b) use in other suitable wildlife recovery programs. Prairie dogs transported to the FWS for use in the black-footed ferret recovery program are generally euthanized and used as food for captive-reared ferrets. Ferrets about to be released into the wild are fed live prairie dogs. The Service currently accepts prairie dogs only from late April through mid-October. Prairie dogs transported to other suitable wildlife recovery programs (e.g., raptor rehabilitation) are generally euthanized, frozen, and used as food for injured animals. Removal of prairie dogs for donation to the FWS or other suitable wildlife recovery program shall not proceed prior to public notice (see Section 1.2). The County shall require proof of receipt from wildlife recovery programs.

## **1.7 INNOVATIVE MANAGEMENT TECHNIQUES**

The County may evaluate the feasibility and effectiveness of innovative management techniques (e.g., immunocontraceptive vaccines, oral contraceptives, or other contraceptive agents) that become available on the market or through institutions conducting research. Should these techniques become available, the County may elect to use these them as a management option.

## **1.8 EXCEPTION FOR EMERGENCY SITUATIONS**

Notwithstanding the above, public notice shall not be required prior to relocation or lethal control of individuals or small groups of prairie dogs on Open Space as an emergency response. Emergency situations may include, but are not limited to, prairie dogs that appear sick or injured, occur as vagrants, or are in places where their presence indicates an imminent health or safety hazard. The exemption from the general requirement for public notice prior to relocation or lethal control is intended to allow a timely response in these situations.

## **1.9 PROTECTION OF WESTERN BURROWING OWLS**

Prior to relocation or extermination of all or part of a prairie dog colony on Open Space during the western burrowing owl nesting season (March 15 through October 31), the prairie dog town shall be surveyed by a qualified biologist for the presence of burrowing owls. The burrowing owl, which nests in abandoned prairie dog burrows, is listed by CDOW as a threatened species in Colorado and protected under the federal Migratory Bird Treaty Act (MBTA). It is unlawful to kill, injure, chase, or harass burrowing owls, or to destroy their eggs or active nests. Active nests are those that contain eggs or young or are being tended by adults in preparation for breeding. Nest failure resulting from abandonment by one or both adults is also considered destruction of a nest.

CDOW suggests a burrowing owl survey prior to relocation or extermination of prairie dogs. Failure to conduct a survey creates the risk of violating the MBTA if the activity results in burrowing owl mortality, injury, or nest failure. If burrowing owls are found to be nesting within a prairie dog town, the County shall postpone any relocation or control measures until after the nesting season. If postponing prairie dog relocation or control would represent an undue hardship for the County or its citizens, the County will coordinate a plan with CDOW to implement the proposed action during the nesting season. Such a plan would be required to (a) demonstrate the necessity of undertaking the action during the nesting season and (b) describe how the proposed action would be conducted without destroying or causing abandonment of the nest or eggs and without injuring or killing the adults or young.

## **1.10 COSTS**

The Division of Open Space and Natural Resources recognizes that implementation of this Policy will result in an increase in operation and maintenance costs; allocation of funds for implementation of this Policy is subject to annual appropriation pursuant to Section 29-1-110, Colorado Revised Statute, as revised. Management options may be constrained by budget. Provisions for costs should be made whenever possible as part of or concurrently with the donation of cash funds or in-kind services. To maximize the benefits of conservation efforts, specific management strategies, or education and outreach, the County will actively use volunteer organizations or seek opportunities including, but not limited to, in-kind project assistance or cash contributions by private entities.

Donations or in-kind services may be conditioned or otherwise restricted by the donor provided the conditions do not unduly restrict the ability of the Division of Open Space and Natural Resources to use the donation to meet its goals within the framework of this Policy.

## **2.0 POLICIES PERTAINING TO RELEASE SITES**

### **2.1 OVERVIEW**

In conjunction with development of this Policy, the Division of Open Space and Natural Resources will identify potential prairie dog release sites on Open Space within two (2) years following adoption of this Policy. The goal of this process will be twofold:

- Evaluate the potential suitability of various parcels of Open Space in terms of habitat and land use characteristics outlined in Section 3.1.
- Assess the total acreage of currently or potentially suitable Open Space available to accommodate anticipated relocation needs for the County.

### **2.2 DESIGNATION OF RELEASE SITES**

The Division of Open Space and Natural Resources may designate prairie dog receiving sites on Open Space. Designation of receiving sites will be based on the combination of adequate area, capacity, configuration, vegetation type and cover, and current uses to ensure a reasonable likelihood of survival of the relocated animals.

Sites with evidence of prior occupation by prairie dogs (i.e., abandoned burrows) will be given preferential consideration as release sites if all other factors are suitable and, in the event of a prior outbreak of sylvatic plague, at least one (1) year has passed since the infection and the burrows have been treated for fleas. The County may designate as prairie dog release sites only those parcels or portions of Open Space that meet the criteria stated in the previous paragraph; do not pose an unacceptable risk of disease, nuisance, damage to landscaping, pastures, and farmlands of adjacent landowners; or risk of adverse impact to high-quality native grasslands, other sensitive habitat types, or species. No site will be designated a prairie dog release site without prior public notice. In the case of release site designation, public comment will be taken at a public meeting.

For release sites in proximity to privately-owned land, the County will establish buffer zones and construct barriers (e.g., fences or plantings) if deemed necessary by the Director of the Division of Open Space and Natural Resources or his/her designee to minimize the potential for prairie dogs to disperse from the release sites to adjacent or nearby properties where their presence is undesirable or unwanted. Buffers may vary in dimension depending on terrain, vegetation, and proximity of residences, and shall provide a minimum of 500 feet separation between the release site and the closest privately-owned property. As noted in Section 1.8, the County retains the right to control prairie dogs that disperse from Open Space to areas where their presence is undesired. When practicable, control will occur in the buffer zone to minimize the need for control

on adjacent properties. The County will be responsible for all escape control, including buffer zones and active control if necessary.

### **3.0 OPEN SPACE AND PARK LAND MANAGEMENT AND CONSERVATION POLICES RELATING TO PRAIRIE DOGS**

#### **3.1 LONG-TERM MANAGEMENT AND CONSERVATION**

The County has developed recommendations on the long-term management of Open Space through its Parks, Trails, and Open Space Master Plan and has developed several site-specific management plans over time. As part of this management planning, the Division of Open Space and Natural Resources will designate existing and future Open Space properties. The designation will be completed using one of three prairie dog management/conservation categories commonly used along the Front Range. These three categories are generally defined as follows:

- Prairie Dog Habitat Conservation Area (HCA) – ideally allow prairie dogs to function with minimal human intervention without causing or experiencing significant negative impacts to or from adjacent lands.
- Multiple-Objective Areas (MOA) – allow prairie dogs to coexist with other uses but they may not be the highest management priority of a given open space parcel.
- No-Prairie Dog Areas (NPD) – are unsuitable for prairie dogs because of ecological conditions or incompatible land uses.

The County will evaluate its open space properties, or portions thereof, and designate each as HCA, MOA, or NPD within two (2) years following adoption of this Policy by the County. Designations will be based on habitat characteristics (e.g., soils, vegetation, slope, elevation, connectivity, and barriers) and land use characteristics (e.g., intent of purchase, history of use, current use, anticipated use, and adjacent ownership and uses).

#### **3.2 RESPONSE TO OUTBREAKS OF SYLVATIC PLAGUE**

The County shall notify the Tri-County Health Department, which in turn, shall notify the Colorado Department of Public Health and Environment in the event of any prairie dog die-off potentially associated with sylvatic plague. The County shall cooperate with these agencies in obtaining samples for epidemiological evaluation.

If plague is confirmed in a prairie dog colony on Open Space, the County, in cooperation with the Tri-County Health Department and Colorado Department of Public Health and Environment, shall implement a program to treat the affected area for fleas to eliminate or control the outbreak, and shall ensure that the area is posted by the Tri-County Health Department.

### **3.3 EDUCATION AND OUTREACH**

Education and outreach consist of a broad range of communication activities where the Division of Open Space and Natural Resources is a participant along with private property owners, interest groups, or other governmental agencies (e.g., U.S. Fish and Wildlife Service and Colorado Division of Wildlife). Activities include, but are not limited to, school-based conservation education, natural history interpretation, signage, website and other media efforts, as well as most technical, public service, and regulatory information services, including news releases. Education is viewed as a long-term interactive process involving the Division of Open Space and Natural Resources and the community.

The Division of Open Space and Natural Resources shall seek education and outreach approaches to enhance the public's knowledge about prairie dogs, other wildlife, and the public's role in conservation. In response to public inquiries about prairie dogs, information will be made available about the value of prairie dogs in the County with the intent of helping the public gain a broader, balanced picture of the role of prairie dogs in the County.

### **3.4 TECHNICAL ASSISTANCE**

The Division of Open Space and Natural Resources will provide technical assistance to private property owners, individuals or groups of decision makers, communities, units of state and local government, and others. Technical assistance consists of science-based information to help residents conserve, maintain, and improve the County's natural resources and options for mitigating human-prairie dog conflicts. This may include information on natural or physical barriers to deter encroachment.

### **4.0 UPDATING OF THE POLICY**

The Division of Open Space and Natural Resources shall review this Policy at least every five (5) years from the date of adoption to determine if amendments are appropriate. Any Division of Open Space and Natural Resources recommendations will be presented to the Douglas County Board of County Commissioners for review and adoption if deemed appropriate.

### **5.0 AUTHORIZATION**

The Douglas County Prairie Dog Conservation Policy Committee recommended this Policy for adoption by Douglas County Divisions of Open Space and Natural Resources and Parks, Trails, and Building Grounds, and the County Manager. The Policy was adopted October 6, 2009.



## **6.0 IMPLEMENTATION RESPONSIBILITY**

Overall responsibility for the implementation of this Policy resides with the Director of the Division of Open Space and Natural Resources or his/her designee. Douglas County may change or amend this Policy at any time.