City of Lafayette Prairie Dog Management Policy
April 19, 2005

1.0 POLICIES PERTAINING TO CITY-OWNED LANDS, CITY PROJECTS, OR PROJECTS OF OTHER PUBLIC ENTITIES

Wildlife and its habitat are significant factors in the quality of life enjoyed by the citizens of the City of Lafayette. The presence of various species of wildlife provides numerous biological, economic, recreational, psychological, and spiritual benefits to the community. The wildlife species found in Lafayette are more than local amenities; they are an integral part of the ecology that sustains life in the Boulder Valley while helping define the character of the region. The responsibility for protecting Lafayette's wildlife resources is a joint one, shared by elected officials, City of Lafayette staff, private property owners, and others.

The purpose of the City of Lafayette Prairie Dog Management Policy ("Policy") is to establish a specific framework for the humane management of the prairie dog within the City of Lafayette ("City"). The primary goal of this Policy is to ensure that prairie dogs remain a component of the landscape in suitable areas of the City. Minimizing mortality of prairie dogs is a secondary benefit but not the main goal.

It must be recognized, however, that successfully protecting and managing prairie dogs requires collaboration by all those interested in assuring that the species is a viable part of the City's future.

1.1 AVOIDANCE

It is the City's policy to avoid adverse impacts to prairie dog towns to the extent reasonable in planning for maintenance or use of lands owned or managed by the City, or in projects conducted by the City on other lands (e.g., utility easements) or funded by the City.

If impacts to prairie dogs cannot reasonably be avoided in conjunction with a City project, such as in cases where an overriding public need or benefit is incompatible with preservation of a prairie dog colony on a specific parcel of City-owned or City-managed land, one (or a combination) of the alternatives described in Sections 1.3 through 1.6 shall be implemented.

These alternatives—passive relocation, relocation to City Open Space, relocation to alternative sites, removal for use in the black-footed ferret recovery program or other suitable wildlife rehabilitation program, and lethal control—are presented in decreasing order of preference and shall not proceed without prior public notice (see Section 1.2).

1.2 NOTIFICATION PRIOR TO RELOCATION, REMOVAL, OR LETHAL CONTROL

It shall be the City's policy to implement no prairie dog relocation, removal, lethal control or designation of a release site without prior public notice. Such notice shall include, at a minimum, 30 days prior public notice in the local newspaper and on the City's website before any proposed action.

In the case of relocation, removal, or lethal control, public information signs shall be posted at least 30 days before any proposed action at the existing prairie dog site and the release site.

In the case of release site designation by City Council, 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 projects and not to get approval for each project.

1.3 PASSIVE RELOCATION

Several practices discourage prairie dogs from occupying a site. These may include irrigation, tilling the soil, planting tall crops that limit visibility, or other experimental methods. It is the City's policy if feasible to attempt a passive relocation protocol or a non-lethal land management activity designed to encourage prairie dogs to relocate to areas away from adjacent lands where prairie dogs are not desired. The passive relocation technique is a multi-step 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 not be allowed during the birthing, nursing, and early rearing period generally from March 1 through May 31.

1.4 RELOCATION TO CITY OPEN SPACE

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

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 would otherwise be eradicated, and the City therefore prefers relocation 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 City shall conduct monitoring of the release site and implement management measures as necessary and financially feasible to minimize adverse impacts on neighbors and other private or City-owned land.

Relocation from private land or other public land onto City Open Space will not be allowed during the birthing, nursing, and early rearing period generally from March 1 to May 31. Prior to release, the captured prairie dogs will be dusted for fleas as a means of reducing the potential for transmission of sylvatic plague. All CDOW requirements for dusting of burrows shall be met.

The City Administrator or his/her designee will closely scrutinize relocation of colonies with small numbers of prairie dogs with 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 City 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 City Open Space is not practicable due to insufficient capacity or unsuitability, the City shall make a reasonable effort to identify an alternative release site (e.g., future prairie dog banks, lands owned by other cities or counties, or the Rocky Mountain Arsenal National Wildlife Refuge). 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 County Commissioners of that county. Any relocation requires a permit from the CDOW.

1.6 REMOVAL BY LIVE TRAPPING OR WATER FLUSHING FOR USE IN THE BLACK- FOOTED FERRET PROGRAM OR OTHER WILDLIFE RECOVERY PROGRAM

If no suitable release site on City Open Space or other suitable location can be identified, the City may elect to remove the prairie dogs using live-trapping or flushing with water in accordance with the Animal Welfare Act for (a) transport to a site designated by the U.S. Fish and Wildlife Service ("Service") for use in the black-footed ferret recovery program or (b) use in other suitable wildlife recovery programs. Prairie dogs transported to the Service 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 Service or other suitable wildlife recovery program shall not proceed prior to public notice (see Section 1.2). The City shall require proof of receipt from wildlife recovery programs.

1.7 LETHAL CONTROL

If none of the options described above is practicable, and only as a last resort, the City may retain the services of a professional exterminator or use trained City staff to eradicate all or part of a prairie dog colony on City Open Space or other City-owned or City-managed land. Acceptable methods are currently limited to use of carbon monoxide or carbon dioxide gas cartridges (fumigants). No other means of lethal control such as shooting, poison bait, zinc phosphide (an oral toxicant), or aluminum phosphide (a fumigant) shall be used to eradicate prairie dog colonies on City-owned or City-managed lands. The City shall not approve the use of any exterminator with a prior violation of a State permit. Extermination of a prairie dog colony by the City shall use a commercial exterminator or trained City staff and shall not proceed prior to public notice (see Section 1.2).

1.8 EXCEPTION FOR EMERGENCY RESPONSES

Notwithstanding the above, public notice shall not be required prior to relocation, removal, or lethal control of individuals or small groups of prairie dogs on City-owned or City-managed land as an emergency response. Emergency responses may include, but are not limited to, prairie dogs that appear sick or injured or occur as vagrants in places where their presence is unsafe or clearly inappropriate. The City Administrator or his/her designee shall determine emergency responses based on an analysis by City staff. Unsafe or clearly inappropriate locations include, but are not limited to, parks, playgrounds, recreational areas, parking lots, roads, landscaping of public buildings, City utility lands or other facilities, or Open Space lands designated as unsuitable for prairie dogs. The exemption from the general requirement for public notice prior to relocation, removal, or lethal control is intended to allow a timely response in these situations.

1.9 PROTECTION OF BURROWING OWLS

Prior to relocation, removal, or extermination of all or part of a prairie dog colony on City land during the burrowing owl nesting season (April 1 through July 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 the 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. Destruction of nests includes nest failure that results from abandonment by one or both adults. A burrowing owl survey prior to relocation, removal, or extermination of prairie dogs is suggested by the CDOW. Failure to conduct a survey also 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 City 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 City or its citizens, the City will coordinate a plan with the 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 injury or killing the adults or young.

1.10 LIMITATIONS ON COSTS OF PRAIRIE DOG RELOCATIONS FROM CITY LAND, CITY PROJECTS, OR PROJECTS OF OTHER GOVERNMENTAL ENTITIES

It shall be the policy of the City to place a cap of $7,500.00 per relocation effort for City projects or those of other governmental entities, except that City Council may authorize additional funds for specific City projects following public notice for the project (see Section 1.2). The cap amount is based on the typical costs for completing a volunteer relocation (building burrows, liability insurance, materials, excavator rental/labor, and water trailer rental for the relocation of approximately 100 to 150 prairie dogs). In addition, and above the $7,500.00 cap, a burrowing owl study, if required, must be completed for any relocation, removal, or lethal control project (see Section 1.9). To maximize the number of prairie dogs that can be relocated within the per-project ceiling of $7,500.00, the City may use volunteer organizations or seek opportunities for public-private partnerships including, but not limited to, fund-raising projects or cash contributions by private entities.

2.0 POLICIES PERTAINING TO RELEASE SITES

2.1 OVERVIEW

In conjunction with development of these Prairie Dog Management Policies, the City Parks, Open Space, and Golf Department and the Lafayette Open Space Advisory Committee (LOSAC) will identify potential prairie dog release sites on City Open Space within two 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 land available to accommodate anticipated relocation needs for both the City and private landowners.

2.2 DESIGNATION OF RELEASE SITES

City Council may designate prairie dog receiving sites on City Open Space. Designation of receiving sites will be based on the combination of adequate area, capacity,

configuration, and vegetation type and cover 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 dusted for fleas. The City may designate as prairie dog release sites only those parcels or portions of City Open Space that meet the criteria stated in the previous paragraph; do not pose an unacceptable risk of disease, nuisance, damage to landscaping 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 hearing before City Council pursuant to Section 26-16-9 of the City's Municipal Code of Ordinances.

For release sites in proximity to a residential development, the City will establish buffer zones and construct barriers (e.g., fences or plantings) if deemed necessary by the City Administrator 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 residential lot line. As noted in Section 1.8, the City retains the right to control prairie dogs that disperse from City 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.

3.0 OPEN SPACE MANAGEMENT POLICES RELATING TO PRAIRIE DOGS

3.1 LONG-TERM MANAGEMENT

The City has developed recommendations on the long-term management of Open Space through its Open Space and Trails Master Plan and anticipates developing site-specific management plans over time. As part of this management planning, the City Council will designate existing and future open space properties based on a recommendation from LOSAC. The designation will be completed using one of three prairie dog management categories based on those in the *Boulder County Grassland Management Plan; Prairie Dog Habitat Element.* These three categories generally defined are:

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

3.2 RESPONSE TO OUTBREAKS OF SYLVATIC PLAGUE

The City shall notify the Boulder 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, and shall cooperate with these agencies in obtaining samples for epidemiological evaluation.

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

4.0 UPDATING OF THE POLICY

LOSAC shall review this Policy at least every two years from the date of adoption to determine if amendments are appropriate. Any LOSAC recommendations will be presented to City Council for review and adoption if deemed appropriate.

5.0 AUTHORIZATION

The City of Lafayette Open Space Advisory Committee recommended this Policy for adoption to the Lafayette City Council on April 7, 2005. The Lafayette City Council adopted the Policy on April 19, 2005.

6.0 IMPLEMENTATION RESPONSIBILITY

Overall responsibility for the implementation of this Policy resides with the City Administrator or his/her designee.