

## Section 240 Black-Tailed Prairie Dog Management Performed By Contractor

Add Section 240 to the Standard Specifications for this project as follows:

### Description

**240.01** This work consists of protecting, relocating, removing and/or euthanizing black-tailed prairie dogs (*Cynomys ludovicianus*) before construction activities.

### Materials And Management Requirements

**240.02** Prairie dog management shall take place per CRS 35-7-203 as well as any other applicable laws and regulations including: 1) the CDOT policy outlined in the January 15, 2009 memorandum; and 2) [Colorado Parks and Wildlife \(CPW\) guidance \(https://cpw.state.co.us/learn/Pages/SOC-Black-tailedPrairieDogPermits.aspx\)](https://cpw.state.co.us/learn/Pages/SOC-Black-tailedPrairieDogPermits.aspx). Check local/county-level policies and regulations before conducting any prairie dog removal, relocation, or euthanization effort.

At no time will CDOT authorize earth-moving activities that result in the burying of live prairie dogs. No prairie dog removal shall take place between March 15<sup>th</sup> and June 15<sup>th</sup>, while young are still dependent upon their mother. If necessary, humane techniques for removal and/or euthanization of prairie dogs may be utilized, as described below.

A prairie dog management plan shall be submitted to the CDOT Biologist and Project Manager at least 7 days before planned commencement of management activities. Plans should include management schedule, all required permits, landowner approval (if required), destination of removed prairie dogs, results of burrow surveys for non-target species, materials and treatment lists, and details of proposed removal methods. The plan must be approved by a CDOT Biologist before any construction activities are to occur. A summary report of prairie dog management activities shall be submitted 7 days following the conclusion of management. The report will summarize activities conducted, results of methods utilized, number of relocated, transferred, or euthanized prairie dogs, and destination of removed prairie dogs.

If live capture or other relocation methods are not feasible, the Contractor must provide justification. Justification statements shall include Project details that preclude the use of these methods, as well as proposed alternative method. This documentation must be submitted along with proposed management plan.

#### *(a) Active Relocation*

1. According to CPW, it is unlawful to capture, transport, and relocate black-tailed prairie dogs from one site to another without a permit from CPW. The Subcontractor must practice currently accepted standards for capture, transport, holding and release, aiming to maximize relocation success. Relocations must typically occur in

the same county, unless approved by CPW and the receiving county board of commissioners. Proposed release site must meet minimum habitat suitability requirements. The maximum number of prairie dogs to be released may not exceed 16 prairie dogs per acre. Permit applicants must:

- A. Contact CPW and consult with their local District Wildlife Manager.
  - B. Have permission from the landowners of both the capture and proposed relocation/release site.
  - C. Be responsible for determining the existing zoning for the potential release site, and.
  - D. Follow guidance to minimize risk to human health (language in special conditions permit).
2. Live capture is preferred when it has been deemed necessary to remove prairie dogs from the site. Live capture may include trapping and release to a receiving site, trapping and donation of live prairie dogs, or trapping and euthanization before donation to a receiving facility.

If utilizing trapping and release, the Contractor must identify relocation or release site before initiating trapping activities.

3. Following trapping efforts, all remaining active holes should be fumigated by a licensed operator.
- A. Contractor may engage the services of a commercial pesticide applicator. These applicators must be licensed in the 'outdoor vertebrate' category.
  - B. For use of fumigants/pesticides, a licensed applicator must follow all Colorado Department of Agriculture regulations.
4. Release methods:
- A. Live release: Release to an approved property.
  - B. Euthanization and donation (See section C).
5. If a removal method other than what is defined in this specification is utilized, detailed specifications must be included and approved by the Regional Biologist.

*(b) Passive Relocation*

Passive relocation may be utilized when onsite prairie dogs may be pushed to an approved adjacent or nearby property. This method may be used between July 1<sup>st</sup> and March 15<sup>th</sup> (if passive relocation has begun before March 15<sup>th</sup>, it may continue until completion).

1. Ensure all appropriate CPW permits are in place before relocating prairie dogs.
2. Landowner approval of the receiving site is required before moving prairie dogs to another property.
3. General method (If utilizing passive relocation, include a detailed relocation plan in proposed management plan submission to CDOT):
  - A. Install opaque black silt fencing a minimum of 24 inches above ground surface, delineating the perimeter of no more than 30 feet from edge of pavement. Entrench silt fence to a depth of 6 inches (OR install so the bottom 6 inches of silt fence is buried with clean soil berm to prevent prairie dogs from going under

fence), leaving a 2' - 3' gap in the silt fence to allow prairie dogs to leave the construction area.

- B. Utilizing one or both of the following techniques, encourage prairie dogs to relocate outside of construction footprint:
- (1) Disturb the ground within construction footprint using a method such as blading, disking, or manually collapsing the area around burrows with a shovel to disturb the area, without burying animals within burrows. Repeat this process as needed, gradually and incrementally disturbing the site at a greater frequency and depth to encourage prairie dogs to relocate to nearby available habitat.
  - (2) The site shall be monitored 24-48 hours after each iteration of disturbance activities. Fill remaining active burrows with enough soil to close the burrow opening yet allowing any remaining prairie dogs within to dig out. Soil placed in burrows must remain loose and shall not be tamped or compacted. Active burrows (fresh scat, digging, or burrow repairs) will be determined by a visual inspection of all burrows. Repeat this activity for several days, gradually increasing amount of fill to encourage relocation.

These approaches may be used independently or together. These approaches may not be 100 percent effective, in which case other methods such as euthanization may be necessary (see Section c).

- C. Monitoring shall be conducted by a qualified biologist (subject to approval by the Regional Biologist based on review of qualifications, submitted at least 10 days before the work) to evaluate the success of the program.
- D. All materials required for removal will not be paid for separately but shall be included in the cost of the work.
- E. Variations on the above technique must be approved by the Regional Biologist and the Project Engineer before implementation. If the variation is at the request of a contractor, a Method Statement shall be submitted to the CDOT Biologist at least 10 days before construction for approval by CDOT.

*(c) Euthanization*

1. May include trapping, followed by euthanization and donation to one of the following programs:
  - A. National Black Footed Ferret Conservation Center (NBFFCC)
  - B. A raptor facility
  - C. Other off-site facility approved by CPW. Most facilities have specific protocols that must be adhered to before donation. Some facilities will accept live and/or deceased prairie dogs.
  - D. After 2 consecutive days of trapping efforts, lethal control may be used to exterminate the remaining prairie dogs within the construction area.
2. Euthanization methods primarily include lethal gases, fumigants, and rodenticide baits.

- A. No lethal exterminations may take place between March 15<sup>th</sup> and June 15<sup>th</sup>, to allow for young to mature. There are exceptions in cases where dispersing individuals attempting to colonize a No Prairie Dog Zone (this applies only to Open Space properties).
- B. Example methods:
  - (1) Lethal gases
    - i. Carbon monoxide: Administered utilizing a rodent control machine or similar device. Highly effective, no secondary toxicity concerns, effective in direct targeting of burrows.
    - ii. USDA gas cartridges (Primary ingredients sodium nitrate and charcoal): Not as effective/unsafe in extremely dry conditions.
  - (2) Fumigants
    - i. Aluminum phosphide: Cannot be used on residential properties, nursing homes, schools, daycares, hospitals; or within 100 ft. of a building that is or will be occupied. Applicant must prepare a fumigation management plan for each treatment.
    - ii. A black-footed ferret survey following the United States Fish and Wildlife Service (USFWS) guidelines may be required before administration of aluminum phosphide or gas cartridges. Include results of black-footed ferret survey in management summary report. A landowner may be exempt from the survey if any of the following conditions exist:
      - A survey was conducted, and no ferrets were found.
      - there are less than 80 acres occupied by black-tailed prairie dogs within a 4.3 mile radius of the control site.
      - or the control is conducted in an urban area.
  - (3) Rodenticide baits
    - i. Many other species can occupy prairie dog burrows. All poisoning or gassing operations should be preceded by a survey of each burrow by a qualified biologist to ensure non target species will not be affected. Include a summary of burrow survey with management plan.
    - ii. All baits should be applied according to the manufacturer's instructions.
    - iii. Types of poison grain baits:
      - Baits containing zinc phosphide - Use is restricted to July 1<sup>st</sup> through early winter (depending on product).
      - Baits containing anticoagulant poison - Both Rozol™ and Kaput-D™ Prairie Dog Baits are federally restricted use pesticides. They can be used only for control of black-tailed prairie dogs on rangeland and adjacent non-crop areas.
      - There are enforceable endangered species bulletins for anticoagulant prairie dog baits for several Colorado counties. Check the EPA website to obtain any county bulletins no less than 6 months before

applications are to occur. Product may only be applied between October 1<sup>st</sup> and March 15<sup>th</sup> of the following year.

- If proposing use of a poison grain bait product not listed, include product details in management plan.
- C. A permit is not required for on-site euthanization and subsequent donation to wildlife rehabilitation facility; however, a summary report must be submitted to CPW and the CDOT Environmental Manager within 5 days of activities.

### **Burrowing Owl Protocol**

**240.03** A burrowing owl survey shall be conducted by the CDOT Region biologist or authorized contractor/subcontractor, if construction begins between March 1<sup>st</sup> and October 31<sup>st</sup>.

If burrowing owls are confirmed to be present in the colony, one of two options will be utilized:

1. No disturbance will be allowed until it can be confirmed that owls have left the area, or
2. The owl activities within the colony will be carefully monitored and holes utilized by the owls will be marked. When all burrowing owl holes have been marked, no disturbance will be allowed within 200 meters (approximately 220 yards) of the burrow entrances.

Surveys must follow CPW's "Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls"

(<https://cpw.state.co.us/Documents/WildlifeSpecies/LivingWithWildlife/Recommended-Survey-Protocol-Burrowing-Owls.pdf>).

### **Method Of Measurement**

**240.04 Lump Sum Basis.** When the Contract contains Prairie Dog Management lump sum item, no measurement will be made.

Silt fence will be measured by the actual number of linear feet that are installed and accepted. Measured length will not include required overlap.

Surveys completed by a Wildlife Biologist will be measured by hour.

### **Basis Of Payment**

**240.05** The accepted quantities will be paid for at the contract unit price for each of the pay items listed below that appear on the bid schedule. Payment will be made under:

<b>Pay Item</b>	<b>Pay Unit</b>
Prairie Dog Management	Lump Sum
Silt Fence	Linear Feet
Wildlife Biologist	Hour

*Project #*  
*Subaccount*

*Date*

Applying for and obtaining permits; hiring licensed specialists; trapping, transporting, and euthanizing; parasite, and disease management (including pesticides and other chemicals); and all other activities necessary to remove the prairie dogs per the requirements of the CDOT black-tailed prairie dog (BTPD) policy will not be measured and paid for separately, but shall be included in the work.

Payment for Wildlife Biologist will be full compensation for all work and materials required to complete the items, including wildlife biologist, wildlife survey, and documentation (record of nest location and protection method).