

Section 240
White-Tailed Prairie Dog Management
and Burrowing Owl Protocol
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 White-tailed prairie dogs (*Cynomys leucurus*) prior to construction activities.

Materials and Construction 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/Documents/WildlifeSpecies/Mammals/PrairieDogConservationPlan/ColoradoGunnisonsandWhite-tailedPrairieDogConservationStrategy_070910.pdf).
https://cpw.state.co.us/Documents/WildlifeSpecies/Mammals/PrairieDogConservationPlan/ColoradoGunnisonsandWhite-tailedPrairieDogConservationStrategy_070910.pdf. Check local/county-level policies and regulations prior to conducting any prairie dog removal, relocation, or euthanization effort. All EPA certification requirements shall be met prior to the application of pesticides. 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 April 15 and June 15th, 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 prior to 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, ~~NLT~~ no later than 30 days before action. 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.

(a) Active Relocation

1. According to CPW, it is unlawful to capture, transport, and relocate white-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 6 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 prior to donation to a receiving facility.
 - A. If utilizing trapping and release, the Contractor must identify relocation or release site prior to initiating trapping activities.
 - B. If live capture is not feasible, the Contractor must provide justification. Justification statements shall include Project details that prevent the use of live capture, as well as proposed alternative method. This documentation must be submitted to CPW along with proposed management plan.
 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

1. *Passive relocation may be utilized when onsite prairie dogs may be pushed to an approved adjacent or nearby area property. This method may be used between June 15th and April 15th (if passive relocation has begun before April 15th, it may continue until completion). Employing this technique between August 31 and November 30 is preferred.*
2. *Black silt fencing will be installed delineating the construction zone. All active prairie dog burrows outside this zone will be avoided. The silt fence will be opaque and a minimum of 24 inches above ground to create a visual barrier for prairie dogs. The silt fence will be buried a minimum of 6 inches into native soils or the bottom 6*

inches buried within a clean soil berm to preclude prairie dogs from going under the fence. No light passage should be allowed along the bottom edge, along the seams, or as a result of holes in the fabric.

3. *For white-tailed prairie dogs, no more than 0.62 acre/acre of active colony will be designated as construction zone.*
4. *Alternatively, the silt fence can be placed out to a maximum of 30 feet from the edge of asphalt on either side of the road.*
5. *Within the construction area, disking, or a similar approach will be used to a depth of no greater than 6 inches, to disturb burrow entrances but not bury any animals within burrows.*
6. *Biodegradable, nontoxic, organic rodent deterrents can be applied to encourage borrow abandonment, although such application is not required.*
7. Twenty-four to forty-eight hours after the soil has been disturbed the area will be monitored for active burrows by a qualified biologist. The Contractor's Biologist is subject to the approval of the Regional Biologist based on review of the Contractor's biologist's qualifications, prior to the work. If any burrows are discovered to have been re-opened, they will be filled with enough soil to close the burrow opening, yet still allow any prairie dogs within the burrow to dig their way out. Placing a wad of newspaper in the burrow entrance acts as a temporary plug and holds the fill dirt in place. Active burrows will be determined by a visual inspection of all burrows. Fresh scat, diggings, or burrow repairs indicate active burrows. Any burrows not clearly inactive will be treated as active. Dirt in the holes shall remain loose and shall not be tamped or compacted.
8. Repeat this inspection for a minimum of three rounds, or until no burrows within the construction zone shows sign of activity.
9. If there are no active burrows within the construction zone, monitoring shall continue daily until construction activities destroy all inactive burrows.
10. If burrows within the construction zone remain, or become, active after the initial three rounds of monitoring, efforts shall be made to trap the animals and remove them from the construction zone.
11. Prior to trapping, the proper permits from Colorado Parks and Wildlife shall be obtained.
12. Trapping shall utilize live traps baited with sweetened rolled oats and placed next to active burrows within the enclosure.

13. Traps shall be opened only from 0600 to 1400 hours.
14. Traps shall be checked every 4 hours if the temperature is between 32 degrees and 75 degrees F. If the temperature is below 32 degrees or above 75 degrees, the traps shall be checked every 2 hours.
15. Upon capture, the prairie dogs shall be immediately released outside of the enclosure but not on adjacent properties outside of the project area.
16. Trapping shall continue for 2 consecutive days
17. After 2 consecutive days of trapping humane, lethal control may be used to exterminate the remaining prairie dogs within the enclosure. Only those lethal techniques and methods approved by Colorado Parks and Wildlife shall be utilized.

Variations on the above technique must be approved by the Regional Biologist and the Project Engineer prior to 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 prior to construction for approval by CDOT.

(c) *Euthanization*

1. Trapping, followed by euthanization and donation to one of the following programs:
 - A. National Black Footed Ferret Conservation Center (NBFFCC) [National Black-Footed Ferret Conservation Center | U.S. Fish & Wildlife Service \(fws.gov\)](https://www.fws.gov/black-footed-ferret-conservation-center)
 - B. A raptor facility
 - C. Other off-site facility approved by CPW. Most facilities have specific protocols that must be adhered to prior to donation. Some facilities will accept live and/or deceased prairie dogs.
2. Euthanization methods primarily include lethal gasses, fumigants, and rodenticide baits.
 - A. No lethal exterminations may take place between April 15th and June 15th, 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 gasses
 - 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 prior to 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.
 - 200 acres occupied by white-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 1st through early winter (depending on product).
 - 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. 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 1st and October 31st.

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 is this regulatory? Can it be English units only? (approximately 220 yards) of the burrow entrances.

Surveys must follow: [CPW's "Recommended Survey Protocol and Actions to Protect Nesting Burrowing Owls"](#).

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.

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:

Pay Item	Pay Unit
Prairie Dog Management	Lump Sum
Silt Fence	Linear Feet
Wildlife Biologist	Hour

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 white-tailed prairie dog (WTPD) 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 item, including wildlife biologist, wildlife survey, and documentation (record of nest location and protection method).