

# Prairie Dog Management Public Comments

*There were 86 comments submitted online and 4 comments sent directly to the BOCC.*

## Raymond Bridge

**Comment #86**

*Boulder*

Feb 10, 2022

Boulder County Audubon Society strongly supports the staff recommendation to eliminate the moratorium period for lethal control. While well-intended, this interruption in control results in killing more prairie dogs, so that it is less humane than allowing lethal control during the interval when young are being born.

The commissioners should enact the staff recommendation

Raymond Bridge, Conservation Chair

## Amy Strombotne

**Comment #85**

*Longmont*

Feb 01, 2022

Watch National Geographic's "Harsh Reality of Saving Endangered Ferrets"

<https://www.youtube.com/watch?v=pS1tcdDdV8c>

There is no blood in this video, but there is extreme distress. Pause when the camera peers into that up-ended dog crate packed with prairie dogs. Understand the huddled terror inside. See their eyes shut tight in fear as they are hand-carried by humans into the pens of inexperienced black footed ferrets who do not know how to kill quickly like a mature predator does, so death may be very unkind.

Watch one prairie dog climb the walls in a futile effort to escape while ferrets wait below for him to fall. See the one staring wistfully at the grasslands nearby, lands he can see and smell but never touch again. Meanwhile the prairie dogs who wait their turn inside the crate must listen to the cries of their predecessors, possibly former colony members, before they also meet this fate.

And now imagine what the next National Geographic video will look like if you eliminate the moratorium on killing prairie dogs during pup rearing season. Imagine that crate of prairie dogs containing females who show signs of recently giving birth. Imagine her month-old pups in that crate with her. Consider that this scene may be happening already on other days when the cameras are not there.

So IF you are going to end the moratorium on extermination during pup rearing time, add clearly written language that makes it impossible for Staff to live trap during pup rearing time. Verbal assurances from Staff can seem like enough at the time but policy drift happens when written words do not stop policy drift.

And by Policy Drift I mean for example staff saying we will only hunt elk on Rabbit Mountain. Which turned into we will only hunt elk on Rabbit Mountain and the tenant lands east of Rabbit Mountain. And

now hunting is allowed from the County's northern border all the way down to Niwot Road. Six elk were killed and two were wounded but then lost to die on their own on the IMEL property this season. Isn't that land jointly owned with the City of Boulder? Do the citizens of the City of Boulder know you are hunting on their lands as well?

Restricting how you kill prairie dogs will not keep you from fulfilling your intention to exterminate every single member of a cohesive community of sentient beings who have the misfortune of living in a place that you deem they are not allowed. You can still wipe them out to the very last family member without trapping.

But restricting how you kill will represent how decent you want to be to prairie dog mothers and their babies.

I have been commenting on the ferret program for years and did so for last week's meeting, and Staff has not actually added specific no-trap language to Section 8.3.3. Why are additional words that promise kindness so high a bar?

**Amy Strombotne**

**Comment #84**

*Longmont*

Feb 01, 2022

Some folks say the ferret recovery program mirrors nature. I say it is far from natural.

It is not natural for humans to stand in a ferret pen delivering live prey by hand to imprint on that predator an association between humans and food.

It is not natural to strip prairie dogs of their environment and store them in wire cages for 30 days before feeding them to ferrets, turning death into a month-long ordeal. Nature does not add time to prey's suffering. Wild predators do not remove their victims from nature before they kill.

It is not natural to force an inexperienced ferret to face a strong healthy prairie dog rather than learn to hunt on the old and the weak as nature intends (hunting easier prey lessens the chance of injury to the ferret).

Watch "Black Footed Ferret vs Prairie Dog" [https://www.youtube.com/watch?v=xjZwtD\\_OVzg](https://www.youtube.com/watch?v=xjZwtD_OVzg) to see real predator training in nature. There is no death here. These are two wild creatures equally matched in many ways. The prairie dog is doing as nature allows - what those poor crated prairie dogs are not allowed to do - and protecting his colony from a deadly threat. The ferret is learning to avoid the strong colony protector. He will learn to seek out the old, the injured and weak instead. That lesson will make the ferret a more cunning and successful hunter. That lesson is NOT being taught in the ferret pens.

**Ji Montgomery**

**Comment #83**

*Shiremanstown*

Jan 30, 2022

I urge you guys to protect our beloved Prairie dogs they are loved by locals and residents I urge you to protect them they are have families and babies I urge to protect them now

Concerned Citizen

Ji Montgomery

## **Ji Montgomery**

**Comment #82**

*Shiremanstown*

Jan 28, 2022

I urge you not slaughter Prairie dogs they are loved by all its evil to slaughter them its unthinkable to slaughter them

Concerned Citizen

Ji Montgomery

## **Ji Montgomery**

**Comment #81**

*Shiremanstown*

Jan 28, 2022

I urge you to Prairie dogs I think its evil to slaughter these beloved families its unacceptable to slaughter them please protect them harming is cruel as they are loved by locals and residents.

Concerned Citizen

Ji Montgomery

## **Ruby Bowman**

**Comment #80**

*Longmont*

Jan 28, 2022

I do not support lifting the ban on lethal control during the breeding season. I was surprised when I first heard about this proposal at the prairie dog meeting in December. County residents have repeatedly asked Boulder County to update the management plan to better protect prairie dogs and the eagles that depend on prairie dogs as a prey source. The County's response was to brush off their concerns. There should be no more delays. It is time for the county to do the right thing by better protecting our prairie dogs as a prey source instead of proposing policy changes that will result in the killing of even more wildlife.

The Bald Eagle nest at Carolyn Holmberg Preserve is surrounded by a massive block of No Prairie Dog areas. The MOA, where the 40-acre burrowing owl preserve is located, will soon be converted to a NPD and 300 prairie dogs will be removed from it. Over the past year, an additional 258 prairie dog colonized acres were lost at Rock Creek. So why isn't Boulder County looking to protect the prey source of the

Stearns Bald Eagles instead of making recommendations to wipe clean NPDs so that they are devoid of wildlife? Where is the environmental assessment showing the proposed policy change and lethal control actions won't harm the Stearns Eagles?

In the Holmberg management plan there is a Native Land and Cultural Heritage acknowledgement. This acknowledgement is important to me as a Native American. Like many tribes including the Navajo, eagles are considered sacred beings. I once heard a native elder say the body of an eagle represents the earth itself - that it should be revered and treated with respect. I am still waiting for Boulder County to treat the Stearns Eagles and our prairie dogs with the respect that they deserve.

Experts have told Boulder County what needs to be done to help the eagles and other raptors at the Holmberg Preserve, Braly Open Space, and Rabbit Mountain. You need to listen to them. There should be no more delays in protecting our eagles and prairie dogs.

Before this land became Boulder County, it was Indian land. The history of this land didn't begin with the advent of European settlers and farming. There were prairie, bison, eagles, prairie dogs, and, of course, native people. That native tradition should also be honored and respected and not subjugated to the agricultural centric policies of Boulder County.

## **Christel Markevich**

**Comment #79**

*Nederland*

Jan 27, 2022

Dear Boulder County Commissioners,

In case you decide to lift the lethal control of prairie dogs moratorium please implement the following points as proactive measures to prevent future human/prairie dog conflict.

Install barriers (human-made or vegetation) or other non-lethal means to prevent prairie dogs from returning to the No Prairie Dog areas.

Create a budget for a volunteer conservation incentive program. For example, volunteers can build buffers and barriers on private lands close to Habitat Conservation Areas.

Do annual prairie dog relocations. So far only two relocations have taken place in Boulder County.

Ensure the moratorium lift applies to No Prairie Dog Areas only.

Limit Moratorium lift to 5 years with a review of the efficacy in 2027 to determine if lifting the Moratorium did in fact achieve what Staff thinks it will. If not, reinstate. Please refer to our amended language in red and highlighted in the slide attached.

Put more effort into the reintroduction of black-footed ferrets in Boulder County Open Space.

Use controlled burns in Habitat Conservation Areas where prairie dogs are desired to encourage colony

expansion (<https://www.sciencedirect.com/science/article/pii/S1550742407500722>). Prairie dogs prefer to build their colonies in areas with low vegetation in order to have a clear view of potential predators. Controlled burns reduce vegetation cover, reduce the chance of uncontrolled high intensity fires, and improve the health of our fire adapted ecosystem. As the scientific literature demonstrates, and as a post-Calwood fire research study on Boulder County Open Space confirms (Impacts of Cheatgrass on Mammal, Bird, and Butterfly <https://www.youtube.com/watch?v=iSZBvOGG-Oc>), responsibly executed controlled burns during the spring and fall (when annual bromes are actively growing) is a valid cheatgrass management control tool at Boulder County's altitude and in Boulder County's ecosystem. Controlled burns are a big win for our communities and our ecosystems, in part thanks to their role in improving the prairie dogs' habitat on Habitat Conservation Areas.

Literature: <https://link.springer.com/article/10.1007/s10530-016-1225-z>

<https://fireecology.springeropen.com/articles/10.4996/fireecology.0802038>

Put effort into public education (local school curriculums, library events...) and eco-tourism (interpretative displays, wildlife-viewing opportunities... ).

We need to be creative to effectively care for our prairie dogs who were beneficially living in Boulder County's ecosystem long before us.

Best,  
Christel

[Download Attachment](#)

## Anna Rivas

Comment #78

*Longmont*

Jan 27, 2022

It's shameful that the human population keeps growing and taking over all the land and resources away from the native creatures who have no say in the matter. As if that wasn't bad enough, when there are problems with land degradation, we then place the blame on the few animals that remain, and punish them with a death sentence. It is this selfish and short-sighted behavior that has brought the world to the Sixth Mass Extinction.

If more resources were allocated towards relocating rather than killing, perhaps we wouldn't be at this point now. Also, if the animals were dying above ground, rather than out of sight in their burrows, other options would be more seriously considered. Just imagine the outcry if the public at large were to come across hundreds of prairie dogs, both adults and babies, scattered over fields, dying because they had been "treated". What a black eye that would be on Boulder County.

Instead of sentencing our fellow creatures to death for a situation they didn't create and a crime they didn't commit, we should be doing everything possible to allow their continued survival, as well as the survival of birds of prey and other species that coexist with them. There are plenty of unoccupied acres of available space on county open space. Rather than allowing them to be killed to placate unfriendly neighbors and land lessees, these animals should be relocated to those unoccupied and available lands.

[Download Attachment](#)

## Pam Wanek

Comment #77

BROOMFIELD

Jan 27, 2022

Please accept the attached comments concerning the moratorium. Thank you.

[Download Attachment](#)

## Lindsey Sterling Krank

Comment #76

Boulder

Jan 27, 2022

Suggested criteria to improve prairie dog management in the No Prairie Dog Areas (NPDs) on Boulder County public lands as related to the moratorium

1.  
Staff follows up any lethal control implemented with conflict resolution techniques to prevent continued lethal control from prairie dog migration back into removal areas:  
-Exs. Can include: Barriers, buffer zones, vegetative plantings, \*voluntary conservation incentives, other innovative techniques,
2.  
Limit Moratorium lift to 5 years w/ a review of the efficacy in 2027 to determine if lifting the Moratorium did in fact achieve what Staff thinks it will. If not, reinstate.
3.  
Commit to implementing a proactive, conflict resolution plan on the Habitat Conservation Areas (HCAs) post NPD removal.
4.  
BCPOS commits to non-lethal translocation or other conservation action once a year to ensure conservation goals are being met on the HCAs
5.  
Ensure the moratorium lift applies to No Prairie Dog Areas only.

### 8.3.3 Extermination Lethal Control

BCPOS staff will continuously research the efficiency and expediency of all control methods in an attempt to minimize undue stress to the animals. Extermination Lethal control substances may include lethal gases, such as CO<sub>2</sub> or CO, no chemical rodenticides are permitted for use by Parks and Open Space staff or by tenants. Prior to extermination lethal control, BCPOS staff will perform an on-site inspection of the area to identify precisely the area to be exterminated controlled and the extent of the work to be done. Assessment of active burrows will occur, and only those deemed active will receive treatment. Any holes deemed inactive will not be treated, and may not be closed, in an attempt to minimize non-target species impacts. Exterminations will not occur during the pup-rearing time period of March 1-May 31 annually. This timeframe was selected to capture the peak rearing season to limit the potential of young being left unattended in the burrows. The exception will be in cases where dispersing individuals attempt to colonize an NPD without prairie dogs. If these areas are free of prairie dogs as of March 1 of each year, direct lethal control may be used to prevent recolonization during this time period. After the initial treatment, follow-up treatments may occur within two to three days of each other, depending on weather conditions. When extermination lethal control has been completed, staff will

inspect the site. Follow-up monitoring and management will strive be implemented to discourage recolonization. BCPOS staff revisions will be reviewed in 5 years in 2027 for accuracy and efficacy and amended if not preventing more lethal control as intended.

Consider not lifting the Moratorium on NPDs with Nesting Bald Eagles

PLEASE SEE ATTACHMENT FOR AMENDED LANGUAGE RECOMMENDATION

[Download Attachment](#)

## Ji Montgomery

Comment #75

*Shiremanstown*

Jan 25, 2022

I urge you to protect our beloved Prairie dogs instead of slaughtering them all have families and babies locals and residents all love witnessing them! I urge you guys to allow them to live in harmony and in peace with their habitats!

Concerned Citizen

Ji Montgomery

## Mark Guttridge

Comment #74

*Longmont*

Jan 25, 2022

I feel prairie dogs can play a valuable role in prairie ecosystems and are an impressive climate resistant animal that should be respected and learned from. That being said, I feel like most of the agricultural properties in Boulder County are pretty far removed from what can be considered a prairie ecosystem and irrigated agricultural lands in particular are very far removed from what I would consider natural habitat for prairie dogs. In fact, data from CU's evolutionary biology department and my own first-hand experience of farming POS lands for 14 years is that the prairie dogs are detrimental to farm ecosystems, often causing desertification and wreaking havoc on efficient irrigation systems.

My goal as a farmer is to produce healthy food for the community while simultaneously increasing ecosystem health on the farm, we don't use any pesticides or herbicides and are constantly planting draught tolerant species and pollinator habitat on our POS leases. In general, my experience with prairie dogs is that their presence on the property is detrimental to these efforts and is why we have partnered with POS to remove them from our one lease where they are present. This effort has been going on for ten years and I have seen first-hand how the moratorium of treating March-May has been detrimental to the efforts of eradicating the prairie dogs from this irrigated agricultural property. For that reason, I support the decision to remove the moratorium.

## Ji Montgomery

Comment #73

*Shiremanstown*

Jan 24, 2022

Please I urge you to protect these beloved Prairie dogs from slaughtered as they are mothers and have babies its unthinkable to kill them please as a citizen I am truly upset by this action now

Concerned Citizen  
Ji Montgomery

## **Ji Montgomery**

**Comment #72**

*2 north stoner ave*

Jan 23, 2022

I am urging you guys to protect the Prairie dogs as they all have families and babies to kill them is insane and evil they are loved by all not just the locals and residents but people who travel to get a seeking of them from a distance.

Concerned Citizen  
Ji Montgomery

## **Ji Montgomery**

**Comment #71**

*Shiremanstown*

Jan 22, 2022

I urge you to protect our Prairie dogs no need to slaughter them they have families and babies locals and residents love them stop this slaughter this evil act now

## **Ji Montgomery**

**Comment #70**

*Shiremanstown*

Jan 21, 2022

I urge you guys to not harm our beloved Prairie dogs as they all have families and babies and are loved by all kids and adults all love witnessing them they bring such joy to people's live to slaughter them is unthinkable and evil I urge you guys to protect them from harm.

Concerned Citizen  
Ji Montgomery

## **Ji Montgomery**

**Comment #69**

*Shiremanstown*

Jan 20, 2022

I urge you guys to protect our beloved Prairie dogs to slaughter them is senseless and evil please we locals and residents love witnessing beloved Prairie dogs they have families and babies please this is such heartbreaking scene I can't believe this is to happen we must protect the Prairie dogs ..

Concerned Citizen  
Ji Montgomery



## Ji Montgomery

Comment #68

*Shiremanstown*

Jan 19, 2022

I urge you guys to stop this killing of praise dogs locals and residents all love witnessing beloved Prairie dogs I am urging you to please relocate them to be killed they have families and babies they are sweet and deserve to live freely and peacefully. I am truly upset and frustrated that you guys are thinking of killing beloved Prairie dogs unthinkable pure evil and cruel don't harm them they are loved by all.

Concerned Citizen

Ji Montgomery

## Ji Montgomery

Comment #67

*Shiremanstown*

Jan 19, 2022

I urge you guys to protect our beloved Prairie dogs from being slaughtered they all have families and babies please locals and residents all love witnessing them to harm them is cruel and evil I love witnessing them..

Concerned Citizen

Ji Montgomery

## Ji Montgomery

Comment #66

*Shiremanstown*

Jan 19, 2022

I urge you guys to reserve the praise dogs they should be slaughtered as the locals and residents all love witnessing our beloved Prairie dogs they are very gentle creatures please I urge you guys not to harm praise dogs they have families and babies don't slaughter them.

Concerned Citizen

Ji Montgomery

## Ji Montgomery

Comment #65

*Shiremanstown*

Jan 17, 2022

I urge you guys to protect our beloved Prairie dogs killing them before they have pups is unacceptable killing is unthinkable we must protect our beloved Prairie dogs now to kill them in their habitats is pure evil and I can't believe what I am hearing revoke this plan now to kill our beloved Prairie dogs now

Concerned Citizen

Ji Montgomery

## **Ji Montgomery**

**Comment #64**

*Shiremanstown*

Jan 17, 2022

I urge you guys to protect our beloved Prairie dogs locals and residents all love witnessing them I am so upset at the idea you want to destroy their habitats unthinkable and pure evil we must protect them..

Concerned Citizen

Ji Montgomery

## **Ji Montgomery**

**Comment #63**

*Shiremanstown*

Jan 17, 2022

We must protect our Prairie dogs lands as they aren't endangering our lives locals and residents all love witnessing our beloved Prairie dogs they bring joy and happiness to people's lives. To destroy Prairie dogs habitats is unthinkable we must reserve their land as it protect our environment and our planet.

Concerned Citizen

Ji Montgomery

## **Shari Depauw**

**Comment #62**

*Boulder*

Jan 16, 2022

Killing pups and nursing mothers?! That's the most inhumane thing ever. I don't think there's any regulation anywhere in the country that allows the killing of nursing mothers and babies of any mammalian species, simply because of the level of cruelty that involves to sentient beings. It is appalling what Boulder has become, and if you approve this, that takes you to a whole new depth of inhumane atrocity. Do not allow this.

## **Patinberg Francois**

**Comment #61**

*Soisy*

Jan 16, 2022

It's so sad to read comments approving this lethal solution... How can you talk about ecology when you're thinking of removing a keystone specie already reduced to 1% of its initial population. Think twice about it and please avoid taking this horrible solution.

## **Patrice Tullai**

**Comment #60**

*Port Orchard*

Jan 15, 2022

No, no , no killing prairie dogs. They are a very important species. A keystone species. There is only one percent of them left. We cannot afford to lose one more. If you must not allow them on specific lands,

allow them to be relocated. Why murder an innocent creature that does so much to help our eco system. It makes no sense, it only looks evil and wrong. No more killing. My old neighborhood is no longer the same. To see and spend time with wildlife is what makes life good. Otherwise we become cold and shallow. No More Killing wildlife.

## Helen Braider

Comment #59

*Boulder*

Jan 15, 2022

Attached is a photo I took out in Open Space last week. It shows all too clearly what is happening to our top soil without the grasses to hold it in place. This is one of the areas stripped bare by prairie dogs. Please lift this moratorium on controlling prairie dog populations. We cannot pretend that this can return to a natural situation anymore. Humans have done too much already just starting with turning prairie into pastures and finally with climate change. We need to step up our management to preserve what little is left of our natural world. And I am afraid full prairie dog control is one tool we have if we want to keep our Open Space from turning into a wasteland.

[Download Attachment](#)

## Richard Reynolds

Comment #58

*Boulder*

Jan 15, 2022

I support the proposed changes. I have written previously about the ecologic damage wrought by PD presence and relocation to native grassland followed directly by decimation of native plants and their replacement by invasive plants. (Native-plant settings harbor critically important species, such as insects; soil microbiota, etc. that don't tug at our hearts; we just don't see them.) In many cases, lethal-control elimination of PDs from some areas is regrettably preferable to relocation. Thank you.

## Richard Jorgensen

Comment #57

*Longmont*

Jan 15, 2022

I support lethal control of prairie dogs in all of Boulder County. They are a constant problem to me and my property which adjoins both city and county open space. They are also destroying the open space property on which they dwell. Please be a good steward of the land you manage.

## Karl Kellogg

Comment #56

*Boulder*

Jan 15, 2022

The prairie dog populations in Boulder County are clearly out of control due mostly to lack of their normal predators. The only viable solution is the lethal one, which I firmly support

## Amy Strombotne

Comment #55

*Longmont*

Jan 14, 2022

If you eliminate the moratorium on killing prairie dogs during rearing season, please add undeniable wording that states that no form of live trapping will be allowed during the former moratorium time.

Watch the National Geographic video "Harsh Reality of Saving Endangered Ferrets". And then consider what the next video would look like if that crate of prairie dogs contained females who appeared to have been trapped just after giving birth. Or if one of her pups were in that crate with her. That is not the part of your program that you want the public to focus on, right?

I am asking because it breaks my heart to see what these prairie dogs go through in this video. And I sincerely hope that we can at least spare new colony mothers this slow, terrifying, unnatural death.

## **Bill Howland**

**Comment #54**

*Boulder*

Jan 14, 2022

I am in favor of adopting the changes proposed by staff with regards to the prairie dog lethal control moratorium since it appears that we are not effectively dealing with the issue despite expending considerable taxpayer dollars. Since the County still retains the right to designate which lands would fall under the proposed guidelines, the degree to which this mitigation is pursued can be adjusted as necessary. I don't believe that adding an additional tool to our program means that it has to be applied in every setting, and I am comfortable with letting our experienced staff use this added control method when and where it seems most needed.

## **Dan Yechout**

**Comment #53**

*Boulder*

Jan 14, 2022

I support removing the lethal control moratorium on prairie dogs. I live on a 30 acre property in Boulder County. We raise organic, grass fed beef. Prairie dogs are a constant threat to the health of grasslands and local agriculture. Thank you.

## **Ted Binder**

**Comment #52**

*Longmont*

Jan 14, 2022

I support the proposed changes to allow Prairie Dog control year round.

## **Amanda Vandever**

**Comment #51**

*Boulder*

Jan 14, 2022

I endorse lethal control for prairie dogs. They devastate the land.

## Stacey Smith

Comment #50

*Henderson*

Jan 14, 2022

What is wrong with you people?? Prairie Dogs only have 48 Acres of (viable Prairie Dog Land).... You need Prairie Dogs to have a healthy Colony of Black Footed Ferrets. Not only that, STOP KILLING THE PRAIRIE DOGS. You People should be ashamed of yourselves!! Sickeningly pathetic is what you want to do, and what you are for doing it.

## Robert O'Donnell

Comment #49

*Longmont*

Jan 14, 2022

Good afternoon,

I am writing this note in support of removing the moratorium and allow for lethal control of prairie dogs during the months March 1st through May 31st. As you have heard from many folks, and some my neighbors, the collateral damage from the prairie dogs has become extreme.

My house and property are adjacent to (County Ag lands zoned NPD - No Prairie Dog Zones) on the south and east side. The open space land is a moonscape with the primary vegetation being thistle, cheatgrass and dirt.

Below is summary of the damage I have incurred from the prairie dogs located around (next) to my property. I continue to battle the prairie dogs on a monthly basis but I am losing.

I would also like to take a moment and let everyone know I am not a killer. We have been labeled as such by those who truly don't understand the grave situation. When I moved onto this property and area 30 years ago, there were no prairie dogs. To protect my land, I have been forced to take extreme measures which would not be occurring if the lands had been properly managed and the prairie dogs were kept in the areas designated as such. So please, allowing the moratorium to be lifted will give us a chance to manage the prairie dog population and also save our properties from further destruction.

- 1) Currently 48 holes located on the property (2.8 acres)
- 2) Holes located on the south/southeast of my property (back yard, 11,000 sq.ft/ total approx. 21,000 sqft) and holes located on the north/north east of property (front yard, 17,500 sq.ft/ total approx. 39,000 sq.ft)
- 3) Holes in back yard and front yard are also my hay fields
- 4) Holes located on residential landscape our proper (where weekly mowing occurs)
- 5) Holes located in septic field (north part of property) Sand from septic field brought to surface from prairie dog digging.
- 6) 700 feet of four strand barbed wire fencing destroyed from cows pushing fence from open space. This is the fence that runs on the east and south side of my property
- 7) 48 holes for my horses to fall into and possibly break a leg
- 8) Ongoing and cost associated with the collateral damage brought on to my property by the prairie dog
- a) 700 feet of 4 strand barbed wire fence surrounding my property on the east and south needing

complete replacing: \$4000.00

b) Septic field replacement: \$25,000.00

c) Grass/seed replacement south and north approx.  $\frac{3}{4}$  acre 50 pounds + labor: \$300.00

d) Holes fumigated in 2018: \$495.00 Kill 100% only good for two months

e) Initial chicken wire installed for prairie dog mitigation (700 ft) 50 foot x 4 foot sections + labor: \$630.00 + \$640.00 = \$1270.00 destroyed by cows and prairie dogs. None existent on north property, front, some remains on south property, rear

f) Current bi monthly fumigation/mitigation cost per treatment (doing myself) materials and time: \$400.00 Kill good for 1-2 weeks and then reinfested by Open Space prairie dog!!!!!!

g) Annual cost of loss of hay in front and backyard, 30 bales: \$300.00

h) Annual cost of loss of hay at Brewbaker property: 60 bales: \$600.00

Thank you for your time.

Robert and Lynn O'Donnell

## David Hester

**Comment #48**

*Boulder*

Jan 14, 2022

James and Adrienne Hester have been rural landowners in unincorporated Boulder County since 1968. The rural agriculturally-zoned property owned by the Hester Family has been used for cattle-ranching and hay cropland production.

One of Boulder County's Goals in their Prairie Dog Management Plan is the "maintenance of croplands for agriculture" and the Mission Statement for Boulder County Parks & Open Space includes "promote and provide for sustainable agriculture."

Boulder County Parks and Open Space own 66,619-acres within the County that are classified into Habitat Conservation Areas (HCA), Multiple Objective Areas (MOA), and No Prairie Dog (NPD) areas.

The Boulder County Open Space Prairie Dog Management Plan defines NPD Areas as "not appropriate prairie dog habitat by virtue of their land use."

Boulder County NPD Areas are often lands being leased for agriculturally production generating revenue for the County and (or) adjacent to private Boulder County land that is still zoned and being used for agricultural purposes.

NPD Areas in Boulder County account for 17,198-acres or 25.8-percent of total Boulder County Open Space lands.

As of the 2021 Boulder County Annual Prairie Dog Meeting, there were 4.4-percent or 756.7-acres of the NPD-zoned areas still occupied by active prairie dog colonies.

In 2021, Boulder County spent 20-percent of their Annual Agricultural Budget for lethal control of prairie

dogs on what amounts to 1.1-percent of their Total Boulder County Open Space lands.

Allocating 20-percent of the Annual Agricultural Budget towards management of prairie dogs on 1.1-percent of Boulder County's Open Space lands is a fiscal imbalance and takes funds away from other Boulder County Open Space land management priorities.

Boulder County Agricultural Resources is the only Parks & Open Space Division that is self-funded by revenue being generated by leases of the 22,000-acres of productive agricultural land; especially the 12,678-acres of irrigated agricultural land.

Management and lethal control of prairie dog colonies on Boulder County NPD areas is a population control issue that cannot be suspended during the Pup-Rearing time period of March 1st through May 31st.

Suspension of prairie dog lethal control during the March 1st through May 31st time period is resulting in an infinite loop for managing prairie dog populations continuing to expand and inhabit what Boulder County has defined as "No Prairie Dog" areas.

As long-time rural agricultural landowners in Boulder County, the Hester's are in favor of changing Section 8.3.3 of the Boulder County Prairie Dog Habitat Element of the Grassland and Shrubland Management Policy to eliminate the seasonal; that is Pup-Rearing time period, moratorium on using lethal control for management of prairie dogs on Boulder County Open Space lands zoned as NPD areas.

## **Andy Breiter**

**Comment #47**

*Lafayette*

Jan 14, 2022

I am writing in support of lifting the moratorium on lethal control of prairie dogs. I am a farmer who raises beef cattle. I support lifting the moratorium on BCPOS land that is designated to have no prairie dogs because to me it makes no sense to allow lethal control for only part of the year. This appears to create a situation where it will only have us paying for more lethal control down the line. If we want no prairie dogs in certain areas, it seems advisable to allow lethal control throughout the pupping season so as to not let the prairie dog population expand. From my understanding, under the current policy this moratorium simply means that over time BCPOS is spending more money and killing more prairie dogs. This effect does nobody any good. For this reason, I believe we should lift the moratorium.

## **Larry Longseth**

**Comment #46**

*Longmont*

Jan 14, 2022

As someone who owns acreage and leases pasture from Boulder County, and other private owners, our work increases dramatically in the Spring because of all the prairie dog pups. Maintaining good healthy pasture for my cattle is Very difficult with prairie dogs constantly destroying the grass. The prairie dog mounds make it impossible to irrigate, and over time the grass dies with nothing left for grazing. In

addition there is always risk of the cattle stepping into a prairie dog hole and injuring a foot or a leg. It's a viscous cycle without more opportunity to control the increase in prairie dog population.

## **Vanessa McCracken**

**Comment #45**

*Longmont*

Jan 13, 2022

On January 10th, the Board of Supervisors for the Boulder Valley Conservation District considered the proposal by the Boulder County Parks & Open Space Department to revise the Prairie Dog policy 8.3.3 regarding the springtime moratorium on lethal control on County Agricultural lands in NPD – No Prairie Dog zones. The Board is supportive of the proposed changes including elimination of the current moratorium period of March 1st through May 31st in favor of a year-round allowance for prairie dog control. After decades of investment in staff time and money since 1980 on county open space ag lands in an attempt to counter the crop losses and plant cover decimation directly related to overpopulation of prairie dogs, it is time to give POS staff more leeway to manage the ag lands in the NPD zones.

Thank you for your considerations.

## **Vanessa McCracken**

**Comment #44**

*Longmont*

Jan 13, 2022

On January 11th, the Board of Supervisors for the Longmont Conservation District considered the proposal by the Boulder County Parks & Open Space Department to revise the Prairie Dog policy 8.3.3 regarding the springtime moratorium on lethal control on County Agricultural lands in NPD – No Prairie Dog zones. The Board is supportive of the proposed changes including elimination of the current moratorium period of March 1st through May 31st in favor of a year-round allowance for prairie dog control. After decades of investment in staff time and money since 1980 on county open space ag lands in an attempt to counter the crop losses and plant cover decimation directly related to overpopulation of prairie dogs, it is time to give POS staff more leeway to manage the ag lands in the NPD zones.

Thank you for your considerations.

## **Gary Flauaus**

**Comment #43**

*Longmont*

Jan 13, 2022

As a Farm property owner in Boulder County I sure do get tired every Spring having to deal with the new Prairie Dog pups showing up followed by the resulting dispersal of the previous year's pups onto my property as well as from my neighboring farm properties.

I sure think this problem could be minimized if the 3-1 through 5-31 timeframe moratorium on removing these critters could be lifted in order to reduce the current cycle of having us farmers take time away from our regular chores by having to spend that time resolving this problem ourselves.



Thank you !

## Cody Oreck

Comment #42

BOULDER

Jan 13, 2022

see attached PD Moratorium letter or:

I write to support lifting the Moratorium to allow lethal control year-round on 'NO PD' zoned agricultural acreage. I do so in recognition that, under current management approaches, this has become the only option available to reverse the spreading degradation and desertification of our county public agricultural lands as a consequence of overgrazing by prairie dogs and/or cows and the fragmentation of our lands through urban sprawl.

Through conversations with both public and private land managers, a number of them County employees, it appears we are not effectively implementing the lethal control authority we currently have. Specifically, insufficient fall and winter lethal control and cleanup are allowing remnant populations to simply repopulate the areas in which we are investing hundreds of thousands of dollars to clear prairie dog impacts.

Here are some things we all need to know and to question:

1. Rigorous stewardship is needed on all of our public lands but our 'No PD' designated agricultural acreage should be prioritized.
2. If lethal control is accomplished in the late fall with rigorous 'clean up' over the winter, then lethal control during pupping season should be minimal.
3. Any kind of prairie dog control (including the county's work on private property and passive relocation of prairie dogs) should be followed up with MAINTENANCE—of barriers, buffers and with constant vigilance, especially on 'NO PD' lands.
4. Are we under-staffed or under-funded to manage our county agricultural lands effectively? If so, why?
5. As a community, we taxed ourselves to buy land but are we not willing to tax ourselves for managing these lands carefully?
6. If a thing is worth doing, shouldn't we do it right?

Proper management of our public ag land--to include regenerative agricultural techniques--represents to me our greatest opportunity to address climate change, water retention and fire resilience and our community's human health in right relationship to the millions of species of wildlife we must depend upon.

Respectfully submitted,

Cody Douglas Oreck

203 Morningside Park Road, Boulder CO 80304.

[Download Attachment](#)

## Daniel Moorer

Comment #41

Longmont

Jan 13, 2022

My wife and I understand and agree with the science-based statement that the prairie dog is a keystone species. However, that statement assumes that a prairie-dog population is not out-of-control. Personally, we've experienced, first hand, the effects of an out-of-control prairie-dog population. It turned all of our land into a dirt lot where the topsoil blew away every year. To fight back, we've expended tens of thousands of dollars on control and on rebuilding our topsoil and reestablishing natural grasses. But, in nearby county open space where prairie-dog overpopulation is not controlled, we continue to watch the wind, every year, remove incredible amounts of topsoil. That occurs because, in heavily over-populated areas, little vegetation remains to hold the soil in place. Now, the County's Parks and Open Space is doing a good job beginning to reduce the over-population. They appear to be following the science (Crosby and Graham, Population Dynamics and Expansion Rate Of Black-Tailed Prairie Dogs, 1986, p.114) which states that, with few predators, a prairie dog colony will approximately double each year; that is, "... it would be necessary to achieve a minimum of 55% yearly reduction simply to maintain the population at the prior level ...". Given the results of this research, the moratorium should be lifted NOW: (1) so that Parks and Open Space can control the prairie-dog over-population while it is in the process of doubling; (2) so that Parks and Open Space may eventually achieve a long-term stable number of prairie dogs on selected, maintainable areas; (3) and so that this can be accomplished at the most efficient annual cost to the taxpayer. In this way the County can achieve, in a few years, a healthy and stable prairie-dog population, balancing its needs with those of the local agricultural community.

## David Kelley

Comment #40

*Longmont*

Jan 13, 2022

Please see attached file. Thank you.

[Download Attachment](#)

## Jerry DeBruyne

Comment #39

*Longmont*

Jan 13, 2022

Please see attached file. Thank you.

[Download Attachment](#)

## Teresa Arrospide

Comment #38

*Loveland*

Jan 13, 2022

This change to control prairie dog populations should be put on the 2022 ballot, so everyone can have input

In April burrowing owls return to Colorado and stay until late September. The burrowing owls are a threaten species in Colorado. Burrowing owls live in prairie dog communities raise their young, and eat prairie dogs. I feel the new proposed plan will further harm a threaten species in Colorado. I see the plan is to used CO2 and not chemicals, but it is very likely during process burrowing owls will be killed accidentally. So year round lethal control on prairie dog should never occur.

All I am seeing here is few people with the loudest voices are going to make decisions for the county and state. I feel this should be put on 2022 ballot, so everyone can have input and not a select few.

## **Teresa Arrospide**

**Comment #37**

*Loveland*

Jan 12, 2022

I do NOT support the proposed change to control the prairie dog populations. Please relocate the prairie dog populations.

Burrowing owls in Colorado are now listed as an endangered species and they often use prairie dog burrows as their homes, and sometimes eat prairie dogs. My concern is the poison used to kill the prairie dogs will threaten the endangered burrowing owls and other wildlife in Colorado. Typically burrowing owls arrive in April for breeding season and stay until September. How do you know all the prairie dogs killed by poison are ALL removed and do not kill other species like the burrowing owl, coyotes, badgers, weasels, golden eagles, and large hawks. A lot of Colorado revenue comes from the tourism industry and people want to see the wildlife. Please protect the prairie dogs.

## **Michael Moss**

**Comment #36**

*Niwotq*

Jan 12, 2022

As a tenant of Boulder County Open Space I feel strongly that the prohibition on lethal control in the pupping season should be removed.

The challenge that I see directly around the county is that the control of prairie dogs is a never ending cycle. The prohibition on lethal control during the pupping season allows the problem of infestation in targeted areas to be never ending. Every pause during the pupping season allows a new generation of prairie dogs to establish themselves, forcing the County to start the process over every year. I feel that this is more inhumane than stopping proliferation once and for all.

Please amend the policy and untie the hands of our BCPOS staff to do the job mandated by the County.

Thank you

## **Jill Skokan**

**Comment #35**

*Longmont*

Jan 11, 2022

We are VERY much in support of the proposed change to year-round prairie dog controls. We have found that controls in early spring are critical and allow a population to be kept in check much more effectively (with the need to control fewer prairie dogs over a smaller area), ultimately resulting in fewer overall prairie dog deaths, reduced labor, and expenses.

In addition, we VERY much appreciate the mitigation that happened in 2021 on the Platt property next to ours. It really helped. It was in the nick of time for many of the neighboring properties... not soon enough for others who are really struggling to feed their livestock, but it still helped them. The prairie dogs have expanded exponentially, on the mesas and steep slopes, irrigated cropland and pastures, dry land, and to the neighbors all around us.

## Dennis Cooper

Comment #34

*Fort Collins*

Jan 11, 2022

I wish to encourage the powers that be to adopt the staff recommendation of removing the "moratorium" language from the current BOCO Cropland Policy.

As the former Manager of the BOCO POS Ag. Resources Div. I found two issues in the Cropland Policy were virtually impossible to deal with based on science or logic. The new commissioners have now, after careful examination of the GMO policy, rectified the first issue.

The second policy issue that was non-science based was the so called "moratorium" on lethal control of Prairie Dogs. Before I applied for the Ag Div. Mgr. job, I carefully studied the Cropland Policy and felt the No-Prairie Dog (NPD) designation for croplands sounded just about right. It was only when I was hired and on the job that I understood that NPD really looked more like Never-Ending Prairie Dogs, partially as a result of the moratoriums impact on the County being able to reduce colonization on NPD designated crop / range lands to a level that was sustainable for viable operations.

I was told the moratorium language was merely a holdover from a much earlier time, when ONLY live trapping of animals was permitted, raising the specter of pups starving to death if the mother had been trapped and removed. No one takes pleasure in or wants to see animals suffer and the humane job that is done by the County PD Control team, capably led by Amy Schwartz, is probably one of the most difficult, but necessary jobs in the entire County. The crew is limited in terms of staff, budget and time (their ability to work during the moratorium). Control would only occur during the current moratorium period on a handful of selected properties where the numbers had already been sufficiently reduced to justify the complete removal of PD's from a given area. It is physically impossible for the crew to blanket the entire county. There are places where PD's can be tolerated and encouraged to live and provide habitat for reintroduction of the endangered natural predator Black Footed Ferret.

Humane lethal control is just what the name implies, the use of PERC machines and/or Carbon monoxide cartridges are both recognized methods of humane control of Prairie Dogs when they encroach on NPD areas. Humane lethal control would happen on adults and pups alike AND in the long run it will result in far less lethal control than what occurs with the moratorium policy in place where the PD crew makes reductions in population on a given field only to be inundated by a whole new generation that was missed during the moratorium.

The only sane and scientific method to PD control on areas where they are not desired, is to take the numbers on that given property down to NPD (ZERO or very near ZERO) at which point further use of lethal control will be minimized for years. We were never able to actually prove this beyond doubt,

because the moratorium policy prevented us from even attempting this on an experimental single property basis.

The best I could do was to use a careful analysis of peer reviewed literature on reproductive rates and life expectancy (fecundity) of Prairie Dogs to simulate mathematically what populations would be with and without the moratorium period. Effectively, those graphs demonstrated an intolerable logarithmic growth (annual doubling) without any control; with lethal control and the moratorium in place, the numbers could be held roughly constant or maybe slightly reduced on an annualized basis, due to the new generation of pups that were left to mature resulting in an endless and futile cycle of partial control. If the moratorium was removed, as is now proposed by staff, the simulation showed that the population in a given area would be quickly and efficiently reduced to a level that further cycles of lethal control would be unnecessary for several years barring extensive migration.

I have attended many PD Stakeholders meetings in the past in person and understand that emotions run deep on this issue. I have personally been likened to a Nazi death camp commander and some not-so-subtle verbal threats of "how you would like it if we came to your home and gassed your family".

I also attended the most recent PD Stakeholders meeting virtually, and once again, I heard a preponderance of comments from the neighbors of Open Space properties that were simply fit to be tied over the inability of the County to control the problem on Open Space leaving their personal property subject to great harm. I also heard the same faithful tenant stewards of Open Space crop and range lands attest to the insanity that results from the moratorium resulting in the problem not really being controlled. These comments were freely made in the face of threats and the prior destruction of County equipment by those few folks adamantly opposed to any lethal control what-so-ever. I am sure these types of threats and actions make many good folks wary of commenting at all. But I am quite confident that the preponderance of stakeholders wants better results than what is currently happening.

With these thoughts in mind, I strongly urge the BOCO Parks & Open Space Advisory Council and the BOCO commissioners to do what is right and remove the moratorium language from the Cropland Policy per the staff recommendations.

Doing so will accomplish the following: 1.) First and foremost, it will reduce the total number of animals that are subjected to humane lethal control over the long run. 2.) It will free the county staff to concentrate more effort on dusting to control salivatic plague bearing fleas in Multiple Objective Areas (MOA's) or Habitat Conservation Areas (HCA's) where PD's can be tolerated or encouraged to occupy. 3.) Over time, it will reduce complaints of tenants and neighbors to Open Space properties. 4.) Over time, it will preserve the soil health and productivity, which without adequate control can be severely impacted when populations exponentially increase to the point the landscape becomes totally barren and subjected to wind and water erosion. 5.) It is sound fiscal policy to remove the moratorium period. The current program is a significant cost to the taxpayers of BC, but as currently limited by the moratorium as shown by carefully recorded numbers it is historically seemingly incapable of actually addressing the problem beyond maybe holding the status quo of endless control with minimal results.

Sincerely,

Dr. Blake Cooper, Former Ag Resource Div. Manager

## Daniel Fentress

Comment #33

*Longmont*

Jan 10, 2022

As a third generation landowner and farmer in Boulder County, I am concerned about agricultural land sustainability for future generations. I support staff's proposed changes to prairie dog management to remove the moratorium and allow prairie dog control all year long.

## Marianne Giesler

Comment #32

*Larkspur*

Jan 09, 2022

Why is Boulder County so bent on destruction? Haven't you had enough lately? Destroying prairie lands by cruelly annihilating native species SHOULD be beneath you.

## Ruby Bowman

Comment #31

*Longmont*

Jan 09, 2022

See attached pdf for my comments.

[Download Attachment](#)

## William Vandever

Comment #30

*Boulder*

Jan 09, 2022

I support the proposed change to eliminate the moratorium. Prairie Dogs have done extensive damage to the Teller Farm area and made it very difficult for the farmer to cultivate several fields.

## marianne martin

Comment #29

*Boulder*

Jan 09, 2022

Please do all you can to get the exploding prairie dog population under control. Allow year round culling, and add anything you can to stop these animals from ruining our beautiful grasslands.

Thank you so much

Warmly,

Marianne

## Christine Pacocha

Comment #28

*Longmont*

Jan 09, 2022

Dear Boulder County officials/staff and Parks and Open Space staff-

I am writing to express my desire that the March 1st - May 31st lethal control moratorium be removed, enabling staff to better control the current out of control prairie dog population.

I have lived in Boulder County for 15 years and have been voicing my concerns to the County and the City that better prairie dog control is critical. I am an animal owner and lover and property owner who has been very negatively impacted by this species as have many others.

Please delete the moratorium, and allow year round lethal prairie dog management.

Thank you.

Sincerely, Christine Pacocha

## **David and Teresa Elliott**

**Comment #27**

*Boulder*

Jan 09, 2022

We are in favor of the moratorium proposed change. It simply doesn't make any sense to protect any of the colony during certain times and allow expansion (pups) when the focus is trying to control the prairie dogs. Why would you allow the prairie dogs to populate when we are trying to control the population, both the adults and young? As neighbors to Open Space we see the destruction of the fields and property that are ruined by the prairie dogs. When they migrate they travel to our pastures and fields and this makes Open Space a very poor neighbor.

## **Raymond Bridge**

**Comment #26**

*Boulder*

Jan 08, 2022

We strongly support the change to the County's prairie dog management policies eliminating the springtime moratorium on lethal control of prairie dogs on agricultural properties. While well-intentioned, this moratorium has not worked well. By trying to avoid lethal control during the period when pups are born and raised during their early life, we have allowed populations to grow rapidly, so that in the end more prairie dogs are killed. This is not humane, not cost-effective, and causes problems, rather than solving them.

## **Beth Potter**

**Comment #25**

*Longmont*

Jan 08, 2022

Hello!

I'm writing to support an end to the spring-time moratorium on lethal control of prairie dogs on county agricultural lands zoned as No Prairie Dog Zones. In addition, I would like to see the county increase its budget for prairie dog control.

There are not enough predators for the prairie dogs for the Boulder County ecosystem to be in balance.

by itself, and the imbalance has created arid lands that are not going to be easy to rejuvenate. Colorado's already fragile ecosystem and overall lack of water for the number of living beings in the state is very tough to keep healthy overall. Healthy soils and grasses create more areas of carbon sequestration, which is important as one aspect to help combat climate change.

Thanks very much for considering this matter.

Sincerely,

Beth Potter

5050 Niwot Road

## **Jan Kirkpatrick**

**Comment #24**

*Boulder*

Jan 08, 2022

I support removing the moratorium on the spring time on lethal control of prairie dogs.

Prairie dogs maybe a keystone species but they have no balancing predatory species and damage crop and pasture land.

## **Cari Cook**

**Comment #23**

*Longmont*

Jan 08, 2022

I totally support the removal of this moratorium. If the end result is to eradicate the prairie dogs from a parcel of land why would one wait until after the pupping season?

Thank you for considering this. I have seen the damage done by prairie dogs to neighbors properties which cost them thousands of dollars. Its clearly obvious that farmlands and these critters cannot coexist.

## **L Buckley**

**Comment #22**

*Boulder*

Jan 08, 2022

Support for Change to Lethal Control Moratorium:

The Prairie Dog Management Plan, with its elements of tracking, relocation, lethal control, burrow disturbance and restoration is a well-thought out and multi-tact approach to prairie dog control in order to keep our agricultural lands and open space healthy. In order to continue the experiment in prairie dog control, please end the lethal control moratorium. Exterminating on the one hand and encouraging proliferation on the other are counter productive.

Thank you for your good work.

## **Eric Skokan**

**Comment #21**

*Longmont*

Jan 08, 2022

Based on our experiences in the field we are very clear that the ban on PD control during the spring needs to be removed. The spring control ban allows for a new generation of pups to swell the population making PD control nearly impossible. It is a modern day Sisyphean tragedy.



Remove the ban and the control will be much more effective saving resources. Those resources are better spent on a permanent management system that allows for the longterm, sustainable success of prairie dogs in large dedicated areas.

We'll never arrive at a win-win place if we spend eternity pushing the same boulder up the same hill.

## **Suzanne Webel**

**Comment #20**

*Longmont*

Jan 07, 2022

I support the proposed changes to the Prairie Dog Habitat Element of the Grassland and Shrubland Management Policy, to allow prairie dog control year-round. My farm is bordered on one long side by a prairie dog infested property owned by OSMP, and we are roughly across the street from a large assemblage of properties owned by BCPOS where staff has valiantly tried to manage its prairie dogs for several years. If left unchecked, prairie dogs lay waste to valuable but vulnerable agricultural farms, resulting in a devastating loss of topsoil, reduction of forage for livestock, and invasion by noxious weeds. County staff will lose the battle every time -- wasting time, money, and prairie dog lives -- unless the policy is changed to lift the moratorium and allow management year-round. The City's inability/unwillingness to manage their prairie dogs costs me thousands of dollars every year; please enable BCPOS to be a better neighbor to us all. Thank you.

## **Tamara Sneddon**

**Comment #19**

*Longmont*

Jan 07, 2022

I strongly agree with removing the moratorium for Prairie Dog control for several months which will provide more efficiency and ultimately less prairie dogs that need to be controlled. It doesn't make any sense to wait until the population potentially triples or quadruples because of the birth of more animals this coming Spring.

## **Maria Wasson**

**Comment #18**

*Longmont*

Jan 06, 2022

We support the removal of the moratorium for lethal control of prairie dogs in designated areas. Waiting to kill more after whelping makes no sense, is more costly and ultimately does not make progress to restore the land for agricultural purposes.

No one wants to kill them, but everyone needs to find a balance between the rural and urban lifestyles. Compromise is never fully satisfying for everyone but it is a way forward.

The attempt to be a good steward for the land and wildlife is a challenge. The previous plan has failed and has been costly. It is time to move on.

Isn't the definition of insanity to keep doing the same thing over and over that doesn't work?

Removal of the moratorium makes sense.  
Getting the land restored is a step in the right direction.

## Joel Schaap

Comment #17

*Longmont*

Jan 06, 2022

Boulder County Open Space has a very clear and well defined land use program that determines where they want and don't want prairie dogs. I support staff's recommendation to remove the moratorium to make achieving their goals more efficient and cost effective.

## Bill Stonehocker

Comment #16

*Longmont*

Jan 05, 2022

I fully support removing the seasonal moratorium on lethal control of PD's on NPD properties of BCPOS. Our farm borders one of these properties and every year in the spring and summer I am forced to deal with the migration of PD's from BCPOS into my irrigated hay fields and pastures. It makes absolutely no sense to handicap control efforts when it is so difficult to manage PD occupation of NPD lands. Not only does it cost more money and time, in the end, it also costs more PD lives. I certainly do not enjoy the responsibility of lethal control from boulder county prairie dogs moving onto our property every year.

## Melanie Loch

Comment #15

*Longmont*

Jan 05, 2022

We support the BCPOS recommendation to remove the moratorium for lethal control of prairie dogs between March and May. As caretakers of a Boulder County Ag Easement, we care deeply about the biodiversity objectives in Boulder County. We also take our mandate to conduct agriculture on our land seriously.

In 2014, the year we moved here, we met with the county to advise us on how to re-establish farming after decades of neglect and a resultant overpopulation of prairie dogs. Our lot consisted almost entirely of weeds—curlydock, kochia, thistle, bindweed—denuded areas, and prairie dog holes. In the absence of plague, the County advised us to do three things in this order: first, get rid of the prairie dogs, attend to the weeds, and only then begin soil mitigation practices, which can take years to heal the land.

We have yet to get past the first stage, even as the Ag Agreement MANDATES that we farm it or pay exorbitant tax penalties. These Ag agreements were put in place, presumably because our local community values local agriculture. In the seven years since we situated ourselves in this no prairie dog area, aside from a small patch of grass the land remains unsuitable for any farming, and we are witnessing the adjacent BCPOS lands degrade over time.

We are sandwiched between BCPOS land and two NUPUDS of residential properties. When the prairie dogs relocate to our treated property from BCPOS lands, and enter our neighbors' yards, it places us at

odds with these neighbors, as villains in the process, even though the situation is beyond our control.

Despite annual treatments, the number of 'our' holes has grown from 1,700 to approximately 2,400+ currently. For perspective, that density would be like asking 80 prairie dog coalitionists to adopt and support 30 holes on each of their one half-acre residential properties (where they also do not belong). Of course, no one would want to be forced to deal with this Catch-22, as conservationists who outnumber us continuously pressure the county to make farmers accept and finance this untenable situation. Yet that is what our own neighbors are concerned will happen as this continues to go unaddressed. And as prairie dogs cross into their yards, it is us, and not the county, they expect should solve the problem. Clearly we can neither deliver on their expectations nor the county's farming expectations if the county fails to do their part.

We have worked consistently with the County, but because of the arcane moratorium, we cannot gain any traction in clearing our land, because the county cannot clear theirs, as we helplessly watch the endless annual cycles of dogs redoubling after pups are born, then treating them afterward, like digging a hole and filling it up again only to dig it up to fill it up....

We are personally placed in the awful position to be the grim reaper every year, at a cost so far, of thousands of dollars with no commensurate revenue. Prairie dog farming does not qualify for Ag agreements. And it pains us to slaughter. On land that the County has deemed unsuitable to support them—prairie dogs are dying needlessly. And needless deaths is a point on which we agree with the Prairie Dog Coalition.

We have waited for seven years to get started farming our land and we face another cycle. Local long-standing farmers consider quitting because the prairie dog devastation reduces output and increases costs while they compete in the marketplace with mega-farmers. If Boulder County really values local agriculture—which historically has been difficult in this arid climate even without the challenge that prairie dogs place on it—we need a more focused approach to preserving the lands to keep it. That means supporting our farmers by holding stronger PD designation boundaries alongside efforts to nurture our endangered prairie dogs. Respectfully, the moratorium prevents this from happening.

## **Ronald Robl**

**Comment #14**

*Longmont*

Jan 04, 2022

I support allowing lethal control of prairie dogs on county open space Mar 1 - May 31.

## **Elizabeth Black**

**Comment #13**

*Boulder*

Dec 31, 2021

Thank you for considering getting rid of the lethal control moratorium. I support this change. I don't like killing things any more than the next person does. However, keeping the moratorium in place as written simply means that more prairie dogs will be killed in the long run. It's a simple matter of math. If you stop killing prairie dogs during pupping season, then more prairie dogs will survive to breed, and they

will make even more prairie dogs. This means you will end up having to kill exponentially more prairie dogs to clear the NPD's. It just doesn't make any sense to stop lethal control in the spring time, so that you will have even more prairie dogs to kill in the future. You want to minimize lethal control, and getting rid of the moratorium is the way to minimize the numbers of prairie dogs you will have to exterminate in the long run. Thanks very much for tackling this contentious issue. Elizabeth Black

## **Linda Parks**

**Comment #12**

*Boulder*

Dec 20, 2021

The Boulder County Horse Association supports the removal of the seasonal moratorium for lethal control of PD's on our agricultural lands. We believe land managers need to have access for the full 12 months of the year in order to stay on track with the removal.

One step forward and three steps back is not working with the current practices, and adjoining private properties to county-owned agricultural lands are struggling to keep PDs from moving onto their lands.

Boulder County agricultural lands (and heritage) should be preserved for healthy pasture grazing, hay production, crops, and the preservation of our soils.

## **Paula Shuler**

**Comment #11**

*Longmont*

Dec 20, 2021

I fully support BCPOS staff's recommendation to remove the moratorium period for lethal control of prairie dogs on NPDs. Why would Boulder County want the prairie dog population to increase for three months when the management objective on these parcels is No Prairie Dogs? It makes sense to remove the moratorium, less prairie dogs will need to be controlled and it will allow each of us to manage more efficiently and meet our irrigated land objectives. I farm private property that experiences unwanted prairie dog occupation from prairie dogs moving from contiguous OSMP and BCPOS irrigated agricultural parcels. It costs us quite a bit of money and time to keep unwanted prairie dogs off of our land and our hay fields. None of our neighbors want prairie dogs or want to have to control them. Removing the moratorium will help make Boulder County a better neighbor and land manager.

## **Chris Brown**

**Comment #10**

*Boulder*

Dec 19, 2021

I support your need to end the moratorium of lethal control during pupping season. Otherwise all your efforts will just be like pissing in the wind—wasted.

## **Shari Depauw**

**Comment #9**

*Boulder*

Dec 17, 2021

This is an incredibly inhumane idea. During rearing season?!? Killing pups?!? I don't believe Boulder has degraded to this. Do the right thing and stop selling out to ranchers.

## **Amber Goss**

**Comment #8**

*Boulder*

Dec 17, 2021

This is why I don't eat local produce unless it's organic. Ultimately, the poison used to kill prairie dogs ends up in food. Farmers have to wait 7 years after exterminating prairie dogs before they can use the organic label.

## **David Asbury**

**Comment #7**

*Longmont*

Dec 17, 2021

Please see our attached letter.

[Download Attachment](#)

## **Laura Bruess**

**Comment #6**

*Boulder*

Dec 16, 2021

I am against lifting the moratorium. We killed at least 29,678 prairie dogs last year. Now we want to kill even more, year round. Where is our compassion?

## **April Lyons**

**Comment #5**

*Boulder*

Dec 15, 2021

Who are we to make this kind of lethal decision when this land was stolen from the prairie dogs and from the Hinóno'éí (Arapaho) and Cheyenne nations. Let's keep in mind that any decision Boulder County makes is an illegal decision because they were illegally elected after the 1851 Treaty of Fort Laramie was broken. Boulder has disrespected this land ever since (and before) the Sand Creek Massacre where Boulder residents trained to carry out such a horrific act right here at Fort Chambers between Valmont and Jay. This proposal is asking to kill baby prairie dogs that have somewhat been protected. This is so cruel, but not surprising.

## **Debra Welsh**

**Comment #4**

*Boulder*

Dec 15, 2021

I continue to be against Boulder's killing of prairie dogs under all circumstances and for all reasons, except when they are infected with the plague or other serious contagious disease. I do not approve of lifting the moratorium on spring killing and I would wish you would permanently ban all lethal action!

## Sandra Hale

Comment #3

*Boulder*

Dec 15, 2021

I urge relocation of prairie dog populations where necessary.

I am against lethal extermination of prairie dogs in their natural habitat.

## Dana Bove

Comment #2

*Boulder*

Dec 15, 2021

To staff and specifically to Jeff Moline in regard to his response to my questions last night:

The PD management plan and written element is designed to be adaptive. My interpretation of Jeff's response to my questions last night, was that he and apparently BCPOS feel it is unreasonable that FRNBES request that management policy within the general 1/2 mile buffer of eagle nests at properties like Braly, Holmberg, and Rabbit Mtn be locally adaptive and restrictive in terms of tenants or BCPOS staff being allowed to remove substantial amounts of prey source from these areas. Protect species of special concern is the guiding principle and it is headlined in the County's foundational plans and documents.

I interpreted Jeff's response last night as dismissive of our suggestions and it sounded taht he felt they were without merit. Thus, my take away was how could we ever expect such locally adaptive responses from an agency that only employed 150 staff etc? Yet, when landowners such as last night express concerns over their welfare--as opposed to the well-being of multiple species of special concern dealing with potentially significant prey reduction--I didn't hear you or other staff dismissing those concerns, or suggesting it was unreasonable to ask for protections of their property. Yet, actually responding to their encroachment concerns, as expressed by landowners, does sound a whole other issue.

Which brings me to another promise that was not kept by BCPOS--being interactive and collaborative with stakeholders and experts in the field regarding plans to manage PD's and Grasslands at Holmberg. I appreciate Susan's honesty about not having the time to take that on due to the speed at which things were happening, but is something at least FRNBES wants to be informed about and be able to offer some of what we have learned that would be of value. From the Holmberg planning, I know many other expected that as well.

Dana Bove

## Laura Portis

Comment #1

*Boulder*

Dec 15, 2021

I support the non renewal of the moratorium restricting lethal control. I agree with many stakeholders that the issue is getting worse. I believe it's important to preserve agriculture and wild vegetation in Boulder County. Thank you.

**From:** [Anyll Markevich](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Subject:** [EXTERNAL] Prairie Dogs  
**Date:** Monday, January 31, 2022 11:39:25 AM

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Dear Commissioners,

If Boulder County chooses to lift the moratorium on lethal Prairie Dog control during the time period of March 1st to May 31st the department should take additional steps to ensure the continued success of the prairie dog management program in the long term.

While I understand why Boulder County considers that lethal methods are necessary to control prairie dogs on NPDs (No Prairie Dog areas), this cannot be a long-term solution. Over the course of five years the county should phase out lethal control and instead focus on mitigation strategies. Prairie Dogs are not able to tell what areas are designated as part of their habitat are which are not. Therefore it is up to us humans to ensure that prairie dogs do not recolonize NPDs and thereby expose themselves to more lethal control. Prairie Dog barriers, whether these are made up of fences, vegetation, or tall structures designed to repel prairie dogs, should be utilized along the boundaries between HCA (Habitat Conservation Areas) and NPDs. Farmers should be able to sign up for a voluntary prairie dog stewardship program allowing them to receive compensation for harboring a prairie dog colony on their land. Yearly relocations, aided by volunteers, should be implemented to move prairie dogs to suitable habitat, possibly paving the way for the long-anticipated Black-Footed Ferret reintroduction.

While managing prairie dogs it is important to keep in mind their impact on the rest of the grassland ecosystem. Birds of prey and other predators rely on them as a key source of food. For this reason lethal and non-lethal management should take into account the needs of the local predators, especially endangered birds such as Bald Eagles.

Furthermore, in light of the key role of prairie dogs, we should make sure that designated prairie dog habitat is suitable for them. Controlled fire is a great way to control weeds that may not be beneficial to prairie dogs, while improving native plant availability.

In conclusion, lifting the moratorium should not be seen as a long-term solution, but instead as a possible temporary fix to bring prairie dog management back into balance. Long term solutions revolve around human-wildlife conflict resolution, stewardship, and innovative solutions to sharing space with our wild neighbors.

Thank you for your time and consideration.

Anyll Markevich (18 years old)  
5570 Magnolia Drive  
Nederland, CO 80466  
[anyllmarkevich@gmail.com](mailto:anyllmarkevich@gmail.com)

**From:** [Lindsey Sterling Krank \(she/her/hers\)](#)  
**To:** [Boulder County Board of Commissioners](#)  
**Cc:** [Pam Wanek](#); [Jess Albright](#)  
**Subject:** [EXTERNAL] Suggested Moratorium language from the PDog Advocacy Community  
**Date:** Wednesday, February 9, 2022 1:25:10 PM  
**Attachments:** [image001.png](#)  
[012622 Suggested criteria to add to lethal control.pdf](#)

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Hello,

This is in follow up to my presentation on last week's Commissioner meeting. We have three main asks:

1. That mitigation or non-lethal management be required to prevent prairie dogs from returning to the control areas pre or post removal (and prevent the repeated killing)
2. This moratorium lift expires in 5 yrs (the amount of time staff thinks necessary to kill all the pds in the NPD area) and re-evaluated for efficacy and reinstated if not reducing the number of prairie dogs killed as suspected
3. There should be no lifting of the moratorium within 1/2 mile buffer of any eagle nest or any species listed of special concern the Boulder County Comprehensive Plan, NPD or otherwise

While POSAC did discuss this, they did not take action on the language recommendations and we are asking the Commissioners to do so. One of the POSAC members lived near a NPD and seemed to have a conflict of interest which could have influenced the Board. Thank you for your consideration. I am out of town when this meeting comes to vote, however Pam Wanek will be there to answer any questions that may arise and can be reached at 303-507-8580 or [wanek@q.com](mailto:wanek@q.com).

[Lindsey Sterling Krank](#)

[Program Director, Prairie Dog Conflict Resolution](#)

[Humane Society of the United States- Wildlife](#)

[720-938-7855- cell or text](#)





# Suggested criteria to improve prairie dog management in the No Prairie Dog Areas (NPDs) on Boulder County public lands as related to the moratorium

1. In order to prevent continued or additional lethal control as intended, **staff is required to follow up lethal control with conflict resolution techniques** to prevent prairie dog migration back into removal areas:
  - Exs. can include: Barriers, buffer zones, vegetative plantings,  
\*voluntary conservation incentives, other innovative techniques
2. **Limit Moratorium lift for 5 years only** w/ a review of the efficacy in 2027 to determine if lifting the Moratorium did in fact reduce lethal control; if not use adaptive management to reinstate the moratorium
3. Ensure the moratorium lift applies to No Prairie Dog Areas only.
4. Consider not lifting the moratorium or creating a buffer zone in nesting bald eagle areas
5. Commit to implementing a proactive, conflict resolution plan on the Habitat Conservation Areas (HCAs) post NPD removal.
6. BCPOS commits to non-lethal translocation or other conservation action once a year to ensure conservation goals are being met on the HCAs



# Staff recommendation w/ non-lethal requirement + 5 yr review period

- ~~8.3.3-Extermination~~ **Lethal Control**
- BCPOS staff will continuously research the efficiency and expediency of all control methods in an attempt to minimize undue stress to the animals. ~~Extermination~~ **Lethal control** substances may include lethal gases, such as CO<sub>2</sub> or CO, no chemical rodenticides are permitted for use by Parks and Open Space staff or by tenants. Prior to ~~extermination~~ lethal control, BCPOS staff will perform an on-site inspection of the area to identify precisely the area to be ~~exterminated~~ controlled and the extent of the work to be done. Assessment of active burrows will occur, and only those deemed active will receive treatment. Any holes deemed inactive will not be treated, and may not be closed, in an attempt to minimize non-target species impacts. **There should be no lifting of the moratorium within 1/2 mile buffer of any eagle nest or any species listed of special concern the Boulder County Comprehensive Plan, NPD or otherwise.** ~~Exterminations will not occur during the pup-rearing time period of March 1–May 31 annually. This timeframe was selected to capture the peak rearing season to limit the potential of young being left unattended in the burrows. The exception will be in cases where dispersing individuals attempt to colonize an NPD without prairie dogs. If these areas are free of prairie dogs as of March 1 of each year, direct lethal control may be used to prevent recolonization during this time period. After the initial treatment, follow-up treatments may occur within two to three days of each other, depending on weather conditions. When extermination lethal control has been completed, staff will inspect the site. Follow-up monitoring and management will~~ **strive be implemented to discourage recolonization. BCPOS staff revisions will be reviewed in 5 years in 2027 for efficacy and reinstated if not preventing more lethal control as intended.**

February 10, 2022

To: Commissioner Matt Jones  
Commissioner Claire Levy  
Commissioner Marta Loachamen

From: Elle Cushman, *citizen of Boulder County*

MEMO: Discussion regarding the proposed rule changes to current policy allowing prairie dog removal from areas designated as NPD by live trapping as well as lethal control such as treating burrows with compressed carbon monoxide gas.

## proposed changes

Current policy allows prairie dog removal from areas designated as NPD by live trapping as well as lethal control such as treating burrows with compressed carbon monoxide gas. The policy also includes a moratorium on lethal control between March 1 and May 31, the breeding season for prairie dogs. With the moratorium in place, prairie dogs need to be lethally controlled repeatedly for population increases annually. This hinders the department from achieving the goals of the management plan, as well as the Cropland Policy, of keeping NPDs free of prairie dogs. Allowing lethal control on NPDs at this time of year targets removing prairie dogs before their population increases from breeding. In the long run, this will decrease the number of prairie dogs subject to lethal control.

For these reasons, staff proposes changes to Section 8.3.3 of the Prairie Dog Habitat Element of the Grassland and Scrubland Management Policy regarding the seasonal moratorium on lethal control. This item is scheduled to be presented to the Parks & Open Space Advisory Committee (POSAC) on Thursday, Jan. 27, followed by a presentation to the Board of County Commissioners (BOCC) for approval on Feb. 10.

### 8.3.3 ~~Extermination~~ Lethal Control

BCPOS staff will continuously research the efficiency and expediency of all control methods in an attempt to minimize undue stress to the animals. ~~Extermination~~ Lethal control substances may include lethal gases, such as CO<sub>2</sub> or CO, no chemical rodenticides are permitted for use by Parks and Open Space staff or by tenants. Prior to ~~extermination~~ lethal control, BCPOS staff will perform an on-site inspection of the area to identify precisely the area to be ~~exterminated~~ controlled and the extent of the work to be done. Assessment of active burrows will occur, and only those deemed active will receive treatment. Any holes deemed inactive will not be treated, and may not be closed, in an attempt to minimize non-target species impacts.

~~Exterminations will not occur during the pup-rearing time period of March 1–May 31 annually. This timeframe was selected to capture the peak rearing season to limit the potential of young being left unattended in the burrows. The exception will be in cases where dispersing individuals attempt to colonize an NPD without prairie dogs. If these areas are free of prairie dogs as of March 1 of each year, direct lethal control may be used to prevent recolonization during this time period.~~

After the initial treatment, follow-up treatments may occur within two to three days of each other, depending on weather conditions. When ~~extermination~~ lethal control has been completed, staff will inspect the site. Follow-up monitoring and management will strive to discourage recolonization.

“no chemical rodenticides are permitted for use by  
Parks and Open Space staff or by tenants.”

— *Policy language which remains, after proposed changes.*

Counties are prohibited from adopting an ordinance that is in conflict with any state statutes; however, a county ordinance and statute may coexist as long as they do not contain express or implied conditions that are in conflict with each other. If a conflict does exist, the ordinance is preempted by state law.



PDWG: did we achieve  
legislative co-existence?





[goal statement: PDWG Phase II Recommendations]

**goal no. 2- social coexistence** *Support proactive and innovate non-lethal strategies to minimize conflicts associated with prairie dogs and competing land uses. Increase public awareness of the prairie dog's role in Boulder's grassland and urban ecosystems through community outreach.*

Objective 1: Identify and categorize areas of conflict in order to develop custom innovative strategies.

{answer}

**no** I believe that **legislative coexistence** is not achievable under the State of Colorado's laws, which limit the ability of a local government to enact rules that are substantially different in their interpretation to that of the State's intent in its establishment of such rules.

Especially when such rule grants to the State explicit preemptive authority.

{discussion}

**to show that the enactment of an ordinance supporting humane, non-lethal control of prairie dogs on leased-irrigated-agriculture-fields is not within the city's (county's) administrative authority.**

The Prairie Dog Working Group PDWG was established in order to provide recommendations to city council on prairie dog management and relocations under existing policies, and also to make recommendations on future policy changes and the creation of new policy in the conservation of prairie dogs on city owned lands.

The first few meetings of the PDWG were spent establishing the protocols under which we would operate, as a group, and as individuals. The protocols were chosen from a preprinted agenda presented to the group. In order to participate, group members had to agree to the established protocols. We agreed to carry on our conversations only during meeting times and limit outside conversations to group members only. We were not to have outside conversations with council members, commissioners, Open Space Board of Trustees; and Planning, Parks and Recreation or Environmental Committee board members. Except of course, for the purpose of making substantive public comment.

The Phase I & Phase II, set of Recommendations, were presented to Council during Executive Sessions, during which no public comment is permitted. The Final Set of Recommendations was presented to Council for final approval during a Regular Council meeting that was held on May 7, 2019. Open comments were accepted from 20 speakers. Speakers were chosen randomly from the list of community members that had registered to speak.

There was never a public hearing held prior to the acceptance of the Prairie Dog Working Group Recommendations.

{the issue}

Throughout the working group process I felt that both existing and proposed policy issues were questionable in their legal adequacy. The framework utilized in the development of the Recommendations took a very narrow regulatory scope. The resultant legal framing of the Recommendations had significant deficits. The end product does not adequately in any-way-shape-or-form provide sound and defensible guidance to the City in its enactment of the revised policy.



To clarify my stakeholder position on the PDWG; I am not a lessee of City of Boulder open space property, and I have no authority to represent the position of the farmers and ranchers who lease property from OSMP. I also am not a resident within the City Limits of Boulder. My stated stake, and viewpoint, on the issue was that of a concerned community member.

{background}

The City of Boulder's history in the creation of a policy that prohibited the lethal control of prairie dogs began on January 4, 2000. The City of Boulder Mayor, Will Toor, kicked off the new millennium with an EMERGENCY ORDINANCE setting aside 5000 acres of habitat in the conservation of BLACK TAILED PRAIRIE DOGS, and prohibited the use of toxicants in the control of prairie dogs or wild birds. I believe this was struck down during its first reading, due to a policy that prohibits the City from making allocations in an EMERGENCY ORDINANCE.

**ORDINANCE 842** was accepted during its third reading on January 18, 2000, and proclaiming the preservation of Black Tailed Prairie Dogs and prohibiting the poisoning of wild birds and prairie dogs.

The State of Colorado notified the City of Boulder that this Ordinance was Pre-empted by State Law, and was unenforceable, and ordered the city to repeal and/or amend ordinance 842.

Prohibited, 6-1-34 "Use of Poison Restricted," etc. Amend & Adopt 8/19/03

**RESOLUTION 927** was then approved by the City of Boulder stating that ORDINANCE 842 was repealed by order of the state and proclaiming that the Conservation of Prairie Dogs was a matter of Local Concern. It also proclaimed that conservation measures would only be made possible through voluntary efforts, and urged all citizens to refrain from the lethal control of Black Tailed Prairie Dogs.

**SUSPEND** Sections 6-1-11 "Poisoning Prairie Dogs Prohibited," 6-1-12 "Killing Prairie Dogs Other Than by Poisoning and Damaging Burrows

Prohibited, 6-1-34 "Use of Poison Restricted," etc. Amend & Adopt 8/19/03

Even though ordered by the State, I feel that these Proclamations in the Conservation of Prairie Dogs, and the regulatory and administrative restrictions placed on the killing of Prairie Dogs have been *continued in effect* for nearly 20 years by both city and county officials.

There is a long list of the places these restrictions have been tucked away, a method recommended by the advocates, where they would be free from *scrutiny* by the State. *Essentially, a pack-of-lies, hidden as truth:*

*Intergovernmental Government Agreement with the County, regarding the Conservation of Species of Special Concern on city and county open space properties.*

The Urban Wildlife Plan: 10,000 acres committed to the Conservation of Prairie Dogs between the City and County

The Grassland Management Plan, Co-created by the Nature Conservancy

The Voice and Sight Green Tag Program

The Grassland Management Plan

The Comprehensive Plan: Prairie Dog Element

Emergency Ordinance prohibiting the riding of equines in the area mapped by the IGA Agreement for the Marshall Landfill Superfund site

*The BCPOS permit for tenant lethal control*

*Strong language referencing the Conservation of Black Tailed Prairie Dogs Management Plans, with restrictive clauses prohibiting the killing of Prairie Dogs and resulting in loss-of-lease provisions that is contained within the Agricultural Grazing Leases for the City of Boulder, OSMP and County BCPOS*

## property rights: establishing the tenant's role as the *Landowner*

The term *Landowner* represents the holder of the *real property rights* in the property.

*Real Property and Personal Property* are types of property which can be owned by an individual. The right of an individual to own property and an individual's right to protect their property are Federal Constitutional Rights.

When a government entity holds the title to a property with a fee simple interest that entity holds the bundle of rights associated with that property. With this comes the surface and mineral interests, or rights, of the property, the right to do what they choose with the property, so long as it is legal, and the rights to exclude others from the property. They also hold the right to sell, trade, donate or lease these rights to others. In the absence of taking any of these actions of transfer, then the government entity is considered the *Landowner*.

When a government entity holds the title to a property with a fee simple interest and that entity enters into a lease granting the surface or minerals rights of that property to an individual, the *real property rights* in the surface or minerals once held by the entity, becomes the *real property rights* of the leaseholder, who through being granted a right of possession, becomes defined as the *Landowner*. As the designated Landowner, the lessee controls the surface rights, which are associated with a fee simple interest in a real property, including the right to exclude others from the property.

These parcels of property, which are leased from the City/County by the tenants, are held under a possessory interest lease. A possessory interest lease of a government property for the purposes of agriculture production, transfers the fee simple, or *real property rights* in the property from the government entity to the lessee, and as such, it provides for the exclusive use of the surface rights to

the tenant for economic benefit. Crops and forage are also real property, which belong to the tenant. Thus, if the commodity crop is a real property interest and is attached to the surface of the parcel leased by tenant, then the tenant must be taxed as the holder of the real property interests, and is through this transfer of real property interests. The tenant by definition is rightfully considered to be the *Landowner* in the context of these considerations. A possessory interest lease of government owned property grants to a leaseholder the right to exclude others from the property, thus transferring the public domain (public use and benefit) purposes of the property to a private property interest (individual use and benefit).

The ad valorem taxes associated with real property located within the county are assessed and charged to the holder of the possessory interest title of that property. These taxes are then used, just as all county property taxes, for the public benefit of the residents of the county. The parcels leased under possessory interest lease essential become private property. There are no other public uses to the parcel to which the public is entitled

[insert landowner Colorado revised stature] The lease holders are required to carry \$2,000,000 in a Farm Umbrella Liability Insurance Policy .

The OSMP agricultural leased properties are zoned for agriculture. Colorado

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CRS define surface cultivated and native grasses grown as a commodity crop as real property.]

{issues}

## “custom innovative strategies”

I’ve put together a very **rough** list of what I feel are the legal issues which have **not** been included in the customized-legal-strategy presented by the advocates in their support of Building a Conserved Grassland Habitat for Prairie dogs with the Southern Grasslands of the Boulder Region.

There is no Federal Regulatory Protection for Black Tailed Prairie Dogs Under the ESA. They were once listed as *warranted but precluded*. They have since been, delisted and their classification is listed as *not warranted*.

There is no Statutory Protection for Black Tailed Prairie Dogs in Colorado.

Colorado Department of Agriculture has the Sole Regulatory Authority of prairie dogs, in their authority granted to the department by the EPA under the FIFRA rule.

The Colorado Department of Agriculture Declared the Black Tailed Prairie Dog as a Destructive Rodent Pest, which is a matter of statewide concern. [SB99-111]

THE FIFRA ACT created a listing of pests which are determined to prevent the public health, safety and welfare of the public if not managed. All species of Prairie Dogs are included in this list (unless endangered). The Boulder County Hazard Mitigation plan touches on the subject of the prevention contagious disease and in its managing of vectors thereof. FEMA funding would most likely be reviewed for not adhering to this public health listing of pests, and its management for the health safety and welfare of the citizens in the area of a natural disaster.

The Colorado Natural Area Act requires Voluntary participation by the landowner in the enrollment of these lands.

Producers of livestock DO NOT receive reimbursement through federal crop insurance programs for the damages caused by prairie dogs. [THE FARM BILL]

Producers of livestock in this county have never received any government entitlements through EQIP Conservation Programs.

These properties are under agricultural lease. Under this use, Native grass is considered as forage, and is listed as a Commodity Crop.

Under the multi-state WAWFA Multi State Grassland Species Conservation Plan, all properties under grazing leases utilize the natural resource of native graze land as forage: a commodity crop. This most likely presents a significant Commerce Clause violation under the liberties granted to individuals in the United States Constitution.

**35-1.5-103. Preemption.** (1) No local government shall adopt or continue in effect any ordinance, rule, charter provision, or statute regarding the use of any agricultural chemical **and pertaining to:**

Colorado Revised Statutes 2017 Page 15 of 551 Uncertified Printout

(a) The name of the product, name and address of the manufacturer, and applicable registration numbers;

(b) Directions for use, use classification (general or restricted), mixing and loading, site of application, **target pest**, dosage rate, method of application, **application equipment**, frequency and timing of applications, application rate, reentry intervals, worker protection standards, application

and storage container specifications, storage and disposal of the agricultural chemical or container, or limitations to prevent unreasonable adverse effects such as required intervals between application and harvest of food or feed crops, rotational crop restrictions, warnings against use on certain crops, animals, objects, or in or adjacent to certain areas;

(c) Warnings and precautionary statements, hazards to humans, children, domestic animals, or the environment, physical or chemical hazards, or statements of practical treatment; or

(d) Record-keeping requirements.

Source: L. 94: Entire article added, p. 923, § 1, effective April 28.

The advocates present a revised work around to this Statue. They have interpreted this clause to apply only the use of restricted use chemicals.

The statue states nothing about restricted and non-restricted use classification of pesticides.

Traps and PERC machines are devices listed under the Colorado Pesticide Act Manual.

Incidentally, Delta Dust is included in authority of this statue

Black Tailed Prairie Dogs are a named pest under THE FIFRA ACT and approved by the EPA as a target pest on Federal Pesticide Labeling of products used in the control of Prairie Dogs.

The producers of Boulder County have been granted their Private Applicators licenses under the authority granted the State of Colorado Department of

Agriculture as the exclusory authorized by the EPA to regulate the use of agricultural pesticides.

Matters of Statewide Concern supersede The Local land Enactment Act .

THE FOOD SECURITY ACT is a matter of Nationwide Concern.

The conservation of prairie dogs in Boulder County is a voluntary action in Boulder County.

Thank you for your time and consideration of these issues.

Elle Cushman

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To the Boulder County Commissioners,

Thank you very much for once again tackling a thorny emotional issue: lethal control of prairie dogs. It is never nice to talk about killing things, even though it's sometimes necessary.

I support Staff's recommended changes to the moratorium on lethal control of prairie dogs on NPD areas. Staff's proposal is a **balanced, compromise solution** to a long-standing problem. The moratorium has been in place for decades, and has severely hampered staff's ability to remove prairie dogs from No-Prairie-Dog (NPD) areas. As a result, many Boulder County growers are significantly impacted by prairie dogs on their leased County agricultural lands. You can recognize many of your ag tenants supporting staff's moratorium change in the public comments received to date: Moss, Skokan, Guttridge, DeBruyne, Asbury, and local Conservation District Board members Lisco, Barnes, Bateman, Van Thuyne, Rademacher, Hansen, Koopman, Loukonen, Sekich, Miller, Penner and Clynke.

The last-minute proposal from Lindsay Sterling Krank, lobbyist for the Humane Society of America is NOT a compromise solution, but rather a disguised delaying tactic. Proposals for more barriers and relocations sound nice until one considers costs. When OSMP was considering lethal control on their irrigated agricultural lands in 2020, their estimated costs for lethal control, barrier construction and relocation of prairie dogs, are in the table below. Costs have risen substantially since then.

January 2020 cost estimates from COB OSMP		
Method	Cost/100 acres	Explanatory details
Lethal Control w/ PERC	\$22,100	\$221/acre x 100 acres for PERC machine and crew. Sub-contracted, NOT like County's less costly in-house program.
Barrier construction	\$64,280	\$7.70/ft. for wire fencing x 8348 ft. perimeter (or more if not square) of 100 acre field.
Relocation	\$440,000	\$4400/acre x 100 acres, (\$146/prairie dog trapped). Live traps are opened at dawn and closed at noon each day. Trapping continues until 5 days of clear weather with no animals entering traps. Trapping is followed by PERC lethal control for remaining animals. Burrows are dusted with Delta-Dust insecticide prior to trapping, and animals are dusted with insecticide once trapped. SVP vaccine is administered while animals held in cages. Burrow nesting boxes are excavated and installed in new location.

Please consider what you would be losing, if you direct staff to construct more barriers and relocate more prairie dogs. BCPOS currently spends 25% of their income from the Ag Division on prairie dog removal from the agricultural lands occupied by prairie dogs. If you spend even more Ag Division money on barrier construction and relocations, that means less money for soil health initiatives, less for compost applications to ag lands, water efficiency upgrades for irrigation systems, support for beginning organic farmers, market development for alternative crops, soil carbon sequestration initiatives, fire recovery of BCPOS lands and more. All these other projects are priorities that you don't want to cut.

Finally, I ask that you consider that the people who have stepped forward and commented in favor of the moratorium change are the brave ones. The destruction of the County's PERC machines and subsequent social media comments by prairie dog advocates on 8/20/2020 had a chilling effect on free speech by local landowners and farmers. The local folks who are speaking out feel vulnerable to property damage and boycotts of their businesses. Please also notice that many of the comments opposed to the moratorium change come from outside of Boulder County: Larkspur CO, Loveland CO, Broomfield CO, Henderson CO, Port Orchard WA, Shiresmanstown PA, and Soisy France.

Thank you very much for your consideration of this contentious issue,

Elizabeth Black 4340 N 13<sup>th</sup> St Boulder CO 80304