

1 Ken-Caryl Ranch Master Association and Metropolitan District
2 Open Space and Parks Prairie Dog Conservation Policy

3 **1.0 POLICIES PERTAINING TO KEN-CARYL RANCH MASTER**
4 **ASSOCIATION AND METROPOLITAN DISTRICT OPEN SPACE AND**
5 **PARKS**

6 The Ken-Caryl Ranch Master Association (KCRMA) and Ken-Caryl Ranch Metropolitan
7 District (KCRMD) recognize the importance of the black-tailed prairie dog (*Cynomys*
8 *ludovicianus*) and believe that the species has a right to exist on both Ken-Caryl Ranch
9 Private Open Space and Public Open Space, collectively referred to in this document as
10 “Ken-Caryl Ranch Open Space” (KCROS).

11 The 1997 *Ken-Caryl Ranch Open Space Comprehensive Management Plan* (1997 Plan)
12 states, “The areas set aside as open space represent an irreplaceable legacy that must be
13 protected for future generations.” Section V (4) in the 1997 Plan adds further emphasis
14 regarding wildlife: “The ecosystem of the Ken-Caryl Ranch (KCR) has traditionally
15 supported a diverse wildlife population. The KCROS will be managed to protect and
16 enhance natural biodiversity and prevent the elimination of native fauna.” Black-tailed
17 prairie dogs (“prairie dogs”) are an important species because of their interconnectedness
18 to other wildlife species. They provide an important food source for numerous predator
19 species. Prairie dog burrows provide cover and nesting sites for numerous mammals,
20 birds, and reptiles. Prairie dogs also provide recreational (e.g., watchable wildlife) and
21 other intangible values for the community.

22 Prairie dogs in urban and otherwise confined settings have the potential to impact native
23 plant communities negatively. As a result, these sites may experience erosion or noxious
24 weed management issues. In these situations, prairie dogs may move onto adjacent
25 private properties, damaging lawns, gardens, and other landscaped areas. This expansion
26 onto private properties has led the Ken-Caryl Ranch Open Space Department (KCROSD)
27 to manage the species as outlined herein.

28 The KCROSD will monitor habitat conditions and populations to make informed
29 decisions about potential management options, conservation and habitat restoration
30 opportunities, and strategies. These decisions will be based on a professional analysis of
31 the condition of KCROS, uses of KCROS, carrying capacity for prairie dogs, and the
32 safety concerns of KCR residents. The KCRMA and KCRMD Open Space and Parks
33 Prairie Dog Conservation Policy (“Policy”) places a priority on humane management
34 options.

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

38 Education and outreach regarding prairie dogs is an important aspect of conserving the
39 species and shall be addressed by the KCROSD.

40 The purpose of the Policy is to establish a specific framework for the conservation and
41 humane management of prairie dogs on KCROS. The primary goal of the Policy is to

1 endeavor to maintain prairie dogs as a component of the landscape in suitable areas on
2 KCROS; minimizing mortality of prairie dogs is an additional benefit.

3 The Policy recognizes the ecological significance of the black-tailed prairie dog within
4 the short-grass prairie ecosystem while addressing the concerns of private landowners
5 and residents, considering other wildlife species, preserving the values for which KCROS
6 is protected, and maintaining other uses of KCROS.

7 The responsibility for protecting the KCR's wildlife resources is a joint one, shared by
8 elected officials, appointed committee and task force members, KCROSD staff, private
9 property owners, interest groups, and other governmental agencies (e.g., U.S. Fish and
10 Wildlife Service and Colorado Parks and Wildlife).

11 **It must be recognized, however, that successfully protecting and managing prairie**
12 **dogs requires collaboration by all parties interested in assuring that the species is a**
13 **viable part of KCR's wildlife heritage. This Policy can address only the KCROSD's**
14 **role on KCROS.**

15 **1.1 AVOIDANCE**

16 It is the policy of KCRMA and KCRMD to avoid adverse impacts to prairie dog towns
17 to the extent reasonable in planning for maintenance or use of KCROS, or in projects
18 conducted by the KCRMA, KCRMD, or others on KCROS (e.g., utility easements).

19 If impacts to prairie dogs cannot reasonably be avoided, one (or a combination) of the
20 management alternatives described in Sections 1.3 through 1.7 may be implemented.
21 Examples of impacts that cannot reasonably be avoided include, but are not limited to,
22 the following: 1) where a community need or benefit is incompatible with preservation of
23 a prairie dog colony; 2) where prairie dogs have dispersed from KCROS onto private
24 property where their presence is undesirable; and 3) where the prairie dogs have met or
25 exceeded the carrying capacity of the available habitat. On a case-by-case basis, the
26 KCROSD will consider long-term solutions in determining which management
27 alternative(s) may be implemented.

28 The management alternatives are presented in decreasing order of preference by section
29 (with Section 1.3 representing the most preferable management alternative and Section
30 1.6 representing the least preferable management alternative) and shall not proceed
31 without prior community notice (see Section 1.2).

32 **1.2 NOTIFICATION PRIOR TO RELOCATION AND/OR LETHAL** 33 **CONTROL**

34 It is the policy of KCRMA and KCRMD to avoid designation of a release site, prairie
35 dog relocation, or lethal control without prior community notice. Such notice shall
36 include, at a minimum, information regarding the proposed action posted on the KCR
37 website and published in the *Life at Ken-Caryl* newspaper, or a newspaper of comparable
38 circulation if publication in the *Life at Ken-Caryl* is not possible. Implementation of a

1 proposed action shall not take place any sooner than 30 days following posting and
2 publication of the community notice.

3 In the case of relocation or lethal control, community information signs shall be posted at
4 least 14 days before any proposed action at the existing prairie dog site where community
5 access is available. In the case of release site designation by the Policy or the KCROSD,
6 see Section 2.2.

7 **The purpose of the notification requirement in this Section 1.2 and referenced**
8 **throughout the Policy is to inform the community of proposed prairie dog**
9 **management strategies and not to obtain approval for each project.**

10 **1.3 NON-LETHAL LAND MANAGEMENT AND PASSIVE RELOCATION**

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

23 **1.4 RELOCATION TO KEN-CARYL RANCH OPEN SPACE**

24 If avoidance or passive relocation or nonlethal land management is not practicable, as
25 determined by the Board of Directors having jurisdiction over the property where the
26 prairie dogs are located, the KCROSD may relocate prairie dogs to an area of KCROS
27 designated for prairie dog relocation. This provision also applies to projects undertaken
28 or funded by the KCRMA or KCRMD on other lands (e.g., utility easements).
29 Relocation of a prairie dog colony by the KCROSD for the community benefit shall use
30 humane capture-and-release methods (e.g., live trapping or water flushing) and shall not
31 proceed prior to community notice (see Section 1.2).

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

36 Any prairie dog relocation requires a permit from Colorado Parks and Wildlife (CPW).
37 The permit must specify the maximum number of prairie dogs that the release site can
38 support based on acres of suitable habitat and existing prairie dog populations. The
39 relocation permit must also address provisions for handling the few remaining prairie
40 dogs on the original site once the majority of the relocation work is finished. Following

1 relocation, the KCROSD shall conduct monitoring of the release site and implement
2 management measures if specified in the permit from CPW.

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

5 The KCRMA Open Space Manager, under guidance from the CPW, will closely
6 scrutinize the proposed relocation of colonies with small numbers of prairie dogs to
7 determine if it is prudent to relocate the animals. This provision reflects both the lower
8 survival associated with small relocations and the disproportionate administrative and
9 fiscal burdens for the KCROSD and CPW, in relation to the ecological and societal
10 benefits.

11 **1.5 RELOCATION TO ALTERNATIVE SITES**

12 If relocation to a designated release site on KCROS is not practicable due to insufficient
13 capacity or unsuitability, the KCROSD may make a reasonable effort to identify an
14 alternative release site (e.g., future prairie dog banks or lands owned by other cities,
15 counties, or private parties). Relocation of prairie dogs to an alternative site shall not
16 occur prior to community notice (see Section 1.2). In conformance with state law, prairie
17 dogs shall not be relocated to other counties without approval of the commissioners of
18 that county.

19 Any relocation requires a permit from the CPW. The permit must specify the maximum
20 number of prairie dogs that the release site can support based on acres of suitable habitat
21 and existing prairie dog populations. The relocation permit must also address provisions
22 for handling the few remaining prairie dogs on the original site once the majority of the
23 relocation work is finished. Following relocation, the KCROSD shall conduct
24 monitoring of the release site and implement management measures if specified in the
25 permit from CPW.

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

28 The KCRMA Open Space Manager, under guidance from the CPW, will closely
29 scrutinize the proposed relocation of colonies with small numbers of prairie dogs to
30 determine if it is prudent to relocate the animals. This provision reflects both the lower
31 survival associated with small relocations and the disproportionate administrative and
32 fiscal burdens for the KCROSD and CPW, in relation to the ecological and societal
33 benefits.

34 **1.6 LETHAL CONTROL INCLUDING USE IN THE BLACK- FOOTED**
35 **FERRET PROGRAM OR OTHER WILDLIFE RECOVERY PROGRAM**

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

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

14 The KCROSD may retain the services of a commercial pesticide applicator licensed in
15 the “outdoor vertebrate” category or use certified KCROSD staff to eradicate all or part
16 of a prairie dog colony on KCROS. Use of any lethal management tool shall be
17 monitored to ensure compliance with label instructions. Aluminum phosphide shall not
18 be used to eradicate prairie dogs. Any eradication of prairie dogs shall not proceed prior
19 to community notice (see Section 1.2).

20 **1.7 INNOVATIVE MANAGEMENT TECHNIQUES**

21 The KCROSD may evaluate the feasibility and effectiveness of innovative management
22 techniques that become available on the market or through institutions conducting
23 research. Examples of innovative management techniques are immunocontraceptive
24 vaccines, oral contraceptives, or other contraceptive agents. Should one or more
25 innovative management techniques become available, the KCROSD may elect to use one
26 or more of them instead of, or in addition to, the management techniques set forth in
27 Sections 1.3 through 1.6, above.

28 **1.8 EXCEPTION FOR EMERGENCY SITUATIONS**

29 **1.9 Notwithstanding the requirements set forth in this Policy, KCROSD may**
30 **engage in relocation or lethal control of individuals or small groups of prairie**
31 **dogs on KCROS in emergency situations. Emergency situations may include,**
32 **but are not limited to, prairie dogs that appear sick or injured or are in places**
33 **where their presence indicates an imminent health or safety hazard.**
34 **Community notice shall not be required prior to KCROSD taking action in an**
35 **emergency situation. The exemption from the general requirement for**
36 **community notice prior to relocation or lethal control is intended to allow a**
37 **timely response in these situations. PROTECTION OF WESTERN**
38 **BURROWING OWLS**

39 Prior to relocation or extermination of all or part of a prairie dog colony on KCROS
40 during the western burrowing owl nesting season (March 15 through October 31), the
41 prairie dog town shall be surveyed by a wildlife specialist for the presence of burrowing

1 owls. The burrowing owl, which nests in abandoned prairie dog burrows, is listed by
2 CPW as a threatened species in Colorado and protected under the federal Migratory Bird
3 Treaty Act (MBTA). It is unlawful to kill, injure, chase, or harass burrowing owls, or to
4 destroy their eggs or active nests. Active nests are those that contain eggs or young or are
5 being tended by adults in preparation for breeding. Nest failure resulting from
6 abandonment by one or both adults is also considered destruction of a nest.

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

18 The requirements in this Section 1.9 shall not apply if CPW removes the burrowing owl
19 from the list of threatened species in Colorado and it is no longer protected under the
20 MBTA.

21 **1.10 COSTS**

22 It is recognized that implementation of this Policy will result in an increase in operation
23 and maintenance costs; allocation of funds for implementation of this Policy is subject to
24 annual appropriation by the Boards of Directors of KCRMA and KCRMD. Management
25 options may be constrained by budget. Provisions for costs should be made whenever
26 possible as part of or concurrently with the donation of cash funds or in-kind services.
27 To maximize the benefits of conservation efforts, specific management strategies, or
28 education and outreach, the KCROSD will actively use volunteer organizations or seek
29 opportunities including, but not limited to, in-kind project assistance or cash
30 contributions by private entities.

31 Donations or in-kind services may be conditioned or otherwise restricted by the donor
32 provided the conditions do not unduly restrict the ability of the KCROSD to use the
33 donation to meet its goals within the framework of this Policy.

34 **2.0 POLICIES PERTAINING TO RELEASE SITES**

35 **2.1 OVERVIEW**

36 The KCROSD may designate prairie dog receiving sites on KCROS with the approval of
37 the land owner. Designation of receiving sites will be based on the combination of
38 adequate area, capacity, configuration, vegetation type and cover, and current uses to
39 ensure a reasonable likelihood of survival of the relocated animals. Prairie dogs requiring

1 relocation from KCROS will be given priority of any designated receiving site(s) on
2 KCROS.

3 Sites with evidence of prior occupation by prairie dogs (i.e., abandoned burrows) will be
4 given preferential consideration as release sites if all other factors are suitable and, in the
5 event of a prior outbreak of sylvatic plague, at least one (1) year has passed since the
6 infection and the burrows have been treated for fleas. A parcel or portion of KCROS
7 may be designated as prairie dog release site if it: (a) meets the criteria stated in the
8 previous paragraph;— (b) does not pose an unacceptable risk of disease, nuisance, and
9 damage to landscaping of adjacent landowners; and, (c) does not pose a risk of adverse
10 impact to high-quality native grasslands, other sensitive habitat types, or species—. No
11 site will be designated a prairie dog release site without prior community notice (see
12 Section 1.2). In the case of release site designation, community comment will be taken at
13 a community meeting held by KCRMA and/or KCRMD, as appropriate.

14 For release sites located within 500 feet of privately-owned land, the KCROSD will
15 establish buffer zones and construct barriers (e.g., fences or plantings) if deemed
16 necessary by the KCRMA Open Space Manager or his/her designee to minimize the
17 potential for prairie dogs to disperse from the release sites to adjacent or nearby
18 properties where their presence is undesirable or unwanted. Buffers may vary in
19 dimension depending on terrain, vegetation, and proximity of residences, and shall
20 provide a minimum of 500 feet separation between the release site and the closest
21 privately-owned property. The KCROSD has the right to control prairie dogs that
22 disperse from KCROS to areas where their presence is undesired. When practicable,
23 control will occur in the buffer zone to minimize the need for control on adjacent
24 properties. The KCROSD will be responsible for all escape control, including buffer
25 zones and active control if necessary.

26 **2.2 DESIGNATION OF RELEASE SITES**

27 In conjunction with development of this Policy, those portions of the North and South
28 Hogback Open Spaces generally shown in Exhibit A shall be designated as potential
29 prairie dog release sites. The foundation of this designation is twofold:

- 30 • An evaluation of the potential suitability of various areas of KCROS in terms of
31 habitat and land use characteristics outlined in Section 3.1.
- 32 • An assessment of the total acreage of currently or potentially suitable KCROS
33 available to accommodate anticipated relocation needs for prairie dogs.

34 **3.0 KEN-CARYL RANCH OPEN SPACE AND PARK LAND MANAGEMENT** 35 **AND CONSERVATION POLICES RELATING TO PRAIRIE DOGS**

36 **3.1 LONG-TERM MANAGEMENT AND CONSERVATION**

37 The KCROSD has developed recommendations on the long-term management of
38 KCROS through several open space management plans and studies over time. As part of
39 this Policy, the KCROSD may designate existing KCROS relative to prairie dog

1 conservation and management. The designation would use one of three prairie dog
2 management/conservation categories commonly used along the Front Range. These three
3 categories are generally defined as follows:

4 **Prairie Dog Habitat Conservation Area (HCA)** – ideally allow prairie dogs to function
5 with minimal human intervention without causing or experiencing significant negative
6 impacts to or from adjacent lands.

7 **Multiple-Objective Areas (MOA)** – allow prairie dogs to coexist with other uses but
8 they may not be the highest management priority of a given open space area.

- 9 • Those areas, generally on both the east and west side of the North and South Hogback
10 Open Spaces where recreation trails exist, shall be designated MOA.

12 **No-Prairie Dog Areas (NPD)** – are unsuitable for prairie dogs because of ecological
13 conditions or incompatible land uses.

- 14 • All parks, athletic fields, turf areas, and landscaped gardens shall be designated NPD.
- 15 • All campsites on KCROS shall be designated NPD.
- 16 • The Manor House Open Space site as identified on the attached Exhibit A shall be
17 designated NPD.

19 The KCROSD may evaluate any remaining (i.e., not designated as part of this Policy)
20 open space areas with suitable habitat, or portions thereof, and designate each as HCA,
21 MOA, or NPD. Designations will be based on habitat characteristics (e.g., soils,
22 vegetation, slope, elevation, connectivity, and barriers) and land use characteristics (e.g.,
23 history of use, current use, anticipated use, and adjacent ownership and uses).

24 Upon the discovery of Prairie Dogs in an area that previously did not have Prairie Dogs
25 staff will alert the Board of Directors responsible for that property for further direction.

26 **3.2 RESPONSE TO OUTBREAKS OF SYLVATIC PLAGUE**

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

32 If sylvatic plague is confirmed in a prairie dog colony on KCROS, the KCROSD, in
33 cooperation with the Jefferson County Health Department and Colorado Department of
34 Public Health and Environment, shall implement a program to treat the affected area for
35 fleas to eliminate or control the outbreak, and shall ensure that the area is posted by the
36 Jefferson County Health Department.

1 **3.3 EDUCATION AND OUTREACH**

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

10 The KCROSD shall seek education and outreach approaches to enhance the community's
11 knowledge about prairie dogs, other wildlife, and the community's role in conservation.
12 In response to community inquiries about prairie dogs, information will be made
13 available about the value of prairie dogs on KCROS with the intent of helping the
14 community gain a broader, balanced picture of the role of prairie dogs within KCR.

15 **3.4 TECHNICAL ASSISTANCE**

16 The KCROSD will provide technical assistance to private property owners, individuals or
17 groups of decision makers, communities, units of state and local government, and others.
18 Technical assistance consists of science-based information to help residents conserve,
19 maintain, and improve KCR's natural resources and options for mitigating human-prairie
20 dog conflicts. This may include information on natural or physical barriers to deter
21 encroachment.

22 **4.0 UPDATING OF THE POLICY**

23 The KCROSD, in collaboration with the Ken-Caryl Ranch Open Space Committee, shall
24 review this Policy at least every five (5) years from the date of adoption to determine if
25 amendments are appropriate. Any recommendations will be presented to the KCRMA
26 and KCRMD Boards of Directors for review and adoption if deemed appropriate.

27 **5.0 IMPLEMENTATION RESPONSIBILITY**

28 Overall responsibility for the implementation of this Policy resides with the KCRMA
29 Executive Director or his/her designee. The KCRMA and KCRMD Boards of Directors
30 may change or amend this Policy at any time by a document signed by both Boards of
31 Directors.

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33 **5.1 KEN-CARYL RANCH MASTER ASSOCIATION**

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By Valerie Walling Date 12/2/14
Valerie Walling, President

Ken-Caryl Ranch Master Association
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KEN-CARYL RANCH METROPOLITAN DISTRICT

By Bob Generoli Date 1-27-2015

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