

# MEMORANDUM

## DEPARTMENT OF TRANSPORTATION

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**DATE:** January 15, 2009

**TO:** RTDs & RPEMs

**FROM:** Russell George, Executive Director

A handwritten signature in cursive script, reading 'Russell George', is written over the printed name in the 'FROM' field.

**SUBJECT:** IMPACTED BLACK-TAILED PRAIRIE DOG POLICY

On December 3, 2008 the RTDs reviewed and approved a change to CDOT's prairie dog policy. The change eliminated the requirement to notify and receive approval from the Food and Drug Administration (FDA) prior to relocating prairie dogs. Since FDA no longer requires such a notification, the policy has been amended to reflect the change. All other provisions of the policy remain unchanged.

Over the winter of 2004-2005 the Chief Engineer, RPEMs, and RTDs agreed upon the following policy for addressing Black-tailed prairie dogs that will be impacted by CDOT projects. These guidelines should be applied to all CDOT activities that affect Black-tailed prairie dogs.

- 1) CDOT projects will be designed and constructed to avoid and minimize impacts to prairie dog colonies greater than two acres in area;
- 2) If a colony is less than two acres, but has the potential to expand into areas that are currently inactive (i.e., not constrained), the available and accessible habitat will be the determining size of the area to be considered;
- 3) In order to foster a heightened sense of CDOT's ecological stewardship by the public, projects involving towns less than two acres in area, will be designed and constructed to avoid and minimize impacts, which may include the relocation of prairie dogs, so long as doing so will not increase the impacts to other resources (e.g. wetlands, historical properties, environmental justice issues, archeological sites, etc.) and is not cost prohibitive;
- 4) The area of prairie dog towns that will be affected by a project will be calculated before construction begins;
- 5) Relocation efforts for prairie dog town greater than two acres shall be conducted in accordance with CRS 35-7-203, as well as any other applicable laws or regulations;

- 6) If a relocation site cannot be located for towns larger than two acres, the prairie dogs will be captured and donated to raptor rehabilitation facilities, or turned over the FWS for the black-footed ferret reintroduction program;
- 7) At no time will CDOT authorize earth-moving activities that result in the burying of living prairie dogs. If needed, humane techniques for the killing of prairie dogs within a town < 2 acres in size, will be obtained from CDOW;
- 8) Coordination with the Colorado Division of Wildlife's District Wildlife Manager whose area the project is in, will be initiated before any manipulation of prairie dogs or their colonies begins;

The matrix below outlines the steps and the order they are to be taken based on the preconstruction area of an affected prairie dog town.

Preconstruction area of available prairie dog habitat<sup>1</sup>

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	greater than 2 acres	less than two acres
1 <sup>st</sup>	Avoid and minimize impacts	Avoid and minimize impacts
2 <sup>nd</sup>	Relocate	Donate to ferret program and/or raptor rehab program
3 <sup>rd</sup>	Donate to ferret program and/or raptor rehab program	Humanely euthanize <sup>2</sup>
4 <sup>th</sup>	Humanely euthanize <sup>2</sup>	-----

1. Area of land able to be used by prairie dog that may or may not be occupied; calculated before a project begins.
2. Aluminum phosphate capsules, carbon monoxide gas cartridges or carbon dioxide gas cartridges are currently recommended, but not the exclusion of any future technologies that may be developed.

**Background**

On February 4, 2000 the United States Fish and Wildlife Service (USFWS) classified the black-tailed prairie dog as a candidate species for protection under the Endangered Species Act. In October of that same year the State of Colorado designated the black-tailed prairie dog a Species of Concern.

On January 8, 2002 CDOT Executive Director Tom Norton signed a memo outlining guidelines for the relocation of black-tailed prairie dogs impacted by CDOT activities. Subsequently, the USFWS has removed the black-tailed prairie dog from the federal candidate species list. However, the State of Colorado has retained it on their list of species of concern.

It is important that CDOT adopt a statewide strategy that will assist in diminishing the negative effects that transportation related activities have on the continued survival and recovery of the species. Adopting a pro-active departmental policy under the authority of CDOT may help minimize the possibility of federal listing of the black-tailed prairie dog in the future and is consistent with State and Transportation Commission policy direction.

**Policy Basis**

The Transportation Commission has adopted policy statements and policy statements and policy guidance in the 2020 Statewide Transportation Plan adopted November 2000, that direct CDOT activities. These include:

**“Statewide Transportation Policy on the Environment:**

CDOT will promote a transportation system that is environmentally responsible and encourages preservation of the natural and enhancement of the created environment for current and future generations. We will incorporate social, economic, and environmental concerns into the planning design, construction, maintenance and operations of the states existing and future transportation system. With the active participation of the general public, federal, state and local agencies, we will objectively consider all reasonable alternatives to avoid or minimize adverse impacts.”

and:

**“Environmental Policy Guidance:**

The Transportation Commission supports pro-active techniques to mitigate impacts of the transportation system on the environment by developing creative strategies that:

- Comprehensively address anticipated environmental impacts of the state transportation system.
- Consider project enhancements in affected communities in a cost effective manner consistent with the mission of the Department; and
- Expedite project development.”

This policy memo will be included in to the NEPA Guidance Manual. You can find the Manual at: <http://www.dot.state.co.us/environmental/Manual/NepaManual.asp>; the memo will be in Chapter 9, Section 9.8.