ISSUES SUBMITTAL FORM

Date:	October 23, 2026

ISSUE:	**Should the recreational take of prairie dogs on public land be prohibited?**

DISCUSSION (FACTS AND FIGURES, EXPLANATION OF ISSUE):

In April 2026, the Colorado Parks and Wildlife Commission (PWC) received a citizen petition requesting rulemaking to amend 2 C.C.R. § 406-309 to prohibit the recreational take of black-tailed, white-tailed, and Gunnison's prairie dogs (*Cynomys spp.*) on all public lands statewide. CPW convened an internal Prairie Dog Working Group to analyze the technical, ecological, legal, and operational aspects of the petition.

Colorado law generally prohibits any person from hunting or taking wildlife, including prairie dogs, unless permitted by Title 33 or Commission rule. C.R.S. § 33-6-109(1). As relevant here, Title 33 and its implementing regulations allow people to take prairie dogs in two circumstances.[1] **First**, prairie dogs are classified as "small game" that may be taken under a small game license. C.R.S. § 33-1-102(41) (classifying all species of prairie dogs as "small game"); C.R.S. § 33-6-107(3) (requiring any person who hunts or takes wildlife to "procure a proper and valid license therefor"); 2 C.C.R. § 406-3:304.B-C (allowing take of prairie dogs under a "small game license" or "small game and fishing combination license"). The season for black-tailed, white-tailed, and Gunnison prairie dogs is June 15 to February 28 on public land and January 1 to December 31 on private land. 2 C.C.R. § 406-3:309.A.2. There is no bag limit, 2 C.C.R. § 406-3:309.B.1, and any method of take not otherwise prohibited is allowed, 2 CCR § 406-3:303.D. **Second**, "any person, any member of such person's family, or any employee of the person may hunt, trap, or take . . . prairie dogs . . . on lands owned or leased by the person without securing licenses to do so, but only when [they are] causing damage to crops, real or personal property, or livestock." C.R.S. § 33-6-107(9).

The petition only applies to the first circumstance. It seeks to eliminate recreational take of prairie dogs on public lands by changing the daily bag limit from unlimited to zero. The petition does not seek to alter the recreational take of prairie dogs on private lands. The petition also does not seek to alter the take of prairie dogs under Title 33 (C.R.S. § 33-6-107(9)) or Title 35 (C.R.S. § 35-7-201), as such a change would require statutory changes. These regulation changes would not affect tribal hunting rights.

Prairie dog management in Colorado is guided by a suite of monitoring and conservation plans. CPW has been actively engaged in prairie dog management, conservation, and research for decades. It is recognized as a leader in prairie dog conservation, particularly in prairie dog monitoring and plague management. The agency pioneered rangewide monitoring efforts for black-tailed prairie dog (BTPD) within Colorado in 2002 and refined methods in 2006-2007. The state worked with Federal and State partners to develop consistent methods for use across the range of species. Techniques were refined again in 2016 to incorporate the multi-step process of aerial imagery mapping, followed by aerial and ground truthing to address concerns related to inactive burrows. The chosen resolution for this range-wide survey enables occupancy estimates while striking a balance between cost and effort to collect the data, applying those savings to on-the-ground conservation of the species, such as plague management. Current BTPD occupancy estimates remain within the Blue Abundant Zone (>450,000 acres) as defined in the Conservation Plan for Grassland Species in Colorado (CDOW 2003[2]). Gunnison's prairie dogs

[1] While the Title 33 prohibition on "any person" taking wildlife unless permitted by Title 33 or Commission rule extends to counties, *see* § 33-1-102(33) (defining "person" to include any "county"), Title 35 authorizes "[t]he boards of county commissioners of the several counties" to "purchase materials and equipment and to employ one or more suitable persons to destroy . . . prairie dogs . . . within the limits of their respective counties," and to "levy such taxes as are necessary to pay the obligations for rodent control work as authorized under this section and to put into operation any plan of procedure for the eradication of such rodent pests within their jurisdictions as in their discretion is deemed advisable." C.R.S. § 35-7-201(1)-(2). Whether this provision allows counties to take prairie dogs in circumstances prohibited by Title 33 is unclear.

[2] Colorado Grassland Species Working Group. (2003). Conservation plan for grassland species in Colorado. Colorado Division of Wildlife. Denver, Colo.

(GUPD) and white-tailed prairie dogs (WTPD) surveys were implemented similarly, with surveys completed in 2004, 2008, 2011, 2016, and 2022 for WTPD, and in 2005, 2007, 2010, 2016, 2022, and 2025 for GUPD. A stratified random sample of 0.25 km^2 plots was used for both WTPD and GUPD. Surveys have used aerial and ground-based observations, and the latest surveys showed that WTPD and GUPD meet occupancy criteria established by the Western Association of Fish and Wildlife Agencies Prairie Dog Conservation Team.

The agency proactively manages plague on thousands of acres of prairie dog and black-footed ferret habitat annually. CPW has been a leader in developing innovative equipment, tools, and techniques needed to manage sylvatic plague (*Yersinia pestis*) in Colorado and throughout North America. CPW's 2025 State Wildlife Action Plan (SWAP) identifies Sylvatic plague epizootics and habitat loss through land-use conversion as the primary drivers of prairie dog populations statewide. Peer-reviewed research indicates that recreational harvest does not drive population-level declines at a landscape scale.

While CPW recognizes prairie dogs as a vital keystone species in grassland ecosystems, the agency also acknowledges that prairie dogs can have negative economic and operational impacts on private landowners, land managers, and agricultural producers. Given the overlapping legal authorities governing the species, the conservation and management of prairie dogs requires the agency to balance the ecological benefits of the species with the negative impacts they can have. In addition, CPW acknowledges that effective management of all wildlife in Colorado requires sustained collaboration with a broad range of stakeholders, robust public engagement, and durable partnerships.

The intention of CPW's prairie dog working group was to adhere to the published annual regulatory calendar, under which the relevant regulatory chapter, W-3, is open in January and March. Adherence to this established schedule ensures transparency, maintains public trust, provides stakeholders with adequate preparation time, and distributes staff resources in a manageable and predictable way throughout the year. At the September 2026 PWC meeting, the PWC voted to initiate rulemaking in November 2026. Given the complexity of prairie dog management, CPW did not have time to identify and develop alternatives before regulatory deadlines for this rulemaking. CPW staff did notify an extensive list of stakeholders of this rulemaking process and how to provide feedback to the Commission. This paper, therefore, presents 2 alternatives: the status quo and the regulatory change proposed in the petition. This alternative uses the definition of "public land" proposed by the petition, which is the same definition used in 2 C.C.R. § 406-0:002.O.3.d. CPW interprets "administered by the Division" to include lands managed for hunting and fishing subject to agreements with the State Land Board and other landowners.

It is important to note that, while the petition discussion focuses on banning only recreational shooting of prairie dogs on public land, the text of the petition's proposed rule would ban all recreational take on public land. During consultation with the petitioners, they indicated that their intention was to ban all take of prairie dogs on public lands, not just the take via shooting. This regulatory change would close the season on prairie dogs in specific localities (on defined public lands) and must be supported by a commission finding that the action "is necessary to assure maintenance of adequate populations of wildlife or to preserve the proper ecological balance of the environment." C.R.S. § 33-1-106(1)(a).

State law requires CPW to solicit input from stakeholders that may be affected positively or negatively by the proposed rules. The following stakeholders have been advised of and invited to provide input on the regulatory changes proposed in this issue paper:

***It is assumed that all necessary internal parties have been notified*.**

CPW convened an internal Prairie Dog Working Group to analyze the technical, ecological, legal, and operational aspects of the petition. This working group includes representatives from many parts of the agency, including field operations, game biologists, species conservation biologists, wildlife health staff, state parks, resource stewardship, regulations, policy and planning, and the lands unit. Representatives

from CPW met with the petitioners to discuss the petition on August 10, August 18, August 31, September 4, September 11, and October 15.

Due to the compressed rulemaking timeline, CPW was not able to engage with stakeholders in time to incorporate their input into the development of this issue paper. A public and stakeholder engagement process to inform the development of regulatory alternatives typically requires 3-4 months to plan, conduct, analyze feedback, and report qualitative social data to decision-makers. Instead, external input from stakeholders was directed to the Commission for consideration at the issue identification stage of rulemaking (step 1 of 2). CPW notified impacted and interested stakeholders of the issue paper, rulemaking process, and Commission public comment opportunities via email when this issue paper is posted publicly online. This topic-specific outreach, in addition to the typical Commission rulemaking notice distribution, will allow a diverse range of stakeholders to submit comments to the Commission at a time when their input may inform the Commission's consideration of the issue paper and guidance to Division staff on developing final regulations. Stakeholders to be notified include representatives from a variety of impacted or interested groups who may be supportive, opposed, or neutral regarding the proposal in the citizen petition. These groups include, but are not limited to, conservation and wildlife organizations, private landowners, agricultural associations, agricultural producers, prairie dog advocates, sportspeople, and hunters.

DNR received a letter from the Forest Service on September 2 requesting consultation. CPW met with representatives from the Forest Service on September 21. CPW met with the State Land Board on Sept 18. CPW also reached out via email to the Southern Ute Indian Tribe and Ute Mountain Ute Tribe on October 9. CPW met with Colorado Counties, Inc. on October 15 to notify county commissioners of this rulemaking and inform them of the process for providing input.

ALTERNATIVES: (POSSIBLE OUTCOMES or POSSIBLE REGULATIONS):

1. **Alternative One**: Status quo

2. **Alternative Two (Petition Proposal):** Eliminate the recreational **take** of prairie dogs on public land by changing the bag limit for black-tailed, white-tailed, and Gunnison prairie dogs from unlimited to 0 by amending 2 C.C.R. § 406-3:309 as follows. This change will not affect the ability of individuals or counties to take prairie dogs causing damage under Title 33 (C.R.S. § 33-6-107(9)) or Title 35 (C.R.S. § 35-7-201)

#309 –Wyoming (Richardson's) ground squirrel, and black-tailed, white-tailed, and Gunnison prairie dogs

A. Season Dates and Units
   1. Wyoming ground squirrel:
      a. Statewide: January 1 -December 31 annually.
   2. Black-tailed, white-tailed and Gunnison prairie dogs:
      a. Public Land: ~~June 15 -end of February annually.~~ **None**.
      b. Private Land: January 1 -December 31 annually.

B. Daily Bag and Possession Limits
   1. ~~There shall be no bag or possession limit~~.
   1. Wyoming ground squirrel:
      a. There shall be no bag or possession limit.
   2. Black-tailed, white-tailed and Gunnison's prairie dogs:
      a. Daily Bag Limit on Public Land –Zero.
      b. Possession Limit on Public Land –Zero.
      c. There shall be no bag or possession limit on Private Land.

C. As used in this section, “public land” means federal lands and lands owned or administered by the Division.	
Issue Raised by:	Citizen Petition
Author of the issue paper (if different than person raising the issue):	CPW
CC:	

Approved for further consideration by:	**Frank McGee and Shannon Schaller**
Requires new space in the brochure?	**YES**
Are adequate staff and funding resources available to implement?	**YES**
Region, branch, or section leading implementation:	**Field Operations**
Any additional regions, branches or sections involved in implementation:	**Terrestrial**
Complies with Big Game Season Structure?	**NA**
Recommended for consent agenda?	**NO**