

**APPENDIX M**  
**COMPILATION OF PUBLIC COMMENTS**



## United States Department of the Interior

**FISH AND WILDLIFE SERVICE**  
Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
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**IN REPLY REFER TO:**  
**ES/GJ/State of CO**  
**MS 65412 GJ**

October 10, 2003

Mr. Russell George  
Director  
Colorado Division of Wildlife  
6060 Broadway  
Denver, Colorado 80216

Dear Mr. George,

This letter responds to an August 29, 2003 email request from Ms. Francie Pusateri of your Fort Collins office for our comments on the draft 'Conservation Plan for Grassland Species in Colorado'. The U.S. Fish and Wildlife Service (Service) was selected by you to participate on the Grassland Species Working Group, and have therefore been involved in the plans development. We have attended most meetings, and regularly provided comments to the Colorado Division of Wildlife regarding conservation of the black-tailed prairie dog and associated species, as well as process issues such as the 'Candidate Conservation Agreement with Assurances' (CCAA) program, and our 'Policy for the Evaluation of Conservation Efforts When Making Listing Decisions (PECE). We appreciate the opportunity to comment on the plan.

### GENERAL COMMENTS

The Service has been actively involved in prairie dog conservation in Colorado since 1987. The Colorado Division of Wildlife's attention to prairie dog conservation has notably increased in recent years, and we believe the conservation plan represents an important effort to ensure the viability of the black-tailed prairie dog in Colorado in the future. We therefore fully support the efforts by the Colorado Division of Wildlife, and we look forward to helping you implement the plan when Federal incentive programs or authorities may be beneficial.

As you know, the Service has no authority for management of black-tailed prairie dogs at the present time. Therefore, our only authority to provide some management direction would be triggered by a request for a Candidate Conservation Agreement with Assurances, and application of the relevant PECE policy criteria. Viewed broadly, we believe each of the action items in the conservation plan will contribute to the conservation of the black-tailed prairie dog. The effectiveness of each action item will only be known following implementation. We therefore

have given more attention to CCAA and PECE criteria, rather than attempting to refine or modify each action item.

The conservation plan appropriately emphasizes the significant role of private landowners in the conservation of grasslands and prairie dogs, given the preponderance of private lands within the range of the prairie dog and other associated species. The thirteen objectives itemized in the implementation plan seem to be thorough and comprehensive, and if implemented, will undoubtedly contribute to the conservation of the prairie dog and associated species. We do note however, that there is no ranking of geographic areas within Colorado where the management tools should be implemented specifically, other than the comment we found stating that the larger prairie dog colonies would be a priority.

While Colorado did not sign the 11-state agreement, we are pleased that objective 1 of the implementation plan nonetheless commits Colorado to the 256,000-acre target in the 11-state conservation plan. The plan also appropriately acknowledges the difficulty of ensuring viable populations of associated species given the fluctuation in prairie dog abundance, distribution, and density.

We believe there should be more discussion of SB 99-111 and individual county autonomy to potentially compromise the implementation and effectiveness of the conservation plan. SB 99-111 is mentioned in the acreage zone matrix, and the issue of county authorities is briefly discussed in the section relating to the management of prairie dogs along the Front Range. The plan seems to concede that county authorities may preempt any conservation measures the Colorado Division of Wildlife may want to implement, which may influence the plans eligibility for a CCAA.

The 2002 Candidate Notice of Review for the black-tailed prairie dog identifies poisoning and sylvatic plague as threats of moderate magnitude, although not presently imminent throughout the species entire range. Nonetheless, these threats can be important to black-tailed prairie dog viability in Colorado, and throughout its range. The matrix and the implementation plan address these threats, but rely on the incentive program to offset threats unless prairie dog acreages have declined to very low levels.

During some Grassland Species Working Group discussions, informal comments were occasionally made that all occupied prairie dog acreage above the 256,000 target of the 11-state conservation plan is 'surplus'. This view seems somewhat endorsed by the implementation of management actions only when the population falls below 250,000 acres. The goal of 150,000 acres protected by the voluntary, incentive based approach represents about 24 percent of the current estimated occupied acres in Colorado, and would leave a deficit of 106,000 acres to reach the 11-state plan target of 256,000 acres. We believe the plan should explain how the additional 106,000 acres would be attained, whether by direct management or perhaps some rationale relating to black-tailed prairie dog current abundance and future threats.

We recognize that black-footed ferret recovery has not been a specific objective of the Grassland

Species Working Group or the conservation plan. However, there are likely several prairie dog complexes in southeast Colorado that may be suitable for black-footed ferret recovery in the future. The Forest Service is beginning to revise forest plans for grasslands in southeast Colorado and Kansas, which will likely consider black-footed ferret recovery opportunities. We therefore ask that the Colorado Division of Wildlife give consideration to future black-footed ferret recovery criteria when implementing the conservation plan.

We do not consider this request for comments on the conservation plan a formal application for a Candidate Conservation Agreement with Assurances. The conservation plan has some of the details needed for a CCAA application, but is not complete in its present form. Should the Division seek a CCAA, we suggest a meeting between us to better determine what is needed in an application.

### **SPECIFIC COMMENTS**

Page 4, objective 9: The CDOW's inability to mandate how other federal or state agencies manage wildlife may need to be considered when evaluating a request for CCAA. I don't understand the point of this comment.

Page 4. There is no objective 10.

Page 8, paragraph 3: A CCAA application will require attention to our PECE policy and the Service's ability to make a determination that the conservation actions in this plan are sufficient to preclude listing if the actions were carried out on other necessary properties. The Service will not make that determination until it has received an enhancement of survival permit application from CDOW and provided appropriate notice to the public.

Page 12, PECE: We did not find any explanation of how the conservation plan satisfies the Service's PECE evaluation factors.

Page 17, table 3: The table has received a lot of discussion, and we have provided verbal and written comments on several occasions. The table clearly emphasizes monitoring and reporting, but seems to lack specific regulatory commitments to ensure that the goal of the plan is realized. Because the incentives approach depends to a large extent on the approval of counties, we believe their participation in adaptive agreements should be required to be able to enter into a CCAA once occupied acres fall below the 256,000 named in the Multi-State Conservation Plan (essentially the orange zone). If the level of toxicant use is discovered to be extremely high while occupied acres are in the orange zone, restrictions may need to be implemented at acreages above the red zone. The final plan should include the length of the seasonal shooting closure in this table.

Page 19 and 20, Figure 3: This is a good diagram of prairie dog distribution. As has been discussed at several meetings, prairie dog viability may also be influenced by colony distribution and individual density of prairie dog colonies, rather than occupied acres only. We didn't find any mention of prairie dog density and its importance to the conservation of prairie dogs or associated species. We also believe that some ground truthing may be important to better establish colony distribution and complexes.

Page 21, objective 2. There need to be specific monitoring actions for Burrowing Owl and

**Ferruginous Hawk.** If CDOW wants a CCAA that includes assurances for associated species, it will have to be more specific about monitoring protocols and conservation measures to be undertaken for them.

**Page 22, objective 3:** It may be best to choose another word for 'critical'.

**Page 23, action 5.6.** See our comment above about table 3.

**Page 24, action 6.1:** We believe the rationale for opening the shooting season needs some clarification. Would this seasonal closure apply to all lands, or public lands only? We assume sport hunting and the seasonal closure would be applied when prairie dogs exceed 250,000 acres. We support a seasonal closure, and the commitment to close the season when the population falls below 250,000 ac. We would like to remind the CDOW, however, that while the Service did conclude that shooting is not a threat throughout the range of the black-tailed prairie dog, there is evidence from some locales that shooting can impede recovery of towns that have been impacted by plague or poisoning. It may be useful to consider seasonal or yearlong closure on selected prairie dog towns or complexes that are targeted for the conservation efforts (perhaps similar to the big game unit management strategy), rather than considering the closure equally applied in all of eastern Colorado.

**Page 24, management tools:** Does this mean that management objectives will not be implemented until occupied acreage falls below 250,000 (i.e., the orange zone)? It might help to 'highlight' some of the appropriate tools mentioned - perhaps indent them to make them more visible to the reader. Because the plan relies on voluntary efforts, it is important to convey to the reader the types of actions that will be implemented. It may also be helpful to have some text to explain to the reader how implementation of each tool will help. We assume these are the management tools mentioned in objective 7 and its action items.

**Page 26, Action 9.5.** Does CDOW have acreage estimates of shortgrass prairie on their State Wildlife Areas? Without them, the reader has no sense of what this action can accomplish.

**Page 26, Comanche National Grassland.** Parts of the Comanche NG do not support sand sage habitat for lesser prairie chicken, but do support shortgrass prairie that is or can be made suitable for prairie dogs and other species. DOW should work with the Comanche NG to encourage appropriate management of that habitat.

**Page 30, relevance to listing factors:** This section is important in assessing whether the conservation plan will satisfy CCAA criteria. We will use our annual candidate assessment for the black-tailed prairie dog and information in the multi-state conservation strategy and plan to assess the eligibility of the plan under our CCAA criteria.

We are providing the following comments relating to the PECE policy.

**PECE Criteria Applied to the  
Conservation Plan for Grassland Species in Colorado**

**CERTAINTY THAT THE CONSERVATION EFFORT WILL BE IMPLEMENTED:**

1. Identify parties, staffing, resources needed, and funding levels and funding sources.

The plan identifies numerous potential parties from other agencies and non-governmental organizations, but there are no commitments from other entities to assist with plan implementation. Required staffing needs are not identified. Potential funding sources are identified, and existing funding levels are reported, but future funding needs are not estimated. The plan makes a commitment to seek additional substantial funding to accomplish objectives. We are confident that some level of funding will be provided, but it is unknown whether the level will be adequate to accomplish each action element on schedule.

**2. Describe the legal authority necessary to implement the conservation effort and the commitment to proceed.**

The conservation plan states the broad legal authority of the Colorado Division of Wildlife under the Colorado Revised Statutes, and cites the Division's commitment to wildlife conservation as stated in their mission statement, vision statement, and strategic plan. Objective 5 acknowledges that the authority for management of prairie dogs in Colorado is shared with the Colorado Department of Agriculture. Objective 5 therefore makes a commitment to enter into an MOU with the Department of Agriculture to ensure that prairie dog control actions do not compromise the conservation goal. The plan acknowledges, but does not thoroughly discuss, the autonomy of individual counties, and the potential for individual county ordinances to compromise the implementation and/or effectiveness of conservation objectives. The plan acknowledges SB 99-111 as a potential influencing authority, but does not elaborate on how conservation objectives can be implemented and effective within this constraint.

**3. Describe the legal procedural requirements (environmental review) necessary to implement the conservation effort.**

None provided.

**4. Identify the authorizations that are necessary (permits, landowner permission) and ensure a high level of certainty that these authorizations will be obtained.**

None provided, with exception of noting SB 99-111, and the autonomy of individual counties. There is some discussion of future restrictions (including possibly permits), for shooting, prairie dog control, and state authorized actions that may impact prairie dog habitat.

**5. Identify type and level of voluntary participation necessary to implement the conservation effort and ensure a high level of certainty of obtaining that level.**

The plan emphasizes a voluntary, incentive based approach to prairie dog conservation, and minimizes regulatory approaches until prairie dog abundance has declined to precipitous levels. The plan mentions long-term conservation easements as the priority tool, and lists several programs that may provide necessary funding. Specific authorities required for the conservation easements are not mentioned. The level of participation is defined only as a commitment to have 150,000 acres of occupied prairie dog towns protected by conservation easement by 2011, but does not mention how the 106,000-acre deficit from the 11-state plan will be achieved. Given the inherent issues associated with wildlife conservation on private lands, combined with the influence and autonomy of individual counties, a high level of certainty that 150,000 acres will be protected is not evident.

**6. Ensure that all regulatory mechanisms are in place.**

The broad authorities of the Colorado Division of Wildlife are stated, but specific authorities to enter into conservation agreements are not identified. There is no discussion to clarify how the Division's authority and intention may be influenced by SB 99-111, or ordinances passed by individual counties.

**7. Ensure a high level of certainty that parties will fund the conservation effort**

Based on funding received in the past, we believe there is a high level of certainty that the Colorado Division of Wildlife will continue to receive funding from Great Outdoors Colorado, the Species Conservation Trust Fund, and Game Cash. There are no commitments from other potential funding sources (e.g., section 6 of the ESA, High Plains Partnership). While the conservation plan gives financial credit to private landowners for stewardship of grasslands, it is questionable whether this can qualify as 'funding' under the PECE policy. Therefore, while there is certainty of some level of funding, it is not known whether the funding level provided will be adequate to accomplish each of the conservation plan objectives as described or scheduled, particularly if occupied prairie dog acreage falls below 250,000. Therefore, it cannot be known whether the plan will be fully implemented or effective.

**8. Provide an implementation schedule (including completion dates) for conservation effort.**

The conservation plan includes the column titled 'Completion Deadline' for each of the conservation plan action elements. Those 'action elements' that can be implemented now do provide a specific year for completion, while others that will be implemented when necessary or warranted, obviously cannot provide a deadline. As with any conservation plan, the deadlines are dependent on adequate staffing, funding, authority, and agency commitment.

**9. Make certain the conservation effort is approved by all the parties.**

There is no approving authority mentioned. During Grassland Species Working Group meetings, it was stated that the Director of the Colorado Division of Wildlife would be the sole approving authority. There is no discussion regarding the need for approval of the plan by other cooperating state agencies that may influence plan implementation and effectiveness (e.g., Colorado Department of Agriculture), or any of the potential cooperators among the non-governmental organizations (e.g., Colorado Counties, Incorporated).

### **CERTAINTY THAT THE CONSERVATION EFFORTS WILL BE EFFECTIVE:**

#### **1. Describe the nature and extent of the threats.**

Pages 30-33 address the threats based on the ESA listing factors. The CNOR for the BTPD identifies sylvatic plague and poisoning as threats that continue to influence the conservation of the BTPD. The conservation plan includes a commitment to identify and perhaps implement management tools to prevent or minimize the effects of control or plague, but there are no specific measures identified. The plan emphasizes monitoring the status of the BTPD, but there is no commitment to implement currently known practices effective in preventing or minimizing the effects of sylvatic plague until acreage levels have declined below 250,000 acres

#### **2. State explicit objectives for the conservation effort and dates for achieving them.**

Each of the thirteen objectives lists action items that are necessary to accomplish the objective. Some of the action elements are specific (e.g., 'implement a monitoring protocol on 3-year intervals' while others are only broadly described (e.g., 'Support efforts...').

Specific prairie dog colony complexes are not ranked for conservation priority, and there is no ranking of areas in Colorado that may be more important than others (i.e., where should we start first). Deadlines are given for those actions likely to be implemented now, while deadlines for some future circumstances cannot be determined yet. Obviously meeting the deadlines is dependent on adequate funding, staff, and other resources.

#### **3. Identify all steps necessary to achieve the objectives in detail.**



An implementation plan is included in the conservation plan as a table and as text in the body of the plan. A matrix of prairie dog color-coded acreage zones (e.g., blue, green, etc.) is also provided to establish when more rigorous monitoring, poisoning, and shooting activities should be considered. The plan commits to a technical committee to assess progress of the plan, and determine the need for other measures.

4. Identify quantifiable parameters/standards by which progress to objectives are achieved.

The only quantifiable parameters in the plan are the objectives of 150,000 occupied acres of prairie dogs acquired by voluntary, incentive based programs, and the commitment to manage for the 256,000 acres of prairie dogs, as suggested in the 11-state conservation plan. There is no discussion of how the 106,000 acres above the 150,000-acre target will be acquired. As appropriately acknowledged in the plan, it is not feasible at this time to establish standards for the associated species, but the plan acknowledges the importance of the associated species and their conservation, the need for their continued monitoring, and the application of an adaptive management approach.

5. Include provisions for monitoring and reporting progress in implementation and effectiveness.

The plan emphasizes monitoring to assess the viability of prairie dogs and associated species, and apply an adaptive management approach to modify plan requirements. A technical committee will assess the ongoing needs for monitoring and adaptive management. The technical committee is to be formed no later than the fall of 2006, evidently to coincide with the 3-year monitoring interval.

6. Incorporate principles of adaptive management.

Objective 7 of the conservation plan commits to the implementation of an adaptive management approach. The plan also commits to a 3-year survey interval to monitor prairie dog status. The progress/effectiveness of conservation plan action items will be monitored on an ongoing basis by a technical committee.

We appreciate the opportunity to review the draft plan. We are confident that the Colorado Division of Wildlife is committed to the conservation of the black-tailed prairie dog, and we look forward to future cooperation. Please contact me (303-275-2370) or Al Pfister (970-243-2778) if you have any questions.

Sincerely,



Susan C. Linner  
Field Supervisor, Colorado

cc: ES, Grand Junction  
ES, Regional Office (Attn: Pat Mehlhop)

Reference: Linner\COgrsplan\cm92603.doc



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File Code: 2620-1

Date: October 17, 2003

Grassland Species Conservation Plan  
Colorado Division of Wildlife  
Policy and Regulation Section  
6060 Broadway  
Denver, CO 80216

To Whom It May Concern:

Thank you for the opportunity to comment on the Colorado Division of Wildlife's Draft Grassland Species Conservation Plan. The Forest Service recognizes the importance of the National Grasslands in supporting shortgrass prairie habitat and associated wildlife species in eastern Colorado. As a result, we hope to work closely with the state of Colorado as you develop this conservation plan for black-tailed prairie dogs (BTPD) and other closely associated species such as the mountain plover. Your Grassland Species Conservation Plan will also provide important direction to the Comanche NG as we revise our Land Management Plan over the next two years.

Your present plan acknowledges the importance of the Comanche National Grassland for the conservation of lesser prairie chickens and their sand-sage habitat (page 26), but does not recognize the importance of shortgrass prairie habitats on the Comanche. We believe this is most likely due to the CDOW's lack of information on these habitats on the Comanche NG. Our wildlife biologist, Dr. David Augustine, recently completed an assessment of potential BTPD habitat on the Comanche, where potential habitat was defined as lands with loamy or clay soils and slope <5%. He identified 203,237 acres of potential BTPD habitat, with 114,554 acres on our Carizzo Unit near Springfield and 88,683 acres on our Timpas Unit near La Junta. He has also analyzed the results of a complete GPS inventory of BTPD colonies conducted on the Comanche during 2002, which showed 5702 acres of occupied BTPD colonies (5127 acres on the Carizzo Unit and 575 acres on the Timpas Unit). This occupied acreage increased from 2002 to 2003, but exact acreages are not yet available. In addition to the substantial acreage of BTPD colonies, we have documented nesting by mountain plovers on the Comanche NG during surveys conducted periodically from 1979 to 2003. Mountain plovers have nested both on prairie dog colonies, and especially on prescribed burns conducted in collaboration with CDOW during 1997-1999.

For these reasons, we recommend that your Grassland Species Conservation Plan acknowledge the importance of the Comanche NG in supporting black-tailed prairie dogs and associated wildlife species in eastern Colorado. We believe that the actions identified in your plan for the Pawnee NG (see Actions 9.5 – 9.9 on page 26) are also appropriate for the ~200,000 acres of suitable prairie dog and mountain plover habitat on the Comanche. If you have any further questions concerning habitat acreage, BTPD colonies, mountain plover populations, or other



associated wildlife species, please contact our wildlife biologist (David Augustine, 719-523-1711). He would also be happy to further discuss how your Grassland Species Conservation Plan can provide management recommendations that are specific to the Comanche National Grassland. Thanks again for this opportunity to comment on the Plan, and we look forward to working closely with you in the future.

Sincerely,

/s/ Thomas Peters  
THOMAS PETERS  
District Ranger

## PRAIRIE DOG CONSERVATION TEAM

Representing the states of Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico,  
North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming



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October 13, 2003

Francie Pusateri  
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Dear Francie,

Thanks for the opportunity to review the Draft Conservation Plan for Grassland Species in Colorado. First, let me say that the Prairie Dog Conservation Team (Conservation Team) is very appreciate of the continuing efforts of the Colorado Division of Wildlife (CDOW) and the Colorado Grassland Species Working Group (Work Group) to cooperate with the Team to address national issues important to all of the 11 states. It is especially significant, in terms of support of the national effort, that the draft plan for Colorado incorporates the concepts and goals of the Conservation Team's Black-tailed Prairie Dog Conservation Assessment and Strategy and addendum, A Multi-state Conservation Plan for the Black-tailed Prairie Dog in the U.S (MSCP).

Also important is the fact that the Work Group has built upon the above mentioned documents, as well as the efforts of the six states that have already completed management plans specific to the black-tailed prairie dog, to produce the first multi-species conservation plan, a step, in my opinion, that all of the states will eventually need to take if grassland conservation is truly to be accomplished at a landscape scale.

Specific comments are as follows:

Page 2, Objective 2: I think it is valuable that the Plan recognizes the need for using best available science to conduct long-term monitoring of population trends and distribution; and identify areas for conservation. I noted several places in the Plan that refers to eventual recognition of "priority areas" for grassland conservation. I believe that it is important to grassland conservation that a biological approach is used to identify "priority areas" at a coarse scale, and that this must be followed by a fine filter that incorporates social, economic, land ownership, and other factors into management.

Page 2, Objective 3: You refer to the role of private landowners several times in the Plan. I agree that private landowners are key to the effort, and must be a part of the

team effort if conservation is to succeed. I think you have made a true effort not to “cooperate with private landowners” but rather to make the Plan one that they are a partner to, because with a that approach you will succeed. As you know, the Conservation Team, particularly myself as Coordinator, has expended considerable effort at the state and national level to promote incentives programs for private landowners, most recently through the High Plains Partnership (HPP). Your Plan recognizes that there are a broad array of incentive programs being developed and it is important to continue to develop these at the state and national level, and use the most applicable program(s) for the needs of individual landowners in Colorado.

Page 3, Objective 5: Your objective to develop a MOU between CDOW and Colorado Department of Agriculture (CDA) to outline the responsibilities of the agencies regarding use of toxicants to control prairie dogs is excellent. As the Conservation Team stated in the MSCP, the U.S. Fish and Wildlife Service has said only that unregulated use of toxicants is a threat to the black-tailed prairie dog, not general use of toxicants. First and foremost, each of the 11 states must develop methods to document the amount and location of control measures before it can estimate the impact of control on prairie dogs. Secondly, if the threat of unregulated control is to be addressed, each state must be able to regulate control where necessary to meet acreage and distribution goals in their respective management plans. Colorado has recognized this need an addressed it.

Page 3, Objective 6: I agree with your goal to allow sport shooting that is compatible with the objectives in your Plan. Sport shooting is a traditional use of wildlife resources, will help to control prairie dog populations thus reducing the need for use of toxicants, and will allow landowners that choose to do so the opportunity to have an income from shooters. I recommend that you consider making the seasonal closure in effect at least for the period March 1 to July 15 (rather than June 30) to insure that the whelping season and dependent young period is fully encompassed.

Page 3, Objective 7: I support your goal to incorporate adaptive management into the Plan. The Conservation Team made a similar recommendation in the MSCP. You have gone a step further in recommending a “technical committee” to review new information and make recommendations. An excellent approach, and I suggest that your Work Group consider not only pioneering this effort in Colorado, but also taking the lead for the Conservation Team on setting up a similar effort on an 11-state scale since each of the states is going to face similar problems and needs.

Page 4, 26, Objective 9: Your objective to maximize efforts on public lands is similar to that recommended in the MSCP. Public lands are not currently supporting a proportionate share of grassland species-at-risk, including black-tailed prairie dogs, compared to private lands. CDOW and the Working Group should continue to work with the National Grasslands and Bureau of Land Management to identify “priority conservation areas” where management of public lands, or public lands and private lands together in a large block will provide significant conservation benefit. Also, through grassland plans, CDOW and the Working Group can ensure that management on all public lands addresses the needs of grassland wildlife species. An objective to manage a

minimum of 20% of Pawnee National Grassland in low structure vegetation for mountain plover, presumably including prairie dogs, is very appropriate.

Page 15, paragraph 1,2: Colorado certainly has the biological capability to meet all of the objectives in the MSCP for large and medium-sized complexes, and distribution over 100% of the counties in the state. With 18 complexes greater than 5,000 acres, many of which are outside of the Front Range, Colorado has the basis for identifying a number of “priority areas for conservation.” The opportunity also exists to cooperate with federal land management agencies and willing private landowners, using the incentive programs referred to in your Plan, to maximize management efforts in those areas without economic or other impact to private lands, or impacting multiple use management objectives on federal land.

Page 16, Action 1.3: I strongly agree with your recommendation to develop a standardized monitoring protocol to document prairie dog acreage and distribution over the 11 states (landscape scale). A multi-state monitoring effort conducted every 3 years by a neutral entity such as a university or federal agency such as USGS-BRD, supported financially by each of the entities involved, including 11 states (wildlife agencies, department of agriculture, state land board), Bureau of Land Management, U.S. Forest Service, Department of Defense, and others, will be unbiased and scientifically credible, and will help all entities to meet long-term objectives for grassland species. I encourage CDOW and the Working Group to continue to coordinate with the Conservation Team to begin this effort in 2005.

Page 21, Paragraph 2: I agree that data are not adequate to set target objectives for prairie dog associated species. This further indicates the need for development of inventory and monitoring protocols at a scale below landscape level such as the one recently initiated for grassland birds by the Rocky Mountain Bird Observatory. It is crucial that we all think in terms of habitat, bird, and prairie dog monitoring in a single program that avoids duplication of effort.

Page 22, Action 3.1-3.9: This list of actions is excellent and I support all of them. Action 3.8 related to Candidate Conservation Agreements with Assurances (CCAA) may be especially significant in light of the emphasis of the Colorado Plan on incentive programs. Incentive programs are logically followed with providing the opportunity for regulatory assurances to private landowners. Please be aware that the potential exists for removal of the black-tailed prairie dog from the Endangered Species Act Candidate List, perhaps as early as 2004, and that CCAAs will still be possible for the black-tailed prairie dog, and any of your Plan’s target species that remain species-at-risk by general definition.

Page 27, Mountain Plover: I recommend deleting the word “shore” from the first sentence.

Page 29, Objective 12: This is an excellent recommendation. A cooperative effort between willing landowners in the eastern plains and front range interests is the most

logical way to address both prairie dog and associated species management, and help alleviate conflicts between development and prairie dogs along the Front Range.

Page 31, paragraph 2: Your Plan recognizes the value of consolidation of secure habitat areas. I believe that this “priority area” concept is crucial to effective conservation because it allows concentration of incentive and management resources. I agree that a high percentage of these “priority areas” should focus on large prairie dog complexes since these address both the prairie dog and associated species, but certainly there can be grassland “priority areas” that do not include the prairie dog.

Page 31, paragraph 5: I agree that incentive programs are key to partnering with private landowners. The Conservation Team appreciates the support CDOW has given the efforts of the High Plains Partnership team to provide an umbrella effort that begins a dialogue with the Natural Resource Conservation Service and private landowners to incorporate grassland species conservation into Farm Bill programs. I encourage CDOW and the Working Group to view HPP as a means to that end and continue to work with HPP at a national level.

Thanks again for the opportunity to comment.

Sincerely,

Bob Luce  
Interstate Coordinator





## NATIONAL WILDLIFE FEDERATION®

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October 17, 2003

Kim Burgess  
Working Group Coordinator  
Colorado Division of Wildlife  
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### **Re: Comments on Draft Conservation Plan for Grassland Species in Colorado**

Dear Ms. Burgess,

I was glad to meet with your working group on October 16 and offer my comments verbally on the draft plan. As you requested, I am sending you this letter outlining again the comments I made at that time.

The Division of Wildlife and the working group have put together a credible plan which correctly emphasizes the importance of conservation of grassland species and identifies general directions as how to accomplish this.

I was impressed by the level of consensus among working group members and recognize that this level of consensus can rarely be met except by maintaining a certain level of vagueness in the plan about where and what will be done specifically to accomplish the plan's objectives. Recognizing this as a limitation, I nevertheless think that there are a number of places where the plan could be improved without sacrificing this valuable consensus.

As I mentioned on the 16<sup>th</sup>, the most obvious shortcoming of the plan is the absence of commitment to recover black-footed ferrets anywhere in Colorado. The primary reason the multi-state plan, which provided the baseline for the objectives in the Colorado plan, indicates that Colorado should maintain at least 2 large complexes of prairie dogs >5,000 acres, is because such large complexes are essential for recovery of species associated with prairie dogs. Black-footed ferrets are certainly the species most dependent on prairie dogs. The ferret is the most endangered mammal species in Colorado. The plan correctly recognizes the importance of large prairie dog complexes for other species such as mountain plovers, burrowing owls, and other species; this makes the absence of similar explicit concern for black-footed ferrets very noticeable. It was also clear to me from comments by Miles Davis (Colorado Stockgrowers Association), Rob Nanfelt (Colorado Assoc. of Home Builders), and others in the Working Group, that there was support for including an objective in the plan of creating and maintaining

viable populations of ferrets in Colorado. I also gathered from your comments that you agreed and would work to include ferrets in the final draft of the plan.

I also suggest that the plan be as specific as possible about where the priority areas are for maintaining large prairie dog colonies and restoring ferrets. It is advisable that it be specified that these ferret-recovery complexes be at least 100 km apart to reduce the likelihood that plague events will simultaneously affect both complexes. There is not good science supporting 100 km as an adequate or appropriate spacing but it is intuitive that some significance distance between these complexes is desirable.

I also suggested that the monitoring protocol be modified to include periodic monitoring of prairie dog colony size (polygons not just intercepts). This is important to assure that in areas, for example where ferrets are going to be recovered, that colonies forming a complex be spaced no more than a mile apart. This colony spacing is based on a reasonable dispersal distance for black-footed ferrets rather than the maximum distance of 7 km which is mentioned in the multi-state plan. Modern research developed by Randy Matchett of the FWS that has been presented orally at a number of venues suggests that 7 km is too far to permit relatively unimpeded movements of ferrets between colonies.

Also relative to the monitoring protocol, I recommend that the line transect technique protocol used in 2001 and 2002 be modified to include intercepts of recently inactive colonies or inactive portions of colonies. Information on inactive colonies is critical to evaluation of trends in decimating factors such as plague or poisoning that may require a management response. Additionally, data on intercepts of inactive colonies may be an indicator as to whether observers are correctly distinguishing between active and inactive towns or portions of towns.

Jim Dennis has the experience and knowledge necessary to develop an appropriate definition of inactive colonies or portions of colonies. Absence of recent trails and fresh diggings will be a component of this definition as will absence of direct observations of prairie dogs. The paper by Sidle et al. (1999, *J. Mammalogy* 82:928-936) reported that in the northern great plains about 24% of the intercepts of prairie dog colonies were inactive. The percentage inactive varied between states and strata with, generally, a higher proportion of inactive colonies in low density strata and in states with fewer prairie dogs. The range of colonies classified as inactive was from approximately 3% to 35% (Average density estimate, Table 1 of Sidle's report).

Another suggestion relative to the report is to include a distribution objective for prairie dogs within Colorado. This is to avoid a situation where the entire objective of the plan might be achieved in only one portion of Colorado and prairie dogs largely eliminated elsewhere. Within the area impacted by plague, like all of Colorado, it is important to have prairie dogs widely distributed to avoid catastrophic events. Currently, Figure 3 of the draft report indicates that there are at least some colonies in each county in Colorado within the original range with the exception of Huerfano and Phillips Counties. An appropriate distributional objective may be difficult to derive without more discussions by the Working Group so it may be that the best that can be done at this point is to clarify that prairie dog colonies with at least the lowest density category (e.g. currently 1-2 colonies/150 km<sup>2</sup>) will be maintained within each county that

currently has prairie dogs. Additionally, it may be a worthwhile distributional objective to attempt to restore prairie dogs to Huerfano and Phillips if suitable habitat exists.

I also note that the units used to describe colony density are atypical (number per 150 km<sup>2</sup>). It would be more conventional to express density in units of number per 100 km<sup>2</sup>).

As a final comment, I would suggest deletion of the paragraph on page 41 of the draft that leads to the conclusion that each prairie dogs “could result in a reduction of 3.58 pounds of meat production per year.” I don’t believe this conclusion is supported by available data some of which indicate that cattle benefit by grazing on prairie dog colonies or, at least, have neutral impact. This paragraph is inappropriate without at least discussing some of the contradictory studies many of which were authored by Dan Uresk and none of which are cited (see listing petition and the USFWS finding). Rather than go into the contradictory, however, the simplest solution would be to just eliminate this paragraph.

Thank you for consideration of these comments.

Best wishes,

Sterling Miller Ph.D.  
Senior Wildlife Biologist

From: Tom Bender [tbender@larimer.org]  
Sent: Thursday, October 09, 2003 4:33 PM  
To: comments.gscp@state.co.us  
Cc: ikallenberger@ccionline.org  
Subject: CDOW Draft Conservation Plan for Grassland Species in Colorado

After review of the Colorado Division of Wildlife draft "Conservation Plan for Grassland Species in Colorado," I have only a couple points to comment on.

Page6: There is reference that some of the species officially listed according to the Endangered Species Act are also listed for recovery. I have no knowledge of the ESA being amended to include recovery plans and the criteria necessary for delisting or establishing a recovery as complete. I believe that proposals have been made to correct that ESA deficiency during the EAS reauthorization, but no action has been taken.

Page 12: Add to Listing Considerations - Absence and inadequacy of Recovery Plans with habitat and delisting population criteria.

Page 27: The latest information that I have received is that the Mountain Plover is no longer a candidate species. I believe the attempt to list the Mountain Plover was found to be based on fabricated "proof" that came out of thin air. Hopefully, President Bush's insisting that environmental decisions and policy be based on good science and not emotion will correct the misguided listings, put emphasis on recovery, and establish more effective and responsible environmental policy for the future.

Thank you for the opportunity to review and comment on your draft plan.

Tom Bender  
Larimer County Commissioner Dist#2

From: STROM, Ken [KSTROM@audubon.org]  
Sent: Friday, October 10, 2003 3:58 PM  
To: comments.gscp@state.co.us  
Subject: Grasslands Species Conservation Plan

Comments from:  
AUDUBON COLORADO  
1966 13th Street, Suite 230  
Boulder, CO 80302

October 10, 2003

Submitted to:  
Colorado Division of Wildlife  
Policy and Regulation Section  
6060 Broadway  
Denver, CO 80216

ATTN: Grassland Species Conservation Plan

We appreciate the opportunity to review and comment on CDOW's Grassland Species Conservation Plan. We consider the Plan to be an important step toward maintaining healthy and sustainable populations of birds and other wildlife in Colorado's shortgrass prairie grassland ecosystem. We believe the goals of the Plan are sound and appreciate CDOW's necessary expressions of commitment to increased funding for the conservation of grassland species. We strongly support the Plan's identification of conservation strategies based on high quality science and an adaptive management approach. We are pleased that while the Plan focuses on 5 wildlife species for specific attention and planning, it also recognizes that there are 4 species of mammals and 24 species of birds found within the shortgrass prairie that are in some way categorized as species in need of conservation assistance. We urge CDOW and the Working Group to not lose sight of this broader array of species as you identify opportunities for

implementation of the Plan. This approach will also help in your outreach efforts for support and participation by a broad cross-section of Colorado citizens. In particular, we recommend that the Plan make note of the historic declines in range of various prairie birds which are now on the fringes of Colorado's prairie landscape, including all of the prairie grouse of the region: the Greater and Lesser Prairie-Chicken and the Sharp-tailed Grouse. We strongly endorse the Plan's emphasis on partnerships among CDOW, other government agencies, private landowners and other private entities. As the Plan makes clear, we will not succeed in our efforts to conserve Colorado's shortgrass prairie ecosystem except by all working collaboratively to make it happen. In summary, we support the general approach and strategies for implementation described in this draft of the Plan and look forward to working with all parties concerned to achieve the goals of conserving Colorado's shortgrass prairie ecosystem and its associated wildlife species. Please call on us at any time for input and comments as you proceed with your planning and implementation. We look forward to continuing as an active participant in delivering effective conservation actions on the ground. Through our IBA Program, Grasslands and Grouse campaign, and other initiatives, we expect to make major contributions toward achieving the goals of the Plan and welcome your suggestions for collaboration. If at some point the Colorado Grassland Species Working Group would like to include an additional partner, we would be glad to participate. Thank you again for the opportunity to review and comment on the draft Grassland Species Conservation Plan. We request that we be kept on your distribution list for future notices about the development and implementation of the Plan. Respectfully submitted on behalf of Audubon Colorado,

Ken Strom  
Director of Bird Conservation and Public Policy  
Audubon Colorado

From: Brennan, Mark [mbrennan@co.boulder.co.us]  
Sent: Monday, October 13, 2003 2:44 PM  
To: comments.gscp@state.co.us  
Subject: Grasslands Species Conservation Plan

I have had the opportunity to read and review most of the GSCP draft (8/27/03) and find that it is very thorough and comprehensive. I am particularly impressed with the detailed level of descriptive actions that are proposed, including timelines, to meet the various objectives stated. It is apparent that the principles of adaptive management have guided the development of this plan, which treats urban population management objectives differently from rural/agrarian populations. This type of approach will hopefully allow the Division to fulfill some meaningful management needs without facing excessive detrimental conflict from different shareholders. I would like to thank the Division for having had the opportunity to work with the original, larger task force group and for the opportunity to review and comment on this draft. Please contact me directly if you would like further participation or input from my perspective as a wildlife resource manager in Boulder County.

Mark Brennan  
Wildlife Specialist  
Boulder County Parks and Open Space Dept.  
PO Box 471  
Boulder CO 80306  
303-516-9361  
mbrennan@co.boulder.co.us

From: Brennan, Mark [mbrennan@co.boulder.co.us]  
Sent: Monday, October 13, 2003 3:08 PM  
To: comments.gscp@state.co.us  
Subject: Grasslands Species Conservation Plan

I had just submitted my initial comments on the GSCP, but realized that I neglected one important issue that I had made note of:

I did not find any reference to black-footed ferret conservation efforts in this plan (please correct me if I did not see anything included due to oversight) and feel that it is important to include. Hopefully, there will be an effort to eventually recover a population in the eastern part of the state, which this plan generally focuses on. I believe that the plan should have addressed this species' status in CO, including a brief description of the ongoing restoration efforts in Moffatt county. It also should describe the current status of habitat in eastern CO, including a reason as to why there currently are no sites meeting the FWS criteria for restoration, and what would need to be done in order to eventually achieve this in the future. I did not read the entire document, including all appendices, but I suspect that this would have merited a separate appendix for the ferret, if it was one of the plan's goals, and I would have read some passage regarding the species' status in the background and/or policy text.

Again, it was essentially an excellent job, and I applaud the task force members for their work. I would like to be considered for inclusion in any technical review or revision committees formed in the future, if planned.

Mark Brennan  
Wildlife Specialist  
Boulder County Parks and Open Space Dept.  
PO Box 471  
Boulder CO 80306  
303-516-9361  
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**From:** tsullivan@environmentaldefense.org  
**Sent:** Thursday, October 09, 2003 9:57 AM  
**To:** comments.gscp@state.co.us  
**Cc:** Theodore\_Toombs/EnvironmentalDefense@environmentaldefense.org  
**Subject:** Grasslands Species Conservation Plan

Environmental Defense commends the Colorado Division of Wildlife for taking the lead in developing a multi-species plan for grassland species. We are pleased that you are looking to encourage actions to increase and improve available habitat for these species. Please accept the following recommendations as potential additions to the Conservation Plan For Grassland Species In Colorado.

In the background section of the document, the language regarding Candidate Conservation Agreements with Assurances seems misleading. The current language suggests that if Colorado obtains a permit pursuant to a CCAA, and the species is subsequently listed, then no additional restrictions will be placed on any landowner in the State. Our understanding of the CCAA policy is that the State can be issued an umbrella permit, under which it could then sign up individual landowners with certificates of inclusion for those landowners willing to undertake conservation actions consistent with the actions needed to prevent listing of the species in the future. Thus, under an umbrella CCAA, individual landowners who undertake specific conservation actions can be insulated from future new regulatory restrictions, but the permit cannot relieve landowners in the State as a whole from possible regulatory restrictions.

Under Objective 3, "Habitat Considerations and Engaging Private Landowners," we recommend that the plan include an Action item for the development of a specific strategy to target and expand the use of USDA Farm Bill programs toward the goal of grassland species recovery. As currently worded, this objective is so general that it is difficult to understand what improvements are possible and would be sought. This strategy would include participation on the State

Technical Committee and on Local Working Groups (EQIP) in order to improve ranking criteria and allocation of funds so that grassland species projects become more competitive with other resource concerns. The strategy should also include raising the awareness among land managers (local NRCS agents, non-profit organizations, and CDOW employees) of the capability of various programs to meet grassland species objectives, and the mechanics of making programs work for grassland species. Other alternative methods of targeting programs should also be considered such as set-asides under EQIP for special grassland species projects.

Also under Objective 3, the plan should include a special Action to draft a Conservation Reserve Enhancement Program (CREP) proposal that focuses specifically on grassland species. Since States initiate CREPs, unlike the other Farm Bill programs, it is appropriate to consider this as a separate action. A CREP offers significant advantages over other Farm Bill programs, in that it allows targeting of resources to address the highest priority conservation concerns. Further, a CREP would be the most effective way to have Farm Bill funds leverage the resources available from existing State programs such as the CSCP. Any CREP proposal should include a grassland restoration component, as well as, management components, and consider how to target available long-term and permanent protection programs (such as GRP and FRPP) to benefit grassland species. The proposal should be coordinated through High Plains Partnership to potentially link to grassland CREPs in other plains states should they come about.

Under Objective 9, "Comanche National Grasslands," we recommend that CDOW not exclusively focus on sand sage prairie on these public lands. While we agree that sand sage prairie is an important focus, we encourage CDOW to also make specific management recommendations regarding grassland species. Since most of this Grassland is native short-grass prairie, it does not make sense to make specific grassland species recommendations to Pawnee National Grasslands and not do the same for Comanche is equally as important for grassland species as Pawnee. In fact, two of the targeted species in the plan, the Burrowing Owl and Black-tailed Prairie Dog, have much higher populations on Comanche than Pawnee. And, while the importance of Comanche to the Long-billed Curlew is correctly mentioned, it is the short-grass habitat, not the sand sage that is most important for this species.

Also under Objective 9, "State Land Board Lands," the CDOW should encourage the SLB in developing threatened and endangered species policy that includes the development of a conservation bank for black-tailed prairie dogs along Colorado's Front Range. A conservation bank for the Utah Prairie Dog developed by Utah State Institutional Trust Lands Board could serve as an excellent model for this effort.

Under Objective 12, "Establish shared responsibility (front-range and eastern plains) for conservation of the black-tailed prairie dog and associated species," we recommend including a specific Action item to guide efforts to develop conservation banking as a tool. Use of this tool can provide relief from regulatory burden and expedition of development projects saving developers money, while increasing black-tailed prairie dog colony acreage. In addition, prairie dogs can then become an income source for landowners who agree to increase prairie dog acreage, thus making a listed or candidate species an asset rather than a liability. There is an excellent opportunity for the State Land Board to enter into this type of effort (see above comment).

Thank you for considering our comments for inclusion into the final draft of the Conservation Plan For Grassland Species in Colorado.

Sincerely,

Ted Toombs, Wildlife Ecologist, and Tim Sullivan, Regional Director, Environmental Defense, Rocky Mountain Regional Office, 2334 N. Broadway, Boulder CO 80304 Phone: 303-440-4901

October 13, 2003

To whom it may concern,

Thank you for the opportunity to comment on the Draft "Conservation Plan for Grassland Species in Colorado." I urge to consider the following points:

- 1) The plan discusses the role of black-tailed prairie dogs (hereafter simply prairie dogs, for ease of reference) as keystone species. This discussion remains incomplete and demonstrates many of the same weaknesses that other critics of this designation suggest. First, even as the only published critic of designating prairies (Stapp 1998; which interestingly was not even cited in the plan) states, prairie dogs deserve keystone status on the basis of their impacts to the floral community alone. Strangely, many critics of keystone designation seem to regard plants as somehow inferior to animal, or at least as not deserving the same consideration.

Second, I suggest the drafters of the plan actually *read* Reading et al. (1989) before discussing it. As many critics of that paper do, they assume that we suggested that all species listed benefited from prairie dogs. In fact, we make clear in the manuscript that not all do, and that several are likely accidentals. Let's try starting a new trend and citing that paper appropriately.

Third, the plan ignores the continually growing body of literature that suggests that prairie dogs and their activities are either beneficial or detrimental to many species (e.g., Barko et al. 1999, Manzano-Fischer et al. 1999, Kotliar 2000, Miller et al. 2000, Seery and Matiatos 2000, Kretzer and Cully 2001a, 2001b, etc. – I have not check more recently). Both are important; detrimental impacts are just as important as beneficial ones. In addition, we have just completed a 3-year study comparing reptiles and amphibians on and off of prairie dogs colonies in Colorado and are writing up our results. Those results suggest that several species benefit from the presence of prairie dog colonies, while others are negatively impacted. As continually more studies are conducted, we find impacts to mammals, birds, reptiles, amphibians, and invertebrates. Indeed, the impacts are broad and significant. Simply recording numbers of species that benefit or associate with prairie dogs is not the point. The point is that increasingly, the data demonstrate that prairie dogs play a keystone role on the ecosystems they inhabit.

Finally, it might be noted that, ironically, if we could actually recover prairie dogs to somewhat historical levels, they might no longer be considered keystone species. This is because if prairie dogs were abundant, their impacts might be proportional to their abundance! The important point here is that at increasingly low levels of abundance and distribution, prairie dogs become increasingly important, especially for species that benefit from them or their actions.

- 2) The results of the 2002 Colorado Division of Wildlife aerial survey are suspect at best. While aerial survey methodologies show great promise to monitoring prairie dogs, there are several potential sources of error that were not addressed during that work. Ground truthing of the data is desperately needed, but unfortunately, the CDOW appears to be unwilling to



undertake the important initiative (despite offers of financial and technical assistance by both the Denver Zoological Foundation and the National Wildlife Federation). Since sighting of a single prairie dog or active digging rendered an entire colony as active, the aerial survey likely over-estimated active colony acreage (and that is the important variable). Plague and poisoning by land owners are both common and on-going in Colorado. Indeed, my friends and I own land in Baca County and our neighbors are frequently out poisoning colonies on their properties. Since both plague and poisoning often leave some animals alive, this is potentially significant source of error. Ground work in other states found significant differences between ground and aerial colony estimates (C. Knowles, pers. commun.). Likely, those differences occur in Colorado as well. One of my staff visited 36 center points of purported colonies identified in the aerial survey (he could not access/see 18 purported colonies) and could not find prairie dogs on a substantial proportion of these sites (19.4% inactive and 16.7% only partially active; D. Stern, pers. commun.). Finally, the aerial survey was conducted during the worst drought in Colorado's history, thus making it more difficult to distinguish active vs. inactive colonies and performing the survey when colonies are at their maximum extents (colonies tend to expand during droughts).

At a bare minimum, CDOW should conduct ground surveys coupled with the aerial surveys to 1) determine the proportion of colonies misidentified from the air, 2) determine the ratio of active to inactive area of each colony identified from the air, and 3) get an estimate of prairie dog densities. The last point is crucial, because we are really concerned about numbers of prairie dogs, not just the area they inhabit.

- 3) Related to point #2, the plan does not discuss the opportunities to recover the critically endangered black-footed ferret (*Mustela nigripes*) anywhere in eastern Colorado. Surely, given the purportedly large number of colonies and expansive acreage of prairie dog colonies in eastern Colorado, there are a number of potential reintroduction sites. Indeed, the map on page 20 indicates that there are currently 18 complexes of colonies over 5,000 acres in size. These should be assessed more carefully for ferret reintroduction and enhancement activities undertaken for the best sites. How could CDOW not consider ferret recovery in this document?
- 4) The current plan proposes to actually *decrease* the current level of protection offered to prairie dogs within Colorado by removing restrictions on shooting. It also proposes to allow continued unrestricted poisoning of the species. While such a move might be politically expedient, this situation will closely resemble the situation that led to the dramatic decline of the species in the first place. At a bare minimum, the state should seek to identify 3 or (ideally) more complexes of prairie dog colonies that would be managed primarily for this species and those species that benefit from it and its activities. These complexes will likely be based primarily on public lands, but they should include a substantial acreage of prairie dog colonies (>5-10,000 ac. or about 2-4,000 ha) sufficiently close to allow migration and effective utilization by black-footed ferrets (new data suggests that colonies should be no more than 1-2 miles or about 1.6-3.2 km apart). These areas should be managed for wildlife primarily (i.e., not shooting or poisoning and active plague management) to insure the restoration and continued existence of a healthy prairie dog ecosystem in Colorado.

Thank you for considering these comments.

Sincerely,

Richard P. Reading, Ph.D.

Director of Conservation Biology, Denver Zoological Foundation  
Associate Research Professor, University of Denver  
rreading@denverzoo.org or rreading@du.edu  
303-376-4945; Fax: 303-376-4806

#### **Literature Cited**

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Ms. Kim Burgess. Comments on Draft Conservation Plan for Grassland Species in Colorado

October 13, 2003



P.O. Box 12485 · Denver, CO 80212-0485 · (303)638-4672  
www.prairiepreservationalliance.org

October 13, 2003

Kim Burgess  
Working Group Coordinator  
Colorado Division of Wildlife  
6060 Broadway  
Denver, CO 80216

**Re: Conservation Plan for Grassland Species in Colorado**

Dear Ms. Burgess:

Thank you for accepting these comments on behalf of the members and affiliates of Prairie Preservation Alliance and Friends of Broomfield Open Space. We sincerely appreciate the opportunity to provide the Colorado Division of Wildlife with our concerns during this public process. We feel that the scope of the Conservation Plan for Grassland Species in Colorado should be broadened to include concerns that were not addressed in the plan and provide you with the following ideas and input.

#### **EXECUTIVE SUMMARY**

The goal of the Conservation Plan for Grassland Species in Colorado (Plan) is to “ensure, at a minimum, the viability of the Black-tailed Prairie Dog and associated species (Mountain Plover, Burrowing Owl, Swift Fox and Ferruginous Hawk) and provide mechanisms to manage for populations beyond minimum levels, where possible, while addressing the interests/rights of private landowners.” (Conservation Plan for Grassland Species in Colorado, p. 1).

As written, the Plan “promotes coordination and partnering among existing entities that have land protection capacity and an interest in the shortgrass prairie (potentially including CDOW, Great Outdoors Colorado, The Nature Conservancy, Colorado Cattleman’s Agricultural Land Trust, Colorado Open Lands, Douglas County Land Conservancy, Colorado Department of Transportation, Counties and Municipalities, etc.)” (Briefing Document, Grassland Species Conservation Plan, October 9, 2003, p. 1).

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Although the Plan addresses the interests of many stakeholders, it fails to include the following entities: Bureau of Land Management (BLM), U.S. Forest Service (FS), U.S. Fish and Wildlife Service (FWS), private development companies (home builders, commercial developers, etc.), and the citizens of Colorado—the “public”, who own the wildlife in the State of Colorado that is entrusted to the CDOW for management. We suggest the inclusion of the stakeholders mentioned to achieve a more comprehensive management plan.

**Objective 1** of the Plan states that, “Colorado currently exceeds all acreage and distribution target objectives defined in “*A Multi-State Conservation Plan For The Black-tailed Prairie Dog, Cynomys ludovicianus, in the United States, Addendum to the Black-tailed Prairie Dog Conservation Assessment and Strategy*”. We request that the working group divulge the reason that this plan was selected as the foundation upon which all other approaches to management are based.

The Objective continues by stating that, “Actions focus on voluntary, nonregulatory incentive based partnerships with both public and private landowner, ongoing monitoring and analysis, and implementation of management actions when populations drop below 250,000 acres.” Does the survey technique employed have the ability to discern active vs. inactive occupied acres? Is it not true that 600,000 acres of occupied black-tailed prairie dog (BTPD) habitat still qualifies the species for listing with FWS? Why wait until the occupied acreage drops to such a low rate before management actions are implemented?

**Objective 2** states, “CDOW will continue its efforts to produce, encourage, and support the best available science regarding monitoring long-term populations trends and distribution of shortgrass associated species.” and later states, “Data are inadequate to define specific target objectives for shortgrass associated species”. If the objective is to monitor long-term population trends, but the data to do so is inadequate, then how can this objective be met? What is the plan to obtain adequate data? Without a means of determining when the objective is met, the working group lacks the ability to measure its success.

**Objective 3** focuses on private landowners, who “provide critical habitat and act as stewards to the land that supports populations of black-tailed prairie dogs and other shortgrass associated species”. We request that the same attention be focused on public landowners, who also provide critical habitat and have the charter to act as stewards to the land. Included in this group should be the State Land Board, with nearly 1,000,000 acres of land, much of which provides critical habitat to the BTPD and other shortgrass associated species. This land is defined as private land on page 26, but since the public funds the purchase of these properties, we recommend they be classified as public land and included as a separate group.

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Has the working group researched the most prudent methods/plan of addressing the right of private landowners to destroy populations/species at will? If not, why not? If so, what are their conclusions?

How does the CDOW intend to make the results of habitat conservation with its “broad suite of proven conservation tools” available to the public and FWS?

**Objective 4** presents the admirable goal of raising awareness of: “grassland conservation needs within the private and public sector” by “[p]roviding conservation guidance and information on grassland species to land managers”. The Objective references Appendix G, but the only reference to BTPD in the appendix is to “test potential monitoring protocols for prairie dogs ... [t]o estimate and track population sizes of prairie dogs ... [and t]o document colony location, size, activity” and reference to mapping suitable habitat modes on Pawnee National Grassland. We request a more robust approach to describing the task of raising awareness of conservation needs for the BTPD, including measurement tools to enable the working group, FWS, and the public to determine when the objective has been met.

**Objective 5** sounds like a powerful tool if used successfully. But it is difficult to understand from the Objective and following paragraph, what this really means and how it will be accomplished. Although the federal Endangered Species Act places a premium on the need to have a regulatory framework in place, it is unclear how a memorandum of understanding (MOU) will provide this framework. The BTPD receives no protection from the state or its regulatory agencies. How then, can an MOU provide a prevention mechanism when none is in place?

During a public meeting (the precursor to the working group) members of the Department of Agriculture (DOA) admitted that there was no method in place to track the sale, use, or storage of toxicants. Additionally, although application requirements are written on the label of the toxicant, they are not always observed or enforced. Labeling instructions for using RIDALL – ZINC II are as follows:

Rangeland

Use Restrictions: For control of prairie dogs, black-tailed (*Cynomys ludovicianus*), white-tailed (*C. leucurus*), and Gunnison’s (*C. gunnisoni*) on rangeland in Western United States: (Arizona, Colorado, Kansas, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Utah, and Wyoming).

Prebaiting: To increase acceptance of treated pellets by prairie dogs, prebait with one teaspoon of untreated wheat per mound, one or two days prior to using toxic pellets. Establish observation period during prebaiting.

Baiting: After all or most of the prebait has been eaten, apply pellets only to areas where prebait was consumed. Apply pellets by hand as a six-inch bait spot on edge of each mound or in adjacent feeding area. Apply at the rate of one teaspoon

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per bait spot, during late summer or fall (July-December). Do not apply more than once during this period. Dispose of spilled or unwanted pellets by burial.

In a recent movie,<sup>1</sup> landowners (or their agents) are shown driving all-terrain vehicles through prairie dog colonies and scattering grain throughout the area. When the DOA was contacted and asked if application requirements are enforced, the representative responded that they are not.<sup>2</sup>

**Objective 6** is a step backward from the conservation efforts now in place! The supporting paragraph for the objective states that while “recreational shooting has been demonstrated to reduce black-tailed prairie dog population densities at specific sites, . . . no information is available that demonstrates that recreational shooting of black-tailed prairie dog populations is a threat to the species on a broad scale.” We strongly urge the working group to obtain data that demonstrates the effects of recreational shooting of black-tailed prairie dog populations before it recommends the implementation of an action that the state previously banned.

A brief review of prairie dog shooting literature follows:

- ✓ Stockrahm (1979): fewer males; smaller litters, lower percentage of breeding yearling females.
- ✓ Knowles (1988): decreased prairie dog density; decreased colony expansion rates; spring shooting especially detrimental; behavioral response to gunfire.
- ✓ Reading *et al.* (1989): decreased colony expansion rates.
- ✓ Miller *et al.* (1993): decreased colony expansion rates.
- ✓ Irby and Vosburgh (1994): altered behavior – higher prairie dog retreat rates with increasing shooting pressure; shooters preferred colonies with high prairie dog densities.
- ✓ Vosburgh and Irby (1998): population declines; altered behavior – prairie dogs spent more time below ground on shot colonies, higher percentage of prairie dogs displaying alert postures on shot colonies.
- ✓ Keffer *et al.* (2000): emigration after shooting; altered behavior – prairie dogs spent more time below ground and less time foraging on shot colonies; changes in sex ratio and age class after shooting.

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<sup>1</sup> National Wildlife Federation. November 15, 1998. *Underdogs, Prairie Dogs Under Attack*.

<sup>2</sup> Don Brooks, Colorado Department of Agriculture. March 2003. Personal communication.

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- ✓ Knowles and Vosburgh (2001): impacts are related to shooting pressure; risk of lead poisoning; spring shooting especially detrimental.
- ✓ Wyoming Cooperative Fish and Wildlife Research Unit (2001): risk of increased predation – more frequent visits by raptors on shot colonies; risk of lead poisoning.
- ✓ Livieri (undated): possibility of precipitous declines, extirpation.
- ✓ Interviews with Professor Stan Anderson of Wyoming Coop and Pete Gober of the U.S. Fish and Wildlife Service resulted in agreement that all of the prairie dog shooting studies they were familiar with **did** find that prairie dogs were affected by shooting.

Prairie dog shooting in the two black-footed ferret Management Areas is especially problematic because it directly conflicts with ferret recovery. Every other black-footed ferret reintroduction site that exists has a prairie dog shooting closure:

- ✓ The Shirley Basin/Medicine Bow site in Wyoming includes a conservation easement between a private landowner and The Nature Conservancy where white-tailed prairie dog shooting is closed on 13,000 acres year-round.
- ✓ White-tailed prairie dog shooting is closed year-round on approximately 40,000 acres of federal, state, and private land at the Coyote Basin reintroduction site in Utah.
- ✓ Gunnison's prairie dog shooting is closed on all lands in the state of Arizona from 1 April to 15 June. Shooting in the Aubrey valley reintroduction site is also constrained by a regulation prohibiting hunting of other species besides elk in units where elk occur during the elk-hunting season. This effectively prohibits prairie dog shooting in the majority of wildlife units where black-footed ferrets are found from August through November.<sup>3</sup>

Supporting evidence for the Objective quote the FWS statement that “effects due to recreational shooting do not rise to the level of a threat pursuant to the definitions and constrains of the Act”. However, the BTPD is an official candidate for ESA listing, and one of the five criteria for listing is overutilization for commercial, recreational, scientific, or educational purposes. In its twelve-month finding on the petition to list the BTPD under ESA, FWS stated, “...small local populations already depressed by disease and other adverse influences may suffer additive losses from shooting impacts. Shooting impacts also may contribute to population fragmentation and preclude or delay recovery of colonies reduced by other factors, such as sylvatic plague” (65 Federal Register 5483 (2000)).

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<sup>3</sup> Robertson, Erin. 2002. Biological effects of prairie dog shooting. Unpublished.

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In the absence of data convincing the working group that shooting has negative effects on black-tailed prairie dog colonies, and in the presence of data and experience demonstrating the negative effects of shooting, we urge reliance upon the *precautionary principle* until data is available that demonstrates that recreational shooting of black-tailed prairie dog populations is not a threat to the species on a broad scale. The “*precautionary principle*” warns that is imprudent to wait for “incontrovertible scientific evidence of harm before preventive action is taken” because we may cause “irreversible harm” to human health, ecosystem health, and to the economy.<sup>4</sup>

### **Conclusion**

While the list of conservation and collaborative efforts is extensive, it lacks clarity and measurability, and is not time-bound. We suggest that the means of achieving success must include objectives (or sub-goals), the best indicators of achievement; and that each objective include strategies that indicate how the plans to deploy resources will aid in the achievement of the objectives. For example, the objective of collaboration with Colorado Department of Agriculture, “calls for the development of a Memorandum of Understanding between the CDOW and CDA which outlines each agencies authorities and responsibilities regarding the use of toxicants and shooting to control prairie dogs in Colorado.” Lacking is the following:

- What is the measurable goal of the objective? (In other words, how will outlining the authorities and responsibilities regarding the use of toxicants to control prairie dogs in Colorado directly demonstrate “adequate”—not a measurable term—regulatory authority and regard for prairie dog conservation objectives? Regulations and requirements exist, but are not currently enforced.)
- When will the project begin?
- How will the developers know when the Memorandum is complete?
- Who will implement the plan of action that is derived from the Memorandum?
- How will the success of the Memorandum be measured?

Without the clarity, measurability, and time-bound elements, the objective cannot be achieved and the plan remains—a plan.

The Conclusion lacks any commitment to the public, for whom the State holds all wildlife species in sacred trust. It makes a commitment to the “people making a living off of the land”, does not mention public land or the vast majority of Coloradoans and visitors to Colorado who do not farm or ranch. Land developers are not addressed in the conclusion either. The Colorado Public Interest Research Group (CoPIRG) asserts that 10 acres per hour are lost to development along the Front Range, and yet the staggering loss of native wildlife habitat included in this data is not considered in the conclusion. It is in many of these fragmented and isolated habitats that visitors have the opportunity of

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<sup>4</sup> “Final Statement from the Lowell International Summit on Science and the Precautionary Principle,” [http://www.biotech-info.net/final\\_statement.html](http://www.biotech-info.net/final_statement.html), August, 2003.



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viewing and photographing wildlife. Their loss is our loss. We recommend the addition of this important segment of grassland species. We remind the working group that while much of Colorado's natural heritage is agricultural in nature, the history of Colorado resides in her western alpine ecosystems and her eastern plains, which were devoid of farms or ranches until recent history.

While no one will argue the monumental task of addressing the development of the Front Range, the working group is one of the entities that can tender solutions that result in the coexistence of native flora and fauna in the midst of urban development. We look to the working group for guidance in this arena as well as the rural eastern plains.

### **INTRODUCTION**

The last paragraph of the introduction discusses the use of an "adaptive management approach that includes new science and understanding to conservation". This concept is defined as a Management Principle on page 12. To aid the reader, a short definition would be helpful at the point of its first use.

### **BACKGROUND**

The first paragraph (page 8) lists the affiliations of the individuals on the working group. We take issue with the term "prairie dog special interest groups". With the possible exception of the Rocky Mountain Bird Observatory and their Prairie Partners program which focuses solely on birds, it was our belief that all the individuals who comprise the working group take a special interest in prairie dogs. We recommend the term "prairie dog special interest groups" be stricken and the individuals representing wildlife interests (rather than livestock, farming interests, etc.) replace the term.

Please include information regarding the approach to conservation on public land. We applaud your interest in working with private landowners, but caution the group to remember that 10-20% of the grasslands in Colorado are on public land, and they must also be addressed.

### **The Black-tailed Prairie Dog Its Role in the Grassland Ecosystem**

While controversy rages regarding the role of the black-tailed prairie dog, the notion of "keystone species" and the number of species associated with prairie dog colonies, the page-long digression does not seem to relate to the conservation of the species. The intent appears to be a lessening of the status of the BTPD. If this is the case, it seems unnecessary, since the species does not enjoy protection from the state regardless of its status. The goal of this publication is to ensure, at a minimum, the viability of the species, rather than a document that contains the type of discussion found in a scientific journal. The decision to include a discussion of whether or not the BTPD is a keystone species appears to be incongruous with the mission. We recommend the removal of the discourse in its entirety.

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**Status of the Black-tailed Prairie Dog and Associated Species**

The word “hope” is used twice in reference to the conservation plans (page 11). Trivial though it seems, we would prefer the word “plan” or “goal” instead of a word that implies lack of control. With this plan, CDOW has every reason to believe that the goals will be met, and it has very little to do with hope and much to do with planning, partnering, implementation, and follow up.

**STATEMENTS OF BROAD POLICY**

**Vision for Species Conservation**

The quoted statements under this sub-heading are powerful (page 11). We suggest a footnote informing the reader of the source of the statements.

**MANAGEMENT PRINCIPLES**

**Policy for Evaluation of Conservation Efforts When Making Listing Decisions (USFWS 2003)**

Because of the importance of the following factors (page 12), we reiterate the ones we feel are most significant:

- authority to implement the plan exists and procedural requirements are identified
- level(s) of voluntary participation identified and secured
- regulations are in place to implement the plan
- implementation schedule identified
- explicit objectives and dates for achieving them are stated
- steps to meet objectives are clearly identified
- quantified parameters that will demonstrate achievement and standards for measurement are identified

It is of great concern to us that many of the objectives of the plan do not contain all of the factors used by FWS for determining listing decisions. We will identify specific and perceived lack of measurability later in these comments (by individual objectives), but the following list contains a summary of our interests in this area:

Implementation schedules,  
Explicit objectives and dates for achieving them,  
Quantifiable parameters and standards for measurement,  
Provisions for monitoring and reporting.

We also have concerns over the ability of the working group to exert sufficient authority to implement the plan. Additionally, we question the working group’s ability to identify and secure voluntary participation for conserving the BTPD on private lands. It would be of great value to us if the working group could give an indication about how these factors will be achieved and continue to keep the public informed as these factors are completed.

**Colorado Division of Wildlife 2002-2007 Strategic Plan (CDOW 2002)**

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We applaud CDOW for having such admirable goals (page 12), but without the inclusion of information detailing the measurability and time frames of the goals, they are merely words on a page. How will the Division maintain, create, and manage habitat? How will the Division expand wildlife conservation partnerships? How will the Division continue its efforts to preserve, protect and enhance wildlife species?

**Table 1: Results of CDOW Aerial inventory – November 2002**

Although the table contains useful information, it could be enhanced with the addition of private vs. public acres of prairie dogs. We recommend the working group include this data in its final plan.

**OBJECTIVES AND ACTIONS**

**Prairie Dog Acreage and Distribution**

It would be useful to put the data recounted in the first paragraph (page 15) into graph form to make it easier to visualize the information.

Please review the reason why “*A Multi-State Conservation Plan For The Black-tailed Prairie Dog, (Cynomys ludovicianus, in the United States, Addendum to the Black-tailed Prairie Dog Conservation Assessment and Strategy*” (Luce 2003), was selected as the baseline against which all other goals and objectives are based.

We suggest the working group define the “incentive based partnerships with both public and private landowners to secure habitat” in a more detailed manner. The way it is presented on page 15 is unclear in the sense that there is no means of understanding what will be done, how it will be accomplished, who is responsible for it, and how the public will know when it is successfully completed.

**Objective 1** contains no responsibilities and no subsequent actions based on the results of the monitoring. After the results of the three-year monitoring is obtained, who will do what with them? Monitoring will increase if the populations “fall into the Yellow”, but what actions (by whom, and in what time frame) will be taken to assure return to an acceptable level?

**Table 3** reiterates the same actions—“gather and compile annual product sales data in Colorado by registrants (dealers and end-users) as a statewide regulation for dealing with populations that fall from “acceptable levels”. How will gathering and compiling data stem the decline of populations?

Specific management tools appear to be reiterative and useless when populations fall into unacceptable regions. We urge the working group to utilize the authority they wrote of earlier in the plan to augment the populations when they are found to be in decline. To restate that SB111 requires approval for relocation across county lines is not a management tool, but a hindrance to managing the species.

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The entire table is a compilation of regulations that hinder management and possible monitoring mechanisms, none of which actually enhances populations without intervention. We recommend the table be rewritten to accurately describe the tools available to manage BTPD populations.

**Plague Monitoring**

This section is lacking in measurable actions. Who will initiate outreach? How? When? How will the working group know that the outreach has been successful? Who will administer the voluntary reporting protocol? What action will take place if populations fall into the Orange or Red?

**Objective 2** states that the CDOW will “continue its efforts to produce, encourage, and support the best available science”. What are those efforts? How will they be continued? How will the working group know that those efforts have been sufficient? How will ongoing efforts be supported?

**Objective 3** recognizes private landowners contributions to supporting BTPD populations. By what means will 150,000 acres of habitat be secured? By when and by whom? Who and by what means will agencies be identified as potential partners? Again, the objective lacks time frames and responsibilities in achieving measurable success. Please add these items to the Objective to make it realistic.

**Objective 4** contains aggressive goals, but once again, it lacks any means of measuring the success of its goals. Adding the action item of requiring reports when populations fall into “unacceptable zones” does nothing for the recovery of the population. We recommend a more stringent set of action items that will immediately address the repopulation of areas where populations fail.

Who will “train the trainer” (page 23) and who will select the trainer? How and when will this be accomplished? How will partnerships with Colorado Farm Bureau, Colorado Cattleman’s Association, etc. be built and expanded? Why aren’t public landowners, non-profit landowners and conservation organizations included in this action?

How will **Objective 5** be accomplished? Actions 5.2 – 5.7 discuss the actions that will be implemented in the event populations fall into unacceptable ranges, but no time frames or responsible entities are identified. Without clear elucidation of responsibilities, we fear the actions will not follow the events in a timely manner.

**Objectives 6 - 14** all lack definitive actions that include measurable actions, time frames, and responsible parties. Without the inclusion of these details, it is difficult to ascertain whether the objectives have been met.

In summary, Prairie Preservation Alliance sees much value in the Conservation Plan for Grassland Species in Colorado. We would like to see more inclusion of the public’s interest and more measurable action items to assure the success of the objectives.

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Finally, we strongly disagree with the recommendation to reinstitute sport shooting of the black-tailed prairie dog. This is not a management tool, but a recreation that serves an ever-decreasing portion of the population. To pander to their wishes at the expense of the 61 million people who spend \$38.6 billion annually in the pursuit of wildlife viewing and photography flies in the face of reason.

Sincerely,

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13 October 2003

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VIA ELECTRONIC MAIL AND POSTAL MAIL

Dear Colorado Division of Wildlife Staff,

Thank you for the opportunity to respond to the draft Grassland Species Conservation Plan (Plan). I write on behalf of Forest Guardians, Center for Native Ecosystems, and Rocky Mountain Animal Defense. We have acute concerns over the contents of this Plan. In particular, we question the Plan's 1) assumption that there are currently 631,000 acres of black-tailed prairie dogs (BTPDs) in Colorado; 2) threat management scheme; 3) assessment of the threat of shooting on prairie dogs and their associates and proposal to relax shooting restrictions; 4) Assessment of ecological importance of urban prairie dog colonies; 5) assessment of the keystone role of prairie dogs in native ecosystems; 6) goal of precluding Endangered Species Act (ESA) listing for the species it covers; 7) associated species habitat requirements and species accounts; 8) partiality toward landowners and industry groups; and 9) other comments.

In addition, we have attached an errata sheet of straightforward grammatical or factual corrections.

I. Assumption of 631,000 acres of black-tailed prairie dogs in Colorado

The Plan states that, "Colorado currently exceeds all acreage and distribution target objectives" in the black-tailed prairie dog interstate plan (Plan at p. 1). We seriously question this assertion. Despite repeated requests, the Colorado Division of Wildlife (CDOW) within the Colorado Department of Natural Resources (CDNR) has not provided its raw survey data to independent scientists for verification. In fact, it has stonewalled on providing this data. It seems more than likely that 631,000 acres is an inflated estimate. Independent scientific review of the survey data should address the following questions:

- How many of these acres are actually prairie dog towns (and not, for example, ant hills)? How many of the acres that are actually prairie dog towns are active?
- How many of the active prairie dog towns have low densities as a result of sylvatic plague, poisoning, shooting, or other threats?

- What is the spatial arrangement of these active, normal- to high-population density colonies? I.e., are they isolated or part of complexes?

The Plan does not provide any basis for answering these questions, as it provides the reader only with an acreage table at p. 13 and two maps at pp. 19-20. We are apparently supposed to accept, as have the Plan's authors, this study as definitive.

The maps, however, are especially problematic, as it appears that Boulder and Weld Counties boast a staggering 448,465-acre complex! Elsewhere in Weld County, there is apparently a 189,740-acre complex! In addition, Bent County is described as containing a 206,099-acre complex! For its part, Prowers County appears to contain a 125,767-acre complex!

These acreages are simply bizarre. The black-tailed prairie dog complex at Janos in Chihuahua, Mexico, measures 90,000 acres and it is considered to be the largest of its kind in the world. Perhaps part of the problem is that the map codes density according to the number of colonies per 150 sq. km. Yet, those colonies could be extremely small, and/or have very low densities of prairie dogs, and/or not even be active prairie dog colonies, so the density classification system and consequent map at Figure 3 appear flawed.

It is also interesting to us that, given the large complexes described in Colorado, there is no mention of black-footed ferret recovery in the Plan. While black-footed ferrets are a listed species and therefore should not be included in a candidate conservation agreement, grassland species recovery in Colorado immediately brings to mind ferrets. Please explain this omission.

Most importantly, while the Plan mentions that the DOW survey is in the process of being peer-reviewed, it does not specify by whom. The survey data and analysis should be submitted to independent, leading prairie dog ecosystem scientists, such as John Hoogland, Brian Miller, and Rich Reading. Review by government biologists alone is not sufficient, as those biologists may be constrained by political factors within their agencies. It is our understanding that biologists at the Denver Zoological Foundation have repeatedly requested the survey data and CDOW has failed to provide them the data needed for rigorous ground-truthing.

## II. Scheme for addressing threats to BTPDs

The Plan tiers its regulatory scheme to the estimated BTPD acreage in Colorado. At the presently assumed level of 631,000 acres of BTPDS, the Plan classifies BTPD acreage as within the "Blue Zone." Consequently, plague will be addressed via public outreach and voluntary reporting; poisoning will continue without state restrictions (beyond licensing); the current restrictions on shooting will be loosened to allow seasonal sport shooting; no measures are set forward for repopulation; and incentives are only "provided as necessary to provided long term protection" (See Plan at p. 18, Table 3).



In fact, the Plan largely preserves the status quo, and even regresses in regard to shooting, until BTPD acreage enters the “at risk” Orange Zone, in which there are 150,000-250,000 acres of BTPDs in the state. Even at this level, the only substantive change is that shooting will be limited to landowner damage situations. It is unclear what “landowner damage situations” means, as, at all greater levels of acreage, namely the Blue, Green, and Yellow Zones, shooting is to be allowed “to protect property” (See Table 3). Meanwhile, no restrictions will be placed on poisoning in the Orange Zone.

In fact, the Plan does not place significant restrictions on poisoning and shooting, the principal anthropogenic threats, until there are below 150,000 acres of BTPDs in the state, i.e., the “Danger” Red Zone. While the Plan stipulates that population surveys will be slated for three-year intervals, without the type of rigorous ground-truthing mentioned above, we anticipate inflated estimates of BTPD acreage in Colorado in the future. These inflated estimates may ensure that the restrictions on threats at the Orange and Red Zones are never triggered.

*Poisoning.* The Plan fails to provide protections for BTPDs and their associates from the threat of poisoning at present. Instead, it calls for the development of a Memorandum of Understanding (MOU) between CDOW and the Colorado Department of Agriculture outlining the regulatory authority of each. The timeframe for completing this infinitesimal step, which provides no protection to grassland species in itself, is July 2005 (See Plan at p. 3). These two agencies, housed in the same city (Denver, Colorado) and within the same administration (Governor Bill Owens) need nearly two years to draw up a merely descriptive MOU? This is indicative of the lengths to which the state of Colorado will go to avoid any real conservation action on behalf of the BTPD and its associates.

As mentioned above, no restrictions will be placed on poisoning until there are fewer than 150,000 acres of BTPDs in the state. Not only is this unwise biologically from the standpoint of BTPD persistence, it utterly fails to adequately protect the associated species covered by the plan. As the Species Accounts indicate, continued BTPD poisoning will further reduce the prey base of ferruginous hawks and swift foxes and will further reduce habitat for mountain plovers, burrowing owls, and swift foxes. Yet, nothing in the Plan reduces this threat in the foreseeable future.

The Plan is very misleading in stating that it discourages poisoning on National Grasslands (See Plan at p. 32), as the U.S. Forest Service has already restricted poisoning on its grasslands.

*Shooting.* As discussed below, the Plan provides for immediate loosening of restrictions on shooting. It also overstates the current restrictions and underestimates the biological and ecological significance of this threat. The Plan is misleading in stating that it discourages shooting on National Grasslands (See Plan at p. 32), as shooting is presently illegal on these areas under the very shooting restrictions to Plan seeks to reverse.

*Habitat loss.* Habitat conservation, while described as “a key strategy” of the Plan (See Plan at p. 30) will be achieved only through voluntary, non-regulatory measures. There is in this Plan nothing to discourage farmers from converting grassland to croplands or discouraging urban builders from replacing grasslands with stripmalls and asphalt. As we discuss below, voluntary, future conservation plans cannot be used to avoid ESA listing. In addition, the lack of guaranteed funding makes a private landowner incentive program little more than a fleeting promise.

Moreover, one of the incentive programs cited to improve land management is the Conservation Reserve Program (See Plan at p. 31). Yet, this program is at odds with shortgrass species conservation, as is correctly stated in the species account for the swift fox at p. 53.

*Plague.* The Plan calls largely for monitoring for plague. It is not until p. 119 that there is any mention of the potential for limiting a plague epizootic through the use of insecticide. Dr. John Hoogland has significantly limited the extent of plague epizootics using insecticides. While precaution should be applied to limit environmentally damaging repercussions of insecticides, they should in some cases be considered as a means to prevent large-scale BTPD extinction events.

We applaud the Plan’s acknowledgement that preserving BTPDs over a large portion of their historic range can help mitigate the impact of plague (See Plan at p. 32). Yet, the Plan’s implementing provisions will fail to achieve this end.

*Cumulative impacts.* The Plan professes to address the potential cumulative effects of the above threats by minimizing each of them (See Plan at p. 33). As we have shown, those threats will not be minimized – nor even altered – until we are in a “Danger” “Red Zone” situation, where there are fewer than 150,000 acres of BTPDs left in the state. How does a plan that primarily promotes the status quo reduce threats against the prairie dog ecosystem when the status quo is peppered with threats against that ecosystem?

We note that the Plan fails to provide specific safeguards for the mountain plover, swift fox, ferruginous hawk, and burrowing owl. Their protection, it would seem, will be achieved through the regulatory structure provided at Table 3. However, as discussed, this threat management scheme preserves the status quo, and its suite of threats against prairie dog associates, into the foreseeable future. We therefore do not believe the Plan provides adequate safeguards for these four prairie dog associated species or for the BTPD itself.

See our attached comments to FWS on the continued significance of the above threats to the BTPD (Attachment: Forest Guardians et al. 2003, Comments to FWS on black-tailed prairie dog).

III. Assessment of the threat of shooting on prairie dogs and their associates & proposal to relax shooting restrictions

The Plan states that the BTPD hunting season is closed east of I-25 (See Plan at p. 3). In reality, shooting can still legally occur on private and state lands. Indeed, it is occurring, at startling rates, as indicated by the state Division of Wildlife's Harvest Information Program (HIP). The HIP estimates do not distinguish between the different species of prairie dogs in CO. In total, HIP estimates that 229,502 prairie dogs were shot by 3,369 small game license-holders during 32,851 hunter-days for the 2000-2001 season. One way to gauge shooting pressure on BTPDs is by examining HIP data for those counties within the range of the BTPD in CO (Table 1a, 1b).

Table 1a. Prairie dog shooting statistics for Colorado counties within the range of the BTPD, 2000-2001. (Counties with the greatest BTPD acreage are highlighted)

<b>County</b>	<b>Number of prairie dogs shot</b>	<b>Standard Error (Number of prairie dogs shot)</b>	<b>(Number of prairie dogs shot) Lower Confidence Interval</b>	<b>(Number of prairie dogs shot) Upper Confidence Interval</b>
Adams	32397	13991	4975	59819
Arapahoe	1004	9	986	1022
Baca	12959	1119	10766	15152
Bent	19795	3586	12766	26824
Boulder	632	2	627	637
Cheyenne	324	1	321	327
Crowley	405	1	403	407
Douglas	1458	12	1434	1482
Elbert	243	1	241	245
El Paso	4892	157	4584	5200
Fremont	324	1	321	327
Jefferson	972	9	954	990
Kiowa	30178	10727	9153	51203
Kit Carson	810	5	801	819
Larimer	14222	1181	11908	16537
Las Animas	1539	16	1508	1570
Lincoln	648	6	637	659
Logan	14093	631	12857	15329
Morgan	2300	26	2249	2351
Otero	4082	59	3966	4198
Prowers	4309	108	4098	4520
Pueblo	7014	113	6793	7235
Sedgwick	5184	155	4881	5486
Weld	13947	335	13291	14603
Yuma	437	2	433	442

Source: HIP program report, 2000-2001. There are 29 counties within the range of the BTPD in Colorado (EDAW 2000). However, HIP does not provide data for all of those counties.

This data is undoubtedly flawed, as indicated by the wide confidence intervals. In addition, the data are extrapolated from a small sample (4,486 out of 72,677 hunters). Moreover, multiple species of prairie dogs are found in the same counties. For example, Las Animas, Douglas, El Paso, and Jefferson counties were within the range of both the Gunnison's prairie dog and BTPD. However, the shooting statistics do provide an approximate gauge of the magnitude of the shooting threat to prairie dogs in the state.

The total take of prairie dogs in the range of the BTPD in Colorado from shooting in 2000-2001 was 174,168. In addition, as would be expected, shooting is especially high in those counties that EDAW calculated to have the greatest total active acreage. The counties with the greatest active BTPD acreage are highlighted in the table. Of these counties, all but three are experiencing BTPD take in the thousands. In total, seven counties are experiencing BTPD take in the tens of thousands. Many of these are BTPD strongholds and shooting in the state should therefore be cause for concern.

While continuing to take into consideration the aforementioned provisos on the quality of these data, it appears that shooting pressure on prairie dogs increased in the state in the 2001-2002 season. HIP estimates that 452,772 prairie dogs were shot by 3,703 small game license-holders during 54,305 hunter-days for the 2001-2002 season.

Table 1b. Prairie dog shooting statistics for Colorado counties within the range of the BTPD, 2001-2002. (Counties with the greatest BTPD acreage are highlighted)

<b>County</b>	<b>Number of prairie dogs shot</b>	<b>Standard Error (Number of prairie dogs shot)</b>	<b>(Number of prairie dogs shot) Lower Confidence Interval</b>	<b>(Number of prairie dogs shot) Upper Confidence Interval</b>
Adams	513	3	508	518
Arapahoe	367	2	363	370
Baca	102,394	108,976	-111,198	315,987
Bent	23,999	6,273	11,704	36,294
Boulder	1,833	43	1,748	1,918
Cheyenne	2,347	32	2,285	2,409
Crowley	238	1	237	240
Douglas	367	2	363	370
Elbert	10,450	1,096	8,302	12,598
El Paso	11,184	1,563	8,120	14,247
Fremont	367	2	363	370
Jefferson	917	11	895	938
Kiowa	4,308	83	4,145	4,472
Kit Carson	1,155	11	1,133	1,177
Larimer	4,583	70	4446	4721
Las Animas	935	5	926	944
Lincoln	28417	4654	19296	37539
Logan	1632	8	1616	1647
Morgan	5922	97	5731	6113
Otero	4015	59	3900	4131
Prowers	16500	749	15033	17968
Pueblo	8452	706	7069	9835
Sedgwick	4437	181	4083	4791
Weld	2237	9	2219	2254
Yuma	238	0	238	239

Source: HIP program report, 2001-2002. There are 29 counties within the range of the BTPD in Colorado (EDAW 2000). However, HIP does not provide data for all of those counties.

The total take of prairie dogs in the range of the BTPD in Colorado from shooting in 2001-2002 was 237,807, an increase of some 26.8% from a year prior. It is clear that shooting continues to be a threat to BTPDs in the state and appears to be, in fact, an increasing threat.

In addition, Figure 1, by the Center for Native Ecosystems, provides a startling depiction of the continued shooting of prairie dogs (all three species) in Colorado. This graph was generated using HIP data.

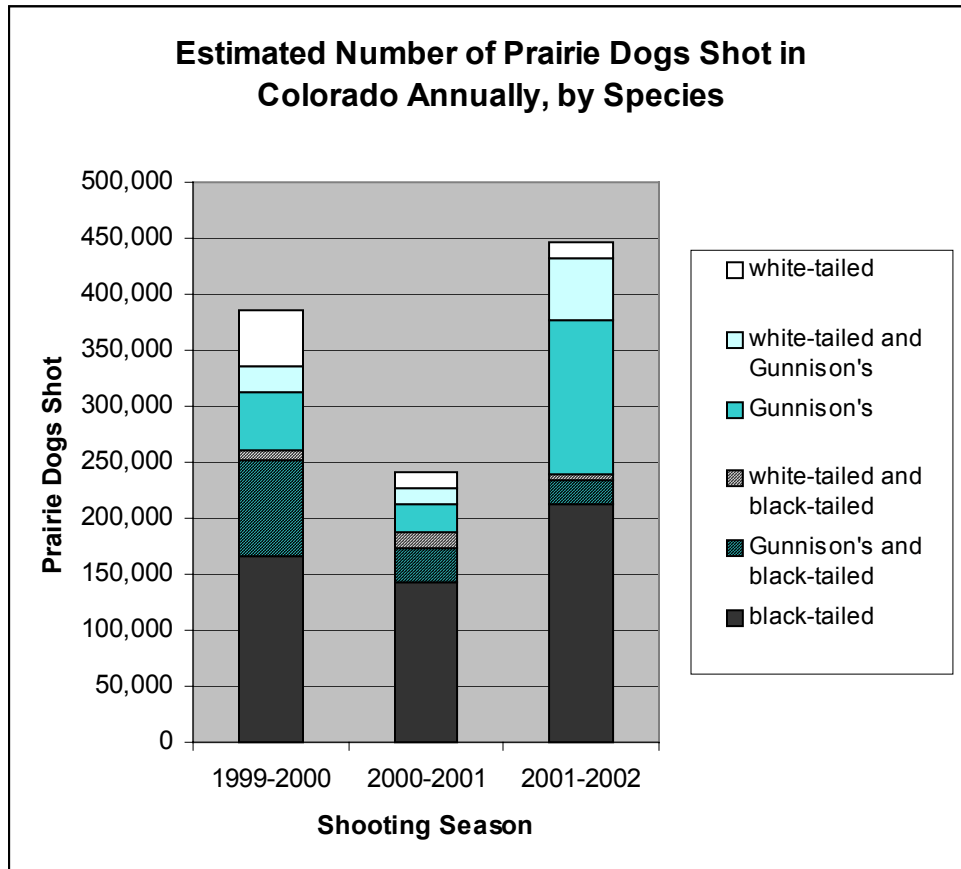


Figure 1. Graphical Depiction of Continued Shooting Threat in Colorado, using CDOW data.

The Plan goes on to cite FWS's argument that shooting does not constitute a threat to BTPD (See Plan at p. 3, 24). Alternatively, we are not swayed by FWS's position on this issue. We urge the Plan's authors to be more analytical about this issue, as well. We have provided extensive documentation on the shooting threat to FWS, and they have failed to consider this information in formulating their position (See Attachment: Forest Guardians et al. 2003, Comments to FWS on black-tailed prairie dog).

Based on this flawed understanding of current BTPD shooting in Colorado, and based on the presumption that FWS is correct in negating the shooting threat, the Plan calls for the loosening of restrictions on BTPD shooting (See Plan at p. 3). The currently closed season (on federal lands) would be replaced with a seasonal closure, from March 1-June 30 (See Plan at p. 24). This is precisely the opposite of where policy direction should be headed. How will allowing more BTPD shooting assist in the recovery of BTPDs and associated grassland species? Isn't the conservation of these grassland species the stated

goal of the Plan? We strenuously object to this provision to reduce the restrictions on shooting.

Furthermore, the only provision to protect prairie dog associates from the threat of shooting is to “inform hunters of the presence and sensitivity of other associated grassland species” (See Plan at p. 3, 32). We are not assured that this attempt at information dissemination, if implemented, will be effective in protecting prairie dog associates from either direct mortality from shooting or from the loss in prey or habitat that shooting can cause. For instance, in the Burrowing Owl Species Account, the author describes studies demonstrating direct mortality of burrowing owls from shooting (See Plan at p. 82).

#### IV. Assessment of ecological importance of urban prairie dog colonies

We appreciate that the Plan recognizes the importance of urban prairie dog colonies, and we support Objective 11’s encouragement of open space acquisition for BTPDs and their associates (See Plan at p. 4). However, the Plan understates the value of urban colonies to associated species (See Plan at pp. 4, 27). Yet, the Plan cites a series of studies at p. 10, among which at least one (D. Weber unpublished report) show unequivocally that prairie dogs play an important role in sustaining urban raptors. In addition, the Plan acknowledges that wintering ferruginous hawks, in particular, are sustained by urban prairie dog colonies (See Plan at p. 27).

Furthermore, with routine poisoning and shooting in rural areas, it may well be that many rural colonies tend to suffer from low population density, while urban colonies can feature moderate and high population densities. In terms of prey biomass, this is undoubtedly important. In addition, exceedingly low densities in rural areas make those populations more vulnerable to extinction events. Urban colonies may therefore prove important to the long-term persistence of the BTPD itself.

Of course, bulldozers cause routine extinction events in urban areas, and the Plan should therefore provide substantive protection for BTPDs and their associates from municipal habitat destruction. Instead the Plan only references the need for mitigating loss of prairie dog habitat in urban areas by supporting “shortgrass prairie habitat conservation” in eastern Colorado (See Plan at p. 4). The Plan provides no details on how this mitigation scheme will be structured, nor are we even informed of whether “shortgrass prairie habitat conservation” will mean the protection of actual prairie dog colonies in rural areas, or merely the conservation of non-colonized shortgrass rangeland. The latter could be accomplished, one might suppose, by paying ranchers to run cattle on areas they’re already ranching. We are not convinced this the right policy direction for recovering the prairie dog ecosystem. The Plan should provide more specific, biologically defensible plans for urban development mitigation measures.

#### V. Assessment of the keystone role of prairie dogs in native ecosystems

The Plan understates the ecological importance of prairie dogs overall. In particular, the Plan's authors have selectively reviewed the scientific literature on prairie dogs as a keystone species. The role of prairie dogs as a keystone species is now well-established scientifically (Kotliar et al. 1999; Kotliar 2000; Miller et al. 2000). Indeed, prairie dogs probably qualify under multiple categories of keystone species – as prey and for their modification of habitat (Mills et al. 1993). More studies are regularly coming forth reporting strong relationships between prairie dogs and other wildlife. For example, Barko et al. (1999) report greater avian abundance on prairie dog colonies than on uncolonized areas and Manzano-Fischer et al. (1999) urge the protection of prairie dogs in order to mitigate against further decline of many grassland birds. These findings are particularly important for biodiversity, as grassland birds are suffering the sharpest decline of any other group of birds since the early 1970s (Knopf 1994). Miller et al. (2000) report more studies along these lines. Of the studies above, the only one cited by the Plan is Kotliar et al. (1999).

Moreover, the Plan's authors were highly selective in their description of the findings of Kotliar et al. (1999). The Plan doesn't mention that, in addition to the nine species found to be dependent on prairie dogs at some level, Kotliar et al. 1999 noted that twenty species benefited from opportunistic use of prairie dog colonies. The Plan also omits Kotliar et al.'s (1999) suggestion that some 117 additional species have life history characteristics indicating that they benefit from prairie dogs and their colonies, but there is insufficient data about those species.

Indeed, it may be that scientific research will never be able to determine all historic prairie dog associates, as research in this area has largely been post-1960. By 1960, an estimated 98% of prairie dog acreage had already been destroyed. In the face of scarcity of prairie dog acreage, associated wildlife may have altered their behavior in order to survive. For example, while the northern aplomado falcon was extirpated from its range in the southwestern U.S. by 1950, it is only recently that scientists have articulated the view that BTPD-extirmination campaigns may have played a role in the disappearance of this rare falcon (See Truett 2002).<sup>1</sup>

The Plan's section on the keystone role played by prairie dogs should be re-written to include the above-cited information.

#### VI. Goal of precluding ESA listing for the species the Plan covers

*Future conservation plans not a substitute for listing.* The Plan's major thrust is for voluntary, nonregulatory incentives for private landowners to conserve prairie dogs and associated grassland species. In addition, a primary purpose of the Plan is for use in applying for a candidate conservation agreement with assurances (CCAA), which would

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<sup>1</sup>The northern aplomado falcon is beginning to recolonize its former U.S. range through natural recolonization and reintroduction efforts.



ensure state control over BTPDs and their associates even if ESA listings occurred (See Plan at p. 8). However, there is overwhelming case law indicating that it is illegal for the U.S. Fish and Wildlife Service to consider future, voluntary conservation actions even of government agencies, not to mention the non-governmental parties emphasized in the Plan.

Several courts have held that future conservation efforts by federal and state agencies do not justify further delay in listing candidate species. First, district courts struck down FWS's reliance on possible future actions of the U.S. Forest Service as a basis for not warranted determinations for both the Alexander Archipelago wolf (Canis lupus ligoni) (Biodiversity Legal Foundation v. Babbitt, 943 F.Supp. 23 (D.D.C.1996)) and the Queen Charlotte goshawk (Accipiter gentilis laingi) (Southwest Center for Biological Diversity v. Babbitt, 939 F.Supp. 49 (D.D.C.1996)). The U.S. District Court in Texas also rejected an FWS determination that listing was not warranted for the Barton Springs Salamander (Eurycea sosorum) because of a conservation agreement between FWS and Texas state agencies (Save Our Springs Legal Defense Fund, Inc. v. Babbitt, Civ No. 96-168-CA (W.D.Tex., Mar 25, 1997)). The court held that the efficacy of the conservation agreement was speculative (Id. at 9).

In addition, the U.S. District Court in Oregon went one step further in 1998 by holding that the National Marine Fisheries Service could rely neither on future or voluntary conservation measures within the Oregon Coastal Salmon Restoration Initiative Plan to deny listing of the Oregon Coast evolutionarily significant unit of coho salmon (Oncorhynchus kisutch) (Oregon Natural Resources Council et al. v. Daley et al., 6 F.Supp.2d 1139 (D.Or.1998)). Because they are unenforceable, the court maintained that voluntary conservation measures, like future measures, "should be given no weight in the listing decision" (Id. at 1155).

Similarly, the Oregon district court rejected FWS's reliance on the Northwest Forest Plan as a justification for finding that the bull trout (Salvelinus confluentus) faced only a "moderate" threat and was therefore warranted but precluded (Friends of Wild Swan, Inc. v. U.S. Fish and Wildlife, 945 F.Supp. 1388 (D.Or.1996)). The court stated that FWS "cannot rely upon its own speculations as to the future effects of another agency's management plans to put off listing a species" (Id. at 1398).

There is wisdom to this case law, as it would be speculation to assume that these future actions will adequately conserve species to such a degree that they no longer warrant ESA protection. In other words, we cannot gamble on the survival of imperiled species. The goal of precluding ESA listing (See Plan at p. 6) is therefore wrong-headed, as ESA listing, and importantly, critical habitat designation, at minimum prevent species extinction and can be highly effective at conserving species.

*Plan's failure to meet FWS conservation guidance.* The Plan makes mention of FWS's Policy for Evaluation of Conservation Efforts When Making Listing Decisions (PECE). Yet, the Plan does not apply the PECE to the voluntary, nonregulatory incentives for grassland species. Understandably so, as these incentives would fail on

both of the PECE's major thrusts: 1) it is not clear they will be effective in adequately safeguarding grassland species; and 2) the Plan can provide no guarantees of stable, adequate funding source for the incentives touted.

On the latter issue of funding, the Plan calls for "pursuing partnerships" with governmental and non-governmental entities and "developing innovative ideas" for grassland conservation (See Plan at pp. 4, 5, 29, 30). We are very unconvinced by these embryonic promises. As a side note, we are amazed that such non-substantive assertions regarding the crucial issue of funding would find their way into a Plan submitted for public comment. At this stage, there should be a well-developed, rigorous, and persuasive (to the public) set of strategies for assuring the CDOW can garner the funds required to implement the Plan.

While we regard the PECE as a thinly veiled attempt by FWS to shield itself from judicial review of its abysmal listing program, it is telling that the Plan cannot even fulfill the standards set forward in this guidance.

*State hostility to prairie dog conservation.* The need for federal protection of imperiled species is especially acute in Colorado, when one considers the Owens' administrations hostility to prairie dog conservation. We remind CDOW of the state's 1999 threat, under the present gubernatorial administration, to sue FWS if the latter listed the BTPD under the ESA.<sup>2</sup> Management of this species, and its associates, should not be kept in the hands of this hostile state. Moreover, reviews of state management of endangered species have found state protections to generally be deficient (e.g., Goble et al. 1999).

The very origins of the present working group, which are described in the Plan at pp.7-8, bring the whole grassland species conservation planning process into question. The Plan states that the working group is an extension of the interagency group which signed an earlier MOU, the goal of which was to "Develop and implement a program that achieves conservation of the black-tailed prairie dog in Colorado while recognizing that control is necessary and appropriate in areas where prairie dogs conflict with agriculture and other human activities" (See Plan at p. 8). This goal is worded so as to be meaningless in terms of restricting threats to BTPDs. Most threats arise because of conflicts with human activities – e.g., the perceived need of ranchers to shoot or poison prairie dogs. Therefore, if threats are only addressed when there aren't conflicts, it doesn't seem likely many threats will be addressed.

Indeed, in the Ferruginous Hawk Species Account, the author describes how "About 80 percent of eastern Colorado's prairie dog colonies occur on private land (EDAW 2000).

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<sup>2</sup>The threat was in a November 3, 1999 letter by the State of Colorado (Greg Walcher (DNR Director), Ken Salazar (Attorney General), and Don Ament (Commissioner of Agriculture)) to Pete Gober, FWS. This letter states, "Under the circumstances, and given the obvious impacts to its citizens, it appears Colorado would have little choice than to move forward with litigation to protect its interests should the pending petition ultimately result in a final rule listing the black-tailed prairie dog as 'threatened.'"

Due to continued control efforts, it is likely that prairie dog colonies on most private land will tend to be small, and thus not provide the higher quality foraging habitat of large colonies and complexes” (See Plan at p. 99). This is a succinct way of stating that the status quo will not adequately conserve the grassland species covered in this Plan.

We therefore strongly recommend that the conservation plan be written with the goal of adequately addressing the threats against BTPDs and their associates and accomplishing their recovery. We recognize this would be a paradigm shift, away from using this highly objectionable conservation plan to encourage a CCAA for these species, and toward responsible, biologically sound stewardship, to which the Plan only pays empty lip-service.

## VII. Associated species habitat requirements and species accounts

*Associated species habitat.* The Plan continually shies away from discussing the habitat requirements of BTPD-associates (see Plan at p. 2, 21). Yet, in the species accounts, there are at least some data disclosed on the habitat needs of these associates (See Plan at p. 61, 64, 77, 81, 98). This information could be useful as a lens through which to inspect the actual suitable habitat that exists in Colorado and to effectively plan for recovery of the BTPD associates covered in the Plan.

We question the assertion that swift foxes are abundant and widespread in Colorado (See Plan at p. 21). It is our contention that this species was prematurely removed from the candidate list by FWS. Indeed, as is pointed out in the swift fox species account, the species only exists on 40% of its historic range (See Plan at p. 51).

As mentioned above, we question why black-footed ferret recovery is not mentioned in this document. Clearly with such potentially extensive BTPD complexes, Colorado could be a flagship for recovering this critically imperiled mammal.

*Species Accounts.* There are several deficiencies within the Species Accounts attached as appendices to the Plan.

1. BTPD Species Account. The reproduction discussion in the species account for the BTPD fails to mention Hoogland (2001). Hoogland found that, for those females how successfully wean offspring, the mean litter size at first juvenile emergence is only 3.08 pups for BTPDs. Moreover, the probability of weaning a litter is only 43% for female BTPDs. These, and other findings in Hoogland (2001) should be integrated into the final Plan. Similarly, the cattle/grazing discussion in the BTPD species account should be buttressed with more recent studies, including Collins et al. (1984) and Uresk (1985), which both counter the perception that prairie dogs cause a significant economic harm to cattle ranching. In addition, other studies (e.g., Weltzin et al. 1997) indicate that prairie dogs can improve rangelands by controlling brush encroachment.

2. Mountain Plover Species Account. The “Habitat Conversion” discussion fails to mention the threat of municipal development to the Plover breeding population in South Park, Colorado.

As mentioned above, we believe the Plan fails to protect the BTPD and the four associated species it covers.

#### VIII. Partiality toward landowners and industry groups

Although you’ll be pleased to know you’ve not injured our self-esteem, the Plan describes only prairie dog advocates as “special interests” (See Plan at p. 8). How is the rancher lobby not a special interest? Or the farm lobby? Or developers? Please delete this petty euphemism from the Plan. In addition, in the highly flawed review of the keystone status of the BTPD, as discussed above, the Plan states that the keystone concept has been applied to this species “to the public advertisement campaigns of special interest groups” (See Plan at p. 9). Again, sheer pettiness and unprofessionalism such as this should not be codified in the final Plan. Moreover, the keystone species discussion in the Plan stands to be improved, as described above.

The flip side of this obvious prejudice toward prairie dog advocates is the endless bowing to private landowners. At one point, the Plan makes the contention that “Another important financial contribution comes from private landowners who act as stewards for over 75% of all shortgrass prairie habitat for the benefit of all Wildlife in the state of Colorado” (See Plan at p. 29). What qualifies all of these landowners as “stewards”? In terms of biodiversity protection, some may act favorably toward native wildlife, while others may not. We point out that habitat destruction – including that of these presumed “stewards” in Colorado, when the incentives are right – factors in the imperilment of each of the five species covered in this Plan. This tenuous assertion should therefore be deleted from the Plan.

In addition, as discussed above, the threat management scheme presented at Table 3 in the Plan refuses to place constraints on poisoning, shooting, and habitat destruction, out of excessive deference to private landowners and to avoid any disruption of the status quo.

#### IX. Other comments

*Private Landowner Conservation Agreements.* We are concerned that emphasis is put on private landowner conservation and yet the formula for this is not detailed in the Plan. For instance, the reader is told that 150,000 acres of highly quality shortgrass prairie habitat will be protected through permanent or long-term conservation easements or conservation agreements by 2011 (See Plan at p. 22). However, the contents of these easements or agreements are not disclosed. Will BTPD shooting or poisoning still be allowed within these areas? The answer to this question is not provided in the Plan. It should be, otherwise, meaningful public input on the potential for such easements or agreements to achieve prairie dog conservation will be precluded.

*State Land Board Lands.* We object to the CDOW's neglect of grassland species conservation on state land board lands. Promises of future policy planning between the state land board and CDOW are insufficient (See Plan at p. 26). The Plan's refusal to address state land board lands indicates, it would seem, CDOW's desire to preserve the status quo and avoid ESA listing, notwithstanding the continued decline of BTPDs and their associates.

*Comanche National Grassland.* For some reason, the Plan glosses over the need to protect and restore BTPDs and their associates on the Comanche National Grassland in southeast Colorado. Instead, the reader is told that the Comanche's leadership should focus on sand sage species (see Plan at p. 26). While the lesser prairie chicken and long-billed curlew are deserving of protection, there is also extensive blue grama-buffalograss habitat within the Comanche that would accommodate the curlew and the species covered by the Plan. Moreover, the Comanche National Grassland is commencing scoping for its long-range management plan revision, which is an opportunity for CDOW and the working group to help ensure the revised plan for this grassland promote conservation of grassland species.

### Conclusions

The status quo needs to change. Yet, this Plan buttresses the status quo. It assures would-be poisoners and shooters that it will not disrupt their plans. It tells the private landowner that they don't have to change the way they "steward" their lands. After all, muses the Plan, we have 631,000 acres of BTPDs in the state. In addition, we are told, the Plan will be funded through gossamer notions of "pursuing partnerships" and "developing innovative ideas."

These thin tendrils of speculative policy provide us no assurance that the species the Plan covers will even survive, much less recover. Fundamentally, we question the assumption that nothing has to change for the prairie dog ecosystem to persist and flourish. The ESA itself offers us words of wisdom here. The law tells us that the extinction crisis in the U.S. is the "consequence of economic growth and development untempered by adequate concern and conservation" (16 U.S.C. § 1531(a)(1)). The Plan does nothing to temper destructive human activities or to infuse adequate concern and conservation into this policy debate. We are profoundly disappointed with the draft Plan and urge substantial overhaul before it is finalized.

Sincerely,

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for:

Forest Guardians et al.  
Comments on Draft Grasslands Species Plan

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Attachments: Forest Guardians et al. 2003 Black-tailed Prairie Dog Comments to FWS  
<fwsreview2002.pdf>

cc: Steve Torbit, National Wildlife Federation  
Jim McKee, Boulder County Nature Association  
Bob Luce, Interstate prairie dog coordinator  
Pat Melhop, U.S. Fish and Wildlife Service  
Bob Leachman, U.S. Fish and Wildlife Service  
Pete Gober, U.S. Fish and Wildlife Service  
Dave Hanni, Rocky Mountain Bird Observatory

Errata sheet

- p. 3, paragraph after “Objective 5” paragraph, 2<sup>nd</sup> sentence. “develop a” should be replaced with “development of a”.
- p. 3, paragraph after “Objective 6” paragraph; 1<sup>st</sup> sentence. This sentence is factually incorrect. Prairie dogs can be shot on private or state lands east of I-25.
- p. 4. Objective 10 is missing.
- p. 10, last paragraph, last sentence. The Mountain Plover listing proposal has been withdrawn by FWS, but we (Forest Guardians et al.) filed a 60-day notice of intent to sue FWS over this action, on which we plan to act.
- p. 27, last full paragraph, 2<sup>nd</sup> sentence. The Mountain Plover listing proposal has been withdrawn by FWS, but we (Forest Guardians et al.) filed a 60-day notice of intent to sue FWS over this action, on which we plan to act.
- p. 29. Objection 10 is missing.
- p. 38, 1<sup>st</sup> paragraph under “Description and Taxonomy.” There are four species of prairie dogs in the U.S., not five. There are five species of prairie dogs in North America.
- p. 43, 1<sup>st</sup> full paragraph & first full paragraph under “Inadequacy of Regulatory Mechanisms.” BTPD shooting on state land is not prohibited in Colorado. Nor is it banned in “all areas east of Interstate 25,” given the provision for private landowners or their agents to shoot BTPDs on private lands.
- p. 44, 1<sup>st</sup> full paragraph under “Poisoning.” Neither aluminum phosphine nor gas cartridges are listed as toxicants legal for use on BTPDs – this is an omission.

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