

RESOLUTION # 2016-24

The Sheridan County Board of Commissioners does find that there are adverse impacts of unmanaged colonies within the County and that it is necessary to exercise the authority made available under the “Black-Tailed Prairie Dog Management Act”, Nebraska Revised Statute 23-3803.

The primary purpose of the Sheridan County Black-Tailed Prairie Dog Management Plan is to avoid negative impacts between landowners who wish to accommodate prairie dogs on their property and those that do not wish to have them encroach from these adjoining lands onto their properties.

BE IT RESOLVED that on the 19th day of December 2016, Sheridan County Board of Commissioners adopts the Sheridan County Prairie Dog Management Plan.

Sheridan County Black-Tailed Prairie Dog Management Plan

Cooperative effort between Sheridan County Commissioners, Wildlife Services, Sheridan County Weed Superintendent, and Sheridan County landowners/committee members.

1. **Duty to Manage Colonies.** Each person who owns or controls property (within a county that has adopted a coordinated program for the management of black-tailed prairie dogs) shall effectively manage colonies present upon his, her, or its property to prevent the expansion of colonies to adjacent property if the owner of the adjacent property objects to such expansion.
2. **Entry Upon Land Authorized as per Nebraska Revised Statute 23-3808.**
The County Board of Commissioners of a county that has adopted a coordinated program for the management of black-tailed prairie dogs, or anyone authorized by the County Board, may enter upon property in the county for purposes of performing the duties and exercising the powers under the Black-Tailed Prairie Dog Management Act without being subject to any action for trespass or damages, including damages for destruction of growing crops, if reasonable care is exercised and forty-eight hours written advance notice of entrance is provided to the property owner or occupant.

3. Management Plan.

- a. Listing of Methods for Management of Colonies. The Board of Commissioners identify the following as potential methods for management of colonies:
- i. The use of approved treatment effort shall be defined as a late summer/fall application and follow-up application as one treatment. (See University of Nebraska Neb-Guide 1476 *Prairie Dogs and Their Control*) If a spring application is deemed cost prohibitive by the Wildlife Services Person, the summer/fall will be the time frame for a follow-up treatment.
 - ii. Prairie dogs will be controlled the full length of the property line between the complainant and the noncompliant landowner.
 - iii. The use of monitoring for long-term maintenance including timely cleanup of new infestation or repopulation.
 - iv. Control shall be performed by a licensed applicator, eligible to use restricted use pesticides.
- b. Creation of Advisory Council. The creation of the “Sheridan County Black-Tailed Prairie Dog Advisory Council” as an Advisory Council.
- i. The five members of the Advisory Council will be voluntary.
 - ii. Membership term of service –All persons serving on the Advisory Council shall continue to serve until a successor is appointed and accepts the position. The initial Advisory Council appointees shall be divided into three classes. The term of the first class shall end on January 1, 2014; the term of the second class shall end on January 1, 2015; the term of the third class shall end on January 1, 2016 The first and second classes shall have 2 members each; the third class shall have 1 member. All persons appointed after the initial Advisory Council appointments shall serve three-year terms in order that some continuity within the Advisory Council is preserved by staggered appointments. Beginning January 1, 2017 member terms will end on January 31st; new member terms will begin on February 1.
 - iii. Open Meetings Law – The advisory council meetings will follow the Open Meetings Act.
- c. Advisory Council Duties. The Advisory Council shall investigate complaints and make recommendations to the Sheridan County Board of Commissioners.

d. Sheridan County Board of Commissioners.

- i. Annually publish the General Notice through the legal county newspaper on or before the 1st of May, notifying all property owners of the adopted coordinated program for management of black-tailed prairie dogs.
- ii. Receive recommendations of the Advisory Council;
- iii. Act upon recommendations of Advisory Council regarding specific individual unmanaged colonies, including the Advisory Council's recommendation for management of the unmanaged colonies;
- iv. The County Board of Commissioners will conduct the issuance of individual notices to owners of unmanaged colonies, directing the method of management recommended by the Advisory Council and adopted by the County Board of Commissioners, unless other appropriate management methods are acceptable and approved by the County Board of Commissioners;
- v. Notice of the County Board of Commissioners intent to enter upon property for the purpose of taking appropriate management measures and assessment of costs for management activities if property owner does not provide suitable management plan within sixty (60) days. **The County Board of Commissioners shall use one or both of the following forms for all individual notices:**
 1. **Individual Force Control Notice-** If after sixty days (60), evidence is received that the landowner (who has been previously notified) has not complied, the County Board of Commissioners or its agent may enter upon your property for the purpose of taking the appropriate management measures. Costs for the management activities performed by the County Board of Commissioners shall be at the expense of the owner of the property and shall become a lien on the property as a special assessment levied on the date of control.
 2. **Individual Fine Notice** – Upon notification of unmanaged prairie dogs which are objected to by the owner of adjacent property, if after sixty days (60) the landowner has not provided evidence of control measures, this property may be subject to a fine of \$100.00 per day for each day of noncompliance, up to a maximum of fifteen days (maximum \$1,500).

vi. Written Protest:

If any person is dissatisfied with the charges against him or her under the Black-Tailed Prairie Dog Management Act, he or she may, within fifteen days after being advised of the amount of the charge, file a written protest with the County Board of Commissioners. The County Board shall hold a hearing to determine whether the charges were appropriate, taking into consideration whether the management measures were conducted in a timely fashion. Following the hearing, the county board shall have the power to adjust or affirm such charge.

Duties:

Sheridan County Board of Commissioners

- Administer program.
- Publish General Notice annually.
- Create and maintain budget.
- Approve and appoint members to Sheridan County Prairie Dog Advisory Council.
- Hold hearings for landowner complainant, landowner offender, Advisory Council, Wildlife Services and Sheridan County Weed Superintendent.

Sheridan County Black-Tailed Prairie Dog Advisory Council

- Must be a Sheridan County resident.
- Represents the Council, acting on a Case by Case basis, on each complaint received.
- Communicate on all activities, including Force Control notices.
- Provides annual review of success or failure.
- Recommends new council members to the Board of Commissioners.

Weed Superintendent

- Receives Complaint.
- Completes paperwork.
- Notify Wildlife Services.

- Initiates Force Control paperwork.
- Compiles information.
- Maintains communication between County Board, Advisory Board and Wildlife Services.

Wildlife Services

- Receives information from Weed Superintendent.
- Physically verifies eminent encroachment.
- Contacts offending landowner, and recommends optional control methods.
- Presents findings to Board of Commissioners, Weed Superintendent.
- Implements Force Control if necessary.

Landowner/Complainant

- File complaint to Sheridan County Weed Superintendent.
 - Legal description, map, photos of problems.
- Supply follow up communication.
- Help with long term monitoring.

Landowner/ Offender

- Visit from Wildlife Service personnel.
- If disagrees with findings, offending landowner has to prove control efforts or methods.
- Has 60 days to implement successful management.
- Has the right to a hearing before the force control.
- Has the right to an assessment hearing after the force control.

Landowner Desiring to have Prairie Dogs on his/her property

The landowner desiring prairie dogs on his/her property (desiring landowner), will voluntarily, maintain a control area to abate encroachment on to a neighboring landowner who does not wish to have prairie dogs (non-desiring landowner). The depth of the control area shall be a

negotiated distance on the desiring landowner's side of the property line, perpendicular to the property boundary between the desiring landowner and non-desiring landowner. The depth shall be maintained the full length of this adjoining property line.

An Individual Force Control Notice will be initiated by the Board upon the receipt of a verified complaint from the adjacent, non-desiring landowner that the desiring landowner's control area is not effectively managed.

Plan Amendment Clause

The Sheridan County Black Tailed Prairie Dog Management Plan may be edited or amended from time to time by a majority vote of the Sheridan County Board at a meeting held in compliance with the Nebraska Open Meetings Act.

By approval of resolution #2016 – 24, the previous Sheridan County Black-Tailed Prairie Dog Management Plan is declared revoked, and considered to be null and void.

<u>signed</u> _____ Dan Kling – County Board Chairperson	<u>12-19-2016</u> _____ Date
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<u>signed</u> _____ James Krotz – County Board Vice Chairperson	<u>12-19-2016</u> _____ Date
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<u>signed</u> _____ Jack Andersen – County Board Member	<u>12-19-2016</u> _____ Date
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