

**SHERIDAN COUNTY, NEBRASKA**  
**RESOLUTION NO. 2024 - \_\_\_\_\_**  
**SHERIDAN COUNTY PRAIRIE DOG MANAGEMENT PLAN**

**RECITALS**

**WHEREAS**, the Sheridan County Board of Commissioners previously adopted Resolution No. 2016-24. The Sheridan County Black Tail Prairie Dog Management Plan which has been in full force and effect since 2016;

**WHEREAS**, the Sheridan County Board of Commissioners desire to make certain amendments to the Sheridan County Black Tail Prairie Dog Management Plan as follows:

**ADVERSE IMPACT/PRIMARY PURPOSE FINDINGS**

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 Tail Prairie Dog Management Act, Neb.Rev.Stat. §23-3803, et seq”.

The primary purpose of the “Sheridan County Black Tail 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 those adjoining lands onto their properties.

**NOW BE IT RESOLVED** that on the \_\_\_\_ day of \_\_\_\_\_, 2024, Sheridan County Board of Commissioners hereby adopts and amends the Sheridan County Black Tail Prairie Dog Management Plan.

**SHERIDAN COUNTY BLACK TAIL PRAIRIE DOG MANAGEMENT PLAN**

The management plan reflects the necessary cooperative effort between Sheridan County Commissioners, Sheridan County Weed Superintendent, the Sheridan County Prairie Dog Advisory Board and Sheridan County Landowners/Community Members and any relevant Sheridan County Department Heads.

1. **DUTY TO MANAGE COLONIES.** Each person who owns or controls property within Sheridan County shall effectively manage colonies present upon his, her or its property to prevent the expansion of colonies to adjacent property unless the owner of adjoining land consents, in writing, to the expansion of such colonies to their property;
2. **ENTRY UPON LAND AUTHORIZED AS PER NEB.REV.STAT. §23-3808.** Pursuant to §23-3808, The Sheridan County Board of Commissioners, or anyone authorized by the County Board, may enter upon property in the county for the purposes of performing the duties and exercising the powers under the Black Tail Prairie Dog

Management Act. After 48 hours written advanced notice of such entrance is provided to the property owner or occupant.

3. **MANAGEMENT PLAN.**

A. **Listing of Methods for Management of Colonies.** The Sheridan County 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 of at least one additional treatment (See University of Nebraska, Guide 1476 Prairie Dog and Their Control). If a spring application is cost prohibitive, the following summer/fall will be the time frame for the follow-up treatment. A review by a State of Nebraska licensed contractor or any other individual who has been appointed by the board to perform this service will provide this information on a case by case basis.
- ii. Prairie Dogs will be controlled the full length of the property line between the Non-Compliant Land Owner and a Compliant or adjacent 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. **ADVISORY BOARD.** There has been created the Sheridan County Black Tail Prairie Dog Advisory Board as an Advisory Board and such board shall be established as follows:

- i. The Advisory Board shall consist of five members.
- ii. The membership of the Advisory Board will be voluntary.
- iii. Membership Term of Service. All persons serving on the Advisory Board shall continue to serve until a successor is appointed and accepts the position. The initial Advisory Board appointees shall be divided into three classes. The term of the first class shall end on January 1, 2026; the term of the second class shall end on January 1, 2027; the term of the third class shall end on January 1, 2028; the first and second classes shall have two members each; the third class shall have one member. All persons appointed after the initial Advisory Board appointment shall serve three year terms in order that some continuity within the Advisory Board is preserved by staggered appointments.
- iv. Open Meetings Law. The Advisory Board meeting will follow the open meetings act.

C. **ADVISORY BOARD DUTIES.** The Advisory Board shall develop the Management Plan, annually review the costs and determine the annual charge per acre of forced control, review written plans for a managed prairie dog colony and make recommendations to the Sheridan County Board of Commissioners.

D. **SHERIDAN COUNTY BOARD OF COMMISSIONERS SHALL:**

- i. Annually publish the general Notice through the legal county newspaper on or before the first of May each year, notifying all property owners of

- the adopted, coordinated program for management of Black Tail Prairie Dogs, see Neb.Rev.Stat. §23-3806;
- ii. Receive recommendations of the Advisory Board;
  - iii. Hear the results of investigation of complaints regarding specific individual unmanaged colonies, review the recommendation for management of the unmanaged colonies, and determine the action that shall be taken after such investigation.
  - iv. Conduct the issuance of individual notices to owners of unmanaged colonies, directing the method of management recommended by the advisory board and adopted by the County Board of Commissioners unless other appropriate management methods are acceptable and approved by the County Board of Commissioners;
  - v. Provide 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 Forced Control Notice. If after sixty (60) days, 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 an adjacent property, if after sixty (60) days 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 non-compliance up to a maximum of fifteen (15) days (maximum \$1,500.00).
  - vi. Written Protest. If any person is dissatisfied with the charges against him or her under the Black Tail Prairie Dog Management Act, he or she may, within fifteen (15) 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.

## **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 Board;
- Represents the board, acting on case by case basis, on each complaint received;
- Hold hearings for landowner complainant, landowner offender, and Sheridan County Weed Superintendent;
- Communicate on all activities including Forced Control Notices.

## **SHERIDAN COUNTY PRAIRIE DOG ADVISORY BOARD**

- Must be a Sheridan County landowner or manager;
- Provides annual review of success or failure which shall include periodic review of the management plan;
- Conduct an annual review of the costs and determine the annual charge per acre of forced control;
- Review written plans for managed of prairie dog colonies;
- Recommend new Advisory Board Members to the Board of Commissioners.

## **WEED SUPERINTENDENT**

- Receives complaint;
- Completes paperwork;
- Notifies the State of Nebraska Licensed Contractor or other board appointed person or representative of the complaint to complete an inspection;
- Initiates forced control paperwork;
- Compiles information;
- Makes inspections;
- Maintains communication between County Board, Advisory Board and the State of Nebraska Licensed Contractor, Wildlife Services or other board appointed contractor.

## **STATE OF NEBRASKA LICENSED CONTRACTOR, WILDLIFE SERVICES OR OTHER BOARD APPOINTED PERSON/REPRESENTATIVE**

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

### **ADJOINING LANDOWNER/COMPLAINANT**

- File complaint to Sheridan County Weed Superintendent;
  - Complaint must include: legal description, map, photos of issue or other documented evidence;
- Supply follow-up communication;
- Help with long term monitoring.

### **LANDOWNER/OFFENDER**

- Visit with the State of Nebraska Licensed Contractor or Wildlife Services or other appointed person or representative personnel if an investigation is on-going;
- If offending landowner disagrees with finding, offending landowner will have to prove they are using control efforts or methods to manage the colony;
- Has sixty (60) days to implement successful management;
- Has the right to request a hearing before forced control may begin;
- Has the right to an assessment hearing, after forced control, on the costs assessed against the property.

### **LANDOWNER DESIRING TO HAVE PRAIRIE DOGS ON HIS/HER PROPERTY**

Any landowner desiring prairie dogs on his/her/their property (desiring landowner) will voluntarily maintain a control area to abate encroachment onto a neighboring landowner who does not wish to have prairie dogs (non-desiring landowner) the depth of the control area shall be the minimum encroachment buffer zone listed in the Sheridan County Prairie Dog Management Plan on the desiring landowner's side of the property line, perpendicular to the property boundary between the desiring landowner and the non-desiring landowner. The depth shall be maintained the full length of this adjoining property line. An individual Forced Control Notice will be initiated by the board upon the receipt of a verified complaint from an adjacent, non-desiring landowner that the desiring landowner's control area is not effectively managed.

#### **4. ADMINISTRATION.**

- A. This plan shall include all of Neb.Rev.Stat. §23-3801 through §23-3810, which is known as the Black Tail Prairie Dog Management Act.
- B. The Sheridan County Commissioner's shall have the authority to approve and implement a budget, hire employees as needed to satisfy the law and appoint members of the Sheridan County Prairie Dog Advisory Board.
- C. The Sheridan County Prairie Dog Advisory Board shall consist of five Sheridan County landowners or managers preferably from different geographic locations throughout the county. The members of the Sheridan County Prairie Dog Advisory Board shall be appointed by the Sheridan County Commissioners and will act as an Advisory Board to handle complaints;

- D. Membership and services on the Sheridan County Prairie Dog Advisory Board shall be voluntary;
- E. The Board shall consist of five members who will be appointed on a rotating basis, to serve up to terms of four years;
- F. Members may serve as many terms as he or she chooses as long as their reappointment is approved by the Sheridan County Board of Commissioners.
- G. The Sheridan County Prairie Dog Advisory Board's primary obligation is to enforce all provisions of the Sheridan County Prairie Dog Management Plan pursuant to the Black Tail Prairie Dog Management Act, Neb.Rev.Stat. §23-3081, et seq.
  - 1. All meetings shall follow the Open Meetings Law;
  - 2. All meetings and hearings shall be advertised as necessary.
- H. The purpose of the Prairie Dog Management Plan is to provide for management of prairie dog colonies that encroach or impact neighboring landowners.

## 5. **IMPLEMENTATION.**

### A. **DEFINITION OF TERMS:**

- i. **Colony** means the series of burrows and tunnels created by the Black Tail Prairie Dog where Black Tail Prairie Dogs live;
- ii. **County Board** means the County Board of Commissioners or supervisors that have adopted the act;
- iii. **The Board** shall mean the Sheridan County Prairie Dog Advisory Board;
- iv. **Managed Colony** means a colony that is confined to land owned by one person;
- v. **Person** means any individual, partnership, firm, limited liability company, corporation, company, society or association, the State or any department, agency or political subdivision thereof or any other public or private entity and;
- vi. **Encroachment** means when a prairie dog colony on private land has expanded to the point where colonization of adjoining land occurs and is unwanted by the impacted landowner and/or land manager.
- vii. **Encroachment Buffer Zone (EBZ)** shall mean the minimum depth from the adjoining landowner property line that must be managed to have no prairie dog colonies and must be maintained for the full length of the property line unless a written management plan and consent from neighboring landowners to such plan has been provided in writing in accordance with this management plan.

- B. **GENERAL NOTICE.** General Notice shall be published by the County Board of each county that has adopted a coordinated program for the management of Black tailed Prairie Dogs under §23-3803 in one or more newspapers of general circulation in the County on or before May 1 of each year or at such other times as the county board may determine.

### C. **CONTROL OF COLONIES.**

- i. Prairie Dogs will be controlled using approved chemical control methods for the full length of the property line between the complainant and the offender along the EBZ. The minimum depth of three hundred (300') feet parallel to the property line on the offender's side of the line shall be the EBZ for all properties in Sheridan County, but may be up to one quarter mile as determined by the board

on a case by case basis, taking into account the size of the colony, the management plan presented, the property impacted and the rights of the offending and adjoining landowners. Any prairie dog colonies within three hundred (300') feet with a signed complaint from an adjoining landowner as set forth in paragraph four or an inspection or observation by Sheridan County Weed Superintendent shall trigger an investigation;

- ii. Long term maintenance efforts may be necessary to discourage re-infestation of the EBZ. The offending landowner shall maintain control of the EBZ through a variety of methods, including but not limited to, monitoring, surveying and timely cleanup of new infections/repopulation of the EBZ.
- iii. Control shall be performed by a licensed applicator, eligible to use restricted use pesticides or by a State of Nebraska Licensed Contractor.
- iv. A control treatment effort shall be defined as late summer/early fall application and follow-up application as one treatment (See Nebraska Guide G1476 for further information) if a spring application is cost prohibitive, the following summer/fall will be the timeframe for the follow-up treatment. A review by a State of Nebraska Licensed Contractor or other individual who has been appointed by the county board to perform this service will provide this information on a case by case basis.

#### **D. COMPLAINTS.**

- i. The Sheridan County Commissioners will address all complaints on a case by case basis;
- ii. Formal complaints will be filed with the Sheridan County Weed Superintendent;
- iii. All complaints must include a legal description of the property, and either an aerial photo of the colony or other sufficient supporting evidence to show that there is an infestation which is not being managed;
- iv. The Weed Superintendent shall provide documentation to a State of Nebraska Licensed Contractor or other board appointed person or representative. The Weed Superintendent may be the board appointed person or representative upon agreement and formal board action appointing the Weed Superintendent to fulfil such role.

#### **E. INVESTIGATION.**

- i. The State of Nebraska Licensed Contractor or other board appointed person or representative shall inspect the encroachment buffer zone (EBZ) on the possible offender's land and offer a written opinion as to whether encroachment is eminent;  
As part of such investigation, the State of Nebraska Licensed Contractor or other board appointed person or representative shall provide written Notice of Intent to investigate the property a minimum of forty-eight (48) hours in advance of such entry, as authorized in Neb.Rev.Stat. §23-3808

- ii. The written opinion in any accompanying documentation shall be provided to the Weed Superintendent upon receipt, the Weed Superintendent shall send all information to the Sheridan County Commissioners. If the Weed Superintendent is the board appointed person or representative, they shall create a written opinion after investigation that is sent to the Sheridan County Commissioners.
- iii. The Weed Superintendent, upon observation without a complaint of neighboring landowner, may initiate investigation. If upon contacting the neighboring land owner, the Weed Superintendent determines that such landowner does not desire the encroachment of prairie dogs on his/her property, then the Weed Superintendent shall initiate proceedings and provide and prepare a written opinion to the Sheridan County Board of Commissioners as otherwise required herein;
- iv. The Sheridan County Board of Commissioners shall advise the Weed Superintendent as to what actions shall be taken next as determined by the Sheridan County Commissioners at a meeting and affirmative vote of the majority of the members present;

**F. DETERMINATION OF ACTION.**

- i. If the Sheridan County Commissioners determine that there is not sufficient evidence that there is possible expansion of colony to adjacent property, the Sheridan County Commissioners will take “no action”;
- ii. If the Sheridan County Commissioners determine that there is sufficient evidence to show that there is possible expansion of the colony to adjacent property, the Sheridan County Commissioners shall authorize the notification process to begin, with legal action to follow;

**G. NOTIFICATION OF ACTION.**

- i. Upon a determination that action shall be taken and authorization for the notification process to begin, the Sheridan County Commissioners shall authorize the Weed Superintendent to notify the offending landowner of such possible expansion of colony to adjacent property by certified mail at his or her last known address, which shall contain the language as set forth in the statute and as provided in this management plan;
- ii. If no action has been taken within sixty (60) days of the notice being provided via certified mail, the Sheridan County Commissioners shall proceed with legal action;
- iii. If within fifteen (15) days of the notice being received, the landowner requests a hearing, the Sheridan County Commissioners shall proceed with such hearing as set forth in Neb.Rev.Stat. §23-3806;

**6. LEGAL ACTION.**

- A. **LEGAL NOTICES.** The Sheridan County Commissioners shall proceed with legal notices sent to the landowner, which shall list the type of notice and action that is authorized by the Sheridan County Commissioners to proceed.



- B. FINE NOTICE.** The Sheridan County Commissioners are authorized to assess a fine of up to \$100.00 per day for up to fifteen (15) days, with a maximum of \$1,500.00 total fine.
- C. FORCED CONTROL NOTICE.** If upon expiration of the sixty (60) day period the offending landowner has not complied, the Sheridan County Commissioners may cause proper management methods to be used on such property and shall advise the landowner of all costs incurred in connection with such operation as prescribed by law. The cost of any such management shall be at the expense of the landowner. In addition, the Sheridan County Commissioners shall immediately cause notice to be filed of possible unpaid Black Tail Prairie Dog Management Assessments against the property upon which the management measures were used in the Register of Deeds office in the County where the property is located. If unpaid for two months the county board shall certify to the County Treasurer, the amount of such expense and such expense shall become a lien on the property upon which the management measures were taken as a special assessment levied on the date of management. The County Treasurer shall add such expense to and it shall become and form a part of the taxes upon such land and shall bear interest at the same rate as delinquent taxes.
- i. The Sheridan County Prairie Dog advisory Board will annually determine the cost per acre charged for forced control. The 2024/2025 charge will be \$\_\_\_\_\_ per acre plus costs of supplies and mileage to conduct the forced control.
  - ii. Upon expiration of a sixty (60) day notice, with all forms complete, a State of Nebraska Licensed Contractor will control the colony at his/her earliest convince. Follow-up inspection and control shall be completed for a minimum of three consecutive years;
  - iii. If the forced control deadline falls outside the timeframe allowed pursuant to label specifications, then forced control cannot be performed. Action on the case will resume as soon as permitted by the product label;
  - iv. As part of this process, the Sheridan County Commissioners shall determine a distance from the property line of the adjoining landowner for forced control in order to address recolonization or encroachment from the colony.
- D. MANAGED PRAIRIE DOG COLONY.** A managed prairie dog colony is defined as one which is managed for monetary gain or other ecosystem services, in which the colony is not close enough to threaten encroachment on adjacent landowners.
- i. A landowner may provide a management plan of colonies on their property, which incorporates information regarding the location, the encroachment buffer zone (EBZ), and affirmative steps taken to manage the migration of the colony to avoid colonization of neighboring landowners.
  - ii. Such management plan must be submitted and approved by the Sheridan County Prairie Dog Advisory Board to be considered a managed prairie dog colony;
  - iii. Prior to approval, adjoining landowners must be provided with a copy of such proposed management plan and notice of the meeting at which this plan is subject

to discussion. Such notice shall be provided by the petitioning landowner and shall be sent via First Class Mail.

- iv. Upon approval, a copy of the management plan shall be provided to the Weed Superintendent and may be utilized in investigating any complaints for the property that are received under the Sheridan County Prairie Dog Management Plan.

**E. COSTS.**

- i. Protests of costs charged; if any person is dissatisfied with the costs charged against him/her/it, under the Black Tail Prairie Dog Management Act, he/she/it may, within fifteen (15) days after being advised of the amount of the charge, file a written protest with the County Board. The County Board shall hold a hearing to determine whether the charges were appropriate, taking into consideration whether or not 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.

**F. PRAIRIE DOG MANAGEMENT FUND.** A Black Tail Prairie Dog Management Fund may be established by a county, which fund shall be available for expenses authorized to be paid from such fund, including necessary expenses of the county board and carrying out its duties and responsibilities under the Black Tail prairie Dog Management Act.