

14-8.12 RELOCATION OF GUNNISON'S PRAIRIE DOGS
(Ord. No. 2011-37 § 11)

(A) Purpose and Intent

It is the purpose and intent of the Gunnison's prairie dog relocation regulations to protect the diminishing populations of Gunnison's prairie dogs by ensuring their safe and humane relocation prior to the *development of property* within the city to appropriate and protected habitat areas as designated by the *city*.

(B) Applicability

Except for single-lot, single-family residential development, compliance with these regulations is required for any public or private proposed development or phase of development approval, prior to grading or any other disturbance of property where Gunnison's prairie dogs are located; provided that for family transfers and all dwelling units that meet the criteria for affordable homes or affordable rental units for income ranges 1, 2 or 3 pursuant to SFCC §26-1.16 and 1.24, the propertyowner or developer is not responsible for relocation expenses, costs or fees that amount to more than one thousand five hundred dollars (\$1,500) per acre. This amount shall be subject to periodic review at the discretion of the city manager and may be amended to reflect increased costs due to inflation or other circumstances.

(C) Exemptions

(1) An exemption from these regulations may be granted by the land use director under the following circumstances:

- (a) there is no city-approved property available for a proposed relocation of Gunnison's prairie dogs;
- (b) there is no city-certified relocater available within a reasonable time as determined by the city for a proposed relocation; or
- (c) a city-certified relocater determines that the timing of the proposed project is such that the start of construction operations, including grading or other disturbance of property where Gunnison's prairie dogs are located, would have to be delayed more than sixty days.

(2) The land use director may require written verification or other proof of such circumstances prior to granting an exemption from these regulations.

(D) Appeals

An appeal of the granting or denying of an exemption to the Gunnison's prairie dog relocation regulations shall be pursuant to Section 14-3.17 (Appeals).

(E) Violations and Penalties

Violations of a provision of this Section 14-8.12 shall be punishable in accordance with Article 14-11 (Enforcement).

(F) City-Approved Lands

The city shall approve relocation sites that are:

- (1) private lands protected as wildlife habitat by a conservation easement held in a land trust or other conservation organization or protected by organizational by-laws or other legal vehicles;
- (2) public lands protected for the purpose of indefinite, long-term prairie dog habitation;
- (3) private or public lands that meet best management practices criteria for suitability.

(G) Certified Trappers/Relocators

- (1) The *city* shall certify those Gunnison's prairie dog trappers/relocators that may be hired by the *owners* or developers of private *property*. To be certified, a person must meet the following minimum requirements:
 - (a) training by a qualified and experienced trapper/relocator in:
 - (i) two trapping methods, being flushing and live trapping; and
 - (ii) two methods of relocation, being use of existing holes and augured holes;
 - (b) participation and attendance at a day of orientation to include prairie dog facts and proper techniques for trapping and relocating; and
 - (c) fifteen days of on-the-job training in both trapping and relocating.
- (2) The trainer shall provide written verification that the person has met the requirements of Subsection 14-8.12(G)(1).
- (3) At a minimum, a qualified and experienced trainer must have had the training described in Subsection 14-8.12(G)(1).
- (4) Certification is a privilege and shall not be construed as a *property* right. The *city* manager may withdraw certification for failure to comply with the Santa Fe City Code.

(H) General Requirements

(1) Intent

Unless an exemption has been granted, it is prohibited to intentionally destroy or otherwise harm the Gunnison's prairie dog on any lands within Santa Fe at any time in relation to a *development*.

(2) Procedures and Submittals

(a) Pre-application inspection

As a *pre-application* requirement, the *land use director* shall inspect the *development* site for prior *grading* and the existence of Gunnison's prairie dogs. If Gunnison's prairie dogs are found on the *property*, then the *owner* or developer shall contact a certified trapper/relocator who shall develop a relocation schedule and plan.

(b) Submittals

The *owner* or developer shall submit a relocation schedule and plan for review and approval as part of the *development* submittal that addresses the requirements provided in this Subsection 14-8.12(H) before *development* takes place. Approval of the relocation plan is required before a *grading permit* or any other construction *permit* is issued.

(c) Preferred Relocation Times

The preferred relocation times are June 15 through September 15. The Gunnison's prairie dog may also be relocated in April, but may not be relocated or otherwise disturbed between May 1 and June 15, which is its breeding season, unless exempted pursuant to Section 14-8.12(C). *Owners* and developers of *property* shall make every effort to coordinate their *development* stages and operations with this schedule.

(d) Relocation Services

Only a certified prairie dog trapper/relocator may perform the relocation services.

(e) Relocation Costs

The *property owner* or developer is responsible for all relocation expenses, costs and fees related to the relocation of Gunnison's prairie dogs.

(f) Written Notice

Upon completion of the prairie dog relocation, the *owner* or developer shall submit written notice to the *city* from the certified trapper/relocator hired for the relocation work that the relocation has occurred.

(I) Additional Requirements

If a *development* does not occur within one year of the *plat* or *development* plan approval or the issuance of a *building* or *grading permit* and reestablishment of the Gunnison's prairie dog colony occurs, the *applicant* must again comply with the provisions of this Section 14-8.12.