BEFORE THE BOARD OF COMMISSIONERS
OF CHASE COUNTY, NEBRASKA

CREATION AND AUTHORIZATION OF)
THE CHASE COUNTY PRAIRIE DOG) RESOLUTION NO 2026-10
MANAGEMENT PLAN)

WHEREAS, the Chase County Board of Commissioners hereby find that there are adverse impacts of unmanaged black-tailed prairie dog colonies within the County and that it is necessary to exercise the power and authority provided by the "Black-Tailed Prairie Dog Management Act", Neb. Rev. Stat. §§ 23-3801 to 23-3810 (the "Act").

WHEREAS, the Act imposes an obligation on landowners within the County to effectively manage colonies present on the landowners' property to prevent the expansion of colonies present to property adjacent to such colonies.

WHEREAS, the Management Plan reflects the necessary cooperation between the Chase County Board of Commissioners, Chase County Weed Superintendent, and Chase County landowners and mangers and others.

WHEREAS, the Chase County Board of Commissioners does find that there are adverse impacts of unmanaged colonies of prairie dogs within the County and that it is necessary to exercise the authority provided by the Act.

WHEREAS, one of the purposes of the Chase County 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 prairie dogs encroach from adjoining lands unto their properties.

WHEREAS, each person, business, corporation, limited liability company trust or any other entity owning or control controlling property within the County shall effectively manage colonies 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 his, her or its property.

WHEREAS, pursuant to the Act, the Chase County Board of Commissioners, or anyone authorized by the County Board, may enter upon lands within the County for the purpose of performing the duties and exercising the powers under the Act without being subject to any action for trespass or damages for destruction of growing crops, if reasonable care is exercised and provided that written notice is given forty-eight hours in advance to the owner or occupant prior to entry upon the premises.

BE IT RESOLVED that the Chase County Board of Commissioners adopts the Chase County Prairie Dog Management Plan.

1. DEFINITIONS. For purposes of the Chase County Prairie Dog Management Plan:

A. "Colony" shall mean the series of burrows and tunnels created by black-tailed prairie dogs where black-tailed prairie dogs occupy;
B. "County Board" shall mean the Chase County Board of Commissioners that has adopted the Act;
C. "Managed Colony" shall mean a colony that is confined to land owned by one person;
D. "Person" shall mean any individual, partnership, firm, limited liability company, corporation, company, society, or association, the state or any department, agency, or political subdivision thereof, of any other public or private entity.
E. "Chase County Weed Superintendent" shall mean the person appointed and employed by the Chase County to supervise the management of weeds in Chase County as provided by Nebraska law.

2. AUTHORITY AND RESTRICTIONS. The Chase County Prairie Dog Management Plan shall provide the County with all authority and power granted by the Act and the County shall be subject to all limitations and restrictions contained in the Act. The County Board may: 1) employ personnel and expend funds for the purchase of materials, machinery, and equipment to carry out the duties and responsibilities under the Act; 2) issue such notices as provided by the Act; 3) examine property within the county for the purpose of determining the location of colonies; and 4) assign performance of the Plan, including but not limited to investigation of reports or complaints regarding unmanaged prairie dog colonies.

3. NOTICES. As provided by Neb. Rev. Stat. § 23-3806, notices for the management of colonies shall consist of two kinds: General Notice and Individual Notice. General Notice shall be published by the County Board that the County has adopted a coordinated program for the management of black-tailed prairie dogs under the Act 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.

Whenever the County Board has adopted a coordinated program for the management of black-tailed prairie dogs under the Act, finds a colony or any portion of a colony has expanded unto adjacent property and the owner of the adjacent property objects to the expansion and the County Board determines that it is necessary to secure more prompt or definite management of a colony than is accomplished by the general published notice, it shall cause to be served on the person notice upon the owner of record of the property upon which the colony is located, by certified mail at his or her last known address of recommended methods of when and how black-tailed prairie dogs are to be managed. The notice shall be in substantially the same form as Exhibit "A" attached hereto. Upon the written request of any landowner served with the individual notice

received within fifteen (15) days after the dated specified in such notice, the County Board shall hold an informal public hearing to allow such landowner an opportunity to address the County Board's notice. Following such hearing, the County Board may affirm, modify or rescind such notice.

4. FORCED COMPLIANCE. Upon the expiration of sixty (60) days following the date specified in the notice, the landowner has not complied with the notice and has not requested a hearing, the County Board may cause proper management methods be used on such property and shall advise the landowner of the costs incurred in connection with such operation and the costs of such management shall be at the expense of the landowner. In addition, the County Board shall immediately cause notice to be filed of possible unpaid assessment against the property upon which management measures were used in the Register of Deeds Office in the county which the property is located. If unpaid after 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 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 part of the taxes upon such land and bear interest at the same rate as delinquent taxes.

5. COMPLAINTS. The County Board shall address all complaints on a case by case basis. Formal complaints shall be filed with the Chase County Weed Superintendent. All complaints shall be in writing and must include a legal description of the property and either an aerial photo of the colony or other supporting evidence to show there is an infestation which is not being managed. The Weed Superintendent shall provide documentation to a State of Nebraska Licensed Contractor or other appointed representative.

6. FINE NOTICE. The County Board is authorized to assess a fine of up to $100.00 per day for up to fifteen days, with a maximum $1,500.00 total fine.

7. PRAIRIE DOG MANAGEMENT FUND. The County Board may establish a fund which shall be available for expenses authorized to be paid from such fund for the necessary expenses to carry out the Act.

8. LAND OWNED OR CONTROLLED BY STATE OR POLITICAL SUBDIVISION. The costs of managing colonies on all land owned or controlled by a state department, agency, commission or board or a political subdivision shall be paid by the state department, agency, commission or board in control thereof or the political subdivision out of funds appropriated to the state department, agency, commission or board or budgeted by the political subdivision for its use.

DATED this 28 day of July, 2026, at the Chase County Courthouse, Imperial, Chase County, Nebraska.

BY THE BOARD OF COMMISSIONERS OF CHASE COUNTY, NEBRASKA

Kurt Bernhardt

Billie Muehlenkamp