

1 **THREATENED SPECIES DAMAGE AND MANAGEMENT PLAN**

2 **CONCURRENT RESOLUTION**

3 2013 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Evan J. Vickers**

6 House Sponsor: John R. Westwood

7

8 **LONG TITLE**

9 **General Description:**

10 This concurrent resolution of the Legislature and the Governor expresses support for
11 Iron County's management of the Utah Prairie Dog population.

12 **Highlighted Provisions:**

13 This resolution:

14 ▶ expresses support for Iron County's management of the Utah Prairie Dog population
15 and achieving its recovery, while also facilitating rightful use by property owners;

16 ▶ urges the United States Secretary of the Interior to approve a five-year opportunity
17 for Iron County to manage the Utah Prairie Dog population in Iron County, with the
18 assistance of the Utah Division of Wildlife Resources; and

19 ▶ urges that Iron County's five-year opportunity to manage the Utah Prairie Dog
20 population include agreements that Iron County shall maintain a specific number of
21 Utah Prairie Dogs, that the same amount of funding to the United States Fish and
22 Wildlife Service and the Utah Department of Natural Resources' Division of
23 Wildlife Resources be provided to Iron County through the five-year contract
24 period, and that Iron County claims certain constitutional protections from illegal
25 search and seizure of private property without just compensation.

26 **Special Clauses:**

27 None

28

29 *Be it resolved by the Legislature of the state of Utah, the Governor concurring therein:*

30 WHEREAS, according to the United States Fish and Wildlife Service, the Utah Prairie
31 Dog was first listed as an endangered species in 1973, and remained on that list until 1984,
32 when its classification was changed to "threatened";

33 WHEREAS, when a species is not protected under the Endangered Species Act,
34 wildlife management of that species is the responsibility of the state;

35 WHEREAS, the Utah Prairie Dog is currently listed as "threatened" under the
36 Endangered Species Act;

37 WHEREAS, most of the Utah Prairie Dog's remaining habitat lies on private land
38 where protections have slowed, and in some cases halted, rightful land use;

39 WHEREAS, the Utah Prairie Dog population has damaged airplane runways and
40 tunneled into cemeteries, disturbing graves;

41 WHEREAS, private property in Iron County has been damaged physically, and
42 economically, which has adversely affected both property owners and Iron County;

43 WHEREAS, while transmission of the bubonic plague by prairie dogs to humans is
44 rare, cases have occurred and the plague has wiped out whole colonies of prairie dogs;

45 WHEREAS, the United States Fish and Wildlife Service currently offers a land
46 exchange program that would allow landowners to develop their private property if they set
47 aside portions of their land for prairie dog conservation;

48 WHEREAS, the Iron County Commission has indicated that it is now in a position,
49 with the assistance of the Utah Division of Wildlife Resources, to manage the Utah Prairie Dog
50 within the county's borders and achieve the prairie dog's recovery and will work with private
51 property owners to accomplish these goals;

52 WHEREAS, in accordance with Utah Code Subsection 17-50-101(1), Iron County is a
53 legal subdivision of the state of Utah;

54 WHEREAS, the state has the ability to responsibly manage the Utah Prairie Dog
55 without federal involvement;

56 WHEREAS, Section 6(a) of the Endangered Species Act states that the Secretary of the
57 Interior "shall cooperate to the maximum extent practicable with the States";

58 WHEREAS, Section 6(b) of the Act states, "The Secretary may enter into agreements
59 with any State for the administration and management of any area established for the
60 conservation of endangered species or threatened species";

61 WHEREAS, Section 6(c)(1) of the Act further declares, "In furtherance of the purposes
62 of this Act, the Secretary is authorized to enter into a cooperative agreement in accordance with
63 this section with any State which establishes and maintains an adequate and active program for
64 the conservation of endangered species and threatened species";

65 WHEREAS, Iron County has successfully led out as a participant in a pilot program
66 regarding R.S. 2477 roads in Iron County; and

67 WHEREAS, Iron County's and the Division's efforts will facilitate the rightful use of
68 private property by owners while enhancing the conservation of Utah Prairie Dogs by using all
69 methods and procedures that are necessary to bring the species to the point at which federal
70 protections are no longer necessary:

71 NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of Utah, the
72 Governor concurring therein, expresses support for the efforts of Iron County to manage the
73 Utah Prairie Dog population and achieve its recovery, while facilitating the rightful use of
74 private property by its owners and protecting them from further damage without redress and
75 just compensation.

76 BE IT FURTHER RESOLVED that the Legislature and the Governor urge the United
77 States Secretary of the Interior to grant a five-year opportunity for Iron County to manage the
78 Utah Prairie Dog population in Iron County, with the assistance of the Utah Division of
79 Wildlife Resources.

80 BE IT FURTHER RESOLVED that the Legislature and the Governor urge, upon
81 successful achievement of an established recovery population on property within Iron County
82 for a period of five consecutive years, that the Utah Prairie Dog be delisted from "threatened"
83 status within Iron County.

84 BE IT FURTHER RESOLVED that the Legislature and the Governor urge that Iron
85 County's five-year opportunity to manage the Utah Prairie Dog population include agreements

86 that Iron County shall maintain a specific number of Utah Prairie Dogs, that the same amount
87 of funding to the United States Fish and Wildlife Service and the Utah Department of Natural
88 Resources' Division of Wildlife Resources be provided to Iron County through the five-year
89 contract period, and that Iron County claims certain constitutional protections from illegal
90 search and seizure of private property without just compensation.

91 BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United
92 States Fish and Wildlife Service, the United States Secretary of the Interior, the Utah Division
93 of Wildlife Resources, the Iron County Commission, and the Utah Farm Bureau Federation.