



SPECIES PROTECTION, ACCOUNTABLE BUDGET REVIEW

NATURAL RESOURCES, AGRICULTURE, & ENVIRONMENTAL QUALITY APPROPRIATIONS SUBCOMMITTEE
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ISSUE BRIEF

This brief is intended to assist the members of the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee during the Accountable Budget Process. JR3-2 requires the Legislature to create a budget for a line item or a program by starting from zero and determining whether or to what extent to recommend funding be included in a budget for FY 2021.

The following is a list of questions the subcommittee members could ask when evaluating the programs and making decisions about the line item:

- 1. *What are the statutory requirements?***
 - a. Should the statute/scope of the entity be adjusted?
 - b. Does each program have a mission, goals, and objectives that are meaningful and tied to the enabling statute?

- 2. *How well has this "investment" performed in the past? What are the goals for the future?***
 - a. What value does this division/program add to society?
 - b. Are there meaningful performance measures?
 - c. How well do they tie to the organization's mission, goals, and objectives?
 - d. Are the targets reasonable?
 - e. Are the results acceptable?

- 3. *What programs should be funded for FY 2021? How much?***
 - a. Why is state government providing these services? Could this function be done by a local government or the private sector?
 - b. What will happen if the division/program is eliminated or downsized? Who will notice? Who will be affected the most?
 - c. Can the taxpayers' investment be reduced by implementing or increasing user fees?
 - d. Should the funding
 - e. mix be adjusted?
 - f. Are some of the past building blocks no longer a high priority?
 - g. Can some of the expenditures be reduced or eliminated?

The following sections are intended to provide background information about the line item's:

1. [Enabling Authority](#)
2. [Performance Measures](#)
3. [Programs and FTEs](#)
4. [Funding](#)
5. [Spending](#)

For additional interactive online resources, click on the links below:

- [Compendium of Budget Information \(COBI\)](#),
- [Historic Trends of Funding, Expenditures, and FTEs](#),
- [Appropriated vs. Actual Comparison](#), and
- [State of Utah Budget, Data Viz.](#)

Enabling Authority

The UCA [79-2-303](#) governs the Species Protection Account but there are no statutory directions for the creation and accountability of the program that oversees these efforts. The mission of the program is to eliminate the need in Utah for federal regulatory intervention and oversight associated with the Endangered Species Act.

Performance Measures

The 2019 Legislature included in [S.B. 5, Natural Resources, Agriculture, and Environmental Quality Base Budget](#) the following intent language regarding performance measures for the division:

The Legislature intends that the Department of Natural Resources report on the following performance measures for the Species Protection line item, whose mission is "To eliminate the need in Utah for federal regulatory intervention and oversight associated with the Endangered Species Act:" (1) Delisting or Downlisting (Target = one delisting or downlisting proposed or final rule published in the Federal Register per year), (2) Red Shiner Eradication (Target = Eliminate 100% of Red Shiner from 37 miles of the Virgin River in Utah), and (3) June Sucker Population Enhancement (Target = 5,000 adult spawning June Sucker) by October 31, 2020 to the Natural Resources, Agriculture, and Environmental Quality Appropriations Subcommittee.

Below are the measures' targets and results over time.

	FY 2018		FY 2019	FY 2020
	Target	Results	Target	Target
1. Delisting or downlisting			1	1
2. Red Shiner eradication	100%	89%	100%	100%
3. June Sucker population enhancement	5,000	3,022	5,000	5,000

Programs and FTEs

The following table lists the programs in the line item with the FY 2018 actual amounts spent and the FTE count by program. The table also includes an assessment by the division leadership on how critical each program is to the mission of the division. It also identifies if the program is providing administrative support or directly serves the public and lists the statute references. For the mission, goals, objectives, and performance measures of each program, please see the section below the table.

Program Name	How critical to mission?	Type of Program	Mandate Status	Mandate Citation	State Funds	Other Funds	Total Funds	FTE
Species Protection	1-Fundamental	Direct Public Program	State Statute Mandated	79-2-303 and Endangered Species Act	\$100,300	\$1,845,234	\$1,945,534	1
Virgin River Recovery	1-Fundamental	Direct Public Program	State Statute Mandated	79-2-303 and Endangered Species Act		\$840,022	\$840,022	1
June Sucker Recovery	1-Fundamental	Direct Public Program	State Statute Mandated	79-2-303 and Endangered Species Act		\$691,725	\$691,725	1
Totals					\$100,300	\$3,376,981	\$3,477,281	3

Programs' Mission, Goals, Objectives, and Performance Measures

Species Protection

Provides funding to implement conservation actions to prevent new federal listings under the Endangered Species Act and to implement actions to recover species already federally listed. Since this fund was created, there have been 25 listing petitions that were found "not warranted". Not warranted findings were due primarily to conservation efforts funded through this program in collaboration with partners. This funding also provides the required match for federal State Wildlife Grant funding which are federal funds intended for listing prevention. Recovery efforts for the federally listed Mojave Desert Tortoise and Utah Prairie Dog are also funded through this program. Because of this funding, the State is able to move forward with resource use and development under minimal federal interference and oversight associated with the Endangered Species Act.

Mission: The mission of this line item for all programs is to eliminate the need in Utah for federal regulatory intervention and oversight associated with the Endangered Species Act.

Goals: Prevent new listings under the Endangered Species Act and recover species that are currently listed under the Endangered Species Act.

Objectives: (1) Funding proactive, comprehensive conservation actions to ensure the viability of non-listed species into the foreseeable future; and, (2) collaborating with stakeholders to fund and implement recovery actions identified in species recovery plans for federally listed species thereby making progress toward, and ultimately achieving, recovery of the species.

Performance Measures: One downlisting or delisting proposed rule published in the Federal Register per year.

Ties to Statute: As per statute (79-2-303), money in the species protection account may be appropriated to "develop and implement species status assessments and species protection measures." Removal of a species from the federal threatened and endangered species list or downlisting a species from Endangered to Threatened status is an indication of improvement of the status of the species and the success of implementing species protection measures.

Virgin River Recovery Program

Provides the State's funding commitment to the Virgin River Resource Management and Recovery Program. Recovery actions funded and implemented under this Program ensure Endangered Species Act compliance for continued water use and development in the Virgin River Basin. The ability to manage and develop water, with minimal interference due to ESA compliance, is an essential building block for economic growth and development.

Mission: same as Species Protection Program.

Goals: 1) Implement actions to recover, conserve, enhance, and protect native species. 2) Enhance the ability to provide adequate water supplies for sustaining human needs.

Objectives: same as Species Protection Program.

Performance Measures: Miles of stream free of red shiners.

Ties to Statute: same as Species Protection Program.

June Sucker Recovery Program

Provides the State's funding commitment to the June Sucker Recovery Implementation Program. Recovery actions funded and implemented under this program ensure Endangered Species Act compliance for continued water use and development for the Central Utah Project and in the Utah Lake Basin. The ability to manage and develop water, with minimal interference due to ESA compliance, is an essential building block for economic growth and development.

Mission: same as Species Protection Program.

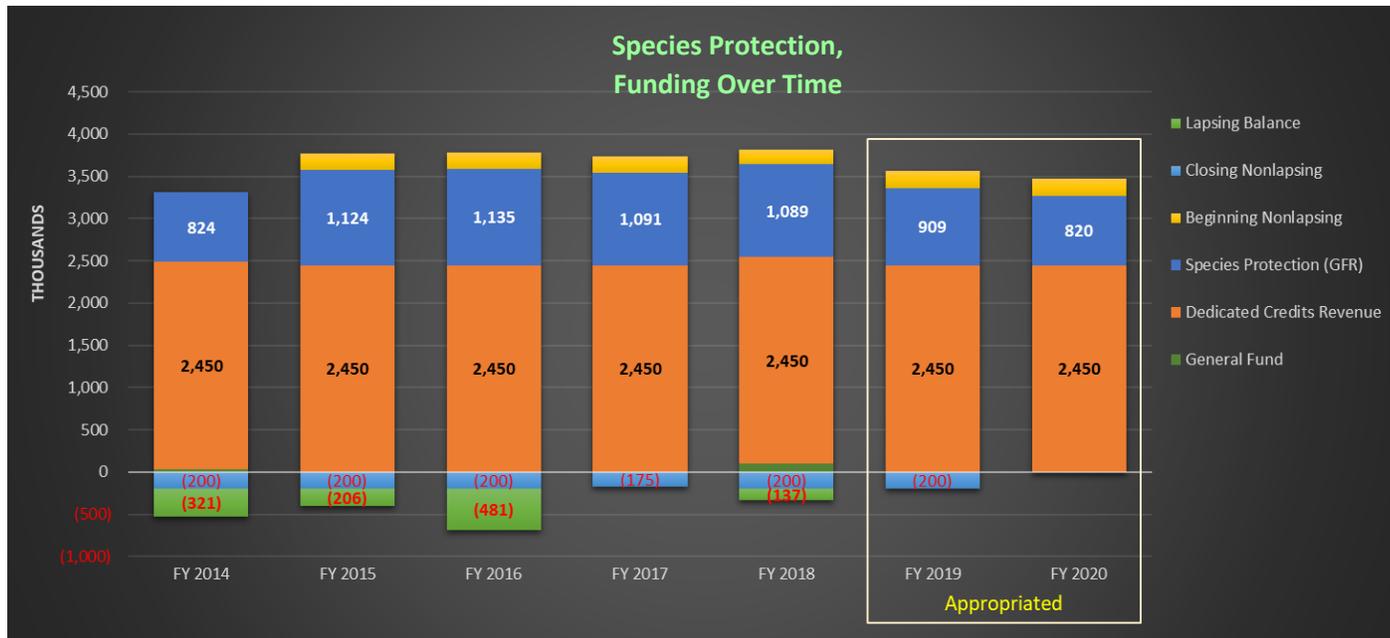
Goals: 1) Recover June sucker so that it no longer needs the protection of the Endangered Species Act. 2) Allow for continued use and development of water in the Utah Lake drainage for human uses.

Objectives: same as Species Protection Program.

Performance Measures: Number of June suckers in spawning run.

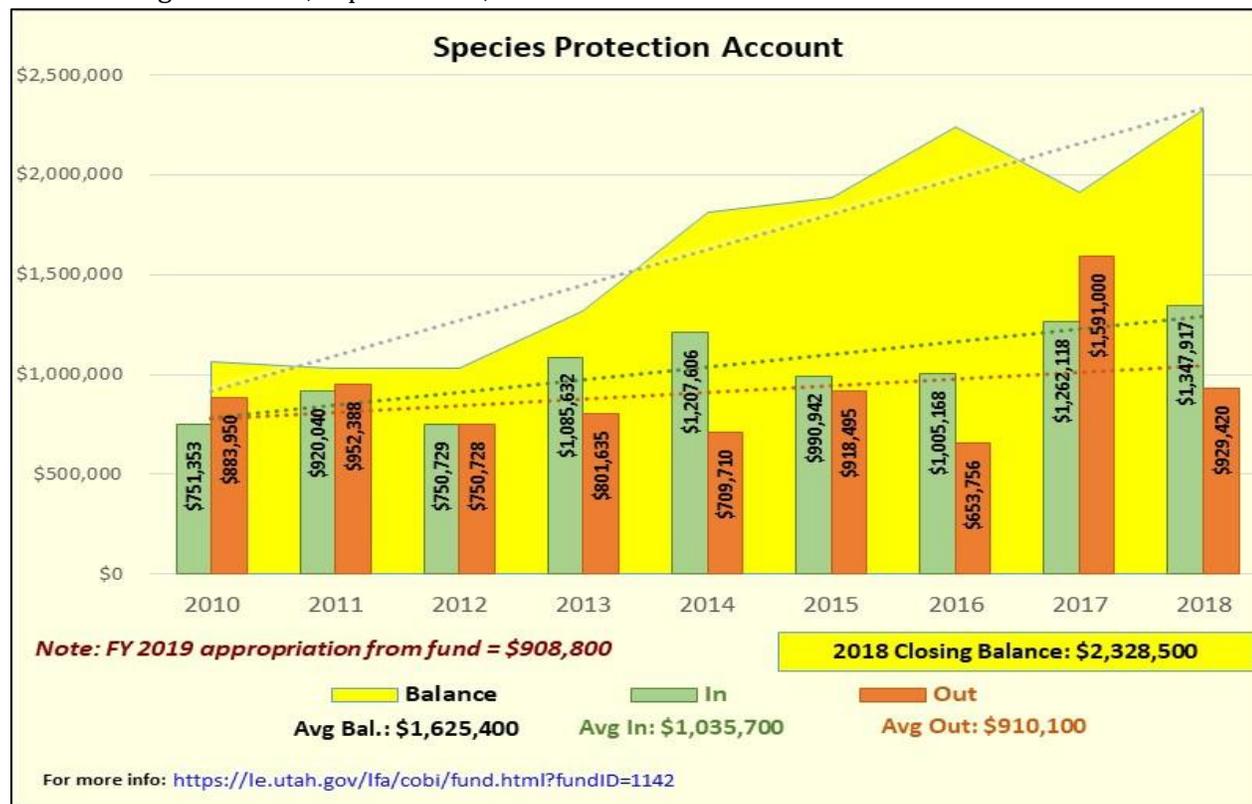
Ties to Statute: same as Species Protection Program.

Funding



The two funding sources of the Species Protection Program are the Species Protection Restricted Account (Brine shrimp royalty) and Dedicated Credits (a flat appropriation of \$2.45 million each year from Sales Tax, see [Sales Tax Distribution Chart](#)).

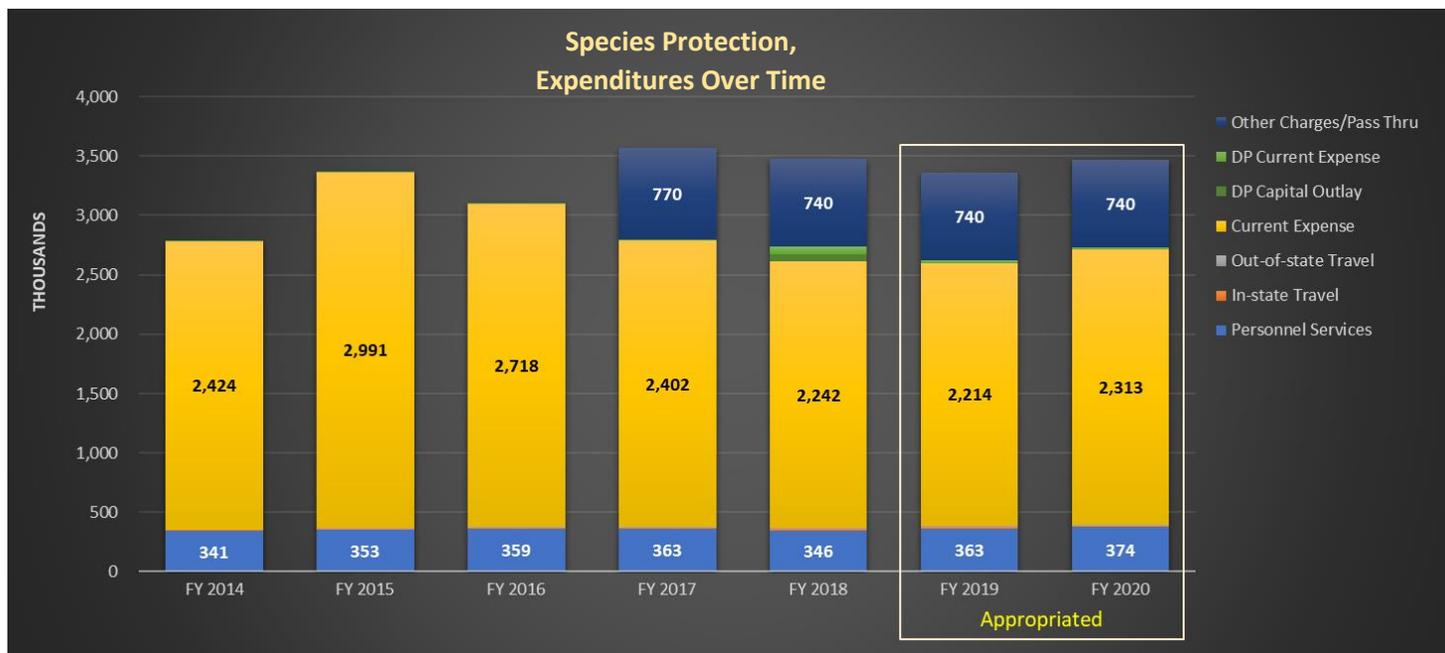
The Species Protection Restricted Account is funded through revenues from the brine shrimp royalty tax ([UCA 59-23-4](#)), which is based on the following formula: "3.25 cents multiplied by the total number of pounds of unprocessed brine shrimp eggs that the person harvests within the state during the tax year." The figure below shows the activities of the restricted account over time, the appropriated amount for the current fiscal year, as well as the average revenues, expenditures, and balances.



Major Funded Items Over Time

Item Name	Fund	FY 2010	FY 2012	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019
<i>Carp Removal</i>	Restricted	300,000							
<i>Carp Removal</i>	Restricted 1x				500,000	500,000	450,000	400,000	
<i>Endangered Species - Recovery Program Office</i>	Restricted								150,000
<i>Endangered Species - Recovery Program Office</i>	Restricted 1x								100,000
<i>Endangered Species Database</i>	Restricted			25,000					
<i>Federal Deficit to Virgin River Program</i>	General 1x							100,000	
<i>Garfield County Prairie Dogs</i>	General 1x			35,000					
<i>Management of Rare Plant Data</i>	Restricted 1x							40,000	
<i>Parowan Airport Prairie Dog Barrier</i>	Restricted 1x		50,000						
<i>Prairie Dog Barrier</i>	Restricted 1x			185,000					
<i>Snake Valley Base Line Analysis</i>	Restricted	166,200							

Spending



The following table shows the budgeted and actual FTEs (full-time equivalents) in Species Protection over time:

	FY 2014	FY 2015	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020
	Actual	Actual	Actual	Actual	Actual	Appr.	Appr.
Actual FTE	3	3	3	3	3	n/a	n/a
Budgeted FTE	3	3	3	3	3	3	3

The figure below lists the top vendors in FY 2018:

Vendor Name	Amount	%
WASHINGTON CO WCD	661,660	45.26%
CENTRAL UTAH WATER CONSERVANCY	578,000	39.54%
UTAH STATE UNIVERSITY	43,200	2.95%
U S FOREST SERVICE	35,997	2.46%
RED BUTTE GARDEN & ARBORETUM UOFU	30,000	2.05%
UTAH VALLEY UNIVERSITY	24,610	1.68%
USDA FOREST SRVC ROCKY MTN RESEARCH STATION	21,777	1.49%
DOI US FISH AND WILDLIFE SERVICES	20,002	1.37%