

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

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**LONG TITLE**

8 **General Description:**

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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



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

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

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

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

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

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

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

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

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

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

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

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

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

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 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 urges, upon  
81 successful achievement of an established recovery population on property ~~H→ [that is not privately~~  
82 ~~owned] ←H~~ within Iron County for a period of five consecutive years, that the Utah Prairie Dog be  
83 delisted from "threatened" status within Iron County.

84 BE IT FURTHER RESOLVED that the Legislature and the Governor urges 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.

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**Legislative Review Note**  
as of 1-24-13 10:58 AM

**Office of Legislative Research and General Counsel**