

UTAH PRAIRIE DOG ISSUES STATUS REPORT

Updated March 15, 2012



Forward

The Utah Prairie Dog Issues Status Report came about, originally, as a response to the late former Senator Dennis Stowell's request for status updates on "UPD issues" that he had been compiling a list of, from his constituents. The Senator had asked UPDRIP staff, in 2010, to essentially interview folks on each issue on his list, provide the current status and track resolution to the issues. The "main concerns" in the report under each issue, were derived from the Senator's original notes. UPDRIP staff updates this report throughout the year; it is available on the UPDRIP website. If you have a new "UPD issue" to report or would like to provide an update or a correction to a current issue's status report, please contact the UPDRIP Coordinator.

Utah State

Key Contacts: Chris Keleher, Department of Natural Resources 801-538-5216
Keith Day, Utah Division of Wildlife Resources (UDWR) 435-865-6100
Adam Kavalunas, UDWR: administers the Iron County Habitat Conservation Plan (HCP) 435-865-6100

Main Concerns: \$1.88 million spent between 2005-2011

Status Report: The Endangered Species Mitigation Fund, administered by Utah Department of Natural Resources, has funded numerous UPD projects and activities over several years. The State's funding has been substantial, but the efforts that the funding has supported have paid off and they continue to have benefits. ESMF dollars have gone to support plague abatement projects, translocation efforts, habitat monitoring, UPD research and studies, conflict resolution, and Habitat Conservation Plan development. The Endangered Species Mitigation Fund was established, in part, to aid communities in compliance with issues related to federally listed species; however, the Department of Natural Resources recognizes that the ultimate solution to issues associated with the Endangered Species Act is to recover the species so that its persistence no longer requires the protection provided through the Act. With recovery as the ultimate goal, and the understanding that funding supplies are limited, it must be recognized that dollars directed towards conflict resolution, although hopefully resolving the conflict, may not necessarily contribute to recovery. It is important to keep recovery in mind when using limited funding supplies to resolve Utah prairie dog associated conflicts.

The Utah Prairie Dog Recovery Implementation Program (UPDRIP) was established in 2010, with the help of ESMF funds. This program ensures efficient coordination of recovery activities implemented by state and federal land management agencies. Although the State funding for UPD recovery efforts is considerable, this formal partnership and collaboration between agencies will result in more efficient and quicker recovery of the UPD, with the goal being ultimate de-listing. The program is providing a mechanism for planning and monitoring effectiveness of state, federal and local dollars that go towards UPD recovery efforts, through the Annual Work Plan and the Five Year Strategic Plan. The Annual Work Plan is a comprehensive plan that includes all Partner Agency projects for one year; it also tracks funding for each project and therefore provides an overall picture of dollars being spent on UPD recovery and conflict resolution. The UPDRIP also functions to provide results monitoring in an Annual Assessment Report; monitoring project results and overall recovery status on an annual basis makes it possible for Partner agencies to adapt strategies as needed to produce better outcomes and move toward recovery more efficiently and quicker.

UPD related work carried out by the Utah Division of Wildlife Resources (the Division), made possible by ESMF funding, is invaluable to the recovery of the species on every level. The Division also plays a large role in conflict resolution, assisting when conflicts arise between the UPD and private property owners or municipalities. The Division spearheads the annual translocation program, as well as administers the Iron County Habitat Conservation Plan, the only legal mechanism in place at this time that allows private landowners to impact UPD habitat or UPD individuals in order to move forward with a development project. The Division also works closely with, and provides assistance to other local governments and federal agencies on recovery efforts, including habitat enhancements and plague abatement.

In addition to those mentioned above, the State's funding supports other important efforts that will contribute to the ultimate recovery of the species and the State Department of Natural Resources is a critical Partner in the UPDRIP collaborative effort.

Iron County

Key contacts: Commissioner Alma Adams 435-559-3574
County Administrator Reed Erickson, UPDRIP Executive Committee Chairperson 435-865-5381
Entrix -- Consulting Group developing new Rangewide HCP

Main Concerns: **County Property Tax shift** – As a result of property owner's petitioning to have property taxes lowered based on the decreased market value of property with UPDs or mapped habitat, the tax value of a total of 60 properties was reduced between 2009 and 2010. Since 2009, the loss of property tax revenue to the County totaled \$48,535.

Iron County Habitat Conservation Plan (HCP) – The current HCP limits total take of UPD in any one year, based on an average of previous population counts. Currently there is a 10-dog limit per property per year; this number is initiated and implemented by the Iron County Commission. But, because property owners often have significantly more than 10 dogs on their property, the amount of incidental take that is permitted has been insufficient, particularly during the economic housing boom. This HCP also does not encourage recovery of the species; rather it perpetuates the status quo. A \$1,000/acre mitigation fee is assessed with the "take"; the fee is waived if the property owner waits until the spring trapping season to have UDWR trap and remove the dogs.

Status Report: **Property Tax issue:** The number of properties that received a reduction in property tax was significantly less in 2010 than in 2009. This trend indicates that we may not see many more petitions for reduction in property tax based on the UPD issue in future years.

Iron County HCP: There is currently a surplus of take available under the Iron County HCP with this year's UPD count. Contact Adam Kavalunas (435-865-6100) at the UDWR to inquire about receiving take. Because the current Iron County HCP is often insufficient in providing take, a new Rangewide HCP is being developed that will increase the amount of take available.

New Rangewide HCP – The new Rangewide HCP will replace the Iron County HCP and would cover Iron, Garfield, Wayne Counties and SITLA properties within the historical range of UPD. The new HCP would work towards recovery of the species while at the same time allowing for an increased amount of incidental take of prairie dogs, and therefore allowing for development of private lands that have UPD habitat with much less limitation than the current Iron County HCP. Development of the HCP was contracted out to a private consultant, Cardno/Entrix and has been largely funded by the DNR's ESMF. At this time, a draft HCP exists and the consultants are working with the County to fulfill the original contract. A major challenge to finalizing the HCP is identifying sufficient funding to implement the conservation measures proposed by the HCP, as well as to support administration of the HCP for the life of the permit. The HCP is estimated to cost roughly \$26 million over 30 years to implement and administer. In the current draft HCP, potential revenue is estimated at \$17.4 million and would be generated from a combination of mitigation fees and federal and state agency contributions to recovery efforts. That leaves a gap of almost \$10 million. To make up this difference, the Counties are seeking financial support through Federal congressional and state legislative appropriations. In years past,

former Senator Robert Bennett had been working with the Commissioners to negotiate a solid plan for appropriating federal dollars to support the HCP, but as Bennett would not be returning to the Senate in 2011, the County Commissioners have begun to seek that support elsewhere within Congress.

Paragonah

Key Contacts: Mayor Robinson 435-477-3070
Utah Division of Wildlife Resources 435-865-6100
UPDRIP Coordinator 435-865-8050
Nathan Brown, FWS 435-865-3763

Main Concerns: Prairie dogs in the cemetery. Burrow holes are a hazard to the public. Prairie dogs are burrowing around grave sites. Paragonah citizens are discontent with the situation, having not been resolved even after a fence was built especially to keep UPDs out of the cemetery.

Status Report: Before discussing the details, history and current status of this conflict, it should be stated upfront that the US Fish & Wildlife Service supports the filling of Utah prairie burrows with dirt when there is an immediate public safety concern. These activities will occur in coordination with the Service..

There is a UPD colony near the cemetery in the Town of Paragonah, which is the source population for the individuals found living and foraging in the cemetery. Although a total of 128 individuals have been trapped and removed from the cemetery grounds since 1997 and in spite of an exclusion barrier being built around the cemetery to prevent dogs from entering, a small population has persisted within cemetery grounds. It has been a struggle to remove every last individual from the cemetery grounds for a few different reasons. One reason is that the fence that was built to keep dogs from entering is deficient – UPDs are digging under the 2 feet of mesh wire that extends below grade along the perimeter of the cemetery. Secondly, trapping protocol approved by the US Fish & Wildlife Service does not allow the translocation of UPD juveniles that weigh under 500 grams, thus, every trapping season some juveniles may remain in the cemetery and would have the potential for reproducing. Thirdly, some dogs are simply impossible to trap, if they have become “trap-wise”, thus those individuals remain within the cemetery and also have the potential to reproduce.

The UDWR traps and translocates UPDs off the cemetery, along with various other sites, every summer between July 1st and Aug 31st. In 2010 the Division was able to trap some of the dogs off the cemetery, but not all, due to “trap-wise” dogs, the juvenile weight limitation, as well as a shortage of trapping technicians. In 2011 UDWR, along with Paragonah Town volunteer technicians, trapped and translocated nearly all of the UPDs existing in the cemetery, with a total of 45 individuals. The amount of individuals trapped in 2011 was significantly more than in previous years.

In addition to the trapping effort, the UPD exclusion barrier surrounding the cemetery needs to be retrofitted. The original vinyl fence and below grade mesh wire barrier was made possible by funding from DNR’s ESMF; construction was executed by the Town of Paragonah. Initially there was some debate as to whether or not the fence was being breeched by UPDs. In a conversation that UPDRIP staff had with Mayor Robinson in April 2011, regarding the fence, the Mayor stated that she had the fence checked out and found that there were no repairs needed. UPDRIP staff let

the Mayor know that if there were deficiencies in the fence found at a later date, that UPDRIP had already set aside some funding to help with the repairs. On June 14th, 2011 a meeting was held in Cedar City to discuss goals for trapping and translocation of UPD for the 2011 field season. At this meeting Mayor Robinson stated that it was discovered that the mesh wire that is buried in the ground along the fence line was only 2 ft deep, when it should've been at least 3 ft deep. She added that the Town was directed by the FWS to bury the fence only 2 ft. deep. Kevin Williams of the Color Country RC&D and an UPDRIP Partner visited the cemetery to survey the condition of the fence. From Kevin's report it appeared there were a few gaps along the fence that needed repair. As further investigation revealed, in addition to the gaps, it was confirmed that UPDs are burrowing under the mesh wire barrier that extends 2 feet below grade, allowing them entry into the cemetery grounds.

In initial discussions with UPDRIP on what to do about the cemetery fence, Kevin had offered the help of the RC&D to repair the fence, but as of spring 2011, the RC&D coordinator (Kevin's position) was terminated due to lack of NRCS funding. At that point UPDRIP staff was directed to help coordinate the fence retrofit effort. UDWR staff and Mayor Robinson agreed to organize a special focus group meeting to discuss a plan of action for retrofitting the cemetery fence. UPDRIP staff was directed to facilitate coordination of the focus group meeting. It was suggested that the UPDRIP Technical Committee could be a possible forum for the focus group discussion regarding the cemetery fence repair.

The Paragonah cemetery fence subcommittee met several times in 2011 to plan and strategize the fence retrofit. At the same time the UPDRIP Technical Committee met twice to draft the UPD Barrier System Specifications. These specifications would be used in designing the cemetery fence retrofit. UPDRIP has offered to fund the retrofit up to \$10k in materials; funding is subject to the fence being built to the specifications approved by the UPDRIP Executive Committee.. The Partners for Fish and Wildlife have tentatively agreed to assist in digging a trench for the underground barrier. At this time, the County, the Service, DWR, and the town of Paragonah are working on an agreement to move forward with a 6-foot deep below ground barrier fence. Project should be implemented in the summer of 2012.

UPDRIP as a group agrees that UPDs should not be burrowing and living in cemetery grounds. As such, the above actions were identified in the UPDRIP 2011 Annual Work Plan to resolve the conflict. The new 2012 Annual Work Plan includes the same projects as ongoing from last year, since trapping is an ongoing annual activity (which will commence again in July 2012) and the fence retrofit was not completed in 2011.

Parowan

Key Contacts: Mayor Landes 435-592-5567
Dave Norwood, airport manager 435-477-8911
Shayne Scott, Parowan City manager 435-477-3331
Utah Division of Wildlife Resources 435-865-6100

Main Concerns: Municipal airport – damage to runway and access to runway. Prairie dogs exist along the 30 foot safety buffer zone along the runway in the Parowan municipal airport. Prairie dog burrowing underneath the runway causes soft spots that could be a hazard when larger, heavier planes land on the runway. Fixing the soft spots along the runway involves cutting out portions of the

pavement, then filling in the ground so that it is compact again, and re-paving. Parowan Airport manager, Dave Norwood, is concerned that without being able to trap and relocate the dogs that live and burrow alongside the runway, repairing the runway soft spots may be only a temporary fix, as the dogs would likely burrow underneath the runway again and again. He would like to be able to have all of the dogs trapped and relocated off the airport grounds as a permanent solution to the runway safety hazard.

Status Report: Trapping of UPDs off the Parowan airport has always been an option under the current Iron County HCP. UPDs were trapped from the Parowan Airport in 1997 (53), 1998 (11) and 1999 (9) by the UDWR. Since 1999, the airport had not requested additional trapping until 2011, when 129 dogs were removed from the airport. The 2011 trapping was authorized under the airport's new take permit issued by the US FWS (see below for explanation/ history of this permit).

Several airports including the Parowan municipal airport are now permitted a certain amount of incidental take under a programmatic Section 7 Consultation with the FWS. The Section 7 Consultation began in January of 2008, to assess the prairie dog impacts of general maintenance and permanent developments associated with the Cedar City Regional, Parowan, Loa-Wayne Wonderland, Panguitch Municipal, and Bryce Canyon airport operations. In March of 2010 the FWS and FAA completed a formal section 7 consultation for maintenance and development projects through the year 2025. As part of the proposed action, the FAA committed to fund Utah prairie dog conservation in the amount of \$956,586. This funding was sent to a Utah prairie dog airport mitigation fund account, held by the National Fish & Wildlife Foundation—the intent is to purchase land for the preservation of UPD habitat, consequently assisting with recovery of the species. The FWS section 7 biological opinion states that “The UDWR will be given the opportunity to trap and translocate Utah prairie dog individuals from areas of future disturbance. If the UDWR chooses to trap, airport sponsors will attempt to schedule construction after trapping has occurred in July and August of the project year (p. 5 of the FWS BO). In addition, the biological opinion authorizes incidental take along safety areas—thus the airports can conduct activities such as grading to ensure the safety areas are maintained.

At the June 14th, 2011 meeting held by the County Commission and UDWR staff, it was reported that the Parowan Airport was pursuing FWS Section 6 funding to construct a subsurface UPD barrier underneath the runway to prevent dogs from burrowing under the runway, as this is a major safety concern. In addition, UDWR assured the airport manager and Parowan City manager, Shayne Scott, that trapping will occur along the safety areas, to try to remove as many dogs as possible along the runway.

The funding proposal for FWS Section 6 grant for the UPD Barrier was awarded, in the amount of \$273k. The State (DNR) provided a matching grant in the amount of \$50k and Parowan City's contribution is expected to also be a total of \$50k, including an estimated \$20k of in-kind service through the volunteering of Parowan City Councilmember, Dennis Gaede, as inspector on the project. At this time (March 2012), the UPD Exclusion Barrier at the airport is nearly finished.

Enoch

Key Contacts: Robert Rasmussen, Mayor 435-586-3693

Main Concerns: Due to the following concerns, the Town of Enoch adopted a land use ordinance that prohibits property owners to dedicate their own private property to UPD habitat, through a conservation easement or otherwise. Some citizens expressed the concern at an Enoch City Council meeting in 2010, that UPD habitat and colonies within the City boundaries could pose a public safety hazard by spreading plague to humans. Concerns voiced by Mayor Rasmussen, of the City of Enoch, on 4/1/2011 "We are more concerned about UPD colonies within city boundaries for the reason they could block future growth than from the standpoint they have the potential to carry the plague, even though that could be a possibility, there are not many areas in our city limits where future growth could not be blocked from having colonies within the city limits. We feel that Enoch residents do contribute to conservation/mitigation efforts because they do pay federal, state and local taxes which do pay for such efforts, we just feel there have to be better places for colonies than within city boundaries, we do have a lot of open space in our county aside from our municipalities and towns."

Status Report: In discussions with the UPD Recovery Team, it is clear that conservation easements or dedicated open space for prairie dogs would not be prioritized in areas of Town where future development essentially isolate the UPD colony/ habitat. The Recovery Team evaluates potential sites where conservation easements or land purchases may benefit the species based on several factors, an important one being that the habitat site provides connectivity to other colonies and habitat. It would never benefit the species for habitat conservation to occur in the middle of town where it would be isolated, preventing connectivity to other habitat and colonies.

Beyond this, the Draft revised 4(d) rule has language that supports take of UPDs on lands adjacent to conservation lands. More details and specifics are listed in the draft revised rule, which can be found on the U.S. FWS website at: <http://www.fws.gov/mountain-prairie/species/mammals/utprairiedog/76FR31906.pdf>

As far as the concern regarding plague, there has never been a recorded case of humans contracting plague from UPDs in Utah ever in history and it is highly unlikely that this would ever occur. According to biologists on the UPD Recovery Team, a person would have to be handling a prairie dog and a flea from the prairie dog would have to jump onto the person and bite it in order for plague to be transmitted from a prairie dog to a human. Prairie dogs do not carry plague; the fleas that live on prairie dogs do. There are many other animals in the wild that carry the same fleas e.g.; coyotes.

Land purchased or conservation easements purchased for UPD habitat protection on private property could contribute greatly to the ultimate recovery and de-listing of the species. A majority of historical prairie dog habitat overlaps with areas that human populations have been established, as both are attracted to the land in the valley bottom, where water is more abundant. 70% of UPD currently exist on private property and it is more likely that a population will survive and counts will be stable if colonies can be protected where they are, instead of being translocated, which has in the past had a very low success rate in terms of maintaining population counts (which is what is needed for recovery and delisting).

In October 2010, former Iron County Commissioner Lois Bulloch and County Administrator, Reed Erickson approached the Enoch City Council and Planning Commission regarding the ordinance. The feeling from the County was that because Enoch has a significant amount of prairie dogs and prairie dog habitat, not allowing conservation to occur there would affect the overall success of the recovery effort and the mitigation that the new Rangewide HCP would be working towards. The concern was that it might not be fair that Enoch residents receive take from the County HCP, when Enoch does not contribute to the conservation/mitigation and recovery effort that other municipalities do.

Cedar City & Golf Course

Key Contacts: Mayor Joe Burgess 435-586-2950
John Evans, Golf Course 435-590-9307

Main Concerns: Prairie dogs on the Cedar City Golf Course have been a major source of frustration for the City and Golf Course managers. According to the Golf Course manager, three people have broken their ankles as a result of the prairie dog burrows on the golf course. A [Cedar City Golf Course and Paiute Tribal Lands Habitat Conservation Plan](#) has been in place since January of 2007. Upon the purchase of the mitigation site, Wild Pea Hollow, by the County, the Golf Course was allowed to intensively trap dogs off the Golf Course. But even before the HCP was in place the UDWR trapped and translocated dogs off of the golf course every summer since 2000 (in 1996, two dogs were translocated and in 1997, 44 dogs were translocated). As of 2007, the Golf Course HCP made it possible for the City to hire their own technicians to carry out trapping; UDWR is still the authorized agency to carry out translocations of UPDs. The City is concerned that the number of dogs that are removed each year is insufficient. A number of factors limit the trapping and translocation effort for the Golf Course. One limiting factor has been the carrying capacity of translocation sites. Another factor, according to UDWR is the number of dogs that the technicians are able to trap in one day; in 2010 trapping season, on multiple occasions the technicians were not able to provide UDWR the maximum quota allowed for trapping in one day.

In 2007, 506 dogs were translocated and in 2008 498 dogs were translocated. The adult population count on the golf course in the spring of 2007 was 348, and in 2008 it was 311.

Status Report: In 2011, the UPD Recovery Team approved several new translocation sites, therefore increasing the capacity of sites to hold up to 700 dogs from the Golf Course. Additional technicians were trained to help with trapping dogs off the golf course and in 2011 a total of 636 dogs were trapped and removed from the golf course in 2011, a significant increase from past years.

The UPDRIP Five Year Strategic Plan identifies the trapping and translocation of dogs off the golf course as an ongoing project until all dogs are removed from the golf course. But, it is recognized that trapping alone will not be sufficient to maintain the golf course free of UPDs. There has been discussion of the possibility of constructing UPD exclusion barriers surrounding the Golf Course grounds, but this endeavor has not been pursued because of the high cost of such a project and the lack of funding from the City. It is suggested that the UPDRIP Technical Committee continue

this discussion with Golf Course managers and Cedar City staff to develop a strategy for constructing such a barrier and possibly funding it through state and/or federal grants.

Paiute Indian Tribe of Utah

Key Contacts: Gaylord Robb 435-586-1112
Laura Romin, FWS
Utah Division of Wildlife Resources 435-865-6100

Main Concerns: Paiute Tribal lands are adjacent to the Cedar City Golf Course. Prairie dogs occupy the Tribe's ball field and Pow Wow Ceremony grounds as well as other areas. The Tribe has not been able to use the Pow Wow grounds for their annual ceremony due to the presence of UPDs and the many burrows that scatter the ground. The Tribe is a joint applicant in the Cedar City Golf Course & Paiute Tribal Lands HCP (2007), which stipulates that the mitigation site, Wild Pea Hollow, must be maintained as suitable UPD habitat or hold at least 70 dogs for two consecutive years before the Tribe is allowed prairie dog "take" or the removal of dogs off Tribal grounds. Gaylord Robb, Trust Resource for the Paiute Indian Tribe of Utah, expressed frustration and concern on behalf of the Tribe regarding the HCP. In a letter dated 10.27.2011 to the FWS, Gaylord stated that Secretarial Order 3206 was not followed in the development of neither the Iron County HCP nor the Paiute Tribe & Cedar City Golf Course HCP, and requests that the FWS provide documentation regarding how it was followed. The letter specifically states that "The provision allowing the golf course to move prairie dogs but restriction the movement from tribal land until the Wild Pea Hollow area is ready to receive translocation is directly in conflict with 3206 and is discriminatory".

Status Report: Between 2006 and 2007, just as the Paiute Tribe & Golf Course HCP was put into place, the Wild Pea Hollow site underwent a vegetation shift; sage brush took over the landscape, making the habitat unsuitable for prairie dogs. In addition, the prairie dog population that did exist at Wild Pea Hollow several years back crashed in 2007 and has since not recovered, therefore the Tribe's mitigation requirements have not been met to date.

The Paiute Tribe & Golf Course HCP states that in order for the Tribe to receive "take" one of two things needs to happen:

(Excerpt from the Golf Course and Paiute Tribal Lands HCP)

Success of the habitat restoration completed at Wild Pea Hollow will be measured by meeting at least one of two criteria:

1) The Wild Pea Hollow prairie dog population increases to 70 animals in the spring survey for two consecutive years.

2) Vegetation meets the vegetation guidelines identified by the UPD RIT (Recovery Team) and supports UPDs.

The October 2010 meeting with the Paiute Tribe and Cedar City Golf Course stakeholders as well as FWS, DWR, Iron County, UPDRIP staff, and others, helped to open a dialogue about problems with the current Golf Course & Paiute Tribal Lands HCP. One misunderstanding that was apparent

was regarding who has fiscal responsibility to maintain the Wild Pea Hollow site as suitable prairie dog habitat. Iron County believed that after they helped to purchase the mitigation site (Wild Pea Hollow), their responsibilities were met. The Tribe interpreted the HCP as stating that the County was fiscally responsible for habitat maintenance at Wild Pea Hollow, and that they (the Tribe) did not have responsibility for that. In any case, the habitat was not maintained for UPDs, and therefore the Tribe's portion of take is still not available.

At this meeting, the Tribe was presented with the short term, but expensive option of purchasing habitat credits from a private mitigation bank, such as Iron County's or the Habitat Credits Exchange Program, at an estimated cost of \$60,000 – this option did not seem realistic for the Tribe, financially. A longer term, less expensive option to the Tribe's "take" need would be to find funding to finance the vegetation treatments needed at the Wild Pea Hollow site.

Other options discussed in a follow up call with FWS and Gaylord Robb (Paiute Tribe) involved amending the HCP to provide mitigation on site (preserve a portion of UPD habitat on Tribal land where UPD currently exist).

At the 2011 follow up meeting with the Tribe, it was reported that a joint BLM/Iron County/Cedar City/ Paiute Tribe funding proposal was awarded from the Utah Partners for Conservation and Development, Watershed Restoration Initiative. The funding was for vegetation treatments on BLM ground in the West Desert as well as for the nearby Wild Pea Hollow site. The vegetation treatment was implemented in the fall of 2011. It is expected to take 2-3 years to see the results of the vegetation treatment. Once the habitat is restored and the site is approved for translocation, UPDs could be relocated here and a population may once again be established.

In addition to those long term solutions mentioned, a short term solution to UPDs occupying the Pow Wow grounds could involve getting a grant through NRCS or some other agency to help build a physical barrier to keep UPDs off the Pow Wow grounds. UPDRIP staff began researching grant opportunities in winter 2011. It is suggested that the new UPDRIP Coordinator continue this research and follow up on the possibility of a USDA Rural Development grant (contact: Dave Conine, Utah State office director, USDA Rural Development).

The UPDRIP Five Year Strategic Plan should include both the long term strategy of Wild Pea Hollow habitat restoration so that it meets the vegetation guidelines identified by the UPD RIT as well as recommendations for addressing the more immediate conflict of UPDs occupying the Pow Wow grounds. Specifically, the Service is looking into the possibility of authorizing trapping Utah prairie dogs from the Pow Wow grounds via the current Iron County HCP.

Private Property Developers

Key Contacts: Equestrian Point; Les Childs 435-590-8525
Utah Division of Wildlife Resources 435-865-6100

Main Concerns: Several areas within the Equestrian Point development are occupied by UPD. The occupied areas include two one acre parcels that were sold to two brothers out of Las Vegas, a 14 acre parcel that is owned by Equestrian Point and will someday be subdivided, the 17 acre park owned by the development, which includes a ballpark and other amenities, and an area known as "Bridal Path",

which connects the residents to the park. The brothers from Las Vegas who own the two one acre parcels have applied for take through the HCP in previous years, but have too many dogs on their property for the take to be effective. In addition, one brother does not intend to build on his acre lot – he bought the lot as an investment when there were no dogs existing on the property; he would like to sell the lot, but is not able to due to the low value of the property because of the UPD presence.

Les is concerned with the abundance of dogs on the one acre lots, because of the potential for them to spread to other parcels within the development. He mentioned that some of the dogs have already spread onto other parcels that are not part of Equestrian Point. He wondered if the Division was recording those dogs (on the adjacent lots that are not owned by Equestrian Point) in their annual spring counts. He is also concerned with the dogs that occupy areas of the park and bridal path because those are public use areas that should be free of safety hazards (prairie dog burrows can be a safety hazard for the public).

Status Report: In 2009 & 2010 the Division trapped a total of 110 dogs off the park and bridal path properties due of safety concerns. In 2011 58 dogs in total were trapped off the Equestrian Pointe properties. The Division will continue to trap in these areas in order to prevent a safety hazard. Mr. Childs has been made aware of the habitat credits that are now for sale in 2012 through the UPD Habitat Credits Exchange Program, which could clear his properties of UPD encumbrances in perpetuity. He is on the mailing list for notices regarding those credits.

Garfield County

Key Contacts: Commissioner Ramsay 435-679-8724
Bryant Shakespear, Garkane Energy 435-644-5026

Main Concerns: **No net loss of private property** – Garfield County consists of only 3% private land, the remaining land is public land/federal lands and State lands. The community and the County Commissioners are adamant about not using up any of their private lands for UPD habitat conservation, as they fear that it would impact the economic growth of the area.

Garkane Energy – delays and at almost \$1,000,000

Transmission line from Tropic to Hatch: Garkane did not agree with the mitigation fee that was assessed by FWS through the Section 7 Consultation. In addition to the mitigation fee issue, Garkane stated that they were frustrated by the FWS revising of the UPD habitat survey protocol – Garkane contractors had to wait to do surveys until after they received training on the revised protocol. They felt concerned because it seemed as though the “rules were changing as they were conducting surveys on the ground”.

Transmission line from Hatch to Todd’s Junction – Garkane thought they had completed the permitting process with BLM, so they started construction. When UPDs were found in the transmission line corridor on private property, construction halted and they had to start section 7 consultation with FWS.

Status Report: **No net loss of private property** -- Garfield County is a joint applicant in the new Rangewide Habitat Conservation Plan that is being developed, along with Iron and Wayne Counties as well as SITLA. In recent years there hasn’t been as much development pressure in Garfield County to warrant a major

conflict with UPDs existing on private land, but when the development market picks up, it is the hope that by that time the Rangewide HCP will be in place, which will provide private landowners with plenty of UPD take in order to move forward with building projects on UPD habitat that would otherwise be protected by the ESA. If any conservation of UPD habitat is considered on private land in Garfield County, it would be advised to have a private organization, like The Nature Conservancy, hold the easement or title of property. The Nature Conservancy, as standard policy, pays property taxes on lands they purchase, even though they are not required to by law. Currently TNC is considering the purchase of several hundred acres in Garfield County for UPD preservation, using funds from the FAA mitigation, a pending FWS Section 6 grant and a matching grant from DNR. This land purchase would count towards the total number of acres needed for recovery in the Paunaugunt Plateau Recovery Unit. TNC and FWS have been talking to SITLA regarding the possible purchase of some of their ground in Garfield County.

Garkane Energy Projects -- Garkane received a Biological Opinion from the FWS for their Tropic to Hatch transmission project in February 2011. They agreed to pay the mitigation fee for both temporary and permanent impacts. The Section 7 consultation for this project has essentially been brought to conclusion; however Garkane in coordination with the Service is now considering the use of the Habitat Credit Exchange Program to off-set the impacts to this project prior to ground disturbance. The section 7 consultation for the Hatch to Todd's Junction transmission line project is also completed. A fee was paid to off-set impacts for the portion of the project that proceeded prior to coordination with the Service and the rest of the project moved forward with both formal and informal consultation.

Bryce Canyon City/Ruby's Inn

Key Contacts: Jean Seiler 435-231-1603

Main Concerns: A recent drinking water and wastewater study of the Bryce Canyon City culinary water system (Jones and Demille Engineering 2010) recommended the City improve its source, storage, treatment and distribution capacity in order to better serve the users of this critical system. Their recommendations are based on the guidelines and minimum standards set forth for culinary water systems in the Utah Administrative Code (Utah Administrative Code Section R309-510) (Utah Division of Drinking Water 2010). The current system does not meet Utah Administrative Code Section R309- 510 because the limited storage and distribution capacity does not provide adequate fire protection while maintaining minimum system pressures. Addressing critical infrastructure needs is made seemingly impossible because Utah prairie dog habitat and populations exist on top of the primary water source and distribution system in portions that need to be upgraded. In addition, Utah prairie dog colonies exist in the ideal location to move and expand the current sewer treatment system which currently does not meet state standards. Bryce Canyon National Park does not have adequate facilities to lodge and feed all of the visitors. Thus, most of the tourists visiting the Park utilize the facilities within Bryce Canyon City—including roads, hotels, campgrounds, restaurants, stores, recreational trails, and recreational facilities such as the rodeo grounds. Bryce Canyon National Park visitation has steadily increased over the years placing a strain on Bryce Canyon City's critical infrastructure. Because of the excessive mitigation costs, Bryce Canyon City is able to only mitigate a portion of the City property. Money used to mitigate the Utah prairie dog is taking funding away from needed infrastructure and maintenance projects.

Status Report: Bryce Canyon City is currently developing an HCP which mitigates only a portion of the property within the City boundary. The HCP would offset impact of development on UPD occupied habitat within City's primary infrastructure areas. A preliminary draft has been accepted by the Utah field office of US Fish and Wildlife Service. As of March 2012, Ruby's Inn / Bryce Canyon City is reviewing the options they have been presented for mitigation by the FWS. They also need to complete an archeological review of the property. Jean thought the process will pick up again as the snow melts (spring 2012).

Wayne County

Key Contacts: Brandon Jensen, Wayne County GIS 435-836-1323

Main Concerns: Relatively small amount of developable private land compared to public land – UPD impedes development of those few acres of private lands. The County would like no net loss of private property due to UPD conservation efforts.

UPDs occupy local airport and have caused concern for maintenance of runway.

Status Report: Wayne County private land development and need for UPD take will be addressed in the new Rangewide HCP, of which Wayne County is a joint applicant. Most of the mitigation that will occur in Wayne County will be on public or SITLA lands. If any conservation of UPD habitat is considered on private land in Wayne County, it would be advised to have a private organization, like The Nature Conservancy to hold the easement or title of property. The Nature Conservancy's policy has always been to continue to pay property taxes on lands that they acquire, even though they are not required to by law.

The Wayne County airport maintenance issues were resolved through the programmatic section 7 consultation with FWS.

Millard County

Key Contacts: Commissioner Daron P. Smith dsmith@co.millard.ut.us
UDWR 435-865-6100

Main Concerns: Historical UPD habitat Identified in Millard, but no dogs found

Status Report: There is one area of "mapped habitat" in Millard County. This area is entirely within the boundaries of land managed by the BLM. The US FWS requires Section 7 consultation on any projects that occur within various buffers of that site. Outside of that, no surveys etc. are required for private landowners. Having said that, private landowners are still bound by the regulations of the ESA - all of Millard County lies within historic UPD range, i.e. there POTENTIALLY could be UPD's on private property, but they have not been mapped yet. UDWR periodically gets reports of UPDs in Millard County and they invariably turn out to be ground squirrels; that is not to say that there are not UPDs somewhere in Millard Co. Private landowners can still be held liable under the ESA for the "take" of a threatened or endangered species or its habitat; if they have any questions they may contact the Division of Wildlife Resources 435-865-6100.

Kane County

Key Contacts: Mike Noel 435-899-1361

Main Concerns: UPDs in Kane County?

Status Report: There is mapped UPD habitat, and occupied habitat in Kane County. The mapped habitat is along the Highway 89 corridor; it starts at the county line, and ends at Long Valley Junction. There is no HCP for Kane County. Property owners are still held accountable under the ESA; private landowners can still be held liable under the ESA for the "take" of a threatened or endangered species or its habitat. If their property is within the 89 corridor (east to the Paunsaugunt cliffs, and west to the Markagunt Plateau- i.e. if their property is not directly ADJACENT to 89 but still on the benches they might have UPD's) they should contact the Division of Wildlife Resources before construction if they think they might have UPD habitat or UPD's. The UDWR will make a determination/survey and if there are UPD's present or mounds/habitat the USFWS will be contacted to see how to move forward. To contact the Division of Wildlife Resources call 865-6100.

SITLA

Key Contacts: Lou Brown 435-896-6494
Kevin Carter 801-641-5355

Main Concerns: Preserve in Wayne Co. – Parker Mtn. – Future Plans

Status Report: SITLA sold all initially available mitigation credits from their mitigation bank. The mitigation bank at Parker Mountain is not producing additional habitat credits as the UPD population counts have been low on that site. Development of SITLA lands and need for UPD take will be addressed in the new Rangewide HCP, of which they are a joint applicant.

Fish & Wildlife Service

Key Contacts: Laura Romin 801-975-3300 ex 126

Main Concerns: Recovery team change in # of dogs to delist
How Many people working – contributions
State employees tend to take directions from FWS (this statement was originally taken from the former and late Senator Dennis Stowell)

Status Report: The revised recovery criteria (# UPDs and # acres) in the draft recovery plan are based on the best available information. The draft recovery plan was published in the federal register for public comment. The FWS is currently reviewing all comments and will publish a final recovery plan in the near future, considering comments as appropriate, including those relative to the recovery criteria.

The FWS has 1.5 FTEs specifically devoted to working on Utah prairie dog issues, due to the high number of section 7 consultations and recovery efforts. In addition, the FWS Utah Field Office Assistant Field Supervisor and Terrestrial Endangered Species Supervisor attend many UPD-related meetings and provide supervisory support to staff working on UPD issues.

The origin of the statement that State employees “take directions” from FWS is not clear. FWS does not “give direction” to UDWR employees at any time. UDWR and FWS coordinate closely to ensure that biological information and recovery needs of the species are being achieved. In addition, UDWR sometimes calls FWS to ask questions regarding policy and regulations associated with the ESA. However, primarily it is the FWS staff who rely heavily on the biological and field expertise and recommendations of UDWR staff in many aspects of UPD management and recovery.