

RAC AGENDA – March 2015

Revised February 17, 2015



1. Welcome, RAC Introductions and RAC Procedure
- RAC Chair
2. Approval of Agenda and Minutes
- RAC Chair
3. Wildlife Board Meeting Update
- RAC Chair **INFORMATIONAL**
4. Regional Update
- DWR Regional Supervisor **INFORMATIONAL**
5. Utah Prairie Dog Management Plan **ACTION**
 - NRO – Martin Bushman – Assistant Attorney General
 - CRO – Chris Keleher – Deputy Director, Species Recovery Program
 - NERO – Adam Kavalunas – Utah Prairie Dog Biologist
 - SERO – Jessica Van Woeart – Sensitive Species Biologist
 - SRO – Kevin Bunnell – Southern Region Supervisor
6. R657-70 Taking Utah Prairie Dog – New Rule **ACTION**
 - R657-19 Taking Nongame Mammals – Amendments
 - R657-3 Collection, Importation, Transportation and Possession of Animals - Amendments
 - NRO – Martin Bushman – Assistant Attorney General
 - CRO – Chris Keleher – Deputy Director, Species Recovery Program
 - NERO – Adam Kavalunas – Utah Prairie Dog Biologist
 - SERO – Jessica Van Woeart – Sensitive Species Biologist
 - SRO – Kevin Bunnell – Southern Region Supervisor

Region Specific Items – to be presented in the specified region only.

- CRO Central Region Managers – Question and Answer Session **INFORMATION**
John Fairchild, Central Region Supervisor

Meeting Locations

- | | |
|--|--|
| SR RAC – March 3 rd , 6:30 PM
Cedar City Middle School
2215 W. Royal Hunte Dr., Cedar | CR RAC – March 3 rd , 6:30 PM
CR Conference Center
1115 N. Main Street, Springville |
| SER RAC – March 3 rd , 6:30 PM
John Wesley Powell Museum
1765 E. Main St., Green River | NR RAC – March 3 rd , 6:30 PM
Brigham City Community Center
24 N. 300 W., Brigham City |
| NER RAC – March 3 rd , 6:30 PM
Wildlife Resources NER Office
318 N. Vernal Ave, Vernal | Board Meeting – March 5th, 9:00 AM
DNR, Boardroom
1594 W. North Temple, SLC |

Utah Division of Wildlife Resources

Utah Prairie Dog Management Plan for Non-federal Lands



DWR Publication No. 15-00

Utah Division of Wildlife Resources
1594 West North Temple
Salt Lake City, UT 84114

Approved by the Utah Wildlife Board March XX, 2015

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Glossary

Agriculture Areas - any land zoned for agricultural use that is used for the production of a cultivated crop or irrigated pasture that is currently used or has been used in the previous five years for producing a crop that can be harvested

COR - Certificate of Registration issued by Utah Division of Wildlife Resources to allow take of Utah prairie dogs

Developable Areas - any area zoned as commercial, industrial, or residential that does not have structures or improvements on the surface of the property, excluding utilities

Human health, safety and welfare concern areas - 1) public use areas, such as parks, golf courses, sports fields, playgrounds, airports, schools, churches, cemeteries, archaeological and historical sites, areas of cultural or religious significance, and improved roads; and 2) residential and commercial areas within 50 feet of an occupied establishment and beyond 50 feet on developed portions of ground around the occupied establishment, such as lawns, landscaping, gardens, driveways, etc.

Mapped - any and all areas within the species' range that were identified and documented since 1972 as currently or historically occupied by Utah prairie dogs, excluding mapped areas with a spring count of zero (0) animals for the previous 5 years. Official maps of Utah prairie dog habitat are maintained by the UDWR and are updated annually.

Occupancy - whether or not a mapped area is currently used by Utah prairie dogs as determined by a spring count of at least one (1) animal

Protected Land- non-federal property that is set aside for the preservation of Utah prairie dogs and protected specifically or primarily for that purpose. Protective mechanisms can include conservation easements, fee title purchases, regulatory designations, etc.

Range Areas - any area zoned for agricultural use that is used for grazing livestock and is not cultivated or irrigated

Spring Count - the total number of observed adult Utah prairie dogs (before juveniles emerge from the burrows in the spring) for a particular area following established counting guidelines

Introduction

The goal of the Utah Prairie Dog Management plan is: *To remove restrictions from private property through a timely and structured process while assisting in the conservation of populations on designated federal and protected non-federal lands.*

The Utah prairie dog management plan will direct Utah prairie dog management statewide on non-federal lands while the species is listed as threatened under the Endangered Species Act (ESA) and on all lands once the animal has been federally delisted. It is anticipated that the species could be delisted in as few as 5-10 years. This plan will be reviewed and assessed annually and will be updated as needed.

Background

Life History

The Utah prairie dog (*Cynomys parvidens*) is one of three species of white-tailed prairie dogs in the United States and is the western-most member of the genus *Cynomys*. This burrowing member of the squirrel family occurs in arid grasslands in southwestern Utah. While the Utah prairie dog prefers arid grasslands, it can also be found in desert rangelands, sagebrush steppes and edges of Ponderosa pine stands, as well as agricultural fields and urban areas.

The Utah prairie dog (UPD) is a social animal, living in small family groups called coterries, typically consisting of one adult male, one to three adult females, and their associated sub adults and juveniles. Their diet consists largely of grasses, forbs, some shrubs and even insects. The Utah prairie dogs main defense from predators is their complex burrow system. Burrows typically have at least two entrances and can be 5-10 meters long and 2-3 meters deep.

Approximately 66% of the spring adult population is female (Wright-Smith 1978). The skewed sex ratio is thought to be due to a high mortality rate for juvenile males resulting from conflicts with adult males and greater dispersal. Utah prairie dogs can enter hibernation/aestivation as early as late summer lasting until early spring. Females typically only come into estrous for 1 day a year, and gestation lasts for 35 days. Females generally give birth in April/May to litters averaging 4.1 young (Wright-Smith 1978, Mackley et al. 1988). Following the emergence of the juveniles in the spring, the summertime population may be quadruple the adult spring population.

Distribution and Abundance

It is estimated that as many as 95,000 individuals, occupying at least 700 sections (as delineated by cadastral mapping), may have populated southwestern Utah in the 1920's (Collier 1975). Intensive control campaigns, disease (sylvatic plague), and loss of habitat likely contributed to extensive population declines by the 1960s (U.S. Fish and Wildlife Service 1991a). By 1972, researchers estimated that only 3,300 Utah prairie dogs remained in 37 separate colonies and that the species would be extinct by the year 2000 (Collier and Spillett 1972, and 1973, U.S. Fish and Wildlife Service 1991a).

Following federal ESA protections arising in the early 1970's and implementation of recovery actions, there was a gradual increase in prairie dog numbers on private lands over the next decade. Responding to the improved status of the species and large increases of prairie dog numbers on private lands, the U.S. Fish and Wildlife Service (USFWS) down-listed the species from endangered to threatened 1984.

It is estimated that Utah prairie dogs currently occupy less than 10% of their historic range (Fig.1) The majority of prairie dogs (71% in 2014) are found on private lands; a situation that often results in complaints from landowners suffering damage caused by prairie dogs. In 1972, the Utah Division of Wildlife Resources (UDWR) initiated a translocation program to move Utah prairie dogs from private lands to areas of historical occupancy on public lands. Reestablishment of prairie dog populations on public lands, where greater protection is afforded, was considered crucial to the continued viability, eventual recovery, and local tolerance of the species. As of 2014, it is estimated that approximately 6,700 Utah prairie dogs are occupying habitat on federal and protected non-federal lands, and approximately 16,000 Utah prairie dogs are occupying habitat on non-protected lands.

Legal Status

The Utah prairie dog was listed as an endangered species on June 4, 1973 (38 FR 14678). On May 29, 1984 (49 FR 22330) Utah prairie dogs were reclassified as threatened with a special 4 (d) rule to allow regulated take of up to 5,000 animals in the seasonal window of June 1 through December 31. This rule was amended on June 14, 1991 (56 FR 27438) to increase the amount of regulated take allowed throughout the species' range to 6,000 animals.

On November 5, 2014 U.S. District Court Judge, Dee Benson, issued a decision in *People for the Ethical Treatment of Property Owners v. U.S. Fish and Wildlife Service*, case No. 2:13-cv-00278-DB, vacating the special 4(d) rule which granted the U.S. Fish and Wildlife Service authority under the Endangered Species Act to regulate the take of Utah prairie dogs on non-federal lands. Due to the ruling State law alone now regulates the take of Utah prairie dogs on private, state and local government lands (non-federal lands). Utah prairie dogs on protected private and federal lands are still protected under the ESA.

Management Actions

In 1972, the UDWR began mapping Utah prairie dog habitat throughout the species range and established a translocation program to move Utah prairie dogs from private lands to areas of historical occupancy on public lands. The translocation efforts continued annually each summer from 1972 through 1992. Translocations were halted to review effectiveness and develop studies to improve success. Efforts resumed again in 1996 and will continue for the foreseeable future. Thirty-thousand seven-hundred ninety-six (30,796) UPDs have been relocated as of 2014 (3,650 UPDs were relocated in 2013 and 2014 alone). UDWR initiated annual counts of Utah prairie dogs in 1976 and has been monitoring spring populations at all known colonies ever since.

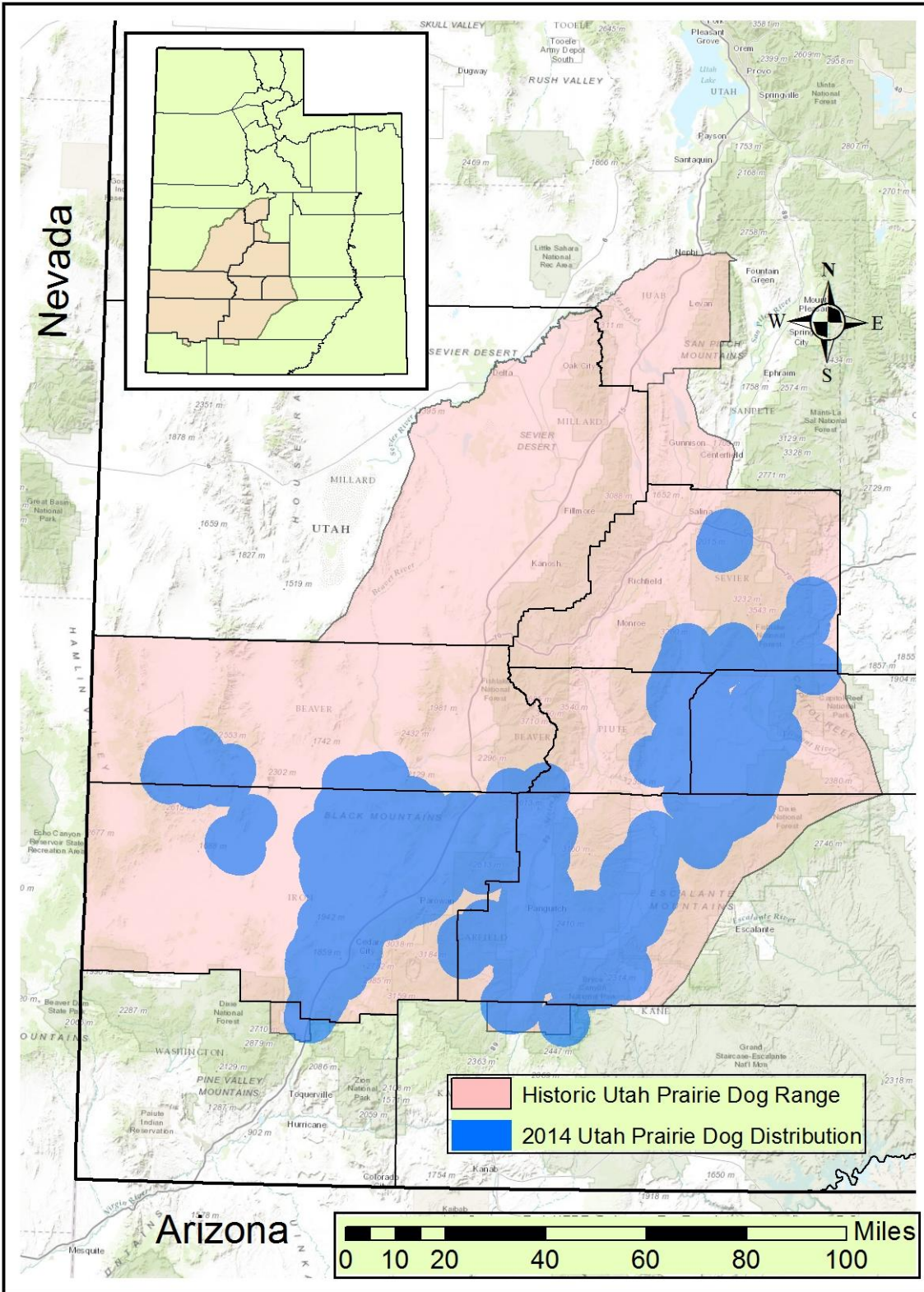


Fig.1 – The estimated historical range and current distribution of the Utah prairie dog.

The 4 (d) rule was implemented in 1984 to allow regulated take of up to 5,000 Utah prairie dogs annually in cases where they were causing damage to irrigated agriculture or pasture lands during the seasonal window of June 1 through December 31. This 4(d) control program was implemented by the UDWR permitting process under authority of UDWR Rule R657-19 Taking Nongame Mammals. This rule was amended in 1991 to increase the amount of regulated take to 6,000 Utah prairie dogs annually. As of 2013, 1,404 permits have been issued with a maximum allowed take of 64,149 animals. A total of 30,753 animals have been reported taken throughout the duration of the program, representing a 48 % success rate. (Kavalunas and Day 2014)

The first Utah prairie dog Habitat Conservation Plan (HCP) was developed in 1996 to allow incidental take of Utah prairie dogs for development activities under Section 10 (A)(1)(B) of the ESA. Prior to Judge Dee Benson's ruling there were five active HCPs : *Habitat Conservation Plan for Utah Prairie Dogs in Iron County, Utah (1998)*, *Habitat Conservation Plan By Connel Gower Construction, Inc.*, *Habitat Conservation Plan for the Cedar City Golf Course and the Paiute Tribal Lands*, *Final Low-Effect Habitat Conservation Plan for the Utah Prairie Dog in Residential and Commercial Development Areas of Iron County, Utah*, *Final Low-Effect Habitat Conservation Plan for the Utah Prairie Dog in Residential and Commercial Development Areas of Garfield County, Utah*. In addition to the current HCP's, the Federal Aviation Administration implemented the *Programmatic Sensitive Species Habitat Management Plan* in 2010 to allow airports to manage safety and maintenance and prepare for future developments.

In recent years the management of Utah prairie dogs on public and protected lands has been coordinated through the Utah Prairie Dog Recovery Implementation Program (UPDRIP). Partners participating in UPDRIP include representatives from Utah Department of Natural Resources, U.S. Forest Service (USFS), Bureau of Land Management (BLM), Natural Resources Conservation Service, National Park Service, UDWR, USFWS, State Institutional Trust Lands Association (SITLA), Iron County, Garfield County, Wayne County, Piute County, Utah Farm Bureau, Panoramaland Resource Conservation and development council, Color Country Resource and Conservation Development Council, local municipalities and environmental interest groups. This program was developed to help coordinate and increase the effectiveness of recovery efforts by providing a means for including local governments, citizens and citizen groups in the recovery process, creating a public-private partnership. UPDRIP has aided in the installation of translocation sites on County, BLM and USFS land, dusting efforts on public and protected lands, and obtaining funding for recovery efforts.

Since 1991 management actions for the Utah prairie dog have been guided by the *Utah Prairie Dog Recovery Plan*. Due to limited recovery success, the Utah Prairie Dog Recovery Team finalized and implemented the *Utah Prairie Dog Final Revised Recovery Plan* in 2012 with the following criteria:

1. At least 5,000 ac (2,023 ha) of occupied habitat are protected in perpetuity in each RU (West Desert, Paunsaugunt, and Awapa Plateau). These occupied habitat criteria will be spatially distributed to provide sufficient connectivity and gene flow within each RU.
2. At least 2,000 adult animals (at least 1,000 counted adults in the spring counts) are present in each RU (West Desert, Paunsaugunt, and Awapa Plateau) within protected habitat for 5 consecutive years.

3. Management strategies are in place to prevent and respond to threats from disease.
4. Education, outreach, and public relations programs and State and/or local regulations are in place and are sufficient to minimize illegal take, manage legal lethal control post-delisting, and foster habitat management practices.
5. Utah prairie dog-specific adaptive management strategies are in place on protected lands to improve suitable habitat in a manner that also will facilitate management responses to changing climatic conditions and other threat factors that are difficult to predict.

Assessment

Population Size/Distribution

Adult Utah prairie dogs are counted annually from April-June. Surveys begin first at lower elevation sites in the West Desert Recovery Unit and progress upward in elevation to the Paunsaugunt Recovery Unit and finally to the Awapa Plateau Recovery Unit (Fig. 2). Counts involve carefully approaching all known colonies by vehicle and/or on foot, scanning the colony with binoculars or a spotting scope, and recording the highest number of adult prairie dogs observed. Each colony is scanned a minimum of three times, but can be scanned several more times until the count reaches a plateau. Colonies are mapped by hand on 1:24,000 USGS topographical maps or through use of GPS equipment. Count data are recorded by colony location. Land ownership is determined for each colony and counts on contiguous colonies that included multiple ownerships are split accordingly. Counts are conducted on clear, calm days and are discontinued on cloudy or excessively windy days.

Prairie dog counts were conducted for 1,162 colonies across their range in 2014, and the count ($n=11,427$, total summer population estimate =82,274) was the highest on record. This represented a 207% increase over the 2003 count (lowest previous count in last 15 years) and was 145% higher than the mean count from 1976-2013 ($n = 4,671$). Counts across all three Recovery units have shown substantial increases in recent years across all land designations. (Fig.3) Recent increases in populations range-wide can be attributed to a number of factors including but not limited to: increased translocation of animals from private to public lands, increased coordination between state and federal agencies, mild winters leading to higher than normal survival, and increased efforts in plague abatement.

Habitat

As outlined above, the first criteria in the Revised Recovery Plan is at least 5,000 ac (2,023 ha) of occupied habitat that are protected in perpetuity in each RU (West Desert, Paunsaugunt, and Awapa Plateau). These occupied habitat criteria will be spatially distributed to provide sufficient connectivity and gene flow within each RU. Utah prairie dogs prefer swale-type formations where moist herbaceous vegetation is available even during drought periods (Collier 1975). Grasses and forbs are preferred food items during all seasons, and prairie dogs appear to select particular forage species rather than choosing foods based on availability (Crocker-Bedford and Spillett 1981). Vegetation quality and quantity are important in helping Utah prairie dogs survive hibernation, lactation, and other high nutrient demand

times. Plant species richness is correlated with increased weight gain, higher juvenile to adult ratios, and higher animal densities (Crocker-Bedford and Spillett 1981; Ritchie and Cheng 2001). Utah prairie dogs will avoid areas where brushy species dominate, and will eventually decline or disappear in areas invaded by brush (Collier 1975; Player and Urness 1982). Open habitats are important for foraging, visual surveillance for predators, and intraspecific interactions (Player and Urness 1982). Well-drained, deep soils (at least 3.3 ft (1 m) deep) are needed for burrowing. Burrows provide the prairie dog with protection from predators and insulation from environmental extremes. Soil color may aid in disguising prairie dogs from surface predators and thus may be an added survival factor (Turner 1979; Collier 1975) [Revised Recovery Plan, 2012].

Because the UDWR is not a land-management agency, constant coordination with federal partners is key in providing enough suitable habitat for recovery of the species. Much work has already been invested in coordinating recovery actions through the Utah Prairie Dog Recovery Implementation Team (UPDRIT). Completed in 2014, the *Utah Prairie Dog 5-year Management Unit Plans Path to Recovery (2014-2018)* will serve as the guiding document for achieving recovery of the species on federal and protected non-federal lands. Outlined in this plan are detailed management plans for 18 specific management units spatially distributed across the range of the species. While UPDRIT delineated 40 management units, it was felt that with intensive management the species could be recovered in as few as 18 of these units. Included in each management unit plan are specifics for habitat modification and the UDWR will continue to partner with federal agencies to accomplish these tasks.

Use

Unlike other prairie dog species across the west, there is currently no hunting season, or unregulated take of Utah prairie dogs. Incidental take is permitted through CORs (following previously established HCPs). Intentional take is permitted through CORs for agricultural damage following the UDWR's current rule allowing take of up to 6,000 animals annually. After reaching recovery and eventual delisting from ESA regulations, it is expected Utah prairie dogs will continue to have full protections on federal and protected non-federal lands. At this time, the UDWR does not foresee implementing any strategies that would allow for commercial hunting of the species post-delisting.

Relationship with other wildlife

Utah prairie dogs have long been viewed as a keystone species, one that has a disproportionately large effect on its environment relative to its abundance. Their burrow systems routinely provide nesting cavities for Burrowing owls, a species of special concern in Utah as well as rabbits, ground squirrels and weasels. Prairie dogs decrease vegetation height and increase heterogeneity. Their burrowing and excavation mixes soils and increases nitrogen uptake by local plant communities. (Hoogland, 2001). Kotliar et al. (1999) examined the impacts of prairie dogs on their environment against strongly held assumptions of its keystone standing and summarized that while some functional impacts may be less than originally assumed, collectively prairie dog functions in grassland ecosystems have a much larger impact than most herbivores in the same system.

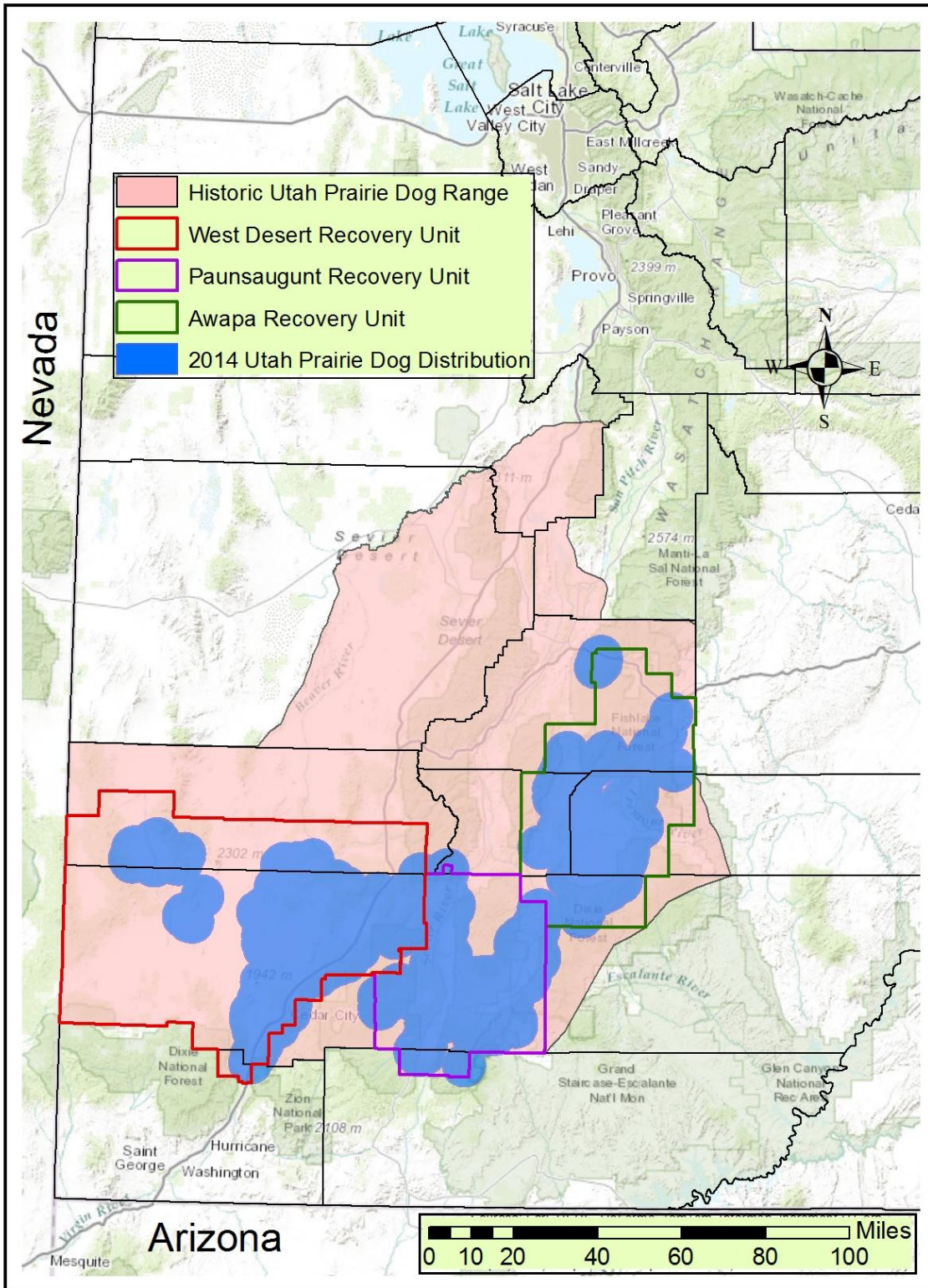


Fig.2 - Approximate boundaries of the three Utah prairie dog recovery units as described in the Utah Prairie Dog Recovery Plan.

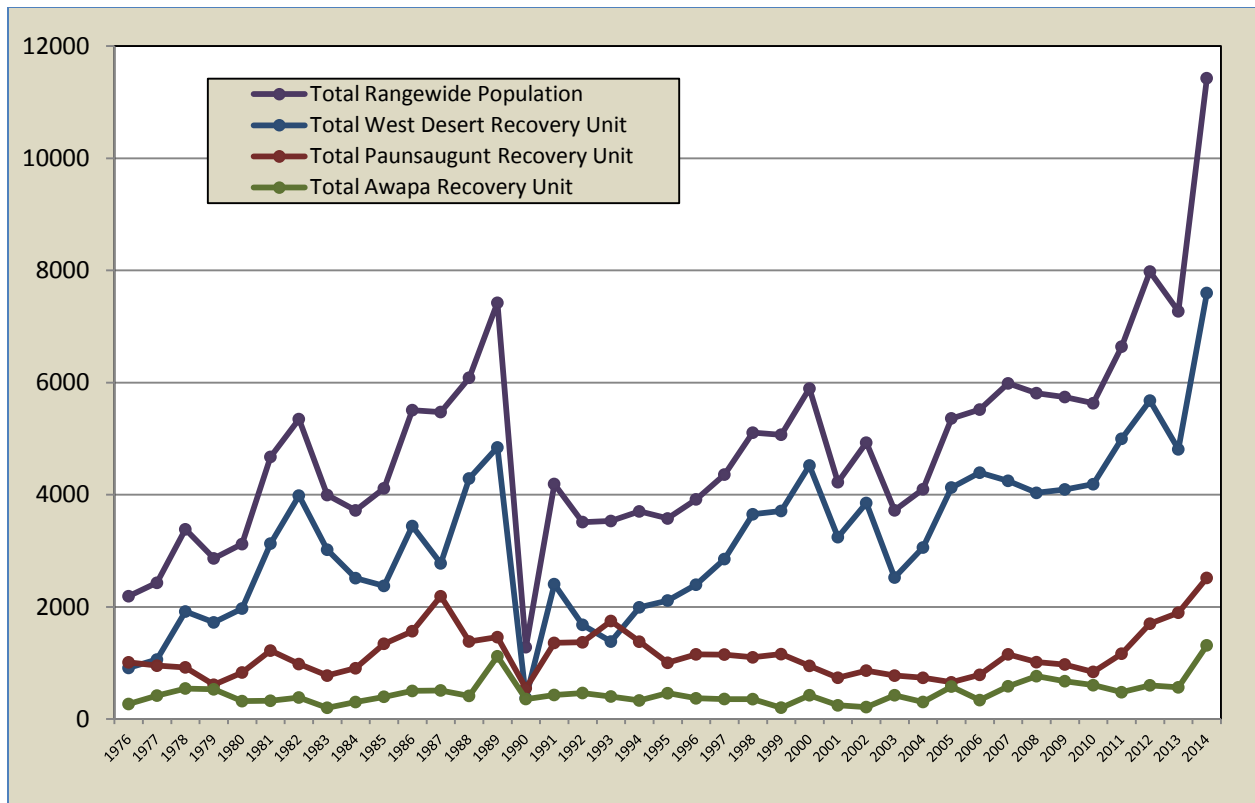


Fig.3 – Utah Prairie Dog Spring Adult Count 1976-2014.

Management Objectives and Strategies

Goal: To remove restrictions from private property through a timely and structured process while assisting in the conservation of populations on designated “federal” and protected non-federal lands.

Private Property/Non-Federal:

Overarching Objectives:

- a. Develop a cooperative education/information mechanism to explain new process.
 - i. Counties/UDWR develop an online education/permitting process.
 - ii. UDWR will coordinate a series of outreach campaigns beginning spring 2015.
 1. Explain value of UPDs on protected lands.
 - a. Signs at colonies (informational).
 2. Explain benefits of State management on non-federal lands (including SITLA).
 3. Address changes under new management.
 4. Explain the plan to the public in understandable terms.
 5. Give regular updates on how the plan is progressing.
 6. Supply accurate information about disease.
 7. Explain when, how and where people can receive authorization to remove UPDs.
 8. Develop a fact sheet.
 9. Develop a check list for dealing with UPDs on private land, including contact information.
- b. Remove restrictions on all unoccupied (mapped and unmapped) private lands.
 - i. Any private property not mapped as UPD habitat according to the 2014 Spring Count survey is considered exempt from all permitting restrictions relating to UPDs. Should UPDs be found on the property, they may be taken using any legal means authorized under state/federal or local laws.
 - ii. After UDWR assesses occupancy for all known mapped colonies during 2015 Spring Counts, all colonies with a spring count of zero (0) for 5 consecutive years will be classified as unoccupied. If spring count of zero (0) is unverified, the property owner must allow access to the colony to verify occupancy. Any private property with mapped habitat that is verified as unoccupied according to the 2015 Spring Count survey is considered exempt from all restrictions relating to UPDs. Should UPDs be found on the property, they may be taken using any legal means authorized under state/federal or local laws.
 - iii. UDWR will be responsible for documenting and updating mapped/occupied properties on an annual basis and coordinating with local governments.

The following objectives address regulated take of Utah prairie dogs for the purposes of safety/health/welfare, development, and agricultural/rangelands conflicts. Total take for development and agricultural/rangeland purposes is set at 6,000 UPDs annually range wide¹. If the current year's spring count on private properties range wide exceeds 6,000 UPDs, then ½ the amount of UPDs exceeding 6,000 will be added to the annual take allotment [EXAMPLE: If private land spring counts range wide total 6,800 animals, then 400 UPDs (½ of 800) will be added to the 6,000 annual take allotment]². Once the three year average spring count of protected populations in a Recovery Unit reach a spring count of 2,000 UPDs, there will be no take limitations on non-federal lands in that Recovery Unit. UPDs taken for the purposes of health, safety and welfare concerns will not be deducted from the annual take allotment.

Objectives:

1. Health, Safety and Welfare Concern Areas
 - a. Remove conflicts on non-federal lands where Utah prairie dogs impact human health, safety and welfare.
 - i. In circumstances where UPDs create human health, safety and welfare hazards, all UPDs can be removed (any legal method) without a permit. The UDWR must be notified prior to taking action, and the number of UPDs taken must be reported to the UDWR in accordance with current regulation.
 - b. Target trapping in areas where Utah prairie dogs have the potential to create human health, safety and welfare concerns.
 - i. UDWR's trapping and relocation efforts will be focused on removing UPDs within approved developments and from areas where they impact human health and safety.
2. Developable Areas (e.g. Commercial/Industrial and Residential)
 - a. Prior to ground disturbance on any property within mapped habitat the UDWR must be contacted to perform an occupancy survey (Determined by local government permitting process).
 - i. In order to estimate take the current UDWR occupancy survey protocol will be applied (Appendix 1).
 1. If no UPDs are found during the survey, then the project will be issued an approval letter.
 2. If UPDs are found:
 - a. After take assessment has been performed, the project proponent will receive a COR and may begin construction.
 - b. Authorized take will be deducted from the yearly range wide take allotment (*minimum of 6,000 UPDs*) unless project

¹ Annual take allotment is based on the previous 4(d) rule allowing lethal take of up to 6,000 UPDs annually range wide (adopted into UDWR administrative rule R-657-19-7) for agricultural damage (56 FR 27438).

² Annual spring counts are typically completed by mid June. Any additional take above 6,000 animals will be calculated and added to the yearly take allotment by August 1 each year.

timeframe allows for trapping and relocation of UPDs during the approved trapping season.

- ii. All approvals are indefinite.
- b. Undeveloped lots with UPDs emigrating onto developed properties can be trapped by UDWR during translocation season upon request. Properties will be trapped according to a priority list developed in coordination with local government.
- 3. Agriculture (Cultivated and/or Irrigated Pasture) and Range(Non-Irrigate Pasture) Areas
 - a. Simplify procedures to alleviate impacts from UPDs on agricultural and range properties.
 - i. A COR may be issued for lethal removal of UPDs on agricultural and range lands. No minimum number of prairie dogs is required to pursue a COR.
 - ii. Authorized take will be deducted from the yearly range wide take allotment (minimum 6,000 UPDs). Trapping can occur if UDWR time/personnel permits and UPDs trapped will not be deducted from the yearly range wide take allotment or the individual COR take limit.
 - iii. Lethal take allotments for COR's will be calculated according to the table below.

Sliding scale for take of UPDs on agricultural and range lands	
Count of UPDs*	Take Allotment per COR
0-999	50% of productivity**
1000-1249	100 % of productivity
1250-1499	100 % of productivity + 33% of spring count
1500-1999	100 % of productivity + 66% of spring count
2000+	no limit

*- Count of UPDs is based on a 3 year rolling average spring count on protected lands in each recovery unit.

**- Calculation of productivity= Spring count x 2(sightability) x .67(% of females) x .97(% of females that breed) x 4(average litter size) =Count x7.2

*Example: Spring Count on a particular private agricultural or range land=75
 Three (3) year average spring count on protected lands in the recovery unit = 1421
 Equation to calculate take:
 $75 * 2 * 0.67 * 0.97 * 4 = 390$ (calculated productivity)
 $390 + (0.33 * 75) = 415$ (total take)*

- a. Voluntary incentive system and protections for agricultural properties to retain/maintain UPDs.
 - i. Agricultural (cultivated and/or irrigated pasture) land owners or lessees with >50 UPDs (current year spring count) may be eligible to receive compensation (on first come first serve basis, as funds permit) for crop losses and damage caused by UPDs.
 - 1. Participant must agree to not control UPDs allowing UDWR to trap UPDs from July- September after which the land owner can pursue a COR for a portion of the remaining population for the remainder of the season.

2. Compensation is based on daily forage requirements of adult and juvenile UPDs feeding primarily on alfalfa. For every one (1) adult UPD counted, seasonal damage is estimated at \$45.90³, taking into account length of season and annual productivity of juvenile UPDs. An additional 10% of the estimated compensation will be added for damages to equipment/fencing etc. (Ex - 137 UPDs counted in spring; $\$45.90 \times 137 = \$6,288 + 10\% = \$6,917$).
3. In coordination with UDWR, a COR may be obtained for lethal control of emigrating UPDs to limit dispersal and establishment of new colonies.

Federal Lands:

Overarching Objective: Retain State management authority on non-federal lands and continue to apply conservation measures on Federal lands.

Objectives:

- a. Conserve populations on federal and protected non-federal lands.
 - i. Continue to partner with the Recovery Implementation Team (RIT) and county/local governments to advance recovery of the species.
 - ii. Expect continued cooperation from the Federal Agencies.
 - iii. Enhance and continue support of UPDs on federal land.
 - iv. Continue to partner with federal agencies to perform spring counts and monitor populations post-delisting.
 - v. Establish state funding of UPD management and conservation.
 - vi. Partner with local/federal governments to acquire and improve protected habitat for UPDs.
 - vii. Should the need arise, pursue interim translocation preserves as a holding facility.
 - viii. Monitor translocation sites and coordinate with wildlife services for predator management.
 - ix. Disease abatement
 1. Manage plague on all non-federal conservation properties through the use of deltamethrin, or an approved vaccine.
 2. Support and coordinate plague abatement with federal agencies on federal lands.
 3. Continue to support research for a viable vaccine for UPDs.

³ Explanation of compensation calculation: 10 adult UPDs counted = 20 UPDs estimated with sightability. Estimated productivity for 10 counted adult UPDs = 52 juveniles. Adult consumption is estimated at 0.75 lbs of alfalfa/day, and juvenile consumption is estimated at 0.375 lbs of alfalfa/day (Biggins, pers comm). Adult UPDs may cause damage up to 5 months per season and juveniles up to 4 months per season. Estimated total seasonal consumption based on a count of 10 adult UPDs would be 4,590 lbs (2.295 tons) of alfalfa. Based on a value of \$200/ton of alfalfa, damage compensation = \$459, equating to \$45.90 per one(1) adult UPD.

- b. Increase populations on federal and protected non-federal lands.
 - i. Identify and establish sites for the translocation of Utah prairie dogs. Details of this process are described in detail in Appendix 2.
 - ii. Continue to translocate UPDs from private lands to protected/federal lands.
 - 1. Initial focus on safety concern areas.
 - 2. Removal of UPDs from future development areas.
 - 3. Translocation of UPDs from agricultural lands.
 - iii. Continue to support general objectives in the *Utah prairie Dog Recovery Plan*, *Population Structure for Utah Prairie Dog Recovery*, and the *5-year Management Unit Plan Path to Recovery* that are consistent with this management plan.
 - iv. Optimize opportunities for conservation efforts on protected lands by working with land management agencies to increase availability of relocation sites.
 - v. Develop multi-year translocation plan in consultation with the local governments and the RIT.
 - 1. Set annual goals for minimum translocation.
 - 2. Modification of Translocation Guidelines.

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Acknowledgements

In order to define the goals and objectives of Utah prairie dog management, the UDWR gathered input from numerous local entities to ensure cooperation and support for the implementation of the *Utah Prairie Dog Management Plan for Non-federal Lands*. Representatives from the following groups contributed greatly to the development of this plan.

Participants

Beaver County
Bryce Canyon City/Ruby's Inn
Bureau of Land Management
Congressman Stewart's Office
Garfield County
Iron County
Kane County
Paiute Indian Tribe
Piute County
Representative Mike Noel
State Institutional Trust Lands Association
Senator Evan Vickers
United States Forest Service
Utah Association of Counties
Utah Attorney General's Office
Utah Department of Natural Resources
Utah Division of Wildlife Resources
Utah Farm Bureau
Utah Wildlife Board
Wayne County

Appendix 1 – Occupancy Survey Protocol

I. Introduction

A protocol for surveying for Utah prairie dogs has been developed for guidance to determine the presence or absence of prairie dogs in proposed development and construction project areas. Surveys for the presence of Utah prairie dogs are intended to: 1) help citizens comply with State of Utah regulations regarding the killing of this species, 2) allow for implementation of conservation actions that will speed recovery of the species, and 3) reduce human prairie dog conflict.

A. Federal Actions: If a proposed project has a Federal nexus a section 7 survey must be coordinated with the corresponding Federal agency.

B. Non-Federal Actions: For non-Federal actions, this survey protocol is intended to provide technical assistance to entities to determine presence or absence of Utah prairie dogs in a proposed project area

If the proposed project area falls within a mapped Utah prairie dog colony according to the *2014 Final Utah prairie dog Occupancy map*, a survey needs to be performed to determine occupancy and assess any take of Utah prairie dogs that may occur.

C. Revision of Survey Protocol: This recommended survey protocol is subject to revision as new information becomes available.

II. Survey Protocol

This survey protocol includes seven parts: 1) surveyor qualifications, 2) survey need, 3) survey methods, 4) survey maps and report forms, 5) clearance to translocate, 6) survey time period, and 7) survey results.

A. Surveyor Qualifications: As a general rule, a qualified Utah prairie dog surveyor is a biologist with a bachelor's degree or graduate degree in biology, ecology, wildlife biology, mammalogy, or related fields. He/she must have demonstrated prior field experience using accepted resource agency techniques to survey for Utah prairie dogs. In addition, the surveyor must be capable of recognizing and accurately identifying Utah prairie dogs and all types of Utah prairie dog sign. The surveyor must also have the ability to legibly and completely record all sign on the survey report form and topographic maps.

B. Survey Need: The need for Utah prairie dog surveys is usually determined when an owner/developer applies for a building permit or a conditional use permit. Building permit offices in Utah prairie dog range will maintain lists of parcels that do not require Utah prairie surveys dog and of parcels that may contain Utah prairie dog habitat and will require Utah prairie dog surveys. Building permit offices will determine, based on these lists, if the proposed project falls within a parcel that may require a Utah prairie dog survey. If a survey is required, the project proponent will be referred to the Utah Division of Wildlife Resources (UDWR). Alternately, any entity may request a Utah prairie dog survey of the UDWR directly at any time.

C. Survey Methods: A Presence or Absence Survey for Utah prairie dogs is required within any project area known or suspected to support Utah prairie dogs. This survey will determine if the project is likely to kill prairie dogs and, therefore, require approval through the approved State Utah Prairie Dog Management Plan or a valid Certificate of Registration. The results of a Presence or Absence Survey are only valid from the date conducted through the following 31 March. This ensures reliability of the data.

Surveys must be done on calm, clear days where there is less than 40% cloud cover and the wind speed does not exceed 3 on the Beaufort Scale.

The entire project area is surveyed initially with binoculars and/or a spotting scope. It must be surveyed from a distance, so as not to frighten the prairie dogs and have them remain underground. The surveyor must be close enough, however, to be able to see the entire area. He/she may need to survey from many different vantage points depending on the size of the area and obstructions. The distance from the area will vary from site to site. A minimum of three counts will be taken. The surveyor will continue the counts until the numbers plateau or decrease. All counts must be recorded on the survey report forms.

After counting, the surveyor must conduct a 100% coverage survey of the action area. The surveyor will walk through the entire area searching for burrows and other prairie dog sign on transects 10 meters wide. Care must be taken as to not overlap transects. The surveyor must take note if the burrows are occupied, unoccupied, or abandoned. Walking transects through the area will give the surveyor a better idea on the accuracy of their counts. For example, finding numerous, occupied burrows indicates Utah prairie dog habitation, even if the surveyor does not observe any prairie dogs.

Other Species

In addition to information on Utah prairie dogs, observations must be made and noted on any other threatened or endangered species (Federal or state), sensitive species, or species of concern that are found in the project area.

D. Survey Maps and Report Forms: Utah prairie dog survey results will be recorded on a count summary sheet and an accompanying map of the surveyed area. These records will be maintained by UDWR. The survey results will be reported to the project proponent or property owner/manager in the shortest time possible.

E. Trapping and Translocating: If Utah prairie dogs are present and the proposed action will result in take, Utah prairie dogs affected by the action may be trapped and translocated. Trapping will continue until UDWR determines no more prairie dogs are left on the parcel or all prairie dogs that can be trapped have been trapped. Utah prairie dogs removed during trapping will be translocated to approved release sites following approved translocation guidelines.

F. Survey Time Period: Presence or Absence Surveys are most effective when conducted between 1 April and 1 September - the period of time when prairie dogs are active above ground. Surveys

conducted outside of this period may not accurately reflect the number of prairie dogs in the area because prairie dogs are not always active or above ground at other times of the year.

If the ground is covered in snow and a survey cannot be performed or there is prairie dog sign on the parcel, but no animals were seen, the UDWR will refer to their database of mapped Utah prairie dog habitat and population counts to determine presence of prairie dogs. If the project falls within mapped habitat the spring count (highest in last 5 years) for the colony will be used to assess take. Utah prairie dog surveys are valid from the survey date through the following 31 March.

Trapping and translocation is preferred and encouraged for projects that will result in killing Utah prairie dogs. The translocation season begins 1 July and ends 1 October. UDWR will trap and remove Utah prairie dogs from project areas prior to construction activities during the translocation period. Otherwise, projects may proceed as described in the State's Utah Prairie Dog Management plan.

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Appendix 2 – Identification of Translocation Sites

The *Utah Prairie Dog Recovery Plan* established three Recovery Units within the historic range of the species (Figure 2). The West Desert Recovery Unit includes most of Iron County, the Paunsaugunt Recovery Unit covers western Garfield County and the Awapa Recovery Unit includes portions of Garfield, Piute, and Sevier and Wayne counties. Recovery will be based, in part, on each of these three units supporting 2000 adult prairie dogs on public and protected lands. Translocating animals to specific sites in each Recovery Unit is the primary means for reaching these numbers.

Before Utah prairie dogs can be translocated, sites on federal and protected non-federal lands must be identified and approved. The site selection and approval process is implemented through the RIT. Proposed translocation sites must meet specific guidelines. If a proposed site does not meet such requirements, habitat treatments may be implemented. Animals may also be translocated into historically occupied, but currently vacant colonies.

Currently approved translocation sites exist in all three Recovery Units. These sites in the West Desert are Mud Springs Bench, Horse Valley, Tebbs Pond, Little Horse Valley, Wild Pea Hollow and the Cedar City Waste Water Treatment Plant. Approved translocation sites in the Paunsaugunt Recovery Unit are Johnson Bench, Tom Best, Johns Valley, and Berry Springs. Big Lake and East Bald Knoll are the approved sites in the Awapa Recovery Unit.

Additional translocation sites will be needed in the future. Selection of these sites will likely be associated with the management units described in the *Utah Prairie Dog 5-year Management Unit Plans Path to Recovery (2014-2018)* and listed below.

West Desert		Paunsaugunt		Awapa	
General Location	Management Unit	General Location	Management Unit	General Location	Management Unit
Pine Valley	Pine Valley	Long Valley	Bryce Woodlands	Awapa Plateau	Parker Hollow
Pine Valley	Sheep Creek	Long Valley	Mammoth Creek	Awapa Plateau	Awapa
Cedar Valley	Rush Lake	Panguitch Valley	Panguitch Creek	Awapa Plateau	The Tanks
Cedar Valley	Horse Hollow	Panguitch Valley	Hillsdale	Awapa Plateau	The Lakes
Black Mountains	Adams Well	Panguitch Valley	Rollermill	Grass Valley	Otter Creek
Black Mountains	M3	Berry Springs	Pat Willis	Grass Valley	Greenwich Creek
Black Mountains	Upper Long Hollow	Johnson Bench	Johnson Bench	Grass Valley	Box Creek
Black Mountains	Long Hollow	Berry Springs	Berry	Grass Valley	Grass Valley
Cedar Valley	The Gap	Berry Springs	Tom Best	Grass Valley	The Narrows
Parowan Valley	Dalley Farm	Panguitch Valley	Dog Valley		
Kanarraville/Quichapa	Quichapa	Panguitch Valley	Bullrush		
Kanarraville/Quichapa	Kanarraville	Panguitch Valley	Sanford		
Parowan Valley	U20/115	Panguitch Valley	Limekiln		
Buckskin Valley	Buckskin	Johnson Bench	East Creek		
		Johnson Bench	FAA Camp		
		Lower Johns Valley	Prospect		
		Lower Johns Valley	Cottonwood		

Overview

R657-70 -- Taking Utah Prairie Dogs and Related Rule Amendments

Utah Division of Wildlife Resources
March 1, 2015

TAKE ON FEDERAL LAND (R657-70-4)

- “Federal land” means all lands in Utah owned by the United States government, including Forest Service, Bureau of Land Management, Bureau of Reclamation, Department of Defense, National Park Service, Bureau of Indian Affairs, National Monument, and National Recreation Area lands.
- Utah prairie dog take regulated by the Endangered Species Act and the USFWS
- Take prohibited, except as authorized by USFWS and COR
- No COR required for incidental take under Section 7 of ESA

TAKE ON NON-FEDERAL LAND

- “Non-federal lands” means all lands in Utah that are not owned by the United States government.
- Utah prairie dog take regulated by Utah through the Division of Wildlife Resources
- Take prohibited, except as authorized in this rule
- **Take in Inhabited Structures** (R657-70-5)
 - ▶ “Inhabited structure” means a building where people live, work, or visit, such as a home, apartment, hotel, commercial or public office, public building, church, store, warehouse, business, work shop, restaurant, etc.
 - ▶ No preauthorization or COR required
 - ▶ Take permitted by any person authorized by the owner or lessee
 - ▶ Structure must be inhabited or occupied by people
 - ▶ Take must be reported monthly to the division

- **Take on Unmapped Land** (R657-70-6)
 - ▶ “Mapped” means areas within the state identified and documented as currently or historically occupied by Utah prairie dogs, excluding mapped areas with a spring count of zero animals in the current year and the preceding four years
 - ▶ Prior notice to the division required to take prairie dogs
 - ▶ Take restricted to:
 - landowner
 - lessee – with landowner permission
 - immediate family member – with landowner permission
 - employee on regular payroll not hired to take prairie dogs – with landowner permission
 - designee with a COR (no more than 2)
 - ▶ Take restricted to landowner’s/lessee’s property
 - ▶ Take restricted to methods otherwise lawful under state, local and federal law
 - ▶ Take permitted year around and without limit
 - ▶ Take must be reported monthly to the division

- **Take on Developed Land** (R657-70-7)
 - ▶ “Developed land” means any mapped, non-federal property that is:
 - (i) developed or improved for public use and where prairie dogs threaten human health, safety or welfare, including parks, playgrounds, public facilities, sports fields, golf courses, school yards, churches, areas of cultural or religious significance, improved roads, transportation systems, etc.; or
 - (ii) within 50 feet of an occupied, residential or commercial structure, or greater distance where prairie dogs threaten human health, safety or welfare on developed curtilage, including lawns, landscaping, gardens, driveways, etc.
 - ▶ Prior notice to division required to take prairie dogs
 - ▶ Take restricted to:
 - landowner
 - lessee – with landowner permission
 - immediate family member – with landowner permission
 - employee on regular payroll not hired to take prairie dogs – with landowner permission
 - designee with a COR (no more than 2)

- ▶ Take restricted to landowner's/lessee's property
- ▶ Take restricted to methods otherwise lawful under state, local and federal law
- ▶ Take permitted year around and without limit
- ▶ Take must be reported monthly to the division
- **Law Enforcement Take** (R657-70-8)
 - ▶ County sheriff or municipal law enforcement authority may receive a COR to take prairie dogs threatening public health, safety or welfare on non-federal land within the municipal boundaries of a city or town in the county
 - ▶ Take must be reported annually to division
- **Range-wide Limit on Developable, Agriculture, & Rangeland** (R657-70-9)
 - ▶ 6,000 animal range-wide limit for annual take on developable, agriculture, and rangeland
 - ▶ ½ of range-wide spring count in excess of 6,000 dogs on non-federal/non-protected land added to range-wide limit
 - ▶ COR requirement and range-wide take limit removed on recovery units with a three year - spring count - rolling average of 2,000 animals on protected land.
- **Take on Developable Land** (R657-70-10)
 - ▶ “Developable land” means any mapped, non-federal property zoned by local authority as commercial, industrial, or residential that does not have structures or improvements on the surface of the property, excluding utilities.
 - ▶ COR or clearance letter required
 - ▶ Project proponent or local government notifies division of any building project
 - ▶ Division surveys property for prairie dogs
 - Dogs absent – clearance letter issued to project proponent
 - Dogs present –
 - ◇ Division traps when feasible and as permitted by project proponent

- Dogs captured and relocated from 7/1 thru 10/1 do not count against range-wide limit
- ◇ If trapping is infeasible, declined by project proponent, or completed, division immediately issues COR authorizing take
- ▶ Take may be carried out by any person authorized by the project proponent
- ▶ Take restricted to landowner's/lessee's property
- ▶ Take restricted to methods otherwise lawful under state, local and federal law
- ▶ Take permitted year around, but subject to range-wide limit
- **Take on Agriculture Land** (R657-70-11)
 - ▶ "Agriculture land" means any mapped, non-federal property zoned by local authority for agricultural use that is used or has been used in the previous five (5) years for the production of a cultivated crop or irrigated pasture that is harvested or grazed.
 - ▶ COR required
 - ▶ Submit application to division
 - ▶ Division calculates maximum annual take for property:
 - 50% of prairie dog productivity on the *property* when average spring counts on *protected land* in the recovery unit are 999 or less;
 - ◇ "Protected land" means mapped, federal and non-federal property that is set aside for the preservation of prairie dogs and protected specifically for that purpose, ie. conservation easements, fee purchases, regulatory designations
 - 100% of prairie dog productivity on the *property* when average spring counts on *protected land* in the recovery unit are between 1,000 and 1,249;
 - 100% of prairie dog productivity and 33% of spring count on the *property* when average spring counts on *protected land* in the recovery unit are between 1,250 and 1,499;
 - 100% of prairie dog productivity and 66% of spring count on the *property* when average spring counts on *protected land* in the recovery unit are between 1,500 and 1,999; and

- Unlimited take without a COR authorized when average spring counts on *protected land* in the recovery unit are 2,000 or greater.
- ▶ Compensated capture and relocation
 - landowners with CORs may receive damage compensation for allowing the division to capture and relocate dogs from 7/1 thru 10/1
 - 50 or more dogs on property required for participation
 - Captured and relocated dogs count against the: 1) range-wide limit; and 2) maximum annual take limit for the property
 - Landowner may receive COR to take dogs dispersing onto unoccupied property while trapping is ongoing
- ▶ Uncompensated capture and relocation
 - Landowners with CORs may allow the division to capture and relocate prairie dogs without compensation
 - prairie dogs captured and relocated from 7/1 thru 10/1 do not count against the: 1) range-wide limit; or 2) maximum annual take limit for the property.
 - Landowner may receive COR to take dogs dispersing onto unoccupied property while trapping is ongoing
- ▶ Take restricted to:
 - landowner
 - lessee – with landowner permission
 - immediate family member – with landowner permission
 - employee on regular payroll not hired to take prairie dogs – with landowner permission
 - designee with a COR (no more than 2)
- ▶ Take restricted to landowner's/lessee's agriculture property
- ▶ Take restricted to firearms, archery, or kill traps
- ▶ Take permitted from 6/1 to 12/31, but subject to both range-wide limit and maximum property limit
- ▶ Take must be reported monthly to the division
- **Take on Rangeland** (R657-70-12)

- ▶ Same conditions and regulations as agriculture land, excluding compensation
- **Live Capture** (R657-70-14)
 - ▶ Prairie dogs may not be captured live or released, unless authorized by COR

RELATED RULE AMENDMENTS:

- **R657-19. Taking Nongame Mammals**
 - ▶ Delete all regulatory provisions relating to the Utah prairie dog and reference new regulations in R657-70
- **R657-3. Collection, Importation, Transportation, and Possession of Animals.**
 - ▶ Amend Utah prairie dog classification in R657-3-24(1)(m)(xvi) from “prohibited for collection, importation and possession” to “controlled for lethal take and prohibited for live collection, importation, and possession”

R657. Natural Resources, Wildlife Resources.

R657-70. Taking Utah Prairie Dogs

R657-70-1. Purpose and Authority.

(1) Under authority of Sections 23-14-1, 23-14-3, 23-14-18 and 23-14-19, this rule provides the standards and requirements for taking Utah prairie dogs.

(2) A person capturing any live Utah prairie dog for a personal, scientific, educational, or commercial use must comply with rule R657-3, Collection, Importation, Transportation and Possession of Animals.

R657-70-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) Additional terms used in this rule are defined as follows:

(a) "Agriculture land" means any mapped, non-federal property zoned by local authority for agricultural use that is used or has been used in the previous five (5) years for production of a cultivated crop or irrigated pasture that is harvested or grazed.

(b) "Certificate of registration" means a document issued by the division authorizing a person or entity to take a Utah prairie dog.

(c) "Developed land" means any mapped, non-federal property that is:

(i) developed or improved for public use and where Utah prairie dogs threaten human health, safety or welfare, including parks, playgrounds, public facilities, sports fields, golf courses, school yards, churches, areas of cultural or religious significance, improved roads, transportation systems, etc.; or

(ii) within 50 feet of an occupied, residential or commercial structure, or greater distance where prairie dogs threaten human health, safety or welfare on developed curtilage, including lawns, landscaping, gardens, driveways, etc.

(d) "Developable land" means any mapped, non-federal property zoned by local authority as commercial, industrial, or residential that does not have structures or improvements on the surface of the property, excluding utilities.

(e) "Division" means the Utah Division of Wildlife Resources.

(f) "Federal land" means all lands in the State of Utah owned by the United States government, including Forest Service, Bureau of Land Management, Bureau of Reclamation, Department of Defense, National Park Service, Bureau of Indian Affairs, National Monument, and National Recreation Area lands.

(g) "Immediate family" means a landowner's or lessee's spouse, child, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchild, and grandchild.

(h) "Landowner" means the person(s) or entity holding fee title to real property impacted by Utah prairie dogs.

(i) "Lessee" means the person(s) or entity leasing or renting under written contract real property impacted by Utah prairie dogs.

(j) "Mapped" means areas within the state identified and documented since 1972 by the division as currently or historically occupied by Utah prairie dogs, excluding mapped areas with a spring count of zero (0) animals in the current year and the preceding four (4) years.

(k) "Non-federal lands" means all lands in the State of Utah that are not owned by the United States government.

(l) "Productivity" means the segment of a population represented by young of the year; and is calculated by multiplying the spring count (animals observed) by 2 (animals underground), and multiplying that figure by 67% (percent females in the population), and multiplying that figure by 97% (percent females that breed), and multiplying that figure by 4 (average litter size).

(m) "Protected land" means federal and non-federal property that is set aside for the preservation of Utah prairie dogs and protected specifically or primarily for that purpose. Protective mechanisms can include conservation easements, fee title purchases, regulatory designations, etc.

(n) "Rangeland" means any mapped, non-federal property zoned by local authority for agricultural use that is used for grazing livestock, and is neither cultivated nor irrigated.

(o) "Recovery unit" means one of the three geographic areas established by the Utah Prairie Dog Recovery Team for the protection and management of Utah prairie dogs – West Desert Recovery Unit, Paunsaugunt Recovery Unit, and Awapa Plateau Recovery Unit. Maps and boundaries of these units may be obtained from the division.

(p) "Unmapped" means any area of the state on non-federal land that is not classified as mapped by the division.

(q) "Utah prairie dog" or "prairie dog" means the genus and species *Cynomys parvidens*.

R657-70-3. Legal Status of Utah Prairie Dog.

(1) On federal land, the Utah prairie dog is listed as threatened under the Endangered Species Act of 1973 and subject to the federal laws, authorities and jurisdictions applicable to listed species.

(a) A person may not take a prairie dog on federal land, except as authorized by the:

(i) United States Fish and Wildlife Service and the federal regulations applicable to the species; and

(ii) division pursuant to this rule.

(2) On non-federal land, the Utah prairie dog is not subject to the Endangered Species Act of 1973 and is managed by State of Utah through the division.

(a) A person may not take a prairie dog on non-federal land, except as authorized by the Wildlife Code and this rule.

R657-70-4. Take of Utah Prairie Dogs on Federal Land.

(1) A person may not take a Utah prairie dog on federal land:

(a) except as authorized by the U.S. Fish and Wildlife Service and federal regulation; and

(b) without obtaining a certificate of registration from the division.

(2) A certificate of registration for taking prairie dogs on federal land may be issued under the following circumstances, if the taking will not jeopardize the existence of the species:

(a) as provided in the rules of the U.S. Fish and Wildlife Service, 50 C.F.R. § 17.40(g);

(b) as provided in a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service under an approved Habitat Conservation Plan; or

(c) as provided under a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service allowing take of Utah prairie dogs as part of an approved conservation agreement enacted between the U.S. Fish and Wildlife Service and the owner of private lands.

(3) Notwithstanding Subsection (1)(b), a certificate of registration is not required when a person receives an incidental take permit from the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act.

R657-70-5. Take of Utah Prairie Dogs in Inhabited Structures on Non-federal Land.

(1)(a) Notwithstanding R657-70-13, any person, with the consent of the owner or lessee, may take a Utah prairie dog on non-federal land that is within the interior of a structure inhabited or occupied by people.

(b) For purposes of this section, an inhabited or occupied structure means a building where people live, work, or visit, such as a home, apartment, hotel, commercial or public office, public building, church, store, warehouse, business, work shop, restaurant, etc.

(2) A certificate of registration or prior notice to the division is not required to take a prairie dog under this section.

(3) A person that takes a prairie dog under this section is required to submit a monthly report to the division under R657-70-15.

R657-70-6. Take of Utah Prairie Dogs on Unmapped Land.

(1) A person may not take a Utah prairie dog on unmapped land, except as provided in this section and R657-70-8.

(2) A landowner or lessee of unmapped land may take a prairie dog on that land without a certificate of registration, provided:

(a) the division is notified prior to take and the property where take will occur is confirmed unmapped land;

(b) take is performed exclusively by the individuals and under the conditions set forth in R657-70-13;

(c) take is restricted to the unmapped land owned by the landowner, or leased by the lessee; and

(d) the methods utilized to take prairie dogs are consistent with the limitations in R657-70-14;

(3) Prairie dogs may be taken pursuant to this section year-round and without numerical limitation.

(4) A person that takes a prairie dog under this section shall submit a monthly report to the division, as provided in R657-70-15.

R657-70-7. Take of Utah Prairie Dogs on Developed Land.

(1) A person may not take a Utah prairie dog on developed land, excepted as provided in this section and R657-70-8.

(2) A landowner or lessee of developed land may take a prairie dog on that land without a certificate of registration, provided:

(a) The division is notified prior to take and the property where take will occur is confirmed developed land;

(b) Take is performed exclusively by the individuals and under the conditions set forth in R657-70-13;

(c) Take is restricted to the developed land owned by the landowner, or leased by the lessee; and

(d) The methods utilized to take prairie dogs are consistent with the limitations in R657-70-14;

(3) Prairie dogs may be taken pursuant to this section year around and without numerical limitation.

(4) A person that takes a prairie dog under this section shall submit a monthly report to the division, as provided in R657-70-15.

R657-70-8. Local Law Enforcement Take of Utah Prairie Dogs on Non-federal Land.

(1)(a) Upon request of a county, the division may issue a certificate of registration to the sheriff and deputies of that county authorizing them to take Utah prairie dogs threatening public health, safety or welfare on non-federal land within the municipal boundaries of any city or town in the county.

(b) Upon request of a city or town, the division may issue a certificate of registration to the law enforcement authority of that city or town authorizing it to take Utah prairie dogs threatening public health, safety or welfare on non-federal land within the municipal boundaries of the city or town.

(2) A certificate of registration issued to a law enforcement authority under this section may permit lethal take or live trapping and relocation to a division approved release site.

(3) A county sheriff or the municipal law enforcement authority issued a certificate of registration under this section will report annually or upon request by the division, the number of prairie dogs lethally removed and the number captured and relocated, including the release site locations.

R657-70-9. Range-wide Take Limit for Developable Land, Agriculture Land, and Rangeland.

(1) Except as provided in Subsection (2), no more than 6,000 Utah prairie dogs will be authorized for range-wide take annually on developable land, agriculture land, and rangeland.

(2)(a) When the range-wide spring count of adult prairie dogs on non-federal/non-protected lands exceeds 6,000 individuals, the annual 6,000 range-wide take limit will be increased by $\frac{1}{2}$ the number counted in excess of 6,000.

(b) When, and as long as, the three year average spring count of adult prairie dogs on protected land in a single recovery unit reaches 2,000 individuals, all certificate of registration requirements and numerical take limitations on non-federal/non-protected land in that recovery unit will be removed.

(i) All other restrictions on prairie dog take in the recovery unit will remain in place and enforceable.

(3) Prairie dog take on unmapped land, developed land, and inhabited structures does not count against the 6,000 animal annual limit.

R657-70-10. Take of Utah Prairie Dogs on Developable Land.

(1) A person may not take a Utah prairie dog on developable land without first obtaining a certificate of registration from the division.

(2)(a) The project proponent or local authority must notify the division prior to the project proponent disturbing the surface of the ground or building a structure on developable land.

(b) Upon receiving notice, the division will survey the subject property for the presence of prairie dogs.

(i) If the property is not occupied by prairie dogs, the division will issue a written notification to the project proponent authorizing the project to proceed.

(ii) If prairie dogs are discovered on the property, the division will first attempt to trap and relocate the animals to the extent feasible and in coordination with the project proponent.

(A) Prairie dogs trapped and relocated from July 1 through October 1 are not counted against the range-wide prairie dog limit in R657-70-9.

(iii) If the project proponent declines to delay the project for trapping, or when trapping is determined complete, the division will issue a certificate of registration to the project proponent authorizing take of all prairie dogs on the property.

(A) Intentional and incidental lethal take are counted against the range-wide prairie dog limit in R657-70-9.

(3) Notwithstanding the limitations in R657-70-13, take may be performed by any person authorized by the project proponent.

(4) Take is allowed only on the property proposed for the project.

(5) Authorized methods of intentional take are identified in R657-70-14;

(6) Prairie dogs may be taken pursuant to this section year around.

R657-70-11. Take of Utah Prairie Dogs on Agriculture Land.

(1) A person may not take a Utah prairie dog on agriculture land without first obtaining a certificate of registration from the division, except as provided in R657-70-7.

(2) A landowner or lessee of agriculture land may apply to the division for a certificate of registration to take prairie dogs damaging their agriculture land.

(a) The application shall include the:

(i) applicant's full name, mailing address, and phone number;

(ii) applicant's status as an owner or lessee of the property;

(iii) landowner's signature, and consent when the applicant is a lessee;

(iv) name and identifying information for each individual designated by the applicant and eligible under R657-70-13 to take prairie dogs on the property; and
(v) township, range, section, 1/4 section, and parcel number of the agricultural land where the prairie dogs will be taken.

(b) An application for a certificate of registration must be submitted to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah [84721](#).

(c) Upon receipt of an application, the division will survey the property to determine the number of resident prairie dogs and the maximum number that may be taken on the property under a certificate of registration.

(i) The division will calculate the yearly maximum take using the following criteria:

(A) 50% of prairie dog productivity on the property may be authorized for take when the three year average spring count on protected land in the recovery unit is 999 or less;

(B) 100% of prairie dog productivity on the property may be authorized for take when the three year average spring count on protected land in the recovery unit is between 1,000 and 1,249;

(C) 100% of prairie dog productivity and 33% of spring count on the property may be authorized for take when three year average spring count on protected land in the recovery unit is between 1,250 and 1,499;

(D) 100% of prairie dog productivity and 66% of spring count on the property may be authorized for take when three year average spring count on protected land in the recovery unit is between 1,500 and 1,999; and

(E) Unlimited take is authorized without a certificate of registration when the three year average spring count on protected land in the recovery unit is 2,000 or greater.

(3)(a) After review of the application and determining the maximum take limit for the property, a certificate of registration may be issued.

(b) The certificate of registration will identify:

(i) the name of the property owner, lessee, or other person authorized to take prairie dogs on the property;

(ii) the maximum number of prairie dogs that may be taken on the property; and

(iii) a general description of the location and boundaries of the subject property.

(c) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom it is issued.

(d) A certificate of registration is not transferrable and must be signed by the holder prior to use.

(e) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.

(4) Prairie dogs allowed by the landowner or lessee to be trapped on the property and relocated by the division between July 1 and October 1 – before lethal take – will not count against the range-wide prairie dog limit in R657-70-9 or the property's maximum take limit identified on the certificate of registration.

(5)(a) A landowner or lessee that obtains a certificate of registration to take prairie dogs on agriculture land and thereafter agrees with the division to allow trapping

and relocation efforts on the property before lethally taking prairie dogs, may receive compensation for the damage caused by prairie dogs during the trapping period.

(i) Participation in the damage compensation program is voluntary on the part of the landowner or lessee and discretionary on the part of the division.

(ii) Only properties with a spring count of 50 or more prairie dogs are eligible for participation in the program.

(iii) Compensation will be based on the number of prairie dogs on the property and the associated damage estimate between juvenile emergence and September 30.

(b)(i) A landowner or lessee must apply to participate in the damage compensation program by submitting a written application to the division that includes:

(A) the applicant's full name, mailing address; and phone number;

(B) the township, range, section, 1/4 section and parcel number of the agricultural land where the prairie dogs will be trapped;

(C) proof that the applicant is the fee title owner or lessee of the agricultural land where the prairie dogs will be trapped; and

(D) the landowner's signature, or the lessee's and landowner's signature when the applicant is the lessee.

(ii) An application to participate in the damage compensation program must be submitted:

(A) to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah 84721; and

(B) between March 1 and March 31, of the year for which compensation is requested.

(iii) Applications for damage compensation will be evaluated by the division and granted based on the:

(A) availability of compensation funding;

(B) number and density of prairie dogs that the division determines are present on the property;

(C) ease and efficiency by which prairie dogs can be trapped and relocated;

(D) availability of release sites;

(E) availability of division personnel and funding to trap and relocate; and

(F) degree of expected damage during the trapping period.

(iv) Nothing herein shall be construed as guaranteeing that an application to participate in the damage compensation program will be granted or that all persons desiring to participate in the program will have the opportunity to do so.

(c) Compensation for prairie dog damage will be based on the following criteria, regardless of the crop involved:

(i) the estimated number of prairie dogs on the property where trapping will occur;

(A) the division will estimate prairie dog numbers by counting visible prairie dogs on the property in the spring, doubling that number to account for adults below ground, and multiplying the result by 3.6 to account for juvenile production.

(ii) each adult prairie dog consuming 0.75 pounds of alfalfa a day and each juvenile 0.375 pounds a day;

(iii) adult prairie dogs causing damage five months per year and juveniles four months per year;

(iv) the market price of alfalfa at the time the contract referenced in Subsection (d) is executed; and

(v) an additional 10% for damage to farming equipment and fences.

~~(b)~~(d) The division ~~may will~~ enter into a written contract with ~~any willing landowner or lessee~~ successful applicants possessing eligible property and a certificate of registration to take prairie dogs on their agriculture land that:

(i) suspends lethal removal efforts by the landowner or lessee while the division attempts to trap prairie dogs on the property and relocate them; and

(ii) identifies the monetary compensation the landowner or lessee will receive from the division for prairie dog damage incurred during the period of suspension.

~~(e)~~(e) All prairie dogs trapped and relocated under a compensation agreement will count against the range-wide prairie dog limit in R657-70-9 and the property's maximum take limit identified on the certificate of registration.

~~(d)~~(f) Once trapping is completed, the division will deduct the number of trapped prairie dogs from the certificate of registration's original take limit and notify the landowner or lessee:

(i) of the adjusted take limit; and

(ii) that removing prairie dogs from the property pursuant to the terms of the adjusted certificate of registration is permitted.

(6) The division may issue a certificate of registration authorizing a landowner or lessee to take prairie dogs dispersing from the property targeted for trapping under Subsections (4) or (5) to other areas of the property or adjacent properties that do not have a preexisting colony.

(7)(a) Only those people specifically identified in R657-70-13 and on a certificate of registration to take prairie dogs on agriculture land may do so.

(b) Take is restricted to the agriculture land owned by the landowner, or leased by the lessee.

(c) Prairie dogs may be taken on agriculture land only with firearms, archery equipment, and kill traps.

(d) Prairie dogs may be taken under this section from June 1 to December 31, and in number not to exceed that identified on the certificate of registration.

(8) A person that takes a prairie dog under this section shall submit a monthly report to the division, as provided in R657-70-15.

R657-70-12. Take of Utah Prairie Dogs on Rangeland.

(1) A person may not take a Utah prairie dog on rangeland without first obtaining a certificate of registration from the division.

(2) A landowner or lessee of rangeland may apply for and obtain a certificate of registration from the division to take prairie dogs damaging rangeland under the same procedures and conditions provided in R657-70-11 for taking prairie dogs on agriculture land, except monetary compensation is not available for rangeland damage.

R657-70-13. Individuals Authorized to Take Utah Prairie Dogs on Federal and Non-federal Lands.

(1) Except as provided in R657-70-8 and R657-70-10(3), only the following individuals may take a Utah prairie dog when take is authorized under the provisions of this chapter:

- (a) landowner;
- (b) lessee, when authorized by the landowner to take prairie dogs on the property;
- (c) immediate family member of the landowner or lessee, when authorized by the landowner to take prairie dogs on the property;
- (d) employee of the landowner or lessee that is on a regular payroll and not hired specifically to take prairie dogs, when authorized by the landowner to take prairie dogs on the property; and
- (e) designee of the landowner or lessee that possesses a certificate of registration from the division, as provided in Subsection (2).

(2)(a) A person other than a landowner, lessee, or their immediate family member, or an employee on a regular payroll not hired specifically to take prairie dogs, may apply for a certificate of registration to take prairie dogs as a designee of the landowner or lessee, provided the application includes:

- (i) the applicant's:
 - (A) full name;
 - (B) complete mailing address;
 - (C) phone number;
 - (D) date of birth;
 - (E) weight and height;
 - (F) gender; and
 - (G) color of hair and eyes;
- (ii) the township, range, section, 1/4 section and parcel number of the agricultural lands where the prairie dogs will be taken;
- (iii) justification for utilization of the designee;
- (iv) the landowner's signature or the lessee's and landowner's signature when the applicant is the lessee's designee; and
- (v) verification that the designee will not pay or receive any form of compensation for taking prairie dogs on the landowner's or lessee's property.

(b) An application for a certificate of registration must be submitted to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah [84721](#).

(c) A maximum of two designee certificates of registration may be issued per landowner and lessee each year.

(d) Each designee application shall be considered individually based upon the information, explanation and justification provided.

(e) An applicant must be at least 14 years of age at the time of application and must abide by the provisions for children being accompanied by adults while hunting with a weapon pursuant to Section 23-20-20.

(f)(i) After review of the application, a certificate of registration may be issued.

(ii) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom it is issued.

(iii) A certificate of registration is not transferrable and must be signed by the holder prior to use.

(g) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.

R657-70-14. Methods of Take.

(1) A person authorized to take a Utah prairie dog under this chapter may lethally remove the animal using any means permitted by state, local, or federal law.

(2) Except as provided in R657-70-8 or as authorized by the division in a certificate of registration, a person may not:

- (a) capture or attempt to capture a prairie dog alive;
- (b) possess a live prairie dog; or
- (c) release a prairie dog to the wild.

R657-70-15. Monthly Reports on Take of Utah Prairie Dogs.

(1) The following information must be reported to the division's southern region office online or at 1470 North Airport Road, Suite 1, Cedar City, Utah 84720, every 30 days:

- (a) the name and signature of the landowner, lessee, or certificate of registration holder;
- (b) the person's certificate of registration number (where applicable);
- (c) the number of prairie dogs taken; and
- (d) the location and method of disposal of each prairie dog taken during the 30-day period.

(2) Failure to report the information required in Subsection (1), within 30 days, may result in the denial of future opportunity to take prairie dogs.

R657-70-16. Take on Protected Land.

(1) Notwithstanding any other provision in this chapter authorizing take of prairie dogs, a person may not take a Utah prairie dog on protected land set aside by contractual agreement or law for the protection and conservation of Utah prairie dogs.

R657. Natural Resources, Wildlife Resources.

R657-19. Taking Nongame Mammals.

R657-19-1. Purpose and Authority.

(1) Under authority of Sections 23-13-3, 23-14-18 and 23-14-19, this rule provides the standards and requirements for taking and possessing nongame mammals.

(2) A person capturing any live nongame mammal for a personal, scientific, educational, or commercial use must comply with R657-3 Collection, Importation, Transportation and Subsequent Possession of Zoological Animals.

R657-19-2. Definitions.

(1) Terms used in this rule are defined in Section 23-13-2.

(2) In addition:

(a) "Immediate family" means the landowner's or lessee's spouse, children, son-in-law, daughter-in-law, father, mother, father-in-law, mother-in-law, brother, sister, brother-in-law, sister-in-law, stepchildren, and grandchildren.

(b) "Nongame mammal" means:

(i) any species of bats;

(ii) any species of mice, rats, or voles of the families Heteromyidae, Cricetidae, or Zapodidae;

(iii) opossum of the family Didelphidae;

(iv) pikas of the family Ochotonidae;

(v) porcupine of the family Erethizontidae;

(vi) shrews of the family Soricidae; and

(vii) squirrels, prairie dogs, and marmots of the family Sciuridae, excluding Utah prairie dogs, *Cynomys parvidens*.

R657-19-3. General Provisions.

(1) A person may not purchase or sell any nongame mammal or its parts.

(2)(a) The live capture of any nongame mammals is prohibited under this rule.

(b) The live capture of nongame mammals species may be allowed as authorized under Rule R657-3.

(3) Section 23-20-8 does not apply to the taking of nongame mammal species covered under this rule.

R657-19-4. Nongame Mammal Species - Certificate of Registration Required.

(1) A certificate of registration is required to take any of the following species of nongame mammals:

(a) bats of any species; and

(b) pika - *Ochotona princeps*.

(2) A certificate of registration is required to take any shrew - Soricidae, all species.

(3) A certificate of registration is required to take a Utah prairie dog, *Cynomys parvidens*, as provided in ~~Sections R657-19-6, R657-19-7, R657-19-8 and R657-19-9, R657-70.~~

(4) A certificate of registration is required to take any of the following species of nongame mammals in Washington County:

(a) cactus mouse - *Peromyscus eremicus*;

- (b) kangaroo rats - *Dipodomys*, all species;
 - (c) Southern grasshopper mouse - *Onychomys torridus*; and
 - (d) Virgin River montane vole - *Microtus montanus rivularis*, which occurs along stream-side riparian corridors of the Virgin River.
- (5) A certificate of registration is required to take any of the following species of nongame mammals in San Juan and Grand counties:
- (a) Abert squirrel - *Sciurus aberti*;
 - (b) Northern rock mouse - *Peromyscus nasutus*; and
 - (c) spotted ground squirrel - *Spermophilus spilosoma*.
- (6) The division may deny a certificate of registration to any applicant, if:
- (a) the applicant has violated any provision of:
 - (i) Title 23 of the Utah Code;
 - (ii) Title R657 of the Utah Administrative Code;
 - (iii) a certificate of registration;
 - (iv) an order of the Wildlife Board; or
 - (v) any other law that bears a reasonable relationship to the applicant's ability to safely and responsibly perform the activities that would be authorized by the certificate of registration;
 - (b) the applicant misrepresents or fails to disclose material information required in connection with the application;
 - (c) taking the nongame mammal as proposed in the application violates any federal, state or local law;
 - (d) the application is incomplete or fails to meet the issuance criteria set forth in this rule; or
 - (d) the division determines the activities sought in the application may significantly damage or are not in the interest of wildlife, wildlife habitat, serving the public, or public safety.

R657-19-5. Nongame Mammal Species - Certificate of Registration Not Required.

- (1) All nongame mammal species not listed in Section R657-19-4 as requiring a certificate of registration, may be taken:
- (a) without a certificate of registration;
 - (b) year-round, 24-hours-a-day; and
 - (c) without bag or possession limits.
- (2) A certificate of registration is not required to take any of the following species of nongame mammals, however, the taking is subject to the provisions provided under Section R657-19-10:
- (a) White-tailed prairie dog, *Cynomys leucurus*; and
 - (b) Gunnison prairie dog, *Cynomys gunnisoni*.

~~R657-19-6. Utah Prairie Dog Provisions.~~

- ~~(1)(a) A person may not take a Utah Prairie dog, *Cynomys parvidens*, without first obtaining a certificate of registration from the division.~~
- ~~(b) A certificate of registration for taking Utah prairie dogs may be issued as provided in Subsection (i) or Subsection (ii), or Subsection (iii), if the taking will not further endanger the existence of the species:~~

~~(i) in cases where Utah Prairie dogs are causing damage to agricultural lands as provided in the rules of the U.S. Fish and Wildlife Service; or~~

~~(ii) as provided in a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service under an approved Habitat Conservation Plan; or~~

~~(iii) as provided under a valid Incidental Take permit issued by the U.S. Fish and Wildlife Service allowing take of Utah prairie dogs on specified private lands as part of an approved conservation agreement enacted between the U.S. Fish and Wildlife Service and the owner of those private lands.~~

~~(c) A person may apply for a certificate of registration at the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720.~~

~~(d) A landowner, lessee, or their immediate family member, or an employee on a regular payroll and not hired specifically to take Utah prairie dogs, may apply for a certificate of registration.~~

~~(e)(i) A person, other than those listed in Subsection (d), may apply for a certificate of registration to take Utah prairie dogs as a designee of the landowner or lessee provided the application includes:~~

~~(A) an explanation of the need for the certificate of registration to be issued;~~

~~(B) justification for utilization of the designee; and~~

~~(C) the landowner or lessee's signature.~~

~~(ii) A maximum of two designee certificates of registration may be issued per landowner or lessee.~~

~~(iii) Each designee application shall be considered individually based upon the explanation and justification provided.~~

~~(f) An application for a certificate of registration must include:~~

~~(i) full name;~~

~~(ii) complete mailing address;~~

~~(iii) phone number;~~

~~(iv) date of birth;~~

~~(v) weight and height;~~

~~(vi) gender;~~

~~(vii) color of hair and eyes;~~

~~(viii) social security number;~~

~~(ix) driver's license number, if issued;~~

~~(x) proof of hunter education certification if the applicant was born after December 31, 1965; and~~

~~(xi) the township, range, section and 1/4 section of the agricultural lands where the prairie dogs will be taken.~~

~~(g) An applicant must be at least 14 years of age at the time of application and must abide by the provisions for children being accompanied by adults while hunting with a weapon pursuant to Section 23-20-20.~~

~~(h) After review of the application, a certificate of registration may be issued.~~

~~(i) A maximum of four certificates of registration may be issued to any landowner or lessee, including those issued to the landowner or lessee's designees.~~

~~(j) A certificate of registration shall be issued on an individual basis and shall be valid only for the person to whom the certificate of registration is issued.~~

~~(k) A certificate of registration is not transferrable and must be signed by the~~

holder prior to use.

~~(1) If the application and permitting process is accomplished by U.S. Mail, the certificate of registration shall only become valid after a copy of the signed certificate of registration is received by the division's southern regional office.~~

~~(2)(a) A person may take Utah prairie dogs with a firearm during daylight hours or by trapping as specified on the certificate of registration.~~

~~(b) A person may not use any chemical toxicant to take Utah prairie dogs.~~

~~(c) In addition to the requirements of this rule, any person taking Utah prairie dogs must comply with state laws, and local ordinances and laws.~~

~~(d) A person at least 14 years of age and under 16 years of age who takes Utah Prairie dogs must be accompanied by an adult with a valid certificate of registration to take Utah Prairie dogs on the same property.~~

~~R657-19-7. Areas Open to Taking Utah Prairie Dogs -- Dates Open -- Limits on Number of Utah Prairie Dogs Taken.~~

~~(1) A person who obtains a valid certificate of registration may take Utah prairie dogs only on private lands within the following counties:~~

~~(a) Beaver;~~

~~(b) Garfield;~~

~~(c) Iron;~~

~~(d) Kane;~~

~~(e) Millard;~~

~~(f) Piute;~~

~~(g) Sanpete;~~

~~(h) Sevier;~~

~~(i) Washington; and~~

~~(j) Wayne.~~

~~(2) Taking of a Utah prairie dog on any land or by any method, other than as provided in the valid certificate of registration, including any public land, is a violation of state and federal law.~~

~~(3) Any person, who is specifically named on a valid certificate of registration, may remove Utah prairie dogs, as provided in the certificate of registration.~~

~~(4) The taking of any Utah prairie dog outside the areas provided in this section is prohibited, except by division employees while acting in the performance of their assigned duties.~~

~~(5) The taking of Utah prairie dogs is limited to the dates designated on the certificate of registration. All dates are confined to June 1 through December 31, except as provided in Subsection R657-19-6(1)(b)(iii).~~

~~(6)(a) A person may take only the total number of Utah prairie dogs designated in the certificate of registration, except as provided in Subsection R657-19-6(1)(b)(iii).~~

~~(b) The total range-wide take of Utah prairie dogs causing agricultural damage is limited to no more than 6,000 Utah prairie dogs annually.~~

~~(c) If the division determines that taking Utah prairie dogs has an adverse effect on conservation of the species, taking shall be further restricted or prohibited.~~

~~R657-19-8. Monthly Reports of Take of Utah Prairie Dogs.~~

~~(1) The following information must be reported to the division's southern regional office, 1470 North Airport Road, Suite 1, Cedar City, Utah 84720, every 30 days:~~

- ~~(a) the name and signature of the certificate of registration holder;~~
- ~~(b) the person's certificate of registration number;~~
- ~~(c) the number of Utah prairie dogs taken; and~~
- ~~(d) the location, method of take, and method of disposal of each Utah prairie dog taken during the 30-day period.~~

~~(2) Failure to report the information required in Subsection (1), within 30 days, may result in the denial of future applications for a certificate of registration to take Utah prairie dogs.~~

~~R657-19-9. Unlawful Possession of Utah Prairie Dogs.~~

~~A person may not possess a Utah prairie dog or its parts, without first obtaining a valid certificate of registration and a federal permit.~~

R657-19-10. White-tailed and Gunnison Prairie Dogs.

(1)(a) A license or certificate of registration is not required to take either white-tailed or Gunnison prairie dogs.

(b) There are no bag limits for white-tailed or Gunnison prairie dogs for which there is an open season.

(2)(a) White-tailed prairie dogs, *Cynomys leucurus*, may be taken in the following counties from January 1 through March 31, and June 16 through December 31:

- (i) Carbon County;
- (ii) Daggett County;
- (iii) Duchesne County;
- (iv) Emery County;
- (v) Morgan;
- (vi) Rich;
- (vii) Summit County;
- (viii) Uintah County, except in the closed area as provided in Subsection

(2)(b)(i);

(ix) Weber; and
(x) all areas west and north of the Colorado River in Grand and San Juan counties.

(b) White-tailed prairie dogs, *Cynomys leucurus*, may not be taken in the following closed area in order to protect the reintroduced population of black-footed ferrets, *Mustela nigripes*:

(i) Boundary begins at the Utah/Colorado state line and Uintah County Road 403, also known as Stanton Road, northeast of Bonanza; southwest along this road to SR 45 at Bonanza; north along this highway to Uintah County Road 328, also known as Old Bonanza Highway; north along this road to Raven Ridge, just south of US 40; southeast along Raven Ridge to the Utah/Colorado state line; south along this state line to point of beginning.

(3) The taking of White-tailed prairie dogs, *Cynomys leucurus*, is prohibited from April 1 through June 15, except as provided in Subsection (5).

(4)(a) The taking of Gunnison prairie dogs, *Cynomys gunnisoni*, is prohibited in all areas south and east of the Colorado River, and north of the Navajo Nation in Grand and San Juan counties from April 1 through June 15.

(b) Gunnison prairie dogs may be taken in the area provided in Subsection (4)(a) from June 16 through March 31.

(5) Gunnison prairie dogs and White-tailed prairie dogs causing agricultural damage or creating a nuisance on private land may be taken at any time, including during the closed season from April 1 through June 15.

R657-19-11. Violation.

(1) Any violation of this rule is a Class C misdemeanor as provided in Section 23-13-11(2).

(2) In addition to this rule any animal designated as a threatened or endangered species is governed by the Endangered Species Act and the unlawful taking of these species may also be a violation of federal law and rules promulgated thereunder.

(3) Pursuant to Section 23-19-9, the division may suspend a certificate of registration issued under this rule.

KEY: wildlife, game laws

Date of Enactment or Last Substantive Amendment: March 3, 2006

Notice of Continuation: August 5, 2013

Authorizing, and Implemented or Interpreted Law: 23-13-3; 23-14-18; 23-14-19

R657. Natural Resources, Wildlife Resources.

R657-3. Collection, Importation, Transportation, and Possession of Animals.

R657-3-24. Classification and Specific Rules for Mammals.

- (1) Mammals are classified as follows:
 - (a) Monotremes (platypus and spiny anteaters), (All species) families Ornithorhynchidae and Tachyglossidae are prohibited for collection, and controlled for importation and possession;
 - (b) Marsupials are classified as follows:
 - (i) Virginia opossum, (*Didelphis virginiana*) family Didelphidae is noncontrolled for collection, prohibited for importation and controlled for possession;
 - (ii) Wallabies, wallaroos and kangaroos, (All species) family Macropodidae are prohibited for collection, importation and possession;
 - (c) Bats and flying foxes (All families, All species) (order Chiroptera), are prohibited for collection, importation and possession;
 - (d) Insectivores (all groups, All species) are controlled for collection, importation and possession;
 - (e) Hedgehogs and tenrecs, families Erinaceidae and Tenrecidae except white bellied hedgehogs are controlled for collection, importation and possession;
 - (f) Shrews, (*Sorex* spp. and *Notisorex* spp.) family Soricidae are controlled for collection, importation and possession;
 - (g) Anteaters, sloths and armadillos (All families, [All species) (order Xenartha), are prohibited for collection, and controlled for importation and possession;
 - (h) Aardvark (*Orycteropus afer*) family Orycteropodidae is prohibited for collection, and controlled for importation and possession;
 - (i) Pangolins or scaly anteaters (*Manis* spp.) (order Philodota) are prohibited for collection and importation, and controlled for possession;
 - (j) Tree shrews (All species) family Tupalidae are prohibited for collection, and controlled for importation and possession;
 - (k) Lagomorphs (rabbits, hares and pikas) are classified as follows:
 - (i) Jackrabbits, (*Lepus* spp.) family Leporidae are noncontrolled for collection, and controlled for importation and possession;
 - (ii) Cottontails, (*Sylvilagus* spp.) family Leporidae are prohibited for collection, and controlled for importation and possession;
 - (iii) Pygmy rabbit, (*Brachylagus idahoensis*) family Leporidae is prohibited for collection, and controlled for importation and possession;
 - (iv) Snowshoe hare, (*Lepus americanus*) family Leporidae is prohibited for collection, and controlled for importation and possession;
 - (v) Pika, (*Ochotona princeps*) family Ochotonidae is controlled for collection, importation and possession;
 - (l) Elephant shrews (All species) family Macroscelididae are prohibited for collection, and controlled for importation and possession;
 - (m) Rodents (order Rodentia) are classified as follows:
 - (i) Beaver, (*Castor canadensis*) family Castoridae is controlled for collection, importation and possession;
 - (ii) Muskrat, (*Ondatra zibethicus*) family Muridae are noncontrolled for collection, and controlled for importation and possession;

- (iii) Deer mice and related species, (*Peromyscus* spp.) family Muridae are controlled for collection, importation and possession;
- (iv) Grasshopper mice, (*Onychomys* spp.) family Muridae are controlled for collection, importation and possession;
- (v) Voles (All genera and species), family Muridae, subfamily Microtinae are controlled for collection, importation and possession;
- (vi) Western harvest mouse, (*Reithrodontomys megalotis*) family Muridae is controlled for collection, importation and possession;
- (vii) Woodrats, (*Neotoma* spp.) family Muridae are controlled for collection, importation and possession;
- (viii) Nutria or coypu, (*Myocastor coypus*) family Myocastoridae is noncontrolled for collection, prohibited for importation and controlled for possession;
- (ix) Pocket gophers (All species, except the Idaho pocket gopher (*Thomomys idahoensis*)) family Geomyidae are noncontrolled for collection, and controlled for importation and possession;
- (x) Pocket mice, (*Perognathus* spp. and *Chaetodipus intermedius*) family Heteromyidae are controlled for collection, importation and possession;
- (xi) Dark kangaroo mouse, (*Microdipodops pallidus*) family Heteromyidae is controlled for collection, importation and possession;
- (xii) Kangaroo rats, (*Dipodomys* spp.) family Heteromyidae are controlled for collection, importation and possession;
- (xiii) Abert's squirrel, (*Sciurus aberti*) family Sciuridae is prohibited for collection, importation and possession;
- (xiv) Black-tailed prairie dog, (*Cynomys ludovicianus*) family Sciuridae is controlled for collection, and prohibited for importation and possession;
- (xv) Gunnison's prairie dog, (*Cynomys gunnisoni*) family Sciuridae is controlled for collection, importation and possession;
- (xvi) Utah prairie dog, (*Cynomys parvidens*) family Sciuridae is prohibited controlled for lethal take, and prohibited for live collection, importation and possession;
- (xvii) White-tailed prairie dog, (*Cynomys leucurus*) family Sciuridae is controlled for collection, importation and possession;
- (xviii) Chipmunks, All species except yellow-pine chipmunk[,] (*Neotamias amoenus*) family Sciuridae are noncontrolled for collection, and controlled for importation and possession;
- (xix) Yellow-pine chipmunk, (*neotamias amoenus*) family Sciuridae is controlled for collection, importation and possession;
- (xx) Northern flying squirrel, (*Glaucomys sabrinus*) family Sciuridae is controlled for collection, importation and possession;
- (xxi) Southern flying squirrel, (*Glaucomys volans*) family Sciuridae is prohibited for collection, importation and possession;
- (xxii) Fox squirrel or eastern fox squirrel (*Sciurus niger*) family Sciuridae is prohibited for collection, importation, and possession;
- (xxiii) Ground squirrel and rock squirrel, and antelope squirrels (All species, All genera), family Sciuridae are controlled for collection, importation and possession, except nuisance squirrels which are noncontrolled for collection;
- (xxiv) Red squirrel, (*Tamiasciurus hudsonicus*) family Sciuridae are controlled

for collection, importation and possession, except for nuisance animals, which are noncontrolled for collection[.];

(xxv) Yellow-bellied marmot, (*Marmota flaviventris*) family Sciuridae is controlled for collection, importation and possession;

(xxvi) Western jumping mouse, (*Zapus princeps*) family Zapodidae is controlled for collection, importation and possession;

(xxvii) Porcupine, (*Erethizon dorsatum*) family Erethizontidae is controlled for collection, importation and possession;

(xxviii) Degus and other South American rodents, family Octodontidae (All species) are prohibited for collection, importation and possession;

(xxvix) Dormice, families Gliridae and Selevinidae (All species) are prohibited for collection, importation and possession;

(xxx) African pouched rats, family Muridae (All species) are prohibited for collection, importation and possession;

(xxxi) Jirds, (*Meriones spp.*) family Muridae are prohibited for collection, importation and possession;

(xxxii) Mice, (All species of *Mus*) family Muridae, except *Mus musculus* are prohibited for collection, importation and possession;

(xxxiii) Spiny mice, (*Acomys spp.*) family Muridae are prohibited for collection, importation and possession;

(xxxiv) Hyraxes (All species) family Procaviidae are prohibited for collection, and controlled for importation and possession;

(xxxv) Idaho pocket gopher, (*Thomomys idahoensis*) family Geomyidae is controlled for collection, importation and possession.

(n) Hoofed mammals (*Artiodactyla* and *Perissodactyla*) are classified as follows:

(i) American bison or "buffalo" wild and free ranging, (*Bos bison*) family Bovidae is prohibited for collection, importation and possession;

(ii) Collared peccary or javelina, (*Tayassu tajacu*) family Tayassuidae is prohibited for collection, importation and possession;

(iii) Axis deer, (*Cervus axis*) family Cervidae is prohibited for collection, importation and possession;

(iv) Caribou, wild and free ranging, (*Rangifer tarandus*) family Cervidae is prohibited for collection, importation and possession;

(v) Caribou, captive-bred, (*Rangifer tarandus*) family Cervidae is prohibited for collection, and controlled for importation and possession;

(vi) Elk or red deer (*Cervus elaphus*), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;

(vii) Fallow deer, (*Cervus dama*), wild and free ranging, family Cervidae is prohibited for collection, importation and possession;

(viii) Fallow deer, (*Cervus dama*) captive-bred, family Cervidae is prohibited for collection, and controlled for importation and possession;

(ix) Moose, (*Alces alces*) family Cervidae is prohibited for collection, importation and possession;

(x) Mule deer, (*Odocoileus hemionus*) family Cervidae is prohibited for collection, importation and possession;

(xi) White-tailed deer (*Odocoileus virginianus*), family Cervidae is prohibited for collection, importation and possession;

- (xii) Rusa deer, (*Cervus timorensis*) family Cervidae is prohibited for collection, importation and possession;
- (xiii) Sambar deer, (*Cervus unicolor*) family Cervidae is prohibited for collection, importation and possession;
- (xiv) Sika deer, (*Cervus nippon*) family Cervidae is prohibited for collection, importation and possession;
- (xv) Muskox, (*Ovibos moschatus*), wild and free ranging, family Bovidae is prohibited for collection, importation and possession;
- (xvi) Muskox, (*Ovibos moschatus*), captive-bred, family Bovidae is prohibited for collection, and controlled for importation and possession;
- (xvii) Pronghorn, (*Antilocapra americana*) family Antilocapridae is prohibited for collection, importation and possession;
- (xviii) Barbary sheep or aoudad, (*Ammotragus lervia*) family Bovidae is prohibited for collection, importation and possession;
- (xix) Bighorn sheep (*Ovis canadensis*) (including hybrids) family Bovidae are prohibited for collection, importation and possession;
- (xx) Dall's and Stone's sheep (*Ovis dalli*) (including hybrids) family Bovidae are prohibited for collection, importation and possession;
- (xxi) Exotic wild sheep (including mouflon, *Ovis musimon*; Asiatic or red sheep, *Ovis orientalis*; urial, *Ovis vignei*; argali, *Ovis ammon*; and snow sheep, *Ovis nivicola*), including hybrids, family Bovidae are prohibited for collection, importation and possession;
- (xxii) Rocky Mountain goat, (*Oreamnos americanus*) family Bovidae is prohibited for collection, importation and possession;
- (xxiii) Ibex, (*Capra ibex*) family Bovidae is prohibited for collection, importation and possession;
- (xxiv) Wild boar or pig (*Sus scrofa*), including hybrids, are prohibited for collection, importation and possession;
- (o) Carnivores (Carnivora) are classified as follows:
 - (i) Bears, (All species) family Ursidae are prohibited for collection, importation and possession;
 - (ii) Coyote, (*Canis latrans*) family Canidae is prohibited for importation, and is controlled by the Utah Department of Agriculture for collection and possession;
 - (iii) Fennec, (*Vulpes zerda*) family Canidae is prohibited for collection, importation and possession;
 - (iv) Gray fox, (*Urocyon cinereoargenteus*) family Canidae is prohibited for collection, importation and possession;
 - (v) Kit fox, (*Vulpes macrotis*) family Canidae is prohibited for collection, importation and possession;
 - (vi) Red fox, (*Vulpes vulpes*) family Canidae, as applied to animals in the wild or taken from the wild, is noncontrolled for lethal take and prohibited for live collection, possession, or importation;
 - (vii) Gray wolf, (*Canis lupus*) except hybrids with domestic dogs, family Canidae is prohibited for collection, importation and possession;
 - (viii) Wild Cats (All species, including hybrids) family Felidae are prohibited for collection, importation, and possession;
 - (ix) Bobcat, (*Lynx rufus*) wild and free ranging, family Felidae is prohibited for

collection, importation and possession;

(x) Bobcat, (*Lynx rufus*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;

(xi) Cougar, puma or mountain lion, (*Puma concolor*) family Felidae is prohibited for collection, importation and possession;

(xii) Canada lynx, (*Lynx lynx*) wild and free ranging, family Felidae is prohibited for collection, importation and possession;

(xiii) Eurasian lynx, (*Lynx lynx*) captive-bred, family Felidae is prohibited for collection, and controlled for importation and possession;

(xiv) American badger, (*Taxidea taxus*) family Mustelidae is prohibited for collection, importation and possession;

(xv) Black-footed ferret, (*Mustela nigripes*) family Mustelidae is prohibited for collection, importation or possession;

(xvi) Ermine, stout, or short-tailed weasel, (*Mustela erminea*) family Mustelidae is prohibited for collection, importation and possession;

(xvii) Long-tailed weasel (*Mustela frenata*) family Mustelidae is prohibited for collection, importation and possession;

(xviii) American marten, (*Martes americana*) wild and free ranging, family Mustelidae is prohibited for collection, importation and possession;

(xix) American marten, (*Martes americana*) captive-bred, family Mustelidae is prohibited for collection, controlled for importation and possession;

(xx) American mink, (*Neovison vison*) except domestic forms, family Mustelidae is prohibited for collection, importation and possession;

(xxi) Northern river otter, (*Lontra canadensis*) family Mustelidae is prohibited for collection, importation and possession;

(xxii) Striped skunk, (*Mephitis mephitis*) family Mephitidae is prohibited for collection, importation, and possession, except nuisance skunks, which are noncontrolled for collection;

(xxiii) Western spotted skunk, (*Spilogale gracilis*) family Mephitidae is prohibited for collection, importation, and possession;

(xxiv) Wolverine, (*Gulo gulo*) family Mustelidae is prohibited for collection, importation and possession;

(xxv) Coatis, (*Nasua* spp. and *Nasuella* spp.) family Procyonidae are prohibited for collection, importation and possession;

(xxvi) Kinkajou, (*Potos flavus*) family Procyonidae is prohibited for collection, importation and possession;

(xxvii) Northern Raccoon, (*Procyon lotor*) family Procyonidae is prohibited for importation, and controlled by the Department of Agriculture for collection and possession;

(xxviii) Ringtail, (*Bassariscus astutus*) family Procyonidae is prohibited for collection, importation and possession;

(xxix) Civets, genets and related forms, (All species) family Viverridae are prohibited for collection, importation and possession;

(p) Primates are classified as follows:

(i) Lemurs, (All species) family Lemuridae are prohibited for collection, importation and possession;

(ii) Dwarf and mouse lemurs, (All species) family Cheirogaleidae are prohibited

for collection, importation and possession;

(iii) Indri and sifakas, (All species) family Indriidae are prohibited for collection, importation and possession;

(iv) Aye aye, (Daubentonia madagasciense) family Daubentonidae is prohibited for collection, importation and possession;

(v) Bush babies, pottos and lorises, (All species) family Lorisidae are prohibited for collection, importation and possession;

(vi) Tarsiers, (All species) family Tarsiidae are prohibited for collection, importation and possession;

(vii) New World monkeys, (All species) family Cebidae are prohibited for collection, importation and possession;

(viii) Marmosets and tamarins, (All species) family Callitrichidae are prohibited for collection, importation and possession;

(ix) Old-world monkeys, (All species) which includes baboons and macaques, family Cercopithecidae are prohibited for collection, importation and possession;

(x) Great apes (All species), which include gorillas, chimpanzees and orangutans, family Hominidae are prohibited for collection, importation and possession;

(xi) Lesser apes (Siamang and gibbons, All species), family Hylobatidae are prohibited for collection, importation and possession;

(2) All species and subspecies of mammals and their parts, not listed in Subsection (1):

(a) and not listed in Appendix I or II of CITES are classified as prohibited for collection and controlled for importation and possession;

(b) and listed in Appendix I of CITES are classified as prohibited for collection and importation and controlled for possession;

(c) and listed in Appendix II of CITES are classified as prohibited for collection and controlled for importation and possession.