



## Utah Prairie Dog 10<sup>th</sup> District Court Mandate Questions and Answers

### **What does this ruling mean?**

The 10<sup>th</sup> Circuit Court of Appeals overturned a 2014 decision of the District Court for the District of Utah that ended Endangered Species Act (ESA) protections for Utah prairie dogs on private lands in the State of Utah. Under the new ruling, management authority returns to the U.S. Fish and Wildlife Service (Service) while the species remains listed under the ESA. Preexisting mechanisms that assist landowners in complying with the ESA (1998 Habitat Conservation Plan (HCP) and the Service's 4(d) rule) will now be reinstated.

### **What if prairie dogs are found in a proposed project site within Iron County?**

If prairie dogs are found in your project site, incidental take authorization is likely needed. To obtain authorization for take of Utah prairie dogs, the 1998 HCP requires the developer to provide a mitigation fee (\$1,000 per acre) to offset the impacts. However, the fees are waived if the developer allows the prairie dogs to be translocated before ground disturbance. Translocations must occur July 1 - August 31.

### **What will be the process for obtaining take authorization for development?**

For projects in Iron County, the first step for take coverage under the 1998 HCP is to contact the UDWR to conduct surveys before any ground disturbance occurs for projects within 1,300 feet of a mapped prairie dog colony. The 1998 HCP is valid until July 31, 2018. The Service is currently working with the State and other partners to prepare a General Conservation Plan (GCP) to replace the 1998 HCP to cover non-federal development projects across the range of the species. This will provide a streamlined mechanism for developers to obtain take permits. For specific details regarding the development authorization process, please contact the UDWR at (435) 865-6100.

### **How will safety situations be handled?**

The Service's 4(d) rule allows the UDWR to trap in areas where Utah prairie dogs create serious human safety hazards or disturb the sanctity of significant human cultural or human burial sites. Please direct safety concerns to the UDWR at (435) 865-6100.

### **How will Utah prairie dogs that are impacting private agricultural lands be managed?**

The Service's 4(d) rule allows lethal control of Utah prairie dogs when permitted by the State in instances of agricultural damage and in order to protect the health, safety, and welfare of the public. Permits are issued by the UDWR from June 15 - Dec 31. Please direct all requests for agricultural control to the UDWR at (435) 865-6100.