



July 14, 2006

Henry R. Maddux, Field Supervisor
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VIA FAX AND CERTIFIED MAIL

Dear Mr. Maddux,

We write regarding the proposed Cedar Ridge Golf Course and Paiute Tribal Land Habitat Conservation Plan (HCP) and accompanying Environmental Assessment (EA) and permit application. We are strongly opposed to this HCP, as it will be a set-back for Utah Prairie Dogs (*Cynomys parvidens*) (UPDs), who are facing extinction. This HCP is little more than an extermination plan. It is unnecessary and presents an additional biological threat to the UPD. The Iron County HCP is county-wide and already covers the Cedar Ridge Golf Course and Paiute Tribal Lands.¹ The proposed HCP is clearly an attempt to significantly increase the amount of take allowed of a species on the brink. While the Iron County HCP allows for 300 UPDs to be relocated annually, this HCP would increase that amount by approximately 150 UPDs per year for two years and a permanent loss of 18 acres of habitat.²

As you know, Forest Guardians and other groups petitioned your agency in 2003 to reclassify the Utah Prairie Dog to Endangered status under the Endangered Species Act. The proposed HCP provides more evidence that the U.S. Fish and Wildlife Service (FWS) is failing to conserve the species or even protect it from extinction. Rather, despite the critically imperiled status of this species, FWS – the agency embued with the responsibility of recovering the species – treats UPDs as a “nuisance” and indeed refers to them this way, despite the desperate biological straits of this small mammal.³

The HCP, EA, and permit application violate the Endangered Species Act (ESA) (16 U.S.C. §§ 1531 *et seq.*), the National Environmental Policy Act (NEPA) (42 U.S.C. §§ 4321 *et seq.*), and the Administrative Procedures Act (5 U.S.C. §§ 701-706.), and should be withdrawn.

¹The EA acknowledges this at p. 15.

²The proposed plan involves moving 204 pdogs from the Cedar Ridge golf course and 84 from the adjacent Paiute tribal land. This is almost 300 UPDs, or 150 per year for 2 years. There are 13.5 acres of UPD on the golf course and 4.5 acres on Paiute tribal land.

³The EA refers to UPDs on page 15 as “nuisance” animals. The EA was prepared by Elise Boeke, an employee of the U.S. Fish and Wildlife Service.

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Biological Status of UPDs

The Utah Prairie Dog is poised on the brink of extinction, with only 9,000 adults left. In the West Desert Recovery area, since 1989, one out of every three UPDs on private lands has disappeared. The West Desert has still not fully bounced back from a severe population crash in 2000. The average complex size in the West Desert has declined since the reclassification of UPDs to Threatened status in 1984. We have attached a biological status report at Appendix A, which is an update of Forest Guardians et al.'s 2003 petition to reclassify the UPD as an Endangered species.⁴

The EA omits discussion of the biological status of the UPD beyond the site of the golf course and the Paiute tribal land. Other than a myopic and cursory glimpse, it does not provide any substantive discussion or rationale for how this HCP meets the requirement that it not preclude the survival and recovery of the species.

Appendix A at Figure 1 indicates that the average complex size in the West Desert from 2001-2005 was 33.92 UPDs. The golf course (at 33 UPDs in 2004) and tribal land (at 38 UPDs in 2004) populations are therefore at or above average. Their loss will likely retard UPD recovery. Furthermore, in conjunction with the Iron County HCP, the proposed HCP may result in significant extirpation of the Utah Prairie Dog. In the context of discussing possible recolonization by UPDs of the golf course, the EA states,

Currently several small, dispersed colonies occur within .25 miles of the Golf Course and the Tribal Land. Although animals from these colonies could travel into the Golf Course HCP area, the likelihood of this decreases with time due to development authorized by the Iron County Habitat Conservation Plan.

See p. 12 of the EA, p. 13 of the HCP. In our estimation, the proposed HCP significantly compounds the biological threat to UPDs from continued municipal development. The HCP fails to minimize and effectively mitigate impacts of UPD take, in violation of the ESA at 1539 U.S.C. § (a)(2)(A)(ii). It also appreciably reduces the likelihood of the survival and recovery of the species in the wild, in violation of the ESA at 1539 U.S.C. § (a)(2)(B)(iv). These violations of the ESA also constitute violations of the APA.

Lethal Control of UPDs

Prairie dogs who are not relocated from the golf course and tribal lands will be killed by body-crushing conibear traps. We do not believe that this is a legal form of taking UPDs. The current special 4(d) rule for UPDs only allows prairie dog shooting. Intentional lethal

⁴See Forest Guardians, Center for Native Ecosystems, Southern Utah Wilderness Alliance, Escalante Wilderness Project, Boulder Regional Group, and Terry Tempest Williams. 2003. "Petition to the U.S. Fish and Wildlife Service to Reclassify The Utah Prairie Dog as an Endangered Species Under the Endangered Species Act." Submitted to FWS on February 3, 2003. By reference, the petition and its attachments are hereby incorporated in their entirety.

trapping of UPDs cannot be construed as a taking “incidental” to another activity, as killing of UPDs would be the purpose of the conibear traps. It is therefore in violation of the ESA at 1539 U.S.C. § (a)(2)(B)(i).

Not only is the use of conibear traps unjustified biologically, it would also be very controversial. The majority of the public opposes trapping, and this majority is likely to be even larger when lethal trapping of a federally protected species is proposed.

Translocation Concerns

Translocation of UPDs has been a serious threat to the species. Translocation success rates (survival rates) for UPDs have generally been less than 5%. At least 20,000 Utah prairie dogs have been lost due to the low rate of translocation success over the past several decades. And while these prairie dogs have primarily been translocated to public lands, there has not been a subsequent increase in public land populations. Nor has relocation success risen appreciably in recent years. For instance, while 1,200 UPDs were translocated to a “high-priority” BLM site, Adams Well, from 1996-1998, the most recent population count for that site is 0.⁵

Under this HCP, those conducting the translocation would include city and tribal staff (HCP at p. 21), the training and qualifications of which are unknown. Translocation of prairie dogs requires extensive training and sensitivity to the well-being of individual UPDs. Nothing in the EA, HCP, or application suggests that adequate care will be taken or skill exercised in the course of translocation. For instance, in the Translocation Guidelines (at Appendix 4 of the HCP), there is minimal, non-committal reference to family groups: “Attempts will be made to place family groups into the same release cage” (Appendix 2 of HCP). While there is a difference of scientific opinion in the importance of keeping family groups together to maximize survival rates, we urge keeping family groups together until the science is more certain.⁶ Relatedly, FWS recommends that 10 animals to be released per burrow. This number is arbitrary and does not specify the need to release family groups into the same burrow.

Equally concerning is that the translocation protocol does not call for buried nest boxes attached to PVC tubing (see Appendix 2 (Diagram for Artificial Burrow Preparation) of Appendix 2 of the HCP). Nest boxes are an essential component for maximizing translocation survival. *See* Appendix B and Long et al. 2005 for diagrams.

FWS’s translocation guidelines also specify that translocation sites must be located on public land or on other land protected under an agreement with FWS. Given the concerns about the non-protective nature of the conservation easement, we urge that FWS develop

⁵See Appendix A and Forest Guardians, Boulder Regional Group, and Center for Native Ecosystems. 2005. “Petition for a Rule to Significantly Restrict Translocation of Utah Prairie Dogs & to Terminate the Special 4(d) Rule Allowing Shooting of Utah Prairie Dogs.” Submitted to the U.S. Fish and Wildlife Service on February 2, 2005. By reference, the petition and its attachments are hereby incorporated in their entirety.

⁶See Long, Dustin, Kristy Bly-Honness, Joe C. Trueet, and David B. Seery. 2006. “Establishment of New Prairie Dog Colonies by Translocation.” In Conservation of the Black-tailed Prairie Dog. Ed. John Hoogland. Washington, DC: Island Press. Pp. 188-209 vs. Shier, Debra M., Box 13.1 in same volume.

a formal agreement or require a more restrictive conservation easement in order to meet FWS's own standard for which lands UPDs should be translocated to. However, our preference is that you withdraw this unnecessary and harmful HCP altogether.

Other concerns about your translocation protocol include:

- Setting 400 as a minimum number of prairie dogs to relocate is very high. Prairie dogs have been successfully relocated at numbers far lower than this. Researchers suggest a minimum of 60-100 prairie dogs.⁷
- Peanut butter should be used as a last resort as it can cause diarrhea leading to dehydration and potential death.
- Trapped prairie dogs should be removed from the wire trap and placed into kennels with timothy hay. All kennels should be covered. This measure ensures less stress for the prairie dog and allows the trap to be put back into use on the field.
- All traps used should be number 30 Wildcat Tru-Catch traps.
- There is no mention of injured prairie dogs. Injured prairie dogs must be immediately taken to a wildlife rehabber where the animal can be treated and released back into the colony after injuries are fully healed.
- We urge that all prairie dogs will be released into their burrows within their same coterie only and no more than six prairie dogs should be placed into one nest box unless it is enlarged.
- If a technician is unsure which coterie a male prairie dog belongs to, that male will get his own burrow system on the outer edge of the colony. Placing males in the best position to avoid territorial fighting will also increase translocation success rates.
- Release cages will be removed from the burrow three days after the prairie dogs have been released into their new home.

Concerns About Survival of Utah Prairie Dogs at Wild Pea Hollow

The primary mitigation for the massive take proposed at the Cedar Ridge Golf Course and Paiute Tribal Land is those prairie dogs that are removed will be translocated to a 303.47-acre property owned by Iron County and on which a conservation easement has been or is to be donated to the Utah Department of Natural Resources. This mitigation will likely fail, for the reasons we outline below. The EA therefore violates NEPA by failing to provide adequate mitigations.⁸

⁷See Long et al. 2005.

⁸In order to comply with NEPA, FWS must analyze how specific mitigation measures will reduce likely impacts from the Proposed Action. As the court stated in National Audubon Society v. Hoffman, 132 F.2d 7, 17 (2nd Cir. 1997), mitigation measures relied upon to conclude that impacts would be reduced below levels of significance must be supported by "substantial evidence." There, the court set aside a Forest Service FONSI determination because the agency provided no assurance that the mitigation measures would be effective. Federal Courts have upheld these requirements. See Robertson v. Methow Valley, 490 U.S. at 352 ("[M]itigation [must] be discussed in sufficient detail to ensure that environmental consequences have been fairly evaluated..."); Communities, Inc. v. Busey, 956 F.2d 619, 626 (6th Cir. 1992) (same). "[M]ere listing of mitigation measures is insufficient to qualify as the reasoned discussion required by NEPA" Idaho Sporting Congress v. Thomas, 137 F.3d 1146, 1151 9th Cir. 1998 (emphasis added) (remanding analysis to agency for failure to undertake EIS). See also Neighbors of Cuddy Mountain v. United States Forest Service, 137 F.3d 1372, 1381 (9th Cir. 1998) (setting aside EIS on

Conservation Easement. We are deeply concerned that the conservation easement held or to be held by the UDNR will not ensure the survival or conservation of UPDs at Wild Pea Hollow. The easement allows for agricultural and recreational uses to occur which can degrade UPD habitat. These include: ranching, farming, hunting, and equestrian uses. Farming use includes growing crops and sod-busting.⁹ The easement allows for new roads to be constructed (contingent on the approval of UDNR). Importantly, because the State of Utah retained title to coal and all other mineral deposits when it sold the parcel to Iron County in 2003 (*See Conservation Easement Deed at Exhibit A*), it appears that this conservation easement allows mineral development to occur.¹⁰

The easement also provides that the UDNR can grant public access for hunting, trapping, fishing, and other recreational activities. However, hunters might illegally shoot UPDs, and traps set for other animals may indiscriminately kill or harm UPDs. Off-road vehicle use will be allowed on Wild Pea Hollow under this easement, despite impacts – such as increased access for poachers and habitat degradation – to UPDs from this activity.¹¹ Predator control will continue to be legal on this parcel. This suggests at least two things: Iron County and UDNR are not envisioning the restoration of the UPD ecosystem, with all of its naturally occurring members, including predators; and predator-hunters may poach UPDs. Certainly, there is a long history of those targeting “varmints” to kill both predators and perceived “pests.”

In Forest Guardians et al.’s 2003 petition to reclassify the UPD to Endangered status, there is extensive discussion of the negative impacts of livestock grazing on this species. *See pp. 57-75.* Yet, livestock grazing will continue at Wild Pea Hollow. The Bureau of Land Management exchange-of-use grazing agreement that applies for the term from July 1, 2003-June 30, 2008 to this parcel authorizes Scott A. Stubbs to graze 21 sheep from 12/1 to 3/31 (*See Conservation Easement Deed Exhibit C*).

While the EA states that grazing at Wild Pea Hollow “might be altered” if necessary for UPDs (see p. 14), this is not legally binding language. Later in the EA (p. 16), FWS asserts that livestock grazing at Wild Pea Hollow “has minimal impacts to wildlife,” thus revealing that they are unlikely to be critical of this land use’s impact on the UPD, despite the many ways in which livestock grazing harms this imperiled species.

Moreover, the easement will allow for use of agrochemicals, including herbicides, pesticides, and even **rodenticides**. The use of rodenticides in an area supposedly set aside

grounds that the US Forest Service’s mitigation analysis contained only “broad generalizations and vague references”).

⁹While the Conservation Easement Deed at Section III, Subsection O prohibits additional sodbusting, it excepts those activities provided in Section I, Subsection E, which include growing crops, which may include sodbusting.

¹⁰The Conservation Easement Deed states at Section V, Subsection K that “To the extent Grantor owns or controls the mineral estate on the Property, the follow restrictions apply” and lists a variety of mineral extraction activities. However, because Grantor (Iron County) does not appear to own or control the mineral estate, these prohibitions would seemingly not be applicable.

¹¹See Forest Guardians et al. 2003 at pp. 76-79 for a discussion of harms from off-road vehicles to UPDs.

for a federally protected rodents makes no sense and further suggests that the priority at Wild Pea Hollow will not be UPDs. Rather, it will be a casual dumping ground to dispose of unwanted prairie dogs.

Habitat Conditions. Of the 303.47 acres at Wild Pea Hollow, 198.47 acres are potential UPD restoration habitat, as 19 acres are already occupied by UPDs and 86 acres are unsuitable for prairie dogs due to rocky conditions and steep hill sides (*See Exhibit D of Conservation Easement Deed*). However, there are several conditions at the site which may hinder or obstruct the success of prairie dog restoration.

First, the area is infested with cheatgrass. In a letter dated May 7, 2004, the Utah Division of Wildlife Resources (UDWR) states “Cheatgrass has taken over, and has been a detriment to the recovery of native plants in the area.” In their Cultural Resources Summary, UDWR states, “Vegetation in the area is mostly cheatgrass and some sagebrush...” (*See Environmental Assessment at Appendix B*). The only quantified vegetative data provided in the permit application, EA, and HCP is dated August 19, 1999 and is therefore outdated. However, it shows that the dominant plant species (including all grasses, shrubs, and forbs) is cheatgrass, constituting 15-18% of plant cover on the site. The second highest value is for intermediate wheatgrass, at 7.5% (*See Exhibit D of Conservation Easement Deed*). Forest Guardians et al. (2003) discussed in the petition to reclassify the UPD the difficulties cheatgrass proliferation poses for UPDs. *See pp. 64-70.*

Second, while UPDs require deep soils, there is a caliche layer at approximately 14” below the soil surface.¹² Prairie dogs need to be able to burrow down several feet to get below frost line and to escape predators.¹³ There is conflicting evidence on whether caliche hinders prairie dog burrowing,¹⁴ but in the face of uncertainty, the benefit of the doubt should go to the UPD. UPD populations are currently faring quite well at the golf course, while their fate upon relocation to Wild Pea Hollow is uncertain. They should not be moved, but protected where they currently exist.

Enforceability of HCP. There does not appear to be a requirement for successful vegetative restoration at Wild Pea Hollow prior to removal of the golf course UPDs. Alternatively, the HCP states at p. 12 that removal from tribal lands will not commence until successful vegetation efforts occur at Wild Pea Hollow or until Wild Pea Hollow population counts reach 70 UPDs for two years. It is unclear whether UPDs would then

¹²The Conservation Easement Deed at Exhibit D (baseline data inventory) describes the caliche layer at 14 inches below the soil surface.

¹³Indeed, the HCP acknowledges at p. 11 the need for UPDs to burrow deeply enough to escape environmental and temperature extremes. *See also Translocation Guidelines (Appendix 2 to HCP)*.

¹⁴In the Recovery Plan, FWS considers caliche as limiting prairie dog burrowing, but other research has documented effective burrowing. *See U.S. Fish and Wildlife Service. 1991. “Utah prairie dog recovery plan.” U.S. Fish and Wildlife Service, Denver, CO. 41 pp. and Bowns, James E., Brent C. Palmer, Al Tait, and Dean Winward. 1998. “Vegetation and soil descriptions of selected prairie dog sites in southwestern Utah.” Unpublished report submitted to the Bureau of Land Management, January 1998. The question remains whether caliche would be limiting on a translocation site, where UPDs generally don’t have the advantage of a long-established burrow system.*

be moved to Wild Pea Hollow without adequate vegetation restoration success. It is also unclear whether the 70 UPDs include prairie dogs already at Wild Pea Hollow.

The HCP states that if the “vegetation response is not adequate to provide UPD habitat” and if the target of 70 animals for two consecutive years is not met, interagency biologists will meet to discuss further efforts. The HCP states that appropriate actions will be recommended to the permittees (p. 17). It is not clear whether these “recommendations” are binding.

Similarly, in the event of unforeseen circumstances, significant diversions from the proposed HCP necessary to respond to those circumstances require the consent of the permittee (p. 18). If the permittee does not consent, it appears that the UPD’s best interests would be sacrificed. The Implementing Agreement (Appendix 5 to the HCP) provides for “No surprises” assurances, which have been struck down in federal court. This HCP should not include a No surprises provision.

The HCP also states that major amendments to the HCP can be proposed by any signatory to FWS and those amendments would be reviewed by the inter-agency Implementation Committee (p. 21). We maintain that major amendments must be subjected to NEPA and public review.

Failure to Take a Hard Look at Environmental Consequences of HCP

We described above the critically imperiled state of the UPD and how this HCP will further imperil the species. FWS has failed to consider this environmental consequence, in violation of both the ESA and NEPA. In addition, FWS describes the HCP as permanently impacting 18 acres of occupied habitat and 257 acres of potential habitat in exchange for permanently protecting 303 acres of habitat elsewhere (EA at p. 2). However, it is clear that the conservation easement offers insufficient protection and fails to protect 303 acres of habitat elsewhere, as at least 86 acres of that is not suitable for UPDs. Indeed, given the cheatgrass infestation at Wild Pea Hollow, an even higher number of acres may be unsuitable for UPDs.

The EA’s statement that the loss of occupied habitat and individual prairie dogs would not be significant as it is being offset by protection and restoration at Wild Pea Hollow and by relocation understates the environmental impacts of the HCP, given the poor habitat conditions at Wild Pea Hollow, the lack of legal protections on that site, and the probability that most, or possibly all, of the relocated UPDs will not survive.

In addition, FWS has failed to adequately consult on impacts of this HCP to bald eagles and has failed to meaningfully consider the loss of the prairie dog prey base to wintering bald eagles. Bald eagles rely on prairie dogs in some areas for prey. The EA only briefly mentioned eagles and did not discuss the prey base issue.

Relatedly, the EA fails to mention the keystone role played by the Utah Prairie Dog. Loss of UPDs – through failed translocation and lethal control – will harm wildlife and other

species associated with prairie dogs and their towns. *See* Forest Guardians et al. 2003 at pp. 9-12. The EA also fails to mention what will happen to non-target wildlife at the golf course and tribal lands in either the relocation or burrow-filling stages of this HCP. This needs to be discussed in a revised EA.

Inadequate Consideration of Cumulative Impacts

The EA fails to adequately consider cumulative impacts to UPDs from the proposed HCP. It fails to address the cumulative loss of UPDs from translocation and the continued harms to UPD habitat from private, state, and federal land management.

Alternatives to the Proposed Action

As we mentioned previously, the proposed action is unnecessary. UPDs can already be translocated under the Iron County HCP. Furthermore, we urge more tolerance, particularly by the Cedar Ridge Golf Course. The golf course includes 503 acres, only 2% of which (13.5 acres) is occupied by prairie dogs. And the prairie dogs have resided on the golf course for 13 years. There is no major emergency to warrant a massive increase in translocation and lethal take. Moreover, given the heavy use of the golf course described in the HCP and accompanying documents, it doesn't appear that the prairie dogs are slowing down business there. Indeed, the EA states at p. 20, that under the no action alternative, "Activities previously occurring would likely continue at both the Golf Course and the tribal lands for recreational and other uses..."

The EA also fails to meaningfully consider the use of visual barriers. Visual barriers have been effectively used to control prairie dog movement. Visual barriers could make Alternative 2 (retaining 8-10 acres of UPDs at the golf course) more feasible. Yet, on p. 23 of the HCP, FWS maintains that visual barriers are extremely difficult for use in keeping areas free of UPDs. FWS thus stacks the deck against this alternative in order to pursue the extirpation alternative, at the expense of UPD survival and recovery.

Other Errata

The EA describes Wild Pea Hollow as owned by the State Institutional Trust Land Administration (*See* p. 9). However, it appears from the conservation easement that it is owned by Iron County. The HCP corresponds with the conservation easement (p. 14).

The EA states that unlike the proposed alternative, under Alternative 2, Wild Pea Hollow could be exposed to mineral development (p. 17). Yet, as described above, the area may still be unprotected from mineral development under the proposed alternative.

At p. 10, the HCP describes a downlisting petition by the UDWR, submitted in 1979. However, that was actually a delisting petition.

The biological description in the HCP (at p. 11) fails to incorporate the best available science on UPD reproduction. *See* Forest Guardians et al. 2003 at pp. 19-21.

Conclusions

The EA and HCP should be withdrawn, given their numerous violations of the ESA, NEPA, and the APA, and the lack of a legitimate justification for such a significant increase in take of a listed species. We urge FWS to fulfill its duties to conserve – i.e., recover – this species, rather than subscribe to the outdated perception of the UPD as a nuisance species to be controlled.

Sincerely,

Nicole J. Rosmarino, Conservation Director
Forest Guardians
On behalf of:

Richard P. Reading, Ph.D., Associate Research Professor
University of Denver

Monica Engebretson, Project Director
Animal Protection Institute

David B. van Hulsteyn, Ph.D., Representative
People for Native Ecosystems

Erin Robertson, Staff Biologist
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Judy Enderle, Representative
Prairie Preservation Alliance

Christopher R. Jones, Operations and Programs Coordinator
Rocky Mountain Animal Defense

Appendix A: Utah Prairie Dog Status Update, January 27, 2006, prepared by Forest Guardians

This overview provides an update on the population trends analysis for the Utah prairie dog that what we reported in Forest Guardians et al.'s our February 2003 petition to reclassify this species as Endangered under the federal Endangered Species Act and in our February 2, 2004 Notice of Intent to Sue over the US Fish and Wildlife Service's failure to provide either 90-day or 12-month findings on that petition.

Update on Estimates from 2003 Petition

Petition description of rangewide population trend: Utah prairie dog populations have dwindled from 95,000 UPDs historically to a census count of only 4,217 in 2001.

2005 Update: Since 2001, the total census for Utah prairie dog adults has exhibited an unstable trend. In 2002, it rose to 4,994. In 2003, it decreased to 3,741, the lowest count since 1995. In 2004, it increased slightly to 4,084, not yet recovering from the decline in census count of 29% between 2000 and 2001. In 2005 UDWR reports a total count of 4,451.

Petition description of West Desert population trend: In the West Desert Recovery Area, only 3,240 UPDs were counted in 2001, down by over 1,200 prairie dogs from the previous year. Between 2000 and 2001, one out of three prairie dogs disappeared from public lands in the West Desert. Some 78% of UPDs in the West Desert are located on private lands, which have also experienced massive declines in recent years: from 3,501 in 2000 to 2,540 in 2001, a decrease of some 27.5%. Since 1989, almost one out of every three prairie dogs on private lands in this recovery area is gone.

On U.S. Bureau of Land Management (BLM) sites classified under a recent conservation strategy, eleven of fifteen sites have been extirpated or are marginal, small, or declining populations. One of the remaining complexes has moved onto private land and the other is the Adams Well Demonstration Site. While the agencies may consider the Adams Well site a successful example of the efficacy of translocation, 1,200 Utah prairie dogs have been translocated to that site, yet only 60 UPDs have been counted there as of Spring 2002. Unclassified sites have not flourished, either. Rather, six are extirpated, marginal, small, or declining. On state lands in the West Desert, nearly one out of every two prairie dogs has disappeared over the past eight years of census data. These site-specific accounts form a bleak story of UPD complex decline and extirpation, which stands in contrast with the supposed stronghold West Desert federal lands represent for the future of the Utah prairie dog.

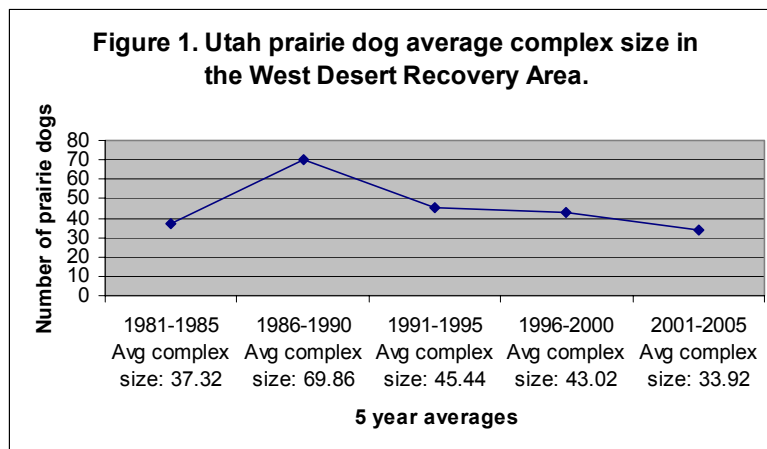
2005 Update: The total census count for the West Desert has still not recovered to its 2000 levels. In 2002, the count was 3,852. In 2003, there was a substantial decline to 2,518. In 2004, there was a slight increase to 3,058. And in 2005, the count was 3,238, only 72% of the 2000 count. There has been an unstable trend

on private lands in the West Desert since 2001. While there was an increase in 2002 to 2947, there was a subsequent decrease to 1,838. There was an increase to 2,311 in 2004, and 2,639 in 2005. The 2005 private land count was still only 75% of the 2000 count.

On U.S. Bureau of Land Management (BLM) sites classified under a recent conservation strategy, nine had zero, marginal (fewer than 10 UPDs counted), or small (fewer than 20) census counts in 2005. Of these, five of fifteen had zero counts in 2005 and may be extirpated, three sites had marginal populations, and one had a small population in 2005. Of the remaining six sites, one (#104) had a larger population in 2005 than in 2004, but its 2005 count was still lower than every year between 1994-2003. Another complex had an unstable trend (#116).

There are now 0 UPDs on the Adams Well site. Eight unclassified sites are now either extirpated or have marginal populations. The entire West Desert state land count for UPDs is an abysmal 9.

In addition, average complex size in the West Desert has suffered drastic declines since downlisting in 1984 (Figure 1). These smaller colonies are more vulnerable to extirpation from events such as plague, poisoning, shooting, predation, drought, and habitat deterioration.



In short, the picture is even bleaker for the West Desert than when we filed our petition.

Petition description of Paunsaugunt population trend: In the Paunsaugunt Recovery Area, the 2001 census count was 735 prairie dogs on all land ownerships. This is the lowest count across all years of census data except 1979 and 1990 (a year in which no counts were conducted on private land). Over 75% of UPDs in the Paunsaugunt are on private lands, versus 16% on federal lands. This is a substantial decrease from 1991-1992 when 42-46% of UPDs in this recovery area were on federal lands. Of the two UPD sites on BLM land in the Paunsaugunt, both have marginal or small populations. On all eight

complexes on USFS land in the Paunsaugunt, UPD populations are extirpated, marginal, have lower populations than in the past, and/or are likely to face recurring plague epizootics in light of past population crashes. Both Utah prairie dog complexes in Bryce Canyon National Park are marginal or declining. There has also been a dramatic decline of prairie dogs on state lands in this recovery area, from 154 prairie dogs counted in 1994 to only 58 prairie dogs recorded in 2001. The 2001 count of 557 UPDs on private land was lower than that recorded for every year after 1984.

2005 Update: The census count for this recovery area is now only 642 across all land ownerships. **The UPD is disappearing very quickly within this recovery area, with the 2005 total census count nearing an all-time low.** Declines are especially significant on private lands, with a steady decline in every year since 1993. In 2005, two-thirds (14 of 21) of the public land complexes had either zero counts (10) or marginal counts (4). Of the other seven public lands complexes, all demonstrated unstable trends, with both decreases and increases since we filed our petition. There has, however, been an upward trend since 1998 on state lands in the Paunsaugunt. This is not enough, however, to avoid the conclusion that UPDs in this recovery area are in dire, declining, straits.

Petition description of Awapa Plateau population trend: The depressed state of Awapa Plateau populations has been acknowledged as dangerously low since at least 1995. The downward spiral has accelerated, as the 2001 spring census indicated only 208 UPDs, down from 353 counted in 1998, and 369 censused in 1996. Out of the seven UPD sites on BLM lands in the Awapa Plateau, all are extirpated, marginal, small, or declining. Out of the five UPD sites on the Dixie National Forest, all have been extirpated or are extremely marginal. All four Utah prairie dog complexes on the Fish Lake National Forest are either extirpated or marginal. The sole UPD complex on National Park Service (NPS) land in the Awapa Plateau has disappeared. Both complexes on state lands in the Awapa Plateau have been marginal since 1991. The one prairie dog site on land owned by the Utah Division of Wildlife Resources (UDWR) has likely been extirpated. In addition, on the Awapa Plateau, there has been a drastic decrease in prairie dogs on private lands. In 2001, the census count on private lands was 68 UPDs, down from every year from 1985-2000. The 2001 census count was only 23.3% of the count the prior year, and a mere 8.7% of the census two years prior. Only three complexes on the Plateau had steady increases from 1984-2002 or 1991-2002, versus thirteen sites showing declines and 8 sites likely extirpated.

2005 Update: The total census count for this recovery area has increased since 2001, with the 2005 count double that in 2001. The total count is, however, still low, at 571 UPDs. Out of the seven UPD sites on BLM lands in the Awapa Plateau, four are extirpated, marginal, small, or declining. Four of the five UPD sites on the Dixie National Forest had zero census counts in 2005. All four Utah prairie dog complexes on the Fish Lake National Forest had zero census counts in 2005. The sole UPD complex on National Park Service (NPS) land in the Awapa Plateau remains extirpated. Both complexes on state lands in the Awapa Plateau are either small or extirpated. The one prairie dog site on land owned by UDWR

is extirpated. There have been unstable trends on private lands counts, with both decreases and increases since we filed our petition. While the 2005 count was an increase from 2004, it was also lower than counts in 1991-1998, 2000, 2002, and 2003.

Update on Estimates from Notice of Intent to Sue

Notice of Intent to Sue description of West Desert population trends: From 2002 to 2003, out of 26 public land complexes, 23 either declined or had a marginal population count (under 10 individual prairie dogs). Eight of these complexes had counts of zero.

2005 Update: From 2002 to 2005, out of 26 public land complexes, 17 had either zero, marginal, or small census counts. Eight others demonstrated unstable trends, with both decreases and increases over this period.

Notice of Intent to Sue description of Paunsaugunt population trends: Out of 22 complexes, half (11) had zero counts or no counts. Six other complexes either declined from 2002 to 2003 or had marginal counts (under 10 individuals) in 2003.

2005 Update: As of 2005, out of 21 complexes, ten had zero counts. One complex no longer appears on census data. Four other complexes had marginal population counts.

Notice of Intent to Sue description of Awapa Plateau population trends: While there were some increases of public land complex census counts in 2003, only nine of the 24 public land complexes in this recovery area had census counts or contained over 10 individual prairie dogs across the entire recovery area. Half of the public land complexes (12 of 24) had zero counts.

2005 Update: As of 2005, only seven of the 24 public land complexes had census counts or contained over 10 individual prairie dogs. Fifteen of the public land complexes – 62.5% - had zero counts.

What this information continues to demonstrate is that the Utah prairie dog recovery program remains in crisis. We outlined in detail in our reclassification petition the reasons for this, included a flawed recovery plan, an indefensible special 4(d) rule, and premature downlisting. The Utah prairie dog meets the definition of an Endangered species as it is “in danger of extinction throughout all or a significant portion of its range” (16 USC § 1532(6)).

Appendix B: Prairie Dog Nest Box. Courtesy of Prairie Preservation Alliance.

At the end of plastic tubing, a manufactured prairie dog nest chamber should be attached to the tubing. Nest boxes are best when made out of natural yet durable materials such as untreated ply wood.

Prairie Dog House

Notes:

1. Drawing to scale.
2. All dimensions are in inches.
3. Corner break-out to show corner blocks.
4. Dotted lines are hidden object lines.

Materials:

Plywood: 3/8"

- Top: 1 - 10 x 24
- Bottom: 1 - 10 x 24
- Side: 2 - 7 1/4 x 24
- Front: 1 - 9 1/4 x 7 1/4

Hardboard: 1/4"

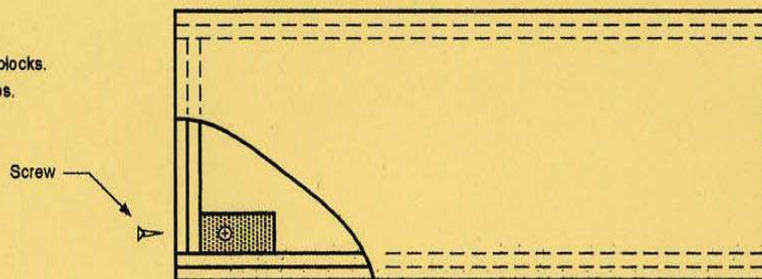
- Back: 1 - 9 1/4 x 7 1/4

Corner Blocks:

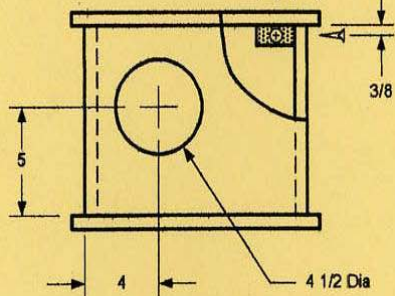
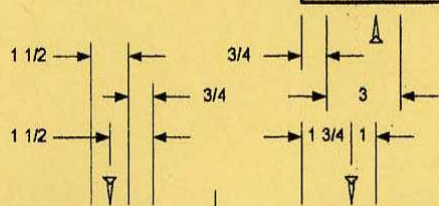
- 8 - 3/4 x 1 1/2 x 3

Screws: #8 x 3/4"

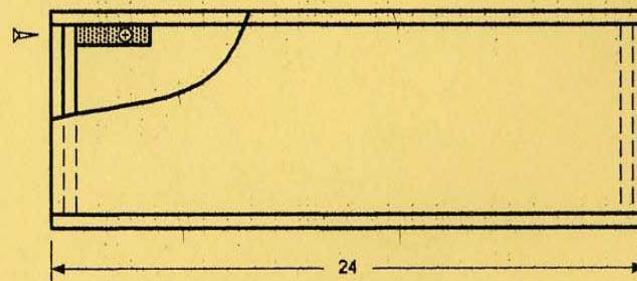
- 3 per corner = 24 total



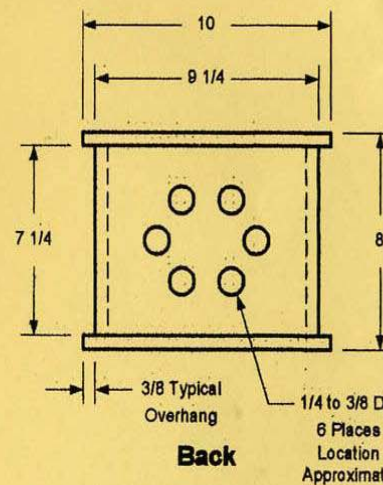
Top



Front



Side



Back

Designed by: Jim and Judy Enderle
 Drawn by: James Blampied
 Date: Oct 15/2001 Revision: 1