

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Reclassify the Utah Prairie Dog as Threatened, With Special Rule To Allow Regulated Taking

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service reclassifies the Utah prairie dog (*Cynomys parvidens*) from endangered to threatened status under the Endangered Species Act of 1973, and issues a special regulation that allows a maximum of 5,000 animals of this species to be taken annually between June 1 and December 31 in parts of the Cedar and Parowan Valleys in Utah under a permit system developed by the Utah Division of Wildlife Resources. Such taking is in the best interest of the conservation of the Utah prairie dog, and will not be allowed to be inconsistent with the conservation of the populations in question. These populations have increased substantially in recent years, and are now straining the carrying capacity of available habitat in the Cedar and Parowan Valleys. They are thus vulnerable to outbreaks of disease (sylvatic plague) such as have occurred among overcrowded rodents elsewhere. There is also a serious conflict developing between these populations and human agricultural interests, which will result in antagonism from local ranchers, and possibly mass illegal killing of prairie dogs as unwanted nuisances. A program of transplanting prairie dogs onto public lands has not been able to keep up with the population expansion or relieve the population pressures. Regulated taking is now seen as the only way to relieve the situation in the Cedar and Parowan Valleys.

EFFECTIVE DATE: This rule is effective May 29, 1984 because it is necessary for the State of Utah to begin control of excess populations by June 1, 1984.

ADDRESSES: The complete file for this rule is available for inspection by appointment during normal business hours at the Service's Regional Office, 134 Union Boulevard, 4th floor, Lakewood, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Galen Buterbaugh, Regional Director, U.S. Fish and Wildlife Service, Region 6, Denver, Colorado (303/234-2209), or John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Utah prairie dog (*Cynomys parvidens*) was listed as an endangered species on June 4, 1974 (38 FR 14678), pursuant to the Endangered Species Conservation Act of 1969. On November 5, 1979, the Utah Division of Wildlife Resources petitioned the U.S. Fish and Wildlife Service to remove the Utah prairie dog from the U.S. List of Endangered and Threatened Wildlife. The Service found that this petition contained substantial data and a proposal to reclassify the species from endangered to threatened status was published May 13, 1983 (48 FR 21604).

The Utah prairie dog is a burrowing rodent in the squirrel family (Sciuridae) that occurs only in southern Utah. Its total numbers were estimated to be about 95,000 in the 1920's (Turner, 1979), compared to an estimated 10,000 adult animals in the spring of 1982 (note: this figure is derived from the Utah Division of Wildlife Resources 1982 spring census total of 5,731 animals; according to Crocker-Bedford (1975), this census total needs to be doubled to obtain a valid population estimate since only 40 to 60 percent of the animals are above ground and counted during any census survey). This decline was caused by human-related habitat alteration and poisoning which resulted from the belief that prairie dogs compete with domestic livestock for forage. At present, the Utah prairie dog is still threatened over much of its range by loss of habitat to human residential and agricultural development.

The Utah prairie dog, however, is not in danger of extinction. Despite the above problems, overall numbers have increased since 1972. The total area occupied by the Utah prairie dog at present encompasses some 456,000 acres. This acreage is a rough estimate created by drawing a polygon around groups of prairie dog colonies, since no exact acreage figures are available. Thus, the actual area occupied by colonies would be somewhat less. The spring estimate of the number of adult animals in the Cedar and Parowan Valleys (encompassing about 113,000 acres in eastern Iron County), actually increased from 1,200 in 1976 to 7,300 in the spring of 1982. It should be clearly noted at this point that these population estimates are deceptive. They are based on early spring censuses and constitute only the adult animals that have successfully survived the winter. In the summer, after the young are born and become active, the numbers of Utah prairie dogs are much higher. This is the time at which it is necessary to reduce

population pressures in the Cedar and Parowan Valleys. Female Utah prairie dogs give birth to an average of 4.8 young in April (Pizzimenti and Collier, 1975).

Assuming that 1/2 the adult population is female and each produces an average annual litter of only 4 young, the total adult and juvenile population of the species throughout its whole range in the summer would be at least 30,000 animals (5,000 adult females \times 4 pups + 10,000 adults). In the Cedar and Parowan Valleys alone, the summer population would be well in excess of 20,000 animals (3,650 females \times 4 pups + 7,300 adults). The adult prairie dogs cease surface activity in late August and September, but the young animals continue surface activity and feeding for several months thereafter. These young prairie dogs suffer a high mortality rate in the fall and winter, but those that do survive over the winter contribute to the steady increase in the numbers of adult Utah prairie dogs noted since 1976. The problem that has developed is that the large number of juvenile animals added annually each summer to the expanding population is straining the carrying capacity of available habitat in the Cedar and Parowan Valleys. With such high population densities there may also be a greater danger of the outbreak of disease, sylvatic plague (Collier and Spillett, 1972).

In addition, there is serious conflict in the Cedar and Parowan Valleys between the Utah prairie dog and human agricultural interests. About 62 percent of all Utah prairie dog colonies occurred on private land in 1982; about 88 percent of the total number of animals occurred on private land. In the Cedar and Parowan Valleys, 98 percent of all prairie dogs occur on private land. The major crop on this private land is alfalfa, which is also a preferred food of the prairie dog. Crop losses are extensive where large prairie dog towns have developed; the prairie dog mounds damage haying equipment and the burrows drain irrigated fields. It is estimated that the large summer populations of these prairie dogs cost local ranchers 1.5 million dollars annually in crop losses and damage to equipment (Ivan Matheson, Utah State Senator, Pers. Comm.). The Utah Division of Wildlife Resources (Pers. Comm., 1984) feels that ranchers in the area will not continue to tolerate such large losses annually. Sooner or later they will take matters into their own hands and begin to illegally kill prairie dogs using methods which will have a far more catastrophic effect on the population. Farmers in the area

traditionally poisoned, shot, or trapped nuisance prairie dogs. Since the Utah prairie dog has been protected by the Endangered Species Act of 1973, however, these methods of control have no longer been legal. The populations continue to expand into previously unoccupied areas which include agricultural fields. In an increasing number of cases fields have become so densely populated that they have been completely ruined for agricultural use. Damage in the Cedar and Parowan Valleys has now reached the point at which there is genuine concern that local ranchers might take these illegal means of securing relief, and this could prove severely damaging to the remaining Utah prairie dog populations, perhaps even bringing about the extinction of the species in these valleys.

Outside of the Cedar and Parowan Valleys, Utah prairie dog numbers have remained relatively stable since 1976. In 1976, the number of prairie dogs outside of the Cedar and Parowan Valleys was estimated in the spring census to be about 3,000 animals in 30 towns. In 1982, the spring estimate was about 4,000 animals (including 730 animals transplanted to public lands in 1981) in 48 towns. During this period, however, numbers increased dramatically in the Cedar and Parowan Valleys, where the spring estimate showed an increase from 1,254 animals in 21 towns in 1976, to 7,378 animals in 33 towns in 1982.

In an effort to relieve the overpopulation problems in the Cedar and Parowan Valleys, the Utah Division of Wildlife Resources removed 2,437 animals between 1976 and 1980 for transplanting onto public lands. Although many of these animals apparently did not survive, the transplantation program, along with discovery of previously unrecorded colonies, has increased the number of known active prairie dog towns on public lands from 11 in 1976 to 32 in 1982. Meanwhile, the number of active towns on private land increased from 40 in 1976 to 57 in 1982. The transplantation program obviously has not been able to keep pace with the growing prairie dog population in the Cedar and Parowan Valleys, and new sites for reintroduction are limited. It therefore appears that population pressures in this area are now such that regulated taking is necessary for the management and proper conservation of the species. The draft Utah prairie dog recovery plan (1983) recognizes that such control might be necessary for the conservation of this species. It specifically states that towns should not be allowed to expand

uncontrolled, causing significant conflict with other land uses (p. 25), and that trapping and shooting (among other control measures) should be used where necessary to control such populations (p. 26). The present rule recognizes the biological fact that the Utah prairie dog is a threatened rather than an endangered species, and would permit the State of Utah to authorize certain individuals to legally take up to 5,000 animals annually between June 1 and December 31 in delineated portions of the Cedar and Parowan Valleys when such take is necessary for the conservation and management of the Utah prairie dog. Also, the State will continue to live-trap prairie dogs on private lands and reestablish them on Federal lands as has been its practice since the mid-1970's. By taking this action, the Service is in complete accord with the stipulations of the draft recovery plan for the Utah prairie dog.

Summary of Comments and Recommendations

In the May 24, 1983, proposed rule (48 FR 21604) and associated notifications, all interested parties were requested to submit factual reports or information which might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. A notice was published in the Daily Spectrum newspaper, Cedar City, Utah, on July 4, 1983, which invited general comments. The comments received are discussed below.

The Service received nine comments on the proposal to reclassify the Utah prairie dog. The Utah Farm Bureau Federation commented on behalf of more than 18,000 Utah Farm Bureau families whose agricultural properties lie within the habitat of the Utah prairie dog. The Federation strongly supported the reclassification together with adoption of alternative means whereby depredation to crops and agricultural lands can be minimized, because a large part of the extensive damage done by the prairie dog occurs on cultivated alfalfa and grain fields. These animals destroy irrigation systems, reducing crop yields and damaging farm machinery.

The Wildlife Legislative Fund of America (WLFA) expressed support for reclassifying the Utah prairie dog. The WLFA indicated that culling of the Utah prairie dog populations is a sound wildlife management practice that would lessen the threat of epidemic disease and reduce the competition between prairie dogs and local residents.

The Governor of Utah also supported the reclassification of the prairie dog from endangered to threatened. He indicated that since the species was listed in 1973, the Utah Division of Wildlife Resources has carried out an active program to trap and relocate the species on public land to increase the number of active prairie dog towns. The program resulted in an increase of active prairie dog towns on public lands; however, at the same time, the number of active towns on private lands also increased. The population of the Utah prairie dog has been increasing in the Cedar and Parowan Valleys causing significant crop damage on private lands. The Governor further stated that the trapping and transplanting programs have not been successful in keeping pace with the increase in prairie dog populations and that more flexibility is needed to manage the Utah prairie dog.

Joseph D. Armstrong, a farmer and rancher in Cedar City, Utah, indicated that the prairie dog problem should be placed back in its proper order with nature and man's meddling should be kept out of it. Mr. Armstrong was pleased that something was being done about the prairie dog problem.

William L. Murphy, of the Insect Identification and Beneficial Insect Introduction Institute supported the proposal to reclassify the Utah prairie dog, provided the species continues to receive protection as a threatened species and the habitat retains full conservation measures.

The U.S. Forest Service concurred with the reclassification of the prairie dog and indicated that the taking provision would be in the best interest of the conservation of the Utah prairie dog.

The National Park Service, Rocky Mountain Regional Office, concurred with the proposal to reclassify but mentioned that as an alternative to killing 5,000 prairie dogs annually in the Cedar and Parowan Valleys, agencies may wish to consider population control through the use of diethylstilbestrol (DES)—treated bait. This compound acts as a reproductive inhibitor in blacktailed prairie dogs. The Service and the State of Utah will study the possible use of this reproductive inhibitor as an alternative to killing.

Gilbert T. Yardley of Yardley Cattle Company in Beaver, Utah, indicated that the Utah prairie dog should never have been on the List of Endangered and Threatened Wildlife. Mr. Yardley believes that the prairie dog should be removed from classification under the Act as it has completely ruined a lot of farms and ranches in Utah.

The Wildlife Society was the only organization to make dissenting comments on the proposal to reclassify the prairie dog. The Society recommended that the species not be downlisted to threatened status unless downlisting was absolutely necessary to control colonies that would otherwise destroy their habitats.

The Society also questioned several statements in the proposed rule published in the May 13, 1983, **Federal Register** including that: (1) The total area occupied by the Utah prairie dog occupies some 456,000 acres, and (2) active towns on public lands have increased from 11 in 1976 to 35 in 1982. The Wildlife Society comments that these statements are misleading, as the actual area occupied must be closer to 5000 acres and according to work by G. D. Collier (Ph.D. Thesis, Utah State University, 1975) public lands now contain only 3 more viable colonies than they did when the species was listed.

The Society further states that the purpose of the rule change appears to be to legitimize current activities. They question whether private shooting can be controlled. The Wildlife Society does state that lethal control may be necessary to prevent habitat destruction especially when transplanting has proven ineffective, but it believes only government employees should do the actual controlling.

Another point raised by the Society is that several agencies have refused to allow transplants onto their lands. It believes that agency personnel would give even less support to recovery if the species were downlisted to "merely" threatened.

The Wildlife Society further commented that any downlisting of the prairie dog to threatened status should be limited to populations in the Cedar and Parowan Valleys of Iron County, Utah, since throughout most of its range, the Utah prairie dog is faring little better than in 1971. It states that prairie dogs in the Cedar and Parowan Valleys could even be considered racially distinct from most colonies elsewhere, because the breeding date in the two valleys is apparently genetically set to occur much earlier in the spring. Retaining the endangered status throughout most of the geographical range would encourage land management agencies to maintain at least their current level of participation in the recovery program.

In response to the Wildlife Society's comments, Utah prairie dog populations in the Cedar and Parowan Valleys are now destroying their habitats and expanding into agricultural areas, in many cases completely ruining fields for agricultural purposes. Lethal control is

seen as the only alternative left to adequately control the prairie dogs.

The figure of 456,000 acres given for occupied habitat, as explained earlier in this rule, is a rough estimate created by drawing a polygon around groups of prairie dog colonies. No exact acreage figures are available for occupied habitat. Thus, the actual number of acres occupied would be less than the 456,000 acres.

The Society questions the increase of prairie dog towns from 11 in 1976 to 32 in 1982 on public lands, citing work by Collier (1975). Contrary to the Society's statement, the figure of 11 towns in 1976 did include all known sites, only 2 of which contained over 30 animals, while over 32 sites were discovered in 1982. In reality, the 54 sites listed by Collier in his 1975 work were in many cases obtained from responses to questionnaires sent out to individuals and landowners and were often never verified by actual field visits. In fact, the Utah Division of Wildlife Resources did attempt to field check all of Collier's sites in 1976 and could only locate six of his prairie dog towns.

The subject rule change is in no way an attempt to legitimize current activities. In reality, it is seen as the only way to prevent landowners from taking matters into their own hands, which could easily eradicate complete towns. In fact, illegal poisoning is already suspected in one area and two individuals have been prosecuted for illegal taking. It is true that taking by private individuals could be difficult to control. The permit system, however, will contain provisions for evaluation and followup by State personnel. Control by government agents would be impossible because of time and financial constraints.

It is also true that one of the major factors inhibiting the prairie dog recovery effort has been the reluctance of land managers to participate in the transplant program. However, past experience has shown that a threatened classification provides for greater management flexibility, and may reduce the present hesitancy on the part of land managers to cooperate in transplanting efforts since threatened species are not as stringently protected as endangered species.

Regarding the Society's recommendation to reclassify only in the Cedar and Parowan Valleys, a committee of experts on the species was requested by the Utah Division of Wildlife Resources to review the status of the Utah prairie dog in 1980. It was their decision that there was sufficient biological sound justification to warrant reclassification of the species

throughout its entire range. In view of the observed increase in towns on public lands as well as the increased management flexibility which would be added by reclassification, the Service concurs with this finding.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Utah prairie dog should be reclassified as a threatened species. Procedures found at Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 *et seq.*) and regulations promulgated to implement the listing provisions of the Act (codified at 50 CFR Part 424; under revision to accommodate 1982 Amendments) were followed. A species may be determined by the Secretary of the Interior to be an endangered or a threatened species due to one or more of the five factors described in Section 4(a)(1). These factors and their application to the Utah prairie dog (*Cynomys parvidens*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Utah prairie dog once ranged from Pine Valley in Iron and Beaver Counties, to the foothills of the Aquarius Plateau in the east, and from northern Washington and Kane Counties on the south to as far north as Nephi, Utah. Today, the species is confined to disjunct areas in southwestern Utah. In the 1920's, it was estimated that there were 95,000 Utah prairie dogs (Turner, 1979), whereas, the spring estimate in 1982 was around 10,000 adult animals (Utah Division of Wildlife Resources, 1983). Among other factors, habitat destruction and modification for agricultural and residential uses were important in reducing the range and population of the species. Nevertheless, the population now appears to have been increasing since 1972, and transplants of individuals by State authorities has increased the range since then. At present (1982-83), the species occurs in an area encompassing some 456,000 acres of land, and about 38 percent of the colonies are located on public land. Although the total number of animals is still small, and the range reduced, the Utah prairie dog is not now in danger of extinction, but it should be closely monitored and managed to assure that it does not become endangered. Such monitoring and management can be carried on under a threatened classification.

B. Overutilization for commercial, recreational, scientific, or educational purposes. Not applicable.

C. Disease or predation. Rodent populations are subject to sylvatic plague where conditions of overpopulation exist. In Utah's Cedar and Parowan Valleys, the Utah prairie dog population is now crowded, and there may be a possibility of this disease erupting among the animals. Although an outbreak of sylvatic plague would probably not result in the species' extinction, it could lead to its becoming endangered.

D. The inadequacy of existing regulatory mechanisms. Not applicable.

E. Other natural or manmade factors affecting its continued existence. In the Cedar and Parowan Valleys, localized high population levels of the Utah prairie dog reportedly result in crop losses and damage to equipment amounting to some 1.5 million dollars annually (Ivan Matheson, Utah State Senator, *per. comm.*). State authorities have not been able to relieve the situation by live-trapping and transplanting individual animals, and there is increasing concern that local ranchers will resort to illegal measures of control; local people have traditionally poisoned these prairie dogs in the past. This could pose a serious threat to the populations in the Cedar and Parowan Valleys and, since overall numbers and range are restricted, to the species as a whole.

The Service has carefully assessed the best scientific information available regarding the past, present, and future threats faced by this species in determining to make this final rule. Based on this evaluation, the preferred action is to reclassify the Utah prairie dog to threatened status, and to permit an annual lethal take of the species of up to 5,000 animals in the Cedar and Parowan Valleys, Iron County, Utah. The reasons why alternatives to this action are not acceptable are discussed in detail in the background section of this rule.

Available Conservation Measures

Section 4(d) of the Act states that whenever any species is listed as a Threatened species, the Secretary shall issue such regulations as he deems necessary and advisable to provide for the conservation of such species. A special regulation is finalized herewith for the Utah prairie dog, at 50 CFR 17.40 (g), that will apply only to the populations in certain delineated portions of the Cedar and Parowan Valleys in Iron County, Utah. Taking in these delineated areas would be carried

out in accordance with Utah State law, through a permit system established by the Utah Division of Wildlife Resources. The number of animals taken annually between June 1 and December 31 cannot exceed 5,000. Permits will be evaluated and issued on a case by case basis, based on whether taking is necessary for the conservation and management of the species and the effect on overall population status. Permits would allow controlled shooting, trapping, and drowning in specified areas monitored by the Division. Taking cannot include the use of chemical toxicants, since no such materials are registered for control of the species. This taking would be permitted as a conservation measure since the prairie dogs are overcrowding their habitat in these valleys, and population pressures cannot be relieved in any other way. Given the fact that the total population (juveniles and adults) in these valleys exceeds 20,000 animals during the summer, the maximum allowed take of 5,000 animals will not, in the Service's opinion, jeopardize the survival of the prairie dog population in the Cedar and Parowan Valleys. The 5,000 figure is based on estimates by the Utah Division of Wildlife Resources that roughly 33 towns totalling 7,200 adult dogs reside in the affected area. This amount of take from the annual increment of 14,000 young produced by this adult population annually will allow a sufficient number of young to remain in the population each year so that the population level will continue to be stable, and probably even supply surplus animals for livetrapping and transplanting elsewhere. Certainly far more than 5,000 animals die from natural causes in the fall and early winter. The take of 5,000 animals annually (primarily in the spring) should act to reduce natural die off levels in the fall and winter. To guard against any negative impacts on the population, the Service reserves the right to immediately halt take, or to reduce the level of take, of Utah prairie dogs if at any time it receives substantive information that such taking is proving detrimental to the conservation or survival of the species. The number of animals taken, their location, and the methods of take employed would then have to be reported at 90-day intervals to the U.S. Fish and Wildlife Service by the State.

The special rule provides that except for the limited take authorized by the special rule, the prohibitions and exemptions of 50 CFR 17.31 and 17.32 shall apply to the Utah prairie dog. The prohibitions of 50 CFR 17.31 for threatened species are essentially the same as those for endangered species

(illegal to take, import, ship in interstate commerce or in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce; and illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken). Under 50 CFR 17.31(b), however, "any employee or agent of the Service, of the National Marine Fisheries Service, or of a State conservation agency which is operating under a Cooperative Agreement with the Service or with the National Marine Fisheries Service, in accordance with Section 6(c) of the Act who is assigned by his agency for such purposes, may, when acting in the course of his official duties, take those threatened species of wildlife which are covered by an approved Cooperative Agreement to carry out conservation programs." The State of Utah has such cooperative agreement that covers the Utah prairie dog. In accordance with 50 CFR 17.32, permits will be available for scientific purposes, enhancement of propagation or survival, economic hardship, zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act.

The State of Utah will continue its annual census count of Utah prairie dogs and submit data it obtains through these counts to the Service each year. The provisions of Section 7(a) of the Endangered Species Act would continue to apply to the Utah prairie dog throughout its range. All Federal agencies are required to insure that actions authorized, funded, or carried out by them are not likely to jeopardize the continued existence of the species. Other provisions of the Act, including those for land acquisition (Section 5) and financial assistance to States (Section 6) would also continue to apply to all populations of the Utah prairie dog.

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments, as defined by the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4 of the Endangered Species Act of 1973 as amended. A notice outlining the Service's reasons for this determination was published in the *Federal Register* October 25, 1983 (48 FR 49244).

References

- Collier, G.D., and J.J. Spillett. 1972. Status of the Utah prairie dog (*Cynomys parvidens*). Utah Academy of Science, Arts, Letters 49:27-39.

Crocker-Bedford, D. 1975. Utah prairie dog habitat evaluation. Proceedings of Utah Wildlife Technical Meeting. 7pp.
 Heggen, A.W., and R.H. Hasenyager. 1979. Annual Utah prairie dog progress report to U.S. Fish and Wildlife Service by Utah Division of Wildlife Resources. Unpublished Report Salt Lake City, Utah: Division of Wildlife Resources.
 Pizzimenti, J.J., and C.D. Collier. 1975. *Cynomys parvidens*. *Mammalian Species* 56:1-2.
 Turner, B. 1979. An evaluation of the Utah prairie dog (*Cynomys parvidens*). Unpublished Report prepared for the Utah Division of Wildlife Resources, 53 pp. Utah Division of Wildlife Resources. 1983. Draft Utah prairie dog recovery plan. Unpublished Report submitted to U.S. Fish and Wildlife Service.

Additional information pertinent to this proposed rule was received from the following agencies: Utah Division of Wildlife Resources, U.S. Bureau of Land Management, U.S. Forest Service, National Park Service, Mr. Ivan Matheson, Utah State Senator.

Authors

The primary authors of this rule are Jane P. Roybal and James L. Miller, U.S. Fish and Wildlife Service, 134 Union Boulevard, 4th Floor, Lakewood, Colorado 80225 (303/234-2496). John L. Paradiso, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975), served as editor.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulations Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B and D of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 reads as follows:

Authority: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Amend § 17.11(h) by reclassifying the Utah prairie dog from endangered to threatened status under Mammals on

the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

* * * * *
 (h) * * *

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
Sciuridae							
Prairie dog, Utah	<i>Cynomys parvidens</i>	U.S.A. (UT)	Entire	T	6,148	NA	17.40(g)

3. Add the following special rule to § 17.40.

§ 17.40 Mammals.

* * * * *

(g) Utah prairie dog (*Cynomys parvidens*)

(1) Except as noted in paragraph (g)(2) of this section, all prohibitions of 50 CFR 17.31 and exemptions of 50 CFR 17.32 shall apply to the Utah prairie dog.

(2) A Utah prairie dog may be taken under a permit issued by the Utah Division of Wildlife Resources, in accordance with the laws of the State of Utah, in the following areas of Cedar Valley and Parowan Valley, Iron County, Utah (Salt Lake Meridian): T33S R8W, T33S R9W, T34S R8W, T34S R9W, T34S R10W, T34S R11W, T35S R10W, T35S R11W, T36S R11W, T36S R12W, T37S R12W, T38S R12W: Provided, that such taking does not exceed 5,000 animals annually, and that such taking is confined to the period of from June 1 to December 31. The following information must be reported by the State every 90 days to the U.S. Fish and Wildlife Service's Regional Office, Region 6, Denver Federal Center, Denver, Colorado 80225, or to any other

address designated by the Service: Name and address of each person holding an active permit; reason for issuance of each permit; number, location, and method of take for all Utah prairie dogs taken during the reporting period; and any other information requested by the Service.

(3) If the Service receives substantive evidence that takings pursuant to paragraph (g)(2) of this Section are having an effect that is inconsistent with the conservation of the Utah prairie dog population in the area designated by paragraph (g)(2), the Service may immediately prohibit or restrict such taking as is appropriate for the conservation of the population.

(4) The information collection requirement contained in Section (g)(2) above does not require Office of Management and Budget approval under 44 U.S.C. 3501 *et seq.*, because there are fewer than 10 respondents annually.

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 Dated: May 16, 1984.

G. Roy Arnett,
Assistant Secretary for Fish and Wildlife and Parks.