

# State of South Dakota

EIGHTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 2009

264Q0676

## HOUSE CONCURRENT RESOLUTION NO. 1017

Introduced by: Representatives Russell, Greenfield, Hamiel, Jensen, Kirkeby, Lucas, Olson (Betty), Rounds, Schrempp, Sly, Vanneman, Verchio, and Wink and Senators Howie, Bradford, Maher, and Rhoden

1 A CONCURRENT RESOLUTION, Urging a finding by the United States Fish and Wildlife

2 Service that the black-tailed prairie dog is not likely to become an endangered species.

3 WHEREAS, on December 2, 2008, the United States Fish and Wildlife Service (USFWS)

4 issued a ninety-day finding on a petition to list the black-tailed prairie dog as threatened or

5 endangered pursuant to the Endangered Species Act (ESA); and

6 WHEREAS, the USFWS found that the petition presented substantial scientific or

7 commercial information indicating that listing the black-tailed prairie dog may be warranted;

8 and

9 WHEREAS, the ESA defines a "threatened species" as a species that "is likely to become

10 an endangered species within the foreseeable future throughout all or a significant portion of its

11 range"; and

12 WHEREAS, in 1961, the United States Bureau of Fisheries and Wildlife estimated there

13 were 364,000 acres of black-tailed prairie dog acres in the entire United States; and

14 WHEREAS, the most recent census of black-tailed prairie dog acreages conducted in 2007



1 estimated that there were 2,100,000 occupied acres in the United States, including 625,410 acres  
2 in South Dakota; and

3 WHEREAS, the USFWS found that "rangewide and statewide trends for area of black-tailed  
4 prairie dog occupied habitat appear to be increasing since the low point following a half century  
5 of coordinated rangewide control efforts" (73 Fed.Reg. 73214); and

6 WHEREAS, the petition of environmental groups requesting the listing claims that sylvatic  
7 plague threatens the existence of the black-tailed prairie dog population, even though the  
8 petition states that the plague has infected large portions of the prairie dog populations on the  
9 Comanche, Cimarron, Kiowa, Pawnee, Thunder Basin, Buffalo Gap, and Rita Blanca National  
10 Grasslands; and has also been documented in Bent County, Fort Carson, Pinon Canyon, and the  
11 Rocky Mountain National Arsenal in Colorado; the Charles M. Russell National Wildlife  
12 Refuge and the Crow and Fort Belknap Indian Reservations in Montana; and Federal Bureau  
13 of Land Management lands in Montana and Colorado; with none of the populations cited  
14 becoming extinct and conceding that many have rebounded to preplague population numbers;  
15 and

16 WHEREAS, although the plague has infected prairie dog populations on more than 10,000  
17 acres on the Buffalo Gap National Grasslands in South Dakota, the geographic areas impacted  
18 by plague before 2008 are already experiencing prairie dog population increases; and

19 WHEREAS, the United States Forest Service efforts of dusting prairie dog burrows on the  
20 Buffalo Gap National Grasslands in South Dakota with insecticide has been effective in  
21 curtailing the spread of plague to the other 30,000 prairie dog occupied acres in and around the  
22 Conata Basin; and

23 WHEREAS, in 2005, the South Dakota Legislature enacted the South Dakota Black-Tailed  
24 Prairie Dog Conservation and Management Plan setting forth goals, objectives, and strategies

1 designed to provide for the long-term viability of the prairie dog population in South Dakota;  
2 and those goals have been and are currently being achieved:

3 NOW, THEREFORE, BE IT RESOLVED, by the House of Representatives of the Eighty-  
4 fourth Legislature of the State of South Dakota, the Senate concurring therein, that the South  
5 Dakota Legislature finds that the substantial scientific or commercial information demonstrates  
6 that the black-tailed prairie dog population has been increasing for the past four decades; and

7 BE IT FURTHER RESOLVED, that the Legislature finds that the black-tailed prairie dog  
8 has not become extinct in any of the areas that have been infected with sylvatic plague in  
9 modern times, and the black-tailed prairie dog population is already increasing in areas outside  
10 the Conata Basin that were affected by plague before 2008; and

11 BE IT FURTHER RESOLVED, that the Legislature respectfully requests that the United  
12 States Fish and Wildlife Service makes a twelve-month finding pursuant to the Endangered  
13 Species Act that the black-tailed prairie dog population is increasing, in spite of the sylvatic  
14 plague outbreaks, and therefore, is not likely to become an endangered species within the  
15 foreseeable future throughout all or a significant portion of its range as required by the  
16 Endangered Species Act for a threatened or endangered listing.