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A Historical Overview of Wildlife Conservation in the State of Utah

A Primer for Wildlife Conservation Research in Utah

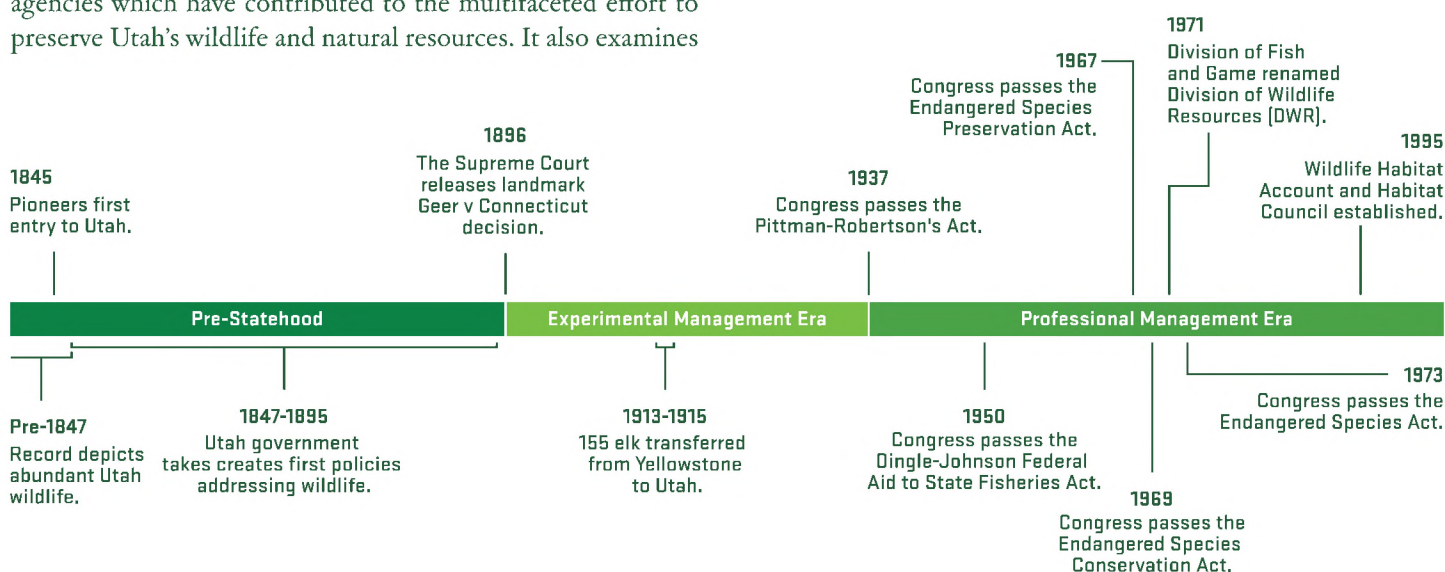
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Introduction

This paper is an overview of Utah's historical approach for managing wildlife. Its purpose is to help policymakers, stakeholders and others understand critical legal events and key agencies which have contributed to the multifaceted effort to preserve Utah's wildlife and natural resources. It also examines

the role the federal government and other entities have in coordinating wildlife conservation efforts in the State of Utah.



Experimental Management Era, 1896-1936

In 1896, two major events started a new era for Utah's wildlife conservation efforts. On January 4, President Grover Cleveland declared the State of Utah's admission into the Union, "on an equal footing with the original States."¹ Immediately following statehood, the Legislature delegated authority to the newly created Utah Department of Fish and Game to resolve the widespread decline of wildlife in the state by law.² Due to overhunting in the territorial era of Utah, flourishing populations of deer, elk, and buffalo had plunged into near extinction.³

Two months later on March 2, 1896, the Supreme Court of the United States released their monumental decision *Edward M. Geer v. State of Connecticut*, which would shape the way states would grapple with wildlife conservation and management for

nearly the next century. The Court's central opinion included the following:

"We take it to be the correct doctrine in this country, that the ownership of wild animals, so far as they are capable of ownership, is in the state, not as a proprietor, but in its sovereign capacity, as the representative and for the benefit of all of its people in common."

The Supreme Court ruled that harvest management and wildlife ownership rights belonged to the states and that state statutes should only be repressed in cases of conflicting state and federal laws. No conflicts arose in the early 20th century, allowing state governments to exercise complete authority over wildlife hunting regulations within their borders.⁴

Organized Management Efforts in Utah

Utah's organized conservation efforts began with the Department of Fish and Game immediately establishing game and fowl hunting seasons. In 1903, the Department codified specific hunting and licensing requirements for residents and non-residents in the state.⁵ At the turn of the 20th century, Utah's first post-statehood fish hatchery was funded and built in Murray, Utah.⁶ In the 1905-06 biannual report to the Legislature, the Department for Fish and Game reported over 1.7 million Eastern Brook and native Cutthroat trout stocked into Utah waterways. By 1910, the Department had built a total of four fish hatcheries.⁷

The Department closely supervised the depleted elk herds and, by 1913, transferred 100 elk from Yellowstone National Park into Salina, Salt Lake, and Juab counties. Two decades later, with extensive management of deer and elk herds, the increase of both populations was staggering. There were an estimated 3,000-4,000 elk in the state by 1924. This program was so successful, that the department was moved to establish the Board of Elk Control to prevent overpopulation.⁸ With effective management, Utah became the only state with an open elk hunting season during this era.⁹

The Professional Management Era 1938-Present

By the mid-20th century, wildlife management gained national interest and focused attention. Like Utah, other states were substantially addressing conservation policy issues in both state legislatures and Congress, including wildlife conservation funds and endangered species protection. These implemented policies were characterized by increased funding and partnerships.

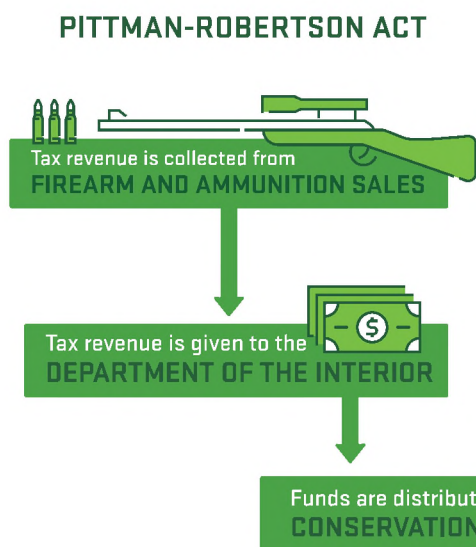
Importantly, in 1967, Utah established the Utah Department of Natural Resources (DNR), which oversees forestry; geological surveys; energy development; oil, gas, and mining; outdoor recreation; public lands; state lands; state parks; water; and wildlife.¹⁰ With its establishment, the Department of Fish and Game was restructured and renamed the Division of Wildlife Resources (DWR).¹¹

Federal Wildlife Conservation Fiscal Policy

Pittman-Robertson Act

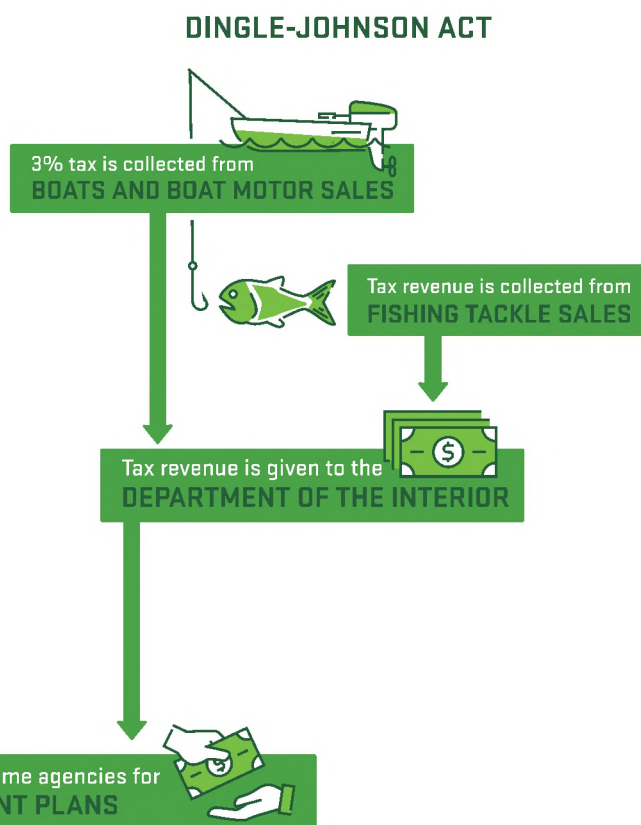
In September 1937, Congress passed the Pittman-Robertson Wildlife Restoration Act (PR),¹² which took effect in 1938. This Act elevated wildlife conservation in the United States to a professional standing by dramatically increasing funding for state conservation projects. The legislation authorized the Wildlife Restoration Program¹³ and reallocated firearm and ammunition sales tax revenue from the U.S. Treasury general fund to the Department of the Interior, where it could then be distributed to state fish and game agencies to execute individualized conservation management plans.¹⁴ The act stipulated that in order to receive PR funds, states are prohibited from firearm licensing taxes for projects unrelated to fish and game department administration, to which all of the states agreed.¹⁵

An amended Pittman-Robertson Act is still in effect and the Department of the Interior continues to distribute annual funding to states. In fiscal year 2023, Utah received over \$22.7 million in Pittman-Robertson funds.¹⁶



Dingell-Johnson Act

In 1950, Congress passed the Dingell-Johnson Federal Aid to State Fisheries Act (DJ),¹⁷ modeled after the Pittman-Robertson Act. This Act utilized an excise on fishing items, tackle, boats, and boat motors, which the secretary of the interior allocates to each state for fish management plans.¹⁸ The first DJ project in the United States was a Utah project titled An Economic Survey of Utah's Fisheries Resources.¹⁹ Like Pittman-Robertson, an amended Dingell-Johnson Act is still in effect. In fiscal year 2023, the State of Utah received \$7.3 million from DJ federal aid.²⁰



State Wildlife Conservation Fiscal Policy

In 1995, the Utah State Legislature created the Wildlife Habitat Account,²¹ which is funded by a portion of state taxes related to hunting and fishing, allowing the state to both generate more

conservation funding and retain financial independence. In the same act, the legislature established a Habitat Council of eight members.

Endangered Species Preservation Act of 1966

In 1966, Congress passed the Endangered Species Preservation Act (ESPA).²² Prior to 1966, the Department of the Interior was both monitoring some declining species populations and acquiring and maintaining habitats for them. Without Congressional approval, they did not have the ability to finance extensive endangered species programs.²³

This act directed all heads of federal agencies to protect vertebrate animals "threatened with extinction," and authorized the secretary of the interior to fund studies and acquire lands for the habitat of endangered species.²⁴

Further, ESPA authorized the secretary of the interior to list endangered species in the Federal Register. The first list was released in 1967 and included 80 species comprised of mammals, birds, reptiles, amphibians, and fish, excluding invertebrates and plants. Among the first endangered species listed were the American alligator, the Florida manatee, the grizzly bear, and the American bald eagle.²⁵

Endangered Species Conservation Act of 1969

Three years after ESPA passed, Congress passed the Endangered Species Conservation Act of 1969²⁶ which expanded endangered species protections on an international scale. First, it added to the existing list of protected species and extended eligibility to mollusks and crustaceans.²⁷ Second, it increased protections for endangered species²⁸ and repercussions for poaching, unlawful importation, or sale of them.²⁹ Third, it directed the secretary of the interior to encourage foreign entities to protect endangered species and to convene with international leaders to coordinate international endangered species protection efforts.³⁰

Private and Public Partnership in Utah

Congress's Fish and Wildlife Act of 1956³⁴ introduced an agreement between public and private sectors to collaborate on wildlife and habitat management. This Act fostered the current model of wildlife conservation in the state of Utah. Through the Act, the federal government provides technical assistance to private landowners interested in using their land to benefit wildlife.³⁵

Endangered Species Preservation Act of 1966

- Initiated a federal program to conserve, protect, and restore select endangered species.
- Authorized the secretary of the interior to acquire land or interests in land to further conservation of these species.
- Established first U.S. endangered species list, restricted to vertebrate animals.

Endangered Species Conservation Act of 1969

- Expanded international coordination, including the establishment of a worldwide endangered species list.
- Expanded protections of listed species, including increased punishments for poaching and unlawful importation or sale.
- Added to the existing endangered species list and extended eligibility for listing to mollusks and crustaceans.

Endangered Species Act of 1973

- Defined criteria for endangered species listing.
- Extended endangered species eligibility to all qualifying invertebrates and plants.

Endangered Species Act of 1973

Finally, in 1973, Congress passed more expansive legislation, named the Endangered Species Act (ESA)³¹ The act defined criteria for species to be protected³² and made all invertebrates and plants eligible for necessary protection.³³

Mirroring the federal legislation, the Utah legislature has passed and amended several laws to support similar partnerships, such as the Utah Wildlife Resources Cooperative Agreement Act.³⁶ This has allowed DWR to enter agreements with "other state agencies, federal agencies, states, educational institutions, municipalities, counties, corporations, organized clubs, landowners, associations, and individuals for purposes of wildlife conservation."³⁷

Utah's Unique Policy Approach to Conservation

Utah is a leader in state, public, and private sector conservation coordination. DWR works with various private organizations, such as hunting and fishing clubs, which share DWR's mission to conserve and manage fish and wildlife for the benefit of the public.

Private organizations regularly provide funding, volunteer labor, and technical expertise to support conservation efforts in Utah. In 2022, DWR worked jointly with at least 27 organizations throughout the state to complete various projects, including habitat restoration and invasive species control. Those efforts resulted in millions of acres of restored wildlife habitats. Other efforts include education and outreach.³⁸

By leveraging private partnerships since 2006, DWR completed 1,232 habitat projects in federal, state, and private areas in Utah using \$37.6 million in state and federal funding. These

projects included land habitat improvements, stream and river restoration, and land and waterway acquisition.³⁹

These partnerships also benefit private entities by providing state resources to help them meet their goals. Sportsmen for Fish and Wildlife, the Utah Wild Sheep Foundation, and the Mule Deer Foundation are three of DWR's partners and represent some of Utah's most iconic and essential game species. These organizations promote the long-term health and sustainability of wildlife populations and habitats. Their partnerships with DWR allow them to leverage their resources and expertise to achieve conservation goals, which include promoting conservation and education. Additionally, they are uniquely positioned to provide essential opportunities for hunters and other outdoorsmen to become involved in conservation efforts and contribute in meaningful ways to preserve our natural resources.

ORGANIZATIONS THAT HAVE WORKED WITH THE DWR ON CONSERVATION PROJECTS

BASS	Sportsman for Fish and Wildlife	Utah Houndsmen Association
Brigham Young University	Surrounding State Wildlife Agencies	Utah State University
Bureau of Land Management	Trout Unlimited	Utah Waterfowl Association
Central Utah Project	US Fish and Wildlife Service	Utah Wildlife Federation
National Park Service	US Forest Service	Utah Wool Growers Association
Nature Conservancy	Utah Angler Coalition	Ute Nation
Rocky Mountain Anglers	The Utah Archery Association	Wasatch Wing and Clay
Rocky Mountain Elk Foundation	Utah Bowmen's Association	Western Association of Fish and Wildlife
Sageland Collaborative	Utah Chukar & Wildlife Foundation	Western Native Trout Initiative

Sportsmen for Fish and Wildlife

Sportsmen for Fish and Wildlife (SFW) is a long standing organization working to conserve land and wildlife in Utah. SFW is a non-profit organization which promotes hunting and fishing opportunities and facilitates conservation projects. SFW partners with government agencies, private landowners, and other organizations to promote sustainable management of fish

and wildlife.⁴⁰ With DWR, the organization works to identify areas needing habitat restoration and provides funding, volunteer labor, and technical expertise to help restore and improve habitats. SFW hold an annual youth pheasant hunt, through which they are bringing more pheasants into the state.⁴¹

Sportsmen for Fish and Wildlife

The Utah Wild Sheep Foundation (UWSF) works closely with the DWR to support the conservation and management of wild sheep and other mountain wildlife in Utah. The foundation partners with DWR to provide funding for research and habitat improvement projects and support wild sheep management in

the state. The foundation funds DWR's efforts to trap and transplant wild sheep to improve genetic diversity and repopulate areas where sheep populations have declined. Since 1981, UWSF efforts have helped increase Utah's wild sheep population from under 500 to over 5,000.⁴²

Mule Deer Foundation

The Mule Deer Foundation (MDF) works to conserve and sustain mule deer populations and their habitats in Utah and provides funding for those efforts. MDF and DWR collaborate on critical improvement projects, such as vegetation planting,

irrigation system improvements, and water development. In addition to habitat improvement, MDF works with DWR to gather data on population and migration patterns.⁴³

Economic Impact of Hunting in Utah

Current and future wildlife policies have reaped great economic benefits that have diversified the state economy, and made meaningful contributions to the prosperity of thousands of Utah residents who rely on the health of fish and wildlife to financially support themselves. Consequently, the state's unique approach has provided Utah with opportunities to engage outdoorsmen from Utah and the entire world to hunt, fish, and enjoy the state's astounding natural resources.

A report issued by the Sportsman Alliance Foundation showed the astonishing economic contributions of hunters in Utah, and across the United States. Hunting in Utah contributed \$654 million dollars to the state GDP, including \$155 million dollars in state and federal tax revenue. Hunting also proves to support

a large work industry in the state, dispersing \$410 million dollars of salaries and wages in 2020. In fact, if the 244,000 hunters in Utah stopped spending, 10,900 jobs supported by hunting would evaporate from Utah's economy. Target shooting provides a huge economic interest to the state's economy, independently contributing \$189 million dollars to the state's annual GDP and \$203 million dollars in related purchases.⁴⁴ Hunting and shooting are just one of the many industries participating in Utah's diverse economy. By these calculations, it is clear that hunting, and its interrelation with wildlife conservation should be approached by lawmakers as a rewarding investment in Utah's future economic prosperity, bringing hunters from across the world to take pleasure in the state's natural resources.



Conclusion

In January 2023, the Herbert Institute published research on Utah's mule deer population, examining the challenges of generational drought and efforts expended by the state to alleviate negative effects. The Institute's findings concluded that the benefits of a thriving deer population warrant the continuation of efforts of state and local entities to preserve and restore land resources in the state. Land restoration projects will be essential to support the state's mule deer herds as urban development projects also support Utah's growing population. This research can be a guide to policy leaders as Utah navigates current issues

of population growth and urban planning, watersheds, and transportation development.

In the future, the Herbert Institute will be conducting further research in coordination with Sportsman for Fish and Wildlife looking into wildlife conservation and public land use. This research will include topics related species population growth, species transplants, permits, watershed restoration efforts, hunting demand, predator management, and multiple use management.

ENDNOTES

- ¹ Proclamation 382, Grover Cleveland, President of the United States, “Admitting Utah to the Union,” January 4, 1896, American Presidency Project, University of California, Santa Barbara, <https://www.presidency.ucsb.edu/documents/proclamation-382-admitting-utah-the-union>
- ² Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 76.
- ³ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 88.
- ⁴ *Geer v Connecticut*, 161 U.S. 519 (1896), <https://tile.loc.gov/storage-services/service/ll/usrep/usrep161/usrep161519/usrep161519.pdf>
- ⁵ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 106
- ⁶ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 95.
- ⁷ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 112.
- ⁸ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 193.
- ⁹ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 202.
- ¹⁰ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 669.
- ¹¹ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012).
- ¹² Pittman-Robertson Wildlife Restoration Act of 1937, Pub. L. No. 75-440, 50 Stat. 917 (1937). <https://www.govinfo.gov/content/pkg/COMPS-3013/pdf/COMPS-3013.pdf>
- ¹³ Congressional Research Service, *The Pittman-Robertson Wildlife Restoration Act*, October 12, 2022, [https://crsreports.congress.gov/product/pdf/IF/IF12229#:~:text=The%20Pittman%20Robertson%20Wildlife%20Restoration%20Act%20\(Pittman%20Robertson%3B,hunter%20education%20and%20safety%20programs](https://crsreports.congress.gov/product/pdf/IF/IF12229#:~:text=The%20Pittman%20Robertson%20Wildlife%20Restoration%20Act%20(Pittman%20Robertson%3B,hunter%20education%20and%20safety%20programs)
- ¹⁴ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 268.
- ¹⁵ Congressional Research Service, *The Pittman-Robertson Wildlife Restoration Act*, October 12, 2022, [https://crsreports.congress.gov/product/pdf/IF/IF12229#:~:text=The%20Pittman%20Robertson%20Wildlife%20Restoration%20Act%20\(Pittman%20Robertson%3B,hunter%20education%20and%20safety%20programs](https://crsreports.congress.gov/product/pdf/IF/IF12229#:~:text=The%20Pittman%20Robertson%20Wildlife%20Restoration%20Act%20(Pittman%20Robertson%3B,hunter%20education%20and%20safety%20programs)
- ¹⁶ Fish and Wildlife Service, *Certificate of Apportionment of the Appropriation for Pittman-Robertson Wildlife Restoration*, 2022, https://www.fws.gov/sires/default/files/documents/WR_Apportionment-1939-2022_updated_3-18-2022.csv, https://www.fws.gov/sites/default/files/documents/WR%20FY22%20Certificate%20of%20Final%20Apportionment%202022Feb3_508.pdf
- ¹⁷ Dingell-Johnson Federal Aid to State Fisheries Act, Pub. L. No. 75-411, 64 Stat. 430 (1950). <https://www.govinfo.gov/content/pkg/COMPS-3001/pdf/COMPS-3001.pdf>
- ¹⁸ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 270.
- ¹⁹ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 270-271.
- ²⁰ Fish and Wildlife Service, *Certificate of Final Apportionment for Dingell-Johnson Sport Fish Restoration Fund*, February 2022, <https://www.fws.gov/media/fy-22-certificate-apportionment-dingell-johnson-sport-fish-restoration>
- ²¹ “Habitat Council,” accessed June 7, 2023, <https://wildlife.utah.gov/habitat-council.html>.
- ²² Endangered Species Preservation Act of 1966, Pub. L. No. 89-669, 80 Stat. 926 (1966). <https://www.govinfo.gov/content/pkg/STATUTE-80/pdf/STATUTE-80-Pg926.pdf>
- ²³ Dale Goble D., *The Endangered Species Act at Thirty: Vol. 1: Renewing the Conservation Promise*, *The Endangered Species Act at Thirty*, 2005, 45.
- ²⁴ Norman Hancock, *Two Centuries of Utah's Wildlife Management and Its Management* (Salt Lake City, Salt Lake Mailing and Printing, 2012), 663.
- ²⁵ *A History of the Endangered Species Act of 1973*, U.S. Fish & Wildlife Service, August 2011, <https://leg.mt.gov/content/Committees/Interim/2017-2018/EQC/-Meetings/Sept-2017/grizzlyesahistory.pdf>
- ²⁶ Endangered Species Conservation Act of 1969, Pub. L. No. 91-135, 83 Stat. 275 (1969). <https://www.govinfo.gov/content/pkg/STATUTE-83/pdf/STATUTE-83-Pg275.pdf>
- ²⁷ Endangered Species Conservation Act of 1969, Pub. L. No. 91-135, 83 Stat. 275 (1969). <https://www.govinfo.gov/content/pkg/STATUTE-83/pdf/STATUTE-83-Pg275.pdf>
- ²⁸ Endangered Species Conservation Act of 1969, Pub. L. No. 91-135, 83 Stat. 275 (1969). <https://www.govinfo.gov/content/pkg/STATUTE-83/pdf/STATUTE-83-Pg275.pdf>
- ²⁹ Endangered Species Conservation Act of 1969, Pub. L. No. 91-135, 83 Stat. 275 (1969). <https://www.govinfo.gov/content/pkg/STATUTE-83/pdf/STATUTE-83-Pg275.pdf>
- ³⁰ Endangered Species Conservation Act of 1969, Pub. L. No. 91-135, 83 Stat. 275 (1969). <https://www.govinfo.gov/content/pkg/STATUTE-83/pdf/STATUTE-83-Pg275.pdf>
- ³¹ Endangered Species Act of 1973, Pub. L. No. 93-205, 87 Stat. 884 (1973). <https://www.govinfo.gov/content/pkg/STATUTE-87/pdf/STATUTE-87-Pg884.pdf>
- ³² Endangered Species Act of 1973, Pub. L. No. 93-205, 87 Stat. 884 (1973). <https://www.govinfo.gov/content/pkg/STATUTE-87/pdf/STATUTE-87-Pg884.pdf>
- ³³ Endangered Species Act of 1973, § 8, 16 U.S.C. § 1537 (2020). <https://www.govinfo.gov/content/pkg/STATUTE-87/pdf/STATUTE-87-Pg884.pdf>
- ³⁴ Fish and Wildlife Act of 1956, Pub. L. No. 84-1024, 70 Stat. 1119 (1956). <https://www.congress.gov/84/statute/STATUTE-70/STATUTE-70-Pg1119.pdf>
- ³⁵ United States Code Annotated. Title 16. Conservation. Chapter 9. Fish and Wildlife Service. § 742a. Declaration of policy, Animal Legal & Historical Center, April 2023, <https://www.animallaw.info/statute/us-conservation-fish-and-wildlife-act-1956#%C2%A7%2074-2f-1>
- ³⁶ Utah Wildlife Resources Cooperative Agreement Act, 16 U.S.C. §§ 5601-5612 (1971). https://le.utah.gov/xcode/Title23/Chapter22/C23-22_1800010118000101.pdf
- ³⁷ Utah Code Ann. § 23-22-1 (2023). https://le.utah.gov/xcode/Title23/Chapter22/C23-22_1800010118000101.pdf
- ³⁸ Great Salt Lake Ecosystem Program, Utah Division of Wildlife Resources, January 12, 2023, <https://wildlife.utah.gov/gslp.html>
- ³⁹ DWR Holds Ribbon Cutting, Unveils Plans for Cinnamon Creek WMA, Utah Division of Wildlife Resources, August 8, 2022, <https://wildlife.utah.gov/news/urah-wildlife-news/1481-dwr-holds-ribbon-cutting-and-unveils-plans-for-cinnamon-creek-wma.html>
- ⁴⁰ “About Us,” Sportsmen Fish and Wildlife, 2023, <https://sfw.net/about-us>.
- ⁴¹ “About Us,” Sportsmen Fish and Wildlife, 2023, <https://sfw.net/about-us>.
- ⁴² “History of Utah Wild Sheep Foundation,” Utah Wild Sheep Foundation, 2023, <http://www.utahwsf.org/history-of-utah-wild-sheep-foundation/>.
- ⁴³ “About the Mule Deer Foundation, Founding, and Timeline,” Mule Deer Foundation, June 10, 2023, <https://muledeer.org/about-mule-deer-foundation/>.
- ⁴⁴ “Sportsmen's Alliance Foundation,” Sportsmen's Alliance, accessed June 8, 2023,

