

RESOLUTION NO. 2009-11

WHEREAS, Thomas County is aware that a petition has been filed urging the listing of the Black-tailed Prairie Dog as an endangered species,

WHEREAS, the Board of Thomas County Commissioners have the obligation and responsibility to represent the interests of the people, and the interest of Thomas County as a whole in economic stability, a sound environment, the local police powers left to the County and the people under the 10th Amendment to the United States Constitution, and to the general health, safety and welfare of the citizens of the County,

WHEREAS, Thomas County has the authority to serve the interests of its citizens under the Endangered Species Act, particularly but not exclusively to Section 4 of the Act, by requiring the United States Fish and Wildlife Service to consult with and coordinate with the Board of County Commissioners prior to any act of placing such species into the county,

WHEREAS, Thomas County is aware that Fish and Wildlife is meeting with other commissioners currently in coordinated fashion as contemplated in the regulations issued by the Council on Environmental Quality which sets NEPA rules which will apply to any listing action, some of those other commissioners being in Logan County, Kansas, Owyhee County, Idaho, Glen Lake Irrigation district in Montana, Modoc County in California, and soon with Fremont County, Wyoming;

WHEREAS, Thomas County is aware that Secretary Salazar made clear on the day that the Owyhee Public Lands Management Act was signed into law on March 30 of this year that this administration would work closely with local government;

WHEREAS, the Board of County Commissioners have an obligation to its citizens to exercise the local authority which is recognized by the Endangered Species Act, particularly but not exclusively in Section 4 of the Act,

THEREFORE IT IS HEREBY RESOLVED by the Board of Thomas County Commissioners that this County is formally asserting its authority to insist on coordination with the United States Fish and Wildlife Service and any associated federal agency or state agency working with and in conjunction with Fish and Wildlife regarding the listing of the Black-tailed Prairie dog and regarding any other action taken in or contemplated in our County regarding species.

IT IS FURTHER RESOLVED that by executing this Resolution, Thomas County serves notice on the Secretary of Interior and any and all persons and agencies under his jurisdiction, and on any other Cabinet member who has authority to act under the Endangered Species Act, of the existence of Thomas County's policy against listing the Black-tailed Prairie Dog as endangered, when the facts show that by numbers and by resilience at the very least it does not need protecting as a species.

IT IS FINALLY RESOLVED that by executing this Resolution, Thomas County serves notice to all the persons and agencies identified in the previous paragraph of this Resolution of their obligation under the Endangered Species Act to notify Thomas County in advance of any planned action identified in this Resolution and to consult and coordinate with the county prior to any such planned action, and of the County's authority to insist upon such notice and consultation and coordination under Chapter 4 of the Endangered Species Act.

SIGNED AND DATED THIS 8 **DAY OF** June, 2009.

**BOARD OF COUNTY COMMISSIONERS:
THOMAS COUNTY, KANSAS**

Ken Christensen Chairman

Paul [unclear] Member

Byron Scherer Member

ATTEST: Shelly A. Harris County Clerk

