

**National Park Service  
U.S. Department of the Interior  
Denver Service Center**



**Wind Cave National Park  
South Dakota**

## **Black-footed Ferret Reintroduction Plan**

### **Finding of No Significant Impact**

**March 2007**

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#### **BACKGROUND**

Wind Cave National Park was established in 1903 to protect Wind Cave and the underground resources of this unique site. Wind Cave remains one of the park's primary features and its significance is recognized worldwide. Since the original designation, the purpose of the park has expanded from cave preservation alone to protection of both surface and subsurface resources. Although the black-footed ferret (*Mustela nigripes*) is not specifically identified by name as a resource to be protected in the establishing legislation or its expansions, the ferret is an integral element of the mixed-grass prairie habitat and surface ecosystems that is currently missing from the park.

The ferret relies on prairie dogs as its primary prey and for habitat. However, prairie dog complexes not affected by sylvatic plague are limited in the historical range of the black-footed ferret. Wind Cave National Park is one of the few remaining plague-free locations with a large enough population of black-tailed prairie dogs to attempt a reintroduction effort. In addition, a reintroduction would meet all the criteria set forth in the NPS *Management Policies* (section 4.4.2.2, Restoration of Native Plant and Animal Species) (NPS 2006a), namely:

- Adequate habitat to support the species either exists or can reasonably be restored in the park and if necessary also on adjacent public lands and waters; once a natural population level is achieved, the population can be self-perpetuating.
- The species does not, based on an effective management plan, pose a serious threat to the safety of people in parks, park resources, or persons or property within or outside park boundaries.
- The genetic type used in restoration most nearly approximates the extirpated genetic type.
- The species disappeared or was substantially diminished as a direct or indirect result of human-induced change to the species population or to the ecosystem.
- Potential impacts upon park management and use have been carefully considered.

The primary purposes of developing a reintroduction plan for the black-footed ferret at Wind Cave National Park are to:

- *Implement* actions required for recovery of the species;
- *Evaluate* and improve reintroduction techniques and management applications;
- *Support* conservation and restoration of a more complete prairie ecosystem;
- *Manage* park resources in accordance with the park's general management plan (NPS 1994a), resource management plan (NPS 1994b), and NPS *Management Policies* (NPS 2006a); and
- *Protect* public health, safety, and welfare.

The National Park Service is proposing to reintroduce the black-footed ferret within the boundaries of Wind Cave National Park as endangered and authorized under a 10(a)(1)(A) scientific experimental/recovery permit issued under the Endangered Species Act. This permit allows experimental reintroductions to occur within park boundaries and provide mechanisms to ensure that private property interests outside the park are not impacted, thereby meeting the policies cited above. The resulting plan would be used to manage black-footed ferrets reintroduced into the park. The ferrets would be reintroduced with a five year interim "feasibility" recovery effort, but would cease if reintroduction efforts proved unsuccessful.

An environmental assessment was prepared to analyze the impacts of continuing current management (Alternative A, No Action / Continue Current Management) and of implementing an alternative that would reintroduce the ferret to the park (Alternative B, Reintroduce the Black-footed Ferret). Alternative B, was identified as the preferred alternative. The reintroduction of the black-footed ferret would be consistent with NPS policies (NPS 2006a) regarding recovery of endangered species, as well as support the goals of the Endangered Species Act. There would be no significant adverse effects associated with Alternative B, nor would any park resources or values be impaired. The integrity of the prairie ecosystem in the park would be enhanced with the return of the ferret to its ecological niche. The preferred alternative will enhance the vitality of wildlife populations, with few adverse effects to natural and cultural resources. The environmental assessment was prepared in accordance with the National Environmental Policy Act (NEPA) of 1969, regulations of the Council on Environmental Quality (40 CFR 1508.9), the National Park Service *Director's Order #12: Conservation Planning, Environmental Impact Analysis and Decision-making*, and Section 106 of the National Historic Preservation Act of 1966, as amended.

## **SELECTED ACTION**

Alternative B, the Preferred Alternative, is the selected action. This alternative was chosen to best meet the objectives and goals identified in the environmental assessment.

Under the selected action, the park will be able to:

- Test the viability of using a reintroduction site with less than 5,000 acres of prairie dog complexes.
- Test the establishment of a self-sustaining population of black-footed ferrets.
- Provide surplus wild-born kits for translocations to other sites.

- Meet NPS policy goals by reintroducing an extirpated species.
- Support the NPS mission in keeping with NPS policies.

The desired future condition, based on successful implementation of Alternative B, will reestablish a sustainable population of the ferret in Wind Cave National Park. The U.S. Fish and Wildlife Service (USFWS) will issue a section 10(a)(1)(A) scientific experimental/recovery permit for the experimental release of ferrets in the park that will ensure that no constraints on landowner or private individual lawful activities outside the park would be associated with the potential presence of ferrets. The permit would include provisions for incidental take of ferrets. The desired outcome of the selected action will result in a black-footed ferret population living among the black-tailed prairie dog complexes in the park. Because most private grazing lands adjacent to the park use lethal methods to control and eliminate prairie dogs, it is unlikely that ferrets would use these private lands for any substantial period because of the minimal numbers of prairie dogs. The desired condition in the park will include a black-footed ferret population that can withstand, or at least recover from, stochastic events such as severe winters or a disease outbreak such as sylvatic plague.

If ferrets are detected outside of the park boundaries, and subject to landowner approval, efforts may be made to recover those ferrets and return them to the park, captivity, or other suitable sites. However, the intentional take of an endangered ferret within or outside of the park will still be prohibited.

The management of a reintroduced population of ferrets will not conflict with other resource management objectives in the park and the selected alternative will not result in impairment of park resources or values.

## **Monitoring**

All released ferrets would be marked with individually coded, passive, integrated transponder tags. Wind Cave National Park proposes to conduct up to four monitoring surveys following release of ferrets in the park. The monitoring surveys may be performed: 1) 30 days post-release; 2) in the spring (late March to early April) to check for kit survival; 3) in the fall (September) to trap and mark kits; and 4) 30 days post-marking of kits.

The monitoring efforts would consist of night surveys involving the use of spotlighting techniques for locating ferrets. The use of motorized vehicles is limited to existing roads in the park unless all-terrain vehicle use would be authorized by the park superintendent. Because of the area's rolling terrain, vegetative ground cover, deeply incised drainages, and relatively low road density, it is likely that the effective extent of vehicle-based coverage would be limited. Pedestrian searches with battery packs would be used to augment survey of suitable habitats beyond vehicle spotlight ranges, including many prairie dog complexes within the backcountry of the park. Surveys would be conducted beginning at dusk and continuing until dawn over a minimum of three consecutive nights.

Opportunistic surveys, i.e., snow tracking (when conditions warrant), diurnal surveys, and detection of ferret sign (e.g., scat, tracks, trenching), would supplement the scheduled spot light surveys described above. All observations would be documented.

## Contingency Plan for Plague

Wind Cave National Park will develop a contingency plan for sylvatic plague in consultation with the U.S. Fish and Wildlife Service. Compliance on proposed actions under the contingency plan will be completed separately from this environmental assessment.

## MITIGATION MEASURES

Mitigation measures or conditions are presented as part of the selected action and have been developed to lessen potential adverse effects. The following table highlights mitigation measures that will be implemented for the selected action:

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**TABLE 1. BEST MANAGEMENT PRACTICES AND MITIGATION MEASURES**

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### Natural Resources

Selection of prairie dog control measures and other management actions would be evaluated by park resource management staff to minimize adverse impacts on reintroduced ferrets as well as prairie dog populations. All actions would be consistent with the park's Black-tailed Prairie Dog Management Plan (NPS 2006b).

Use of control measures would be evaluated to minimize potential impacts on non-target species (plants and animals), including species that use prairie dog habitat or depend upon prairie dogs as a prey source.

### Cultural Resources

The park would verify the locations of known archeological sites in the vicinity of project areas and would clearly define these areas as sensitive resource areas that are off-limits for vehicle or crew access (without calling attention to the presence of archeological resources). Work limits in the vicinity of important cultural resources would be clearly defined.

Work crews would be educated about the sensitivity and importance of cultural sites and about the need to protect any cultural/archeological resources encountered. This would include instructions for notifying appropriate park staff and other required agencies if cultural/archeological resources or human remains were discovered.

Work crews would be instructed about the illegality of collecting artifacts on federal lands (Archeological Resources Protection Act).

Ferret reintroduction areas would be accessed primarily on foot using non resource-sensitive routes. However, the use of all-terrain vehicles (with spark arrestors) to access project areas while the ground is frozen or is too dry to be easily disturbed would be cleared in advance by the park superintendent.

### Socioeconomic Resources

Ferrets would be reintroduced only under a scientific experimental/recovery permit, but will provide mechanisms to ensure that private property interests outside the park are not impacted. Private landowners could continue all lawful operations and activities, including using registered rodenticides to control prairie dogs and hunting on private lands. Black-footed ferret reintroduction in the park would not impose any changes on private land use.

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## OTHER ALTERNATIVES CONSIDERED

**Alternative A, The No Action/Continue Current Management Alternative:** This alternative is defined as continuing existing management practices into the future. Under the current general management plan, actions related to conserving endangered and threatened species would continue but stop short of an active reintroduction of the black-footed ferret to Wind Cave National Park.

This alternative assumes that the black-tailed prairie dog complexes in the park would continue to exist with the black-footed ferret's ecological niche vacant. The relationships between the prairie dog, ferret, and other commensal species would not have the opportunity to redevelop in the park.

### Alternatives Considered and Dismissed

Two other alternatives were initially considered by Wind Cave National Park staff but rejected during the initial evaluation process. These alternatives and the reasons they were dismissed from further consideration are described below.

- **Reintroduce the black-footed ferret to Wind Cave National Park as endangered, with no section 10(a)(1)(A) scientific experimental recovery permit with incidental take exemptions, and without U.S. Fish and Wildlife Service / National Park Service assumption of risks/liability for losses of ferrets that may disperse outside of the National Park boundaries.**

This alternative was not considered for detailed evaluation in the environmental assessment because it was not deemed realistic and was in direct conflict with stated objectives of the reintroduction effort. One objective is to avoid or minimize adverse effects on local economies, life styles, and the natural environment. If ferrets were reintroduced as endangered and without experimental provisions or other administrative safeguards and individual ferrets dispersed onto private lands adjacent to the park, there could be potentially adverse effects on management of private lands, and pose severe burdens on park operations. Additionally, the South Dakota Department of Game, Fish, and Parks, which manages Custer State Park, adjacent to Wind Cave National Park on the north, would be restricted in its management options if the ferret, as an endangered species, crossed into the state park. This could conflict with the objective of collaborating with park partners.

- **Reintroduce the black-footed ferret to Wind Cave National Park as an essential, experimental population.**

This potential alternative was dismissed from further consideration for basically the same reasons as the previous alternative. The only difference would be that reintroduced ferrets would have threatened rather than endangered status while on National Park Service lands. Although there may be more latitude allowed in management options on private lands where reintroduced ferrets might be found, the restrictions would still conflict with the objectives of avoiding or minimizing adverse effects on local economies, life styles, and the natural environment and of collaborating with park partners.

## ENVIRONMENTALLY PREFERRED ALTERNATIVE

### The Environmentally Preferred Alternative

The environmentally preferred alternative is the alternative that would best promote national environmental policy expressed in the National Environmental Policy Act as well as NPS *Director's Order #12* (NPS 2001b) and NPS *Management Policies* (NPS 2006a). The environmentally preferred alternative would cause the least damage to the biological and physical environment, and would best protect, preserve, and enhance historical, cultural, and natural resources.

Section 101(b) of the National Environmental Policy Act identifies six criteria to help determine the environmentally preferred alternative. The act directs that federal plans should:

1. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations.
2. Assure for all Americans safe, healthful, productive, and esthetically and culturally pleasing surroundings.
3. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences.
4. Preserve important historical, cultural, and natural aspects of our national heritage, and maintain, wherever possible, an environment that supports diversity and variety of individual choice.
5. Achieve a balance between population and resource use that will permit high standards of living and a wide sharing of life's amenities.
6. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

In the National Park Service, continuing current management may be considered in identifying the environmentally preferred alternative. Alternative A, the No Action Alternative, represents the current management direction for Wind Cave National Park. Alternative A would promote the continued absence of a species with an integral role in the prairie ecosystem. There would be no action taken to support the endangered species program. Alternative B, Reintroduce the Black-footed Ferret, would enhance the ecological integrity of the prairie ecosystem and support implementation of the Endangered Species Act.

By comparison, Alternative B would better meet environmentally preferred policies numbers 1, 2, 3, and 4 than Alternative A by:

- Reestablishing an important element in the prairie ecosystem, thus enhancing the environment for future generations;
- Reintroducing a culturally significant symbol and restoring a lost component important to Native American society;
- Using the 10(a)(1)(A) scientific experimental recovery permit as a tool to help avoid undesirable or unintended consequences on nearby private lands; and
- Strengthening biodiversity and the historical assemblage of species in the plains environment.

Based on the reasons presented above, Alternative B is the environmentally preferred alternative.

## **THE SELECTED ACTION AND SIGNIFICANCE CRITERIA**

As defined in 40 CFR §1508.27, significance is determined by examining the following criteria:

*Impacts that may have both beneficial and adverse aspects and which on balance may be beneficial, but that may still have significant adverse impacts which require analysis in an EIS.*

No long-term major adverse or beneficial impacts were identified that require analysis in an environmental impact statement.

Primarily, benefits, with few adverse effects, will occur as a result of the reintroduction of the black-footed ferret.

Endangered and threatened species, all wildlife, ethnographic resources, visitor use and experience, and socioeconomics would each experience benefits ranging from minor to moderate/major, with cumulative impacts having similar beneficial effects.

If zinc phosphide were used in prairie dog lethal control actions, it could result in short-term, negligible to minor, adverse effects for prairie dogs and other wildlife, which could in turn have a potential minor adverse impact on the black-footed ferret. The potential adverse impact would be mitigated by monitoring for the presence of ferrets in areas targeted for lethal prairie dog control and relocating ferrets away from these areas or using alternate control methods.

Park operations will be adversely affected by the selected action because reintroduction of ferrets would add to park staff workload and strain already tight budgets. This will result in a long-term, parkwide, minor, adverse effect on park operations. Cumulative effects on park operations would be long-term, minor to moderate, and beneficial, although Alternative B would contribute to the cumulative effects with a minor, adverse impact. This may be offset by the reduction of prairie dog control needed as the ferrets may provide some measure of population control.

*The degree to which the proposed action affects public health or safety.*

There would be no adverse effect on public health and safety as a result of the reintroduction of the black-footed ferret.

*Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.*

There are no prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas within the project area.

Wind Cave has long been valued by American Indian tribes associated with the park, and there are many traditional stories about holes in the Black Hills that blow wind and that are associated with tribal origins. The Black Hills occupy a very special place in the history, creation stories, and religious beliefs of these groups. Centuries-old American Indian legends tell of a “hole that breathes cool air” near the Buffalo Gap. This “Wind” cave was regarded by Lakota peoples as the site of their origin, and they have many legends about the role the cave played in their culture. The selected action will have no effect on cave resources, as all activities will occur above ground.

The park also contains Wind Cave National Park Administrative and Utility Area Historic District, an area that contains 25 structures considered eligible for the National Register of Historic Places. No historic structures will be affected by anticipated resource management activities of the selected action, as determined by the section 106 consultation with the South Dakota SHPO.

*The degree to which the effects on the quality of the human environment is likely to be highly controversial.*

Although there is a wide range of disagreement on the merits of ferret reintroduction, there were no specific highly controversial effects associated with the selected action identified during the preparation of the environmental assessment or during the public review period which was originally scheduled to end December 22, 2006, but was extended until January 26, 2007. However, ferrets, and endangered species reintroductions in general, can be a contentious issue which can result in a variety of opinions regarding their management. Some people feel reintroductions are necessary and appropriate, while others object to such actions as an inappropriate use of resources. Because prairie dogs along the park boundary would be managed on a case by case basis to avoid and/or address neighboring landowner concerns, there is a lower likelihood that ferrets would encroach on neighboring lands where prairie dogs were absent. For these reasons, effects of this selected action are not considered highly controversial.

*Degree to which the possible effects on the quality of the human environment are highly uncertain or involve unique or unknown risks.*

There were no highly uncertain, unique or unknown risks identified during either preparation of the environmental assessment or during the public review period which ended January 26, 2007.

*Degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.*

The selected action neither establishes a National Park Service precedent for future actions with significant effects nor will it represent a decision in principle about a future consideration.

*Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.*

As detailed in the environmental assessment, no cumulatively significant impacts will occur as a result of the selected action or other related actions. Projects that were considered in conjunction with the selected action for their cumulative effects include the various wildlife and natural resource management plans currently in effect or in preparation, relocation of the park's wastewater treatment facility; rehabilitation of a portion of Highway 87 and the visitor center access roads; several other resource management plans for Wind Cave National Park; an NPS regional prairie dog management policy statement; and prairie dog management plans for South Dakota and Fall River County.

Long-term, minor to moderate cumulative benefits will result from the selected action for all impact topics and resources with the exception of park operations. The adverse cumulative effects on park operations associated with the selected action would be minor as a result of increased workload on park staff.



*Degree to which the action may adversely affect districts, sites, highways, structures, or objects listed on National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources*

The National Park Service determined, and the South Dakota State Historic Preservation Officer concurred on December 18, 2006, that there will be *No Adverse Effect* to historic properties either listed on or eligible for listing on the National Register of Historic Places.

*Degree to which the action may adversely affect an endangered or threatened species or its critical habitat*

If the black-footed ferret is reintroduced to Wind Cave National Park, the selected action will have a long-term, moderate, beneficial effect (*may affect, but not likely to adversely affect*) on the black-footed ferret.

The ferret reintroduction actions should have *no effect* on the bald eagle, because bald eagles do not rely on ferrets for prey and eagles are casual, transient visitors to Wind Cave National Park.

The U.S. Fish and Wildlife Service was contacted regarding this project, and the Service stated on March 31, 2005, that if no effect was determined by the National Park Service, no further consultation was necessary. On March 14, 2006, the U.S. Fish and Wildlife Service concurred with the assessment of *no effect* for American burying beetle and bald eagle and the assessment of *may affect, but not likely to adversely affect, beneficial effects*, for the black-footed ferret.

*Whether the action threatens a violation of Federal, state or local environmental protection law*

The selected action will not violate any Federal, state, or local environmental protection laws.

## **IMPAIRMENT**

In addition to reviewing the list of significant criteria, the National Park Service has determined that implementation of the selected action will not constitute an impairment to Wind Cave National Park resources and values. This conclusion is based on a thorough analysis of the environmental impacts described in the project's environmental assessment, relevant scientific studies, and the professional judgment of the decision-maker guided by the direction in *Management Policies* (NPS 2006a). As described in the environmental assessment, implementation of the selected action will not result in major, adverse impacts to a resource or value whose conservation is (1) vital to fulfilling the establishing legislation or proclamation of Wind Cave National Park, (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents.

Although implementation of the project will cause some short- and long-term, local adverse effects (primarily limited to effects on park operations), in all cases these result from actions taken to conserve vital park resources. Overall, implementation of the selected action will result in benefits to endangered and threatened species, wildlife, ethnographic resources, visitor use and experience, and socioeconomics.

## **PUBLIC INVOLVEMENT AND CONSULTATION**

National Park Service internal discussions led to identification of the main issues and impact topics addressed in the environmental assessment. The primary goals of the project are to implement actions required for recovery of the species; evaluate and improve reintroduction techniques and management applications; support conservation and restoration of a more complete prairie ecosystem; manage park resources in accordance with the park's general management plan (NPS 1994a), resource management plan (NPS 1994b), and NPS *Management Policies* (NPS 2006a); and protect public health, safety, and welfare.

The environmental assessment process under NEPA requires agencies to seek outside suggestions and other input about what should be considered in the environmental assessment. This process, called "scoping," involves contacting other federal, state, and local agencies that might have an interest in the selected action. Consultations with the US Fish and Wildlife Service and the State Historic Preservation Officer were initiated during this process, as well as attempts to consult with the 19 tribes who have affiliation with this area, as detailed in the environmental assessment.

No comments on the environmental assessment were received from the contacted tribes during the comment and review period.

Wind Cave National Park issued a press release on July 13, 2006 informing the public, agencies, and tribes about, and soliciting comments on, the proposal to reintroduce the black-footed ferret to the park. The park issued scoping letters to the Tribes, the SHPO, and the U.S. Fish and Wildlife Service. Additionally, park staff attended meetings of the county commissioners in Custer and Fall River counties in July and August 2006 to present information about the NPS proposal and to answer questions.

The public was invited to comment on the project in a press release issued on November 6, 2006, and posted the same day on the park's website at <http://www.nps.gov/wica>. An open house was held at the park November 28, 2006, also to receive comments. The environmental assessment was made available for public review and comment from November 8 to December 22, 2006 (a period of 45 days). ). During this comment period there appeared to be confusion with the reintroduction process and the designation that would be applied to the reintroduced black-footed ferrets so the park decided to extend the comment period until January 26, 2007 to allow for further clarification. The environmental assessment also was available on the NPS Planning, Environment, and Public Comment website (<http://parkplanning.nps.gov/publicHome.cfm>) where comments were accepted during the same period. The National Park Service also sent copies of the environmental assessment to various local organizations, libraries, interested parties, and government agencies for their review and comment.

This Finding of No Significant Impact (FONSI), attached to the environmental assessment, presents the National Park Service decision. The entire environmental assessment will not be reprinted.

## CONCLUSION

The selected action will not constitute an action that normally requires preparation of an environmental impact statement (EIS). The selected action will not have a significant effect on the human environment. Negative environmental impacts that could occur are short- or long-term and of minor intensity. There will be no significant impacts on public health, public safety, threatened or endangered species, or other unique characteristics of the region. There are no unmitigated adverse impacts on sites or districts listed in or eligible for listing in the National Register of Historic Places. No uncertain or controversial impacts, unique risks, significant cumulative effects, or elements of precedence were identified. Implementation of the action will not violate any federal, state, or local environmental protection law nor result in the impairment of park resources or values.

Based on the foregoing, it has been determined that an EIS is not required for this project and thus will not be prepared.

Recommended:

\_\_\_\_\_  
Superintendent

\_\_\_\_\_  
Date

Approved:

\_\_\_\_\_  
Midwest Regional Director

\_\_\_\_\_  
Date

## Errata

The following revisions to the Environmental Assessment (EA) are presented to clarify potential confusion between reintroduction of an endangered species based on a section 10(a)(1)(A) scientific experimental/recovery permit (retaining endangered status) with a section 10(j) permit (which confers non-essential, experimental status to the reintroduced population). The selected action will use the section 10(a)(1)(A) scientific experimental/recovery permit. The original EA text is in italics, followed by the replacement text. The page, paragraph numbers, and heading titles refer to the November 2006 public review draft EA.

### Page i, paragraph 1, Executive Summary

*The National Park Service is proposing to reintroduce black-footed ferrets (Mustela nigripes) to Wind Cave National Park in South Dakota under a “nonessential experimental” designation or similar mechanism that provides maximum flexibility for the park while minimizing regulatory issues for adjacent landowners.*

The National Park Service is proposing to reintroduce the black-footed ferret within the boundaries of Wind Cave National Park as endangered and authorized under a 10(a)(1)(A) scientific experimental/recovery permit issued under the Endangered Species Act. This permit allows experimental reintroductions to occur within park boundaries and provide mechanisms to ensure that private property interests outside the park are not impacted

### Page i, paragraph 5, Desired Future Condition Under the Action Alternative

*The black-footed ferret reintroduction plan seeks to reestablish a sustainable population of the ferret in Wind Cave National Park. The U.S. Fish and Wildlife Service would issue a section 10(a)(1)(A) recovery permit for the experimental release of ferrets in the park that would ensure that no burdens or constraints on landowner or private individual lawful activities outside the park would be associated with the potential presence of ferrets.*

The black-footed ferret reintroduction plan seeks to reestablish a sustainable population of the ferret in Wind Cave National Park. The U.S. Fish and Wildlife Service would issue a section 10(a)(1)(A) scientific experimental/recovery permit for the experimental release of ferrets in the park that would ensure that no burdens or constraints on landowner or private individual lawful activities outside the park would be associated with the potential presence of ferrets.

Page 2, paragraph 2, Purpose

*The resulting plan would be used to manage black-footed ferrets reintroduced into the park. This is usually for a 10 to 15-year period, but would cease if reintroduction efforts proved unsuccessful.*

The resulting plan would be used to manage black-footed ferrets reintroduced into the park with a five year interim “feasibility” recovery effort, but would cease if reintroduction efforts proved unsuccessful.

Page 19, paragraph 1, Experimental Release of Ferrets

*Ferrets would only be released in the park if they would be entirely the responsibility of the U.S. Fish and Wildlife Service and National Park Service. Specifically, liability for the welfare of ferrets reintroduced to the park would be the responsibility of the National Park Service and U.S. Fish and Wildlife Service, regardless of where the ferrets were (i.e., in or out of the park). There are no Endangered Species Act compliance requirements associated with lawful activities that occur outside the park. The U. S. Fish and Wildlife Service would authorize this reintroduction under section 10(a)1(A) recovery permit to ensure that ferrets would be reintroduced with a status similar to the section 10j nonessential, experimental status conferred to ferrets in other reintroductions. There would be no long range consequences to any activities outside of the park boundaries. The ferrets would be reintroduced with a five year interim “feasibility” recovery effort and development of an ultimate administrative approach that will continue to provide “no impact” assurances to land uses outside of the park. The section 10(a)1(A) recovery permit to recover ferrets in the park would avoid conflicts with private landowner interests.*

Ferrets would only be released in the park if they would be entirely the responsibility of the U.S. Fish and Wildlife Service and National Park Service. Specifically, liability for the welfare of ferrets reintroduced to the park would be the responsibility of the National Park Service and U.S. Fish and Wildlife Service, regardless of where the ferrets were (i.e., in or out of the park). There are no Endangered Species Act compliance requirements associated with lawful activities that occur outside the park. The U. S. Fish and Wildlife Service would authorize this reintroduction under section 10(a)(1)(A) scientific experimental/recovery permit. There would be no long range consequences to any activities outside of the park boundaries. The ferrets would be reintroduced with a five year interim “feasibility” recovery effort and development of an ultimate administrative approach that will continue to provide “no impact” assurances to land uses outside of the park. The section 10(a)(1)(A) scientific experimental/recovery permit to recover ferrets in the park would avoid conflicts with private landowner interests.

Page 22, paragraph 6, Reintroduction Goals

*There would be no intention to change the ferret population status under the section 10(a)(1)(A) recovery permit unless the reintroduction is deemed a failure by the U. S. Fish and Wildlife Service (where no ferrets would remain in the park) or the black-footed ferret is recovered nationally in the wild and the species is de-listed.*

There would be no intention to change the ferret population status under the section 10(a)(1)(A) scientific experimental/recovery permit unless the reintroduction is deemed a failure by the U. S. Fish and Wildlife Service (where no ferrets would remain in the park) or the black-footed ferret is recovered nationally in the wild and the species is de-listed.

Page 23, Table 2, Socioeconomic Resources

*Ferrets would be reintroduced only under an experimental permit and other long range administrative solutions which would confine the limits of this proposed action to the park boundaries. Thus, private landowners could continue all lawful operations and activities, including using registered rodenticides to control prairie dogs and hunting on private lands. Black-footed ferret reintroduction in the park would not impose any changes on private land use.*

Ferrets would be reintroduced only under a scientific experimental/recovery permit, but will provide mechanisms to ensure that private property interests outside the park are not impacted. Private landowners could continue all lawful operations and activities, including using registered rodenticides to control prairie dogs and hunting on private lands. Black-footed ferret reintroduction in the park would not impose any changes on private land use.

Page 24, paragraph 2, Alternatives Considered But Rejected

*Reintroduce the black-footed ferret to Wind Cave National Park as fully endangered, with no section 10(a)(1)(A) recovery permit (conferring status similar to a nonessential, experimental population), and without U.S. Fish and Wildlife Service / National Park Service assumption of risks/liability for losses of ferrets that may disperse outside of the National Park boundaries.*

Reintroduce the black-footed ferret to Wind Cave National Park as endangered, with no section 10(a)(1)(A) scientific experimental/recovery permit with incidental take exemptions, and without U.S. Fish and Wildlife Service / National Park Service assumption of risks/liability for losses of ferrets that may disperse outside of the National Park boundaries.

*Adverse effects would be minimized because black-footed ferrets would be reintroduced under a section 10(a)(1)(A) recovery permit and no constraints or additional burdens would be placed on private landowners or their ability to conduct lawful land management activities.*

Adverse effects would be minimized because black-footed ferrets would be reintroduced under a section 10(a)(1)(A) scientific experimental/recovery permit and no constraints or additional burdens would be placed on private landowners or their ability to conduct lawful land management activities.

## Comment/Response Attachment

Three hundred fifty three comments from 102 documents were received during the comment period. Fifty-one substantive comments were made in these documents; the remaining were non-substantive comments. The substantive comments are addressed below. The errata sheets that precede the comment responses do not include changes to the text resulting from the comments addressed below. The errata are in response to internal NPS comments clarifying that the reintroduction would be implemented under a 10(a)(1)(A) scientific experimental/recovery permit issued under the Endangered Species Act. Note that the comment number associated with each substantive comment relates to an NPS database and does not reflect the number of comments received.

**Comment 38212:** *“Although we support Alternative B as the best option provided, we believe that the existing 2,200 acres of prairie dog colonies in the park will prove inadequate to support a viable population of ferrets. We note the proposed reintroduction is identified as an experiment to see if prairie dog complexes <5,000 acres can sustain a ferret population. This is a worthwhile experiment given the lack of data in plague-free habitats. Should the experiment fail, however, we believe that it is essential that Wind Cave National Park increase the extent of prairie dog habitat in the park.”*

**Response:** The recently completed Black-tail Prairie Dog Management Plan/EA sets the limits of prairie dog colonies within the park between 1,000 and 3,000 acres. This plan guides the Park in an attempt to balance the needs of not only prairie dogs, but other species utilizing the parks limited range resources. If the experiment of releasing black-footed ferrets into an area with approximately 2,200 acres of prairie dogs fails then the Park has the option of going back and re-doing another prairie dog management plan and environmental assessment. The Park has no intention of pursuing this at this time.

**Comment 38234:** *“It is a very bad idea to reintroduce ferrets into WCNP. The park is already very poorly managed and has very limited financial resources. WCNP does not have the capability to manage the addition of black-footed ferrets. In summary WCNP can't properly manage their wildlife and range as it is, so they will not be able to handle more wildlife. No ferrets in WCNP.”*

**Response:** It is true that the park has limited financial resources but the park feels that it does have enough resources to manage the addition of the black-footed ferret. Managing its wildlife is dependent upon management plans with control options. Until we have control options for its main grazers and the drought subsidies, the range may appear to be “poorly managed”. The Park completed its Black-tailed Prairie Dog Management Plan in 2006 and is currently (02/07) managing its prairie dogs close to the park boundaries. The Park is in the process of completing an elk management plan that will provide options of reducing its elk herd substantially. It is already managing its bison herd.



**Comment 38385:** *“Pennington County found several flaws and contradictions with the preferred Alternative B, Reintroduce the Black-footed Ferret and deems it unacceptable for the following reasons in order of appearance in the plan. Page 38 states: “Black-footed ferrets are nocturnal, solitary animals that produce one to seven kits per year (USFWS 1988).” Page 55 states: “Under Alternative B, the reintroduction of black-footed ferrets in the park would benefit the local economy because additional visitors would be attracted to the park and region by the opportunity to potentially observe a black-footed ferret in the wild.” Problem: Here is another contradiction of Alternative B. Why would visitors be attracted to come observe a nocturnal, solitary animal?”*

**Response:** The Park fails to see a contradiction in this statement. Because an animal is nocturnal or prefers a solitary lifestyle does not preclude wildlife enthusiasts from desiring to see it. Many wildlife enthusiasts and general park visitors are attracted to National Parks for the potential to observe wildlife, especially an endangered species. The nocturnal habits make the ferret challenging to observe but no less desirable for visitors who want a chance to see one of the rarest animals in North America. These types of unique opportunities are what visitors come to expect when visiting their National Parks. There may also be opportunities for qualified volunteers to assist the park with ferret monitoring activities and broaden the range of individuals who will see ferrets.

**Comment 38387:** *“Pennington County found several flaws and contradictions with the preferred Alternative B, Reintroduce the Black-footed Ferret and deems it unacceptable for the following reasons in order of appearance in the plan. Page 58 states: “Custer County, South Dakota issued Resolution 93-8 in 1993 stating the county's opposition to reintroduction of the black-footed ferret in the county and asking the U.S. Fish and Wildlife Service to refrain from ferret reintroductions in the county. While the proposed action does conflict with the county resolution, the park believes the policies, conditions, and responsibilities associated with the ferret reintroduction project would alleviate any potential problems anticipated by the Custer County Board of Commissioners in 1993.” Problem: How can you assume Alternative B would alleviate any potential problems anticipated by the Custer County Board of Commissioners? If this is true then why is the Custer County Board of Commissioners submitting comments against proposed Alternative B?”*

**Response:** The Park feels the potential problems anticipated by the Custer County Board of Commissioners in Resolution 93-8 deal with landowner rights and fear of an endangered species moving out of the park and onto private property and possibly causing restrictions on use of that property. The Park has stated numerous times in the reintroduction plan/EA document, and the USFWS will state in their Biological Opinion that there will be no impacts to landowners if and when a ferret moves onto their property. There will be provisions for incidental take written into the final ruling meaning accidentally killing a ferret on private property will not place the landowner in a situation where they will be held legally accountable. Another concern is the ability for landowners to control prairie dogs on their property. There will be no restrictions on legal control methods of prairie dogs to landowners.

**Comment 38389:** *“In general, it appears from the plan that Wind Cave National Park has already made up their mind to reintroduce the black-footed ferret. This conclusion is substantiated by the admission that the park's submitted a ferret allocation request in March 2006. The aggressive plan to enlarge the population of black tailed prairie dogs which was adopted earlier this year would support this conclusion. This draft plan appears to be strongly biased toward the reintroduction of the ferrets. Again, this indicates the Park has already decided they are going to reintroduce ferrets, and are attempting to justify that position.”*

**Response:** Allocation requests for black-footed ferrets must be made to the USFWS at least six months prior to release. The USFWS suggested the Park submit an allocation request with the stipulation that it was dependant upon the outcome of the Park's Environmental Assessment. If the Environmental Assessment analysis results in the “No Action” alternative (Alternative A), the allocation request would be moot. If the EA analysis results in the “reintroduction” alternative (Alternative B) being selected, the allocation request submitted in March 2006 would allow implementation to move forward. The reintroduction effort best meets the purpose and the need for this plan established on page 2-3.

**Comment 38391:** *“The plan indicates the black-footed ferret was "historically present in the park and last sighted in the park in 1977." There does not appear to be much evidence of the historical presence of the ferret, with one reference in about 1908, then an apparent complete absence of any notation until the last half of the 19th century. Such sketchy information makes the single early reference questionable. Further, what research has been done to determine why the ferret disappeared from the park in about the late 1970s? From the abundance of prairie dogs, it is doubtful the disappearance was due to lack of food. Recommend the park analyze the reason for their disappearance before expending considerable resources, both dollars and labor, to attempt an experiment which may be quite likely to fail again.”*

**Response:** In Wind Cave National Park there have been eleven documented sightings of black-footed ferrets; the first in 1922 and the last in 1977. Three of those sightings may have been the result of the release of black-footed ferrets at the completion of movie scene being filmed at the park in 1953. Contrary to early characterizations that addressed natural history, the black-footed ferret was probably common historically, although its secretive habits (nocturnal and often underground) made it difficult to observe (Anderson et al. 1986, Clark 1989, Forrest et al. 1985).

In the park, poisoning of prairie dog colonies took place in the 20's and 30's and accounts mention “eliminated” and “exterminated” inferring that total eradication was the goal. Additional poisoning took place in the 50's as well and colonies totaled 300 acres by the late 1950's. By the 1960's, prairie dog colonies in the park totaled less than 700 acres. It is this reduction in prairie dog habitat that is believed to have led to the disappearance of the ferret from the park. One female ferret requires between 75 – 200 acres of prairie dog colony to survive, therefore 300 acres would only provide habitat for approximately 3 ferrets. From the late 1800s to approximately 1960, both prairie dog habitat and numbers were dramatically reduced throughout their range by the effects of habitat destruction from conversion of prairie to cropland, exotic diseases and habitat curtailment from poisoning; and the ferret population

declined precipitously as a result (Biggins 2005). And, while the colonies at the park slowly increased to 1,800 acres by the early 1980's, the ferret had already been extirpated from South Dakota. The park's current prairie dog management plan allows for 1,000 – 3,000 acres of prairie dog habitat. By maintaining prairie dog habitat within this range, the black-footed ferret will have a better chance of survival in the park than earlier decades when prairie dogs were controlled to low acreages.

**Comment 38427:** *"What is the anticipated cost for the reintroduction, monitoring, caring and feeding, and reporting? It seems that such will require considerable resources, including the probable addition of more park personnel. How can such expense be justified with the tight budgets which the Federal Government is experiencing? The identified impact on Park Operations states reintroduction would "add to park staff workload and strain already tight budgets." (pg 29) Those resources could be better utilized for other things, such as park maintenance, rather than striking off on a new tangent."*

**Response:** The Park plans on using a "hands off" policy as much as possible for ferret reintroduction. Once the ferrets have been brought into the park they will be released immediately, therefore no costs would be incurred for caring or feeding. The Park proposes to conduct up to four monitoring surveys following release of ferrets in the park and would utilize volunteers as much as practical for these monitoring surveys. While there would be a cost for monitoring and reporting, the cost would be reduced dependent on the number of volunteers participating. And, as was mentioned in the Plan, this cost may be offset by the reduction of prairie dog control needed as the ferrets may provide some measure of population control. In addition to volunteers, the Park also has access to the National Park Service's Northern Great Plains Inventory and Monitoring Program in Rapid City, South Dakota. This group has staff that will be made available to assist with the monitoring effort.

Further reasoning and justification for this reintroduction effort can be found in our NPS *Management Policies* (NPS 2006a), section 4.4.2.3; "The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species." The proposed reintroduction action is entirely consistent with this policy. The proposed action would enhance the ecological integrity of Wind Cave National Park by restoring a missing element of the prairie ecosystem.

**Comment 38430:** *"Why does the plan indicate that an objective is to "Test the viability of using a reintroduction site with less than 5,000 acres of prairie dog complexes," when the park's plan is to control prairie dogs below 3,000 acres? This seems to be in conflict"*

**Response:** The Park's current prairie dog management plan allows for a prairie dog acreage range of 1,000 – 3,000 acres which falls within a prairie dog complex size the USFWS may consider sufficient to provide benefits to the national recovery program. If the USFWS allocates ferrets to the Park that will be an important indication that restoration on smaller complexes is going to be explored in greater detail. It is unknown at this time if a complex of 1,000 – 3,000

acres will be able to support a self sustaining population of ferrets, therefore the Park will be testing the viability of a site <5,000 acres. It is crucial to attempt to establish and maintain as many ferret populations as possible in native habitats in order to achieve recovery of this species.

**Comment 38431:** *"The history on pg 6, indicates the ferret "may once have been common on the Great Plains," and "may have exceeded 500,000 animals." Are those the most optimistic projections? Or is it true the total count may have been significantly less? What is the range of accuracy of this statement?"*

**Response:** In actuality, the 500,000 may be on the conservative side of population estimates. Fossil evidence and current field data on both ferrets and prairie dogs suggests a historical abundance of 500,000 to 1,000,000 (Clark 1989). The number of black-footed ferret specimens in museums is considerable, particularly for a specialized and secretive nocturnal carnivore (Miller et. al 1996) and is believed to have been more common than when first addressed. The historic acreage of the black-tailed prairie dog alone was 80,000,000 - 100,000,000, which could easily have maintained more than 500,000 ferrets.

**Comment 38432:** *"The history goes on to indicate, "The black-footed ferret captive propagation program has been one of the most successful conservation programs ever conducted." Following, it indicates, "the future of wild ferrets remains in doubt." There appears to be conflict between these two statements."*

**Response:** There is no conflict in these statements. The captive breeding program has been quite successful in bringing the black-footed ferret back from the brink of extinction; producing ferrets in a controlled situation where they live in a controlled environment, are fed, free of disease, and safe from predators. Once they are placed in the wild, they must deal with the loss of habitat and food source due to such activities as development, poisoning of prairie dogs and conversion of land to cropland. In some areas there are disease issues such as plague. With the loss of prairie dog habitat (loss of perhaps 98% of their historic range), and the presence of plague (a non-native disease) the ability of ferrets to survive in the wild, is in doubt. Current studies indicate a self sustaining population of ferrets requires 5,000 – 10,000 acres of prairie dog habitat. Prairie dog complexes of this size, with land managers willing to commit to maintaining the habitat for ferrets, are becoming fewer and fewer. Heck Table, near Scenic, South Dakota, contains approximately 1,800 acres of prairie dogs, and has supported a self-sustaining population of ferrets for 6 years. However, this was not a reintroduction. It is important for recovery efforts to determine if establishment of ferret populations on smaller prairie dog complexes is a viable option for recovery.

**Comment 38433:** *“Pg 14, indicates "The energy required for ferret reintroduction and management would not be detectable on a daily or annual basis compared to energy use in Wind Cave National Park and surrounding area." This statement indicates there is no intent to identify energy devoted to this project. What about costs of capturing and transporting the ferrets to the park? Surely park personnel will monitor the success of the program, which will require travel to the introduction sites.”*

**Response:** The proposed reintroduction sites are within one mile of the visitor center and monitoring activities would take place on foot. Any energy used for this reintroduction would be miniscule. When compared to the daily or annual total energy use by the Park, energy use from this project would be un-noticeable and insignificant.

**Comment 38434:** *“Pg 18 indicates "the absence of ferrets would diminish the effectiveness of this ecological process." If the ferrets have been absent for nearly 30 years, what effect caused by their absence can be documented? Pg 44: With respect to the No Action Alternative, the plan states, "The effect is minor because the ferret's absence has not shown any substantial adverse effects to date, but it is obvious that a crucial component of the prairie ecosystem is missing. There would be negligible, long-term benefits to those wildlife species that prey on ferrets, as an additional prey species would remain absent." This statement is in conflict within itself, in that there is no observable effect due to the absence of ferrets, and their absence would provide negligible benefits.”*

**Response:** A role of National Parks is to maintain an assemblage of the flora and fauna that naturally existed within the park. While it is unreasonable to establish native carnivores such as grizzly bears or wolves in a park as small as Wind Cave it is entirely logical to reestablish a highly specialized predator like the ferret that can utilize the prairie dog populations in the park.

The black-footed ferret is an important member of the Great Plains prairie ecosystem. As a predator, it fulfills its role as one of the animals that keeps prairie dog populations in check. Like all native species, it plays a unique role that cannot be filled by any other animal. Each species is like a crucial piece of a complex jigsaw puzzle, and every piece is essential to make the puzzle complete. The demise of the ferret and other prairie species is a reminder that the prairie ecosystem itself may be threatened.

**Comment 38436:** *“The plan goes to great extent in attempt to imply there will be no impact to lawful activities, nor to private land outside the Park. There is already doubt the Park will control prairie dogs adequately so they do not migrate outside the park. When prairie dogs migrate to adjoining land, the ferrets are bound to follow, and the plan indicates private individuals cannot knowingly kill a ferret. Such a situation sets up the question of was the killing of a ferret accidental, or knowingly? The judgment will depend on who is making the call.”*

**Response:** Correct, ferret reintroduction to the park will not restrict lawful activities, including the use of legal rodenticides. If a ferret were inadvertently killed, for example, run over by a vehicle, or by secondary poisoning, the FWS would have to prove knowing take. In 13 years of ferret releases in South Dakota, USFWS has not proven intentional take of ferrets on public or private lands and there have only been two instances where take was even examined and in both instances on non private lands. In neither case did USFWS conclude knowing take had occurred. It is the burden of the USFWS to prove knowing take. Since USFWS indicates they will provide incidental take coverage for any ferrets that move off park lands that may taken by otherwise lawful activities, such as private prairie dog management, we do not anticipate knowing take to be an issue since lawful activities will be permitted. It is a rarity that a ferret gets killed and to date such deaths have been attributed to vehicle collisions, domestic dogs or natural predation. In no cases have private landowners been found or charged with knowing take.

**Comment 38439:** *“The Custer County Commission, by Resolution 93-8, March 23, 1993, took direct opposition to the reintroduction of the black-footed ferret in Custer County, due to the lack of landowner support. The current Custer County Commission strongly supports that resolution, and asks Wind Cave National Park to abandon any plans for the reintroduction of the black-footed ferret.”*

**Response:** It is the Park’s understanding that this resolution was put in place as a result of landowner concerns of being restricted in their activities on their private lands should an endangered black-footed ferret move onto their property. The Park will be reintroducing the black-footed ferret under the 10(a)(1)(A) scientific experimental/recovery permit under the Endangered Species Act, which would alleviate these restrictions. This means a private landowner will still be able to continue all lawful operations and activities including using registered rodenticides to control prairie dogs and hunting on private lands under incidental take exemptions authorized by the USFWS.

**Comment 38536:** *“The EA failed to analyze whether or how land use classifications within the park might be affected by a self-sustaining population of Black-footed Ferret (mustela nigripes). As a result, the potential effects upon the use of these lands were not evaluated. This analysis is particularly important because of land management precedents the EA might set for other federal property owners, such as the US Air Force, which currently owns a portion of the former Badlands Bombing Range (BBR; near the Conata Basin). The US Air Force is currently involved in munitions clearing and removal activities within areas of the BBR; such actions could result in surveying, digging, trenching or otherwise disturbing large tracts of land.”*

**Response:** The Park, perhaps differently than the Department of Defense, maintains lands and properties for the conservation of the native flora and fauna as a primary function of those lands. We appreciate the different mandates of the DOD but do not believe that a self sustaining population of ferrets within the park would materially restrict the reasons for the park’s establishment and future management. In fact, the proposed action enhances the classification for which the park was established.

**Comment 38537:** *“The Endangered Species Act (ESA), Section 3, Para 5(B) establishes that "Critical habitat may be established for those species now listed as threatened or endangered species for which no critical habitat has heretofore been established." According to known USFWS information, no critical habitat rules have been established for mustela nigripes; one can therefore expect that critical habitat rules may be established in the future. The critical habitat designation is important because these designations affect only federal agency actions or federally funded or permitted activities. Federal agencies are required to avoid 'adverse modification' of designated critical habitat.”*

**Response:** The black-footed ferret was listed as endangered under some of the earliest versions of the Endangered Species Act (1967 and before) and when the current version (1973 as amended) was passed by Congress with critical habitat language, the ferret was grandfathered in. Accordingly, the USFWS does not anticipate revisiting critical habitat designations for ferrets.

**Comment 38538:** *“Neither did the EA cite the definition of an 'intentional take.' According to ESA Section 3(18), 'the term 'take' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct.' According to the US Fish and Wildlife Service regulations (ESA Basics, May 2006), the act of harming 'may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding, or sheltering.' These omissions, taken with the likelihood that ferrets will disperse to lands adjacent to the reintroduction areas (not only at Wind Cave N.P., but at Conata Basin as well), create uncertainties regarding the assurances made in the EA that the ability of landowners to implement lawful land use activities will not be affected. These uncertainties extend to whether BBR (Badlands Bombing Range) activities will be constrained should areas become populated by ferrets. As a result, surrounding landowners need to understand how the end state is intended to be maintained. Therefore, the EA must address how lands inhabited by self-sustaining populations of mustela nigripes will be classified and managed, and provide a clear meaning of what is meant by use of the term "take."”*

**Response:** The Biological Assessment that is written by the USFWS will provide for incidental take of ferrets through lawful activities that may move off of park lands, including prairie dog management. Ferrets that may move into the BBR (Badlands Bombing Range) are not expected to be from the Wind Cave ferret reintroductions but rather reintroductions undertaken at Conata Basin in the 1990’s. Take of ferrets at BBR is governed by separate rules outlined in the Final Rule published August 18, 1994 for the “Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Southwestern South Dakota” and a Biological Opinion that same year.

**Comment 38540:** *“Scientific evidence that this species existed in the Wind Cave National Park is sketchy and dubious.”*

**Response:** In Wind Cave National Park there have been eleven documented sightings of black-footed ferrets; the first in 1922 involving an actual specimen and the last in 1977. Three of those sightings may have been the result of the release of black-footed ferrets at the completion of movie scene being filmed at the park in 1953. Contrary to early characterizations that addressed natural history, the black-footed ferret was probably common historically, although its secretive habits (nocturnal and often underground) made it difficult to observe (Anderson et al. 1986, Clark 1989, Forrest et al. 1985).

**Comment 38579:** *“Another thing is that I have always heard that the black-footed ferret was on the prairie, but I have never heard that they were in the hills. If that were the case, this would be an introduction, not a reintroduction.”*

**Response:** Wind Cave National Park is located in the southern black hills and consists of mixed grass prairie habitat as well as ponderosa pine. In Wind Cave National Park there have been eleven documented sightings of black-footed ferrets; the first in 1922 involving an actual specimen and the last in 1977. Three of those sightings may have been the result of the release



of black-footed ferrets at the completion of movie scene being filmed at the park in 1953. This effort is a reintroduction of a native species once found within the park.

**Comment 38593:** *“The District feels the largest concern for the re-introduction is the private property that adjoins Wind Cave will be at risk for depredation when the prairie dogs and ferrets encroach. The landowners will be unable to practice prairie dog control because of the endangered species classification of the black footed ferret. Relationships with adjoining landowners will be stressed as the encroachment develops.”*

**Response:** We are unclear of the meaning of the “risk of depredation when the prairie dogs and ferrets encroach”. However, the park has stated numerous times in the reintroduction plan/EA document, and the USFWS will state in their Biological Opinion that there lawful activities, including prairie dog management by legal toxicants or shooting that can continue on lands adjacent to the park. The Park and USFWS do not expect or anticipate the few prairie dogs colonies somewhat close to the park will provide significant habitat to ferrets and thus this experiment will succeed or fail based on the ability of the park to support ferrets and not private lands. There will be provisions for take written into the final ruling meaning accidentally killing a ferret on private property will not place the landowner in a situation where they will be held legally accountable. As stated in the plan/EA, there will be no restrictions on legal prairie dog control under this plan.

**Comment 39339:** *“From records it is apparent that the black-footed ferret has never been a significant species in WCNP.”*

**Response:** In Wind Cave National Park there have been eleven documented sightings of black-footed ferrets; the first in 1922 and the last in 1977. Three of those sightings may have been the result of the release of black-footed ferrets at the completion of a movie scene being filmed at the park in 1953.

In the park, poisoning of prairie dog colonies took place in the 1920’s and 1930’s and written accounts mention “eliminated” and “exterminated” inferring that total eradication was the goal. Additional poisoning took place in the 50’s and colonies totaled 300 acres by the late 1950’s. By the 1960’s, prairie dog acres were less than 700 acres. This “elimination” of prairie dog colonies was taking place throughout the United States and was a factor in the disappearance of the black-footed ferret. And, while the colonies at the Park slowly increased to 1,800 acres by the early 1980’s, the ferret had already been extirpated from South Dakota.

Since the discovery of this species in 1851, sightings have been rare and sporadic throughout its range because of its nocturnal habits and its association with prairie dog colonies. As a result, sightings of ferrets tend to be scattered and isolated. Basic ferret ecology may also contribute to its lack of sightings within the park. Ferrets are a solitary animal and it is estimated that one female ferret requires between 75-200 acres of prairie dog colony to survive. Therefore, abundance of ferrets within the park may not have been high. Ferrets are significant enough to warrant this reintroduction effort and the intent is to have the park efforts contribute to the recovery of this species.

**Comment 39340:** *“You state in the Draft Environmental Assessment that success in the ferret reintroduction programs has been achieved in locations with high quality habitat. The habitat of WCNP at the present time, after years of drought, expansion of prairie dog towns and over-population of elk cannot be considered of high quality.”*

**Response:** High quality habitat for ferrets refers to prairie dog densities and size of prairie dog colonies, including accessibility to adjacent colonies. Black-footed ferrets rely on prairie dogs for food, and the denser the prairie dog population, the greater the potential for ferret survival because they do not have to search and move long distances for food.

After conducting prairie dog density surveys within the park in 2006, density estimates were from 13-15 prairie dogs per acre. This is comparable to other successful reintroduction sites.

Although sites with larger prairie dog complexes are preferred, smaller sites can contribute to the overall recovery of the reintroduction program. Wind Cave National Park is plague-free, and prairie dog control within the Park is limited. Heck Table, near Scenic, South Dakota, contains approximately 1,800 acres of prairie dogs, and has supported a self-sustaining population of ferrets for 6 years.

**Comment 39353:** *“We suggest that you evaluate at least one other action alternative. We suggest you consider at least one of these other alternatives: 1. increasing the acres of prairie dogs on the Park”*

**Response:** Wind Cave has recently completed its Black-tailed Prairie Dog Management Plan/EA (2006), and the preferred alternative was to maintain prairie dogs between 1,000 – 3,000 acres. This will maintain prairie dogs at a sustainable level and will ensure adequate availability of forage for other species within the park.

**Comment 39354:** *“We suggest that you evaluate at least one other action alternative. 2. giving ferret some other designation than non-essential-experimental (10j) such as fully endangered or essential”*

**Response:** The Park was hoping to obtain the 10(j) status for ferret reintroduction, but because that process takes several years, other mechanisms were explored to facilitate the Park’s timeframes. The USFWS will issue a section 10(a)(1)(A) scientific experimental recovery permit for the experimental release of ferrets within the park. Under this permit, ferrets will be considered endangered, but the permit includes provisions for incidental take of ferrets. The permit would ensure that no burdens or constraints on lawful landowner activities outside the Park would be associated with the potential presence of ferrets in the park. The Park and the USFWS may still consider undertaking a section 10(j) ruling for ferrets in the park at a later date. This may depend on whether it is likely that ferrets will persist for the long term within the park.

**Comment 39355:** *“We suggest that you evaluate at least one other action alternative. 3. collaborating with other public lands, such as FS or Custer State Park on a joint effort, involving their colonies as well as yours, if their habitat is close enough.”*

**Response:** Most of the lands administered by the U.S. Forest Service in the Black Hills of South Dakota are forested which is not suitable for supporting prairie dogs. Custer State Park may have interest in actively participating in this reintroduction effort however; they also have different management goals than the NPS. They do have some suitable habitat for prairie dogs, and in turn ferrets, along the shared boundary fence and other areas of the state park. The resource management staff may be amenable to discussing the ferret reintroduction issue at a later date but they cannot, as an agency, actively participate (due to a current court case 02/07) in this reintroduction effort at this time. Wind Cave National Park personnel will discuss a possible joint effort whenever the state park is permitted to openly consider collaboration on ferret reintroduction efforts.

**Comment 39357:** *“(2). What is the Black Footed Ferret's status under the SD's Threatened and Endangered (T & E) Species law and how does its SD T & E status and SD state T & E law effect your plans and how does state law effect the ferrets on and off of federal land?”*

**Response:** The state of South Dakota lists the black-footed ferret as endangered. Global and state rankings are G1 S1, which means the species is critically imperiled because of extreme rarity (5 or fewer occurrences or very few remaining individuals or acres) or because of some factor(s) making it especially vulnerable to extinction.

The state has an endangered species permitting system but they cannot participate in ferret projects at this time (02/07) due to an ongoing court case. The NPS and the USFWS will be using a Federal Permit for the reintroduction effort at Wind Cave National Park.

As far as the state law in South Dakota for endangered species, the NPS will work with the Department of Game, Fish and Parks if and when they are allowed to participate in ferret recovery actions. If a ferret moves off Federal property and into an area of state jurisdiction the state designation of endangered status would still apply.

**Comment 39358:** *“(3) I thought that while 10 J ferret populations have no federal T & E status on other federal, state and private land, that 10 J ferret populations are considered "threatened" when ever they occur on Park Service lands. What will be the ferret's federal T & E status be on the Park?”*

**Response:** This project will not be using the 10(j) rule approach because Custer and Fall River Counties have not obtained the 10(j) status. Therefore, the USFWS will issue a section 10(a)(1)(A) recovery permit for the experimental release of ferrets within the park. Under this permit, ferrets are considered endangered, but the permit includes provisions for incidental take of ferrets both in the park and for ferrets that may move outside the park. The permit would ensure that no burdens or constraints on landowner (lawful) activities outside the park would be associated with the potential presence of ferrets.

**Comment 39359:** “4) What are the boundaries of the experimental area?”

**Response:** The boundaries of this project (research / recovery permit) will be the boundaries of Wind Cave National Park but incidental take of ferrets that may leave the park will be granted through the USFWS.

**Comment 39388:** *“Thus, the HSUS et al. agree that WICA should reintroduce ferrets, but it is crucial that the Park be willing to allow for the expansion of prairie dog colonies especially in the event that ferrets fail to establish due to current colony limitations. This way, the Park may test the hypothesis that ferrets cannot establish on prairie dog colonies that occupy < 5000 acres while insuring that ferrets may still establish even if that particular experiment fails. Hence, the Park would still be considered one of the 10 establishment sites needed to assist in the recovery of ferret populations in the wild. To maintain the stringent 3000 acre limit on prairie dog colonies at the expense of the establishment and survival of a critically endangered species would be negligent and ethically reprehensible.”*

**Response:** Wind Cave has recently completed its Black-tailed Prairie Dog Management Plan (2006), and the preferred alternative was to maintain prairie dogs between 1,000 – 3,000 acres. This will maintain prairie dogs at a sustainable level and will ensure adequate availability of forage for other species within the park

Although sites with larger prairie dog complexes are preferred, smaller sites can contribute to the overall recovery of the reintroduction program. Wind Cave is plague-free, and prairie dog control within the park is limited. Heck Table, near Scenic, South Dakota, contains approximately 1,800 acres of prairie dogs, and has supported a self-sustaining population of ferrets for 6 years.

**Comment 39394:** *“Fall River County cannot adequately comment on the Biological Opinion of the United States Fish and Wildlife Service delineating the parameters of what constitutes a take has not been issued. Therefore, it is impossible to comment as evidenced by the December 19, 2006, letter from Glen Reaser, Chairman of the Fall River County Commission, to United States Senator John Thune indicates. That letter is incorporated herein by reference. Additionally, the December 15, 2006 letter from Fall River County State's Attorney to Superintendent Stoll also sets forth questions which have not adequately been answered, and therefore, Fall River County cannot adequately comment on the Plan. That letter is also incorporated herein by reference.”*

**Response:** The normal process for Federal Agencies dealing with Endangered Species Act (ESA) compliance is for the USFWS to provide a Biological Opinion at the end of this process and before any ESA permits are issued by the USFWS. What constitutes a take will be spelled out in the Biological Opinion but in general terms “take” is defined within the Endangered Species Act as “to harass, harm, pursue, hunt, shoot, wound, trap, kill, trap, capture or collect” a federally listed species. Further, ESA provides mechanisms to legalize “take”. The most appropriate definition for this instance is termed “incidental take” that is defined as: Take of listed fish and wildlife species that results from, but is not the purpose of, carrying out an otherwise lawful activity.” Incidental take can be authorized via a Biological Opinion and that is

the assurance the USFWS has given the park. If ferrets move out of the park, otherwise lawful activities such as prairie dog management on private lands can continue

**Comment 39395:** *“Second and most importantly, Fall River County opposes the Plan because the 2006 Black-tailed Prairie Dog Management Plan for Wind Cave National Park (Prairie Dog Plan) provides inadequate prairie dog habitat for a successful reintroduction of Black-footed ferrets into the Wind Cave National Park. The Prairie Dog Plan allows for only 1,000 to 3,000 acres of prairie dog/ferret habitat. The May, 2006, Black-tailed Prairie Dog Management Plan Finding of No Significant Impact for Wind Cave National Park (FONSI) sets forth compelling rationale for the provision of less than desirable habitat of prairie dogs for ferret reintroduction on page 15. The Park feels that Alternative C meets the objectives of the plan. More acres of prairie dogs would add strength to a black-footed ferret objective but the park must consider other factors than just ferret reintroduction, such as forage for other grazers (bison, elk, pronghorn, deer, etc.), residual cover for ground-using wildlife (sharp-tailed grouse, meadowlarks, and grasshopper sparrows), and the diversity of the vegetative resources. The Park is attempting to maintain balance and provide habitat for all wildlife species that inhabit the park. Fall River County incorporates by reference the entire administrative record for the Prairie Dog Plan and the subsequent FONSI. The FONSI is full of comments challenging the Park Service's provision of inadequate prairie dog habitat for future ferret reintroduction. The Reintroduction Plan appears to concede that the comments listed in the FONSI will likely come to fruition. "Even if the reintroduction were to fail, the lessons learned about reintroducing black-footed ferrets to an area with less than 5,000 acres of prairie dog complexes would provide at least a minor benefit in the form of valuable information that could be used to improve the likelihood of success for future reintroduction." Reintroduction Plan at 42. Fall River County believes that this statement will most likely be the end result.”*

**Response:** Wind Cave National Park has recently completed its Black-tailed Prairie Dog Management Plan/EA (2006), and the preferred alternative was to maintain prairie dogs between 1,000 – 3,000 acres. This will maintain prairie dogs at a sustainable level and will ensure adequate availability of forage for other species within the park. The NPS, Wind Cave National Park and the USFWS will never know if the 1,000 – 3,000 acres of prairie dogs will support a reintroduction effort such as this unless it makes an effort to do so.

Although sites with larger prairie dog complexes are preferred, smaller sites can contribute to the overall recovery of the reintroduction program. Wind Cave is plague-free, and prairie dog control within the Park is limited. Heck Table, near Scenic, South Dakota, contains approximately 1,800 acres of prairie dogs, and has supported a self-sustaining population of ferrets for 6 years.

**Comment 39396:** *“The inherent difficulty in relation to Wind Cave's Reintroduction Plan is that 1,000 to 3,000 acres is inadequate prairie dog habitat to sustain a long-term ferret population. Scientists estimate that it takes between 100-150 acres of a prairie dog colony to support just one ferret. (Hammerson, G. Et al. Black-footed Ferret. NatureServe Explorer, 2005.) If Wind Cave's habitat is average for the ferret's needs (125 acres per ferret), then the maximum prairie dog acreage allowed by the Prairie Dog Plan will only be successful in maintaining 24 breeding adults, thus not even satisfying the minimum requirements of the USFWS' own Black-footed Ferret Recovery Plan goals. Currently, Wind Cave National Park does not even claim to have more than 2,200 acres of prairie dog habitat. Reintroduction Plan at 7. Even more troubling about Wind Cave's Reintroduction Plan is that scientists believe that a minimum of 120 breeding adults are required for a local population to persist over time. (Harris, R.B., T.W. Clark, and M.L. Shaffer. 1989. Extinction probabilities for isolated Black-footed Ferret populations. Pp. 69-82. In: Conservation Biology and the Black-footed Ferret. U. Seal, T. Thorne, M. Bogan, and S. Anderson, eds. Yale University Press, New Haven, CT). Therefore, Wind Cave and the USFWS will continue to expend resources to buttress a ferret population in Wind Cave National Park which will never be self-sustaining.”*

**Response:** The existing Black-Footed Ferret Recovery Plan and a current draft being circulated both recognize that larger sites (more prairie dog acreage) have better chances of long term persistence but both plans also allow for smaller sites to contribute towards recovery. Smaller sites may do that in a number of ways by maintaining populations, even though small, in a variety of locations. This is a risk management issue in that having ferret populations in numerous sites could be extremely valuable should something like plague strike an area and take out a very large site. The small sites are also likely to reach carrying capacity quickly and thus ferret production at a small site may be available for translocation to other sites quite soon after reintroductions occur. Such contributions from a small site could prove extremely valuable to the overall conservation of ferrets.

Wind Cave National Park recently completed its Black-tailed Prairie Dog Management Plan/EA (2006), and the preferred alternative is to maintain prairie dogs between 1,000 – 3,000 acres. This will maintain prairie dogs at a sustainable level and will ensure adequate availability of forage for other species within the park. The NPS, Wind Cave National Park and the USFWS will never know if the 1,000 – 3,000 acres of prairie dogs will support a reintroduction effort such as this unless it makes an effort to do so.

Although sites with larger prairie dog complexes are preferred, smaller sites can contribute to the overall recovery effort. Wind Cave is plague-free, and prairie dog control within the park is limited. Heck Table, near Scenic, South Dakota, contains approximately 1,800 acres of prairie dogs, and has supported a self-sustaining population of ferrets for 6 years.

**Comment 39398:** *“In the fall of 2005 there were approximately 665 Black-footed Ferrets in the wild. Reintroduction Plan at 38. Wind Cave intends to release at least 100 Black-footed Ferrets in the next five years. The question becomes: is the commitment of one-seventh of the World's black-footed ferret population appropriate utilization of a very finite number of animals in the laudable effort to conserve the species. We, the Fall River County Commission, believe that the answer is an emphatic no. For the above-state reasons, the Fall River County Commission believes the Reintroduction Plan is an ill-conceived scheme to enhance the prestige of Wind Cave National Park at the expense of numerous endangered Black-footed Ferrets. Based on the credible, published science, it appears to the Fall River County Commission that the hundred or more ferrets to be released are nothing more than guinea pigs whose demise will not further the cause of recovering the viability of the endangered Black-footed Ferret population.”*

**Response:** The Park does not agree with this opinion. Preferred suitable sites (i.e., plague-free and large prairie dog acreages) for ferret reintroduction are decreasing throughout its range. Therefore, smaller, plague-free sites are being considered to support conservation and restoration of ferrets. The USFWS is tasked with evaluating all available reintroduction sites and balancing the attributes of those sites with the number of ferrets available in a given year. Even though the Park plan may anticipate 100 ferrets over the five year plan, the USFWS who is familiar with all sites in North America must decide that the benefits outweigh the risks and thus provide ferrets for this project.

NPS *Management Policies* (NPS 2006a) states in section 4.4.2.3, Management of Threatened or Endangered Plants and Animals that “The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species.” The proposed reintroduction action is entirely consistent with this policy. The proposed action would enhance the ecological integrity of Wind Cave National Park by restoring a missing element of the prairie ecosystem.

The Park would obtain wild-born ferret kits, or ferrets from the captive breeding facility near Fort Collins, CO. The captive breeding facility was created specifically to produce ferrets for reintroduction into the wild. Each year, that facility produces 300-400 animals to be released. Therefore, the Park must request allocations over several years to begin, and eventually augment, a population, if one were to persist within the park.

The goal of the reintroduction program is to create ferret populations that can become self-sustaining. No species, existing or reintroduced, experience 100% survival in the wild, but it is necessary for the Park to attempt a reintroduction to help the program reach its goal.

**Comment 39399:** *“The Reintroduction Plan is unfortunately not designed to fulfill the desires of the Endangered Species Act. Hopefully, the National Park Service will take a serious look at this Plan and consider other more suitable locations for the conservation of the Black-footed Ferret. Please sincerely and thoroughly consider these comments. The Fall River County Commission believes that the Endangered Species Act requires it. “The Secretary may authorize the release (and the related transportation) of any population (including eggs, propagules, or individuals) of an endangered species or a threatened species outside the current range of such species if the Secretary determines that such release will further the conservation of the species.” 16 USC 1539(j)(2)(A) (emphasis added). Conservation is defined as “the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.” 16 USC 1532(3).”*

**Response:** There are very few “other” suitable sites in which politics, disease or acreages will permit reintroductions of an endangered species. National Parks such as Wind Cave National Park are places that are required to consider such an undertaking. National Park Service *Management Policies* (NPS 2006a) states in section 4.4.2.3, Management of Threatened or Endangered Plants and Animals that “The Service will survey for, protect, and strive to recover all species native to national park system units that are listed under the Endangered Species Act. The Service will fully meet its obligations under the NPS Organic Act and the Endangered Species Act to both proactively conserve listed species and prevent detrimental effects on these species.” Section 7(a)(1) of the Endangered Species Act requires all federal agencies to further the purposes of the Act by carrying out programs for the conservation of endangered species. The proposed reintroduction action is entirely consistent with the above mentioned statements and agency policy. The proposed action would enhance the ecological integrity of Wind Cave National Park by restoring a missing element of the prairie ecosystem.

**Comment 39400:** *“I listened and then asked questions the answers to which seemed to me to be basic to the program's success. Unfortunately, the Park personnel were unable to answer these questions. For example the answers to the following questions would seem to me to be imperative: How many acres of prairie dogs can one ferret control or keep in check? How large is the average ferret family and how many acres of prairie dogs can one family control? What is the life span and growth rate of ferrets? How long will it take for the ferrets to multiply enough to be the Park's only prairie dog control? How many acres of prairie dogs will the initial insertion of 20 ferrets control? How many ferrets will be needed to control the existing population of prairie dogs, 2/3rds of the population, 1/2 or 1/4?”*

**Response:** Answers to some of these questions depend on so many factors it is difficult to provide answers that will hold true across various reintroduction sites. How many acres of prairie dogs can a ferret control is difficult to predict precisely. The Park looks upon ferrets as a biological control measure but will not depend on the ferret as the only means to control prairie dogs within the park. If ferrets cannot keep up with expanding prairie dog towns and the prairie dogs expand to 3,000 acres, the Park has the capability to use other means (outlined in the Black-tailed Prairie Dog Management Plan/EA 2006) to control prairie dogs.



An average family of ferrets would include 3-4 kits and the mother. It has been estimated that one black-footed ferret family of four will eat about 763 prairie dogs per year under typical conditions (Biggins *et al.* 1994). Other than the breeding season in March-April, males are solitary throughout the rest of the year. The home range for a male ferret is quite variable with an average area needed of 60 – 200 acres while the area needed for female is approximately 75-100 acres. The actual size of the home range depends on whether the ferret is a male, female, female with kits, etc. What they eat or control is dependent upon the density of the prairie dogs within the acreage mentioned above and the sex of the ferret, the time of the year, etc. The average life span of a ferret is only 1-3 years with some living as long as 5 years in the wild and up to 10 years in captivity. It is estimated that an individual ferret may consume between 100 – 160 prairie dogs per year. The literature says that 90-95% of the ferret's diet in South Dakota is made up of black-tailed prairie dogs.

**Comment 39401:** *“Why would any government agency, taking into consideration the dangers of secondary deaths, the national call for less poison in an already over-poisoned country and earth, and recognizing the availability of other more effective means of control, consider poisoning at all? Why would the plan to introduce the ferrets, an endangered species, include poisoning of the prairie dogs which when eaten by the ferrets will poison the very animal you have brought in to not only control the prairie dogs but proliferate enough to become possibly the only necessary control for the prairie dog?”*

**Response:** The preference and policies of the National Park Service is to avoid using poisons or chemicals when dealing with plants or animals. The agency recognizes there are times when other control measures are not effective or practical and the park must intervene. The Park hopes to re-introduce the black-footed ferret for a number of reasons, one of them as a potential biological control of prairie dogs. The Park recognizes that this may help with the control of prairie dogs but there may still be a need to provide additional means of control. Wind Cave National Park included other control measures within the recently completed Black-tailed Prairie Dog Management Plan 2006 (e.g., live trapping, shooting by park staff, use of zinc phosphide, vegetation buffers). If the Park must poison within a prairie dog town and there are ferrets within that same area, park staff will trap and move ferrets to another area within the park before control of prairie dogs is undertaken. The toxicant that may be used in the park is zinc phosphide, which is believed to have among the lowest incidents of secondary poisoning of the available prairie dog toxicants. Consequently, using this toxicant plus moving any ferrets that may be in a prairie dog colony prior to poisoning should help assure that secondary poisoning is not an issue. The burden to move ferrets prior to control is a tool that will be used by the Park. It will not be a requirement of landowners who may be managing their prairie dogs accordingly to lawful measures.

**Comment 39402:** *“By obtaining approval to consider the ferret as non-endangered for this program, you make it experimental and therefore failure is an acceptable option. Should you not rather refuse to endanger the ferret and work instead on the success of the program by any means available?”*

**Response:** The Park has clarified its position in the Errata Sheets on the status of the animals if they are reintroduced. They will be considered endangered but the permit obtained from the USFWS will clarify the “provisions for take” for these reintroduced animals. The experiment for this recovery effort is to determine if the ferrets can survive and become a self-sustaining, viable population. The Park has the option to go as high as 3,000 acres of prairie dog habitat. Success or failure will be determined by the ferrets establishing themselves at a sustainable level within Wind Cave National Park.

**Comment 39408:** *“At the very least the Environmental assessment for the Black footed ferret needs to be amended to include projected costs for at least five years and the computations of the cost associated with the ferret project be done by an independent party. Once there is cost projections then there needs to be a funding source in place PRIOR to the release of any ferrets, No mention of Funding Source or Projected financial Needs: "...would add to park staff workload and strain already tight budgets." page29 This thought is repeated extensively on page 50 and again on page 51 "...would add to park staff workload and strain already tight budgets." page29 The only funding source mentioned is HOPED for assistance in funding and " anticipated that volunteers may be available..." (page 50) from various organizations.”*

**Response:** Funding costs are not an issue as far as whether the reintroduction plan and EA moves forward with Alternative A (No Action) or Alternative B (reintroduce ferrets). The reintroduction program for ferrets will become part of the normal duties/functions of the resource management staff, mainly the wildlife division of the Park resource management operations. Additional funding and volunteers to help with the reintroduction program will be sought by the park biologist overseeing this project. The National Park Service’s Inventory and Monitoring Program stationed in Rapid City, South Dakota may also provide staff and resources to assist with the reintroduction effort if it moves forward.

**Comment 39411:** *“Conflicting Information: Page 14. The black-tailed prairie dog population, which would become the primary prey base for the ferret, would not experience a substantial change in size or distribution as a result of reintroducing the black-footed ferret" Page 29 "by the reduction of prairie dog control needed as the ferrets MAY provide some measure of population control?" Omissions of important Information*

**Response:** As the plan states, ferrets would not cause a substantial change in size and distribution of prairie dogs. “Substantial” is the key word. Literature demonstrates that ferrets certainly do provide some level of control since 90+% of their diet consist of prairie dogs. Ferrets may consume 100-160 prairie dogs per year (family of 4 ferrets could conceivably consume approximately 640-760 prairie dogs, depending how long the kits stayed with their mother) but this would not necessarily compute to a “substantial” change in size or distribution

of prairie dogs. The reintroduction of the ferret as a biological control measure that will be added to other control measures (live trapping, shooting by park staff, use of zinc phosphide, etc.) approved through the Park's prairie dog management plan in 2006. It is felt that ferrets will provide some level of population control of prairie dogs within Wind Cave National Park.

**Comment 39414:** *"Prairie dog control next to WCNP: The news release (RC Journal 11/26/06) stated that the neighbors could continue their prairie dog control plans as they have in the past. Draft Environmental Assessment Nov 2006 Black-footed Ferret Reintroduction Plan: P 58 "no constraints on LEGAL prairie dog control" Page 58 "Zinc Phosphate (poison oats) ...application more than once annually would be a violation of label restrictions." Rodent and Bird Control Last year we controlled invading prairie dogs nearly every day from about mid May to mid June as more prairie dogs encroached from WCNP. This would be difficult to continue with the necessary bureaucratic hoops. The statements in the Rapid City Journal are very misleading."*

**Response:** In the referenced article (RC Journal 11/24/06) it states that "if they (landowners) happen to kill them (ferrets) while doing something that's a lawful act on their property, there's no retribution." We are not sure where the statement that the commenter is referring to ie. "the neighbors could continue their prairie dog control plans as they have in the past." Although this is a true statement by the commenter it does not appear to have been written in the Rapid City Journal in 11/24/2006 nor 11/26/06 as the reader states. The reader also states that the statements in the Rapid City Journal are very misleading. If that statement from above was made, it is probably something the newspaper writers wrote in their own newspaper, not something the Park wrote for them. If the landowners are conducting legal control measures of prairie dogs on their property and ferrets come on to their property the landowner cannot, on purpose, kill the ferret. Other than not being able to kill a ferret, there will be no restrictions on what they can legally do on their own property. The killing of wildlife, whether a ferret or any other species, is only permitted as authorized by South Dakota law.

**Comment 39415:** *"Prairie dog control next to WCNP: The news release (RC Journal 11/26/06) stated that the neighbors could continue their prairie dog control plans as they have in the past. Draft Environmental Assessment Nov 2006 Black-footed Ferret Reintroduction Plan: P 58 "no constraints on LEGAL prairie dog control" (Cooperative extension Service) Literature for private applicator license p10 under black footed ferrets: Fumigants...require contacting the US Fish and Wildlife Service prior to treatment."*

**Response:** When the State was block cleared for black-footed ferrets, the requirement to contact the USFWS when fumigants or other lawful prairie dog control measures were being used on private lands was removed. It appears the private applicator license information needs to be updated. Also, ferret surveys are no longer required in South Dakota when using prairie dog control pesticides in compliance with label restrictions. This information can be verified in the South Dakota Black-tailed Prairie Dog Conservation and Management Plan Final Draft – February 2005, page 13.

**Comment 39417:** *“We feel that before any consideration can be given to the reintroduction of the black-footed ferret into the ecosystem of Wind Cave National Park that the matter of prairie dog management must be fully addressed and implemented. We feel that the vegetation on the prairie dog towns that have been selected to remain should be allowed to fully recover. At that point the use of poison could be used to meet the acreage guidelines stated in the current prairie dog management plan. When this has been fully accomplished and all poisoning has been suspended, then and only then should the black-footed ferrets be reintroduced. We further understand that the present plan is to reintroduce the ferret in the spring of 2007. It is further understood that the poisoning of dog towns is to begin this month. If a town is scheduled for poisoning after the ferrets are planted that an attempt will be made to trap and relocate any ferrets within that town. If all ferrets cannot be trapped and moved, the poisoning will go forward regardless recognizing some ferrets may be killed. We realize that the ferrets reintroduced are being considered as a "non-essential experimental" population. Never the less we feel this is not the proper approach to take. It is felt that if the above thoughts are considered and followed that condition would then be the best for a fully successful reintroduction in this very important matter”*

**Response:** Vegetation is always a concern to park staff. Under the recently completed Black-tailed Prairie Dog Management Plan/EA, the colonies within the park would be allowed to fluctuate between 1,000 – 3,000 acres. With this fluctuation, the vegetative state within colony acreages would also vary. To some, vegetation not in dense grass condition may appear heavily impacted, but in reality represents a condition of prairie dog use and means prairie dogs are doing exactly what you would expect them to do. The variety of vegetative states that are being created by the prairie dogs provide diversity to the vegetation and wildlife community within the park.

Commenter is entitled to their opinion as to when the best time to reintroduce ferrets would be. The park will make every effort possible to trap and remove ferrets that are occupying a prairie dog town prior to treatment with rodenticides.

**Comment 39419:** *“This exercise in NEPA compliance for that proposed action seems straight forward for the situation, but I question the logistics of conducting an Environmental Assessment (EA) versus a full Environmental Impact Statement (EIS) for the proposed reintroduction of an endangered species. Apparently the Wind Cave Environmental Screening Form has taken this into consideration and you are proceeding in the right direction.”*

**Response:** An Environmental Assessment can be prepared at any time to assist in the planning and decision making process. In this case, an EA was undertaken in an effort to help the Park in the decision to reintroduce the endangered black-footed ferret to Wind Cave National Park. Once the EA is concluded, the Park superintendent and the Midwest Regional Director will decide if the actions considered through ferret reintroduction have no significant impacts and should go forward as proposed. If so, a Finding Of No Significant Impact (FONSI) would be issued. If there are significant impacts from the proposed project, a Notice of Intent to prepare a full Environmental Impact Study would be issued.

**Comment 39420:** *“National Park Service DO-12 directs that environmental assessments be subjected for public review only as "final" documents, with the outcome of public review being a FONSI (Finding of No Significant Impact) or a recommendation for further analysis of the proposed action in an Environmental Impact Statement. The NPS does not issue a "Draft EA" for public comment, and doing so implies that comments received will be addressed and implemented into a "Final EA", but in fact the comments will only determine a FONSI or subsequent action in an EIS.”*

**Response:** According to the National Park Service DO-12, “The combination of the EA, the errata sheets correcting statements of fact as a result of public review of the EA, and responses to public comments form the complete and final record on which the FONSI or decision to prepare an EIS is based.” This being the case, the document sent to the public is not a final document until a decision is made. Comments received during the review phase of the environmental review process are taken into account and aid in the final decision.

**Comment 39421:** *“Environmental compliance documents rarely address just two alternatives---the no action v. action. Since black-footed ferret reintroduction could be feasible using a variety of methods, we question whether the EA should have examined various methods, including: Hard release of preconditioned / wildborn ferrets with no predator management. Hard release of preconditioned / wildborn ferrets with non-lethal predator management. Hard release of ferrets with the goal of establishing a self-sustaining population. Hard release of ferrets with the goal of establishing a manageable nursery population. The analysis of several action alternatives would have provided a better understanding of the proposed action(s) and produced a more viable EA.”*

**Response:** These types of experiments have already been attempted at other locations and the methods proposed have been coordinated with the USFWS. They are in agreement with Wind Cave National Park in keeping the reintroduction simple, without building holding pens, attempting predator reductions, or experimenting with hard releases/soft releases. Part of the reintroduction experiment is to help decide if the park will become a viable ferret release site with a self-sustaining population and/or a nursery site that will be able to provide ferrets to other potential release sites.

**Comment 39422:** *“The national black-footed ferret recovery community understands the need for more reintroduction sites to be established throughout the country. The ideal situation would be that new sites would become self-sustaining populations. However, future ferret reintroduction sites can also be valuable as “nursery” sites or populations that contain wild ferrets but would require more hands-on management, such as yearly translocations or augmentations of individuals inside and outside of the population to maintain proper population demographics and genetics. These sites would not be considered “self-sustaining”, but would still have value to the national ferret recovery effort. It would have been prudent to address this management option within this EA, or at the very least describe it as an option. After 15 years of active BFF reintroductions back to the wild, the US Fish and Wildlife Service understands what is needed for habitat requirements for a site to be successful in terms of establishing a ferret population. It appears that the new recovery trend by the US Fish and Wildlife Service is to attempt reintroductions at these smaller sites, such as Wind Cave, but with the understanding that these smaller sites will need more hands-on management over the long term to be considered viable.”*

**Response:** The Park recognizes the size of its prairie dog towns and the lack of prairie dog towns outside the park boundary will be a limiting factor for ferret expansion and the capability of becoming a “self-sustaining” population. If the park were to become a “nursery site” a monitoring and management program would be developed to address that concept.

**Comment 39431:** *“We are concerned that NPS is proposing reintroduction under a “nonessential experimental” designation. This species’ continued existence is extremely marginal, given the current numbers and the lack of adequate habitat. We understand the Park’s desire to have maximum flexibility in the reintroduction program, but the black-footed ferret is an endangered species. To treat it as anything less violates the spirit and intent of the Endangered Species Act (ESA). Any population of ferrets designated for reintroduction is absolutely essential to the survival of the species. It is therefore critical that each and every ferret be afforded full protection of the ESA and, for this reason, we object to reintroduction as a “non-essential experimental” population. With at least one large strike against the ferrets from the outset, it is crucial that they get full ESA protection. The Park considered, but rejected, alternatives to reintroduce ferrets with greater protections than those afforded in Alternative B. EA at 24. This is a serious deficiency of the EA for the proposed reintroduction plan.”*

**Response:** If Alternative B is implemented, ferrets will be reintroduced as an endangered species, not as a non-essential experimental population. This designation will provide full protection for ferrets under the Endangered Species Act. However, there will still be “provisions for take” that provide flexibility to adjacent landowners and the National Park Service in the event a ferret is accidentally taken.

**Comment 39432:** *“The National Park Service is required to develop a range of alternatives fully and impartially, and ensure that the range of alternatives does not prematurely foreclose options that might protect, restore, and enhance the environment. Alternatives must also meet the purpose and need of the proposed action and specify any activities that may produce important environmental changes. Eliminating the two other alternatives from consideration would prematurely foreclose options that could provide a better chance of success for reintroduction of black-footed ferrets to the WCNP. We strongly encourage the Park Service to include both of these alternatives in the final EA in order to ensure a full and impartial range of alternatives for final consideration, and to preclude prematurely foreclosing options that meet the need and purpose of the proposed plan.”*

**Response:** A reasonable range of alternatives depends on the nature of the proposal and the facts in each case. The two alternatives were eliminated because they would not avoid undesirable or unintended consequences on nearby private lands. EA at 25 (The Environmentally Preferred Alternative).

By not considering the two alternatives that were rejected (pg 24), the belief there will be less chance for success for reintroduction of black-footed ferrets to the Park is purely subjective on the part of the commenter.

The attached errata sheets will help explain Alternative B.

**Comment 39433:** *“The primary goal of the plan is to reintroduce ferrets to the Park, in part to attempt recovery of this endangered species. This objective is entitled to the greatest weight when weighing all the alternatives for consideration. The EA discloses that the main reason for eliminating the other alternatives from consideration was because they would be in direct conflict with the stated objective of avoiding or minimizing “adverse effects on local economies, life styles, and the natural environment.” EA at 24. Under the National Park Service's Organic Act, socioeconomic is not a protected resource and is therefore not a consideration for impairment analysis. Thus, it is inappropriate for this to have been an objective of the plan, and is especially inappropriate for it to be the reason the other two alternatives were dismissed from further consideration. The two rejected alternatives were inappropriately dismissed and should be included in the final EA. Furthermore, the Park Service hasn't demonstrated in its analysis that there would, in fact, be any impact to landowners outside park. This conclusion is nothing more than speculation which is unsubstantiated in the EA. To the contrary, the EA reveals that the potential draw of additional visitors to the Park to view ferrets could have a moderate to major “long-term, park- and regionwide benefit to visitor use and experience” and to “socioeconomic resources.” EA at 53, 56. “Under Alternative B, the reintroduction of black-footed ferrets in the park would benefit the local economy.” EA at 55. “Ferrets would exert a degree of population control on prairie dogs. This would potentially lead to fewer prairie dogs leaving the park and lower the potential for conflicts with local land uses outside the park . . . thus providing benefit to local ranchers.” EA at 55. The Park's rejection of the two other alternatives is not warranted by its own analysis.”*

**Response:** The park is very concerned that it avoids undesirable or unintended consequences on nearby private lands (EA at 25; The Environmentally Preferred Alternative). The commenter is correct in that socioeconomics is not a resource considered for impairment analysis. However, socioeconomics is appropriate for consideration for impact analysis. One objective of the plan is to “avoid or minimize adverse effects on local economies, life styles, and the natural environment.” If, under either of the dismissed alternatives, ferrets were introduced without administrative safeguards and ferrets dispersed onto lands adjacent to the park, there could be potential adverse effects on the management of those lands, which would pose severe burdens on park operations. Previous comments have clarified that the reintroduction effort would be completed by reintroducing the ferrets as endangered but there will be “provisions for take”. These provisions will provide that if an endangered ferret is accidentally taken (killed) prosecution would not be undertaken for an “unintentional” act and further allows for incidental take that might occur with an otherwise lawful activity. This affords the most flexibility for private landowners and lessens the burden on park operations.

**Comment 39435 :** *“The NPS Management Policies (NPS 2006a) criteria require that to restore extirpated native plants and animals to the park, “[A]dequate habitat to support the species either exists or can reasonably be restored in the park and if necessary also on adjacent public lands and waters; once a natural population level is achieved, the population can be self-perpetuating.” EA at 56. The NPS then makes the bald and unsubstantiated claim that this criteria is met for reintroducing the black-footed ferret. EA at 57. What is the basis for this assumption/determination by the Park Service? In other places in the EA it is disclosed that reintroduction is experimental and it is unknown if habitat will be adequate to support the species. See e.g., EA at pp. i, 41-42. Figure 3 of the EA shows prairie dog complexes encompass 2200 acres, but they are widely scattered and many extremely small. We continue to have doubts as to whether the plan as proposed does, in fact, meet this criteria. It may be worthwhile, nevertheless, to attempt reintroduction.”*

**Response:** As stated on page 57, Adequate habitat “appears” to exist with about 2,200 acres of prairie dog complexes, with some large prairie dog complexes, in the park. The park will not know for certain if there is adequate habitat to support ferrets until it undertakes this project. There are recent examples that have been observed in South Dakota, near Badlands National Park, where 1,800 acres of prairie dogs has been able to sustain a ferret population for 6 years.

**Comment 39471:** *“1) The proposed alternative states the ferrets will be introduced with special status. It is imperative that black-footed ferrets be brought into WCNP as a non-essential experimental species (or equivalent status). This will ensure adjacent landowners are protected from having such a rare and endangered species on their properties, and will alleviate any undue burden their presence may incur upon those landowners.”*

**Response:** It is explained in the errata sheets that if Alternative B is selected, ferrets will be reintroduced as an Endangered Species under a 10(a)(1)(A) scientific experimental/recovery permit. There will be mechanisms within the permit to ensure that there will be no burdens or constraints on landowner/private property rights outside the park.



### **Additional Literature**

Anderson, Elaine, S. C. Forrest, T. W. Clark and L. Richardson. 1986. Paleobiology, biogeography, and systematics of the black-footed ferret, *Mustela nigripes* (Audubon and Bachman), 1851: Pages 11-62 in *The Black-Footed Ferret, Great Basin Naturalist Memoirs* #8.