

## Fact Sheet

### Government Plan to Destroy Black-footed Ferret Habitat in South Dakota's Conata Basin

Sept. 22, 2004

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**Background:** The Bush Administration and South Dakota's Governor have teamed up to implement a plan that will destroy vital black-footed ferret habitat and possibly push this Endangered species back to the brink of extinction. The Conata Basin in South Dakota's Buffalo Gap National Grassland hosts the only successful black-footed ferret recovery site in the world. In July 2004, the Federal Government and State of South Dakota announced a cooperative plan to eradicate black-tailed prairie dogs in prime ferret habitat in the Conata Basin, the South Dakota Prairie Dog Management 2004-05 Inter-agency Action Plan ("Action Plan"). Ferrets depend on prairie dogs and their burrows for food and shelter. As part of the Action Plan, South Dakota will release its new prairie dog management plan on September 25, which is a political effort to force federal agencies to follow state mandates. Under the Action Plan, public officials are forging ahead with massive prairie dog extermination without consulting the public or analyzing the potential impacts to ferrets and other wildlife. The U.S. Forest Service, which manages the Grassland, will open up Conata Basin to black-tailed prairie dog poisoning and shooting by October 1.

Along with betraying the public's trust, the Action Plan violates key laws meant to safeguard the environment and wildlife, including the National Environmental Policy Act and the National Forest Management Act. Because of these violations and because the federal and state government have considered no other alternatives for ferret and prairie dog management in Conata Basin, a coalition of South Dakota, Great Plains-based, and national non-governmental groups have found no other option but to turn to the courts to stop the Action Plan and prairie dog extermination from going forward. On September 22, 2004 eight organizations filed an injunction in Federal District Court in Denver; the groups include: Predator Conservation Alliance, Forest Guardians, Biodiversity Conservation Alliance, Center for Biological Diversity, Center for Native Ecosystems, Great Plains Restoration Council, The Humane Society of the United States, and Prairie Hills Audubon Society.

### **Facts about the Endangered Black-footed Ferret**

- ***The black-footed ferret is an Endangered species under the Endangered Species Act.*** The black-footed ferret is a carnivore with a black facemask, black legs, and a black-tipped tail. It is the only ferret native to North America and one of the most endangered mammals in the world. By the 1980s the ferret was believed extinct in the wild until a wild population was discovered near Meeteetse, Wyoming in 1981. The Meeteetse population underwent a severe decline in 1985 and 1986 due to canine distemper, fatal to infected black-footed ferrets. The Government took 18 survivors into captivity between 1986 and 1987 to prevent extinction and to serve as founder animals in a captive breeding program aimed at eventually re-introducing the species back to the wild.
- ***Black-footed ferrets need large prairie dog complexes.*** Black-footed ferrets depend almost exclusively on prairie dogs for food and use prairie dog burrows for dens and shelter.<sup>1</sup> Approximately 90% of the ferret's diet is prairie dogs, and ferrets are not known to persist in the wild outside of prairie dog colonies. Because black-footed ferrets are so dependent on prairie dogs, the U.S. Forest Service designated prairie dogs as a Management Indicator Species and a sensitive species for the Nebraska National Forest and Buffalo Gap National Grassland. These designations require the

Forest Service to carefully monitor prairie dog populations and habitat, to avoid actions that could negatively affect the species, and to ensure the long-term viability of prairie dog populations on national forest lands.

- ***Black-footed ferrets are Endangered due to prairie dog decline.*** The extreme imperilment of the black-footed ferret has been traced to the elimination of prairie dog complexes of sufficient size to sustain viable populations of ferrets. Indeed, ferret recovery plan goals have not been met due to the lack of adequate prairie dog acreage. Currently black-tailed prairie dogs, the species existing in South Dakota, occupy about 1-2% of their historically occupied acreage.<sup>2</sup> Prairie dog decline is blamed on over 100 years of extermination efforts via poisoning, conversion of grassland habitat to cropland, shooting, and plague—an introduced disease. Scientifically, the black-tailed prairie dog is described as a “keystone species,” given its role in supporting an incredible diversity of other wildlife species. Recent studies have documented over one hundred species that are associated with the prairie dog.
- ***Prairie dogs are not a threat to the livestock industry.*** Contrary to the prevailing view of the livestock industry and many governmental agencies, prairie dogs are not destructive pests. Indeed, the emerging scientific consensus is that prairie dogs help to maintain and improve rangeland health and do not present a significant economic threat to livestock ranching.<sup>3</sup>
- ***Black-footed ferret recovery depends on captive breeding and reintroduction.*** In 1988, state and federal agencies developed the Black-footed Ferret Recovery Plan to reintroduce captive animals back into the wild. The U.S. Fish and Wildlife Service now manages the recovery program. A key goal of the plan is to establish 10 or more widely separated, self-sustaining, wild, black-footed ferret populations. The Plan recognized that to be viable over the long-term, all wild populations needed a minimum of 100 ferrets and that prairie dog complexes of at least 10,000 acres are necessary to sustain ferret populations of this size. To date, ferrets have been reintroduced to 11 sites, but the only success has come in the Conata Basin on the Buffalo Gap National Grassland.
- ***The Conata Basin is the only recovery site that supports a wild breeding population of Ferrets.*** The Conata Basin contains the only “complex” of prairie dog colonies on federal land in the Great Plains large enough to maintain a viable black-footed ferret population. It is also the only black-footed ferret reintroduction effort on federal land free of sylvatic plague (a disease which affects ferrets as well as prairie dogs). In the Conata Basin there are more than 20,000 acres of prairie dog colonies, plus 5,000 additional acres in the contiguous Badlands National Park. The Conata Basin reintroduction area boasts the highest degree of success of any ferret recovery area and, unlike the other 10 sites, no longer requires annual infusions of captive ferrets. The ferret population in the Conata Basin has grown to approximately 260. In fact, it is the only ferret recovery area that has a self-sustaining population of ferrets and is used as a source population for other recovery sites.
- ***Black-footed ferrets do not receive full Endangered Species Act protection in the wild.*** To reduce conflicts with landowners in close proximity to ferret recovery areas, the U.S. Fish and Wildlife Service designated the population of ferrets reintroduced to Conata Basin as “experimental, non-essential” under the terms of the Endangered Species Act.<sup>4</sup> This means that ferrets living within this recovery sites are considered Endangered Species Act “candidate” species and are not entitled the same strict protection against taking that Endangered species enjoy. However, the captive-breeding population is considered Endangered and ferrets on Badlands National Park are considered Threatened species.

#### **Facts about the South Dakota Prairie Dog Management 2004-05 Inter-agency Action Plan – “Action Plan”**

- ***The Action Plan resulted from a mistaken perception about prairie dogs.*** During the last year, a manufactured crisis developed in South Dakota over prairie dog management on the national grasslands. The State of South Dakota continues to suffer through a long drought. Prairie dogs often expand their colonies in times of low precipitation in order to obtain sufficient forage, resulting in a

mistaken perception by landowners that prairie dog populations are flourishing. The conditions caused by this drought have triggered private landowners to increase pressure on both federal and state agencies to reduce prairie dog populations.

- **The Action Plan is enabled by the removal of black-tailed prairie dogs from the Endangered Species Act candidate list.** Between February 2000 and August 2004, Fish and Wildlife Service maintained the status of the black-tailed prairie dog as a species considered warranted for listing under the Endangered Species Act but precluded by other higher priority listing actions. However, on August 12, 2004, Fish and Wildlife Service issued a decision that removed the prairie dogs' warranted but precluded status, finding a listing action to be "not-warranted."<sup>5</sup> The black-tailed prairie dog currently receives no federal protection. On the same day, the South Dakota Governor announced the development of the *South Dakota Prairie Dog Management 2004-05 Inter-agency Action Plan*, which mandates the mass extermination of black-tailed prairie dogs on Conata Basin.
- **South Dakota's Action Plan includes 3 federal and 2 state agencies.** The *U.S. Forest Service* manages our national grasslands, including Buffalo Gap National Grassland. The *U.S. Fish and Wildlife Service* manages the nation's endangered species program and is responsible for protecting endangered species, such as the black-footed ferret. The U.S. Department of Agriculture's *Animal and Plant Health Inspection Service* (APHIS) has jurisdiction over lethal control of wildlife believed to harm agricultural production. *South Dakota Department of Game, Fish, and Parks* manages the state's wildlife. *South Dakota Department of Agriculture* oversees and promotes agricultural production in South Dakota. The Action Plan "coordinates control efforts among affected Federal and state agencies ..." and it calls "for an integrated set of activities including mapping, trapping, shooting, and chemical control actions on both public and private land." Under the terms of this plan, "APHIS will proceed with short-term control on USFS lands" starting on October 1, 2004 and the "Forest Service will develop a forest plan amendment to provide longer term flexibility for prairie dog management." The Forest Service will open the Conata Basin to prairie dog shooting by November 15, 2004." In this Plan, the federal agencies commit themselves to beginning a poisoning campaign on public land that will cover a one-mile buffer zone along the borders of private lands.
- **The Inter-Agency "Action Plan" targets significant ferret habitat in the Buffalo Gap National Grassland and Conata Basin.** The combined effects of poisoning and increased shooting pressure will eliminate prairie dogs on 5,000 to 8,000 acres. Over 50% of the prairie dog colonies on Buffalo Gap National Grassland are within a mile of private land and will be subject to poisoning and shooting.<sup>6</sup> These actions, if taken, may result in black-footed ferrets being killed by poisoning and shooting. The reduction of the prairie dog population and occupied acreage will most certainly result in a corresponding reduction in the number of ferrets. The deaths of thousands of prairie dogs will result in the death of additional wildlife of many species, including endangered black-footed ferrets. The Action Plan will damage black-footed ferret recovery efforts.

#### **Legal Violations of the South Dakota Prairie Dog Management 2004-05 Inter-agency Action Plan – "Action Plan"**

- **The Action Plan violates the National Environmental Policy Act.** The fundamental purpose of National Environmental Policy Act (NEPA) is to improve the decision making of federal agencies by requiring an analysis of the environmental impacts of a proposed action and an exploration of alternatives to that action that would reduce or eliminate such impacts. Thus, all federal agencies must prepare an Environmental Impact Statement (EIS) before proceeding with any action that may significantly affect the environment. The EIS must include alternative actions and must be made available for public review and comment. The Action Plan was issued without any environmental analysis or opportunity for public review and comment. It includes only actions harmful to prairie dogs and, therefore ultimately, to black-footed ferrets. The agencies failed to consider other reasonable alternatives such as providing incentives to landowners, or inhibiting prairie dog movements by leaving a strip of ungrazed, higher vegetation as a barrier in buffer areas. There is no evidence that

the participating government agencies considered an alternative other than poisoning and shooting prairie dogs on U.S. Forest Service land.

- ***The Action Plan violates the National Forest Management Act.*** The National Forest Management Act requires compliance with governing land management plans. The Nebraska National Forest Land and Resource Management Plan governs actions within the Buffalo Gap National Grassland, and thus Conata Basin. The Management Plan stipulates that the Forest Service must: (1) "Authorize only those uses and activities that do not reduce the suitability of the area as black-footed ferret reintroduction habitat" and (2) "Manage all prairie dog colonies within this Management Area as though they were occupied by black-footed ferrets, and apply all standards and guidelines as though black-footed ferrets occupy all colonies." By participating in the South Dakota Action Plan, the Forest Service is clearly in breach of its own Management Plan for the Buffalo Gap National Grassland. The Forest Service has not considered the impacts of prairie dog extermination mandated by the plan on black-footed ferrets. The South Dakota Action Plan clearly breaches the National Forest Management Act.
- ***The Action Plan violates the Endangered Species Act.*** Lethal control of black-tailed prairie dogs in a ferret reintroduction area contravenes the Endangered Species Act given black-footed ferrets' acute dependence on prairie dogs for sustenance and on prairie dog burrows for shelter. An ongoing drought has led to reduced prairie dog densities in Conata Basin. Poisoning and/or shooting of prairie dogs will deplete the ferrets' prey base even further and will cause the loss of the ferrets' shelter, as prairie dog burrows tend to collapse within 1-2 years in the absence of use by prairie dogs. Lethal prairie dog control in Conata Basin will thwart ferret recovery, given that this is the only site where ferrets are currently self-sustaining. The Endangered Species Act requires citizens to send potential violators of this Act a 60-day notice outlining alleged violations. On September 22, 2004, the eight conservation groups named above, along with three individuals, sent a 60-day notice to multiple state and federal agencies regarding violations of the Endangered Species Act should poisoning and shooting take place as envisioned under the Action Plan.

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<sup>1</sup> Miller, Brian, Reading, Richard P., and Steve Forrest. Prairie Night: Black-Footed Ferrets and the Recovery of an Endangered Species. Washington: Smithsonian Institution Press. 1996.

<sup>2</sup>FWS currently estimates 1,842,000 acres of black-tailed prairie dogs exist and also cites a historic estimate of 100 million acres of black-tailed prairie dogs (\*). This is a decline of over 98%. See 59 Federal Register 42682, Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-footed Ferrets in Southwestern South Dakota. August 18, 1994.

<sup>3</sup>For sources substantiating that prairie dogs are not a significant economic threat to livestock ranching, see: O'Meilia, M.E., Knopf, F.L., and J.C. Lewis. 1982. "Some Consequences of Competition between Prairie Dogs and Beef Cattle." *Journal of Range Management* 35(5):580-85; Collins, Alan R., Workman, John P., and Daniel W. Uresk. 1984. "An Economic Analysis of Black-tailed Prairie Dog [*Cynomys ludovicianus*] Control." *Journal of Range Management* 37(4):358-61. For a source which demonstrates that prairie dogs can improve rangeland health, see: Weltzin, J.F., S. Archer, and R.K. Heitschmidt. 1997. "Small-Mammal Regulation of Vegetation Structure in a Temperate Savanna." *Ecology* 78(3):751-763.

<sup>4</sup> 59 Federal Register 42682, Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Black-footed Ferrets in Southwestern South Dakota. August 18, 1994.

<sup>5</sup> 69 Federal Register 51217, Endangered and Threatened Wildlife and Plants; Finding for the Resubmitted Petition To List the Black-Tailed Prairie Dog as Threatened. August 18, 2004.

<sup>6</sup> U.S. Forest Service Information.