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Steve Guertin  
U.S. Fish and Wildlife Service  
PO Box 25486  
Denver Federal Center  
Denver, CO 80225-0486

Dear Regional Director Guertin:

The Central Mountains and Plains Section of The Wildlife Society (CMPS) is a private non-profit organization with over 1,450 wildlife professionals as members. CMPS has members in 22 states with the majority concentrated in our seven member states of CO, KS, NE, ND, SD, UT and WY. Our membership works in federal and state agencies, private businesses as well as colleges and universities where they strive to further the conservation of natural resources within the Section and our Nation.

On behalf of CMPS, I am writing to you in regards to the recent filing of a petition by WildEarth Guardians, Biodiversity Conservation Alliance and the Center for Native Ecosystems (Petitioners) that requested a change to the “experimental and non-essential” status for black-footed ferrets (ferret) reintroduced into the wild. We solicited input from experts on black footed ferrets, prairie dogs and grassland ecosystems in preparing these comments.

Five of the 7 states in the CMPS, representing 10 of the 18 existing ferret reintroduction sites would be affected if this petition was adopted. We recognize the challenges the U.S. Fish and Wildlife Service (USFWS) faces when having to select a management regime that meets and contributes toward recovery of endangered species. We believe the existing management regime has resulted in dramatic strides towards ferret recovery in the last 2 decades. However, based on our review of the petition, we feel adoption of the alternatives in the petition and a change of status for certain populations of the ferret would significantly hamper ongoing conservation efforts, undermine existing working relationships with private landowners currently working to assist ferret recovery, and jeopardize the establishment of future reintroduction sites on private and public lands.

In large part due to the designation as “experimental and non-essential” under Section 10, the ferret has been reintroduced to 17 sites in 7 of the 12 states within the former range of the ferret and into colonies of 3 different prairie dog species. Over 2,300 ferret kits have been reintroduced onto public, private, and tribal lands since 1991 and ferrets

now exceed 800 individuals in the wild. Moreover, at least 4 reintroduction sites have not required annual augmentation in several years (USFWS 2008). The reintroduction successes resulting from the implementation of Section 10 at Shirley Basin, Conata Basin, and Aubrey Valley are irrefutable.

## **PETITION**

*Claim: Ferret populations have been mismanaged under Section 10; therefore recovery progress has been slow and the USFWS has failed to meet its recovery objectives.*

Reintroductions are complex processes which are difficult to implement, costly, lengthy and often controversial especially for carnivores (Miller et al. 1999, Breitenmoser et al. 2001). The ferret recovery program has made significant strides over the last 2 decades overcoming many challenges and controversies, and is one of the most noteworthy reintroduction programs to date (Jachowski and Lockhart 2009). Not a single published peer-reviewed paper states that the ferret's "experimental and non-essential" status has hindered recovery or resulted in mismanagement of populations. On the contrary, Section 10 has been a very useful and beneficial management tool. For example, Jachowski and Lockhart (2009) state that by releasing ferrets under the status of experimental populations, the USFWS has been able to exercise greater flexibility in managing reintroduced populations without adverse affects to cooperating and adjacent landowners while being able to take advantage of time-sensitive recovery opportunities.

The 10(j) and 10(a)1(a) "experimental and non-essential" designations have afforded management flexibility that eased concerns among private landowners, federal land management agencies and Native American tribes prior to reintroduction. Even with this management flexibility, ferret reintroductions require significant investments of time and public involvement prior to and after animals are released. Based on experiences of our member states, we have no doubt that ferret reintroductions involving populations with a full endangered species status would not have taken place at many of the current sites.

Recovery of the ferret, unfortunately, has progressed slowly but any perceived lack of progress is not attributable to the ferret's "experimental and non-essential" status. Rather the lack of progress is due in large part to a poor understanding about population processes and diseases, and a limited supply of ferrets available for reintroduction, which resulted in recovery objectives that may have been too optimistic for the species (Lockhart et al. 2006). Contrary to the Petitioners' claims, a change in legal status for the ferret would not mediate these factors or hasten recovery.

*Claim: The USFWS has ceded its management authority to recovery partners because of Section 10.*

Management of the ferret has been a cooperative venture between state and federal agencies, private landowners and tribes since the ferret was rediscovered near Meeteetse, WY in the early 1980s (Lockhart et al. 2006, Jachowski and Lockhart 2009). The program was originally led by a State Wildlife Agency (i.e., Wyoming Game and Fish Department) with input from the USFWS (Lockhart et al. 2006). Management authority for the USFWS has actually increased since the Wyoming Game and Fish Department (WGFD) ceded responsibility of the program in 1996. Under the Section 10 “experimental and non-essential” designations [i.e., 10(j) and 10(a)1(a)] the USFWS has retained all authority to manage the ferret and federal agencies are still required to confer with the USFWS “...on actions that are likely to jeopardize the continued existence of the species.” The Black-footed Ferret Recovery Implementation Team (BFFRIT) was developed by the USFWS and is comprised of state and federal agencies, tribal entities, national zoos and conservation groups who cooperate with the USFWS on all matters of ferret recovery (Jachowski and Lockhart 2009). One of the goals of the USFWS and BFFRIT is to actively expand partner involvement and apply adaptive management approaches for the ferret. Notably, as Jachowski and Lockhart (2009) pointed out, although the recovery of the ferret is a cooperative venture between the USFWS and its partners, the USFWS retains all management authority for ferrets, as it only receives recommendations from the BFFRIT.

*Claim: A change in status would guarantee the survival of the ferret in the wild*

Reintroduced populations will always remain vulnerable to extirpation from natural processes and their survival in the wild cannot be guaranteed regardless of their legal designation. This is especially true of small populations (Gilpin and Soulé 1986). Miller et al. (1999) recommend that efforts be taken to increase population size and distribution quickly to safeguard the future of reintroduced populations. The 10(j) designation has been invaluable in building partnerships with private landowners and has enabled state and federal agencies, consistent with the recommendations of Miller et al. (1999), to take an aggressive reintroduction approach (Jachowski and Lockhart 2009). Consequently, the 10(j) designation and the relationships developed over time with private landowners that Section 10 has allowed, have been useful tools for conducting widespread reintroductions (i.e., establishing meta-populations) at sites where large areas of suitable habitat are found (e.g., Shirley Basin, WY).

*Claim: Section 10 designations have contributed to additional genetic loss in wild populations.*

The Petitioners fail to recognize that the genetic pool for the ferret was severely restricted since the species was taken into captivity. Only 7 animals were bred in captivity, from which more than 4,500 ferrets have been produced (Lockhart et al.

2006). Furthermore, Wisely et al. (2002) reported that the genetic bottleneck and resulting loss of genetic diversity for reintroduced populations of the ferret is inconsequential to the overall health and fitness of reintroduced ferret populations in the wild.

*Claim: Reintroduced populations of ferrets are artificially isolated due to “experimental and non-essential” designations.*

Isolation of reintroduced populations is an artifact of the fragmented prairie dog distribution in North America resulting from anthropogenic effects and exotic diseases. The best available prairie dog complexes have been selected or have been prioritized for ferret reintroductions (Lockhart et al. 2006, Jachowski and Lockhart 2009). It is unrealistic to expect these prairie dog complexes to be linked naturally in modern day landscapes when little suitable habitat exists between these populations. Further, neither the current ferret recovery plan nor the draft recovery plan has an objective that requires reintroduced populations to be connected to facilitate dispersal and meet recovery goals (USFWS 1988, 2006).

*Claim: Changing the status of the ferret to Endangered would better promote recovery.*

Contrary to the Petitioners claims, changing the status of the ferret and reneging on the assurances and agreements the USFWS has made to its recovery partners would not ameliorate recovery efforts for the ferret. This approach would undoubtedly hamper landowner relations, reduce partner involvement, and build a sense of distrust among recovery partners. More importantly, this action would be contrary to goals outlined by the USFWS and BFFRIT. The Petitioners’ claims are unfounded and have no basis.

*Claim: Private landowners would not be affected by the change in status because the Petition only applies to public lands.*

Private landowners have been a vital component of ferret recovery, as reintroduction efforts would not occurred at several sites (e.g., Shirley Basin, Conata Basin, Aubrey Valley) without their cooperation and the habitat that occurs on their lands. Many private landowners often lease or operate on public lands that are adjacent to or are surrounded by their private lands. The notion that “private landowners would be unaffected by a change in status” is erroneous. Further, private landowners fear that if successful, the Petitioners would pursue a similar petition affecting private lands. The filing of this petition has already affected private landowners and their perception of the recovery program. Additionally, changing the status for ferrets that occur only on public lands without changing the status of those that occur on private lands will undoubtedly complicate management for the USFWS and its recovery partners. Ferrets are very capable dispersers (Biggins et al. 1986) and an individual ferret could hypothetically cross management boundaries repeatedly. This approach would increase confusion

among the public, as a dual classification for the ferret (i.e., different on private and public lands) would undoubtedly lead to inconsistent implementation of management strategies, especially in areas where private landowners and operators lease public lands, where public lands are landlocked by private lands, or where private lands are adjacent to public lands. Such a confused management scenario should never be supported.

*Claim: The captive breeding program does not contribute to the recovery of ferrets until ferrets are reintroduced into the wild.*

The captive breeding program has been and remains an essential component to recovery progress. Through deterministic breeding, genetic loss for the ferret is minimized in captivity. Due to stochastic events genetic loss cannot be controlled in the wild. Therefore, reintroduced populations will always be a genetic subset of the captive population. Consequently, the captive population is essential because it is the only fully vested genetic source for reintroduced populations and it will always serve as a source population. The captive population has also been instrumental in helping managers develop and refine pre-conditioning techniques, anesthetics and vaccines (Lockhart et al. 2006). The advancement of management techniques could not be done without the captive population. The essential captive population has and continues to directly benefit survival of reintroduced ferrets.

*Claim: Authorized take under Section 10 is hampering recovery and territorial expansion of the ferret.*

Results from demographic analysis revealed that juvenile survival is about 40% in the wild (Grenier 2008). Consequently, cropping (i.e., permitted take) from Conata Basin has demonstrated that about 10% of young of the year can be taken from a population that is saturated with no adverse affects. On the contrary, permitted take of wild-born ferrets has enabled the USFWS to supplement annual allocations at other reintroductions sites and promote ferret dispersal across North America. Incidental take impacts have also been negligible. At reintroduction sites, there have been no trap or capture associated mortalities in the history of the program and road kills are estimated to be fewer than 10 nationwide annually (Pete Gober, Black-footed Ferret Recovery Coordinator, U.S. Fish and Wildlife Service, Personal Communication). The Petitioners fear that if ferrets expand onto private lands where they are not wanted, ferrets will be captured and relocated thereby artificially constraining dispersal. However, since the program's inception this type of translocation effort has never occurred because recovery partners have been able to cooperate with private landowners, and ferrets have remained in place, primarily due to the management flexibility and assurances afforded under Section 10. Notably, a change in status could have the opposite affect and destroy the collaborative conservation success as well as hinder future recovery efforts, as private landowners would be more apt to have these dispersing ferrets

captured and removed if their status was Endangered rather than “experimental and non-essential”.

*Claim: Current designation under Section 10 has led to and will continue to lead to a loss of prairie dog occupied area at reintroduction sites.*

Ferret recovery efforts have led to advancements in prairie dog management and conservation (Jachowski and Lockhart 2009). Contrary to the petition’s claim, habitat for the ferret, at most reintroduction sites, has increased since these areas were designated as “experimental and non-essential”. Managers within most reintroduction sites have worked to improve conditions (e.g., mitigate for diseases, increase prairie dog acreage). The area occupied by white-tailed prairie dogs in Shirley Basin has increased by more than 7,335 ha since 1991 (Grenier et al. 2007). The area occupied by black-tailed prairie dogs in Conata Basin increased from 4,046 ha in 1996 to more than 12,140 ha by 2005 (T. Livieri, Prairie Wildlife Research, Personal Communication). Notably, although acreage has declined recently in Conata Basin due to sylvatic plague, occupied acreage estimates are still nearly double those of 1996. Similarly, the current estimate of prairie dog abundance in Aubrey Valley, AZ has also increased since the 10(j) designation (B. Van Pelt, Arizona Game and Fish, Personal Communication). The claim that habitat within Section 10 designated areas has declined for the ferret has no merit.

## **CONCLUSION**

The petition is laden with unsubstantiated and unsupported claims that only highlight the petitioners’ ignorance about the history, challenges and needs of the ferret recovery program. Many of the proposed impacts to ferrets at the 3 sites (i.e., Shirley Basin, Conata Basin, and Aubrey Valley) are speculative and highlight activities that occur in areas where there is little potential for conflict with ferrets (e.g., uranium mine in Shirley Basin).

A management approach that supports a dual classification [i.e., public endangered vs. private 10(j)] would be confusing to the public, would hamper recovery efforts and reduce private landowner cooperation. In fact, the 3 most prominent sites mentioned (i.e., Shirley Basin, Conata Basin, and Aubrey Valley) are a mosaic of federal, state, tribal and private lands. Consequently, private landowners, public land lessees and participating state and tribal entities would suffer significant impacts with the requested change in status. The fallout from this petition will undoubtedly threaten the establishment of future reintroduction sites and could lead to the destruction of one of this Nation’s most successful conservation efforts.

The USFWS has not ceded its management authority, in any form, to other entities by utilizing the “experimental and non-essential” designation for the ferret. The Section 10 designations have been a useful management tool that has been invaluable to the

success of the program and has facilitated cooperation among agencies and private landowners. Further, by implementing Section 10, the USFWS has demonstrated that endangered species recovery efforts need not be mutually exclusive of other activities (e.g., grazing, development) to succeed. Without these designations recovery progress would likely have been much slower and the reintroduced ferret populations in Shirley Basin, Conata Basin and Aubrey Valley likely would not exist today.

Already there is evidence that this petition may have done irreparable damage and stalemated recovery efforts across the Central Mountains and Plains area. The WGFD was allocated, by the USFWS, a large number (i.e., >60 kits) of ferrets to reintroduce in a new part of Albany County, Wyoming in the fall of 2009. This new site was prioritized by BFFRIT and the USFWS as the highest priority site to receive ferrets in 2009. Unfortunately, WGFD was asked by concerned private landowners to withdraw the allocation request when this petition was made public. The filing of this petition has made several landowners uneasy about the future management of existing ferret populations on mixed public and private land holdings. An additional private landowner near Shirley Basin refused to allow their lands to be surveyed by the WGFD this fall, once they learned of the petition. These two examples highlight the need for the USFWS to respond quickly and decisively to this petition. Reneging on the past assurances provided to cooperating agencies, tribes, and private landowners under the “experimental and non-essential” designation of the Endangered Species Act after significant recovery progress has been achieved would be a major setback, not only to the recovery of the ferret, but also to other endangered species recovery efforts across North America.

## **Recommendation**

Reintroduction efforts are costly, lengthy, and controversial endeavors and few achieve their objectives within their stated time frames. The USFWS and its recovery partners are to be commended for utilizing a broad range of management approaches, developing long-term partnerships, and for implementing strategies that are compatible with on-going land-uses. Contrary to the Petitioners claims, changing the status of reintroduced ferret populations designated under Section 10 as “experimental and non-essential” to Endangered would not guarantee their persistence and this petition does little to advance the recovery of the ferret. The successes achieved by the USFWS and its recovery partners are irrefutable. Moreover, all ferrets reintroduced under Section 10 count toward the recovery goals outlined by the USFWS and its partners. Based on our review of the petition currently being considered by the USFWS, CMPS suggests that the USFWS rules against this petition immediately and reaffirm its partnerships with its ferret recovery partners before additional damage is done.

Please let me know if the Central Mountains and Plains Section of the Wildlife Society can provide anything further. Thank you for considering our comments.

Sincerely,

Bob Lanka  
President, Central Mountains and Plains Section of The Wildlife Society

Cc: Scott Larson, Pete Gober, Laura Bies

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