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Comments: Please accept my comments on the DEIS 2020 Thunder Basin National Grassland Plan Amendment (Prairie Dog Management).

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I provided scoping comments on the proposed black-tailed prairie dog amendment and am now providing comments on the DEIS. It is my intent to provide comments that will help strike a more balanced and defensible approach to managing black-tailed prairie dogs and black-footed ferret reintroduction habitat on the Thunder Basin National Grassland (TBNG), while effectively responding to the concerns of adjoining landowners. These actions are not mutually exclusive, especially with the provisions in the recently published Final 10(j) Rule. As you know, the Final Rule was published for this very purpose, to provide flexibility needed to do both, including facilitating better landowner and community support. The 10(j) rule specifically provides for ferret reintroduction at the same time acknowledging the need and providing for control of prairie dogs along boundaries of reintroduction areas to respond to concerns of neighboring landowners. It also allows for incidental take of ferrets during legal and authorized activities and land uses.

This proposed action is an attempt by USFS and apparently numerous other cooperating agencies including the U.S. Fish and Wildlife Service (FWS), author of the 10(j) rule, to take black-footed ferret reintroduction on TBNG off the table and out of view. In fact, USFS clearly states in the DEIS in multiple locations, including Table 4, its intent to de-emphasize black-footed ferret reintroduction on TBNG. USFS also goes so far as to intentionally minimize references to ferrets in the DEIS and proposed action. This is substantiated on page 49 of the DEIS where it's stated that some commenters wanted all black-footed ferret references in the proposed action removed. USFS responded to this request by saying, "Forest Service personnel did not consider removing all references to the ferret because of the Forest Service's responsibilities under the Endangered Species Act". However, USFS went so far as to not list black-footed ferret recovery as an issue in Tables 1 and 5 in the DEIS, both of which summarize effects of each alternative on issues raised during scoping. Yet, black-footed ferret recovery is the second in a list of issues identified during scoping and presented on page 19 of the DEIS. In Chapter 2 of the DEIS where USFS describes and compares major components of each alternative, black-footed ferret recovery is not listed as a component. The one exception was where USFS proposes eliminating the current Management Area 3.63 (Black-footed Ferret Reintroduction Area) designation from each action alternative.

As I discussed above, the issue of black-footed ferret reintroduction and recovery was omitted from much of the alternative comparisons in the DEIS. It appears that this was not an oversight but was an intentional omission to reflect the de-emphasized emphasis on ferret reintroduction habitat and recovery. USFS does state that every alternative will provide for at least 1,500 acres of prairie dog colonies so as not to preclude ferret reintroduction. However, I can't find whether they are referring to a 1,500 acre colony complex defined by a maximum inter-colony distance to determine available ferret habitat or simply 1,500 acres spread over a much larger area which

would likely not be suitable ferret reintroduction habitat. This needs to be clarified in the FEIS. Because it was an issue identified during scoping, I recommend that effects analyses and alternative comparisons in the forthcoming FEIS include "black-footed ferret habitat and recovery" as a specific and separate issue and that the effects under each alternative be described and disclosed based on the area of ferret reintroduction habitat expected to be available under each alternative. Further, I recommend that ferret habitat availability under each alternative be presented as one of the following classifications:

1,500 - 4,499 BTPD acres (<30 breeding adult ferrets),

4,500 - 14,999 BTPD acres (30 - 99 breeding adult ferrets),

>15,000 BTPD acres (100+ breeding adult ferrets).

These acreage and ferret capacity classifications are based on prairie dog colony complexes with a maximum inter-colony distance of 4.5 miles, the distance used in the Wyoming Black-footed Ferret Plan. This classification system is the same one used in the ferret reintroduction site prioritization matrix prescribed in the Wyoming Black-footed Ferret Plan. This approach to analyzing and disclosing alternative effects facilitates alignment with the Wyoming ferret plan and is responsive to the need described in the Purpose and Need discussion to better align with the Wyoming plan. This same type of analysis and classification could also be incorporated into the Biological Assessment, providing a stronger and more meaningful assessment. This type of analyses will provide interested publics and the decision-maker considerably more and better information.

I contend this proposed action is indefensible and inconsistent with the intent and mandate of multiple federal laws, regulations, and policies, including USDA Departmental Regulation 9500-004 that states USDA agencies will conduct their activities and programs in a manner that assists in the recovery of threatened and endangered species. My contention is further strengthened when you consider that FWS Regional Director Noreen Walsh sent a letter on May 30, 2017, less than 2 years after FWS published the Final 10(j) Rule, to USFS Regional Forester Brian Ferebee stating the following and I quote:

"The TBNG is one of the few large grassland properties in federal ownership with extensive black-tailed prairie dog populations. Prairie dog concentrations as they exist at TBNG are exceedingly rare and are a haven for golden and bald eagles, other raptors, as well as mountain plovers, burrowing owls, swift fox, and other species of conservation concern. Of particular interest, TBNG is a site that has high potential to contribute to the recovery of the endangered black-footed ferret (ferret). While there are currently no immediate plans to reintroduce the ferret at TBNG, it may well be the best existing site across the species' range in 12 western states, Mexico, and Canada that could significantly contribute to its recovery at the present time."

Yes, there has been a significant change on the ground with the recent plague epizootic. However, given the recent and substantial losses in prairie dog populations on TBNG but with the new 10(j) provisions and a clear threatened and endangered species recovery mandate, we should have expected, now more than ever, USFS to come forward with a proposal that kept black-footed ferrets and their recovery on the table and in clear view. Planning components highlighting the use of plague intervention efforts to help restore prairie dog populations to the proposed target levels could also have been included. Instead, we see a proposal from USFS, a proposal that is apparently supported by multiple cooperating agencies, that does just the opposite and essentially boils the current ferret recovery measures down to an anemic "does not preclude reintroduction" statement. This is especially troubling and concerning to me, since nonessential experimental populations count towards meeting the downlisting and delisting criteria in the National Black-footed Ferret Plan, as clearly articulated in the Final 10(j) Rule.

As mentioned above, given the substantially changed conditions on the ground due to recent plague, the proposed action should be modified to add planning components that highlight use of plague intervention tools to

specifically help restore and maintain prairie dog populations at target levels in potential ferret reintroduction habitat. Given the lower target levels for prairie dog colony acreages in the proposed amendment, plague interventions could be more focused and effective while being less costly. Also, as FWS indicated in the Final 10(j) Rule, research on plague and distemper vaccines is advancing, and more effective and feasible disease intervention protocols to facilitate expanded and more effective ferret reintroductions may soon be feasible. However, I am concerned that USFS may actually be viewing plague as an economical way of reducing prairie dog populations on TBNG and may not be interested in plague intervention in the future for that reason. I raise this concern because of the refusal of Regional Forester Brain Ferebee to accept assistance and initiate plague intervention on TBNG when plague first became apparent in 2017. His refusal is documented in a letter from him to the Wyoming County Commissioners Association, dated May 19, 2017, where he made a commitment not to initiate plague intervention. I would ask that this issue and concern be addressed and further clarified in the forthcoming FEIS.

I recognize the importance of USFS effectively addressing the issue of unwanted prairie dog colony expansion from TBNG onto adjoining private and state lands. I also commend FWS for addressing the need, in the 10(j) rule, for effective response to the concerns of neighboring landowners about unwanted encroachment. However, USFS has already amended and modified their prairie dog management direction twice, once in 2009 and again in 2015, each time indicating the changes would resolve issues related to unwanted encroachment. As a result of what I've read and heard, it appears the Purpose and Need for this proposed amendment may be more an implementation issue and less of ineffective management direction in the form of current objectives, standards, and guidelines. I was unable to assess this aspect of the Purpose and Need justification to my satisfaction with the limited information available in the DEIS. To better understand this issue, I recommend that annual implementation records be summarized and presented in the forthcoming FEIS for the years 2009 to present. As a minimum, this would include the number of complaints received annually by USFS from adjoining landowners and the number of acres and colonies treated with rodenticide and other management tools in response to those complaints along TBNG boundaries.

I'm also aware of the signed interagency MOU indicating a current lack of support for ferret reintroduction on TBNG at this time, but it is short-sighted and without merit to use this MOU as a defensible justification for de-emphasizing black-footed ferret reintroduction habitat on TBNG. As FWS indicated in the Final 10(j) Rule, research on plague and distemper vaccines is advancing, and more effective and feasible disease intervention protocols to facilitate expanded and more effective ferret reintroductions may soon be feasible. As I mentioned in my scoping comments, a proposed amendment that retains some visible focus on TBNG as potential reintroduction habitat is important and not unreasonable. Anything less is inconsistent and out-of-character with the conservation leadership USFS has shown over the years in national forest and grassland management and threatened and endangered species recovery programs across the country. Also, bringing the current prairie dog management direction into better alignment with the Wyoming Black-footed Ferret Plan was one of the needs identified in the Purpose and Need discussion. The Wyoming Plan identifies an objective of establishing at least one reintroduced ferret population in a black-tailed prairie dog colony complex in the state, and rather than further diminish ferret reintroduction and recovery on TBNG, amended direction should include planning components to recover the prairie dog populations on TBNG to target levels to provide a future suitable reintroduction site in a black-tailed prairie dog colony complex to meet this objective in the Wyoming Plan.

I recognize the importance of having stable and dedicated funding to support ferret reintroductions and to insure responsiveness to concerns of neighboring landowners about encroachment. We can be hopeful that passage and signing of the Recovering America's Wildlife Act may soon bring new and substantial funding to help support effective ferret recovery efforts in the future, including facilitation of additional reintroduction sites in Wyoming, possibly including TBNG. Grants such as those available from the Northern Great Plains Program of the National Fish and Wildlife Foundation could also be pursued. For example, in 2019 this program awarded more than $3.1 million in grants, including over $160,000 to the Cheyenne River Sioux Reservation in South Dakota for grassland and sylvatic plague management in a black-footed ferret reintroduction area. This South Dakota grant

leveraged an additional $468,000 of matching funds. I recommend that a commitment be made in the ROD that USFS commit funding, to the extent possible, and also actively pursue partnerships and diverse funding sources to support ongoing management of potential ferret reintroduction habitat and possible future ferret reintroduction on TBNG. Contributions made by the Wyoming Game and Fish Department to black-footed ferret recovery are longstanding and outstanding, and the Department should not be expected to carry the funding responsibility alone for adding reintroduction sites in the state. Hopefully, USFS and other conservation partners will be able to play a pivotal role in bringing additional funding to the table.

Two other grassland species-at-risk plans are highly relevant to this proposed action. These are "A Plan for Bird and Mammal Species of Greatest Conservation Need in Eastern Wyoming" and the "Western Grasslands Strategic Plan and Initiative" coordinated by the Western Association of Fish and Wildlife Agencies. The Wyoming Game and Fish Department is the author of the first publication and is signatory to the MOU for the Western Grasslands Plan. I recommend that the ROD include a discussion how this proposed action or hopefully a modified proposal in the FEIS aligns with these closely related plans as well. It would also be helpful if a discussion is included in the ROD of how the proposed action aligns with the latest version of the "Wyoming State Wildlife Action Plan" that is also authored by the Wyoming Game and Fish Department. If not already done, I recommend that these three plans be entered into the administrative record because of their relevance.