

Reintroduction of Black-footed Ferrets in Logan County, Kansas

Frequently Asked Questions

How many comments did you receive on this proposal to reintroduce black-footed ferrets in Kansas?

The comment period was open for 30 days from October 19, 2007 to November 19, 2007, during which time the Service received over 16,000 comments. The Service also accepted comments from meeting participants at a public meeting held in Logan County in November 2006. Twenty substantive comments were identified. Each of these comments was addressed in the Finding of No Significant Impact which is available at <http://mountainprairie.fws.gov/species/mammals/blackfootedferret/>.

When do you expect to place ferrets on the ground? How many ferrets initially will be introduced?

We anticipate releasing ferrets sometime the week of December 16, 2007. Up to 24 captive-reared ferrets will be initially released and distributed among two reintroduction sites.

Where are the sites in Logan County you are considering for reintroduction of black-footed ferrets?

The Service is considering two sites: a large complex jointly owned by three landowners, referred to as the Haverfield/Barnhardt/Blank complex, in south-central Logan County, and the Nature Conservancy's Smoky Valley Ranch, located in eastern Logan County.

Will the presence of black-footed ferrets restrict use of nearby private property – such as the ability to poison prairie dogs, aerial spray agricultural chemicals, or use or install irrigation systems?

Although the ferrets to be reintroduced will be fully protected as endangered, the use of a Recovery Permit authorizes the Service to assume responsibility for incidental or accidental take of any ferret which dies as a result of human-caused activity. The Service's experimental approach, as outlined in our Draft Environmental Assessment and Intra-Service Section 7 Consultation, provides assurances that only the direct, purposeful take of a ferret would be considered an illegal act.

The Service will work with our Cooperators to ensure that any prairie dog poisoning on release areas conforms to practices that have been used safely on other reintroduction sites. The Service will encourage those same practices on neighboring lands, but they will not be mandatory. If a landowner outside the reintroduction sites plans to poison prairie dogs, and it is known that one or more ferrets has taken up temporary residence on that property, with landowner permission,

the Service will attempt to recapture those animals and return them to the reintroduction lands. Any ferret that cannot be recaptured in this way will be considered lost to the program.

The legal use of any EPA-approved agricultural chemical according to label directions, whether ground or aerially-applied, will not result in an illegal take of any black-footed ferrets. The Service does not anticipate any conflicts between irrigation systems and black-footed ferrets because that activity typically occurs in cropland which is not suitable habitat for ferrets. However, as previously stated, only a direct, intentional killing of a black-footed ferret will be considered an illegal act subject to prosecution, and any impacts to ferrets associated with installation or operation of an irrigation system is covered by the Service assuming liability for those impacts.

Will the Service provide neighboring landowners assistance with prairie dog control issues?

It is the Service's intent to minimize any impact the experimental proposal may have on neighboring landowners. To that extent the Service and several of its partners are making financial and technical assistance available for surrounding landowners to enable them to control dispersal of prairie dogs off reintroduction sites and onto lands where they are not wanted. The Service is also currently finalizing an agreement with the U.S. Department of Agriculture (USDA) to provide a full-time person with USDA's Animal and Plant Health Inspection Service who will be responsible for prairie dog control efforts around the reintroduction sites. There will be more resources available to these surrounding landowners for prairie dog control with a ferret reintroduction than there would be without it. The overall acreage of prairie dogs in the county should not increase as a result of our expanded efforts to assist neighbors with their dispersal problems. The Service's intent is to maintain sufficient acreages of prairie dogs on Cooperators properties without increasing them on the neighbors' properties.

How does this reintroduction affect Kansas State law which allows mandatory eradication of prairie dogs?

The Service's plan in no way attempts to circumvent existing State law. No one who opposes prairie dogs on their property will be expected to provide anything for ferret restoration in Kansas. It is our hope that some prairie dog acreage can be maintained for the benefit of ferrets and the myriad other wildlife species which utilize this unique ecosystem. The increased financial and technical resources the Service and its partners are willing to provide to control prairie dogs will limit prairie dog dispersal to neighboring lands where they are not wanted while maintaining sufficient prairie dog acres to facilitate a ferret recovery effort.

The Service is finalizing an agreement with the USDA Animal and Plant Health Inspection Service and other partners to provide a full-time staff person to be available to control prairie dogs on lands surrounding reintroduction sites. This person and expertise will be available by summer or fall 2008, providing prairie dog control services to neighbors who believe they are being impacted unnecessarily by prairie dogs emigrating from ferret reintroduction sites. The Service has provided grant research funds to Kansas State University to conduct prairie dog control and management studies on lands bordering one of the proposed reintroduction sites.

This study will include chemical control of prairie dogs out from the boundary of this reintroduction site. This project will continue through the fall of 2008, when the USDA program becomes operational.

What happens after the initial 5-year experiment concludes? Will the Service sign off on assurances of landowners' rights, and will these hold up in court?

Annual surveys will monitor the ferrets' survival and reproduction, and will help identify if animals may need to be recaptured from neighboring lands and returned to the release area. If successful, and with continued landowner support, the effort may be continued beyond five years to try to establish a self-sustaining wild population.

If ferrets are not successful at colonizing the release area, any animals that remain alive at the end of the experiment can be recaptured and moved to other release sites. But as long as this reintroduction effort is active, the Service, through our recovery permit, or other administrative rule-making, will retain responsibility for the incidental or accidental take of any ferrets in Logan County. The Deputy Assistant Regional Director's signature on this permit, as well as the Regional Director's Findings of No Significant Impact document for the Environmental Assessment, provides the assurance to landowners that they will not be held liable for unintentional take of ferrets. Any activity which is legal at this time will continue to be legal in the presence of reintroduced ferrets and any future offspring. The intentional killing or taking of a ferret will continue to be illegal.

A specific court case would be required to determine with certainty whether these assurances would survive a legal challenge, but no such challenge has occurred at any other ferret reintroduction site in any of the states in which they have occurred. No challenges are anticipated at this location.

Will the presence of ferrets restrict energy exploration and development in the area, including oil and gas, electric power lines, and wind power generation?

Whenever Federal funding, permitting, or authorization exists for a project, these activities will be reviewed by the Service's Kansas Field Office for impacts to fish and wildlife resources of concern to the Service, and that review will occur whether ferrets are reintroduced or not. Activities which disturb or alter the ground surface or subsurface on the reintroduction sites will be reviewed for their potential to impact species and habitats.

Only projects with the potential to reduce habitat for the black-footed ferret on the reintroduction sites (e.g., significant reduction in prairie dog acres), or to result in mortality to individual ferrets on a reintroduction site would be of potential concern. In that case, the Service would work with our Cooperating landowners and the project developer to avoid or minimize impacts to ferrets. Similar energy exploration, development and transmission projects occur at other ferret reintroduction sites in other states, and have had no identified impacts on ferret recovery. We do not anticipate the situation will be different at the Logan County locations.

If a reintroduction is successful, will critical habitat be designated in the future, resulting in further restrictions to the use of private property?

At this time, there is no federally-designated critical habitat for the black-footed ferret anywhere, including the larger and more successful reintroduction sites which have been active for more than a decade. Because the ferret was first listed as endangered in 1967, prior to the 1978 amendments to the Endangered Species Act which required critical habitat to be designated at the time a species is listed, there is no legal requirement for the Service to designate critical habitat for ferrets. Therefore, there is no risk the Service could be legally compelled to designate critical habitat by other interests. The Service has not designated critical habitat at other reintroduction sites during the past 16 years, nor does the Service intend to do so on any lands in Logan County, or elsewhere in Kansas.