



*The Wyoming Department of Agriculture is dedicated to the promotion and enhancement of Wyoming's agriculture, natural resources and quality of life.*

April 11, 2011

John Emmerich  
Wyoming Game and Fish Department  
5400 Bishop Blvd.  
Cheyenne, WY 82009

Dear Mr. Emmerich:

Following are the comments from the Wyoming Department of Agriculture (WDA) on the concept paper titled *"From Liability to Asset: A Cooperative Conservation Initiative for Wildlife & Ranching on Prairie Dog Occupied Rangeland (Initiative)."*

Our comments are specific to our mission within state government: dedication to the promotion and enhancement of Wyoming's agriculture, natural resources, and quality of life. As this proposal has major impacts upon our agriculture industry, our natural resources and the welfare of our citizens, we believe it is important you continue to inform us of proposed actions and decisions and provide us the opportunity to express pertinent issues and concerns.

The WDA appreciates the Initiative's acknowledgement of the benefits private ranchlands provide, including clean water, recreation and wildlife habitat in cooperation with supporting family businesses. We also want to recognize the efforts of the committee for providing incentives for those benefits; specifically wildlife habitat management. Non-game species and especially endangered species typically create additional hardships and expenses to a ranching operation.

We understand this is a concept paper and in draft format. We offer the following comments to strengthen the Initiative and increase the awareness of the ranching industries' concerns.

#### **Include Agriculture Representation**

We question the development of the Initiative without transparency or evidence of any agricultural representation. We cannot overemphasize the importance of including an author/committee member from the agriculture industry. A rancher interested in signing an agreement under this Initiative may already have fear, uncertainty and distrust of government. The lack of visible agricultural support will decrease buy-off by private landowners.

The committee has already identified a list of potential funding sources including the Natural Resources Conservation Service (NRCS). We are concerned the NRCS was not involved in the development of this Initiative. Additionally, we have voiced our concern at the annual NRCS

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State Technical Committee meetings regarding the use of Farm Bill Funds for wildlife habitat. We urge the NRCS to keep Farm Bill funding intact for its original purposes; improve productivity of agricultural lands, while also improving the natural resources. We believe the direction of Farm Bill funding has slowly deviated from the original purpose, with NRCS appropriating thousands of dollars and creating multiple programs for the sole purpose of wildlife habitat enhancement. We urge the committee to respect the appropriated use of Farm Bill funding for improving agricultural operations and practices.

#### **Develop the Initiative's Expectations and Processes**

The WDA has commented multiple times in opposition of the US Fish and Wildlife Service (Service) listing either the black-tailed or white-tailed prairie dog as threatened or endangered on the Endangered Species Act (ESA) list. We are concerned the listing petitions will not cease from environmental organizations and ranchers who choose to participate in programs such as this Initiative will not have protection or assurances against additional expectations.

The black-footed ferret is an iconic species, which we believe was successfully kept from extinction due to the ESA. Wyoming ranchers have been at the forefront in opening their ranches to the Service and the Wyoming Game and Fish Department (WGFD) with hopes of re-establishing wild black-footed ferret populations. In May 1991, the Service published 50 CFR Part 17, "Proposed Establishment of a Nonessential Experimental Population of Black-Footed Ferrets in Southeastern Wyoming." The federal register's Recovery Effort Section 3. stated the following: *"The national recovery objective in the recovery plan for this species (US Fish and Wildlife Service 1988) is "to ensure immediate survival of the black-footed ferret by:*

- 1) Increasing the captive population of black-footed ferrets to a census size of 200 breeding adults by 1991*
- 2) Establishing a prebreeding census population of 1,500 free-ranging black footed ferret breeding adults in 10 or more populations with no fewer than 30 breeding adults in any population by the year 2010; and*
- 3) Encourage the widest possible distribution of reintroduced black-footed ferret population."*

*When this objective is achieved, the black-footed ferret will be downlisted to threatened assuming the extinction rate of the established populations remains at or below the rate new populations are established for at least 5 years."*

The Initiative states the following: *"The ferret recovery program has been moderately successful to date, with about 1,000 animals established in the wild in eight states since 1991. However, it is not likely to achieve all established recovery goals, including 3,000 adult ferrets sustained in the wild, without additional private landowner involvement."* The discrepancy between these two recovery efforts is very concerning. The Initiative is asking for double the population compared to the 1991 federal register. The WDA will not support the Initiative without first

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recognizing the 1991 recovery effort numbers and guaranteeing these numbers are strictly adhered to, with the specific intent to remove the black-footed ferret from the ESA list.

The verbiage the Service uses for the non-essential experimental has backfired in the Rocky Mountain Wolf Recovery Program. We are concerned the use of non-essential experimental for the black-footed ferret reintroduction may also deviate from its original intent. The Initiative provides three assets for a private landowner to consider:

- *provide significant financial incentives*
- *reduce regulatory risks; and*
- *provide adequate management of prairie dog populations.*

We ask the committee specifically consider and answer the following questions:

- **What is "significant?"** We believe "significant" is not only subjective, but lacks hard dollars tied to the program on a per acre basis.
- **What is "reduce?"** The reduction of regulatory risks is not enough. The private landowners are accepting the black-footed ferret and increased prairie dog populations to provide a benefit to the public and state and federal government. The WDA never encourages a landowner to sign on to a program such as this Initiative if it increases regulatory risk. We believe the Service should develop a programmatic Safe Harbor Agreement or something similar to a Candidate Conservation Agreement with Assurances where the private landowner has a contract with the assurances and removal of any regulatory risk in trade for reintroduction of ferrets and an increase in prairie dog colony acres.

We are also concerned with the possible increased regulatory risk associated with the swift fox, mountain plover, ferruginous hawk and burrowing owl species which inhabit prairie dog colonies. The Initiative must address how the Service will eliminate any regulatory risks and burdens on these additional species on lands contracted for black-footed ferret reintroduction.

- **What is "adequate management?"** The Initiative clearly lacks the appropriate information necessary to assure participating landowners what is "adequate management." Additionally, landowners neighboring these colonies who choose not to participate will inevitably have a reduction of control measures on their property.

The Cooperative Management Plan for Black-Footed Ferrets in Shirley Basin/Medicine Bow, Wyoming implemented August 1991 is a model for future ferret reintroductions. The WDA encourages the committee to work closely with private landowners who participated in this program. A survey should include: what has and has not worked, what they would have done differently, explain the working relationships they have with the Service and WGFD staff,

explain how the program impacted their grazing operation including loss in AUMs, etc. The results of this survey would help develop a more comprehensive Initiative.

We understand the Initiative is a multi-state proposal, but we urge each state to develop sub-committees, which include representatives from all the state, federal, and local government agencies, including the agriculture departments, private landowners, and funding partners to flush out the details prior to any implementation.

We appreciate the opportunity to provide our comments and perspective prior to the draft becoming finalized. We are interested in participating in future Initiative committee discussions and revisions. Please feel free to contact the WDA with any additional questions.

Sincerely,



Jason Fearneyhough  
Director

JF/jw

Cc: Governor's Planning Office  
WDA Board of Agriculture  
Wyoming Stock Growers Association  
Wyoming Wool Growers Association  
Rocky Mountain Farmers Union  
Wyoming Association of Conservation Districts  
Wyoming Farm Bureau Federation  
Scott Talbott, Director: Wyoming Game and Fish Department  
Wyoming State Grazing Board  
Wyoming State NRCS