

FINDING OF NO SIGNIFICANT IMPACT
FOR ACTIONS ANALYZED IN: “ENVIRONMENTAL ASSESSMENT FOR THE
BLACK-FOOTED FERRET WYOMING STATEWIDE 10(J) RULE”

Pursuant to the National Environmental Policy Act (NEPA) of 1969, we evaluated the potential environmental effects associated with the Proposed Action to issue a 10(j) rule that would establish statewide nonessential and experimental status for the black-footed ferret in Wyoming, as well as two alternatives, in an Environmental Assessment (EA; Appendix B). We made the draft EA and proposed rule available for public review at the U. S. Fish and Wildlife Service (Service) Wyoming Ecological Services Field Office in Cheyenne, Wyoming and online at www.regulations.gov for 60 days on April 10, 2015.

In the EA, we evaluated the following alternatives:

Alternative A—No Action

Under the No Action Alternative, the Service would not implement a new 10(j) rule throughout the State of Wyoming that would establish statewide nonessential and experimental status for the ferret. Rather, the Service would rely on existing, in-place, 10(j) rules to further recovery of the black-footed ferret in Wyoming.

Alternative B—Wyoming Statewide Black-footed Ferret 10(J) Rule

This is the Service’s Proposed Action. The Service proposed to issue a 10(j) rule that would establish statewide nonessential and experimental status for the black-footed ferret in Wyoming. The Action Area would encompass the entirety of the State of Wyoming.

Alternative C—Site-specific 10(j) Rules

The Service would not issue a statewide 10(j) rule, but would consider implementing additional site-specific 10(j) rules on a case-by-case basis.

As a result of the analyses we conducted in the EA and review of public comments, we have made a Finding of No Significant Impact (FONSI). This FONSI documents the support for our finding as follows.

We selected the proposed alternative of designating a statewide nonessential and experimental status for the black-footed ferret in Wyoming under a 10(j) rule (Alternative B). The development of this 10(j) rule is a critical step in the eventual recovery of the black-footed ferret, as it will help facilitate reintroductions of the species on non-federal lands while providing regulatory assurances that will encourage greater private landowner participation in black-footed ferret recovery. Furthermore, it allows implementation of recovery efforts on non-federal lands within the historic range of the black-footed ferret to proceed more quickly than Alternative C, which would rely on the development of individual 10(j) rules on a case-by-case basis. Both Alternative B and Alternative C would encourage the recovery of the black-footed ferret to a greater extent than the no-action alternative (Alternative A), which would rely solely on the existing, in-place 10(j) rules to further recovery of the black-footed ferret in Wyoming.

Under Alternative B, participation in future recovery actions for the black-footed ferret by private landowners will continue to be entirely voluntary. Furthermore, under Alternative B, the reintroduction of black-footed ferrets and associated management activities to be implemented under the 10(j) rule are not expected to change or disrupt current land uses or constitute a significant effect on other factors of the human environment within the action area. These factors and a summary of the determination of effect for each are found below:

1. Threatened, Endangered, and Candidate Species – Federally listed species and candidates for listing potentially affected by the implementation of Alternative B include the black-footed ferret (endangered) and greater sage-grouse (former candidate). At the time of the proposed 10(j) rule and draft EA, the greater sage-grouse was a candidate species. Recently, the Service determined that the greater sage-grouse is no longer warranted for listing under the Act (80 FR 59858; October 2, 2015). Alternative B is expected to have a beneficial effect on the black-footed ferret due to the implementation of reintroduction activities and

plague management; prairie dog management activities are not expected to exceed the level of lethal control that presently occurs, so will likely not constitute a negative effect for the black-footed ferret. Due to limited habitat overlap, conservation practices implemented as a result of Alternative B are not expected to constitute a negative effect on the greater sage-grouse.

2. Wildlife – The implementation of Alternative B is expected to have beneficial effects for numerous wildlife species dependent on prairie dog colonies. Many of these species are listed as species of management concern in the State Wildlife Action Plan (see Section 4.2 of the EA for additional information). While there may be some risk of short term impacts to some wildlife species, particularly from prairie dog management activities, the overall impacts are expected to be beneficial to wildlife. Additionally, the scope of Alternative B would likely affect only a very small percentage of the Wyoming landscape (approximately 0.11 percent, or 70,000 acres of occupied prairie dog habitat); therefore, any short term impacts to wildlife would be negligible to population or species stability

3. Farm and Ranch Land – Under Alternative B, landowner participation in black-footed ferret reintroductions is voluntary. Most, if not all of the non-federal lands that contain adequate occupied prairie dog habitat to support black-footed ferret populations are predominantly used for livestock grazing. Consequently, we consider livestock grazing, and associated ranch management practices (e.g., fencing, weed treatments, etc.) to be entirely compatible with ferret recovery. Implementation of the Proposed Action is not expected to result in changes to Farm and Ranch Lands beyond what might be voluntarily agreed to by a participating landowner or land manager.

4. Environmental Justice – Under Alternative B, participation in black-footed ferret reintroductions would be voluntary for any landowner who meets the eligibility requirements for habitat suitability identified in Section 5.2.3 of the EA. Because participation is voluntary, disproportionately high and adverse human health or

environmental effects of this alternative are not expected on minority populations, low-income populations, or Indian Tribes.

5. Socioeconomic – Under Alternative B, we anticipate that landowners who voluntarily agree to participate in black-footed ferret reintroductions will continue their current use of lands. The release and management of black-footed ferrets will be coordinated with existing livestock grazing and other agricultural activities under site-specific management plans.

In our Biological Opinion (U.S. Fish and Wildlife Service 2015) on the proposed designation of a statewide nonessential and experimental status for the black-footed ferret in Wyoming under section 10(j) of the Endangered Species Act, we concluded that the implementation of the Alternative B would not jeopardize the continued existence of, or adversely modify the designated critical habitat of, any federally listed or candidate species.

We reviewed comments submitted by the public and are providing our responses to substantive comments in Appendix A of this FONSI. Appendix A also describes changes we made to the Final EA in response to comments.

Based on my review and evaluation of the enclosed EA and supporting documents, I have determined that the statewide designation of black-footed ferrets in the State of Wyoming as nonessential and experimental under a 10(j) rule is not a major federal action which would significantly affect the quality of the human environment within the meaning of section 102(2)(c) of the NEPA of 1969. Accordingly, preparation of an environmental impact statement on the proposed action is not required.



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Date