



Black-Footed Ferret

State of Wyoming 10(j) Rule Questions and Answers

What action is the U.S. Fish and Wildlife Service taking today?

The U.S. Fish and Wildlife Service (Service) has finalized a rule to designate the entire state of Wyoming as a special area for the re-establishment of black-footed ferret populations under section 10(j) of the Endangered Species Act (ESA). This designation provides flexibility to manage black-footed ferrets while addressing landowner concerns regarding ESA regulations. The goal of this action is to help facilitate new reintroductions of this endangered species.

Why is the Service implementing this rule now?

Because of its commitment to endangered species recovery, for several years the Wyoming Game and Fish Department has expressed interest in a statewide 10(j) rule for the black-footed ferret. The Service shares this commitment. However, before we could begin development of a 10(j) rule we needed to document that there were no wild ferrets remaining in the state other than those that have been previously reintroduced. The Wyoming Game and Fish Department provided the Service with the information and data necessary to make this determination. This allowed the Service to move forward with development of a statewide 10(j) rule for black-footed ferrets in Wyoming.

Why is the Wyoming Game and Fish Department supportive of a statewide 10(j) rule for the ferret?

Wyoming is a leader in black-footed ferret recovery. Establishment of a statewide 10(j) population will provide

regulatory relief for landowners should a ferret occur on their lands, while allowing the state to continue its efforts to advance ferret recovery. The Wyoming Game and Fish Department led the initial efforts to recover the species immediately after the rediscovery of a single wild population near Meeteetse, WY. Subsequently, the state led one of the most successful ferret reintroductions to date: the Shirley Basin 10(j) population.

How does the 10(j) rule address landowner concerns about ferrets occurring on the lands?

Under a Section 10(j) designation, black-footed ferrets will be classified as “nonessential, experimental” throughout Wyoming. This means that both the take prohibitions and consultation requirements of the ESA are relaxed, easing the regulatory restrictions associated with

endangered species. This designation will apply to all black-footed ferrets within Wyoming.

What is incidental take, and how will the 10(j) rule change Endangered Species Act regulations for the ferret?

Under the statewide 10(j) rule for ferrets in Wyoming, there will be no prohibition for incidental take of ferrets under the ESA. Incidental take is mortality, injury, harm or harassment of a species that is listed as threatened or endangered under the ESA that occurs unintentionally as a result of otherwise lawful activities. For example, if while moving cattle from one pasture to another a black-footed ferret is injured or killed, the loss or injury of that animal would be considered incidental to an otherwise lawful activity and not a violation of the ESA under this rule.



Black-footed ferret peeks out from a burrow / Mike Lockhart



Newborn black-footed ferret / Kimberly Fraser, USFWS

Who will decide when and where a future ferret reintroduction will occur in Wyoming?

Participation in future recovery actions for the black-footed ferret by private landowners will continue to be entirely voluntary. The Wyoming Game and Fish Department has volunteered to lead any effort related to future ferret reintroductions in the state. The Service will work with the state to develop site-specific management plans before the Service will provide ferrets for reintroduction. This will ensure that appropriate protocols are in place for every reintroduction in the state. An interagency stakeholder group has been established to ensure communication across affected agencies. Implementation of the 10(j) rule will ensure the concerns of private landowners and landowners adjacent to reintroduction areas are addressed comprehensively.

Will landowners, local agencies or governments be involved in decisions to reintroduce ferrets?

Yes. The Service and the Wyoming Game and Fish Department recognize that local involvement is important to landowners, stakeholder groups and local governments. Consequently, both agencies will coordinate to ensure local communities are fully engaged in any future black-footed ferret reintroduction efforts.

Will the statewide 10(j) rule be removed in the future?

The Service considers any 10(j) rule as an agreement between the Service, the affected state and federal agencies and people with an interest in affected lands. These 10(j) rules are one of the most effective tools to recover endangered species while protecting the interests of private landowners. Because we believe this tool is essential for advancing and maintaining the recovery of the black-footed ferret, it is the Service's intent to maintain the 10(j) rule into the future.

What is the relationship of the 10(j) rule to the recently implemented ferret Safe Harbor Agreement?

While a range-wide Safe Harbor Agreement for the ferret is already in place, there are currently no ferrets in Wyoming on Safe Harbor lands. The Wyoming Game and Fish Department and the Service have agreed that the 10(j) rule will serve as the foundation for any future black-footed ferret recovery actions in Wyoming.



Black-footed ferret / USFWS

However, landowners who choose to participate in black-footed ferret recovery will still have the option to participate in the Safe Harbor Agreement, should they choose to do so. These conservation actions are complementary.

If I have additional questions regarding the Endangered Species Act and ferrets, who can I contact?

If you have questions about participating in black-footed ferret recovery in Wyoming, contact Zack Walker, Nongame Supervisor for the Wyoming Game and Fish Department (zack.walker@wyo.gov).

For questions related to the development of the 10(j) rule for ferrets in Wyoming, contact Lynn Gemlo, Listing Coordinator for the Service's Wyoming Ecological Services Field Office (lynn_gemlo@fws.gov).

For questions related to the recently implemented rangewide Safe Harbor Agreement for black-footed ferrets, please contact John Hughes, Wildlife Biologist at the Service's Black-footed Ferret Conservation Center (john_hughes@fws.gov).

Information about black-footed ferret recovery efforts can be found at www.blackfootedferret.org.

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