

NEWS RELEASE

**U.S. FISH AND WILDLIFE SERVICE
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For Immediate Release

May 17, 2009

U.S. Fish & Wildlife Service rejects black-footed ferret population reclassification petition

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The U.S. Fish and Wildlife Service today announced it has denied a petition, filed pursuant to the Administrative Procedures Act, to reclassify three black-footed ferret (*Mustela nigripes*) populations under the Endangered Species Act (Act).

The petition focused on reintroduction efforts in Aubrey Valley, Arizona, Shirley Basin, Wyoming, and Conata Basin, South Dakota. These are three of the most successful reintroduction efforts ever undertaken. All three sites are self-sustaining with 30 or more breeding adults capable of supporting other sites with translocations. Based on the success of these sites, we believe the rules in place achieve an appropriate level of regulatory protection. These sites satisfied the requirements for nonessential experimental population designations, thus, there is no mandate to revisit these designations. Furthermore, the available evidence suggests negligible benefits of retracting the nonessential experimental designation and instead such an action would have extremely detrimental effects to ferrets at these sites and the partnerships that sustain them.

“The success of these reintroduction sites would not have been possible without the cooperative recovery efforts of State, Tribal, Federal, and private partners. Section 10(j) designations promote partnerships and are critical to the successful recovery of the black-footed ferret because of the flexibility it affords our public and private partners,” said Steve Guertin, Region 6 Director. “Time and again, partnerships have proven indispensable to the Service’s ongoing recovery efforts, especially in the case of one of the prairie ecosystem’s most imperiled carnivores.”

The petition, initiated by WildEarth Guardians on Sept. 8, 2009, and subsequent correspondence requested the Service reclassify these ferret populations from nonessential experimental to endangered or essential status where they occur on public lands. The Service notified the petitioners by letter of its decision to deny the petition.

This issue centers on Section 10(j) of the Act, which allows for the reintroduction of an endangered species through designation of reintroduced populations as nonessential experimental. The 10(j) provision of the Act provides conservation partners with the ability to initiate recovery efforts for threatened and endangered species without jeopardizing important relationships with private landowners who may be concerned about legal liabilities associated with harboring a federally protected species on their land. Indeed, in 1982, Congress recognized the need to promote these relationships and amended the ESA to include Section 10(j) to ensure flexibility for reintroduction efforts to aid recovery. The areas of petition's focus would not exist were it not for Section 10(j), which was the foundation on which the recovery efforts were built.

The Service and its conservation partners determined filing of the petition alone had a detrimental effect on black-footed ferret recovery efforts. Shortly after the petition was filed, a Wyoming landowner – citing concerns about potential legal liability - decided not to proceed with an introduction on one of the largest sites suitable for reintroduction in the species' range. Monitoring of existing ferret populations was also adversely affected because some landowners would not grant partners access due to the unwanted publicity generated by the petition. All three sites receive significant support from landowners. Indeed, over 50 percent of the sites' lands are privately owned.

The Service's decision to deny the petition is consistent with the agency's approach to species recovery, which emphasizes engagement and cooperation with partners, whether state, federal, tribal or private. A 10(j) designation grants federal agencies the regulatory flexibility needed to harness the collective power of partners to work in concert toward one common objective – recovery of one of the nation's most endangered mammals.

The Service and its partners consider the use of Section 10(j) instrumental in realizing free-ranging ferret populations, which is the first step toward recovery of the species. Thus far, by using Section 10(j) and other recovery tools, the Service and its partners have conducted 19 ferret reintroduction efforts.

“We have denied this petition because the threats that were cited are minor issues that lack supporting documentation and are unlikely to cause population level impacts to ferrets, said Guertin.”

The mission of the U.S. Fish and Wildlife Service is working with others to conserve, protect and enhance fish, wildlife, plants and their habitats for the continuing benefit of the American people. We are both a leader and trusted partner in fish and wildlife conservation, known for our scientific excellence, stewardship of lands and natural resources, dedicated professionals and commitment to public service. For more information on our work and the people who make it happen, visit www.fws.gov.