

APPENDIX H

CONSISTENCY CHECK WITH THE SOUTH DAKOTA BLACK-TAILED PRAIRIE DOG CONSERVATION AND MANAGEMENT PLAN

The Forest Service (FS) has reviewed the South Dakota Black-Tailed Prairie Dog Conservation and Management Plan (State Plan) in response to the direction stated in the 2002 ROD for the Land and Resource Management Plan (LRMP).

The South Dakota State Plan is organized by objectives and strategies. These items were reviewed by and responded to by the Forest Service. The Forest Service's response gives concurrence or non-concurrence and rational and/or discussion (where needed) to each of these items either directly or through this FEIS and/or associated Record of Decision (ROD).

Objective 1: Determine a statewide population goal and identify special management areas.

Strategy 1.1: Determine current prairie dog acreage in South Dakota.

FS Response: Concur

Strategy 1.2: Coordinate state population goals with standards established by the Multi-state Black-Tailed Prairie Dog Conservation Team.

FS Response: The ROD will identify a minimum desired range of acres (18,000 to 26,900) in South Dakota and (1,000 to 1,800) in Nebraska. Federal Grasslands contribute to and are part of the State's total acreage needs.

Strategy 1.3: Population objectives included in the "Multi-state Conservation Plan for the Black-tailed Prairie Dog, *Cynomys ludovicianus*, in the United States" (Luce 003) are ...:

FS Response: There are 6 population objectives listed. We concur with all six and are critical to two:

#3. Maintain at least the current black-tailed prairie dog occupied acreage in the two complexes greater than 5,000 acres that now occur on and adjacent to Conata Basin-Buffalo Gap National Grassland, South Dakota and Thunder Basin National Grassland, Wyoming.

#5. Maintain at least 10% of total occupied acreage in colonies or complexes greater than 1,000 by 2011.

FS Response: Also in Strategy 1.3 the State clearly recognizes its independence: South Dakota's prairie dog management plan has identified our own goals and objectives, which are specific to South Dakota. We reserve the right to preserve our own management authority. (Underlined emphasis added by FS).

Strategy 1.4: Implement administrative measures, if necessary, to assist in meeting and maintaining statewide population goal.

Strategy 1.4a: Establish a prairie dog shooting closure to protect litters.

FS Response: Concur: “In November of 2004, the South Dakota Game, Fish, and Parks Commission removed the Conata Basin closure and deferred shooting regulations for this specific area to the US Forest Service.”

Strategy 1.4b: Determine an alternative to state declared pest species status.

FS Response: Do not concur: **As part of this legislative effort the State passed another law, SB216, declaring the prairie dog a pest if 4 conditions are met, which they currently do. The law also implies the State may control dogs on Federal land with this status.**

Strategy 1.4c: Investigate methods to assure that South Dakota continues to meet its non-tribal acreage goal of 166,958.

FS Response: Concur. This section covers incentives, inventory intervals of 3 years, shooting surveys and shooting restrictions based on 3 ranges of acres. We fully defer to the State to set shooting restrictions on National Grasslands outside of Conata Basin (see Strategy 1.4a above).

Strategy 1.4d: Prevent prairie dogs from encroaching upon adjoining private lands.

FS Response: Mixed; concur and do not concur. “The state of South Dakota will execute a “good neighbor” policy on all lands by developing a “no tolerance” standard for prairie dogs moving onto lands where they are not wanted. When prairie dog colonies expand to another property and the property owner being encroached upon files a valid complaint, the primary landowner must control the prairie dogs back to one mile of said land boundary; such control must be ongoing so as to prevent future incursions.”

FS Response: We concur and are committed to the “good neighbor” policy. The differences are the 4 points of this policy and standard; crosses, complains, control 1-mile, and on-going control. The State’s 4 points are: 1) a colony must cross private land boundary; 2) the landowner must file a valid complaint; 3) primary landowner must control back 1 mile; and 4) control must be ongoing.

Our commitment to the “good neighbor” policy is to: 1) not wait until a colony crosses private boundary. We will be proactive and can poison if our inventory indicates a colony may cross within 1 to 2 years; 2) if we do not allow a colony to cross private boundary then a valid complaint is not warranted. We will cooperate in investigating and acting on any valid complaint the State receives; 3) we will control *up to* ¼ and ½ mile, depending on the circumstances; 4) our intent is the control will ebb and flow on an estimated 3 year control interval on any one colony, maybe shorter or longer depending on circumstances.

The issue with the 1-mile versus ¼ and ½ miles is a biological issue. If we control up to 1-mile we will have less than 100 acres on Ft. Pierre National Grassland, Oglala National Grassland, and Fall River District of Buffalo

Gap National Grassland, mainly due to land ownership patterns. Most of the colonies are close to the federal-private land boundaries.

We believe we can contain the colonies using a smaller buffer concept using a variety of tools (i.e. vegetative buffers, grazing modifications and poisoning)

FS Response: Do not concur: “In the case of irregular land boundaries, control efforts will use a buffer developed with US Fish and Wildlife Service assistance extending up to one mile from public-private boundaries, with variations in buffer width to adjust for the effect of irregular boundaries, such as “peninsulas” of federal land and private in-holdings. In cases where the buffer zone for control will be less than ½ mile, approval for the reduced buffer will be required between the USFS, SDGFP and the SD Dept. of Agriculture (Underlined emphasis added by FS).

FS Response: We may discuss but not defer to other agencies on where to control.

FS Response: Do not concur: “In addition, the USFS will modify the Forest Supervisor’s order regarding prairie dog shooting in Conata Basin. The shooting zone will use a buffer extending up to one mile from public-private boundaries, with variations in buffer width to adjust for the effect of irregular boundaries, such as peninsulas of federal land and private in-holdings. The USFS will also take steps to encourage outfitter guides to increase shooting pressure (Underlined emphasis added by FS).

The USFS will continue to live trap prairie dogs on their own lands, to increase efforts and to focus on complaint zones (Underlined emphasis added by FS).

FS Response: The *concepts* we concur with, the *specifics* we do not, especially with the State directing us in a “must do” language. The ROD will approve *some type of controlled shooting in Conata Basin.*

FS Response: Concur: “Complaint zones will be developed and mapped using the following protocol:”

Strategy 1.4e: Provide funding for prairie dog control.

FS Response: Not applicable.

Strategy 1.4f: Respond to private landowner complaints.

FS Response: Concur.

Strategy 1.4g: Provide annual report of state activities

FS Response: Concur.

Objective 2. Determine an effective tool to monitor changes in estimated occupied acreage.

FS Response: Concur with all four strategies.

Objective 3: Develop a disease monitoring protocol for detecting sylvatic plague and other diseases detectable on prairie dog colonies, to include a contingency plan in case sylvatic plague is detected in South Dakota.

FS Response: Concur with all three strategies.

Objective 4. Determine and accommodate conservation needs of black-footed ferrets.

Strategy 4.1: Review available information on state status of black-footed ferrets.

FS Response: Concur.

Strategy 4.2: Determine inventory needs for black-footed ferrets as they relate to prairie dogs.

FS Response: Concur.

Strategy 4.3: Incorporate conservation needs of black-footed ferrets into prairie dog management opportunities.

FS Response: Concur with differences:” A major concern expressed by those living in the Conata Basin area was that the reintroduction of ferrets would eventually cause a subsequent increase in prairie dogs. File correspondence involving this issue indicates that as a condition of support for the reintroduction of black-footed ferrets, the State of South Dakota required that the prairie dog acreages remain between 8,000 and 12,000 acres. And if this acreage were to expand in the future, landowners should be provided compensation for any losses in revenue created by the expansion. Written assurances were received from the USFWS that this request would be honored and these acreage goals remain as the position of the State of South Dakota” (Underlined emphasis added by FS).

US Forest Service and USFWS has set a range of 12,500 to 19,000 acres (depending on colony density) for Conata Basin federal grasslands. We are committed to this recovery effort.

FS Response: Do not concur: “The prairie dog colonies impacted by this control effort are those outlined in Strategy 1.4d, dealing with the encroachment of prairie dog colonies from US Forest Service land onto private land in southwestern South Dakota” (Underlined emphasis added by FS).

FS Response: Strategy 1.4d is the 1-mile poison buffer. Do not concur.

Strategy 4.4: Investigate opportunities for cooperative conservation activities.

FS Response: Concur with the use of incentives.

Objective 5: Use public involvement techniques to gather input.

Strategy 5.1: Establish South Dakota Prairie Dog Working Group

FS Response: Concurred with this effort.

Objective 6. Use adaptive management method to evaluate progress of prairie dog planning effort and adjust as needed to accomplish program goals.

Strategy 6.1. Formulate interagency team to review progress toward meeting objectives at three-year intervals to coincide with population monitoring intervals.

FS Response: Concur with this effort.

Objective 7. Identify and implement management actions that provide environmentally sound habitat for a sustainable population of healthy prairie dogs acceptable to landowners and managers in the state of South Dakota.

Strategy 7.1. In order to provide environmentally sound habitats, the similarity index/range condition should be maintained at no less than a similarity index/range condition of 20% of the historic climax plant community, as described in the Natural Resources Conservation Service South Dakota State Technical Guide.

FS Response: Concur.