

**DECISION NOTICE**  
**AND**  
**FINDING OF NO SIGNIFICANT IMPACT**  
for the  
**Black-Tailed Prairie Dog Control Project**

**USDA Forest Service, Northern Region**  
**Dakota Prairie Grasslands**  
**Medora Ranger District**  
**Billings and Slope Counties, North Dakota**

**November 26, 2007**

**Responsible Official**

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## **Decision Notice and Finding of No Significant Impact for the Black-tailed Prairie Dog Control Project**

### **SUMMARY OF DECISION**

After careful consideration of public comments and the potential impacts of the alternatives analyzed in the Black-tailed Prairie Dog Control Project Environmental Assessment (EA) dated November 26, 2007, I have selected Alternative 1 because it does the best job of addressing the issues, meets the Purpose and Need, and fulfills Grasslands Plan direction.

Under Alternative 1 prairie dog control activities, using both lethal and non-lethal management tools would be implemented at 24 locations where unwanted prairie dogs have encroached from National Forest System (NFS) lands onto adjacent private or state lands and at 2 locations where monitoring indicates encroachment is imminent. Treatment acreages range from less than an acre to 51 acres in size. The proposed action would treat a total of approximately 311 acres of prairie dogs.

Alternative 1 includes treating up to 140 acres of unwanted future prairie dog encroachment over the next five years. This part of the alternative addresses two scenarios that are likely to occur. The first is expansion of existing colonies onto private property or situations where encroachment is imminent. The second scenario is the establishment of new colonies on federal lands which then encroach onto private property

The prairie dog treatment areas are located in Billings and Slope Counties. They lie within Townships 133N-134N, 136N, 138N, 140N-142N, Ranges 99W-106W.

The following is a summary of actions included within my decision:

- Adoption of the Design Criteria and Monitoring located on pages 17 and 18 of the EA.
- Two colonies will be partially controlled through the use of zinc phosphide treated oats, in an effort to establish a vegetative buffer strip, however, a fence will not be installed. Total treated acreage is 21 acres.
- Four colonies, which lay primarily on state or private lands, would be treated if the adjacent landowner first initiates control actions. Treated acreage on NFS lands would be 21 acres.
- Sixteen colonies would be totally controlled using zinc phosphide treated oats. This treatment would affect approximately 216 acres of prairie dogs.
- If total control is not achieved in the first round of treatment, follow-up treatment will be implemented. The determination to retreat an area would be based on monitoring of the colony.

- Prairie dog hunting is allowed on the Dakota Prairie Grasslands. As part of the proposed action, hunters would be encouraged to hunt the colonies proposed for treatment.

## PURPOSE AND NEED

The Grasslands Plan and its 2002 Record of Decision (ROD) provide programmatic direction for conserving and managing black-tailed prairie dogs on the Dakota Prairie Grasslands (DPG). This direction prescribes use of lethal and non-lethal methods to regulate and manage prairie dog populations. For example, rodenticide can be used on the DPG to reduce or eliminate unwanted prairie dog populations that pose public health or safety risks or if they are causing damage to private or public infrastructure or facilities, such as cemeteries and residences. Such is not the case though, for this proposed project. Rather the issue is encroachment of prairie dog colonies from national grasslands onto adjoining private or state agricultural lands, where ranchers and farmers are concerned about losses in agricultural production, costs of managing prairie dogs, and possible risks to health and safety.

The highly intermingled private, state, and federal land ownership patterns on the Medora Ranger District has fostered numerous situations where prairie dogs have encroached from NFS lands onto adjacent private and state property. In such cases, the Grasslands Plan directs that control of the prairie dog colony is acceptable if it is consistent with the statewide prairie dog conservation strategy. The Grasslands Plan also identifies that judicious use of rodenticide and/or the use of high structure vegetation are potential control options.

Additionally, U.S. Department of Agriculture, Deputy Under Secretary for Natural Resources and Environment, David Tenny conducted a discretionary review (36 CFR 217) of the appeal decisions regarding appeals of the Grasslands Plan ROD, and documented his review decision in a letter to then Forest Service Chief, Dale Bosworth dated May 5, 2004. Mr. Tenny affirmed the Forest Service appeal decisions with instructions. In part his letter stated the following: *“As the FS implements the revised LRMP’ [for the Dakota Prairie Grasslands, Nebraska National Forest, and Thunder Basin National Grassland], I am directing you [Bosworth] to ensure that local land managers work together with state and county officials and local landowners to aggressively implement the spirit and intent of the good neighbor policy. Specifically, I am instructing the FS to work with local interests and landowners to use the full suite of management tools available to them to reduce the potential for prairie dog colonies to expand onto adjacent non-federal lands. This aggressive application of the good neighbor policy should involve other governmental and local interests, as appropriate, and be done in conjunction with state prairie dog management plans.”*

In August of 2007, USDA Under Secretary for Natural Resources and Environment, Mark Rey conducted a discretionary review (36 CFR 217) of the appeal decisions regarding appeals of the Grasslands Plan Grazing ROD signed on September 20, 2006. In his August 13, 2007 memorandum to the Chief of the Forest Service, Mr. Rey directs the Forest Service “... to continue aggressive implementation of the “good neighbor” policy”.

## **PROPOSED ACTION**

The Medora Ranger District proposes to initiate prairie dog control activities, using both lethal and non-lethal management tools at 24 locations where unwanted prairie dogs have encroached from National Forest System (NFS) lands onto adjacent private or state lands and at 2 locations where monitoring indicates encroachment is imminent. Treatment acreages range from less than an acre to 51 acres in size (See Table 2.2). The proposed action would treat a total of approximately 311 acres of prairie dogs.

Under the proposed action, four colonies (53 acres) would be partially treated with oats treated with zinc phosphide, a lethal rodenticide, as a first step in establishing vegetative barriers. Two colonies (21 acres) would be partially treated and monitored to determine the effectiveness of this treatment to deterring further expansion. Four colonies (21 acres) which lay primarily on state or private lands, would be treated if the adjacent landowner first initiates control actions. The remaining 16 colonies (216 acres) would be totally controlled. In all situations where treatment is proposed the Forest Service will not implement control activities on National Forest System (NFS) lands unless control activities are also carried out by the adjacent land owner in more or less the same timeframe.

Prairie dog hunting is allowed on the Dakota Prairie Grasslands. As part of the proposed action, hunters will be encouraged to hunt colonies proposed for treatment.

The proposed action also includes treating up to 140 acres of unwanted future prairie dog encroachment over the next five years. This part of the proposed action addresses two scenarios that are likely to occur. The first is expansion of existing colonies onto private property or situations where encroachment is imminent. The second scenario is the establishment of new colonies on federal lands which then encroach onto private property. A detailed description of the proposed action is located in Chapter 2 of the EA.

## **PUBLIC INVOLVEMENT**

Informal meetings were held with both the Little Missouri and Medora Grazing Associations on October 10, 2006 and December 6, 2006. The intent of these meetings was to further update our information on prairie dog towns and to provide an opportunity for permittees to identify if they had a concern about encroaching prairie dogs onto their property.

Formal public involvement for this project began on March 6, 2007 with the mailing of a scoping letter to 86 organizations, individuals, Federal, State, and local government agencies. The scoping letter provided a summary and maps of the proposed action, the purpose and need for the action, tentative issues, alternatives, design criteria, and monitoring. The proposed project was also scoped within the Forest Service through an internal scoping process.

The scoping period for this project closed on April 6, 2007, a total of 38 comments were received from state and federal agencies, organizations, and individuals. The project proposal has been published in Dakota Prairie Grasslands Schedule of Proposed actions, available on the

internet, since April 1, 2007. Documentation of the scoping and public involvement process is included in the Project Record available at the Medora Ranger District Office.

## Determining Issues

An issue is generally a concern the public or the Forest Service may have about a proposal. The Forest Service uses a public involvement process to determine issues the public may have about a proposal and an interdisciplinary team process to determine which issues need to be addressed in the environmental analysis.

## Key Issues

Key issues represent concerns from the public or the Forest Service that warrant developing an alternative method of accomplishing the purpose and need other than the proposed action. Each alternative is analyzed to determine how well it addresses the key issue and how well it achieves the purpose and need for this project, and the alternatives are then compared.

### Key Issues of the Project

- The effect of the proposed action on the Black-tailed prairie dog, which is a Forest Service Management Indicators Species (MIS) and Northern Region Sensitive species.
- Impacts to primary and secondary nontarget species from treatment activities.

### Other Issues

- There were no “Other” issues.

## Issues Dropped From Analysis

After a review of all the issues, the District Ranger dropped the following from further analysis in this document. Reasoning for dropping the issues is also identified.

**Disease** – Prairie dogs are most commonly identified as a risk to public health due to the prairie dogs’ susceptibility to sylvatic plague. The concern is that fleas from infected prairie dogs might vector the disease to humans. The risk of such transmittal, however, is very low because humans rarely handle infected prairie dogs directly, and because the fleas that inhabit prairie dogs are highly host-specific (Barnes 1982), and therefore will normally not bite humans. Humans are at greater risk from the more host-generalist fleas that inhabit ground squirrels, mice, cats, and dogs.

Prairie dogs can actually benefit public health by acting as “the canary in the mine”. This is because prairie dogs are highly susceptible to plague. Any sudden loss of prairie dogs in an area could signal that a plague outbreak is occurring, and thus alert public health officials to the danger. In areas lacking prairie dogs, plague outbreaks are much harder to detect, both due to the fact that other wildlife species are less susceptible to plague, and because plague deaths in secretive species such as pocket gophers are much less visible.

There are no recorded outbreaks of plague on the Medora Ranger District. The only known plague outbreaks occurred in the North Unit Theodore Roosevelt National Park in 1986 which resulted in the die off of a 40 acre colony and in the South Unit of the Park in 1993. The colony

in the South Unit contained fleas that carried the plague, however, there was no die off. There are no recorded cases of plague in humans tied to either of these situations. Due to the low risk of disease transmittal and lack of plague activity on the Medora Ranger District this issue was dropped from detailed analysis.

**Archeology** – The DPG archeologist reviewed the proposed project and determined that it would have no effect on heritage resources. This finding falls within the guidelines found in the North Dakota Programmatic Agreement for Cultural Resource Management entered into between the North Dakota State Historic Preservation Office (SHPO) and the Dakota Prairie Grasslands. The archeologist's determination is located in the Project Record.

**Botany** - The district botanist, determined that the primary affect of the proposed treatments on botanical resources would involve a release of vegetative growth upon removal of prairie dog browsing. The proposed action would primarily involve a removal of current prairie dog browsing disturbances. There would be very little new disturbance associated with the actions of poisoning or constructing barbwire fence corridors and these would have no adverse affect on sensitive plant species or other botanical resources. The botanist did note that some leafy spurge, Canada thistle, and invasive grass species are located in or near some of the colonies and that it may increase in the absence of foraging or clipping by prairie dogs. He indicated that the colonies should be monitored for new or expanding populations and that treatment be initiated if needed. The botanist report is located in the Project Record.

**Threatened and Endangered (T&E) Species** – The Wildlife Report and Biological Assessment (BA) state that there are no T&E species or critical habitat on the Little Missouri National Grassland. There are no known occurrences of T&E species on the Medora Ranger District.

**Raptors** – The project will not impact raptors during the breeding season as treatment will occur from October through December which is outside nesting timeframes. Secondary poisoning related to zinc phosphide baiting poses little risks to secondary non-target wildlife such as raptors (Appendix P, Animal Damage Control FEIS, 1994). This is because zinc phosphide breaks down rapidly in the digestive tract of affected animals, so predators and scavengers are generally not exposed to the compound. Most prairie dogs die in their burrows, further reducing the potential (p. 4-73, Animal Damage Control FEIS, 1994) for secondary poisoning. The Wildlife Report concludes that zinc phosphide applied according to label guidelines will not pose significant risks to raptors.

**Migratory Birds** - Due to the timing of the proposed project (October-December), most migratory birds will have migrated out of the area. However, some species winter in the area. Given the timing (Oct-December) of bait application, the duration (2-4 days) the bait is available, and the amount of bait placed at each burrow (1 teaspoon /4 grams), the Wildlife Report concludes that there will be insignificant impacts to migratory birds.

**Burrowing Owl** – The burrowing owl is closely associated with colonial burrowing animals, particularly prairie dogs. They utilize abandoned prairie dog burrows as nesting and rearing sites. Prairie dogs are not a prey species for the owls. The owls have sharply declined in recent decades. The most dramatic declines have been noted in the Northern Great Plains. They are

now listed as endangered in Canada. In North Dakota, burrowing owl range has contracted by approximately 33% since 1980 (Murphy et al. 2001).

This issue was dropped because according to burrowing owl surveys conducted from 2001 through 2006 by Restani there are no known burrowing owls inhabiting any of the prairie dog colonies proposed for treatment. If burrowing owls should be discovered during or prior to control activities, the colony will be withdrawn from treatment and treatment options reevaluated.

***Black Footed Ferret*** -The black-footed ferret is the most endangered mammal in North America. It is completely reliant on prairie dogs for survival. Black-footed ferrets do not currently occur on the Medora Ranger District.

During development of the Grasslands Plan, black-footed ferret recovery was an important topic. In 1999, a team of U.S. Fish and Wildlife Service and Forest Service biologists reviewed several sites on the Dakota Prairie Grasslands to assess the potential for black-footed ferret reintroduction (McCarthy 1999). Four sites, including: 1) Horse Creek area (McKenzie Ranger District), 2) vicinity of South Unit Theodore National Park, 3) Indian and Boyce Creek drainages, and 4) the southern one-half of the Grand River Ranger District, were identified as viable locations. All of these sites, however, lacked sufficient prairie dog acreage.

The area specifically identified in the Grassland Plan for ferret recovery is a 28,000-acre portion of the Horse Creek site, located on the McKenzie Ranger District, which is designated as Management Area 3.63 (Black-footed Ferret Recovery Area). The intent of management in this area is to reach sufficient acreage of prairie dog colonies (1,500 acres) to allow initial release of black-footed ferrets. The remaining three sites are to be managed, where possible, for prairie dog expansion.

The Medora Ranger District is not expected to support black-footed ferret recovery within the life of the current Grasslands Plan, but the district is expected to increase active prairie dog acreage and to contribute to the Little Missouri National Grassland's objective of establishing four prairie dog complexes in the next 10 years. A complex is defined as a group of at least ten prairie dog colonies with the nearest neighbor intercolony distances not exceeding six miles and with a total colony complex acreage of at least 1,000 acres (Grasslands Plan, p. G-38). Currently the district has two prairie dog complexes, i.e. the South Unit of Theodore Roosevelt National Park (SUTRNP) at 2,532 acres and the Boyce/Indian Creek complex at 1,247 acres. This project proposal would treat 113 and 111 acres, respectively in the two complexes. Both complexes would remain over 1,000 acres in size. Eight years of survey information on the Medora Ranger District (See Table 2.1) indicates that natural expansion will likely replace the treatment acreage in two to three years as the complexes continue to expand.

## **Alternatives Considered but Dropped From Analysis**

The following alternatives were considered but eliminated from detailed analysis for reasons explained below.

- Rather than poison the prairie dogs trap and relocate them to contiguous NFS lands, where prairie dog expansion will pose no threat to private property.

This alternative was dropped for the following reasons:

- The district would need to complete a NEPA analysis to identify and reveal the effects of artificially established and/or enlarging an existing prairie dog population. The timeframe needed to accomplish this is likely to be extensive due to the complexity of the issue and would not be a timely response to the “good neighbor” policy.
- Trapping and relocating prairie dogs is expensive and its effectiveness as a total control method is questionable, although one commenter indicated that in at least one case trapping was 90 percent effective. However, prairie dogs are able to re-establish their colonies with as little as ten percent of the original colony population (Knowles, 1994).
- Currently population augmentation through translocation efforts is not warranted due to naturally occurring population growth. Prairie dog survey data from the Medora Ranger District indicates that prairie dog acreage, under a variety of climatic conditions and hunter activity, has grown overall by about 56 percent from 1997 to 2005. Table 2.1 shows that growth, by individual focus areas, ranges from 26 to 99 percent with average annual growth rates ranging from approximately 5 to 9 percent. Based on this information it is highly likely that natural expansion will overcome the loss of proposed treatment acres in two to three years while continuing to expand the two identified prairie dog complexes on the district.

Table 2.1 Surveyed prairie dog acreage on the Medora Ranger District.

<b>Focal Areas</b>	<b>1997 Acres</b>	<b>2002 Acres</b>	<b>2005 Acres</b>	<b>Percentage Growth 1997-2005</b>	<b>Ave. % Annual Growth</b>
South Unit of Theodore Roosevelt National Park (SUTRNP)	908	1,088	1,148 + 1,384*	26	5.3
Northeast Slope	89	122	170	91	8.5
Southwest Slope	625	953	1,246	99	9.0
Miscellaneous	215	283	310	44	4.7
<b>Total Acres</b>	<b>1,837</b>	<b>2,446</b>	<b>4,258</b>	<b>56</b>	<b>6.4</b>

\*These acres are located in the Theodore Roosevelt National Park but they are part of the SUTRNP prairie dog complex.

- Knowles (2000), states that a 1,000 acre complex, without plague, is sufficient to maintain population viability for prairie dogs. On the Medora Ranger District there are two complexes (SUTRNP and the Boyce/Indian Creek area) that are currently in excess of a 1,000 acres in size and there is a third complex on the adjoining McKenzie Ranger District. The complexes will continue to be in excess of 1,000 acres after treatment is completed.

- Concern was expressed that prairie dog expansion can not be relied upon to guarantee replacement of treated acreage. We agree that it is impossible to guarantee population growth, however, if none of the treatment acres were replaced there would still be two complexes on the Medora Ranger District, and a viable population of prairie dogs maintained.
- An alternative that identifies management plans for expanding prairie dog populations in addition to the proposed treatment of encroaching colonies.

Scoping comment pointed out that the Grasslands Plan speaks to expanding prairie dogs populations. This is correct, however, the Grasslands Plan (p.1-18) also identifies when it is appropriate to control prairie dogs. It states the following: Limit the use of rodenticides (grain baits) for reducing prairie dog populations to the following situations:

- Damage to private and public infrastructure or facilities, such as cemeteries and
- Public health and safety risks occur in the immediate area residences.
- To respond to unwanted prairie dog colonization on land adjoining the national grasslands when consistent with state-wide prairie dog conservation strategies.

**Standard**

As previously identified, in the alternative above, this project will not threaten the viability of prairies dogs and treatment acres will likely be recovered in a short time. Expanding prairie dog populations is a legitimate concern, however, it is beyond the scope of the proposed project and is inconsistent with the purpose and need of this proposed project.

- Eradicate all encroaching colonies through the use of a rodenticide.

This alternative was dropped because it is not consistent with the Grasslands Plan and it doesn't meet the purpose and need of the project. Further this alternative would remove a total of 741 acres of the 2,874 (about 26 percent) of the prairie dogs located on the Medora Ranger District. Given the acreage of prairie dogs on the Little Missouri National Grassland as a whole, reducing the existing population by 26 percent on the Medora Ranger District is not a prudent course of action.

- Erect a barrier to prevent prairie dogs from moving onto adjacent private lands.

There is little literature available on the effectiveness of constructed barriers, however, the literature we have located (Hygnstrom and Virchow, 1994) and (Hygnstrom, 1995) indicates that artificial barriers are expensive to build and difficult to maintain due to wind and rubbing by livestock making them impractical in most pastures grazed by livestock. Prairie dogs are also capable of tunneling to depths of four meters making it impractical to place subsurface barriers. Erected barriers at best appear to be only partially effective at stopping prairie dog expansion. Therefore, this alternative was dropped from further consideration.

➤ Use hunters to control prairie dog encroachment.

While hunting prairie dogs can have an effect on the population dynamics of a colony there is no information available that identifies it as an effective control method where complete removal of prairie dogs is needed. The logistics of coordinating sufficient hunters at the proper time, place, and in sufficient numbers to terminate a colony would be difficult. Also the inhabitants of heavily shot colonies develop a learned escape behavior that makes it highly unlikely that a colony could be completely controlled by shooting. Hunting, however, is allowed in the colonies identified for treatment.

## Alternatives Considered in Detail

### Alternative 1– Proposed Action

This alternative incorporates three separate approaches to controlling encroachment of unwanted prairie dogs from NFS lands onto adjacent private lands. Table 2.2 provides additional details about the proposed management for the 26 colonies included in this proposed project.

- The first method involves partial poisoning a portion of four colonies (53 acres total) with the registered rodenticide (zinc phosphide) and the establishment of high structure vegetative buffer strips. The high structure strips would serve to discourage future expansion of prairie dogs back onto the private lands. Prairie dogs do not like high vegetation because it blocks their view and hides predators. Establishing the vegetative strips is a two phase process. The first phase would involve treating a portion of the prairie dog colonies, where the vegetative barrier is to be established, with zinc phosphide coated oats. The poisoned area of the colony would include the vegetative strip plus an additional area to provide time for the vegetative strips to establish high structure before the prairie dogs re-populate the area. The buffer strips would be approximately 300 feet wide and of varying lengths. The poisoned area would generally be twice the width of the vegetative buffer strip or about 600 feet. The second phase would consist of fencing the buffer strips with a permanent three wire range fence in accordance with Appendix B of the Grasslands Plan. No livestock grazing will be allowed in the fenced in areas. However, if vegetation becomes rank and begins to decline, stimulation (grazing) may be needed to maintain the buffer strip.

If vegetation in the vegetative buffer areas is progressing but the prairie dogs are re-colonizing the treated area sooner than anticipated, additional treatment may be needed to allow the high structure to become fully established. The determination to retreat an area would be based on monitoring of the site.

- Two colonies will be partially controlled through the use of zinc phosphide treated oats, in an effort to establish a vegetative buffer strip, however, a fence will not be installed. Total treated acreage is 21 acres.

- Four colonies which lay primarily on state or private lands, would be treated if the adjacent landowner first initiates control actions. Treated acreage on NFS lands would be 21 acres.
- The remaining 16 colonies would be totally controlled using zinc phosphide treated oats. This treatment would affect approximately 216 acres of prairie dogs.
- If total control is not achieved in the first round of treatment, follow-up treatment will be implemented. The determination to retreat an area would be based on monitoring of the colony.

Table 2.2. Proposed management for selected prairie dog colonies on the Medora Ranger District.

Colony Number	Focal Area <sup>1</sup>	Location	Colony Size <sup>2</sup> (Acres)	Treatment Acres	Proposed Management
505	SW Slope	Sec. 12 T134N,R105W	26	26	Poison the entire colony
511	SW Slope	Sec.10 T134N,R106W	21	21	Poison the entire colony
513	SW Slope	Sec. 14 T133N,R106W	8	8	Poison the entire colony
514	SW Slope	Sec. 8, 17 T134N,R106W	17	17	Most of this colony lies on ND state lands. FS will poison if the state controls prairie dogs (PD) on their lands
514a	SW Slope	Sec. 8, 17 T134N,R106W	1	1	Most of this colony lies on ND state lands. FS will poison if the state controls prairie dogs on their lands
525	SW Slope	SW1/4SW1/4 Sec. 26 T133N,R105W	<1	<1	Most of this colony is located on private property. FS will treat PDs on federal lands if private land owner treats their land.
667	SW Slope	Sec. 5 T134N,R104W	69	9	Create vegetative buffer/partial poison to aid in establishing buffer.
13410519a	SW Slope	Sec. 19 T134N,R105W	61	9	Create vegetative buffer/partial poison to aid in establishing buffer.
502	SW Slope	Sec. 31 T135N, R104W	182	2	Encroachment of this colony onto private property is imminent. Partially poison and monitor
690A	SW Slope	Sec. 27 T135N, R105W	17	17	Encroachment of this colony onto private property is imminent. Poison the entire colony.
492	NE Slope	Sec. 33 T136N,R99W	2	2	Most of this colony is located on private property. FS will treat PDs on federal lands if private land owner treats their land.
615	SUTRNP	Sec. 33 T142N,R100W	76	16	Create vegetative buffer/partial poison to aid in establishing buffer.

Colony Number	Focal Area <sup>1</sup>	Location	Colony Size <sup>2</sup> (Acres)	Treatment Acres	Proposed Management
		Sec 4 T141N,R100W			
632	SUTRNP	Sec. 33,34 T142N,R101W	47	19	Partially poison and monitor
632a	SUTRNP	Sec. 34 T142N,R101W	7	7	Poison the entire colony
670	SUTRNP	Sec 28 T140N,R102W	9	9	Poison the entire colony
678	SUTRNP	Sec. 30 T142N,R102W	3	3	Poison the entire colony
680	SUTRNP	Sec. 8 T141N,R100W	51	51	Poison the entire colony
686	SUTRNP	Sec21 T140N, R100W	2	2	Poison the entire colony
14210135a NC	SUTRNP	Sec. 35 T142,R101	4	4	Poison the entire colony
14010225a NC	SUTRNP	Sec. 25 T140,R102W	2	2	Poison the entire colony
499	MISC	Sec. 1 T136N,R103W	31	31	Poison the entire colony
642	MISC	Sec. 13 T138N,R100W	9	9	Poison the entire colony
642a	MISC	Sec. 13 T138N,R100W	2	2	Poison the entire colony
14310208a	MISC	Sec. 8 T143N,R102W	1	1	Poison the entire colony
13410218 NC	MISC	Sec. 18 T134N,R102W	24	23	Poison the entire colony
13610204a	MISC	Sec. 4 T136N, R102W	68	19	Create vegetative buffer/partial poison to aid in establishing buffer.

<sup>1</sup> Focal areas are loose groups of prairie dog colonies, there are three focal areas on the district (see Appendix A – Maps).

<sup>2</sup> Acres are for National Forest System lands. Acreage is from prairie dog surveys conducted in 2002 and 2005. New colonies, identified by NC at the end of the colony number are 2007 estimated acres.

Prairie dog hunting is allowed on the Dakota Prairie Grasslands. As part of the proposed action, hunters would be encouraged to hunt the colonies proposed for treatment.

The proposed action also includes treating up to 140 acres of future prairie dog encroachment over the next five years. This part of the proposed action addresses two scenarios that are likely to occur. The first is unwanted expansion of existing towns onto private property or situations where encroachment is imminent. The second scenario is the establishment of new colonies on

federal lands which have encroached onto private property. When either of these situations occurs, and the adjacent landowner desires control action, an interdisciplinary team will assess the situation and provide recommendations to the deciding official. Management options include conservation easements, possible land purchase or treatment. If treatment is selected then a selected course of action will be prescribed. Courses of action include partial treatment and establishment of a vegetative barrier, total control, and/or adjustment in grazing systems. If treatment involves the use of poison, the non-federal land owner must also be willing to treat their land, if not, no action will occur.

### **Design Criteria**

The following design criteria are included in the proposed action:

- Prior to any poisoning activities, the adjacent landowner will be contacted in person to verify that they want the encroaching prairie dogs to be controlled, and to discuss with them the possibility of land adjustments (such as an easement) to address their concerns with the prairie dogs.
- In all situations where treatment is proposed the Forest Service will not implement control activities on National Forest System (NFS) lands unless control activities are also carried out by the adjacent land owner in more or less the same timeframe.
- Following poisoning activities, any carcasses or bait remaining on the surface would be collected and placed in burrows.
- Application of the poisoned bait would be accomplished by a certified applicator.
- Prebait with untreated rolled oats will be used to identify active burrows.
- Baiting time would be minimized (2-4 days) to reduce the threat of accidental poisoning of nontarget species.

Poisoned bait would only be applied from October through December to minimize effects on granivorous (seed eating) birds and animals.

### **Alternative 2– No Action Alternative**

The No Action Alternative is required by the National Environmental Policy Act (NEPA) and National Forest Management Act (NFMA). Under this alternative no action would be taken to control prairie dog colonization. All the proposed treatment colonies would likely continue to encroach onto the adjacent private lands. Contraction or expansion of the colonies would depend on climate, grazing patterns and intensities, and hunting.

### **Decision**

As the Responsible Official for this project, I have decided to select Alternative 1. Under this alternative 26 encroaching colonies will be treated. Treatments range from partial to total control of all or a portion of the affected colonies. A total of 311 acres would be treated under this alternative. I've also decided to adapt the proposed future management option which may result in the treatment of up to 140 acres of potential prairie dog encroachments, over the next five

years, if warranted. The process identified on page 35 of the EA will be followed and if additional NEPA is warranted it will be completed. Included in my decision are the design criteria and monitoring identified on pages 17 and 18 of the EA.

## **Rational for the Decision**

I choose Alternative 1 because it is responsive to Grasslands Plan direction, the Good Neighbor policy, and direction from the Under Secretary of Agriculture. It also fully meets the Purpose and Need for the proposed project. Alternative 1 best addresses the encroachment of unwanted prairie dogs, from federal onto federal and private lands, while minimizing impacts to the overall prairie dog population. Under this alternative approximately 311 acres of prairie dogs would be controlled, however, population viability will be maintained as well as the integrity of the existing prairie dog complexes.

Controlling prairie dogs elicits strong opinions which generally group themselves into to basic camps. Public comment on the EA was generally divided into those who felt that more control was warranted and those who favored further expansion of prairie dog acreage. Comments on the EA are addressed in attached Appendix A. I believe that Alternative 1 is an equitable compromise which addresses the problem without excessively impacting prairie dog populations. Further, implementation of the design criteria associated with Alternative 1 will minimize potential impacts to non-target species, which was the other key issue associated with this proposal.

## FINDING OF NO SIGNIFICANT IMPACT

I have reviewed the direct, indirect, and cumulative effects of the proposed activities documented in the EA for this project. I have also reviewed the project record for this analysis and the effects of the proposed action and alternatives as disclosed in Chapter 3 of the EA. Implementing regulations for NEPA (40 CFR 1508.27) provide criteria for determining the significant effects. Significant, as used in NEPA, requires consideration of both context and intensity.

### Context

The setting of this project is in a localized area with implications only for the immediate area. The cumulative effects area was based on the resource discussion in the EA. Chapter 3 of the EA discusses this project in terms of key issues and displays the associated environmental consequences.

### Intensity

**1. Impacts that may be both beneficial and adverse:** Both beneficial and adverse effects have been taken into consideration when making this determination of significance. The action does not rely on beneficial effects to balance potentially significant adverse environmental effects. Impacts associated with the project are discussed in Chapter 3 of the EA.

**2. The degree to which the proposed action affects public health or safety:** Proposed activities would not significantly affect public health and safety.

**3. Unique characteristics of the geographic area, such as proximity to historic or cultural resources, parklands, prime farms, wetlands, wild and scenic rivers, or ecologically critical areas:** This project treat unwanted prairie dogs located in Badlands and rolling prairie geographic areas located on the Medora Ranger District. The project will not adversely effect either geographic area. There are no parklands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas associated with this project.

**4. The degree to which the possible effects on the quality of the human environment are likely to be highly controversial:** The effects, as identified in Chapter 3 of the EA, of the selected alternative on the various resources are not considered to be highly controversial by district or supervisor's office specialists.

**5. The degree to which the possible effects on the human environment are uncertain or involve unique or unknown risks:** Scoping and analysis did not identify highly uncertain, unique or unknown risks. The possible effects on the human environment are not highly uncertain nor do they involve unique or uncertain risks. There is nothing unique to this proposal that poses a significant risk to the human environment.

**6. The degree to which the action may establish a precedent for future actions with significant effects or presents a decision in principle about future consideration:** This project is not setting a precedent for future actions with significant effects. Alternative 1 represents a site-

specific project that does not set precedence for future actions or present a decision in principle about future considerations. Any proposed future project must be evaluated on its own merits and effects.

**7. Whether the action is related to other actions with individual insignificant but cumulative significant impacts:** Chapter 3 of the EA discloses the existing condition incorporating past and current actions. Direct, indirect, and cumulative effects of alternative implementation, in combination with the Affected Environment, are also disclosed in Chapter 3 of the EA. Based on the information presented in the EA, there is no indication that this proposal will result in a cumulatively significant impact to the environment.

**8. The degree to which the proposed actions may adversely affect districts, sites, highway structures, or objects listed in or eligible for listing in the National Register of Historic Places, or may cause loss or destruction of significant scientific, cultural, or historic resources:** The Forest Service Archaeologist determined that project would have no effect on cultural sites if the burrows were not leveled after treatment. Leveling treated burrows is not part of the proposed action for this project.

**9. The degree to which the action may adversely affect an endangered or threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973:** There are no known Threatened or Endangered (T&E) animal or plant species on the Little Missouri National Grassland nor is there any known critical habitat. This project would have no effect on T&E species.

**10. Whether the proposed action threatens a violation of Federal, State, or local law or requirements proposed for the protection of the environment:** This action meets Federal, State, and local laws and requirements imposed for the protection of the environment, and meets disclosure requirements of the National Environmental Policy Act.

Based upon the review of the test for significance and the environmental analysis conducted, I have determined that the actions analyzed for the Black-Tailed Prairie Dog Control Project are not a major federal action and that their implementation will not significantly affect the quality of the human environment. Accordingly, I have determined that an Environmental Impact Statement need not be prepared for this project.

## **FINDINGS REQUIRED BY LAWS, REGULATIONS, AND POLICY**

### **National Forest Management Act (NFMA)**

Resource Protection - The following 12 statements address resource protection requirements of NFMA (36 CFR 219.27 (a): Resource Protection –

1. Alternative 1 conserves soil and water resources and does not allow significant or permanent impairment of the land's productivity.

2. Within the scope of the project and consistent with the other resource values involved, the

proposed activities will minimize risks from serious or long-lasting hazards from flood, wind, wildfire, erosion, and other natural physical forces.

3. This proposal does not increase nor encourage serious, long lasting hazards and damage from pest organisms.
4. The project would have no affect on shorelines, lakes, or wetlands.
5. This project does not significantly affect the diversity of plant or animal communities in the project area.
6. Alternative 1 will maintain sufficient habitat for viable populations of existing native vertebrate species.
7. The project will have no physical, aesthetic, cultural, or engineering impacts. There will be a biological effect through the removal of 311 acres of prairie dogs, however, as identified in Ch 3 of the EA prairie dog population viability will be maintained. This project is consistent, with Grasslands Plan direction and multiple uses planned for the area.
8. There are no Threatened or Endangered (T&E) animal or plant species on the Little Missouri National Grassland nor is there any known critical habitat. Thus there will be no adverse modification of critical habitat, for this project, for T&E.
9. There are no significant transportation or utility right-of-way corridors needed to accommodate the project.
10. No roads would be constructed under this project.
11. No roads would be constructed under this project so revegetation of disturbed areas created via road construction is not at issue.
12. This project is consistent with all applicable Federal, State, and local air quality standards.

## **COMPLIANCE WITH THE GRASSLANDS PLAN AND OTHER REGULATORY DIRECTION**

### Grasslands Plan

Alternative 1 meets Grasslands Plan direction for related to control of unwanted prairie dogs that have encroached from Federal lands onto private and state lands. .

### Historic Preservation Act

The proposed project is consistent with the National Historic Preservation Act of 1966, as amended in 1999. The Forest Service Archaeologist determined that project would have no effect on cultural sites if the burrows were not leveled after treatment. Leveling treated burrows is not part of the proposed action for this project.

### Endangered Species Act

The proposed action is consistent with the Endangered Species Act of 1973. There are no T&E wildlife or plant species on the Little Missouri National Grassland nor is there any known critical habitat. Therefore there will be no effect to any T&E species.

### Clean Water Act

The proposal is consistent with the Clean Water Act of 1972, as amended in 1977 and 1987. Direction provided in Forest Service Handbook 2509.22 will be used to implement applicable portions of the Clean Water Act for this proposal.

### Clean Air Act

This proposal is consistent with the Clean Air Act, which is administered by the State of North Dakota.

### Migratory Bird Treaty

On January 10, 2001, President Clinton signed an Executive Order outlining responsibilities of federal agencies to protect migratory birds. Upon review of the information regarding neotropical migratory birds, the Forest Service Wildlife Biologist determined that no significant loss of migratory bird habitat is expected from implementation of this project.

### Environmental Justice

Executive Order 12898, issued in 1994, ordered federal agencies to identify and address the issue of environmental justice (i.e. adverse human health and environmental effects of agency programs that disproportionately impact minority and low income populations). This project would have no adverse impact on minorities, American Indians or low-income populations. The Environmental Justice analysis is contained in the Project Record.

## **DOCUMENT AND PROJECT RECORD AVAILABILITY**

The Black-Tailed Prairie Dog Control Project EA is available on the world wide web at <http://www.fs.fed.us/r1/dakotaprairie/>. The EA is available for review during regular business hours, 8:00 a.m. until 4:30 p.m. MST, Monday through Friday, at the Medora Ranger District, 99 23<sup>rd</sup> Ave. W., Suite B, Dickinson, ND 58601. The supporting Project Record, which includes the internal scoping, public involvement, and specialist reports, is available for review at the Medora Ranger District office.

## **APPEAL PROVISIONS AND IMPLEMENTATION**

This decision is subject to appeal pursuant to 36 CFR 215.

A written appeal must be submitted within 45 days following the publication date of the legal notice of this decision in The Bismarck Tribune, Bismarck, North Dakota. Office hours for hand-delivered appeals are 8:00 a.m. to 4:30 p.m. It is the responsibility of the appellant to ensure their appeal is received in a timely manner. The publication date of the legal notice of the decision in the newspaper of record is the *exclusive* means for calculating the time to file an

appeal. Appellants should not rely on date or timeframe information provided by any other source.

Paper appeals must be submitted to:

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
P.O. Box 7669  
Missoula, MT 59807

Or hand deliver to:

USDA Forest Service, Northern Region  
ATTN: Appeal Deciding Officer  
200 East Broadway  
Missoula, MT 59802

Faxed appeals should be sent to 406-329-3411.

Electronic appeals must be submitted to: **appeals-northern-regional-office@fs.fed.us**

In electronic appeals, the subject line should contain the name of the project being appealed. An automated response will confirm your electronic appeal has been received. Electronic appeals must be submitted in MS Word, Word Perfect, or Rich Text Format (RTF).

It is the appellant's responsibility to provide sufficient project- or activity-specific evidence and rationale, focusing on the decision, to show why my decision should be reversed. The appeal must be filed with the Appeal Deciding Officer in writing. At a minimum, the appeal must meet the content requirements of 36 CFR 215.14, and include the following information:

- The appellant's name and address, with a telephone number, if available;
- A signature, or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
- When multiple names are listed on an appeal, identification of the lead appellant and verification of the identity of the lead appellant upon request;
- The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;
- The regulation under which the appeal is being filed, when there is an option to appeal under either 36 CFR 215 or 36 CFR 251, subpart C;
- Any specific change(s) in the decision that the appellant seeks and rationale for those changes;
- Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;
- Why the appellant believes the Responsible Official's decision failed to consider comments; and
- How the appellant believes the decision specifically violates law, regulation, or policy.

An appeal may be filed on the Black-Tailed Prairie Dog Control Project by those individuals or non-Federal organizations who have provided comment or otherwise expressed interest in the

proposed action by the close of the 30-day comment period. Comments or expressions of interest received from an authorized representative(s) of an organization are considered those of the organization only; individual members of that organization do not meet appeal eligibility solely on the basis of membership in an organization; a member must submit comments as an individual in order to meet appeal eligibility. Federal agencies may not appeal.

If an appeal is received on this project there may be informal resolution meetings and/or conference calls between the Responsible Official and the appellant. These discussions would take place within 15 days after the closing date for filing an appeal. All such meetings are open to the public. If you are interested in attending any informal resolution discussions, please contact the Responsible Official or monitor the following website for postings about current appeals in the Northern Region of the Forest Service:  
[http://www.fs.fed.us/r1/projects/appeal\\_index.shtml](http://www.fs.fed.us/r1/projects/appeal_index.shtml).

If no appeal is received, implementation of the project may occur on, but not before, five business days following the close of the appeal filing period. If an appeal is received, implementation may occur on, but not before, the 15<sup>th</sup> business day following the date of appeal disposition.

For further information on this decision, contact Ronald W. Jablonski, Jr., District Ranger, or Ryan Pitts, Project Leader, at 701-227-7800.

*/s/ Ronald W. Jablonski, Jr.*

*November 26, 2007*

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RONALD W. JABLONSKI, JR.  
District Ranger  
Medora Ranger District  
Dakota Prairie Grasslands

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Date

## APPENDIX A RESPONSE TO COMMENTS

- Comment:** “The EA states the use of rodenticide to control the unwanted spread of prairie dogs on to private land under the “good neighbor” policy has become a standard within the Dakota Prairie Grasslands (DPG) and will be implemented as long as populations remain viable”.
- Response:** The EA doesn’t state that prairie dog control under the “good neighbor” policy has become a standard. Rather, the EA on page 5 identifies under what conditions rodenticides can be used to treat prairie dogs, that criteria is a “standard” within the Grasslands Plan. Colonies identified for total or partial treatment may be retreated if necessary to meet the objective for those colonies, as identified in the proposed action.
- Comment:** “...the continued poisoning of prairie dogs on Forest Service (Service) managed lands without the development of a concurrent plan to expand populations on Service managed lands in acceptable areas seems contrary to the direction given in the Dakota Prairie Grasslands Plan”.
- Response:** The focus of this project is the control of unwanted prairie dogs which have encroached onto private or state lands. The project is consistent with Grasslands Plan direction for prairie dog control as identified on page 5 of the EA. The EA in Chapter 3 identifies that prairie dog population viability will be maintained, and complex integrity maintained. This project doesn’t invoke the need to develop a plan for prairie dog expansion, such a plan is beyond the scope of this analysis.
- Comment:** The NDGF “would like to see the development of a plan to expand populations that includes timelines and specific target areas to show the Service’s commitment to the objectives stated in the DPGP prior to the implementation of the proposed action”.
- Response:** This comment is beyond the scope of the EA because it doesn’t address any factor of the proposed action, which is focused on the control of unwanted encroaching prairie dogs.
- Comment:** “The EA specifies that control of unwanted prairie dogs could continue up to 5 years after the first treatment, but does not specify what will occur after the 5 years has elapsed. The Department suggests the Service commit to a review and assessment at the end of the five year timeframe”.
- Response:** Five years is the timeframe used to project possible future encroachments and potential treatment of those encroachments (see page 33 of the EA), there is no timeframe attached to treatment of the colonies identified in the proposed action.

**Comment:** In regards to the vegetative buffer areas two commenters would like to see, monthly checks rather than annual inspections.

**Response:** If the district has additional resources the vegetative strips will be visited at a higher frequency. Annual monitoring of our existing vegetative strips indicates that annual inspections are adequate.

**Comment:** “This department believes that the environmental impacts from the proposed project will be minor and can be controlled by proper control methods”.

**Response:** Thank you for your comment.

**Comment:** “The Grasslands Plan Objectives states that this complex [Boyce Creek/Indian Creek] needs 1,000 acres to sustain prairie dog population. Why then aren’t there more acres to be poisoned to come closer to the 1,000 acres?”

**Response:** The Grasslands Plan on page 2-14 identifies that a complex is 10 or more colonies with a total combined acreage of *at least* 1,000 acres.

**Comment:** “Who will be responsible for maintaining the vegetative buffer strips”?

**Response:** The Forest Service will be responsible.

**Comment:** “Alternative 1 also states that prairie dog hunting will also be allowed as a method of control. This needs to continue because prairie dog hunters provide an outside boost to these rural economies”.

**Response:** Thank you for your comment.

**Comment:** “I was very disappointed to hear the Forest Service has reconsidered their decision on the proposed control of prairie dogs. My biggest complaint concerns colony number 667”.

**Response:** The Forest Service hasn’t reconsidered their proposal to control prairie dogs. Colony 667 is proposed for treatment, see page 15 of the EA.

**Comment:** “This letter is to reaffirm my interest in the program to control the prairie dog population adjacent to my land ...”.

**Response:** Thank you for your comment.

**Comment:** “Also would it be possible to start a 3 year rotation on prairie dog control? An example might be to rotate lethal control of one area every 3 years: 2008 East Marmarth, 2009 Boyce Creek, 2010 all other colonies. A 70 kill rate every three years would keep colonies from further expansion.”

**Response:** This proposal is beyond the scope of the EA because it suggests control actions which are beyond the scope of the proposed action. Also this proposal is inconsistent with Grasslands Plan direction regarding the control of prairie dogs. Page 5 of the EA identifies the criteria under which prairie dogs can be controlled.

**Comment:** “The US Fish and Wildlife Service has no objection to this strategy provided a coordinated process is initiated by the Forest Service to discuss the full spectrum of prairie dog management issues on the Little Missouri National Grasslands. It has been a number of years since state and federal natural resource management agencies have met to discuss these issues. We believe implementing a prairie dog coordination process this winter will be a positive step for both the Forest Service and the participating agencies”.

**Response:** Thank you for your comment.

**Comment:** “The EA states that the proposed action includes treating up to 140 acres of future prairie dog encroachment over the next five years, however, no information is available concerning the location of these sites or the methods to be used”.

**Response:** The EA, on page 26, identifies acres of potential treatment by focal area. A table contained in the wildlife report identifies ten existing colonies that have the potential to expand onto state or private lands or vice versa in the next five years. These colonies account for approximately 90 acres. The remaining 50 acres is an estimate of possible encroaching colonies that may come into existence in the next five years. The treatment flow diagram on page 34 of the EA identifies the process that an interdisciplinary team would use to evaluate treatment of future encroachments.

**Comment:** “In order to complete the planned control work in an effective and timely manner, we recommend that the Forest service encourage landowners and the grazing associations to work with the certified applicator that is selected for the job”.

**Response:** Adjacent land owners will be notified when treatment activities are to be initiated and who the applicator will be, whether or not they choose to use the same applicator is their decision.

**Comment:** Commenter feels that no prairie dogs should be killed on federal lands.

**Response:** Page 5 of the EA identifies Grasslands Plan direction for the control of prairie dogs. The proposed project is consistent with that direction.

**Comment:** “Is this present policy of rapid growth of prairie dog colonies the best use of our Natural resources?”

**Response:** This comment is beyond the scope of the EA because it doesn’t address any factor of the proposed action which is focused on the control of unwanted encroaching prairie dogs.

**Comment:** “What happens to larger colonies that are left untreated and continue to expand”.

**Response:** Future management of prairie dog colonies is beyond the scope of the proposed action of this EA.

**Comment:** “What is the goal, and who decides the final goal of maximum acreage?”

**Response:** The goal/objectives for prairie dog management are identified in the Grasslands Plan. The decision on final acreage will lay with the Forest Service. This comment is beyond the scope of the EA.

**Comment:** “Is there an alternative plan for control of prairie dog population so that the LMNG doesn’t end up like the Conata Basin?”

“Is there a possibility of having the desired prairie dog complexes within the confines of the T.R.N.P.?”

“Could there be an indemnity program for ranchers who are forced to cut numbers of livestock because of loss of grazing caused by prairie dog destruction?”

“Also, when ranchers are forced to take cuts in numbers of livestock because of drought, fire, or other natural disaster, will there also be an across the board cut in prairie dog colony size?”

**Response:** All of these comments are beyond the scope of the EA because they don’t address any factor of the proposed action, which is focused on the control of unwanted encroaching prairie dogs.