

# DECISION RECORD

## Reintroduction of Black-Tailed Prairie Dogs

EA#: AZ-420-2008-014

USDI Bureau of Land Management

Tucson Field Office

Las Cienegas NCA

### INTRODUCTION:

This document describes my decision to authorize the Arizona Game and Fish Department to reintroduce Black-tailed Prairie Dogs to BLM managed lands within Las Cienegas National Conservation Area. My decision advances goals and objectives of the 2003 *Las Cienegas Resource Management Plan* (RMP) and is in conformance with the RMP and the management guidelines for this area included in H.R. 2941 – An Act of US Congress to establish Las Cienegas National Conservation Area dated 10/5/2000.

This project is also consistent with and advances the objectives of the *Black-tailed Prairie Dog Conservation Assessment and Strategy* (Van Pelt 1999), and the *Draft Interagency Management Plan for Black-tailed prairie dogs in Arizona* (Van Pelt et al. 2001).

### BACKGROUND:

The *Approved Las Cienegas Resource Management Plan and Record of Decision* (RMP/ROD) completed in July 2003 prescribes the reintroduction of several fish and wildlife species, including black-tailed prairie dog, within Las Cienegas National Conservation Area (LCNCA) and Sonoita Valley Acquisition Planning District (SVAPD) (Decision WF18).

The black-tailed prairie dog (*Cynomys ludovicianus*) formerly occurred in grasslands of southeastern Arizona. Population declines began in the late 1800s and continued into the mid-1900s, leading to eventual extirpation of the species from Arizona sometime between 1930 and 1960. Extirpation of this species was largely caused by an extensive poisoning campaign.

In 2008, after completing investigations to determine the feasibility of reestablishing the black-tailed prairie dog within its former range in Arizona, the Arizona Game and Fish Department (AGFD) developed the *Proposal to Reestablish the Black-tailed Prairie Dog to southern Arizona* (Underwood and Van Pelt 2008) through the AGFD's 12-step reestablishment process (Johnson

and Glinski 1987). The purpose of the proposal is to reestablish self-sustaining populations of black-tailed prairie dogs at historical sites in Arizona and contribute to the range-wide conservation effort for black-tailed prairie dogs by establishing a free-ranging population in southern Arizona. Under this proposal, prairie dogs are to be released within their historical range at sites on federal and state lands with a high potential to succeed; LCNCA is identified as the preferred initial reintroduction site.

In October 2008, the AGFD released 74 black-tailed prairie dogs onto a 10-acre site on Arizona State Trust Land adjacent to Las Cienegas NCA. The latest population monitoring by AGFD indicates that approximately 25 prairie dogs remain in June 2009. Young of the year were first observed outside burrows in May 2009.

## **PUBLIC REVIEW**

Copies of the EA and Draft Finding of No Significant Impact (FONSI) were made available to potentially affected permit holders and interested publics on April 8, 2009 for a 30 day review. In addition, a news release was also issued April 8, 2009 announcing the review period. The documents were made available both electronically via a link to the BLM Arizona NEPA web page or by hard copy if requested.

### **COMMENTS RECEIVED:**

The Tucson Field Office BLM received ten comments on the EA and unsigned FONSI. About half of those commenting expressed support for the reintroduction (5 letters) and the remainder were neutral (2 letters) or opposed (3 letters). Selected comments related to the NEPA analysis are summarized and responded to below. Changes to the proposed action or analysis which resulted from the EA review comments are also summarized below.

*Comment:* One reviewer thought the reintroduction should be analyzed under an Environmental Impact Statement (EIS) instead of an EA due to the impacts.

*Response:* The reintroduction of black-tailed prairie dogs to Las Cienegas National Conservation Area was proposed and analyzed in the *Proposed Las Cienegas Resource Management Plan and Final Environmental Impact Statement*. The site specific impacts of the reintroduction, which were not known at the time of the EIS preparation as specific release areas had not yet been proposed, are analyzed in this Environmental Assessment.

*Comment:* One reviewer thought that The AGFD reintroduction program for southeastern Arizona should have been analyzed as a connected action to the proposed reintroduction on Las Cienegas.

*Response:* The reviewer is correct that BLM NEPA Handbook H-1790-1, Para 6.5.2.1 defines **connected actions** as “those actions that are “closely related” and “should be discussed” in the same NEPA document (40 CFR 1508.25 (a)(1)). Actions are connected if they automatically trigger other actions that may require an EIS; cannot or will not proceed unless other actions are taken previously or simultaneously; or if the actions are interdependent parts of a larger action and depend upon the

larger action for their justification (40 CFR 1508.25 (a)(i, ii, iii)). However, the Handbook goes on to state that “A non-Federal action may be a connected action with a BLM proposed action. The consideration of a non-Federal connected action is limited in your NEPA analysis, because the NEPA process is focused on agency decision making (40 CFR 1500.1(c), 40 CFR 1508.18, 40 CFR 1508.23). Therefore, you are not required to include a non-Federal connected action together with a BLM proposed action as aspects of a broader proposal, analyzed in a single NEPA document. Proposals are limited to Federal actions (40 CFR 1508.23). Since AGFD’s proposal to reintroduce black-tailed prairie dogs to southern Arizona is a non-federal action and since their proposal cannot be prevented or modified by BLM decision, the proposal is not analyzed as a connected action.

*Comment:* One reviewer thought some of cumulative effects described may not be relevant to the project, i.e. impacts of projected growth in Pima County.

*Response:* The CEQ regulations define **cumulative effects** as “...the impact on the environment which results from the incremental impact of the action when added to other past, present and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person undertakes such actions” (40 CFR 1508.7). The cumulative effects analysis considers past, present, and reasonably foreseeable future actions that would affect the resource of concern within the geographic scope and the timeframe of the analysis. In your analysis, you must consider other BLM actions, other Federal actions, and non-Federal (including private) actions (40 CFR 1508.7).

The above guidance was followed in preparing cumulative effects analysis. Projected growth in Pima County, for example, is a reasonably foreseeable future action which could affect several of the resources of concern in the NEPA analysis, resources which were also impacted by the proposed reintroduction.

*Comment:* One reviewer felt that BLM did not include studies with less favorable outlooks on reintroduction in our analysis.

*Response:* BLM used the best available information in our analysis including agency plans and reports; published studies; and expertise of BLM and AGFD resource specialists and scientists. BLM and AGFD scientists were not aware of other scientific studies relevant to the reintroduction analysis that would provide different conclusions, and the reviewer did not provide any references for such studies.

*Comment:* One reviewer expressed concern that not all issues raised at AGFD meetings were addressed in the EA and felt that none were examined in depth.

*Response:* The issues raised at the 2003 AGFD public meetings were considered by AGFD in preparing their *Final Proposal to Reestablish the Black-tailed Prairie Dog (Cynomys ludovicianus) to southern Arizona*. Detailed comment responses were also provided by AGFD in this document. BLM reviewed these comments and the AGFD responses as well as more recent comments from the public meetings held in Sonoita in 2008 as part of the scoping process for the Environmental Assessment.

For the purpose of BLM NEPA analysis, an “issue” is a point of disagreement, debate, or dispute with a proposed action based on some anticipated environmental effect. An issue is more than just a position statement, such as disagreement with grazing on public lands. An issue:

- has a cause and effect relationship with the proposed action or alternatives;
- is within the scope of the analysis;
- has not been decided by law, regulation, or previous decision; and
- is amenable to scientific analysis rather than conjecture.

BLM NEPA Handbook H-1790-1, Para 6.4.1 provides guidance for which issues to analyze. The guidance is to analyze issues raised through scoping where analysis of the issue is necessary to make a reasoned choice between alternatives (in this case whether to authorize reintroduction of black-tailed prairie dogs on BLM lands within Las Cienegas NCA or not) and the issue is significant (an issue associated with a significant direct, indirect, or cumulative impact, or where analysis is necessary to determine the significance of impacts).

*Comment:* One reviewer expressed concern about whether regulations such as the Endangered Species Act would impede management of reintroduced populations.

*Response:* The AGFD is currently working with the USFWS on a Candidate Conservation Agreement / Candidate Conservation Agreement with Assurances (CCA/CCAA). The assurances in the Agreement provide for continuation of activities, including agricultural and grazing activities, on private and State lands. The AGFD is also given authority under the CCA/CCAA to adaptively manage the reintroduced populations, which includes take of animals in undesirable locations. Landowner participation in the CCA/CCAA also provides for a regulatory mechanism for protection of the black-tailed prairie dog. Under this CCA/CCAA, black-tailed prairie dog conservation would be enhanced by providing Endangered Species Act regulatory assurances such that, should the landowner have or attract the black-tailed prairie dogs to their property, the landowner will not incur additional land use restrictions.

#### MODIFICATIONS RESULTING FROM COMMENTS:

- Additional analysis of impacts to motorized recreation from the proposed action was added to the EA.
- An additional mitigation measure to install informational signing at the proposed release site was added to the EA, FONSI, and this Decision Record.
- The proposed action was clarified by the addition of wording on notification of any plague outbreaks to the Arizona Department of Health Services which has responsibility to issue public health warnings.
- The Monitoring commitment has been included in and clarified in this Decision Record.

**DECISION:** The proposed reestablishment of Black-tailed Prairie Dogs into Las Cienegas National Conservation Area within BLM’s Tucson Field Office shall be authorized as described in the proposed action of the Environmental Assessment. Through my decision, BLM provides up to 1000 acres of reintroduction habitat for black-tailed prairie dogs on Las Cienegas NCA.

### **MITIGATION:**

- 1) Any construction vehicles used on the project will be washed off prior to use on the site to minimize risk of introduction of exotic species.
- 2) A sign or signs will be posted at the release site notifying visitors of the presence of the black-tailed prairie dog release area. The sign will include visitor guidelines emphasizing safety and the protection of the prairie dogs and their habitat. Additional interpretive material may be added as applicable to the site.

### **STIPULATIONS:**

- 1) Should any archaeological resources or vertebrate fossils be discovered during implementation of this project, all surface disturbing activities in the area of discovery shall cease and the BLM Field Office Archaeologist will be notified. The archaeologist will evaluate the discovery and provide recommendations to the Authorized Officer. Surface disturbing activities shall not resume until permission is obtained from the Authorized Officer.
- 2) All Federal authorizations to carry out land use activities on Federal lands or tribal lands, including all leases and permits, must include a requirement for the holder of the authorization to notify the appropriate Federal or tribal official immediately upon discovery of human remains, funerary objects, sacred objects or objects of cultural patrimony pursuant to Sec. 10.4(b) of these regulations.

### **MONITORING AND ADAPTIVE MANAGEMENT:**

Both the BLM and AGFD recognize that monitoring is a critical step in the reestablishment process. Only through a carefully designed monitoring plan will both agencies be able to determine whether the attempt at reestablishment was successful and formulate future plans based on the successes and failures. When considering how to define success in reestablishment, both the immediate or short-term success (initial survival rates) and long-term success (self-sustaining population) of the reintroduced prairie dog population needs to be evaluated as well as the positive and negative impacts of the prairie dogs' interaction with the grassland ecosystem to which they were released. Evaluation of monitoring data needs to consider both AGFD's reintroduction objectives and BLM's resource objectives for the site. Some researchers have suggested a monitoring commitment of 6 to 10 years to gain insight into the successful reestablishment. Before any releases are made, AGFD will evaluate the site for all monitoring components so that a baseline can be established.

AGFD Monitoring. In order to evaluate the success of reestablishment efforts and to document changes in vegetation in grasslands over time, the Arizona Game and Fish Department identifies the following short and long-term monitoring in their *Proposal to Reestablish Black-tailed Prairie Dogs in Southern Arizona*

In the short-term, monitoring of translocated prairie dogs not only measures success, but allows for early detection and correction of problems. The primary technique used to monitor translocated prairie dogs is periodic visual censuses which can assess the survivorship of a newly established colony. Since prairie dogs spend a large amount of time underground, and not all individuals can be counted, AGFD will use standard indexes of observability to estimate the number of prairie dogs that remain at the release site. Post release counts of translocation sites will occur weekly during the 3 months following release. After this point, the survival and population size of translocated animals generally remains fairly constant. Monitoring during the first three months will also include a measure of the distribution, abundance, and quality of new burrows, as this provides insight into the security of released animals. Furthermore AGFD will be monitoring for the incidence of predators and predation, impacts due to recreation, and incidence of plague in the reestablished prairie dogs.

After the initial three months period of intensive monitoring, long-term monitoring of the reestablishment site will occur on a monthly basis for up to three years. At the conclusion of the second phase, reestablishment sites will be monitored seasonally for an additional seven years. Monitoring will not only occur on black-tailed prairie dog population dynamics, but also on the effect of reintroduction to the grassland ecosystem. To measure grassland ecosystem response, changes in vertebrate diversity and changes in vegetative composition and structure will be monitored. This will be done using accepted habitat and species monitoring methods.

Monitoring for evidence of plague in the reestablished prairie dogs will continue throughout this time period. Plague monitoring will involve visual surveys of the reestablishment site to document die-off events. If plague is detected, prairie dog colonies will be dusted for fleas within 48-72 hours when possible. Notification will be made to the Arizona Department of Health Services which has responsibility for issuing health warning alerts.

The short and long-term monitoring efforts described above will be used to make adaptive management decisions. The project will be evaluated on a yearly basis with input from AGFD, BLM, and other stakeholders so that appropriate changes can be implemented. In addition, the project will receive a more comprehensive review by all stakeholders at the end of the initial 5-year experimental phase. Potential adaptive management actions include actions related to reestablishment techniques, additional habitat manipulations, and lethal and non-lethal species management. If negative impacts are observed, potential mitigating actions will be evaluated to address them, which may include relocation of prairie dogs, alteration of management techniques, or suspension of the project.

BLM Range Monitoring - In addition to the AGFD monitoring described above, BLM has established two supplemental upland range monitoring plots, one at the current reintroduction site on State Trust Land and one at the proposed reintroduction site on BLM land. The plot on State Trust Land was sampled prior to the release last October and will be re-sampled in September-October each year for the first five years and then every 1-3 years thereafter so long as prairie dogs remain at the site. The plot on the proposed BLM release area will be sampled prior to release and then annually in September-October each year for the first five years and then every 1-3 years thereafter so long as prairie dogs remain at the site. Parameters sampled at these sites include basal ground cover, basal and canopy perennial grass cover by species; basal

and canopy annual grass and forb cover; woody species canopy cover by species; and density and height of mesquite.

BLM Road Monitoring - BLM will also conduct frequent monitoring of the road adjacent to the proposed release site on BLM land to assess prairie dog impacts. This will occur at least monthly for the first year after release, with the exception of the monsoon season when roads are generally not passable. After the first year, the need for continued road monitoring will be evaluated based on impacts observed.

### **DECISION RATIONALE:**

- The proposed action is in conformance with the *Approved Las Cienegas Resource Management Plan and Record of Decision* (2003).
- The proposed action with attached mitigation measures and stipulations does not conflict with Empire-Cienega ACEC values, cultural resources, threatened and endangered species, wetland and riparian values, Wild and Scenic River study area values, or promote noxious weeds.
- The proposed action with attached mitigation measures and stipulations is compatible with recreational and range resource uses within the area.
- The proposed action is consistent with Bureau policies and management goals within the area.
- The proposed action will enhance species diversity and ecosystem richness on Las Cienegas NCA, contribute toward BLM's and Arizona Game and Fish Department's goal to preclude need for listing of this species, and support objectives of the *Draft Interagency Management Plan for Black-tailed prairie dogs in Arizona*.
- The proposed action includes substantial short and long term monitoring which will inform both AGFD and BLM managers about the effectiveness of the reintroduction effort and the impacts and interactions of reintroduced black-tailed prairie dogs with the grassland ecosystem. Monitoring results can be used to inform future management decisions.
- The Adaptive Management portion of the proposed action provides flexibility to both AGFD and BLM to adjust various aspects of the reintroduction process to resolve resource concerns and conflicts associated with the reintroduction.
- The proposed action will not have direct or indirect adverse impacts on energy development, production, supply and/or distribution.

Appealing Decision Record to the Interior Board of Land Appeals:

This decision may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with the regulations contained in 43 CFR, Part 4 and Form 1842-1. If an appeal is filed, your notice of appeal must be received in the Gila District Office, 1763 Paseo San Luis Sierra Vista, Arizona 85635 within 30 days of receipt of the decision but no later than July 24, 2009. The appellant has the burden of showing the decision appealed is in error.


If you wish to file a petition, pursuant to regulation 43 CFR 4.21, for a stay of the effectiveness of this decision during the time your appeal is being reviewed by the Board, the petition for stay must accompany your notice of appeal. A petition for stay is required to show sufficient justification based on the standards listed below. Copies of the notice of appeal and petition for a stay must also be submitted to each party named in this decision and to the Interior Board of Land Appeals and to the appropriate Office of the Solicitor (see 43 CFR 4.413) at the same time the original documents are filed with this office. If you request a stay, you have the burden of proof to demonstrate that a stay should be granted.

Standards for Obtaining a Stay

Except as otherwise provided by law or other pertinent regulation, a petition for a stay of a decision pending appeal shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied.
2. The likelihood of the appellant's success on the merits.
3. The likelihood of immediate and irreparable harm if the stay is not granted.
4. Whether or not the public interest favors granting the stay.

Reviewed By:

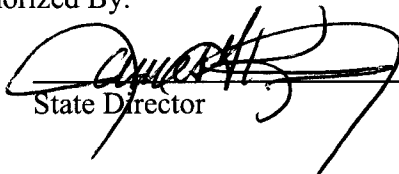
for   
Field Manager

6-18-09  
Date

Tom Dahlke  
District Manager

6-19-09  
Date

Authorized By:

  
State Director

6/19/09  
Date