



U.S. Forest Service

Medicine Bow-Routt National Forests and Thunder Basin National Grassland

BACKGROUND AND JUSTIFICATION

January xx, 2022

TOPIC: Thunder Basin National Grassland Proposed Permanent Order Seasonally Prohibiting Prairie Dog Hunting

SUMMARY:

The Medicine Bow-Routt National Forests and Thunder Basin National Grassland is proposing a permanent seasonal hunting order in Management Area (MA) 3.67 of the Thunder Basin National Grassland (Grassland). The proposed order implements a requirement of the Thunder Basin National Grassland 2020 Plan Amendment (Plan Amendment) and analyzed in the Final Environmental Impact Statement (FEIS) for the Plan Amendment. Hunting black-tailed prairie dogs is a common recreational activity on the Grassland. Grassland plan direction for MA 3.67 provides for maintenance of short-stature vegetation communities, including prairie dog colony ecosystems. The proposed order prohibits hunting prairie dogs within MA 3.67 from February 1 to August 15 to protect at-risk animal species associated with black-tailed prairie dog colonies during breeding, nesting, and brood-rearing seasons. The Plan Amendment does not limit prairie dog hunting anywhere on the Grassland outside of MA 3.67.

BACKGROUND:

Prairie Dog Hunting

Anecdotal observations by Forest Service staff indicate that prairie dog hunting is a common recreational activity on the Grassland. People engaged in prairie dog hunting include Wyoming residents and visitors from other states. While prairie dog hunting can economically benefit outfitters and other local businesses, frequent or intense hunting can affect prairie dog population size, behavior, and reproductive rates (Vosburgh and Irby 1998, Pauli and Buskirk 2007). Direct effects on prairie dogs from hunting can have indirect effects on other species that are at-risk; for example, since prairie dogs are both prey and create habitat, lower prairie dog populations can affect at-risk species such as golden eagles, burrowing owls and mountain plovers (Woodard 2002). Several studies conducted in Colorado, Wyoming, and Montana have demonstrated the importance of black-tailed prairie dog colonies as mountain plover habitat breeding habitat (Olson and Edge 1987, Dinsmore et al. 2005, Dreitz 2009, Augustine and Derner 2015, Augustine and Baker 2013, Augustine and Skagen 2014, Duchardt et al. 2018). Hunting in prairie dog colonies can also result in disturbance from human presence, accidental or purposeful shooting of at-risk species (Woodard 2002), or secondary poisoning of scavengers through ingestion of lead bullets in the carcasses of shot animals (Stephens et al. 2005, McTee et al. 2019).

The 2020 Plan Amendment

The 2020 Plan Amendment modified Grassland plan management direction for black-tailed prairie dogs (USDA Forest Service 2020c). Prior Grassland plan direction had resulted in dramatic swings in prairie dog populations, which caused conflict among stakeholders, including livestock grazers, local private landowners, and wildlife conservationists. In 2016 and 2017, unprecedented expansion of prairie dog colonies resulted in poor conditions for livestock grazing, while a subsequent plague epizootic caused colonies to collapse to approximately 1% of their previous size by 2018. While the Plan Amendment allowed for increased use of tools to restrict growth of prairie dog colonies in some locations, one of the purposes of the amendment was to ensure conservation of at-risk species on the Grassland. Final amended plan direction resulted from a collaborative

process among the Forest Service (FS), partners, and the public to design a MA with management direction that would be responsive to all stakeholders and interests.

The 2020 Plan Amendment revised boundaries and plan components for the previous MA 3.63. Management Area 3.63 was called “Black-Footed Ferret Reintroduction Habitat” with a desired condition to establish and maintain large prairie dog complexes as suitable location for reintroduction of the endangered black-footed ferret, a prairie dog colony obligate that had been extirpated from the grassland in the 1970s (USDA Forest Service 2001). The FS had drawn the boundaries of MA 3.63 to encompass a central portion of the grassland known to be favorable prairie dog habitat based on historical patterns of prairie dog occupancy. To address the potential effects of prairie dog hunting on at-risk species, prior Grassland plan direction included a year-long restriction on prairie dog hunting in MA 3.63. Conditional seasonal or year-long hunting restrictions also applied to colonies in other high priority locations for prairie dog conservation (“category 2” areas) and in colonies anywhere on the Grassland occupied by mountain plover or other at-risk species (USDA Forest Service 2009).

The 2020 Plan Amendment removed MA 3.63 and established MA 3.67, “Short-Stature Vegetation Emphasis.” Management Area 3.67 largely overlaps the previous MA 3.63, with adjustments to the MA boundary to be more conducive to prairie dog management and avoid concentrating the impact of prairie dog occupancy on any single ranching operation (USDA Forest Service 2020b). MA 3.67 encompasses approximately 42,000 acres of National Forest System land in Campbell, Converse, and Weston counties, Wyoming. State and private lands are interspersed within the MA (Exhibit 1 to the Order). The 2020 Plan Amendment includes an objective to manage toward 10,000 acres of prairie dog colonies in MA 3.67, except during drought years, which have an objective of 7,500 acres of prairie dog colonies (USDA Forest Service 2020c).

To address issues related to the availability of recreational opportunities and contributions to the local economy, the 2020 Grassland Plan Amendment removed all plan components that restricted prairie dog hunting outside of MA 3.67 and reduced the previously year-long hunting prohibition in MA 3.67 to a seasonal restriction from February 1 to August 15. The amended plan direction for prairie dog hunting in MA 3.67 reads:

GPA-MA3.67-FWRP-ST-17: Recreational prairie dog shooting is prohibited from February 1 to August 15. Standard (USDA Forest Service 2020c, p. 74)

Terminology

The Plan Amendment and EIS use the terminology “recreational prairie dog shooting,” because they are a non-game species. However, based on the definitions in FSH 5309.11, Section 34, for orders prohibiting hunting, fishing, or recreational shooting under the John D. Dingell, Jr. Conservation, Management, and Recreation Act (Public Law No. 116-9, Title IV (Sportsmen’s Access and Related Matters)) (Dingell Act), the regulated activity meets the definition of hunting and not recreational shooting. The Order implementing the Plan Amendment direction and seasonal prohibition therefore refers to the regulated activity as “prairie dog hunting.” The Forest Service will include a condensed, similar explanation regarding the differences in terminology between hunting and shooting, the Plan Amendment, FEIS, and Order in any external communications regarding the Order.

The FEIS for the 2020 Plan Amendment provides an analysis of the effects of the seasonal hunting restriction and several alternatives, ranging from a year-long restriction to no restrictions, on recreational opportunities, local economies, and wildlife (USDA Forest Service 2020a). Appendix E of the FEIS is the biological evaluation of animal species and preliminary list of potential species of conservation concern report. Appendix E provides a literature review and species-by-species analysis of the effects of prairie dog shooting (USDA Forest Service 2020b).

NATIONAL ENVIRONMENTAL POLICY ACT (NEPA) COMPLIANCE:

The Forest Service analyzed the effects of the Plan Amendment's standard requiring a seasonal restriction on prairie dog hunting in MA 3.67, which are the same as the effects of this Order, in the FEIS for the Plan Amendment. The Forest Service has therefore concluded that additional analysis under NEPA is not required for the issuance of this proposed permanent Order.

DINGELL ACT COMPLIANCE:

The Plan Amendment resulted in the newly designated MA 3.67, which encompasses approximately 42,000 acres in Campbell, Converse, and Weston counties, Wyoming, and provides for maintenance of short-stature vegetation communities, including prairie dog colony ecosystems. A standard created by the Plan Amendment requires seasonal prohibition of recreational shooting of prairie dogs in MA 3.67 to protect at-risk species associated with prairie dog colonies. This proposed shooting closure order is needed to implement this Plan Amendment standard. The size of the closure areas is limited to the minimum necessary to carry out the direction contained in the Grassland Plan Amendment. This proposed hunting closure will follow the process outlined in the John D. Dingell, Jr. Conservation, Management, and Recreation Act of 2019 and the directives in the Law Enforcement and Investigations Handbook 5309.11, Chapter 30.

JUSTIFICATION:

A seasonal shooting restriction (standard GPA-MA3.67-FWRP-ST-17) are intended to contribute to viability of sensitive species and a preliminary list of potential species of conservation concern. (ROD pg. 10)

Commenters on the Plan Amendment were concerned that prohibitions or restrictions on shooting may eliminate a tool for controlling prairie dog populations and could reduce recreational opportunities and associated economic benefits for surrounding communities. Other commenters were concerned that allowing shooting within MA 3.67 may disrupt prairie dog reproduction and dispersal dynamics and may cause direct take of associated and protected species. These concerns are analyzed in the "Socioeconomic" analysis in the FEIS (e.g., p. 106, 115) and appendix E (e.g., p. E-173). The Plan Amendment addresses these concerns by requiring a seasonal restriction on recreational shooting of prairie dogs in MA 3.67 from February 1 to August 15 of each year (GPA-MA3.67-FWRP-ST-17) but allowing year-round recreational shooting of prairie dogs elsewhere on the Grassland. The seasonal shooting restriction in MA 3.67 protects at-risk species associated with prairie dogs, including golden eagles, burrowing owls, and mountain plovers, from human disturbance, accidental or purposeful shooting, or secondary poisoning through ingestion of lead bullets. The seasonal shooting restriction in MA 3.67 would not allow shooting during the summer months, which is the most popular time for recreational shooting of prairie dogs but would allow shooting in the fall during big game seasons when many hunters are on the Grassland and when most migratory birds have left the Grassland.

The Need for this Order

The area covered by this Order has been popular for recreational shooting of prairie dogs and recreational shooting occurs in many areas throughout the country where prairie dogs exist (Gigliotti 2001). Some agencies encourage recreational shooting to assist with control efforts (Vosburgh 1996). If recreational shooting continues to occur year-round in this area, it could affect the population levels of prairie dogs and other species found in prairie dog habitat. In addition, lead ammunition ingestion can indirectly impact other species like raptors and carnivores (Hoffman et al. 1985). The Plan Amendment and this Order reflect the need to limit recreational shooting in areas to ensure that populations of prairie dogs and associated species are not potentially impacted.

The restrictions for recreational shooting are intended to protect at-risk species associated with prairie dogs, including golden eagles, burrowing owls, and mountain plover, from human disturbance, accidental or purposeful shooting, or secondary poisoning through ingestion of lead bullets. The restriction will also provide protections for other species that may be incidentally in the area or nearby that are not associated with prairie dog habitat. However, this prohibition is limited by geographic area and time (seasonally) to address public concerns regarding restricting the shooting of prairie dogs more broadly. The Plan Amendment and the Order addresses these concerns by requiring a seasonal shooting restriction for recreational shooting of prairie dogs in MA 3.67 from February 1 to August 15 of each year but allowing year-round recreational shooting of prairie dogs elsewhere on the Grassland.

Prior to 2020, the FS used several orders to enforce the prairie dog hunting restriction in MA 3.63. The latest order lapsed and the FS has not yet issued a new order to restrict prairie dog hunting in MA 3.67. A new order seasonally restricting the hunting of prairie dogs is necessary to meet grassland plan requirements. The proposed order is permanent commensurate with Grassland plan direction.

The Basis for this Type of Seasonal Prohibition and its Geographic Scope

The proposed permanent Order imposes a seasonal restriction to protect at-risk species associated with prairie dogs, including golden eagles, ferruginous hawks, burrowing owls, and mountain plovers. The dates of the seasonal prohibition reflect the time of year when most at risk avian species occupy the Grassland. The seasonal shooting restrictions in MA 3.67 would not allow shooting during the summer months most popular for recreational shooting but would allow shooting in the fall during big game seasons when many hunters are on the grassland and when most migratory birds have left the grassland.

The FEIS analyzed several alternative structures for shooting restrictions, including no shooting restrictions, seasonal shooting restrictions on portions of the Grassland, and year-round shooting restrictions on portions of the Grassland. The preferred alternative includes a shooting restriction between February 1 and August 15 in MA 3.67 and no shooting restrictions elsewhere on the grassland. Several factors contributed to the selection of this type of shooting restriction, including implementation, minimizing risk of secondary lead poisoning and non-target shooting to species associated with prairie dog colonies, and allowing for recreational opportunities and economic benefits provided by prairie dog shooting. Regarding geographic scope, the boundaries of MA 3.67, which align with the area covered by the Order (the “Restricted Area”), were selected because they align with fences, roads, or other distinguishable natural features. This alignment will ease signage, enforcement, and compliance. Other options, such as allowing shooting in boundary management zones, would be impractical because the perimeter of the shooting restricted area would not align with any distinguishable features on the landscape.

The seasonal restriction is needed to minimize risks to species associated with prairie dog colonies. The plan amendment biological evaluation of animal species provides a detailed analysis of the effects of prairie dog shooting on at-risk species. Risks to associated species include being intentionally or unintentionally shot and, for predators, ingestion of lead ammunition in prairie dogs or other prey species that have been shot. The shooting restriction aligns with seasonal restrictions on other activities that protect migratory birds on the grassland. The shooting restriction also encompasses the breeding and whelping season for black-tailed prairie dogs to prevent shooting from interfering with colony growth. The purpose of allowing shooting year-round outside of MA 3.67 and inside of MA 3.67 between August 16 and January 31 is to provide recreational opportunities and their associated local economic benefits. An analysis of the effects of shooting restrictions on recreation and local economies appears in the Analysis of Socioeconomic Resources section in the FEIS.

The purpose and need statement in the FEIS states that the plan amendment is needed to adjust the boundaries of management area 3.63 to be more conducive to prairie dog management. The Decision Rationale section of

the draft record of decision explains that the delineation of MA 3.67 presented in the preferred alternative, as well as two other analyzed alternatives, is based on where boundary management zones would be most effective, resolving areas of persistent conflict, historical and expected future locations of prairie dog colony occupation, allotment and pasture boundaries, and natural hydrologic and topographic barriers to prairie dog colonization. By delineating the MA based on these geographic factors, the intent is to reduce impacts of colony occupation on any single permitted ranching operation and facilitate managing toward the objective for colony area, enforcement of shooting restrictions, and colony mapping and monitoring. The preferred alternative includes a MA 3.67 size that meets the intention to reduce impacts of colony occupation on any single permitted ranching operation and to facilitate managing toward the 10,000-acre colony area objective.

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