

will work closely with the Tribe and landowners to suggest alternative procedures to minimize conflicts.

(i) *Protection of Black-footed Ferrets:* We will release ferrets in a manner that provides short-term protection from natural (e.g., predators, disease, lack of prey base) and human-related sources of mortality. Improved release methods, vaccination, predator control, and management of prairie dog populations should help reduce natural mortality. Releasing ferrets in areas with little human activity and development will minimize human-related sources of mortality. We will work with the Tribe and landowners to help avoid certain activities that could impair ferret recovery.

(j) *Public Awareness and Cooperation:* We will inform the general public of the importance of this reintroduction project in the overall recovery of the black-footed ferret. The designation of the NEP for the Reservation and adjacent areas will provide greater flexibility in the management of the reintroduced ferrets. The NEP designation is necessary to secure needed cooperation of the Tribe, landowners, agencies, and other interests in the affected area.

Based on the above information, and using the best scientific and commercial data available (in accordance with 50 CFR 17.81), the Service finds that releasing black-footed ferrets into the Experimental Population Area will further the conservation of the species.

Previous Federal Action

The proposal to designate a NEP in south-central South Dakota was published in the **Federal Register** on September 11, 2002 (67 FR 57558) concurrent with a notice of a public hearing on September 26, 2002 at the Multi-Cultural Center in Mission, South Dakota. Informational meetings regarding the Rosebud ferret reintroduction effort were held on August 13, 15, and 16, 2002, at He Dog, Parmelee, and Rosebud Communities in Todd County, South Dakota and on August 29, 2002, at the Rosebud Casino located on the Rosebud Sioux Reservation. In addition, we have held numerous meetings with the various Tribal Council members and other interested parties throughout this rulemaking process.

Peer Review

In accordance with our policy on peer review published on July 1, 1994 (59 FR 34270), Interagency Cooperative Policy on Peer Review (Peer Review Policy), we requested the expert opinions of independent specialists regarding

pertinent scientific or commercial data and assumptions relating to supportive biological and ecological information for this NEP rule. Reviewers were asked to review the proposed rule and the supporting data, to point out any mistakes in our data or analysis, and to identify any relevant data that we might have overlooked. We did not receive any requests for substantive changes from these reviewers, but we did receive comments that the proposal had merit and recommendations of support.

Summary of Comments and Recommendations

The September 11, 2002, proposed rule and associated notifications requested all interested parties to submit factual reports or information that might contribute to the development of a final rule. Appropriate Federal and State agencies, county governments, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices inviting public comment and advertising the public hearing on the proposal were published in South Dakota newspapers and broadcast on local radio stations in the reintroduction area. These included the *Todd County Tribune* in August and September 2002, and KINI radio announcements in August 2002.

The Service also mailed the proposed rule to 29 people representing individuals; State, Federal, and local governments; corporations; and nongovernmental organizations affiliated with environmental, grazing, and recreational interests in South Dakota. This mailing list was from previous meetings and open houses we conducted for other ferret reintroduction efforts in South Dakota. A total of seven written comments were received during the comment period.

In addition, we received seven comment letters prior to publication of the proposed rule. These were mainly letters encouraging the Service and the Tribe to proceed with a reintroduction effort on the Rosebud Reservation. All seven comment letters received prior to the publication of the proposed rule supported the reintroduction effort. Of the seven comment letters received during the comment period, two were opposed to the reintroduction efforts, three expressed concerns about the process of designating a 10(j) area and/or about prairie dogs and various control options, and two commenters supported the Rosebud reintroduction effort.

As mentioned above in "Previous Federal Actions," we also hosted informational meetings and a public

hearing to explain this rulemaking. At the informational meetings, most participants were not supportive of a ferret reintroduction effort. At the public hearing conducted a few weeks after the informational meetings, the Tribe was able to discuss their entire Prairie Management Plan, of which the ferret reintroduction is one component. Many of the concerns expressed at the informational meetings, such as management of prairie dogs, loss of revenue from prairie dogs, and range improvements, are addressed in the Rosebud Prairie Management Plan. Consequently, attendees at the public hearing voiced few comments against the ferret reintroduction. However, it must be noted that very few (five) people provided comments at the public hearing. Most of the attendees asked questions and left without providing verbal or written comments during the public hearing. Most of the written and verbal comments received addressed the potential for the designation to interfere with current and proposed land uses within the experimental population boundary, the loss of revenue associated with prairie dog colonies, and the concern that the Service may change the NEP designation in the future. The following summary addresses the written and verbal comments received during the informational meetings, public hearing, and comment period. Our response to each issue is given below.

Issue 1: Some commenters were concerned that the Service will change the NEP designation in the future.

Service Response: As stated under "5. Reintroduction Procedures" in the **SUPPLEMENTARY INFORMATION** section of this final rule, we do not expect to change the designation unless the reintroduction effort fails or the species recovers. Presently, there are no proposals by the Service, or any requests on the part of other agencies or nongovernmental organizations, to amend this or any of the prior designations. Consequently, we anticipate that the NEP designation for south-central South Dakota will continue in the future. If the release fails, we may abandon the NEP designation because such a designation is unnecessary given the absence of the species in the area. Success under an NEP designation will argue against upgrading the designation to essential, or reinstating an endangered or threatened designation because of potential conflicts with ongoing activities in the area. If the Service and cooperating agencies are able to recover a species under an NEP designation, then we will have no cause to increase