

CONSERVATION of Prairie Dogs and Reintroduction of Black-footed Ferrets REQUIRES COURAGE

*A Dedicated Attorney
along with Old and New
Friends are also Helpful*

Article and Photos by **Ron Klataske**

It was a wildlife drama that few people have ever seen, in “the wild” and at night. Bette Haverfield was driving slowly up the lane toward their ranch house in December. It is a half-mile long driveway that routinely offers wildlife viewing opportunities – during the day – comparable to the country’s best wildlife sanctuaries and refuges. To her amazement, a prairie dog shot out of a burrow and raced across the road in her headlights. Prairie dogs normally stay safe underground at night. More astonishing, a Black-footed Ferret (BFF), apparently in pursuit, popped its head up out of the same burrow and looked around as if to say, “Where did it go?”

Although not well maintained, that driveway is sometimes like entering an otherwise lost world, a place in the shortgrass prairie where the wildlife heritage of the central Great Plains is still on display. When Larry and Bette

returned from a two-day vacation this September, a Golden Eagle was perched on a fence post near their mailbox, and a young buck Pronghorn with three does were comfortable on that flat between the mailbox and house.

Visiting the 10,000-acre complex of rangeland owned by Larry and Bette Haverfield, Gordon and Martha Barnhardt and Maxine Blank is very much like visiting some of the most wildlife-friendly refuges and wildlife sanctuaries in the country. One of the rewards of the BFF reintroduction has been establishment of hundreds of new friends – from Massachusetts to California – who have come to know and admire these ranch families. The other reward is the knowledge that they are doing something incredibly important to advance the concept of private-land conservation and appreciation of our wildlife heritage.



Larry & Bette Haverfield and Gordon & Martha Barnhardt. Notice the recently released Black-footed Ferret peaking out of the burrow!

– Photo courtesy of USFWS

On my first visit in September 2005, I was immediately struck by the existence of scattered prairie-dog colonies, a small herd of Pronghorns alternately watching and racing as Larry drove through the pastures, with a Coyote watching them nearby. We also saw Burrowing Owls, Black-tailed Jackrabbits, and Ferruginous Hawks.

I had been invited because these landowners were threatened with a mandate from the county to either poison the prairie dogs on their property, or the County Commissioners would send noxious-weed-department staff or contract exterminators onto their land – with or without their permission – to do the poisoning. The bill would be for a much more expensive operation and would be attached to their property taxes. A month earlier Larry Haverfield attended a meeting called by the Logan County Commission designed to hear

“It is dangerous to be right in matters on which the established authorities are wrong”

– Voltaire

complaints about prairie dogs. At that time there were several ranchers who maintained colonies on their land. However, the crowd in attendance was anti-prairie dog by design and consensus. Larry Haverfield was the only person who spoke up to suggest that prairie dogs are part of our natural wildlife heritage and they provide beneficial attributes in the shortgrass prairie ecosystem.

Having served a couple decades earlier on the Black-footed Ferret Recovery Team, and more recently on the broad-based committee of 27 that developed the Kansas Black-tailed Prairie Dog Conservation and Management Plan published in 2002, I realized this property's potential to advance wildlife priorities, at both the state and national level. A key conservation strategy of the Kansas plan called for the state to maintain at least one prairie-dog complex of 5,000 acres or larger. This was it, perhaps the only possibility. And – this was by far the best candidate for an experimental reintroduction of Black-footed Ferrets in the state and central Great Plains.

Larry and Gordon, and cattle rancher Gene Bertrand, another wildlife enthusiast with property fifteen miles away, were immediately receptive to the prospect of hosting a ferret reintroduction. Years earlier, both Gordon and Gene had independently contacted wildlife biologists to express interest in hosting BFFs on their lands in Colorado and Kansas. In two months, on November 18, 2005 a joint letter from owners of 26,000 acres of land was given to the US Fish and Wildlife Service (USFWS or Service), asking the agency to consider three blocks of private ranchland with significant populations of prairie dogs as Black-footed Ferret reintroduction sites. Later, The Nature Conservancy realized that this was a

unique opportunity and expressed an interest in adding the Smoky Valley Ranch to the request of the ranchers.

A detailed survey of prairie-dog colonies on the three-ranch complex and the preserve was conducted by the USFWS during July 2006. The Haverfield Ranch complex



Black-tailed Prairie Dog

ranked highest with prairie dogs present on 6,400 acres, the Bertrand Ranch second and the Smoky Valley Ranch preserve third. An environmental assessment for the potential release on four sites in Logan County was prepared. The County Commission went ballistic and the document was blocked in “D.C.” from publication in the Federal Register for a year by a member of the Kansas Congressional delegation, a tactic for holding up the project. The “invisible” political obstacle was finally withdrawn in November 2007 and a little over a month later the Service was able to release the first captive-raised ferrets within the boundary of the state.

WESTERN KANSAS – December 18, 2007, a week before Christmas, twenty-four Black-footed Ferrets were released in prairie-dog colonies, 50 years since the last verified occurrence of the species in Kansas. – AOK release.



Black-footed Ferret

It was a wondrous event. We finally found out the day of the release, and hurriedly made it to the ranch just as the sun was setting and the release was about to begin. Fourteen ferrets were released on the Haverfield Ranch complex.

A total of 74 ferrets have been released on five occasions from 2007 to 2010 on the Haverfield/Barnhart/Blank complex. Although the density of prairie dogs is currently low, due in part to the recent drought, they are scattered over more than 6,000 acres within the 10,000-acre ranch complex. The Kansas reintroduction lands constitute one of just 19 recovery sites attempted to date in the U.S., Canada and Mexico.

With searchlights mounted on vehicles, the Service sponsors periodic ferret surveys over the course of several nights at each of the two Kansas sites in March and September. In 2010 a total of 58 different ferrets were observed, with 45 captured to evaluate their health and determine reproductive and survival information. Additional surveys were conducted in August of 2011 to locate family litters. Six families with young-of-the-year were seen at the Haverfield Ranch, and two families were found at the Smoky Valley Ranch.

More than a century ago, in 1901, the Kansas Legislature passed a series of statutes that allowed local government (township boards, now largely administered by county commissioners) to enter property to eradicate prairie dogs against the will of the landowners. It was



A group of participants walk back after releasing ferrets on property owned by Maxine Blank. Lone Butte is visible in the background.

a time when many other “more desirable” species were already extinct or being exterminated from the state. That list included Bison, Elk, Pronghorns, White-tailed Deer, Mule Deer, Golden Eagles, Bald Eagles, Gray Wolves, Mountain Lions, Wild Turkeys, Ruffed Grouse, Sharp-tailed Grouse, Passenger Pigeons, Carolina Parakeets, as well as Central-Flyway migrants including Whooping Cranes and Eskimo Curlews. During the past decade, Audubon of Kansas has had several bills introduced in the Kansas Legislature to repeal these eradication statutes. However, with the exception of a gallant effort by Representative Dan Johnson of Hays, the legislature has failed for lack of additional leadership and support to repeal the antiquated statutes, as the Nebraska Unicameral did in 1994 and other states have done.

Audubon of Kansas is encouraging concerned people to ask the special “Office of the Repealer” to push for repeal of the 1901 prairie dog eradication statutes (K.S.A. 80-1201 thru 80-1208). Everyone can do that by going on to the website < <http://repealer.ks.gov/> > and posting a recommendation that the statutes be repealed. Governor Brownback established the office to investigate laws and regulations that are “unreasonable, unduly burdensome, duplicitous, or contradictory.” These statutes are certainly unreasonable and unduly burdensome on landowners and contradictory to conservation of imperiled species.

These antiquated statutes can be read on line at: http://kansasstatutes.lesterama.org/Chapter_80/Article_12/

Tragically, more than 100 years after enactment of eradication statutes, “extinctionists” are still in positions of power. The Logan County Commissioners adamantly oppose any intelligent dialog and deny the opportunity of others in their community to learn more or be able to consider various viewpoints. That was demonstrated anew during planning for a BFF celebration, when a handful of anti-prairie-dog activists blocked educational forums planned for Oakley.

OAKLEY – There's apparently no room at the inn...for a celebration heralding the 30th anniversary of the rediscovery of the still-imperiled black-footed ferret. – *Hays Daily News*

The Fish and Wildlife Service and other partners had scheduled an open house event for September 29 at the 4-H Building in Oakley. There were to be

presentations by volunteers from the Cheyenne Mountain Zoo coming from Colorado Springs with a live Black-footed Ferret and other animals. Educational activities were also planned for local schools. The occasion was the 30th Anniversary of the rediscovery of Black-footed Ferrets near Meeteetse, Wyoming on September 26, 1981. Prior to a ranch dog’s return with a dead ferret at that time, there was no evidence that the species still existed on earth. They were thought to have become extinct in the 1970s.

Discovery of that Big Horn Basin “colony” of Black-footed Ferrets, and eventual removal of the last 17 survivors in the wild (threatened by a local outbreak of canine distemper), led to a successful captive -breeding program that became the source for all ferrets now known to exist. A “ferret festival” was held at the Badlands National Park in South Dakota on the weekend of September 24-26 to celebrate strides made toward recover this endangered species – but nothing of this

“...short-sighted men who in their greed and selfishness will, if permitted, rob our country of half its charm by their reckless extermination of all useful and beautiful wild things... Our duty to the whole, including the unborn generations, bids us restrain an unprincipled present-day minority from wasting the heritage of these unborn generations.”

– Theodore Roosevelt

‘Bird Reserves at the Mouth of the Mississippi’. (1920)

nature was going to be permitted in Logan County Kansas. County Commissioners withdrew permission for use of the 4-H building, citing a petition from six or eight people, and when the educational event was moved to a meeting room at the nearby truck stop the “aginers” reportedly threatened the owner with a boycott, so he withdrew permission.

We have seen similar boycott tactics pulled from the tool box of “outside agitators” several times, most viciously against local business owners in Cottonwood Falls who supported establishment of the proposed Tallgrass Prairie National Preserve. The preserve was opposed by the Kansas Farm Bureau and others aligned with them, and the consultant hired to oppose the preserve in 1989 was Charles Cushman of the National Inholders Association. He was also hired to oppose designation of the Niobrara River in Nebraska as a national scenic river in the same era. Hostility there was focused on river-valley ranch landowners and canoe-outfitting families who supported designation as an alternative to condemnation of 30,000 acres for the big dam and diversion canal.

However, that is not the end of the story on any of these issues. A progressive farm couple in Logan County, Tim and Rebekah Peterson, who believe in the merit of education and enlightened exchange of ideas, contacted me immediately after the cancellation was reported in the news. We planned an event to be hosted at their family farm later on November 5 when Nicole Mantz, Education Curator of the Cheyenne Mountain Zoo, could reschedule another trip. The Petersons want to facilitate more community harmony and project a much more open-minded, respectful image on the part of residents in that part of western Kansas. The afternoon (1 p.m. to 7 p.m.) of November 5 is planned to be simply for fun and camaraderie, games, display of several educational animals, with food and refreshments, tours to the BFF reintroduction site and possibly live music. The Peterson farm is 15 miles west of Oakley on Highway 40 and 1/2 mile south.



Wildlife associates of prairie dog colonies include Swift Foxes, Furrenginous Hawks, Burrowing Owls and Black-footed Ferrets.



Birthdays. He discovered when he and Bette returned to the ranch that an exterminator hired by the

The Kansas Farm Bureau, along with the Logan County Commission, has maintained a multi-year campaign to demonize landowners who want to conserve and manage prairie dogs on their land. The anti-prairie-dog forces are determined that the prairie dogs should be poisoned, and the ferrets should go. Forget any PR rhetoric they espouse about protecting property rights. Contract exterminators have been hired by the commission to go on the land without the knowledge of the landowners. The first assault started at 6 p.m. on the Friday evening of the Labor Day weekend in 2007 when a poisoner trespassed and spent the weekend dropping Phostoxin gas tablets in burrows, then blocking them with plastic sandbags to prevent any animals from escaping. Phostoxin kills all life within the burrows.

Attorney Randall K. Rathbun was able to halt that operation in Shawnee District Court the following week, but Logan County has been appealing limitations on their poisoning prowess ever since. A trial was held on November 20, 2007, Larry Haverfield’s 70th

County Commission had treated an extensive acreage with Rozol while they were gone. Following the first trial, the Honorable Charles E. Andrews entered a restraining order limiting the extermination activities by Logan County on the ranch complex. An uncontroverted fact was that extermination of all prairie dogs would result in the death of the Black-footed Ferrets. Following additional litigation activity, Senior Judge Jack L. Lively determined that the injunction shall become permanent, and the defendant’s (Logan County Commission) request to exterminate prairie dogs on the complex pursuant to Kansas Statutes 80-121 et seq., was denied.

That is now being appealed. The Court of Appeals of the State of Kansas is expected to have a hearing and consider a decision during the next few months. The Kansas Farm Bureau filed an Amicus brief in August advocating that state prairie-dog eradication statutes have been on the books for more than 100 years and Logan County should not be prevented from poisoning the

properties, irrespective of the presence of Black-footed Ferrets, other resource values or interests of the landowners. Much of the brief is devoted to attacking the Fish and Wildlife Service and the agency's administration of the Endangered Species Act. Audubon of Kansas has stood with these landowners on every occasion and in every forum, and we applaud the professionalism of the USFWS.



The "prairie dog fence" consists of poultry netting, rebar fence posts placed at ten-foot intervals, and an electric fence to discourage prairie dogs from climbing – and to encourage them to stay back.

Left: A view of Florida steers grazing on the Haverfield Ranch.

Opponents have also employed a now-common anti-conservation tactic during the past couple of years. It involves hiring an out-of-state agitator to stir up mistrust of the US Fish and Wildlife Service and others involved in the conservation project. They make outrageous claims that the Kansas-based entities wouldn't want to be directly accountable for, even though the distinction between the activities of the "hired agitator" and the other entities is blurred. However, the state's Open Records Act made it possible to follow the money trail paid by the county.

In western Kansas, the primary "consultant" for these opponents has been Fred Kelly Grant of Idaho. He has provided what appears to be legal advice – even though some of it appears absurd – to the county and has written letters, for the signature of Logan County Commissioners, attacking the integrity of the US Fish and Wildlife Service. The county is billed at an hourly rate of \$150. He promotes his legal expertise and experience and has tried to get other western Kansas county commissions on board to exterminate prairie dogs and rally against the USFWS – and help pay for his services. But he is not registered to practice law in

the state of Kansas – a potential violation of law – or in Idaho. Copies of correspondence between the Logan County Commission and the US Fish and Wildlife Service are posted on the AOK website.

The Fish and Wildlife Service has bent over backwards to address every reasonable concern raised by landowners with property near the reintroduction sites. As a special consideration, the Service in partnership with the Kansas Department of Wildlife, Parks and Tourism, TNC and APHIS-WS have collectively invested nearly a hundred thousand dollars annually controlling prairie dogs for free within three miles of the reintroduction sites – even though many of the prairie dogs were present before the project started. Audubon of Kansas, working in partnership with USFWS cost-share funding, has also built ten miles of specially designed fence along the border of the Haverfield complex to discourage dispersal of prairie dogs into surrounding pastures. This is combined with twenty-two miles of vegetative barrier established by Larry Haverfield. An electric fence was built all along the perimeter of the property to exclude grazing from a 90-foot wide barrier. The resulting taller vegetation in

these barriers has been demonstrated to discourage prairie-dog colony expansion and dispersal.

Although the prairie-dog colonies associated with the reintroduction sites are magnets for wildlife, much of the Logan County (and Wallace County) landscape is becoming more barren of that life. The Logan County noxious-weed department, which poisons prairie dogs much of the year, purchased 46 tons of Rozol in 2008. Rozol-poisoned prairie dogs take up to three weeks to die, and as they become prey or are scavenged by predators, the predators (Bald Eagles, Golden Eagles, Ferruginous Hawks, Swift Foxes and Badgers) are in turn poisoned and often killed. The cause of death cannot usually be determined, but the remains of 17 hawks and two Golden Eagles were found on the Haverfield Ranch in one season. Golden Eagles have also been shot in the immediate vicinity in recent years, a reflection of a disdain for wildlife by some.

Nothing in nature is static, and new challenges to this reintroduction site and others have arisen. But in the past couple of years the western Kansas BFF reintroduction has been described as the most promising reintroduction in the nation.