



The Wildlife Society

The Kansas Chapter

Promoting Excellence in Wildlife Stewardship through Science and Education

Position on Senate Bill No. 384

February 8, 2016

The Kansas Chapter of the Wildlife Society, representing a professional society of wildlife biologists, land managers, researchers, and educators in the state of Kansas, respectfully opposes Senate Bill No. 384 (SB 384), the provisions of which would significantly change habitat protections to ensure the effective conservation of threatened and endangered species as provided by the current Kansas Nongame and Endangered Species Conservation Act (KNESCA). It is the policy of The Wildlife Society to oppose activities that jeopardize populations of threatened and endangered species. The provisions of SB 384 would render the KNESCA ineffective in several fundamental ways:

- (1) It would reduce critical habitat to “geographical area(s) occupied by a threatened or endangered species.” Most threatened and endangered species are listed as such due to reductions in their population sizes and geographic ranges. Limiting protections to such contracted ranges could limit opportunities for populations of imperiled species to grow, expand, and eventually recover (i.e., de-listing of such species, to the benefit of all parties involved). The limitations to critical habitat, as defined in SB 384, would preclude habitat protections from areas outside of ranges currently occupied by imperiled species where recovery by such species might be possible. Conservation funding from the U.S. Department of Agriculture for restoring habitat of imperiled species, paid to *volunteering* private landowners, is targeted within areas currently designated as critical habitat. The change imposed by SB 384 could thus lower funding of habitat restoration where recovery might be possible.
- (2) It would not allow enforcement of critical habitat designations until recovery plans are finalized, only prohibiting intentional take prior to finalization of such plans. The administrative time lags and financial obstacles involved in recovery planning unfortunately delay completions of recovery plans. However, determinations of critical habitat by qualified state biologists can be made in a timely fashion to promptly protect threatened or endangered species, perhaps ensuring that such species do not become even more imperiled and warrant more complicated protection under the federal endangered species act (ESA).
- (3) It would exempt publicly-funded or permitted projects from post-construction permit review, which is otherwise applicable under the current KNESCA. This exemption could motivate some to hasten the completion of projects in order to escape review, perhaps jeopardizing threatened and endangered species.
- (4) Reductions in state protections of imperiled species will only be seen by the U.S. Fish and Wildlife Service as additional justification for listing species under the federal ESA. SB 384 could thus impose regulation by the federal ESA instead of protections that are otherwise provided by the state.

Public opinion on threatened and endangered species was made clear by a recent survey of Kansas citizens: <http://www.kdwpt.state.ks.us/news/Services/Threatened-and-Endangered-Wildlife/Kansas-Residents'-Opinions-on-Threatened-and-Endangered-Wildlife-and-Actions-to-Protect-Wildlife-by-Responsive-Management>. An overwhelming majority of Kansas residents (91%) agree that the Kansas Department of Wildlife, Parks and Tourism should continue to identify and protect habitat critical to the existence of threatened and endangered wildlife. The provisions of SB 384 would severely hinder such protections.

Respectfully submitted,

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