

**Testimony on SB 269 relating to Amending the Kansas Nongame and Endangered Species Act
To
The Senate Committee on Natural Resources**

**By Robin Jennison
Secretary
Kansas Department of Wildlife, Parks, and Tourism**

March 12, 2015

SB 269 seeks to amend laws related to threatened and endangered species in Kansas by statutorily delisting certain species. **The Department opposes the provisions contained in the bill.** The provisions of the bill would be effective upon publication in the statute book.

The management of threatened and endangered species in Kansas is a relatively new concept, beginning in the 1970's, but is very limited in nature as the application **is limited to publicly funded projects or projects which require a public permit.** As this committee is well aware, wildlife management, including threatened and endangered species, is funded by hunters and anglers dollars. A recent survey conducted in 2011 by Responsive Management, an internationally recognized research firm specializing in natural resource and outdoor recreation issues, found that conservation of threatened and endangered wildlife remains important to Kansans. Some interesting findings include:

- 91 percent of Kansas residents agreed that the Department should continue to identify and protect habitat critical to the existence of threatened and endangered species
- 88 percent of residents agree with the statement "Wildlife that is threatened and endangered in Kansas, yet abundant in other states should still be protected in Kansas."

The proposed bill seeks to delist a mammal species, the Eastern Spotted Skunk, by statute, **circumventing the scientific process already in place.** That process uses sighting data, literature searches, expert input, informational meetings, public comment periods and the KDWP Commission regulatory process for listing changes.

Species such as the one in the bill are uncommon or rare in Kansas, although they may not be considered that throughout their entire natural range. KDWP lists peripheral species for many reasons, including the mission statement of the Department, which is to conserve wildlife and its habitat to ensure future generations the benefits of the state's **diverse** living resources. This species was listed in 1987 as a result of the 1986 Nongame Task Force recommendations. It is important to recognize that species in decline tend to collapse towards the periphery of the range and peripheral populations are often genetically distinct and may be better adapted at changing to the conditions that stress the core populations and therefore it is very important to protect the periphery of a species.

Finally, the Department contends this bill is unnecessary and the Department is hardly heavy handed in enforcing the provisions of the Kansas Nongame and Endangered Species Statutes. The

concepts of **avoidance, minimization and, in a last resort, mitigation** have served the Department and all Kansans well. From 2009-2014, the Department reviewed 10,821 publicly funded or publicly permitted projects. 1,086 of those permit reviews occurred in Sedgwick County. Of those, 21 required some sort of mitigation, less than 4 per year. Of those permits required, there was no mitigation for acreage.

Additionally the proponents have the option to use current processes and petition for delisting of species they feel should not be on the threatened or endangered species list, rather than legislatively remove species arbitrarily. **It should also be readily apparent that if the Legislature is willing to delist species by statute, there will come a time that popular opinion will result in the listing of a species by the uninformed rather than the science, such as the lesser prairie chicken, and many rural Kansans will feel the effects of arbitrary processes.**

The Department appreciates the support of the Committee in opposing the bill.