

**Testimony on SB 268 relating to Stream Maintenance and the ESA
To
The Senate Committee on Natural Resources**

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SB 268 seeks to amend laws related to stream maintenance by exempting stream maintenance from the Kansas Nongame and Endangered Species Conservation Act. **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 categorically exclude an activity, stream maintenance, from the KNESCA, **circumventing the scientific process already in place.** That process uses sighting data, literature searches, expert input, informational meetings, public comment periods and the KDWPT Commission regulatory process for listing changes, which drive action permit requirements.

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 Conservation Act 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. Of those projects, only 46 required mitigation on a statewide basis, an average of less than 8 per year or less than ½ of a percent of the total permits.

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