

Before the Senate Natural Resources Committee  
Presented by Zack Pistora, Kansas Sierra Club  
Opponent to SB 384  
February 4th, 2016



Chairman Powell and Honorable Members of the Committee,

Thank you for the opportunity to submit testimony in strong opposition of SB 384; which makes many changes to the Nongame and Endangered Species Conservation Act.

**Preface:** The Sierra Club believes every effort should be made to prevent the extinction of a species due to human activities. Toward this goal, every effort must be made to prevent any population from becoming threatened or endangered in all or any significant part of its range, and to return to optimum historic population sizes those species that are currently threatened, endangered, or in unnatural decline. Habitat protection efforts are critical to the long-term protection and recovery of threatened and endangered species. The Sierra Club vigorously supports strong and vibrant federal and state endangered species acts and related laws as well as recovery programs that protect wildlife, native plants, and natural ecosystems.

The key to wildlife and native plant conservation is the continued existence of diverse natural ecosystems and the preservation of native biodiversity. The Sierra Club is committed to maintaining the world's remaining natural ecosystems, and, where feasible, to the restoration and rehabilitation of degraded ecosystems. Wildlife, plants, and their ecosystems have value in their own right, as well as value to humans and to the health of the biosphere. In other words, *wildlife and its habitats are an important component of quality of life for Kansans*. With that in mind, here are our chief arguments against SB 384:

**SB 384 reduces the working application of habitat protection to the imperiled areas of species' occupations, thus disregarding protections of its former habitat area at its historical and healthy population levels.**

SB 384 changes current law by defining critical habitat as only the area that vulnerable wildlife species currently occupies, rather than the traditional consideration of its historical and potential geographic range at full health. In effect, SB 384 boxes these struggling species into their territory of last hope, as oppose to offering a strategy for allowing these vulnerable species to reemerge and repopulate. Therefore, SB 384 greatly limits KDWPT from its authority in identifying and undertaking appropriate conservation measures to help offset negative effects to listed species and critical habitats.

**SB 384 cuts habitat protections to more than 60 percent of our threatened and endangered species.**

SB 384 would reduce the designation of critical habitat for vulnerable wildlife species until a recovery plan is created. To my knowledge, the state has only comprised recovery plans for 19 of the 51 species listed on the state's threatened and endangered list. SB 384 puts the remaining species without a current recovery plan at grave danger of becoming extirpated with no protection of their habitat. Moreover, at current staffing levels, it appears that future recovery plans may take significant time to create.

**SB 384 may result in KDWPT losing its federal funding, as well as invite federal intervention, by failing to meet federal standards for addressing nongame and listed species issues.**

A determination by the Secretary of Interior that a state was not maintaining an adequate or active program could place in potential jeopardy substantial federal assistance to the state. The Secretary of Interior may enter

into cooperative agreements with a state, provided that state establishes and maintains an adequate and active program for the conservation of endangered and threatened species. With such cooperative agreements come substantial financial assistance to the state to develop conservation programs. The cost sharing for such programs has 75% of the cost being borne by the federal government. Failure of the State to maintain an adequate and active endangered and threatened species program also invites federal intervention in Kansas to address conservation of species.

**Section 3, subsection (c) of SB 384 is essentially already codified in K.A.R. 115-15-3, thus permit exemptions for agriculture, development, and science and education, are already in place.**

Because exemptions for common human industry already exist in administrative regulation, we do not feel the need for a legislative requirement in SB 384.

**We do support the online publishing of recovery plans on KDWPT's website, as spelled out in Section 2, subsection (f). However, we do not need SB 384 to accomplish this.**

In practice, KDWPT already posts recovery plans to their website (see <http://ksoutdoors.com/Services/Threatened-and-Endangered-Wildlife/Recovery-Plans>). However, if the legislature wishes to codify the practice into law, then a simple proposition to KDWPT to establish this provision in rules and regulations would be most appropriate.

**Solutions to concerns surrounding the Kansas Nongame and Endangered Species Conservation Act come from expanding commitment to preserving and expanding the habitat of vulnerable wildlife, rather than reducing the state's abilities and actions to expand these species' populations. Please oppose SB 384.**

The Kansas Chapter of the Sierra Club wishes to remind our legislators that state government holds Kansas natural resources and wildlife in public trust. It is your job to help maintain species diversity and preserve critical habitat for reasonable public use and enjoyment. Furthermore, we must be diligent about changing our public policy and be careful not to make our protections of our most vulnerable wildlife species worse off. SB 384 seems to only reduce our state's dedication in protecting threatened and endangered species by cutting down designations for wildlife habitat, as well as takes extreme risks in cooperating with federal requirements. If the Kansas legislature wishes to protect these vulnerable species and delist them from the state's threatened and endangered list, then the Kansas Sierra Club recommends increasing KDWPT staff dedicated to creating and implementing more of these species' recovery plans.

Sincerely,

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*The Sierra Club is the largest grassroots environmental organization dedicated to preserving, protecting, and enjoying our great outdoors. The Kansas Chapter represents our state's strongest grassroots voice on environmental matters for more than forty years.*

## **Sierra Club's Guidelines to Protect Wildlife and Native Plants**

found at: <<http://www.sierraclub.org/policy/wildlife/wildlife-and-native-plants>>

The key to wildlife and native plant conservation is the continued existence of diverse natural ecosystems and the preservation of native biodiversity. The Sierra Club is committed to maintaining the world's remaining natural ecosystems. Where feasible, the Sierra Club is also committed to restoring and rehabilitating to a natural condition those ecosystems that are presently degraded by human activities.

All living organisms and their natural ecosystems possess intrinsic, spiritual, and ethical values that cannot be measured in human economic or utilitarian terms. All actions, regulations, plans and legislation that address or affect wildlife and native plants should incorporate the concept of intrinsic values as appropriate. The Sierra Club believes that preserving wildlife, plants, and native ecosystems is a moral and ethical obligation that all people share. Wildlife, both animals and plants and their habitat, are an essential component of fully functioning ecosystems and are a barometer of the well-being of the biosphere.

The better wildlife and plants can be maintained in all of their abundance and diversity, the better the habitat for all life on this Earth, and the greater the number of ecological choices for the future.

The Sierra Club recognizes that habitat simplification, fragmentation, degradation, and elimination pose the greatest threats to the continued well-being of healthy and diverse wildlife and plant ecosystems and biodiversity. Measures to counteract this trend must increase on both public and private land, and include whole ecosystems regardless of jurisdictional and political boundaries. All of society should help develop and implement wildlife and plant conservation measures that protect ecosystems and our wildlife heritage.

### **These measures should address, but not be limited to:**

- sound land-use planning (including zoning for wildlife and native plants) aimed at preserving native biodiversity, at each relevant governmental level;
- explicit attention to wildlife and plant habitat values affected by human projects and activities;
- native habitat maintenance, monitoring, enhancement, and restoration/rehabilitation;
- habitat acquisition across the natural spectrum of ecosystems;
- adequate mitigation in cases where human projects or activities adversely affect habitat values, and damage cannot be avoided or minimized;
- cooperative habitat programs at international, national, state and local levels between and within government agencies and non- governmental organizations, as well as the business community, landowners, and the general public;
- provisions for natural movements of wildlife and plant populations (habitat linkages or wildlife corridors);
- provisions for specific habitat requirements, such as adequate water supplies for aquatic species;
- provisions for buffers and other management strategies to prevent conflicts between people and wildlife and native plants;
- long-range research and planning, on a biological basis, by federal, state, and local wildlife agencies, which should include public participation at all times;
- encouragement for humans to eat lower on the food chain in order to better conserve habitats and avoid pollution problems;
- elimination of noxious exotic wildlife and plants; and
- adequate government and private funding to carry out wildlife and native plant programs.